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## JUDGE WESTCOTT WILKIN.

THE Wilkin family, from which the subject of this sketch descended, is of Welsh origin. In the seventeenth century his ancestors emigrated from Wales to Ireland whence, in the course of time, they came to America and settled on a tract of land where are now the counties of Orange and Ulster



*Westcott Wilkin*

in the state of New York, where their descendants generally remained until within the last half century.

Judge Wilkin's grandfather was Gen. James W. Wilkin, who was an ardent friend and supporter of De Witt Clinton, and was prominent in public life. He held important offices in New York and also served his state in the Congress of the United States.

Judge Wilkin is the son of the Hon. Samuel J. Wilkin (now deceased), who was distinguished as a lawyer, prominent in political affairs—having held many offices of distinction in the state of New York—and also served as a member of Congress during the Administration of Gen. Jackson as President of the United States. His mother was Sarah Gale Westcott, a daughter of David Manderville Westcott, a man prominent in his day as a Jeffersonian Democrat. Mrs. Wilkin was a woman of fine culture, gentle nature, and possessed remarkably strong intellectual powers. She was the friend and adviser of the poor and afflicted. She was much beloved by all who knew her, and revered for her good works. She was a devoted member of, and was highly honored by the Presbyterian Church. If there is anything in heredity Judge Wilkin is legitimately entitled to all the esteem and love he enjoys and the many honors that have been bestowed upon him by his fellow-citizens. We attach very little consequence to ancestry in this land of independent action and self-reliance, but in the opinion of the author there can be

no more valuable inheritance to an American youth than the teachings and example of an upright and honorable father and a refined and religious mother. To be born and reared a gentleman, in the true meaning of that much abused word, is of immeasurably greater value than to be the offspring of Cræsus.

Judge Wilkin was born on the 4th day of January, 1824, at the town of Goshen, in the state of New York; and he received his early education in the schools of his native town, which in those days were far inferior, in the mere point of imparting learning, to the common schools of to-day; but perhaps in the broader sense of instilling education, were fully their equals if not their superiors. Passing this period he studied at home under private tutors for a short time and was then sent to the grammar school of Columbia college, then under the direction of the celebrated Prof. Anthon. From this school he entered Princeton college, from which institution of learning both his father and grandfather had received their collegiate degrees. Princeton at that time was far below its present position in material endowments, and perhaps in educational advantages; but it is remembered with gratitude and affection by those who were subject to its high moral and intellectual influences, and received the benefits of its efficient training. After the usual collegiate course of study the Judge graduated with a very respectable standing in his

class, but without marked honors, and shortly after commenced the study of the law in the office of his father, who was then associated in practise with Joseph W. Gott, a gentleman still remembered for his great ability as a lawyer and his high character as a man. After three years of study under such favorable auspices, his professional education was supplemented by a course at the Yale Law School. Having been admitted to the Bar, he commenced practice at Monticello, in Sullivan Co.

Having entered the actual arena of professional life, it was not long before the judicial characteristics of his mind and his thorough equipment as a lawyer and a gentleman, were recognized, and after a few years of practice at the Bar he was elected Judge of the County Court of Sullivan county, an office of much importance, to which, in addition to its civil and criminal jurisdiction, were attached the responsible duties of Probate Judge; so well did he perform the judicial functions he had assumed, and so generally were his good qualities of head and heart recognized, that before he had completed his judicial term he was brought out by his friends as a candidate for Congress for the district composed of Orange and Sullivan counties, but failed of a nomination in the convention by a very close vote, no doubt from his retiring and unself-asserting disposition. The adverse result was undoubtedly an "angel in disguise," and the author heartily congratulates the Judge and the state of Minnesota

upon the action of that convention, not that our subject would not have made an excellent Representative, but because his entry into political life would, in all probability, have deprived the state of Minnesota of his valuable judicial work since performed, and himself of the great and lasting distinction he has achieved as a jurist.

As the close of his term of office as County Judge he was again nominated for the position. The Know-Nothing excitement was then prevailing. Many of his political and personal friends united themselves to the Know-Nothing party. The Judge refused to follow them, and after an exciting contest he was defeated by a small majority.

The Judge's brother, the late Col. Alexander Wilkin, at a very early day in the history of Minnesota, had emigrated to that territory, and in the spring of 1856 he induced the Judge to follow him, and held out to him a partnership with I. V. D. Heard, who was then established in practice in St. Paul, and had at that early day well begun the honorable and successful career that has crowned his professional efforts. He witnessed the phenomenal "boom" in 1856 in St. Paul, and languished through the financial disaster of 1857 and succeeding years when money became a thing of the past, and all commercial intercourse was carried on through the medium of butchers' and grocers' tickets, a period of stagnation never to be forgotten by the old settlers and impossible of recurrence.

A man of the Judge's varied accomplishments, great learning and ability, coupled with exalted worth, could not long remain unknown or unacknowledged in a Western community. The state was admitted into the Union in 1858, and had to provide its own government and judiciary. In 1864 he was nominated for the office of District Judge of the Second Judicial District of the state, which is a court of general jurisdiction, and was, after a spirited contest, which was however conducted without acrimony, elected by a fair majority. The term of the District Judges was then seven years, and he has been renominated and re-elected without opposition on each recurring expiration of his term, and is now in his twenty-fifth year of service in that capacity. While occupying his present position he was on one occasion, much against his expressed desires, nominated by the Democratic party for the office of Chief Justice of the state in opposition to his old friend Judge S. J. R. McMillan, the then incumbent. The Democracy being irretrievably in the minority he was of course defeated.

The author, who has been actively engaged in the legal profession for nearly forty years, about eight of which were spent on the bench of Minnesota and twenty-eight at its bar, feels justified in expressing an opinion on the judicial qualifications of Judge Wilkin, and is quite sure his intimate personal relations and friendship for him will not influence his de-

cision. The integrity of the Judge is so deeply ingrained in his composition that unlike most men he can decide a cause between his best friend and his worst enemy, without inclining either way from the judicial perpendicular; and so careful and patient has always been his investigation of law and fact in the thousands of intricate and important cases that have been decided by him, so clear his reasoning to results, and so just and scientific his conclusions, that rare indeed has been the occasion when even the defeated party could dissent, and rarer still has such dissent resulted in a reversal of his judgments. The only complaint the author has ever heard of his judicial conduct was that he was too painstaking, cautious and deliberate in his endeavors to be absolutely right. With a naturally strong intellectual endowment, thoroughly trained classically and professionally, coupled with an inborn and life-sustained high sense of honor, and a heart that has "charity for all and malice toward none," what stronger equipment could any man possess to fulfill successfully the exacting duties of a judge? Judge Wilkin has them all in an eminent degree.

In April, 1884, feeling the need of recreation after over twenty years of uninterrupted labor on the bench, the Judge was induced to make a journey, and in company with the author of this sketch visited Japan, China, India, Egypt and most of the countries of Europe, circumnavigating the world,

which proved a great restorative to his health and strength. Before leaving he expressly declined a renomination for a further term, the one he was then serving being about to expire, but so strong was his hold upon the people of the district that in his absence he was renominated by the Democracy, the Republicans acquiescing, and all parties voted for him at the election, where he was unanimously chosen for another term.

Before the organization of the Republican party Judge Wilkin was a Whig, but on the dissolution of that party he became a Democrat and has always since acted with that party. He is too thoughtful a man ever to be a

strong partisan, and his life-long judicial career has withdrawn him from any active political affiliations or associations; his political principles have however always held him within the Democratic fold. He has never united with any religious association or denomination, but reared in the Presbyterian church he still retains for it the respect and admiration with which he became imbued in his earlier years. It is the hope of this commonwealth, in which the author heartily joins, that he may have before him an extended career of usefulness mingled with pleasure. The Judge has never yet married.

CHAS. E. FLANDRAU.

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## Related Article

“Judge Wescott Wilkin’s Retirement Banquet” (January 3, 1891) (MLHP, 2021).

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