

**“JUDICIAL HISTORY”  
AND  
“THE BAR OF MOWER COUNTY”**

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**FOREWARD**

**BY**

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The Tenth Judicial District was created in 1872. It was composed of the counties of Fillmore, Freeborn, Houston and Mower. Judge Sherman Page was assigned to this district. He served from 1873 to 1880. Page’s impeachment trial before the state senate in 1878 was a cause célèbre.<sup>1</sup> In the decades that followed, county historians strained to come to grips with “the Page era.” He resided in Austin, and historians of Mower County have viewed him more harshly than historians of the other counties in the Tenth.

There were ten articles of impeachment against Page and probably the place to start an examination of the man and his accusers is the first sentence of the first article:

Heretofore, to-wit: at a general term of the district court in and for the county of Mower, in the tenth judicial district, beginning on the third Tuesday of September, in the year 1873, the said Sherman Page, then being and acting as judge of the district court of the tenth judicial district, and then as such judge presiding at the term of court as being holden, the grand jury of the county of Mower for said term of court, found and presented to said court an indictment against one D. S. B. Mollison, by which indictment the said Mollison was

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<sup>1</sup> It even became the subject of a farce written by a prominent St. Paul lawyer, DeWitt C. Cooley, under a pseudonym: P. E. R. Simmons, *The High Old Court of Impeachment or “As Good as a Play” in Three Acts* (St. Paul: Ossian E. Dodge: 1878). This play is posted separately on the MLHP.

accused of the offence of composing and publishing in the *Austin Register*, a newspaper published in the village of Austin, in the said county of Mower, a certain article or communication containing certain false and libelous statements concerning him, the said Sherman Page, as such judge.<sup>2</sup>

The remainder of the first charge, written in extreme legalese, takes up two pages. Together the ten articles take up fifteen single spaced pages.<sup>3</sup>

Mollister's diatribe appeared in the *Austin Register* on August 28, 1873; however, a modern researcher who wishes to read it in the microfilm of that particular issue of the *Austin Register* at the Minnesota Historical Society would not find it because it has been cut out. Several columns from that day's edition of the newspaper are missing, including Mollister's article.<sup>4</sup> It may be assumed that it was cut out by Page's supporters, yet these acts of censorship could not continue for long because succeeding issues of the local newspapers carried too many articles on Page and his reaction to Mollister's "correspondence" to be vandalized. On October 2, 1873, for example, the *Register* carried a lengthy editorial on the growing controversy. It is a subtle piece, worthy of Mark Antony, that begins with Page's threats, proclaims that the paper will not buckle under, next reprints Mollison's charges, and closes with a paragraph admitting that Mollison was all wrong:

**Truth is Mightier than the  
Sword, and Cuts Deeper.**

A wounded bird always flutters. When Mr. Mollison published the communication in this paper, a few weeks since, which so stirred up the wrath of Judge Page, we thought

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<sup>2</sup> I *Journal of the Senate of Minnesota Sitting as a High Court of Impeachment for the Trial of Hon. Sherman Page, Judge of the Tenth Judicial District 6* (St. Paul: Ramaley & Cunningham, 1878). The Senate published the trial proceedings in three volumes. They are commonly cited as *Trial of Page*.

<sup>3</sup> *Trial of Page* 6-21.

<sup>4</sup> Two half-columns on the front page and two more half-columns on the second page are missing. On the second page which was the editorial page, only the first paragraph of Mollison's article appears under the headline, "Mr. Mollison Propounds a Few Questions to the Two Judges." The rest of his article has been excised.

injustice might have been done him. Therefore, with a desire to correct a wrong, if one had been committed, we published an explanation—correct as we then supposed it to be—regarding the matters complained of by Mr. Page, in the communication. But when, with threats of vengeance, the Judge ordered us to make further retraction, we began to suspect that there might be something tangible in Mollison's suspicions. Truth is mightier than the sword, and cuts deeper. A libel suit was threatened us. An insulting letter was written us, which the Judge was ashamed of. He sent it to us with the strict injunction to the carrier: to bring it back with him; he did not want us to copy it or commit it to memory, we suppose. We did not wonder at this, for we always have believed him to do many a mighty mean thing in the dark. We are convinced of the fact now. With this threatening letter came a "retraction," written for us, free of charge, by Mr. Page. If we would sign this, publish it in our next week's paper, at the head of our local column, without comment, said Mr. Page, all would be well; if not, he proposed to make us sweat—or words to that effect. We thought we'd rather take a sweat, so we very kindly and tenderly declined Mr. Page's proffered editorial assistance. We were foolish enough to think ourselves capable, in an humble way, to write our own retractions, whenever we had anything to retract. The document reads as follows:

#### TO THE PUBLIC.

The undersigned are satisfied that all the charges, statements and insinuations contained in an article published in this paper of August 28th, 1873, over the signature of one D. S. B. Mollison, in relation to Sherman Page, accusing him of corrupt conduct in office, and exerting improper influences over county officers, to the detriment of the public, are wholly false; and this statement is made freely and voluntarily, for the purpose of retracting a libel.

Dated, Sept. 8th, 1873.

The above little document we couldn't think of signing—for two or three reasons. First., we were *not* “satisfied” that all the insinuations, contained in Mr. Mollison's letter were “wholly false;” second, we hadn't published any libel against Judge Page that we knew of, and consequently we didn't proposed to sign a paper admitting that we had.

We *believe* him to be corrupt, ever exerting a dangerous influence, whose very breath is poisonous, for, like the serpent, he not only covers his victims with slime, but breathes his poison into their very existence. He stands before us and before this community, a man noted not for kind deeds and words, but deeds of unkindness and malice; not for charity and mercy, but as one uncharitable and merciless, especially to all who dare oppose him. Not a peaceable, quiet citizen, but a street broiler and fighter, a man to break open school houses and tear up sidewalks, in violation of law and order. Evil reports follow him from a town in a neighboring State, from the army, from his eastern home, even from the place of his early boyhood, and since his residence here his actions would but seem to confirm them. We consider him a man to be feared in a community.

He has said repeatedly that he did not want office. Who believes him? Who has worked harder for office than he, and said and written more bitter things—yes, slanderous and libellous—than he? And in his struggle to come out ahead, he blinds the man on his right and trips up the one on his left. All this has he not done to gain his ends and carry out his plans? We have opposed Mr. Page on principle—certainly not policy. Our conscience in regard to him is void of offense. We shall never turn pale or falter, though he should cause us to be indicted three hundred and sixty-five times the same year. We suffer no fear from exposure, no fear from threats. There are no dark shadows hovering over us, but a calm, clear, prosperous sky, and though this mighty Mogul should send us to state's prison for writing those very lines, we should still own the REGISTER, and so far as we know, dare to speak the truth and express our opinions whenever and wherever

occasion demanded, regardless of consequences. He should remember in his calm moments, if he has any, that there is such a thing possible as *unsuccessful success*—such a thing possible as gaining every end and his whole *life* be a failure. We fear more for him than for ourselves; and while we would wish him no evil or harm, yet we feel that a just retribution is sure to come. And we can say now once for all and forever, we would rather be his open enemy than his tool or hireling. And knowing him as we do, his friend we would be ashamed to be.

That those of our readers who have not seen the extracts in Mr. Mollison's letter—which are considered libelous by Mr. Page—may have that privilege, that we reproduce them here. Also our explanation of the week following.

We give below, the obnoxious paragraphs:

Now, all this increase of salary was brought about by the pliant tools, in the shape of County Commissioners, who dare not disobey their head purifier, who now acts as District Judge—resting from his arduous labor in purifying this county, and recuperating his exhausted strength at the expense of the “dear people” whom he sympathized so much with three years ago. But what are his acts as Judge? There was an act passed by the Legislature last winter taxing certain railroad lands, and every honest thinking man will say “Amen” to it. But as our righteous Judge has been plowing with the railroad heifers of this State, he has issued an injunction forbidding the officers whose business it is to collect such taxes from doing so in this district. Now this same Judge (for it was him that wrote the article entitled “political,” in the *Transcript* of the 14th,) by this one act, has robbed this county of more than he can bring against Mr. Smith in his seven years' services, and he (the

Judge) has been only about six months in office. When you take into account the amount that will be lost to this district, will fifty thousand cover the loss? But by such actions as we here represented, they (the Republicans) are going to have a larger vote in the county this fall than ever before. Well, then a large majority must love to see their officers rob and steal their money, that they may build palaces and live in comfort and ease—all obtained by dishonest conduct while in office.

A few days after the appearance of this communication, Mr. Page made us a call (which is not usual for him), *demanding*, at our hands, satisfaction. He very magnanimously gave us a chance for our lives, as he did not wish us to have it to say that “Page was persecuting” us. We thank him for this, of course. Therefore in our paper of the week following Mr. Mollison’s publication, we did Mr. Page justice, as we supposed, by publishing the following:

Judge Page complains that our Rose Creek correspondent did him injustice in his last letter by misstatement of facts, and the matter of the injunction restraining the collection of taxes on the lands of the Minnesota Central Railroad Company, and on examining the subject, we are satisfied that Mr. Mollison was in error, and has, in some respects, misrepresented Mr. Page. The fact is, that Judge Page had made no decision in the case, but has simply granted a temporary injunction restraining the collection of the tax until a hearing can be had and evidence introduced, and in this he had no choice, it being the duty of a Judge to grant such stays of proceedings on a sworn complaint, without regard to the merit of the case. The injunction would not have prejudiced the case had there been any option with the Judge as to granting it,

and it is but due him to make this correction and have the matter fairly understood.

The Legislature of last winter passed no law with regard to the taxing of these railway lands. Senator Coggsell introduced a bill of this nature, but it was defeated, and the railway Commissioner and State Auditor, with the advice or direction of Governor Austin, then directed the county auditors to include the lands in their tax rolls. As we stated last wee, the old Minnesota Central Company resisted this tax, and have slued out like injunction in nine counties. What the result will be when the case is brought into the courts, is of course not known, but in equity it would seem right that the lands should now be taxed the same as if owned by private individuals, they being no longer de facto, in possession of a railway company. The annual tax on these lands in Mower county probably does not exceed two thousand dollars.<sup>5</sup>

In an adjoining column in the issue of October 2, 1873, the *Register* described how its circulation had increased in the wake of Page's libel suit:

**“Put My Name on Your List.”**

Independent journalism is gaining favor rapidly in this country, and the paper that darts publish its own convictions irrespective of party, liberally receives the patronage of the public. Since the libel suit, brought against the publishers of the REGISTER, has been inaugurated, we are every day, personally or by letter, informed by some one that our style rather suits them, and requested to “Put my name on your list” Others say, “as you don't get any county printing, although you offered to do it for less money than any body else, you can “put my name on your list.” Another says, “A county

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<sup>5</sup> *Austin Register*, October 2, 1873, at 2.

paper that is published *all at home* and gives the amount of local news yours does, and that too, without “political pap,” deserves to be sustained, therefore you can “put my name on your list.” Still another says “you can put my name on your list, for you support a set of men who are really in favor of genuine reform.”

And thus it goes, and our list of subscribers is increasing daily. The “Put my name on your list” rather suits us, and if our course heretofore, as an independent journal, has deserved this increase in our business, we surely have no reason to change it now. We propose to criticize the acts of public officers, to give full and correct reports of all political meetings, and do justice to *all*, of whatever caste or sect by “putting him or them on the list” to which they properly belong, as we have heretofore done, and when the judgment day shall come and the last trump be sounded, we are willing to be put, among men, on the list to which we properly belong, and abide by the consequences.<sup>6</sup>

To the modern eye there are conspicuous absences from these editorials: no mention of “the First Amendment” or “freedom of the press” or “chilling effect” of the judge’s threats. Instead the editorials emphasize the *Register’s* independence and growing popularity. They reveal a great deal about the state of journalism as well as civil liberties in the 1870s in this state.

The best account of the events leading to Page’s impeachment appears in an appendix in the third volume of William Watts Folwell’s *A History of Minnesota*. There he tells what had happened to Mollister, information that was missing from the *Register’s* editorials:

On September 16 the grand jury indicted Mollister for libel. While the indictment was being read Mollison behaved in what Judge Page called an insolent manner; but he was not committed for contempt and, after pleading “not guilty,” was bound over for trial under a bond of fifteen hundred dollars.

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<sup>6</sup> *Id.*



Such was the beginning of along tandem of squabbles of varying degrees of unimportance which took place in the district court of Mower county.<sup>7</sup>

In the end there was a series of not guilty verdicts: Mollison was acquitted, Page was acquitted, and a man who attempted to murder Page was acquitted.

In 1884, *History of Mower County, Minnesota* was published. It contained two chapters, both reprinted below, on the legal history of the county. The first was entitled “Judicial History—The Courts,” the second, “The Bar of Mower County.” Almost half of the first chapter was devoted to Page’s impeachment trial. The charges against him were listed as were the votes in the state senate for and against his conviction. It is evident that the author of this chapter thought very little of Page.

Over thirty years after Page’s trial, another history of Mower County was published. *The History of Mower County Minnesota*, published in 1911, revealed that feelings about him within the community still ran high. One chapter contained short biographies of the county’s leading citizens. Page’s profile was not flattering:

**Sherman Page.** It is not the purpose of this history to give at length the story of those incidents which disrupted Mower county and so greatly retarded her progress during the years from 1867 to 1881, generally known as the Page era. Sherman Page was born in Vermont; and came to Mower county from Decorah, Iowa. Before that he had lived in Lancaster, Wisconsin. Possibly a true estimate of the man Page will never be made. In personal appearance he is a well built, strong man of imposing presence, carrying with him, everywhere, a look of dignity which commanded the respect of the masses with whom he associated himself. He was a shrewd, forcible and pleasant speaker, as well as a sarcastic, vigorous writer. He also was possessed of a remarkable, well trained mind. His political career here started when he became

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<sup>7</sup> William Watts Folwell, III *A History of Minnesota* 401 (St. Paul: Minnesota Historical Society, 1969)(rev. ed.) (citations omitted)

county superintendent of schools. Soon thereafter and for many years, the county was divided into the Page and anti-Page factions. The fight was bitter and personal, and kept the county in a turmoil. It extended not only into politics, but into church and social life. His controversy over school matters, his historic tearing up of the sidewalks, his arrest, his arrogant assumption of authority in the temperance fight, his election to the judgeship and his impeachment are touched upon elsewhere. He ruled with the despotism of a Russian monarch. Those who were not for him, he considered his enemies. There was no half way course. He removed from office those who would not bend to his will. He decided cases to suit his prejudice, regardless of law or justice. At last he was tried for misconduct on the bench. The lower house of the Minnesota legislature prepared articles of impeachment, but the vote in the upper house lacked the two-thirds majority necessary to convict. At the next election he again ran for office, but was defeated by John Q. Farmer, of Spring Valley. But the fight was not ended. Some time thereafter he was shot at while reading in his home. Again the courts were occupied with Page matters. But the alleged assailant was acquitted and the Page influence waned. In 1882 Judge Page removed to California. There he became a prominent citizen, although he in no ways abandoned his arrogant character. He now lives in retirement, but though he is now of venerable age, the papers still tell of his broils with his neighbors. Thus loved by his friends, feared by many, and hated by some, lives the man who will never be forgotten in Mower county. Whether his influence was for good or ill, only future generations can tell.<sup>8</sup>

The following year a history of Fillmore County, another member of the Tenth Judicial District, appeared. In a chapter devoted to the “bench and bar” of Fillmore County, published in 1912, Page was treated briefly and gingerly, as the following excerpt attests:

He was an able man, a lawyer, lacking, perhaps, judicial

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<sup>8</sup> Franklyn Curtiss-Wedge, ed., *The History of Mower County* 960-61 (Chicago: H. C. Cooper, Jr., & Co., 1911).

temperament, but his absolute honesty and integrity was never called in question. He was always bent on dispatching business and had no patience with dilatory tactics or delay and seemed to have no comprehension between dilatory tactics and good faith grounds for delay. His idea or motto seems to have been: “The case is called—you should and must be ready—no delay will be tolerated.” At any rate, his methods were called in question on February 28, 1878, when impeachment proceedings were instituted against him in the legislature of Minnesota, which resulted in a trial which is part of the history of this state, and justifies no further comment in this article than the fact that he was acquitted. The charges were preferred as stated, and in June the result was declared in his favor. A fair verdict, perhaps, would read that an able lawyer proved to be a failure as a judge.<sup>9</sup>

As noted, two chapters from the 1884 *History of Mower County, Minnesota*, are reproduced below. Chapter V on the “Judicial History” ran from pages 61 to 71 while Chapter VI on “the bar” ran from pages 71 to 81 (a photograph of a H. A. Brown on pages 73-4 is omitted). They have been reformatted. Page breaks have been added. The author’s spelling and punctuation have not been changed.

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<sup>9</sup> Franklyn Curtiss-Wedge, ed., *History of Fillmore County, Minnesota* 525-526 (Chicago: H. C. Cooper, Jr., & Co., 1912). A chapter in this book on “the bench and bar” of Fillmore county is posted separately on the MLHP.

**“ JUDICIAL HISTORY” AND  
“THE BAR OF MOWER COUNTY ”**

IN

**HISTORY**

OF

**MOWER COUNTY,  
MINNESOTA**

TOGETHER WITH SKETCHES OF ITS TOWNS, VILLAGES, AND TOWNSHIPS,  
EDUCATIONAL, CIVIL, MILITARY AND POLITICAL HISTORY;  
PORTRAITS OF PROMINENT PERSONS, AND  
BIOGRAPHIES OF REPRESENTATIVE CITIZENS.

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**HISTORY OF MINNESOTA,**

EMBRACING ACCOUNTS OF THE PRE-HISTORIC RACES, AND A BRIEF REVIEW  
OF ITS CIVIL AND MILITARY HISTORY.

COMPILED BY THE INTER-STATE PUBLISHING COMPANY.

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**ILLUSTRATED**

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MANKATO, MINNESOTA  
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1884.

## CHAPTER V.

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### JUDICIAL HISTORY—THE COURTS.

Under the Territorial Government the Territory now comprising Mower county, together with fifteen other counties, constituted the Third Judicial District. Hon. Charles E. Flandreau, Associate Justice of the Supreme Court, was judge. In 1855 he appointed V. P. Lewis Clerk of the Court.

By the adoption of the State Constitution in 1857, the Judicial district was changed; Mower and eight other counties were merged into the newly created Fifth Judicial District. In the fall of 1857 Hon. N. M. Donalson, of Owatonna, was elected judge of this district.

A term of court was advertised to be held at Austin, June 3, 1858, but it does not appear that "any court was convened."

The court records of Mower county commence with the September term, 1858, when court convened on the 20th of the month, at 11 o'clock A. M., with Hon. N. M. Donalson on the bench. J. E. Willard was Clerk; O. F. Perkins, District Attorney; J. B. Yates, Sheriff.

The business transacted at this term was the admission to the bar of A. S. Everest, on motion of T. H. Armstrong.

The Grand and Petit Juries were called and sworn. From the latter the following were excused from serving: P. D. Vaughan, Postmaster; Richard Fuller, Charles Davis and Lewis Hardy, non-residents.

The first case called was that of the State vs. George Palmeter, and the attorney for the defendant made a motion that the prisoner and bail be discharged.

The following named were sworn as Grand Jurors: Sylvester Smith, foreman; H. S. Bailey, William Canfield, Samuel Clayton, G. W. Wood, Isaac Smith, I. C. Jones, Sylvester Hills, Elijah Sanborn, S. C. Western,

John W. Gregy, Solomon, Snow, Charles H. Huntington, I. D. Cowles, Lewis Skyhawk, Griffin Friars, Alanson Beach, James Jarrod, E. D. Calkins and Salmon Ames. H. S. Bailey and William Canfield were excused.

At the same term, on motion of H. C. Butler, O. Allen was admitted to the bar. A committee consisting of O. Allen, H. C. Butler and T. H. Armstrong was appointed to [62] examine Daniel B. Johnson, Jr., for admission. They reported favorably and he took the oath and enrolled his name upon the record. At the same time W. B. Covil and Augustus Armstrong were admitted to the bar.

Among the first criminal cases to come up were those of the U. S. vs. John and Joseph Tuft and Jack Magilles; and the U. S. vs. Joseph Tuft.

J. E. Willard signs the records as Clerk of Court at this term.

The second term of court recorded, was the April term, 1859, when the same officers were present. A committee was appointed to examine J. J. Farmer for admission to the bar; and upon their reporting favorably, an order was made granting him a diploma. He thereupon took the oath, and his name was enrolled as an "attorney and counselor at law" of the State of Minnesota.

At this term the case of the State of Minnesota vs. Simeon D. Lamb, came up for hearing, and a motion was made for a change of venue to Fillmore county, which was denied.

At this term of court the Grand Jury found true bills of indictment against Geo. A. Todd, A. H. Barnhart and James A. Ray.

Among the most important indictments returned by the Grand Jury at the September term of court, 1872, were those against Bartholomew Kennedy, Jr., Edwin W. McAlpine, and John R. Bates. All of these parties plead guilty.

Bartholomew Kennedy was charged with horse stealing, and was sentenced to one year in jail. He was an American, about twenty years of age, and had

but little of the appearance of criminal classes. Bad company really brought him to the felon's cell.

Edwin W. McAlpine, for the larceny of a horse and buggy, was sent up for one year. He was but seventeen years of age, and of Scotch lineage. He seemed to have but little intelligence, and that little was a sort of cunning secretiveness.

The case of John R. Bates was a sad one. He was sentenced to five years' imprisonment, for setting fire to a bridge on the Southern Minnesota Railroad. He was about twenty-eight years old; evidently of Irish extraction, although born in America. If circumstances can extenuate crime, his act may be ameliorated by the fact that one of his horses was killed by the cars, and the company had given no attention to his importunities for a liquidation of his claim. He was a poor man, and needed indemnity, and no doubt committed the crime while in a fit of exasperation.

Another leaf from crime's chapter in this county is founded on an account of two young men who tampered with the track of the Southern Minnesota railroad and finally culminated in burning a bridge on that line of road, at a point near Ramsey Junction.

This occurred in the summer of 1872, June 2. The track was "switched," spikes drawn and two rails pulled up, sufficient to throw a train off the track. This was discovered by some children, at play, and word was given in time to avoid a serious accident.

The next day, June 3d, a rail was removed near the same place and a freight train was thrown from the track, the engineer and [63] fireman only escaping serious injury by jumping from the locomotive to the roadside. The following Sunday they fired the bridge over the Turtle, but it was discovered and extinguished before great damage was done. The service of Captain Frank Hatch, of La Crosse, was secured as a detective to work up the case, with the view of bringing the guilty ones to punishment.

These outrages were all committed at about the same point, near the crossing over Turtle creek, and about three miles from Austin; but to ferret out the perpetrators was no easy undertaking, even upon the part of an expert like Capt. Hatch. But he visited the locality, in the guise of a cattle

buyer. He called at many of the farm houses and occasionally selected a fat cow, paying a dollar to bind the bargain, talking but little on any other subject than that of stock, but managed to get considerable out of the neighbors concerning the late railroad troubles. He managed to pick up one fact after another till he was fully convinced in his own mind that he had obtained a clue to the guilty party. To illustrate the cunning of Mr. Hatch, it may here be stated that he dropped off near the scene of action, and after finding the exact time of the several accidents, he then proceeded to find out just where every male member of the neighborhood was at that particular time, and in a way unsuspected by any one. Finding all were honestly and innocently engaged except five boys and young men, he then proceeded to follow them up. The whereabouts of three of this number was satisfactorily explained to him, leaving two. These two were John R. Bates and Wilbur Haney. Bates was then a man about 30 years; he lived on the widow Clark's farm, with his mother and a married sister named Kirk. Haney was but 17 years of age, and lived with his parents near by. Hatch disguised himself again, by cutting off his long chin whiskers and acting the part of a state prison convict, going under the name of Cushman. He represented to Bates that his business was making and passing counterfeit money, and he wanted some trusty fellow to help "shove the queer," as he termed his money. Bates eagerly accepted the chance, and the second night after they met he and "Old Cush," (as they styled him,) were sleeping together, one dreaming of the wealth he hoped soon to gain, the other with an eye and ear open, waiting for evidence to ripen into a conviction which should place his bed-fellow behind the prison cell bars. Every other night "Old Cush" went to Austin, pretending to see if the money they "passed" was creating any stir, but in fact spent the time in ambush along the track. This went on for a week or ten days. Finally Bates acknowledged to "Old Cush" that he and Wilbur Haney tore up the track and fired the railroad bridge. One day Bates proposed that they "go and raise hell with the track again." The three started, but finally concluded to tear down and carry off some snow fences. The next day "Old Cush" made an appointment to meet Bates at the Austin House, a hotel in Austin, where he was to supply him with more "queer" money. The exact plan of coming into town' and meeting was planned out by the sharp detective. Sheriff Molhson, who had been seconding every move, co-operating with [64] Hatch, and at the time named Bates appeared, entered the hotel office and was at once arrested by the sheriff, "Old Cush" was there, but not in his late disguised manner, and when he introduced himself to Bates as Frank Hatch, an officer of the



United States, alias “Old Cush,” it checkmated the poor rascal Bates, till he was speechless with wonder and astonishment. He was at once put in irons and taken to the jail, and soon after brought before Justice of the Peace Woodard, plead guilty to the charges made by the station agent at Ramsey Junction, and was duly bound over to court. As the boy Haney was thought to be but a pliant tool, used by Bates to accomplish his hellish designs, no complaint was ever made of his conduct. Bates had had a horse killed by the cars, and claimed a value of \$175, while the animal was only worth about \$50. The company not complying with his demand, it is supposed he took revenge in this way. The following term of the district court he was tried, plead guilty, and was sentenced to states prison for five years.

#### **IMPEACEMENT TRIAL OF JUDGE SHERMAN PAGE.**

But few trials in any State of the Union have caused more excitement and animated, hotly contested, discussion, than that of the “State of Minnesota vs. Hon. Judge Sherman Page.” He was impeached by the citizens of Mower county—where he lived—before the *Twentieth* Session of the State Legislature. The trial commenced February 28, 1878, and was the sole work of that body for many weeks, during which time the newspapers of this and all the adjacent States were filled with elaborate accounts of one of the greatest impeachment trials, placed on court or state records, since the time of the impeachment case of Andrew Johnson, Vice-President (acting President) of the United States. It engaged the attention and thought of the entire West, but was more especially the one theme talked, spoken and written upon by the people of the State of Minnesota, during the months in which the trial was proceeding.

Before going into the details of the case, more minutely, it may here be stated that Judge Page was a Vermonter, and came to Mower county in 1867, from Decorah, Iowa. Prior to that he lived at Lancaster, Wisconsin. Notwithstanding his utter failure on the bench, it is conceded by both his friends and enemies, that he was a man possessed of more than ordinary ability, and before his unfortunate fall (by reason of his overbearing, arbitrary rule on the bench) he was capable of filling any office of trust within the gift of the people of the State.

In personal appearance, he was a well built, strong man, carrying with him, everywhere, a look of dignity, which commanded the respect of the masses

with whom he associated himself. He was a shrewd, forcible and pleasant speaker, as well as a sarcastic, vigorous writer, and at one time he edited a paper here, for political purposes.

After his impeachment trial he ran for the Judgeship again, but was defeated by John Q. Farmer, of Spring Valley, Fillmore county. Later he engaged in the practice of law, at Austin, where he had been in practice with E. O. Wheeler, previous to his being elected Judge.

In 1882, he removed to California, where [65] he engaged in farming and horticulture. After a few months his wife died.

As an index to the style and character of Judge Page, it is related of him that he had an inscription placed over the doorway of his office, bearing these words:

*“No Quarter to my Enemies.”*

So great was the disgust for him, by prominent and excellent citizens of Austin and Mower county, that he was, at numerous times, elbowed and pushed from off the side walks; and upon one occasion, just before his leaving the county, he was shot at by one of the enraged and abused citizens, the shot taking effect about his neck.

After a thorough knowledge of Mr. Page, in both private and public life, one must conclude that he was a man possessed of a very eccentric, strange organism; one strange to explain or understand. Having genius and education, with marked ability in various spheres, yet with all that nature and cultivation had done for him, he was a man unfit to hold the place of leader or fill any official capacity.

The first action towards the impeachment trial of Judge Sherman Page, was by the following citizens of Mower county: R. I. Smith, C. H. Davidson, A. A. Harwood, Lafayette French, D. H. Stimson, H. O. Basford and others, who drew up a petition, praying the Legislature to present articles of impeachment to the Senate against Sherman Page. This petition was duly presented by S. J. Sanborn, of Racine. This petition was referred to the judiciary committee for investigation, and they subpoenaed witnesses from Mower county, and the testimony of these witnesses was the

foundation of the articles of impeachment which were adopted by the House of Representatives.

The following is from the Senate Journal, regarding the Page impeachment case:

“At eight minutes past three o’clock, a special committee from the House of Representatives, consisting of Messrs J. P. West, N. Richardson, J. C. Edson, H. I. Brainard and J. W. Bowler, appeared before the bar of the Senate, and announced that they had received a communication from the House to make to the Senate, relative to the impeachment of Sherman Page, Judge of the Tenth Judicial District. Mr. Armstrong moved that a committee from the House present to the Senate any communication with the transmission of which they are charged. Mr. West, of the special committee, then presented the following communication to the Senate:

*Mr. President:*—In obedience to the order of the House of Representatives, we appear before you, and in the name of the House of Representatives, and the whole people of the State of Minnesota, we do impeach Sherman Page, Judge of the Tenth Judicial District, of corrupt conduct in office, and of crimes and misdemeanors in office, and we further inform the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same; and in their name we demand that the Senate take order for the appearance of said Sherman Page, to answer said impeachment.”

The President then announced the appointment of Senators Nelson, Armstrong and Doran, as the special committee to wait on the Governor, and inform him that a [66] committee from the House of Representatives had appeared before the bar of the Senate and impeached Sherman Page, Judge of the Tenth Judicial district.

The message from the House was laid before the judiciary committee, of which Mr. Armstrong was chairman.

The board manager, who were appointed to conduct the impeachment case were, Messrs. S. L. Campbell, C. A. Gilman, W. H. Mead, J. P. West, F. L. Morse, Henry Hinds, W. H. Feller and W. P. Cough, as counsel.

The attorneys for respondent were Hon. C. K. Davis, of St. Paul, Hon. J. W. Lorey, of LaCrosse, and J. A. Lovely, of Albert Lea.

Officers of the impeachment court—President, Hon. J. B. Wakefield; Clerk, Charles W. Johnson; Sergeant-at-arms, Anderson; Reporters, G. N. Hillman and Jay Stone.

The Sergeant-at-arms proclaimed the following: “Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the State of Minnesota, articles of impeachment against Sherman Page, Judge of the Tenth Judicial District.”

The subjoined is a brief summary of the *twenty* charges brought against Judge Page:

*First*—With trying to indict S. B. Mollison, correspondent of the *Austin Register*, for the publication of certain articles, which he considered a libelous set of statements concerning his honor. And by reason of this supposed crime, he caused said Mollison to be put under \$1,500 bonds, or at his option to be made a prisoner of the county jail, until the following term of court. The court held, “by reason of said wrongful, malicious and oppressive conduct of Judge Page, has never been able to procure a fair trial in said case, and by reason of which said Sherman Page became and was guilty of corrupt conduct in his said office.”

*Second*—With corrupt conduct in his official capacity, causing litigation, and perplexity upon the part of one Thomas Riley.

*Third*—Nothing of positive proof was found in this charge.

*Fourth*—The matters charged in this were of a minor character and ruled out.

*Fifth*—As to matters set forth in the fifth paragraph of the petition the committee found that at the time Davidson & Basford were indicted before Judge Page, and all the acts toward their employe, S. B. Mollison, were done without sufficient justification.

*Sixth*— Nothing in this charge was sustained.

*Seventh*— No positive proof of guilt appeared under this charge.

*Eighth*—With gross impropriety, in the case of Judge Page before the Board of County Commissioners, in opposition to the allowance of certain bills of George Baird, Sheriff, and Thomas Riley, Constable.

*Ninth*—The matters alleged in this charge, a part were found to be untrue and a part true, but not censurable upon his part.

*Tenth*—No criminal conduct found upon investigation.

*Eleventh*—With denying one W. T. Manderville, who acted as Deputy Sheriff, an order for his pay, because he supposed he was no friend of his, politically speaking.

*Twelfth*—As to the second sub-division of [67] this paragraph, the House found that Judge Page acted malicious and indiscreet in the matter of trying to force the Grand Jury to bring in a bill of indictment against the County Treasurer, Mr. Ingmundson, for the wrong keeping of his accounts, and for arresting said Ingmundson, after the said Grand Jury had failed to find a bill against him, and causing him to be placed under \$1,000 bonds for his appearance at the next term of his court. That his conduct was meddlesome and arbitrary in the whole matter.

*Thirteenth*—Not proven.

*Fourteenth*—That his conduct was arbitrary and uncalled for, in the case of his causing D. H. Stimson, Deputy Sheriff, to pay over certain monies, without giving him an opportunity for a hearing on his behalf.

*Fifteenth*—As to the matter set up in this charge, it was found that his conduct was arbitrary and contrary to law in the case of D. H. Stimson, whom he had brought before him for contempt, alleging that said Stimson had circulated, or caused to be circulated, certain petitions asking the Judge (Page) to resign his office, on account of his unpopularity among the people of his district.

*Sixteenth to Twentieth*—No good evidence was adduced on these four charges.

The following was the vote of the House to impeach Judge Page:

Alfred,	Anderson,
Barthel,	Bishop,
Brainard,	Buffum,
Button,	Chandelor,
Campbell,	Christianson,
Christopherson,	Crandall,
Cole,	Cowing,
Currie,	Day,
Dilley,	Dresbach,
Edson,	Emmel,
Felles,	Fetzner,
Fidder,	Fulton,
Gillman,	Gunvalson,
Geib,	Holten,
Harvey,	Huntley,
Hinds,	Holland,
Klessner,	Lange,
Langemo,	Larkin,
Lewis,	Lien,
McBroom,	McCrea,
McDermott,	Mead,
Mills,	Morse,
Mosher,	Pinney,
Putnam,	Perrin,
Patterson,	Rawson,
Reaney,	Richter,
Richardson,	Rieland,
Sabin,	Stanley,
Sanborn,	Stone,
Thompson,	Trewe,
Warner,	West,
Wickney,	Winant,
Wiley,	Mr. Speaker.
West,	

## AGAINST IMPEACHMENT

Bohan  
Burnap,  
Clark,  
Colville,  
Emmons,  
Fanning,  
Ghostly,  
Haselton,  
Hysoip,  
Keenan,  
Lutz,  
Muir,  
Purdie,  
Stacy,  
Thompson

Bowler,  
Bye,  
Colby,  
Dennison,  
Evenson,  
Fowler,  
Hall,  
Hiicks,  
Johnson,  
Ladd,  
Miller,  
Null,  
Rahilly,  
Thompkins,  
Williams.

The vote stood: For the impeachment—71; Against impeachment—30.

After a thorough trial of the case, and a vote upon the same, by the Senate, in June and July of the same year, 1878, the vote in that body on the main charges stood as follows:

## GUILTY.

Aherns,  
Bailey,  
Bonniwell,  
Clough,  
Deuel,  
Doran,  
Drew,  
Edwards,  
Finseth,  
Gilfillan,  
Goodrich,  
Henry,

Hersey,  
Lienau,  
McHench,  
Moorehouse,  
Morrison,  
Nalsen,  
Page,  
Pillsbury,  
Remove,  
Shalleen,  
Swonstrom,  
Total—23.

### NOT GUILTY.

Armstrong,	McClure,
Clement,	McNelley,
Donnelly,	Mealey,
Edgerton,	Morton,
Gilfillan (C. D.)	Rice,
Hall,	Smith,
Houlton,	Waite,
Langdon,	Waldron,
McDonald,	Wheat—Total—18.

On charges contained in article 8 the vote stood: Guilty, 22; not guilty, 19.

The remainder of the ten articles voted upon repeatedly by the senate had less than a majority for impeachment.

Upon the announcement of the vote the president declared that as the number of senators voting “Guilty” was less than the necessary *two thirds*, required by a constitutional law of Minnesota to convict, that the respondent, Judge Page, was acquitted of the charges made against him. Thus the long impeachment trial was finally brought to a close by a lack of *five* votes to impeach.

### HOMICIDES AND MURDEROUS DEEDS.

The first murder, so-called, which occurred in Mower county, was that of Chauncey Leverich. It took place during the month of August, 1856, at a saloon in Austin. This [69] saloon stood on the present site of D. B. Smith’s agricultural office. The parties committing this dark deed were Horace Silvers and William Oliver. The body of the murdered man was buried just back and at the corner of the saloon. The first suit at law in the county was occasioned by this criminal deed. Silvers and Oliver were both fined, the former \$20 and the latter \$10. The cause was prosecuted by John Tifft and Levi Watrous, and defended by Everest and Allen, the parties being arrested and prematurely brought to trial, on the charge of assault and battery. Leverich did not die for five or six days after the affray took place,



which gave the attorneys for the defence (not having any good reason why their clients should not be fined for a breach of peace) to read to the court and audience some long lectures on the evils of intemperance and the liquor traffic. When it was learned by the murderous parties that Leverich would not recover they left the country, bearing the knowledge with them that for the sum of \$30 they had been allowed to take the life's blood of a brother man.

### **MOBBED AND KILLED.**

Perhaps of all the sad, hard cases to give an accurate account of is that of a mob's strange wild actions. Such a case as this must be mentioned in this connection. The title of this case, as found by a reference to the court records of Mower county, is "The State of Minnesota vs. John and Oliver Potter, George and William Kemp, *et al.*" This tragedy occurred near Grand Meadow, in 1868, and created great excitement throughout the surrounding country.

The case was one in which a man by the [69] name of Chauncy Knapp had been suspected and charged with having criminal intimacy with one of the women in the neighborhood, which was generally believed to be the fact. Growing indignant over so disgraceful an act, a dozen or fifteen men collected and thought to frighten the man Knapp from the county. They took him to the little lake, which is near Grand Meadow, and there subjected him to a treatment which will never be fully known, and finally resulted in drowning the man, either by intent or accident. His body was then taken to a corn field and there buried several feet deep, between the rows of growing corn, where it remained till, aroused by suspicion, some of the citizens began to look into the matter. The parties were all arrested and held over for trial. Judge Donaldson presided on the bench at that time and the greater part of the suspected were bailed out or set at liberty, while the Potter boys and some others were kept over and had various trials. George and William Kemp were tried and acquitted, and none of the parties accessory to the crime were ever punished for their foul deed.

### **A FATHER KILLS HIS SON.**

Sunday morning, June 6, 1872, the ordinary quietude of Austin was disturbed by the report that a murder had been committed during the night.

The report was only too true and a crowd speedily gathered around the spot where the dark, unnatural deed had been committed, and where the ghastly corpse still lay in its drapery of blood. The victim was Andrew Oleson, a Norwegian, aged about twenty-five years, and who worked on a farm about four miles from Austin. His own father, Ole Bang, was guilty of giving him a fatal stab with a long knife. From the facts adduced upon the trial it appears that Mr. Bang and his son, Ole Anderson, came to town to transact some business and brought fifty cents along with them for the special purpose of getting whisky or alcohol. They finally procured two pints of the latter, which they diluted somewhat with water and then drank it all. From about ten to eleven o'clock in the evening they were at the Scandinavian hotel, drinking and quarreling one with the other. While there and in that condition the father pulled a long sheathed knife from off his person and brandishing it about promiscuously at his son, who was trying to get him to go home. They both left the bar room, entered the street and all supposed they were going home. But soon cries were heard—"Police!" "Police!" With this saying "You would kill your own son." But strange as it may seem, no one went to see what was the trouble. They participated in a short scuffle, when one was seen to walk away and the other to lay down by the fence. When found there was a knife wound in his breast. Search was soon made for the old man, and he was found by Colos Fenton, lying asleep in the brush, near the Cedar river, in the eastern part of town. He was arrested and taken to the spot, and he at once claimed the dirk knife as his property. A coroner's jury was called consisting of George J. Warden, M. Gibbs, L. A. Phelps, H. M. Allen, B. Sammons and E. Morrison, who rendered the following verdict: "We, the jury, at a coroner's inquest held June 2, 1872, over the body, etc., etc., find that he came to his [70] death by a stab with a knife in the hands of Ole Bank, his father."

He was promptly brought before Justice Merrick, upon a complaint of County Attorney Wheeler, which charged him with killing "with malice aforethought." When the complaint was read to the prisoner, who received it by an interpreter, in the person of Christian Johnson, he was asked "guilty or not guilty," he answered, "I cannot remember, I might have done it." The judge then put the same question to him again, to which he responded, "I guess I must be;" but upon further questioning he answered "I don't know," whereupon the judge ordered that a plea of not guilty be entered.

In spite of an earnest plea upon the part of his council, Sherman Page, in which he claimed “alcohol was to blame for the crime and not the man,” he was sent to Rochester to await his trial before the following District Court, which resulted to the State’s prison for four years. Ole Bang was at that time 63 years of age.

On Tuesday evening, January 17, 1865, Daniel Kilroy, an Irishman, who then lived a few miles from Austin, was found in the street opposite where L. R. Hathaway then lived, in Austin, in an insensible condition, with a fractured skull, a deep cut under the left eye, and other frightful bruises about the face and head. He was taken to the Lacy Hotel, where Dr. O. Allen sewed up the cut below the eye, and otherwise dressed his wounds. The unfortunate man died about twenty-four hours later, without having recovered his senses. Kilroy had come to town with a yoke of oxen, and had been in the village billiard saloon drinking, during the evening. He was known to have left the saloon drunk, but his movements after this were shrouded in mystery. It was supposed that some intoxicated comrade, or bitter enemy, for wrongs either imagined or real, had taken this occasion to settle their drunken dispute or grudge of other days. The team was found a short distance out of town, a day or two later. Coroner O. Allen immediately after Kilroy’s death, summoned a jury and held an inquest over his body. After examining witnesses the jury returned the following verdict: “Daniel Kilroy came to his death by blows received upon the head with some weapon, in the hands of some person or persons, unknown to this jury.”

Among one of the most prominent civil cases in the county was one entitled “Mower County vs. Sylvester Smith.” Smith was County Treasurer at the time—about 1873 it commenced—and as an outgrowth of the Judge Page faction in the county, Mr. Smith was sued by the commissioners of Mower county for about \$42,000, which amount they claimed belonged to the county funds, from his administration, as treasurer. Not being willing to try the case before Judge Page, a set of referees were appointed whose duty it was to hire experts and make a thorough investigation of all his books and accounts, to see if there was the alleged shortage. After such an examination had been made, according to their judgment there was about \$17,000, short. Mr. Smith at once appealed the case to the Supreme Court, whereupon the case was sent back for another hearing in Mower. Then a second set of experts and referees were chosen. These after many weeks of

tedious toil and [71] figuring, finally determined that his accounts were correct, and that he was not in any sense a defaulter to the county. Mr. Smith's character and uprightness was fully vindicated by these thorough investigations, while the instigators of the case were greatly belittled in Mower county.

The most important case in the April term of the district court in 1881 was that of State of Minnesota vs. John A. Riley, charged with an attempt to assassinate Judge Sherman Page.

George F. Goodwin was then Prosecuting Attorney and was ably assisted by J. M. Burlingame of Owatonna. The following served as jurors in the case:

C. Dremer, of Nevada; F. W. Frisbee, of LeRoy; George W. Benton, of Windom; T. Stewart, of Racine; L. C. Scribner, of Frankford; Edward Bassett, of Udolpho; Ole G. Anderson, of Lansing; A. H. Chapman, of Lansing; J. M. Mason, of LeRoy; F. S. Bagley, of Grand Meadow; W. W. Sweet, of LeRoy; O. B. Dearborn, of Lyle.

The attorneys for the defense were Lafayette French, G. M. Cameron, assisted by W. W. Erwin, of St. Paul. The case was impartially tried, and the jury brought in a verdict—"not guilty."

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## CHAPTER VI.

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### THE BAR OF MOWER COUNTY.

There is no class or professions which has more influence in social and political matters than the bar. Even the press, which wields a mighty power among the masses, does not surpass it, as matters treated by them are usually local and varying. The pulpit, a great worker for good, is more devoted to the moral and spiritual welfare of man. But the legal profession embraces all under one grand aim. Upon the few principles of natural

justice is founded the while superstructure of civil law, tending to relieve the wants and meet the desires of all alike. The grand object of life is equal to all, although the latter must be strictly adhered to, to preserve the supremacy of law. The laws are formed as exigencies arise demanding them, by the representatives of the people. Change is necessary. The wants of the people to-day, and the lawful restraints to be thrown around those of the present age, differ very materially from those of former times. They are too lenient or too severe, in one case to be strengthened and in the other modified. The business of the lawyer does not call upon him to make laws, but it does lie within his power to intercept them, and to apply them to the daily wants of man. Every matter of importance, every question of weight among all classes and grades comes [72] to him, in one form or another, for discussion. Hence, the lawyer is a man of to-day—posted upon all matters pertaining to the age in which he lives. His capital is his ability and individuality, and he cannot bequeath them to his successors. They die with him and live only in the memory of his deeds and sayings.

In the early days business was not so great in extent as to occupy the full time of the lawyer. Suits were not so numerous or paying as to afford him a comfortable living for himself and family, and often other occupations were coupled in connection to swell the slender income. Commonly a lawyer became somewhat of a politician, and more of the prominent lawyers of those days went to Congress and served in the State Legislatures, than at the present. The people demanded their services and they were only too glad to comply. To-day the profession stands at the head almost of all other callings. There has been, and still are, able and prominent men practicing law before the courts of Mower county—men who were an honor to the profession, to society and the county in which they lived.

In this chapter is presented sketches of most of the lawyers who have ever practiced here. None are willingly omitted, and some more would appear, were it possible to secure accurate material for such sketches.

#### **AUSTIN ATTORNEYS.**

The first attorney to establish himself in the law business at Austin, was Ormanzo Allen, who came from Wisconsin July 2, 1856, and has been a

continuous resident and practitioner since that time, except the short time he served as Provost Marshal.

The second lawyer was Aaron S. Everest, who came from High Forest, in August 1856. He came from New York, in 1856. He was a man possessed of some native ability, always having his share of the legal business of Mower county, during his residence here. In 1870 he removed to Atchison, Kansas. He served in the Union army during the civil war, going into the service as Captain of Company C. 2nd Regiment of Minnesota Volunteers, and came out as Brevet Colonel.

W. H. Merrick, who had studied law with his father in Milwaukee, came to Austin and engaged in merchandising. A few years later, he was admitted to the bar and practiced for four or five years. In 1882 he removed to Spokane Falls, Washington Territory.

Hiram Randolph Davidson was admitted to the bar at Austin at an early day, but devoted his time to editing his paper, the Austin Register. He was born in Alleghany county, New York, in August, 1838. When about fifteen years of age he spent some time in school at Beloit, Wis., and was there converted. Subsequently he became connected with the Oberlin school, in Ohio, where he continued during some six years, earnestly prosecuting his studies in the preparatory and collegiate departments of that institution. He graduated with honor in 1862. In 1855 he united with the Congregational church at Oberlin. Mostly dependent upon his own resources for the means of prosecuting his studies while at Oberlin, he was under the imperative necessity of being both economical and industrious.

At intervals he taught, and thus replenished his exhausted resources. During the [75] last two years of his connection with the institution he was accountant in Plumb's banking establishment at Oberlin, three months in the Chicago Commercial College, together with much executive tact and talent, made him an expert accountant. Besides all this work he gave considerable time and attention to reading law, and was for several months in Chicago with Judge Blodgett, now Judge of the United States District Court, and was admitted to practice in Chicago in November, 1862. In September, 1862, Mr. Davidson was married to Miss Mary Wheeler, of St Charles, Ill., and soon afterward, by invitation of his father in this place, came here to spend time in visiting. Becoming deeply interested in this

portion of the State, he determined, after mature deliberation, to make his home here. Although there was at that time another paper published here, he resolved to establish another paper, and accordingly, he founded the *Register*, in July, 1863, and in November of the same year he was elected County Attorney of Mower county, conducted the paper until April, 1864, when, admonished by failing health, he left the paper to the management of his brother, C. H. Davidson, and went to St. Charles, Ill., where he died May 4, 1864. His health had been failing for some time. Long after the condition of his throat prevented him from uttering a loud word, he employed his pen, and thus communed with his, readers, giving through the *Register* his last thoughts and counsels. His death was mourned by a large circle of friends and acquaintances. He was a man of much natural as well acquired ability, and his actual worth in the community, although recognized, was not fully appreciated until the hand of death had laid him low.

D. B. Johnson, Jr., attorney at law, is one of the early practitioners, as well as one of the early citizens of Austin, having located here, September 1st, 1856. He is a native of the town of Chazy, Clinton county, New York, born in 1830. He was educated at the public school of his native town, and was for some time a student of Plattsburg Academy; he engaged in the study of law while a student at the academy. After leaving school he was for a time engaged in surveying civil engineering. In April, 1856, he came west, spent some time traveling in Illinois and Wisconsin, coming to Austin as stated, in September of that year. In the spring of 1837 he engaged in merchandising, his partner in business being Albert Galloway. In 1858 disposed of his business, and was admitted to the bar the same year. He enlisted in August 1862 in the first regiment of Minnesota Mounted Rangers, and took part in General Sibley's expedition against the Indians. Mr. Johnson was mustered into the United States service as second Lieutenant, and on the organization of company M of his regiment, was made first Lieutenant of that company, which position he held until the expiration of his service, in December 1863. Mr. Johnson has held various official positions; was Justice of the Peace in 1857 and 1858; was County Attorney one term, also County Auditor one term, and in January, 1862, he was appointed engrossing clerk of the Legislature; he served two sessions, that of 1866 and 1867, as member of the Assembly branch of that body. In August, 1871, he was appointed one of the Associate [76] Justices of the Territory of New Mexico, resigning that position in 1872. From 1858 until

1871 he was associated in the practice of law, under the firm name of Cameron & Johnson. Since the latter date he has been alone in practice. Mr. Johnson is a Republican, politically, and has been identified with that party since its organization. Mrs. Johnson was formerly Miss Lois A. Webb. She was born at Plattsburg, New York, in 1837. Her parents were Horatio N. and Mary Webb. Mrs. Johnson is a lady of intelligence and culture. She was the first organist of Mower county, and was organist at the dedication of the first church erected in Mower county, that of the Methodist church of Austin. Mr. and Mrs. Johnson have three children, Lottie E., wife of Joseph S. Cox, of Minneapolis; Hattie B., wife of Matt W. Miles, a railway mail clerk on the Northern Pacific R. R., and Addie C.

G. M. Cameron came to Austin, November 27, 1856, and has been constantly in the practice of law till the present time, 1884. Mr. Cameron is more fully noticed in the representative chapter.

L. Bouregard came to Austin when quite young, and became a law student under Aaron S. Everest, and was admitted to the bar at Austin. Latter he moved to Utah, and from there to New Mexico.

Sherman Page came in 1866 from Decorah, Iowa. He was a man of much ability and prominence in the county. He was afterward elected Judge of the Tenth Judicial district. After his term of office expired he again entered the practice of law, but did not succeed as well as before, and after a few months removed to California. He is treated elsewhere in this volume.

E. O. Wheeler came in 1866, with Sherman Page, and formed a partnership with him. He remained until 1879 and. then removed to Auburn, New York, where he practices his chosen profession. He was a fine office lawyer, as well as a good counselor.

Rush B. Wheeler, a brother of E. O. Wheeler, was a partner of his brother for a time, but never attained any eminence. He finally removed to St. Paul and engaged in the real estate business.

The firm of Richardson, Day & Pierce, one of the most extensive in its operations in Mower county is the present representative of the earliest established law firm in the city of Austin, that of Judge Sherman Page and



E. O. Wheeler, who opened an office here in 1856, and worked up a large practice.

In 1873 the partnership of Page & Wheeler was dissolved, they being succeeded by E. O. and R. B. Wheeler.

Seven years later the senior member of the firm withdrew, R. B. Wheeler continuing in charge of the business till April, 1883, when he retired and was succeeded by the present firm.

In addition to their extensive law practice they are largely engaged in handling real estate, having many thousand acres under their charge, both for sale and for rent. In this latter branch of business they are greatly aided by their fine set of abstract books, begun many years ago by Page & Wheeler. They loan money for Eastern capitalists and do a large insurance and collection business.

W. E. Richardson has been constantly connected with the office since he entered it as a student of law immediately after his [77] graduation from the Austin High School in 1878. He was admitted to the bar on the 27th of September, 1882. Mr. Richardson was born in Vermont in 1861, and came to Austin with his father, F. A. Richardson, when he was seven years old. In December, 1882, he married Miss Kay Von Suessmilch, daughter of Dr. F. L. Von Suessmilch, an eminent physician of Delevan, Wisconsin. Mr. and Mrs. Richardson have one child, Francis.

Frank A Day was born in Franklin county, educated in the Vermont State University, New York, in 1858, and accompanied his father to Austin in 1876.

He completed the High School course in this city, graduating in the same class with Mr. Richardson. He began the study of law with Briggs & Elders at Fargo, Dakota, in the spring of 1881, and was admitted to the bar at Moorehead, Minnesota, in November, 1882. Returning to Austin in December of the same year he took charge of the land and abstract departments of the office of R. B. Wheeler until the formation of the present firm.

L. A. Pierce was born in Syracuse, Onondago county, New York, in 1850, and graduated at the college in Elmira in that State in 1872; commenced

the study of law in the office of Wood & Rathburn at Auburn, N.Y., January 1st, 1873, and was admitted to the bar in 1877. He commenced the practice of his profession in Auburn and remained there in active practice until 1882, when he came to Austin and took the management of the legal department of the office of R. B. Wheeler, which he retained until Mr. Wheeler was succeeded by the present firm. Mr. Pierce was the attorney of the city of Auburn for two years, from March, 1880, to March, 1882, and was singularly successful in his practice. He is an able lawyer and has attained a high standing in the courts of this State.

C. J. Shortt came to Minnesota in 1856, and settled in Northfield, Rice county, where he engaged in surveying. He was appointed Postmaster there that year, serving until the spring of 1857. He was born in Washington county, Vermont, in 1831, was educated in the Vermont State University, where he graduated in 1855. He commenced the study of law in 1857, with Batchelder & Buckman, at Faribault, and was admitted to the bar in 1858. He remained in Faribault until the spring of 1859, when he came to Austin. He soon after formed a partnership with Ormanzo Allen, which continued for several years. He was elected County Attorney in 1860, and served four years. He again filled that office in 1865 and 1866, and again in 1869 and 1870. In 1869 he removed to the town of Dexter, where he was engaged in agricultural pursuits 6 years, when he opened a law and real estate office at Brownsdale, in company with J. M. Weiser. In 1881, he returned to Austin. He is at present Deputy Register of Deeds. He was married in the fall of 1861, to Isabella Stowell. They have four children, named Kittie A., Edith M., Jennie S., Philip H.

Lyman D. Baird, attorney, is a son of George and Charlotte Baird, who came to Austin in 1856, where he still resides. He was born at Austin, October 7th, 1837, was educated at the high school of this city, and began the study of law in the spring of 1879, [78] with George N. Baxter, of Faribault. He was admitted in 1882. He was postmaster of the legislature in 1879, and is City Attorney of Austin, for 1884.

Eugene B. Crane, attorney and counselor at law, son of William A., and Laura (Chatfield) Crane, was born in Sharon, Medina county, Ohio, on the 4th of November, 1840. After receiving his early education in the schools of his native town, he studied in the literary department at Oberlin College. He next entered the law department of Michigan State University at Ann

Arbor, where he was graduated on the 28th of March, 1866. In the following year, he was admitted to the bar in Mt. Vernon, Lawrence county, Missouri. The spring of the year 1868 found him in Minnesota, drawn hither, doubtless, by the fact that it was the new home of his parents, both of them well at that time living in Mower county. In the spring of 1870, having been admitted to practice in the courts of this State, he opened a law office at Austin. His professional duties soon began to be supplemented with the labors of another calling. From July 1, 1871, to the 22nd of May, 1872, he was engaged as a topographical engineer in inspecting surveys and appraising lands in Minnesota for the Northern Pacific Railroad Company. Being then assigned to its law department, he served that company in his legal capacity until the disastrous failure of Jay Cooke, in September, 1873, when he resumed the practice of his profession at Austin. In April, 1882, Mr. Crane again entered the employ of the N. P. Railroad Company, this time representing the land department of said company in the State of Wisconsin. He was thus engaged in looking after various law and land interests until Feb. 23, 1883. July of that year, saw him once more settled in Austin, where he still remains, a useful and respected citizen, conducting with faithfulness and ability the affairs of his clients, and lending himself readily to the conduct of enterprises promotive of the public good. Abbie Litchfield, with whom he was united in marriage on the 29th day of April, 1866, was for some years one of the most successful teachers in Mower county, having had previous experience in that vocation in her native State, and being a graduate of the Springfield Collegiate Institute. After her marriage, she taught school several terms in the State of Missouri, in the perilous period of re-construction following the close of the Rebellion.

Mrs. Crane was born in Springfield, Vermont, on the 21st day of March, 1842, a daughter of Martin and Sally (Aidrick) Litchfield. She is an active member of the Ladies' Floral Club and Library Association of Austin, and is Secretary of the Women's Christian Temperance Union, for the Southern district of Minnesota, also an earnest worker in the Universalist Society and Sunday School.

Mr. and Mrs. Crane have four children, William M., Laura A., Jean, Mary Louise.

Lafayette French, one of the prominent attorneys of Austin, is a native of the "Buckeye" State, having been born in Loraine county, Ohio, November 19th, 1848, and was educated at Oberlin and Hiram Colleges. While in the junior year at Hiram College, he accepted a position as teacher in one of the public schools. After teaching [79] about a year and a half he resigned his position on account of poor health, and returned to Ohio, and began the study of law at Camden, near Oberlin, with Boynton and Heath. His health improving he returned to St. Louis and assumed the principalship of one of the public schools of that city. At the end of one year he entered the law office of Judge Holt of that city, and was admitted to the bar in 1870. He came to Austin and engaged in the practice of his profession the same year.

Mr. French has acquired a good practice, is an able lawyer and a valuable citizen. His wife was Mary V. Richards, daughter of William Richards. Mr. and Mrs. French have one daughter, Mamie.

James D. Sheedy is the youngest attorney now practicing in Austin. He was admitted to the bar in 1882, receiving his diploma from Judge J. Q. Farmer. Mr. Sheedy was born in Adams county, Wisconsin, November 21, 1838, When a lad of eight years he came with his parents to Minnesota, the family settling in Oakland, Freeborn county. His studies in the district schools were supplemented by a three years' course at the Austin High school. At seventeen he engaged in teaching. In 1880 he began the study of law with W. H. Merrick, jr., and in 1882 entered the office of Lafayette French. Mr. Sheedy is a single man and lives with his mother in the city of Austin, having removed to this place in 1880. His father died in Oakland, in 1878. Mr. Sheedy was elected Justice of the Peace in the spring of 1884.

L. F. Clauson, attorney and counsellor at law, is a native of St. Ansgar, Mitchell county, Iowa, where he was born in 1856, he is the son of the Reverend C. L. Clauson, the founder of the Lutheran church at Austin, and one of the earliest ministers of that denomination in Minnesota. When sixteen years of age Mr. Clauson moved with his father to the State of Virginia, where they remained until 1877, when the family came to Minnesota. Mr. Clauson began the study of law at Owatonna with Burlingame and Crandal in 1881, and was admitted to the bar at Mantorville, Dodge county, Judge Buckham presiding in the spring of 1883. Returned to Blooming Prairie in December, where he remained until April, 1884, when he came to Austin, opened an office and engaged in the

practice of his profession. Mr. Clauson is a, lawyer of much promise, and for the short time he has been here has built up a good practice.

#### **LEROY ATTORNEYS.**

F. M. Goodykoontz was the first lawyer who entered the village of LeRoy to practice. He came in 1867 from Waukon, Iowa. After one year he formed a partnership with J. M. Wyckoff, who was admitted to the bar at Austin. They continued in company until a year, when Mr. Goodykoontz removed to Nora Springs, Iowa and from thence to Mason City, Iowa, and in 1884 removed to Dakota. While here he was elected County Attorney, serving one term. J. M. Wyckoff, as just stated, was the second to practice. He carried the first liquor case to the district court from the town of LeRoy, and won it. Joseph McKnight, who was admitted to the bar at Austin, in April, 1882, together with J. F. Trask and J. S. Bishop, constitutes the present attorneys of LeRoy. [80]

W. W. Ranney, attorney and counselor at law, in the village of Grand Meadow, where he located in 1878. He was born in Newburyport, Massachusetts, in 1830. When but nine years of age, he moved with his parents to McLean county, Kentucky, where they lived until their death. Mr. Ranney studied medicine and was engaged in practice for several years. He enlisted in 1861 in the 26th Kentucky Union Volunteers. He was given the rank of second Lieutenant, which he held until April 1862, when he was promoted to a first Lieutenancy for gallant services during the battle of Shiloh. He resigned in November 1862. In the fall of 1864 he came north. In the spring of 1865 he went to Lansing, Iowa, where he studied law, and graduated from the Law Department of the State University in 1876. He then returned to Lansing, Iowa, and engaged in practice for one year, then came to Grand Meadow. Besides his law practice he is engaged in the mercantile business. While at Lansing he was engaged for a while in the drug trade. He is married and has one son and one daughter who is married and resides at Sioux Falls, Dakota.

#### **BROWSDALE.**

Capt. A. J. Hunt, oldest son of Hiram and Cornelia Hunt, was born May 9, 1833, in Herkimer county, New York. His grandfather, Joseph Hunt, was a

*minute man* in the war of 1812, and his grand-father Joseph Hall, was of English extraction. Captain Hunt removed to Lewis county in 1837. He received an academic education in Lewis county, New York. After leaving school he followed school teaching a short time. He emigrated with his brother, J. J. Hunt, in 1854 to Beaver Dam, Wisconsin, where he again taught school. In the spring of 1858, he entered the law office of Smith & Ordway, as a student at law. He continued his studies with them until the autumn of 1860. When the war of Rebellion broke out, he was commissioned by Governor A. W. Randall, of Wisconsin, as recruiting officer. He took an active part in recruiting the 7th and 16th regiments of Wisconsin Infantry. September 10, 1861, Mr. Hunt joined the 1st Wisconsin Cavalry, commanded by Col. E. Daniels, and with Captain R. H. Chittenden raised and organized company "E" of that regiment, at which time he was unanimously elected first Lieutenant, and on the 17th day of March, 1862, started for St. Louis, Missouri. He served with his regiment in the department of the Missouri, until the summer of 1862, when he was ordered to return to Wisconsin to fill a requisition for recruits for his regiment. After enlisting the number desired, he returned with them to the front. On the 16th day of July, 1862, he was commissioned Captain of his company, which he commanded until leading a column at night, he rode against a leaning tree, from the effects of which it was thought he was fatally injured, and he returned home. He left Beaver Dam, for Mower county, Minnesota, April 15, 1865. He located in Waltham township, and opened up a new farm. He was elected chairman of his township board two terms. Captain Hunt received the nomination for Sheriff in Democratic convention. Although his opponent was elected, he ran over 400 votes ahead of his ticket. In the fall of 1873 he sold his farm and removed to the village of Brownsdale. [81] He was elected chairman of the board of supervisors of Red Rock township in 1874, and was subsequently elected to the same office. During his residence in Brownsdale he has been engaged in the practice of law, and dealer in real estate. He was married to Miss Alice A. Fellows, on the 30th day of August, 1858, at Madison, Wisconsin. She is a native of Herkimer county, New York. Their children are: Fred G. W. Charles A., Gertrude H., Cora A., Nellie E., Eddie H., Florence E. Captain Hunt is a member of Henry Rogers Post No. 11, G. A. R., at Brownsdale, of which he is a charter member.



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