

“ COURTS, CASES AND ATTORNEYS OF REDWOOD COUNTY ”

BY

ALFRED C. DOLLIFF

FOREWORD

BY

**DOUGLAS A. HEDIN
MLHP EDITOR**

At the very end of the following article, the primary author and his “consultants” are credited:

Authorship. This chapter has been compiled from various sources with the assistance of Alfred C. Dolliff, and by him the final draft has been revised, amplified and edited, and numerous additions made. M. E. Powell and Frank Clague, the oldest members of the Redwood county bar, have been consulted, as have been W. G. Weldon, clerk of court ; C. V. Everett, county treasurer; and A. R. A. Laudon, judge of probate. The list of appealed cases has been prepared by Fred B. Person.

Alfred Dolliff must have been a modest man. When describing the county bar in 1916, he just lists himself as one of “but six active members of the bar in this county.” A few pages later, in a flashback, he recalls the bar in 1902, again making brief mention of himself: “In 1902 the firm of Pierce (S. L.) & Harriott (E. E.)

appeared, as did the firm of Bowers (J. H.) & Howard (C. T.), while Frank Clague (county attorney, Lamberton), A. C. Dolliff and A. R. A. Laudon had been added to the Redwood Falls bar.”

Dolliff’s style differs from that of most other lawyers who wrote chapters on the “bench and bar” in county histories published in pre-World War One in this state. Quite frequently lawyer-authors devoted several paragraphs to themselves, their families, the offices they held in local government and in fraternal organizations, and so on. If Dolliff was not listed in the “author-ship” paragraph of this article, the reader would not know that he prepared it —after “consultation” with several other lawyers, he was careful to note.

Alfred Dolliff was born on September 30, 1874, and died suddenly in Redwood Falls on April 20, 1945, at the age of 70. His death was announced on the front page of *The Redwood Gazette*, a place of such prominence that a man of his modesty might have found it uncomfortable:

A. C. Dolliff Dies Here Late Friday

Funeral rites were held at 4 p.m. Sunday at the Presbyterian church here for Alfred C. Dolliff, who died Friday at the Redwood Falls hospital from a convulsion following uremic poisoning. He had been in poor health for the past few weeks.

The Rev. W. A. Dalton conducted the service and interment was in the city cemetery.

Mr. Dolliff had been at his law office during the morning, had gone to lunch and returned to his office and at 1 p.m. was stricken. He was immediately taken to the hospital where he died at 7 p.m.

Born September 30, 1874, at Oldtown, Maine, he was the son of Lucius P. and May Gould Dolliff. He was reared in his native state and in Minnesota. After attending Carleton college for three years he entered the University of Minnesota, where he was a member of Delta Chi fraternity. He was graduated from the law department June 7, 1895, was admitted to the bar and a few months later, on September 4, 1895, he came to Redwood Falls. He had been in active practice of his profession in the nearly fifty years since then. In January 1945, Morris Kuhn of Minneapolis became his partner.

Known as one of Redwood county's leading attorneys, he had also taken an active part in many of the activities of the community. He had been city attorney and as an officer in Co. 1, Minnesota National Guard. For many years he was an active member of the Commercial club and had always been a strong supporter of the Masonic and Knights of Pythias lodges and in the latter had occupied all of the chairs.

He is survived by his wife, the former Lou Porter of Redwood Falls and their son Roger, who is in the insurance business in Minneapolis.

The following article appeared first on pages 465 to 488 of the first volume of a two volume history of Redwood County. The MLHP has reformatted the chapter, and added page breaks. Dolliff's punctuation and spelling have not been changed.

This article may be read in conjunction with "The Lawbreakers of Redwood County," a chapter in Wayne E. Webb and J. I. Swedberg's. *Redwood: The Story of a County* 459-490 (St. Paul: North Central Pub. Co., 1964). It is posted separately on the MLHP. ♦

**“COURTS, CASES AND ATTORNEYS
OF REDWOOD COUNTY”**

IN

THE HISTORY

OF

**REDWOOD COUNTY
MINNESOTA**

COMPILED BY

FRANKLYN CURTISS-WEDGE.

**Member of the Minnesota Historical Society, Member of the National Historical
Society, Member of the Wisconsin Archaeological, Society; Editor
of the Histories of Goodhue, Dakato, Rice, Steele,
Mower, Freeborn, Fillmore, Winona, Wright
and Renville Counties, Minnesota**

REVIEWED BY

JULIUS A. SCHMAHL
Secretary of State

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CHAPTER XXXIV.

COURTS, CASES AND ATTORNEYS.

On June 11, 1849, Alexander Ramsey, the first territorial governor of Minnesota, issued a proclamation dividing the territory into judicial districts. The Third District consisted of all of the territory south of the Minnesota and west of the Mississippi, and westward to the territorial line. The present Redwood county was included in the Third District with Judge David Cooper on the bench. The first term of court for the district was to be held at Mendota, on the fourth Monday in August.

Redwood county was at that time entirely without settlers.

By act of the legislature, October 27, 1849, the entire territory was divided into counties. Wabashaw county, as designated under the act, was comprised of practically the entire southern [466] third of the present state of Minnesota, and the southwestern portion of South Dakota, and thus included the present Redwood county.

Itasca and Wabashaw (as it was then spelled) counties were, for judicial purposes, attached to Washington county, with Judge David Cooper on the bench.

The legislature of 1851, by Chapter 1 of the Revised Statutes, passed January 1, reapportioned the territory into new counties. The present county of Redwood, under the new distribution, was entirely embraced in Dakota county, which county was attached to Ramsey county for judicial purposes.

March 5, 1853, the present Redwood county was included in the county of Blue Earth, which county, by legislative act of that date, was endowed with all the rights of a fully organized county.

February 20, 1855, Brown county was constituted a fully organized county, and included within the boundaries the present Redwood county.

At that time the Indian reservation had been established, but Redwood county had no settlers outside of the government employees, the Indians, and the traders at the Lower Sioux Agency.

Redwood county was created February 6, 1862, and its organization affirmed February 23, 1865, the eastern, boundary on the latter date being the same as at present, the western boundary being the state line.

The county then became a part of the Sixth Judicial District, and so remained until March 11, 1870, on which date it became a part of the Ninth Judicial District, the district in which it still remains.

Judge Horace Austin, of St. Peter, went on the bench of the Sixth Judicial district, January 1, 1865. He had jurisdiction over Redwood county, but heard no Redwood county cases. He did, however, hold court in Redwood county to hear the so-called New Ulm cases.

Judge M. G. Hanscome, of St. Peter, who had been on the bench of the Sixth district since October 1, 1869, went on the bench of the Ninth district as its first judge, March 11, 1870. He presided over the annual September terms of 1871, 1872, 1873, 1874 and 1875, and the annual June term of 1876 and 1877.

Judge E. St. Julien Cox of St. Peter went on the bench of the Ninth district in 1877. His first official act for Redwood county was an order in chambers at St. Peter, May 23, 1878, dispensing with the services of the grand jury for the forthcoming June term. One of the early acts of Judge Cox was his appointment, April 25, 1878, of a commission consisting of Bishop Gordon, Till Tibbetts and M. K. Butterfield, to determine the value of lands and damages incident to the building of the railroad from Sleepy Eye to Redwood Falls. During Judge Cox's term the legal [467] business of the county was greatly increased. Two regular annual terms were inaugurated and several special terms were held. Judge Cox's last service in Redwood county was in presiding over the special terms at Redwood Falls, October 21, 1881, and at about this time charges

were filed against him asking for his impeachment as judge, and the legislature next convening in January, 1882, heard the charges and he was impeached by it, the principal charge being that of alleged misconduct while sitting on the bench and hearing cases. After his impeachment he again took up the private practice of law at St. Peter, where he lived for about fifteen years thereafter, and subsequently moved, to California where he since died.

Judge William Lochren of the Fourth Judicial district, and afterwards United States district judge for the District of Minnesota, having been appointed such by Grover Cleveland, then president, presided over the term of December, 1881.

Judge Hial D. Baldwin, of Redwood Falls, was appointed to the bench of the Ninth district by Governor Lucius F. Hubbard, April 4, 1882. He held two general terms of court, those of June 6, 1882, and December 5, 1882.

Judge Benjamin F. Webber, of New Ulm, was elected judge of the Ninth Judicial district at the fall election of 1882, and assumed the office January 3, 1883, and first presided over a Redwood county term of court at Redwood Falls, convening June 5, 1883. He continued as judge until October, 1906, when he resigned, though this term would have expired December 31st following. The events following his resignation were quite tragic; having served nearly twenty-four years on the bench of this district and practically without opposition, at the election in the fall of 1906 he again filed as a candidate. The opposition to his election was quite strong and he thereupon withdrew as a candidate and resigned his office; and, after his successor had been appointed and immediately preceding the convening of the fall term of court at New Ulm, his home town, he took his own life, and thus passed one of the oldest judges, both in point of age and service, then upon the bench in the state.

Judge Oscar Hallam of St. Paul, one of the judges of the Second Judicial district, presided over the November, 1906, term, he having been appointed for that purpose by Governor John A. Johnson, pending the election of a successor to Judge Webber.

Judge I. M. Olsen of Sleepy Eye, the present judge, went on the bench of the Ninth Judicial district, by appointment of Governor John A. Johnson, November 15, 1906, he having just been elected judge of the district at the November election to succeed Judge Webber, then resigned. Judge Olson's first term in Redwood county was that of April, 1907.

The present officers of the court are W. G. Weldon, clerk; [468] Albert H. Enersen, county attorney; Frank J. Hassenstab, sheriff; and W. T. Eckstein, official reporter.

The first term of the District Court held in Redwood county was for the purpose of a grand jury inquiry into the New Ulm murder cases. The hearing was held above the store of Louis Robert, beginning June 18, 1867. Two soldiers, returning from a trapping expedition, had entered a saloon at New Ulm, an altercation ensued in which one of the merry-makers at the saloon was killed, the two soldiers had been taken to a hall, a mob verdict passed against them, and after being killed by stabbing had been thrust through the ice of the Minnesota river, their bodies being mutilated in the process. There being no opportunity for a fair trial at New Ulm, Judge Austin ordered the hearings heard at Redwood Falls, which was likewise in his jurisdiction. Later a trial in the same cases was held at St. Peter.

The attorneys employed in the case at Redwood Falls were: William Colville, attorney general ; Sam McPhail, county attorney, and S. A. Buel, for the prosecution ; Judge C. E. Flandrau of St. Paul, C. T. Clothier, Francis Baasen and John M. Dorman all of New Ulm, for the defense. At the first hearing at Redwood Falls the citizens of New Ulm rallied in such numbers to the support of the prisoners that courthouse square was covered with their tents as they encamped during the hearing. They were present again at the adjourned hearing at Redwood Falls in September, but in small numbers.

The first regular term of the District Court of Redwood county opened in Redwood Falls, September 13, 1870, in a small building

on Second street, between Washington and Mill streets, Judge Horace Austin on the bench. The grand jury found no indictments. The case of William Beard v. J. Wilson Paxton, appealed from the justice court, came for consideration and the judgment of the lower court was affirmed. A divorce case was also on the calendar.

A demurrer was filed in the case of Birney Flynn vs. the Board of County Commissioners. This case, which was afterward dismissed, was an interesting one. Mr. Flynn was clerk of court from January 1, 1866, to January 1, 1870. At that time no court was being held for Redwood county. Mr. Flynn, however, acted as clerk of the sessions held in Redwood Falls in June and September, 1867, at which the New Ulm cases were tried. For services at these two sessions, and for the alleged use of his office, he sued the county commissioners, and the case hung fire for some time before it was finally dropped.

The first jury trial before the district court in Redwood county was held in September, 1871. The case is interesting as a picture of pioneer life and law. Browning Nichols, of Rochester, on his way to a townsite in which he was interested in Lac qui Parle [469] county, stopped over night at Redwood Falls, and fell in with D. L. Bigham. With Mr. Bigham, he traded his pair of horses and a harness for land in the village of Redwood Falls, on which many important business establishments are now located. Mr. Nichols secured the deed to the lots and continued on his way with his horses. One of the animals died on the trip. On his return, Mr. Nichols placed the remaining horse, the tail of the dead horse, and the harness, in Mr. Bigham's stable. On the advice of an attorney, Mr. Bigham turned the horse loose, and threw out the harness and tail. He then brought suit against Mr. Nichols. In the District court trial, Mr. Bigham was represented by M. E. Powell and Hial D. Baldwin, while Sam McPhail and E. St. Julien Cox appeared for Mr. Nichols. The jurors in the case were W. W. Byington (foreman), S. J. F. Ruter, Ezra Post, George Pryor, Sr., L. J. Russell, L. B. Newton, James Longbottom, Bishop Gordon, S. M. Stowell, J. P. O'Hara, Casper Stowell and J. M. Little. The whole case hinged on whether the horse had passed into Mr. Bigham's possession at the

time of the transfer of the lots and before Mr. Nichols had taken the trip. The evidence tended to show that the delivery of the horses was not to take place until they were actually turned over to Mr. Bigham. After the trial the jury retired for deliberation to a small building near the room in which the court had met. Through the door and window their deliberations could plainly be seen by the spectators. While the deliberations were proceeding, the parties concerned reached an agreement by which Mr. Bigham was to be restored all his land except one lot, and he was to assist Mr. Nichols in locating the horse, which in the meantime had wandered away. The court records show a sealed verdict in favor of the plaintiff and a notice of an appeal, but this is often called the case with no verdict, owing to the fact that a compromise had been reached when the sealed verdict was opened.

THE BAR.

M. E. Powell, the Nestor of the bar in Redwood county, is not now in active practice, but is still a member of the bar. The next oldest in point of service is former Senator Frank Clague, of Redwood Falls. The other Redwood Falls lawyers are A. R. A. Laudon, the present judge of probate; and A. C. Dolliff. Albert H. Enersen, the county attorney practices at Lamberton as does Anthony J. Praxel. W. R. Werring practices at Morgan. A. F. Goblirsch has been until recently located at Wabasso. There are, therefore, but six active members of the bar in this county, and two of those are occupying county offices.

Sampson B. B. McPhail, usually called Sam McPhail, and sometimes erroneously called Samuel McPhail, was the first lawyer in [470] Redwood county. He founded Redwood Falls in 1864. He was the first judge of probate and first county attorney, and continued in active practice as long as he remained here.

The second attorney in Redwood county was Major M. E. Powell, who arrived in April, 1867, and is still the Nestor of the Redwood county bar. He was one of the early county attorneys.

Coulter Wiggins started the practice of law in Redwood Falls in 1868. He succeeded Col. McPhail, both as judge of probate and as county attorney.

W. H. Cook arrived in Redwood Falls in 1869, George H. I. Megquire in 1870, and Hial D. Baldwin in 1870. Mr. Megquire became a leading figure in Renville county affairs, while Mr. Baldwin served Redwood county as district judge, judge of probate, and clerk of court.

J. Wilson Paxton, who arrived in the early days, was a lawyer as well as clergyman, but his name appears in the district court records as a case attorney but once.

In 1878, the attorneys of Redwood Falls were Hial D. Baldwin, John H. Bowers, M. E. Powell and Alfred Wallin. In 1880, Frank L. Morrell had joined H. D. Baldwin of Redwood Falls and Samuel R. Miller of Beaver Falls, in the Redwood Falls concern of Baldwin, Miller & Morrell. In 1884 Clarence T. Ward had been added to the bar as a partner of H. D. Baldwin. In 1888 M. M. Madigan had become a member of the Redwood Falls bar. M. C. Roberts practiced a few months in the eighties. In 1894, the firm of (H. D.) Baldwin, (W. J.) McLeod & (B. F.) Fowler, appeared. In 1894 W. L. Pierce had been added to bar. Two new firms, Baldwin (H D.) & Patterson (E. C.) and Chadderdon (Joseph) & Stuart (David), appeared. E. E. Harriott became a member of the bar in 1900. In 1902 the firm of Pierce (S. L.) & Harriott (E. E.) appeared, as did the firm of Bowers (J. H.) & Howard (C. T.), while Frank Clague (county attorney, Lamberton), A. C. Dolliff and A. R. A. Laudon had been added to the Redwood Falls bar. The name of S. L. Pierce was added to the bar in 1904. In 1906 C. T. Howard started in practice alone. Wm. O. Owens appeared in 1910.

The first lawyer in Lamberton was Michael M. Madigan. In 1882 George Libby and the firm of Thorp (D. M.) & Whitney (B. H.) were added to the practitioners there. After Madigan moved to Redwood Falls in the late eighties, several years passed in which there were no attorneys in Lamberton. In 1894 the firm of

Anderson (Christopher H.) & Clague (Frank) appeared. A. E. Edwards had joined the bar of the village in 1896 and in 1897 moved to Morgan. In 1898 Frank Clague was still in practice there, and Warren Miller and A. H. Mohler had been added to the list. In 1902 Albert H. Enersen had joined the bar of the county and he and Frank Clague constituted the only law firm [471] in Lamberton, the firm name being Clague & Enersen. In 1910, Anthony J. Praxel had been added to the list. Senator Clague soon afterwards moved to Redwood Falls, leaving the Messrs. Enersen and Praxel as the only attorneys in that village.

D. M. Thorp was the first lawyer in Walnut Grove. In 1882 he had been succeeded by the firm of Thorp (D. M.), Quarton (J. M.) & Whitney (B. H.), which firm in 1884 had been succeeded by Thorp & Quarton. After that the village was without lawyers for several years. William H Gooler was located there in 1900. He remained for several years. In 1904 William G. Owens and J. Ed. Rostad were the practicing attorneys there. In 1908 William G. Owens and Arthur M. Murfin were the lawyers there. Since that time Walnut Grove has had no attorneys.

The first lawyer in Morgan was Albert E Edwards, in 1896-97, and was followed by Albert Hauser, who appeared in the directory of 1900. He was followed by the present Morgan attorney, Wayne R Werring, whose name first appears in the directory of 1908.

Pierce (Squire L.) & Harriott (Edw. E.) first appear in the Wabasso directory of 1902. The name of Albert W. Mueller appeared in 1904. The name of Albert F. Goblersch appeared in 1914. Mr. Goblersch recently left the county, leaving Wabasso without an attorney.

F. E Sylvester, a banker, is an attorney, and until his recent removal to Morton, in this state, where he is now engaged in banking, was a member of the Redwood county bar at Seaforth, his name first appearing in the directory in 1908.

Thomas B. Brownlee practiced in Sanborn a short time, his name first appearing in the directory of 1898.

MURDERS.

Edward McCormick, in the early seventies, was found dead at his home, where he lived alone, and an autopsy revealed that he had died from strychnine poisoning. His brother, Patrick, was held for several months, but was discharged for lack of evidence.

Samuel P. Alexander shot and killed Charles Mower on the streets of Redwood Falls July 21, 1885. He was subsequently tried by the district court and acquitted. Mower lived in Missouri. His daughter was the wife of Alexander. Leaving Alexander in Missouri, Mower and his family started for Minnesota and had passed through Redwood Falls on their way toward points further northwest. On their return they located temporarily in Redwood Falls. With them was a man named Petit. To Redwood Falls Alexander followed the family and on a July Sunday morning, when the streets were filled with people accosted Petit and a Mower boy on the street and began shooting at them. Later encountering Mower at the corner of Mill and Chestnut streets [472] in front of the old Canada house, he emptied his revolver at him. Several shots taking effect and the last shot, one through the head, proving fatal. The shooting was witnessed by dozens of the county's leading citizens who testified to the cold blooded facts, but for some reason the jury brought in a verdict of not guilty. Alexander himself acknowledged that he had no grievance against Mower and that his only anger was against Petit, of whom he was jealous and whom he alleged was planning to marry his wife.

John Gorres, a prominent farmer living in Willow Lake township, killed a hired man, John Rosenkranz, with a pitchfork, in the spring of 1888. The story was that he went home much the worse for liquor, encountered Rosenkranz in the barn and there murdered him. He was tried before the district court, was sentenced to six and a half years at Stillwater, and after serving for a while he was paroled and eventually pardoned. He died in Willow Lake not

long ago. His life, after his release, was an exemplary one and he became a respected member of the community as, in fact, he had always been before the crime.

Clifton Holden was indicted for murder November 28, 1888, was sentenced to death by hanging, had this commuted to life imprisonment by the government, went insane at state's prison at Stillwater and was taken to the insane asylum at Rochester and there died. Before the governor granted his reprieve, the Supreme Court had reviewed the case January 14, 1890, and had affirmed the sentence of the lower court.

The story of the crime is quickly told. At about 7 o'clock in the evening of Friday, November 23, 1888, the defendant and the deceased, Frank Dodge, left the village of Morton, to drive in a buggy to the village of Redwood Falls, a distance of seven miles. At a later hour of the same evening the defendant came, with the team, to a hotel in Redwood Falls, where he remained that night. At an early hour the following morning the dead body of Dodge was found lying at the side of a street in Redwood Falls. He had been shot, the ball having entered the head on the back side, and passed through the brain. Saturday evening, the 24th of November, the defendant was arrested for the homicide, and imprisoned in a room used for the purposes of a jail. Subsequently, Holden told two different stories: One was that he had left Dodge in Redwood Falls and had never again seen him alive. The other was that Dodge killed himself while riding in a team with him and that he subsequently left his body by the side of the road. The testimony was voluminous but in substance showed as follows: That the weapon was discharged very close to the head of the deceased, the hair being burned about the wound; the discovery of appearances of blood upon the defendant's overcoat, which the defendant said must have got on the coat when he was [473] getting the body of the deceased out of the buggy; the appearance of blood, also, in the buggy, and on the robe used in the buggy; the fact that the deceased probably had a roll of money in bills, to the amount of about \$100 including a new \$20 bill, and that, while immediately after the homicide the defendant professed to have no more than about four

or five dollars in money, he had in his possession some \$80 in bills, including a \$20 bill; that after his arrest he attempted to conceal this money, so that the sheriff should not find it; that appearances of blood were found on the money; that the defendant, according to his own statement, threw away the pistol which he had before the homicide, and it was not afterwards found; that the bullet was of the proper size to fit the defendant's pistol. The overcoat and robe and money were exhibited to the jury as evidence, and attention was called to the marks claimed to have been blood-stains.

The only hanging in Redwood county was that of William Rose, convicted in the district court for the murder of Moses Lufkin. The hanging took place on the scaffold erected for that purpose in what is now the alley back of the Christian Church in the city of Redwood Falls. The victim, an elderly man, was assassinated in the town of Gales, in the county of Redwood, at the house of his relative, the witness, Slover, who was well acquainted with defendant, at about 8 o'clock in the evening of August 22, 1888. He was at the time seated on a lounge against the north window of the room, conversing with Slover. The window was uncovered, except with mosquito netting over the lower half, and the lower sash was raised. His left shoulder rested against the window casing, leaving a portion of his back exposed to view from the outside. While, so engaged, he was suddenly shot, and immediately expired. The shot must have been fired from the outside, and the direction of the weapon adjusted by the assassin with reference to the height of the window above the ground, and within a few feet of it. The ball passed through the body of the deceased, and pieces of it were picked up afterwards in the room. Slover, who sat nine feet away, immediately "jumped" to the window, looked out, and testified that he saw a person fleeing in an opposite direction, about thirty feet away, whom he recognized to be the defendant, William Rose, who was well known to him, though he did not have a view of his face. Rose was duly indicted by the grand jury, was tried three times before the district court, the jury in each of the first two trials disagreeing, and on the third trial he was found guilty, was sentenced to be hanged, and the sentence affirmed by the supreme court, July 28, 1891.

John O'Connell was murdered at his home in Westline August 2, 1897. While suspicion was strongly directed, there was no evidence upon which an indictment could be secured. [474]

Gustav Metag killed Frederick Kuehn in Sherman township in the fall of 1897. He was convicted and sent to Stillwater for life. A number of influential citizens interested themselves in his behalf and he has recently been released. Kuehn had disposed of his farm to a man who leased it to Metag, but was still living in a shack on the place. Kuehn interfered with Metag's farming in various ways. At last, after a vigorous dispute over a question of grain threshing, Metag, in a heat of passion, ended Kuehn's life by shooting. Metag's sentence was subsequently commuted by the board of pardons, and he was thereafter released from the prison on parole by the board of paroles.

October 25, 1899, Frank E. Babcock, a well-to-do farmer living a mile and a half west of Redwood Falls, killed his wife and three boys, aged five, eight and fourteen years. He first shot his wife in the barn, then wrote a note saying that he had intended to shoot a rooster and killed her by mistake. Then he went out and shot the two younger boys where they were playing in the yard. The older boy was at work in a field about a half mile distant, and he next went out to him, bade him unhitch the horses from the plow, stepped back some distance and shot him, and then immediately ended his own life.

Willis Tibbetts, on September 2, 1909, killed his daughter, Dorothy, and a young lady, Cecil Morton, in Delhi township and then ended his own life.

Ira B. Pratt died November 16, 1910. It was alleged that his death was hastened by blows received at North Redwood. Virgil L. Mallett was arrested in connection with the death, charged with murder in the first degree and with manslaughter. He was tried in the district court, was convicted of assault and sentenced to six months in jail.

The Seaforth arson cases are still occupying wide attention in Redwood county. Thomas H. Jordan and M. E. Garvey, two energetic young land men from Iowa, acquired the hotel at Seaforth and hired J. W. Keyes to operate it. This hotel, which was the finest in the county, was burned to the ground on Easter morning, 1915. A number of the occupants narrowly escaped with their lives. Previous to the fire, the owners had increased the insurance and made what was afterwards proved to be a bogus sale of the property to Keyes. The insurance companies and the state fire marshal at once began to investigate. Keyes, who was found by the fire marshal in Iowa, confessed that he set the fire at the instigation of Jordan and Garvey. He was taken to Minneapolis, where, with the fire marshal, stenographers listening on the wire, he called up Jordan and demanded money. Jordan, making some damaging admissions, sent him a check for \$100 by his brother. A photograph of this check was afterwards introduced as evidence. Keyes was tried in the fall of 1915, [475] pleaded guilty, and was sent to Stillwater. Jordan was tried in the fall of 1915 and the jury disagreed. He was again tried in the spring of 1916 and convicted. The trial of Garvey is yet to be had.

CIVIL CASES.

An attempt to tax railroad property in Redwood county resulted in a decision of the supreme court January 11, 1875, and that court affirmed the decision of Judge Cox that the lands had been illegally assessed and discharging them from the taxes, costs, penalties and the like incident thereto.

The case came before the court under the provisions of Section 120, Chapter 1, laws of 1874, the contention being over the question of whether the immunity from taxation enjoyed by the Transit Company lands had descended to the Winona & St. Peter Railroad Company.

It appeared that the lands sought to be subjected to taxation "were granted and conveyed by the government of the United States to the Territory of Minnesota, to aid in the building of said line of

railroad, under and in pursuance of an act of Congress, approved March 3, 1857, entitled ‘An act making a grant of lands to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said state’; and under an act of Congress, approved March 3, 1865, entitled ‘An act extending the time for the completion of certain land-grant railroads in the states of Minnesota and Iowa, and for other purposes’; and under and in pursuance of an act of Congress, approved July 3, 1866, entitled ‘An act relating to lands granted to the State of Minnesota to aid in constructing railroads’; and under and in pursuance of certain acts of Congress amendatory of said acts.

“That said lands were, prior to the first day of January, 1874, conveyed by the governor of the State of Minnesota, and deeded to the said Winona & St. Peter Railroad Company, under and in pursuance of an act of the legislature of the Territory of Minnesota, approved March 3, 1855, entitled ‘A bill to incorporate the Transit Railroad Company’ ; and under and in pursuance of an act of the legislature of said Territory of Minnesota, approved May 22, 1857, entitled ‘An act to execute the trust created by an act of Congress, and granting lands to the Transit Railroad Company’ ; and under and in pursuance of an act of said legislature of the State of Minnesota, approved March 10, 1862, entitled ‘An act to facilitate the construction of a railroad from Winona westerly by way of St. Peter’ ; and under and in pursuance of an act of the legislature of said State of Minnesota, approved March 4, 1865, entitled ‘An act to authorize the Winona & St. Peter Railroad Company to consolidate with the Minnesota Central Railroad Company, and to bridge the Mississippi River.’

“That said lands were, at the date of the assessment thereof [476] for taxes of 1873, owned by the said Winona & St. Peter Railroad Company, and are still owned by the said company ; and were, by the assessors, placed on the lists for taxation for the said year 1873.

“By Section 4, Sub-chapter 2, of the act of May 22, 1857, it is enacted that the lands granted by said act to the Transit Railroad Company, ‘Shall be and are exempted from all taxation, until the

same shall have been sold and conveyed by said company.’” The decision was therefore rendered accordingly. (21 Minn., 315.)

The effort on the part of the county to collect taxes on land of the Winona & St. Peter Land Company occupied the attention of the courts for several years. Two important decisions were rendered in Brown county and two in Redwood county. The two Brown county decisions (38 Minn., 397) and (39 Minn., 380) were subsequently modified to accord with the Redwood county decision.

In the year 1886 certain lands in Redwood county then owned by the Winona & St. Peter Railroad Company and which had not hitherto been assessed for taxes were assessed by the county and for taxes for previous years, some for each year following 1869, others for each year following 1870 and others for each year following 1871. Each parcel of land being assessed for each year subsequent to its conveyance by the state to the Winona & St. Peter Railroad Company and subsequent to the execution on October 31, 1867, of the contract between that company and D. N. Barney, Barney being succeeded by the Winona & St. Peter Land Company. None of the lands were assessed or any steps taken to enforce any taxes against them until 1866, when in pursuance with the provisions of General Statutes 1878, Chapter 11, Section 113, as amended by Laws of 1881, Chapter 5, and Laws of 1885, Chapter 2, Section 23. The county auditor entered them upon the assessment and tax books, assessed them, and extended taxes against them, on the tax list for the current year, for each year subsequent to the dates when the lands were conveyed by the state to the railway company, and included in the amount of such taxes interest thereon from the time they would have become delinquent had they been assessed in the proper years. The taxes so assessed remaining unpaid on the first Monday of January, 1888, were included in the delinquent list filed in the district court, and the Winona & St. Peter Land Co. answered, alleging its objections, which were overruled by Judge Webber, and judgment was ordered and entered for the amount of such taxes and interest, and also for a penalty of 10 per cent on such amount, as accruing June 1, 1887, and a further penalty of 5 per cent as accruing in January, 1888, because of non-payment.

(General Statutes 1878, Chapter 11, Section 69, as amended by Laws 1885, [477] Chapter 2, Section 15.) At the defendant's request, the case was certified to the Supreme court. The reason the lands were not assessed before 1886 was found by the court to be "That neither the township assessors nor the county officers in said Redwood county had any knowledge of the existence of the contract or agreement between the Winona & St. Peter Railroad Company and Barney (Exhibit W) until about the first day of September, 1886, and they presumed said lands were exempt from taxation."

All of the lands formed part of the land grant of the Winona & St. Peter Railroad Company, and were all included in the contract with Barney and others, the effect of which contract was (as held in the cases referred to in the opinion) to render them taxable immediately upon their conveyance by the state to the railroad company, although, by the terms of the grant, the lands granted were "exempted from all taxation until the same shall have been sold and conveyed by said company"; the court having held that the Barney contract was in effect a conveyance.

The case was appealed to the supreme court, was submitted at the October term of 1888 without argument and re-argued May 24, 1889. A motion by the plaintiff for another re-argument was denied June 3, 1889.

The lengthy opinion was to the effect that no penalties, interest, etc., could be assessed in this case against the land company, the company having had previously no opportunity to pay the original assessment. It was also held that the six-year statutes of limitation run against this land and therefore taxes could be collected for only six years. The matter was therefore remanded to the district court, to amend or modify its judgment so as to exclude or deduct therefrom all interest which was included in the amount of taxes as assessed and extended against these lands in 1886, also all penalties, and also all taxes barred by the statute of limitations. Accordingly the case went back to Judge Webber, who ordered that his judgment heretofore entered be vacated and "Ordered further that for the amount of taxes heretofore assessed and levied against said

several pieces or parcels of land by the auditor of said county in the year 1886, for the year 1880, and all subsequent years, and now appearing on said delinquent lists, the said lands are liable, but not for any interest or penalties appearing thereon; and that the same is a lien," etc., and that, unless paid, the lands be sold, etc. On application of defendant the entry of judgment was stayed and the case again certified to the supreme court to determine whether taxes for the year 1880 not assessed until 1886 were barred by the statute of limitations previous to the filing of the delinquent list in January 1888 with the clerk of district court. The supreme court adhered to its previous decision in the Brown county cases that the taxes for 1880 were not barred. [478]

The county therefore received taxes on the land in question, beginning with the year 1880, but no liabilities for penalties for non-payment were incurred before the assessment of 1886. (40 Minn., 512) (42 Minn., 181).

The case of the State of Minnesota ex rel. George Holden vs. Village of Lamberton created much interest in the wet and dry circles of the county in the day when that question did not occupy the commanding position in the thoughts of the people that it does today. It appeared that an election was held at Lamberton in March, 1887, and that the "No license" ballots exceeded the license ballots by one. In June following the city council recanvassed the vote, declared that one "No license" ballot was illegal, that the vote was therefore a tie, and consequently not against license. Licenses were accordingly granted. The case was brought before the supreme court on a writ of certiorari.

The court decided that: "The action of a village council in recanvassing the votes cast three months before, at an election under the local option law (such recanvassing not being a part of the election proceedings), is wholly unauthorized and without effect, and the writ of certiorari will not be allowed for the purpose of bringing it up for review.

“The granting of a license by the village council to sell intoxicating liquor is not an act of a judicial character for which such a writ will be granted.

“Courts will not review the action of public officials at the suit of an individual who has no peculiar interest therein.

“Therefore, the respondents’ (the village officials) motion to quash the writ is granted.” (37 Minn. 362.)

The misfortune of Amasa Tower in connection with his administration of the office of county treasurer came before the Supreme court, May 20, 1881, in an appeal from Judge Cox in the case of the board of county commissioners of Redwood county vs. Amasa Tower and his bondsmen. On the night of May 27, 1879, burglars broke into the court house and stole \$1,099.66, consisting of county funds in Tower’s custody, plus \$50 which was a part of the state land fund. The county sued Tower and his bondsmen for the amount, and Tower secured a verdict from a jury. Tower and his bondsmen then filed an appeal against an order granting a new trial. The higher court held that Tower and his bondsmen were liable to the county for the full amount minus the \$50, which was a part of the state land fund and for which he was responsible to the state. The order granting a new trial was therefore affirmed. Tower gave up his farm and all his property and went to the Dakotas where he homesteaded a piece of land in an effort to start life anew. He was there struck by lightning and instantly killed. (28 Minn. 45.)

Michael M. Madigan, for many years a member of the Red[479]-wood county bar, former county attorney and former county superintendent of schools, served a term in the state penitentiary charged with perjury. His trial, his conviction, and his subsequent efforts to have the records of his conviction set aside attracted state wide attention and was twice considered by the Supreme Court of the state.

Madigan was indicted by the grand jury on November 18, 1893, for the crime of perjury in swearing before a notary public on April 5,

1893, to an affidavit stating that he was attorney for Peter N. Romnes and that Halver T. Helgeson and Ole H. Mogan were indebted to Romnes in the sum of \$500. Helgeson and Mogan were partners, dealing in merchandise at Belview, and were insolvent and applied for advice to Madigan who was an attorney practicing at Redwood Falls. He recommended them to make an assignment under Laws 1881, chapter 148, and overlooking laws 1889, chapter 30, amending that statute, had them make a note to Romnes for \$500 antedated April 27, 1892, due November 1, 1892, on which he brought suit in Romnes' name April 5, 1893, and made this affidavit for and obtained a writ of attachment. They then assigned. They owed Romnes nothing and he never employed Madigan. The place of trial upon the indictment was on Madigan's motion changed to Brown county and he was on January 27, 1894, found guilty and sentenced to confinement at hard labor in the state prison at Stillwater for a term of three years and three months. (57 Minn. 425.)

He petitioned for a new trial and the Supreme Court denied the appeal and affirmed this sentence. Upon his release from prison at the expiration of his sentence, Madigan returned to Redwood Falls and resumed the practice of law, and shortly thereafter, still feeling that his conviction was unjust, brought a proceeding to have the judgment of his conviction reviewed and set aside. The matter was heard before Judge Webber, then judge of the district court, and by him denied. Madigan then appealed to the Supreme Court where the ruling of the lower court was affirmed. (State vs. Madigan, 66 Minn. 10.) Thereafter and upon such affirmation the state bar association filed charges against Madigan asking for his disbarment, and he was thereupon disbarred from the practice of law in this state. He then moved to Seattle, Washington, applied for admission to the bar of that state, which application was granted, and he there resumed the practice of law, remaining there for some five years and until his death about 1905.

William H. Hawk, clerk of court, was indicted by the grand jury June 16, 1880, charged with embezzlement. The action was dismissed December 11, 1882. Hawk was charged with misappro-

priating some funds deposited with him by a private citizen. It was proven that as an official of the county, he was not the [480] proper depository for the money and therefore on this technicality he escaped responsibility for his use of the funds. He escaped criminal responsibility for converting money to his own use.

The failure of the Citizens State Bank of Redwood Falls was the cause of several law suits, among which was that of the board of county commissioners against the Citizens State Bank of Redwood Falls and others. This action was brought on a bond given May 2 1894, by the defendant bank as a depository of county funds, pursuant to the provisions of G. S. 1894, sections 730, 731. The bond, after reciting that the bank had been duly designated as a depository of the funds of the county for the term of two years from the date thereof, and had agreed to pay interest thereon at 2 per cent, per annum, on monthly balances, was conditioned that it—
“Shall well and truly credit such interest on such monthly balances to said county, and shall well and truly hold such funds, with accrued interest, subject to draft and payment at all times on demand, and shall well and truly pay over on demand, according to law, all of said funds which shall be deposited in said bank pursuant to said designation and said statutes aforesaid, and all of the interest so to be credited.”

During the life of the bond the bank became insolvent, and made an assignment for the benefit of its creditors. At this time it was indebted to the county for county funds deposited with it in the sum of \$3,642.74 which not having been paid on demand, is sought to be recovered from the sureties on the bond. The court directed a verdict in favor of the sureties upon the evidence, which disclosed the following state of facts: The bank had been designated depository of county funds for the two years immediately preceding, and as such was indebted to the county in the sum of \$5,341.79 for moneys deposited with it during that term. This first term being about to expire, and a second term, under a new designation, about to begin, for which a new bond was to be executed, the county treasurer and the officers of the bank made an arrangement by which the former drew his check on the bank for

the amount of the balance, and received in exchange therefor a draft on New York for an equal amount, with the understanding that he should never present or forward it for payment, but should hold it until after the new bond was delivered and approved, and then redeposit it to the credit of the county. Defendant bank had no funds in the hands of the drawee with which to meet this draft, and as a matter of fact, if it had been presented for payment, it would have been dishonored. This arrangement was carried out, and on May 9 the county treasurer returned the draft to the bank, which credited the county with the amount as a deposit of that date of so much money.

The account of the county was kept in the form of an open account, the same as that of any depositor, except, of course, [481] that monthly balances were struck for the purpose of computing the interest to be credited to the county. Subsequently, from time to time, the county made deposits aggregating \$14,618.16, and during the same time drew out various sums aggregating \$16,317.21, leaving the balance due the county (including the \$5,341.79) at the time the bank failed, \$3,642.74.

In the suit before the district court a verdict was rendered in favor of the defendants on various technical grounds and a new trial denied. The Supreme Court found that the \$5,341.79 due on the account at the end of the first term had been fully discharged by the subsequent payments, and the balance of \$3,642.74, due when the bank failed, was properly referable and chargeable to moneys deposited during the second term, for which the defendants were liable on their bond. Hence the court erred in directing a verdict in their favor. The order was reversed, and a new trial ordered. (67 Minn. 236.)

JUSTICE COURTS.

A study of the justice courts is a most interesting subject, especially regarding their proceedings in the early days. Such a study, however, is beyond the scope of this work. In the days of the earliest settlers, the justice courts were flooded with many suits brought by

irresponsible persons for spite purposes. To correct this evil, county commissioners on March 2, 1868, ordered that any persons bringing suit before any justice in the county should first give security for the cost. This resulted in a decided decrease in the number of justice cases heard in the county in the next few years.

MUNICIPAL COURT.

The city charter of Redwood Falls, approved by the legislature, April 1, 1891, provided for a municipal court. H. D. Baldwin was appointed judge of this court and held his first session in June, 1891. He held his last session early in 1895. In a case early in that year, I. M. Olsen, now judge of this district, then a practicing attorney of Redwood Falls, raised the question of the legality of the court. The charter had passed the legislature by the necessary majority, but the vote lacked being two-thirds of the members of the legislature. By constitutional provision, a court can not be established in this state by less than two-thirds vote of the legislature, consequently, though the charter was perfectly binding and legal, the establishment of the municipal court was not. The legislature being in session when Judge Olsen discovered this defect, chapter 229 of the General Laws of 1895, was accordingly passed. This act which, with the exception of the [482] matter of appeal, was almost an exact duplicate of the municipal court enactment in the Redwood Falls charter was at once passed. D. A. Stuart, appointed municipal judge by the governor, held his first session in April, 1895. He held until the next election when H. D. Baldwin again became the judge, taking office in January, 1896. He was succeeded in January, 1899, by Joseph Chadderdon who served until the summer of 1902, when he died. He was succeeded in turn by A. R. A. Laudon, who was appointed by the governor and served until January, 1911, when he was succeeded by the present judge, Finley A. Gray. The municipal court has the same criminal jurisdiction as a justice court and civil jurisdiction up to \$500. Alfred C. Dolliff is the special municipal judge.

PROBATE COURTS.

The list of the probate judges will be found in this work in the chapter entitled "County Officers and Buildings." The probate affairs of this county have been administered with prudence, and while a vast amount of cases have been handled, comparatively few have been appealed to the higher courts.

APPEALED CASES.

The following cases from Redwood county have been passed upon by the Supreme Court.

State vs. Winona & St. Peter Land Co., 21 Minn. 315. George P. Wilson for the state, Wilson and Taylor for the defendant. Appeal from Hanscombe. Order affirmed.

John A. Willard vs. Board of County Commissioners of Redwood County, 22 Minn. 61. M. G. Willard for appellant, M. E. Powell and Erwin & Pierce for respondent. Appealed from Hanscombe. Reversed.

Ada M. Pickett vs. Rufus S. Pickett, 27 Minn. 299. Frank L. Morrill for appellant. Appealed from Cox. Judgment reversed.

Sherman P. Terryll vs. Samuel E. Bailey, 27 Minn. 304. Baldwin, Miller & Morrill for appellant, Alfred Wallin for respondent. Appealed from Cox. Order reversed.

James M. Hillebert vs. Alva J. Porter, 28 Minn. 496. Lewis & Lislie for appellant, Chas. R. Davis & Sumner Ladd for respondent. Appealed from Cox. Judgment affirmed.

Board of County Commissioners of Redwood County vs. Amasa Power and others, 28 Minn. 45. Baldwin, Miller & Morrill for appellants, Alfred Wallin for respondent. Appealed from Cox. Order affirmed.

State ex. rel. Emma Lee vs. I. M. Schaack, 28 Minn. 358. Alfred Wallin for appellant, Frank L. Morrill for respondent. Appealed from Cox. Judgment reversed. [483]

Samuel D. Coykendall vs. Asa May and others, 29 Minn. 162. A. B. Jackson for appellants, D. M. Thorp & B. F. Webber for respondent. Appealed from Cox. Remanded. Plaintiffs appeal from order of Oct. 21, 1881, affirmed at same time.

John J. Schoregge and another vs. Bishop Gordon and others, 29 Minn. 367. Seagrave & Smith (sic) for defendants, Brown & Wiswell & Wm. Schoregge for plaintiffs. Appealed from Cox. Affirmed.

Geo. Ross and another vs. Henry Evans, 30 Minn. 206. D. M. Thorp for appellants, M. M. Madigan for respondent. Appealed from Baldwin. Order affirmed

N. A. Carlson vs Hiram Small, 32 Minn. 439. M. M. Madigan for defendant, Redding & Laing for plaintiff. Appealed from Webber. Order affirmed.

C. P. Carlson vs. Hiram Small, 32 Minn. 492. M. M. Madigan for defendant, Redding & Laing for plaintiff. Appealed from Vanderburgh. Order affirmed.

Elias Bedal vs. Cyrus B. Spurr, 33 Minn. 207. D. M. Thorp and J. M. Thompson for appellant, John Lind for respondent. Appealed from Webber. Order affirmed.

Chas. Chester and another vs. P. L. Pierce and wife, 33 Minn. 370. M. M. Madigan for appellants, D. M. Thorp for respondent. Appealed from Webber. Order affirmed.

D. M. Thorp vs. Joseph Lorenz, 34 Minn. 350. D. M. Thorp and T. M. Quarton for appellant, M. Madigan for respondent. Judge not given. Appeal dismissed.

C. Aultman & Co. vs. Knud Olson, 34 Minn. 450. P. A. Foster and M. M. Madigan for appellant, Baldwin & Ward & J. M. Thompson for respondent. Appealed from Webber. Order affirmed.

Elias Dillon and others vs. Chas. Porter and others, 36 Minn. 341. Chas. C. Wilson and Geo. W. Somerville for appellants, M. M. Madigan and J. M. Thompson for respondents. Appealed from Berry. Order reversed.

Peter Ortt vs. M. & St. L. Ry. Co., 36 Minn. 396. J. D. Springer for appellant, E. St. Julien Cox for respondent. Appealed from Webber. Order reversed and a new trial awarded.

State ex. rel. Geo. Holden vs. Village of Lamberton, 37 Minn. 362. Geo. W. Sommerville for relator, J. M. Thompson for respondent. Dickinson, judge. The respondent's motion to quash the writ is granted.

County of Redwood vs. Winona & St. Peter Land Co., 40 Minn. 512. Moses E. Clapp, attorney general, and M. M. Madigan for plaintiff, John M. Gillman and Towney & Randall and John H. Dillon for defendant. Appealed from Webber. Remanded.

J. R. Thompson vs. H. T. Winter, 7042 Minn. 121. John H. [484] Bowers for appellant, J. M. Thompson for respondent. Appealed from Webber. Order reversed.

County of Redwood vs. Winona & St. Peter Land Co., 42 Minn. 181. Mose E. Clapp, attorney general, for plaintiff, J. M. Gilman and Tawney & Randall for defendant. Appealed from Webber. Judgment affirmed.

State of Minnesota vs. Clifton Holden, 42 Mimi. 350. Chas. C. Wilson for appellant, Moses E. Clapp, attorney general, and H. N. Childs and M. M. Madigan for State. Appealed from Webber. Order affirmed.

State vs. Redwood Falls Building & Loan Association, 45 Minn. 154. M. M. Madigan for State, John H. Bowers for defendant. Appealed from Webber. The determination of district court is affirmed.

State of Minnesota vs. William Rose, 47 Minn. 47. Erwin & Wellington & F. S. Brown for appellant, Moses E. Clapp attorney general, H. W. Childs and M. M. Madigan for State. Appealed from Webber. Order and judgment affirmed and case remanded for further proceedings.

E. G. Comstock vs. Niels C. Frederickson, 51 Minn. 350. Munn, Boyesen & Thygeson and John Gillman for appellant, H. D. Baldwin and M. M. Madigan for respondent. Appealed from Webber. Order reversed.

Alfred Shrimpton & Son vs. F. W. Philbrick, 53 Minn. 366. L. G. Davis and J. A. Eckstein for appellant, M. M. Madigan for respondent. Appealed from Webber. Order affirmed.

State of Minnesota vs. Michael M. Madigan, 57 Minn. 425. H. J. Peck and Joseph A. Eckstein for appellant, H. W. Childs, attorney general, Geo. B. Edgerton, his assistant, and S. L. Pierce for State. Appealed from Webber. The order appealed from should be affirmed. So ordered.

John Webber vs. Winona & St. Peter Ry. Co., 63 Minn. 66. Brown & Abbott for appellant, Frank Clague for respondent. Appealed from Webber. Order affirmed.

James L. Byram vs. James Aiken, 65 Minn. 87. S. L. Pierce and John Lind, for appellant, John H. Bowers and Sommerville & Olson for respondent. Appealed from Webber. Order reversed.

Jenny Cain vs. E. N. Mead, 66 Minn. 195. John H. Bowers and Young & Mercer for appellant, Somerville & Olson for respondent. Appealed from Webber. Order affirmed.

Joseph Schweinfurter vs. Herman G. Schmahl, 69 Minn. 418. W. J. McLeod for appellant, Baldwin & Patterson for respondent. Appealed from Webber. Judgment affirmed.

Board of County Commissioners of Redwood County vs. Citizens Bank of Redwood Falls and others, 67 Minn. 236. H. W. Childs, attorney general, George B. Edgerton, assistant attorney general, Arthur M. Wickwill and Frank Clague for appellant, B. [485] H. Schriber and Somerville & Olson for respondents. Order reversed and new trial ordered. Appealed from Webber.

Justin F. Jones vs. Northern Trust Co., 67 Minn. 410. John M. Rees for appellant, Carman N. Smith for respondent. Appealed from Webber. Order reversed.

Lizzie H. Francois vs. Robert P. Lewis, 68 Minn. 408. Bishop H. Schriber for appellant, Somerville & Olson for respondent. Appealed from Webber. Order affirmed.

Mary Scanlon vs. John Grimmer and others, 71 Minn. 351. S. L. Pierce for appellant, J. A. Sawyer for respondents. Appealed from Webber. Judgment reversed and new trial ordered.

William P. Abbott vs. Ole O. Moltstedt and another, 74 Minn. 293. Baldwin & Patterson and Palmer & Beck for appellant, A. C. Dolliff for respondents. Appealed from Webber. The judgment of the trial court is reversed, and it is directed to enter judgment on the findings of fact in favor of plaintiffs for the relief demanded in complaint.

E. E. Harriott vs. C. L. Holmes, 77 Minn. 245. D. A. Stuart for appellant, E. E. Harriott, pro se. Appealed from Webber. Order reversed and new trial granted.

McCormick Harvesting Machine Co. vs. John H. Belfany, 78 Minn. 870. Frank Clague and Somerville & Olson for appellant, Seward & Burchard for respondent. Appealed from Webber. Order affirmed.

State vs. Lester Rollins, 80 Minn. 216. D. A. Stuart for appellant, W. B. Douglas, attorney general, C. W. Somerby, assistant attorney general, Frank Clague, county attorney, for respondent. Appealed from Webber. Order affirmed.

F. W. Orth vs. C. A. Pease, 81 Minn. 374. John H. Bowers and W. A. McDowell for appellant, Baldwin & Howard and Albert Hauser for respondent. Appealed from Webber. Order affirmed.

A. J. Finnegan vs. Camile A. Brown and others, 81 Minn. 508. S. & O. Kipp for appellant, Somerville & Olson for respondents. Appealed from Webber. Order affirmed.

Herman G. Schmahl and another vs. Walter A. Thompson and another, 82 Minn. 78. Stuart & Glover and Joseph Chadderdon for appellants, John H. Bowers, Baldwin & Howard and W. M. Milchrist for respondents. Appealed from Webber. Order reversed.

T. C. Shove vs. E. J. Martine, 85 Minn. 29. Pierce & Harriott for appellant, Bowers & Howard and Somerville & Olsen for respondent. Appealed from Webber. Order affirmed.

Jane Parsons vs. Hannah C. Vining, 85 Minn. 37. A. C. Dolliff for appellant, Bowers and Howard for respondent. Appealed from Webber. Judgment affirmed.

Fred Watschke vs. Joel P. Thompson and others, 85 Minn. 105. [486] W.A. McDowell for appellant, Albert Hauser and Somerville & Olsen for respondent. Appealed from Webber. Order affirmed.

G. E. Holden vs. Orlando B. Turrell and others, 86 Minn. 214. Bowers & Howard and H. D. Baldwin for appellant, J. A. Sawyer for respondent. Appealed from Webber. Order affirmed.

Henrietta A. Clark vs. Albert E. Clark, 86 Minn. 249. Bower & Howard for appellant, A. C. Dolliff for respondent. Appealed from Webber. Judgment reversed, new trial granted.

Mary M. Birum vs. Isaac Johnson, 87 Minn. 362. A. E. Clark for appellant, Bowers & Howard for respondent. Appealed from Webber. Order affirmed.

Richard Peach vs. Ed. Reed, 87 Minn. 375. Elinor Hoidale and Pierce & Harriott for appellant, George T. Olsen and Somerville & Olsen for respondent. Appealed from Webber. Judgment affirmed.

Nessie Margaret McKittrick vs. William F. Cahoon, 89 Minn. 383. Bowers & Howard for appellant, M. E. Mathews for respondent. Appealed from Webber. Order reversed and case remanded.

J. H. Queal & Co. vs. B. F. Bulen and another, 89 Minn. 477. Wilson Borst for appellant, Somerville & Olsen for respondent. Appealed from Webber. Order appealed from affirmed.

C. Fred Thompson vs. C. O. Borg, 90 Minn. 209. Pierce & Harriott for appellant, Bowers & Howard for respondent. Appealed from Webber. Judgment reversed and new trial granted.

A. E. Finnegan vs. Camile A. Brown and others, 90 Minn. 397. S. & O. Kipp for appellant, Somerville & Olsen for respondent. Appealed from Webber. Judgment reversed.

Jane A. Phillipps and another vs. Knud B. Mo and others, 91 Minn. 311. Thomas Hessian, C. R. Davis and P. J. McLaughlin for appellants, Somerville & Olsen for respondents. Appealed from Webber. Affirmed without prejudice to plaintiff's right to apply for a modification of the findings.

State vs. E. Boehm, 92 Minn. 374. W. J. Donahower, attorney general, and C. T. Howard, county attorney, for plaintiff. A. C. Dolliff for defendant. Appealed from Webber. Case remanded for further proceedings in the court below.

Lawrence King vs. Coe Commission Company, 92 Minn. 52. Bowers & Howard and Wilson & Mercer for appellant, George D. Emery for respondent. Appealed from Webber. Order affirmed.

John A. Lucy vs. R. R. Freeman, 93 Minn. 274. Charles R. Fowler, Fred B. Dodge and Korn & Johnson for appellant, Somerville & Olsen, Clague & Emerson, and Wm. G. Owens for respondent. Appealed from Webber. Order reversed, new trial granted.

George A. DuToit vs. Village of Belview, 94 Minn. 128. A. C. Dolliff for appellant, W. C. Odell for respondent. Appealed from [487] Webber. We discover no reason for disagreeing with the trial court, and the judgment appealed from is affirmed.

Jane A. Phillipps and another vs. Knud E. Mo and others, 96 Minn. 42. Fred B. Phillips and Ernest S. Cary for appellants, Somerville & Olsen for respondents. Appealed from Webber. Order affirmed.

State ex rel. Jane A. Phillips and others vs. B. F. Webber, 96 Minn. 348. Writ of mandamus directed to the judge of the district court for the county of Redwood. Fred B. Phillips and Ernest C. Cary for relators, Somerville & Olsen for respondent. Ruling of learned trial judge was correct and that the order to show cause must be discharged. So ordered.

State ex rel. Fred B. Phillips vs. District Court of Redwood County, 98 Minn. 136. Fred B. Phillips, pro se., Somerville & Olsen for respondent. Appealed from Webber. Writ discharged.

Henry Jenning vs. August Rohde and another, 99 Minn. 335. Albert Hauser and Somerville & Olsen for appellant, Thomas E. Davis and A. C. Dolliff for respondents. Appealed from Webber. Order affirmed.

A. W. Edwards vs. Michael Morley, 100 Minn. 542. A. C. Dolliff for appellant, Frank Clague for respondent. Appealed from Webber. Order affirmed.

John Casserly vs. James J. Morrow and others, 101 Minn. 16. James A. Kellogg for appellants, C. W. Gilmore and Joe Kirby for respondent. Appealed from Webber. Order affirmed.

George L. Evans vs. City of Redwood Falls and others, 103 Minn. 314. A. C. Dolliff for appellants, A. R. A. Laudon and C. T. Howard for respondent. Appealed from Olsen. Order of the trial affirmed.

State ex rel. John H. Ross vs. George Posz and others, 106 Minn. 197. Somerville & Hauser for appellants, Wm. G. Owens, Albert H. Enerson and Frank Clague for respondents. Appealed from Olsen. Order reversed.

Horace L. Harmon vs. Chicago & North Western Railway Company, 107 Minn. 479; Josephine Harmon vs. Chicago & North Western Railway Company, 107 Minn. 479. Brown, Abbott & Somsen for appellant, C. T. Howard and T. M. Quarton for respondent. Appealed from Olsen. Reversed and new trial granted.

Nicholas Munsch vs. Julius Stelter and another, 109 Minn. 403. William G. Owens and Somerville & Hauser for appellant, C. T. Howard for respondents. Appealed from Olson. Affirmed.

Halguin Erickson vs. Revere Elevator Company, 110 Minn. 443. A. Frederickson and Frank Clague for appellant, D. A. Stuart for respondent. Appealed from Olsen. Order affirmed.

Kate Clark vs. Albert E. Clark, 114 Minn. 22. Somerville & Hauser and John A. Dalzell for appellant, C. T. Howard for respondent. Appealed from Olsen. Reversed and new trial granted. [488]

Wherland Electric Company vs. A. C. Burmeister, 122 Minn. 110. A. R. A. Laudon and Frank Clague for appellant, W. R. Werring, Henry Deutsch and Walter S. Whiton for respondents. Appealed from Olsen. Order affirmed.

County of Redwood vs. City of Minneapolis, 126 Minn. 512. Daniel Fish, city attorney, and W. G. Compton, assistant city attorney, for appellant, Albert H. Enersen, county attorney, and John F. Bernhagen for respondent. Appealed from Waite. Order affirmed.

Frank Schulz vs. Lewis Duel, 128 Minn. 213. Frank Clague and T. Otto Streissguth for appellant, Albert H. Enersen for respondent. Appealed from Olsen. Order reversed.

Herman Trebesch vs. Christian Trebesch and another, 130 Minn. 368. Somsen, Dempsey & Mueller for appellant, Moonan & Moonan and Albert H. Enersen for respondent. Appealed from Olsen. Judgment affirmed.

Authorship. This chapter has been compiled from various sources with the assistance of Alfred C. Dolliff, and by him the final draft has been revised, amplified and edited, and numerous additions made. M. E. Powell and Frank Clague, the oldest members of the Redwood county bar, have been consulted, as have been W. G. Weldon, clerk of court ; C. V. Everett, county treasurer; and A. R. A. Laudon, judge of probate. The list of appealed cases has been prepared by Fred B. Person.

Authority. General and Special Laws of the Territory and State of Minnesota.

Reports of the Supreme Court of the State of Minnesota.

Court Records of Redwood County in the custody of the clerk of court of Redwood county.

Records of the Municipal Court of Redwood Falls, in the custody of the judge and clerk of the Municipal Court of Redwood Falls.

The Northwestern Gazetteer, 1876-1916, published by R. L. Polk & Co.

Personal testimony of attorneys and old settlers.

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