CHAPTER FIFTEEN

The Pioneers (Continued).

GEORGE C. LEE

Judge Lee made his first appearance at the Manitowoc bar on September 30, 1854, at the same time as L. T. Warren, elsewhere mentioned. As in the case of James L. Kyle the facts relating to him are very little known, and considerable search has failed to yield any reliable information.

As I remember him he was a man about twenty-eight years of age, dark complexion, dark grey eyes, always neatly dressed, as the saying is, well groomed. His hair and beard were black, a lustrous black. He wore his hair rather long, and curled under, while his beard was closely cropped. Though only about medium height he was very dignified in his bearing, studiously polite, both in manner and speech.

Of his ancestry and residence before he came to Manitowoc I have learned absolutely nothing and as his entire stay here was only about five years he appears to have been soon forgotten. He was a bachelor and had not founded a home, but lived at the hotel on York Street, later known as the Wndietae House, all the time I knew him. I have only a hazy impression that Charles H. Walker at some time told me he came from Ohio, and that he knew him there. Judge Lee must have been elected or appointed county judge very soon after his arrival in Manitowoc as he served in that office during the years 1855–56, and was considered a very capable and efficient officer. Soon after his retirement from the duties of the county judgeship he entered into partnership with Charles H. Walker for general practice. The firm was a very strong one. Both members were very able men, well educated, and exceptionally well read in the law. They did a large business for those days, when the interests at stake were small as a rule.

In 1857 to 1859, Judge Lee held the office of district attorney, a position much to his liking, for he was a good trial lawyer, delighting in oratory and court work generally. He was a very ready speaker, off hand and fluent without notes or manuscript, and declamatory in style. He held the attention
of his audience whether a crowd or a jury by forceful delivery or expression. The Manitowoc Herald in 1856 noticing his Fourth of July oration at Clark's Mills, before an audience of some hundreds, says:

"It was the finished production of the thinker, and the scholar warmed into eloquence by the fervid glow of patriotism, which was infused into every sentiment."

Walker always spoke of him to me as a great scholar and student, more inclined to literature and literary subjects than the law, although he was a good lawyer. His end as a lawyer was sudden and tragic. It must have been in the fall of 1859, possibly 1860, that I strayed into the court-house, the court being in session. Some case which had attracted popular notice was being tried and the room was crowded. Judge Lee, then district attorney, was addressing the jury in his impetuous and dramatic way when he suddenly stopped, swayed slowly from side to side and sank to the floor. He was carried from the room in the midst of much excitement, and received the best of care. But his life work was ended. An apoplectic stroke with resulting paralysis terminated his career. He recovered to such an extent that he was able to walk a short distance, but never could resume work. After a short interval he went East and after a few months there was mention of his death.

Judge Lee was very popular and had he lived would have been a great power in the community.

CHARLES H. WALKER

Charles H. Walker was one of the strongest men in many respects, that practiced at the Manitowoc bar. He was born in Tully, Onondaga County, New York, September 5, 1828. The family removed to the "Western Reserve" in Ohio at an early date and from there came to Wisconsin, while yet a territory. While in Ohio Mr. Walker graduated from Western Reserve College, and when he came to Wisconsin studied law in the office of Fred S. Lovell, Esq., a very prominent lawyer of Territorial times, then located at Kenosha. He was there admitted to practice and remained in that city for a year or so. In the fall of 1854 he came to Manitowoc and entered on practice, forming a partnership with George C. Lee. The firm was a strong one and almost from the first did a very large business, for that period.

Of course it was expected of all members of the bar that they take a hand in politics and if a man had any gift in speaking the opportunity to use his gift was always present. There were big questions before the people. The Missouri compro-
mise, the Dred Scott decision, the Fugitive Slave law, Slavery in the Territories, and other propositions were all aired to eager listeners. "Charley Walker" was a fluent speaker and was in demand at once. He was a great favorite in the Irish settlements. He was a candidate for the assembly in 1855, and in one of his stump speeches down in Meemee referred to Ireland and intimated that he was himself of Irish ancestry. The result was something of a joke on him, for one of his Irish admirers jumped up and shouted, "There's for ye, Hooray for Paddy Walker." He got the cheers and later got the vote which elected him. He also got the nick-name of "Paddy Walker," which stuck to him till he left the county to take part in the Civil War as Captain Walker, of the Twenty-first Wisconsin, returning as major commanding the regiment. He was elected for a second term in the assembly and in 1858 was elected as county judge. He was re-elected in 1860 and was acting as judge when he resigned to enter military service.

I was brought into contact with Mr. Walker in many ways and our lives touched at many angles. He was between thirteen and fourteen years older than I, so that in my first knowledge and acquaintance with him we were not intimate. In my soldier experience in the Civil War, I served under his only brother, who was killed in battle, by my side, and when I returned at the end of the war my added years and the sobering influence of soldier life, had dispelled most of the difference of age. We met more as equals, and he treated me as such. I delighted in his companionship. He had read much in the old English authors, and delighted to talk about them and quote from them. Charles Lamb's Essays, Coleridge, De Quincey, were favorites. Nor was he lacking in knowledge of the best American writers. At the time I was a student in the office of J. D. Markham. O. F. A. Greene was in the office of Walker. I would quit my work about half-past four or five o'clock and go up to their office and join Greene for a walk.

I have said Greene was a scholar from the ground up. Often we would get into some conversation about some literary topic. Walker would join in and we would forget all about the walk, in the interest that one or another brought out in the course of our talk.

My memories of Walker are linked to many interesting hours of that kind, as well as many acts of friendly interest. When I went to Appleton to take the course at Lawrence University, it happened that there were many of his old army comrades residing there, officers of his old regiment. To these he gave me letters of introduction, and I was received with open arms as "the friend of Charley Walker."

On my return from college in vacations and after gradua-
tion, he always showed a lively interest in my welfare and gave me much helpful advice. He urged me to present myself for admission to the bar at the time I did, though I was disposed to take more time for preparation.

He was one of the examining committee, and I rather suspect steered the examination into channels he had reason to know I was familiar with.

At the period of which I have been writing, viz.: just after the close of the Civil War, Major Walker was a widower. His first wife, whom he had married about the time he came to Manitowoc, died just previous to the outbreak of the war, leaving him with a little girl, who was cared for by his sister. During war time he was married to Miss Ione Carpenter, who lived only about a year thereafter, dying while Walker was at the front. Deprived of home-life, and at the same time living in hotels, Walker spent many of his evenings in his office reading books and magazines of general literature and some of the younger men would find their way there and spend their time both pleasantly and profitably. About that time my father died, so that the old home was broken up, and like Walker, Greene, Don A. Shove, L. J. Nash, and G. A. Forrest, I led a bachelor life. This cured itself, for in about two years the whole batch were married. When wandering down town in the evening we would see the lights in Walker's office and it seemed the most natural thing in life to run upstairs where Greene or Walker, or both, would be found and general conversation would ensue.

Our talks were not in the least formal, but took a wide range. Politics, religion, literature, our law studies, and occasionally our war service, for nearly all had been in the Civil War.

Major Walker was a companionable man and looked upon home life as an essential thing. He married again, about two years after his return from the war, a widow lady of Sheboygan County. The marriage proved a happy one. He opened up the home he had built when he first came, and made it a center of hospitality. For several years he pursued the work of his profession with energy and success. Like all other men he had his weak points. He was what is called a "high liver." He was not a habitual user of intoxicants and in that respect, especially after his return from the war, was very temperate, but he was an inordinate eater of rich foods. In consequence he became full-blooded, plethoric, resulting in the bursting of a small blood vessel in the brain, an apoplectic stroke. It was not a severe one and he soon rallied and made a considerable recovery, but physicians warned him that mental labor and sedentary life was at an end. They advised him
to take up some occupation where he could be out of doors, and lead a quiet life.

He purchased as a farm the most beautiful and picturesque spot in Manitowoc County; the place now known as the "Fricke farm," near the Rapids, and built the residence thereon. His old clients and political friends among the farmers welcomed him to their neighborhood and at once elected him town supervisor, and when he appeared at the county board in 1876 he was elected chairman; the only lawyer who ever held that position.

I have referred to his fine literary tastes. He was very active in the organization of the old "Jones library." The selections of books for the library was made almost wholly by Mr. Walker and Henry Sibree and some of us who depended upon it for our literary pleasures can testify to the uniform excellence of the collection.

As to his ancestry I have told the story of how he received the name of "Paddy Walker." I do not recall the facts if I ever knew them, but the impression in my mind from talks I had with him is that his ancestry was as much English as Irish, with a liberal addition from Holland through what was known as the "Mohawk Dutch" of New York. The family came to this country some three or four generations before Walker was born so that he was about as nearly American as any one could be. His father, Lyman Walker, at the period of which I am writing lived at Ahnepee (now called Algoma) and had in quite old age been admitted to the bar. When Kewaunee County was organized he was elected district attorney and one of Mr. Walker's duties was to go to Kewaunee and try the old gentleman's cases for him.

Mr. Walker lived on his farm about two years. For a time his health seemed to improve, but the end was at hand. Another stroke followed, and another, and on November 14, 1877, he died at the age of forty-nine years.

W. H. HAMILTON

The bar of Manitowoc County have always been fortunate in having some men hold the office or jurisdiction of justice of the peace who had a good legal education, and in a number of instances were members of the bar with a full legal training. It is quite probable that questions as difficult and important as those arising in the higher courts may be raised in a justice court case, and it is some satisfaction to an attorney to know that the person before whom he argues the question is capable of understanding the force of his argument.

One of the earliest and best of these was W. H. Hamilton
who joined the bar early in 1855, or the winter of 1854. He was a practicing lawyer, who came from Racine. He was then a man of middle age, and being elected justice of the peace, qualified and soon was trying the greater part of the cases brought by the attorneys in the city. He was well grounded in the law, eminently fair and just, and was re-elected for many years. He also practiced in the circuit and county courts very successfully.

In 1855 and 1856 he was district attorney, handling the business of that office very satisfactorily. He remained in Manitowoc until after the Civil War broke out, trying cases as justice and doing some general practice. When E. B. Treat first came to this bar he formed a partnership with Hamilton, and they made a very busy firm. During the war many of the members of the Racine bar had entered the military service, and Mr. Hamilton was urged to return there, which he did, and practiced successfully for a number of years. "Squire Hamilton" had a large and interesting family. Some of them near manhood and womanhood were my school mates. His two older sons entered the army in the Civil War. The oldest was killed in one of the battles in the west, and the younger wounded and crippled. They served in the Seventh Wisconsin Battery, and "Squire Hamilton" volunteered with his boys and was made lieutenant, but was discharged before the battery left the State. The younger son came out of the war with the rank of captain.

I know nothing more than I have given of Mr. Hamilton’s antecedents, and of his subsequent career have been able to learn little. He was, as his name indicates, of Scottish ancestry. During the period of about ten years he remained with the Manitowoc bar he did a great deal of the hard but necessary work of the profession. It was work of the sort but little noticed and which brings little of fame or notoriety, and not much wealth, but which the profession appreciates when well done.

JOHN D. MARKHAM

John D. Markham, who has been frequently mentioned in these pages, was born in Wilmington, Essex County, New York, on April 23, 1828. He was a man of full age when he decided to enter the profession of law, and had only a common school education. He at once entered an academy and devoted himself to general study for a year or two, teaching school at intervals.

Later he entered the law office of Kellogg & Hale, as student and clerk and after due preparation was admitted to
practice in the New York Courts on July 5, 1855, when a little over twenty-seven years of age. He continued in the office where he had studied until May, 1856, when he came to Manitowoc, looked over the prospect and decided to locate. He was soon in active practice. He was fortunate in the time of his coming, for in the fall of the same year, Wisconsin adopted the New York Code of Practice to take effect March 1, 1857. This practice, of course, was entirely familiar to him, and gave him a decided advantage over attorneys familiar only with the common law procedure.

Mr. Markham devoted himself to the practice of his profession with great energy and success, and for more than thirty years was an exceedingly busy lawyer. Before the end of that period his two sons had grown to manhood and been admitted to the Manitowoc bar. He associated himself with them for a time and gradually withdrew from business, taking life more easily. When he died in 1906 he had been a member of the bar of Manitowoc County a little over fifty years.

At the January Term of Court in 1907 very interesting obituary exercises were held. Addresses were delivered by J. S. Anderson, L. J. Nash, and G. A. Forrest, the three senior members who had been his associates in the early years of their practice, and replied to by Judge Michael Kirwan.

Judge Anderson spoke of the early members of the bar and said, "there were able men among them, but he was equal to the best and to me he always seemed to tower above them all." "In the course of his work he was matched with many eminent in the profession and so far as I know never shirked the contest."

Mr. Nash said, inter alia: "Mr. Markham was a man who saw very directly and with swift glance the decisive facts of a controversy and he took hold of the rough, raw litigation of a new country with that success which came from the strong vigor of the man himself .... He was a wonderfully keen cross-examiner, and if he got after a witness who was in his judgment a prevaricator, why, the thunderbolts themselves were apt to fall upon him, .... I am able to say of him that his feet were away above all the cess-pools and crooked run-ways of professional life. He was absolutely true to his client. He was not willing to prosecute for any client a case that he honestly believed ought not to be won. .... He could not become a party to anything unmanly, even though it might be classed as strictly within the letter of the law. But there are higher standards, and I think Mr. Markham left us an inheritance of something in the way of professional standards that look to the manliness of the transaction and the eternal justice of the case; and that he in fact
made those higher standards the test of his engagement in his professional services."

Mr. Forrest, in the course of his remarks, said: "I found when I came here thirty-seven years ago that Mr. Markham was a strong man at this bar, by almost universal testimony. I was told that Mr. Markham drew his custom and his business not through any personal or social effort on his part—although he could not help being sociable—but by his industry, by the assurance he gave to men of his good faith in doing what he did; by his faithfulness to them and his interest in their cases. That is what drew clients and piled up his business, which at that time was, you might say, almost enormous. 

I know that he was a lawyer of much industry. He did not put off until to-morrow what he could do to-day. Mr. Markham never put anything off and he was always ready to go right ahead. He never wanted to adjourn a case. Coming here as a youth, almost, and when the code of practice was a youth, the country new, and when all of those conflicting and fearful forces were going on previous to the war—a time that tried men's souls as well as the war—he had vast complicated labor upon his hands; demanding the best of his energies. He was looked upon from the far East as a sort of Sentinel upon the watch-tower of Republican and Anti-slavery principles in this portion of the world."

Circuit Judge Michael Kirwan, on behalf of the court responded:

"It is, perhaps, difficult for the younger members of the bar to realize the conception that older members have of Mr. Markham's life and usefulness. Most of you never met him in the court room. There are a few of us left who saw him when he was at his best. It is but just to Mr. Markham's memory and his work to say that I think for a series of years he was the acknowledged leader of the Manitowoc bar. The first case in which it was my fortune to take part in the circuit court was one in which I found Mr. Markham was my adversary. He was a man of fame in his profession, a strong man, I was entering upon my novitiate. And yet I always look back with some degree of fondness for the man, when I think of the very courteous and considerate way in which he treated me in my first contest with him. I always found him patient, courteous, considerate, whether in opposition or in association.

Mr. Markham was a man of very strong character and forceful personality. I do not think at any time in his life he ever permitted a client to dictate to him what his course of action should be. I could never conceive of Mr. Markham by any method of crafty or subtle suggestion lead-
ing a client up to the sort of legal line which divides safety from incurring some peril in assisting in the fabrication of testimony. He had an abhorrence for any work of that kind and I have frequently heard him speak of it in terms of very strong denunciation. . . . Outside of his profession as well as in it Mr. Markham was a man of eminence in his day. I know that in all matters which concerned the public welfare, in all matters of public interest—even so far back as when I was a boy—that Mr. Markham was looked upon as one of the leaders of thought and leaders in action here in matters affecting the community as well as those affecting the interests of the party with which he was affiliated. . . .

The motion that the resolutions be adopted will be concurred in, and they will be spread upon the records of the court.

HENRY SIBREE

Henry Sibree was born in Milton, Dumbartonshire, Scotland, March 25, 1825. In 1845 he came to the United States, coming first to Lodi, N. J., where his older brother, Charles, was located. The brothers were experts in the preparing and mixing of colors used in machine printing of calicoes and other print cloths, and their services were sought in several states.

During the excitement following the discovery of gold in California in 1848 he made a voyage to that country “going round the Horn.” In 1851 he returned to New York city, where he founded a city express business, which was in existence under the name of Sibree’s Express for many years after he left the place.

In 1858 he came to Manitowoc county, settling in Kos-suth where he purchased a farm. He only remained on the farm about five years when he disposed of it, and removed to the city of Manitowoc, where he engaged in the grain business with Peter Johnston for a short time. He began the study of law in the intervals of business and finally in 1864 entered the office of J. D. Markham Esq., with the determination to enter the profession. Some time in 1865 he was admitted to practice and at once opened an office. He was elected justice of the peace in that year, and performed the duties of that office. In 1874, he formed a partnership with J. S. Anderson, the firm being Sibree & Anderson, which continued about two years, after which he continued to practice alone.

During the years 1875-76 he held the office of district attorney and was a very competent official. In the first period
of Mr. Sibree's residence in Manitowoc county, he was identified with the Republican party and remained with it, until the nomination of Horace Greeley, by the Democrats, in 1872. In that campaign he supported Greeley on the stump, in several speeches, and thereafter till his death acted with the Democratic party. He was a very capable writer and an excellent public speaker.

During the long illness of Jere Crowley, and especially for a year previous to the transfer of the Pilot by him he did the greater part of the editorial work on the paper. Though not having a collegiate or even an academic training he could easily be called well educated. During his life in New York city, he belonged to an association in which most of his fellow members were noted in literary work. Contact with such men as Henry Ward Beecher, Dr. Cheever and Henry Bowen of the Independent, together with a natural taste for letters, with wide reading and study made him a cultured man.

He was a tireless worker on behalf of the old Jones library, and one of its first board of trustees. As an after-dinner speaker he excelled and some of his oratorical efforts before a jury at the circuit were long commented upon. He died April 18, 1882, aged 57 years and 23 days.

ELLERY B. TREAT

Ellery B. Treat was born in Erie county, New York, August 30, 1838. He received a common school education and attended Aurora Academy until after 16 years of age. He soon after entered the law office of Backus & Lanning of Buffalo, N. Y., as a student and soon after coming of age was admitted to the bar at Buffalo on December 1, 1859. He came to Wisconsin in the spring of 1860 and taught school at Sharon, Walworth county, for about six months. At the outbreak of the Civil war he returned to Aurora, N. Y., and assisted in organizing a military company, of which he was commissioned lieutenant. Ill health compelled him to resign before the company was called into service.

Returning again to the west he fluctuated in his choice of a location to practice law between Chicago and Milwaukee. He was admitted to the Milwaukee bar September 16, 1861 and to the Chicago bar, three days later. He located in Chicago, and coming to Sheboygan a few months later on business, thought the outlook so promising that he settled there in the spring of 1862. In the fall election of that year he was elected district attorney of Sheboygan county.

On June 29, 1863 he married Miss Charlotte Farnsworth of Sheboygan. The Farnsworth family is famous in the pio-
neer history of Illinois and Wisconsin, being among the earli-
est whites to reach that section.

Early in 1864 Mr. Treat came to Manitowoc. He pur-
chased the library and business of William F. Nichols, who
returned to New York state. He at once formed a partnership
with W. H. Hamilton and the firm lasted about three years
when it was dissolved and Hamilton removed from Manitowoc
county. After that occurred he practiced alone until in 1872
he formed a partnership with Hon. L. J. Nash, which lasted
about two years.

In 1870 through some of his business dealings he became
owner of the Pilot and edited it for something over a year. He
proved himself a sharp, pithy writer of very readable English
but he disliked the great amount of routine detailed work
necessary in publishing a newspaper for a country circulation.

Treat was a good real estate lawyer. He was also a good
business man and he joined the two elements and profited
much thereby. He purchased lands with defective titles or
clouded titles when they had been abandoned by their original
owners, for a small consideration. He would clear up the
titles in court or by small payments obtain quit claims, to
perfect title and sell for full value.

At the time of his death he had formed a partnership
with John Franz who had been register of deeds for many
years, to build up an abstract business, and with the extension
of real estate speculation in view.

Treat was very popular with the younger lawyers and
believed in giving them a chance. The second year after I
was admitted I had gone up to the supreme court with a case
on appeal from an order sustaining a demurrer. Treat wanted
to know what I was doing that for. I said, for two things:
to secure a little time for my client, but principally "to learn
the road up to the supreme court."

Some time after I met Treat, who said to me, "Well!
you've learned the way up to the supreme court." I have got
a case where I was beaten at the last circuit. I want to take
it up to the supreme court. Take hold of it and get it up
there."

I took hold of the matter, settled my first bill of excep-
tions, took the appeal and won the case. As soon as he re-
ceived the news he asked me to come up to his office; there
he produced the judgment roll and reporter's minutes of tes-
timony, in another case tried a little over a year before in
which he had been defeated and asked me to study it up and
see if there was any possible chance to reverse the decision.
He remarked, he did not think there was and had given it up.
I took the papers, and after several days' study discovered a
point on which I afterwards procured a reversal. I went to his office and said, "Treat, I will take up your case and win it. I am certain I can get it reversed." He was incredulous. What are your grounds? I told him and showed him the Wisconsin decisions. "Take it up," he said, "and be quick about it."

These cases are reported as Fuchs vs. Treat 41 Wis. and Treat vs. Lawrence 42 Wis. The experience I gained in these matters were of great value to me, in the days to come.

Mr. Treat served two terms as district attorney of Manitowoc and proved himself a good all round lawyer. Like many other good lawyers, he lacked the patience necessary to work up bills of exceptions after a long trial, or dig long and continuously for authorities in a brief. He was industrious in that he was always doing something, but he could not stand the strain of long continuous effort upon one thing or one subject.

He died universally regretted on November 18, 1880. His age being only 42 years, 2 months and 18 days.

GEORGE N. WOODIN

It is a misfortune that so few of the facts relating to this pioneer lawyer can now be given. All his immediate descendants have died, and the local newspaper files relating to the period when he was prominent in his profession were destroyed by fire, as is also the case with the period at and next prior to his death. All that the writer has to depend upon is his memory compared with the recollection of two or three of the old residents who knew him also. A few dates in the old court records fixes time approximately, but not certainly.

My first recollection of Mr. Woodin was about 1856. He had come to Manitowoc in the spring or summer of the year as a "millwright." That was a trade common enough in those days, when nearly everything about a mill was made of wood. Water wheels, machine frames, heavy shafting, pulleys and other parts, were all made out of wood, laboriously by hand. About the time mentioned I watched Mr. Woodin build up a large driving pulley from sections of wooden plank, set it upon iron spokes, drive it upon its shaft and then turn it down to a perfect circle with chisels, as it revolved around the shaft. This was in the B. Jones sawmill. It was a business which required a good knowledge of mathematics and practical mechanics, and the old millwright as a rule was a man of more than average education and mentality.

The financial panic and money stringency of the years from 1857-60 stopped the building of mills and factories and
millwrights were compelled to seek other work. As a part of their trade or profession, they were good carpenters and joiners and Mr. Woodin did some work of that kind for a time. Some time about 1857-58 he was elected a justice of the peace and opened an office. He succeeded in gaining the confidence of the practicing attorneys in his fairness and good judgment and soon was trying a large proportion of the cases which were within his jurisdiction.

He was admitted to the bar early in 1859, but the exact date I have been unable to locate. I never heard of him as being connected with any of the local attorneys as a student. My impression is that he never did any systematic study, but picked up his knowledge by trying cases and hearing them argued before him. There is a class of men whose mental process appears to be simply a sponge-like absorption of the knowledge of other men with whom they associate.

Woodin was of that type. He was naturally a man of keen insight, of “good horse-sense” as the saying goes, and good common-sense and the common law are never very far apart. If a lawyer of some note came here to try a case, Woodin would study his methods, listen to his arguments, talk them over with other attorneys and in that way absorb a good deal of knowledge.

When he ceased to be a justice he tried a great many justice court cases, and naturally, appeals carried him often into the circuit court. When I came to the bar in 1871 he was at the height of his career and was in fact doing a large business of that kind. He could get along all right in law cases or criminal matters where the pleadings were short and process simple, where it was a day or so of examination of witnesses and an hour of talk to a jury, but to sit down and spend two or three days drafting a long bill in equity, Nay! Nay!

Although he had an active practice for over twenty years and was in fact a strong nisi prius lawyer, he never in all that time made an appearance in the supreme court. He did not lack confidence in himself and in the work he did was ready to match himself against any who came but he did not like the continuous work which cases of that kind called for.

Personally, he was companionable, sharp at repartee, witty, a great practical joker, a good story-teller, and excelled as an after-dinner speaker. He was a good talker before a jury and had a fashion of saying things which amounted to little in a manner so impressive that many jurors took them for inspired wisdom. He died on October 4, 1877.

BENJAMIN J. SWEET

B. J. Sweet joined the Manitowoc bar at April term
1857. He entered into partnership with George Rice under the firm name of Rice & Sweet. The firm did a good share of the law business of the county from the start, but after about two years, Mr. Sweet decided to remove to Calumet county and located at Chilton.

In the fall election of 1860 he was the Republican candidate for state senator and was elected by a good majority. The district at that time comprised the counties of Calumet and Manitowoc.

At the outbreak of the Civil war he was appointed major of the Sixth Wisconsin and later was appointed colonel of the Twenty-first Regiment Wisconsin Volunteers, and commanded the regiment in its first battle, when he was so severely wounded that he was unable to return to active service.

He was assigned to command the rebel prison, Camp Douglas, and acquired great notoriety by his skillful handling of the situation when a plot to liberate the prisoners and capture or burn the city of Chicago was discovered and frustrated. For this he was commissioned a brigadier general. After the war he was appointed pension agent at Chicago, to which office his daughter, Ada Sweet, succeeded upon his death which occurred only a few years after the war ended.

As a lawyer he did not practice long enough to achieve much in the way of reputation and his fame is that of a gallant soldier. But he belonged to the Manitowoc bar and was our state senator at the outbreak of the war.

EDWARD SALOMON

Edward Salomon came to the village of Manitowoc about 1852-53. He acted for a time as deputy clerk of the circuit court and thus obtained some insight into law practice. He was a German of high education and culture. Just when he came to the bar does not appear, but I estimate it to have been the fall term of 1854. The first record is in 1856 where he appears as attorney, with J. D. Markham as counsel. A year or two after he removed to Milwaukee where he engaged in practice. In the election of 1862 he was chosen as Lieutenant-Governor with L. P. Harvey as governor. A few months after entering upon the office Gov. Harvey was accidentally drowned while on a visit to the army of the west to care for wounded Wisconsin soldiers and Mr. Salomon succeeded him as governor, being the first and only German to hold that office.

He made a creditable record, but he was not renominated and a short time after his term expired he removed to New York city and resumed his law practice there. So far as I
can learn, he spent his life in the profession. He acquired a
good standing and accumulated a fair competence as a lawyer
from his humble beginning in the back woods village of Mani-
towoc. He died in New York city many years ago.

GEORGE B. BYRON

In looking over the papers previously published, I find
some lawyers have not been mentioned who either came here
from abroad or were admitted to the bar here. One of these
is George B. Byron, who for several years acted as justice of
the peace in the city of Manitowoc and at the same time
studied law. He was then a young man apparently 26 to 28
years of age. I cannot recall that he attached himself to any
particular attorney as a pupil or student but read or studied
alone.

He made application for admission to the profession, and
on August 8, 1879 was examined and admitted. He opened
an office and advertised for practice here, but was not suc-
cessful in getting much of a start and after a year or so re-
moved to Kewaunee, where he practiced with moderate suc-
cess three or four years. He then removed to Chicago, opened
an office and entered upon practice, becoming lost to his for-
mer acquaintances in Manitowoc in the great multitude of
lawyers in that city. I have not heard of him for a period of
many years and know not if he is yet living.

P. J SMALLEY

The name of Palmon J. Smalley does not appear on
the roll of attorneys in the office of clerk of the circuit court.
It is a fact, however, that he was admitted as an attorney and
for about three years practised in the city of Manitowoc. He
was the eldest son of the late E. J. Smalley, the founder of
the Smalley Manufacturing company. Where and when he
studied law I do not know and I have not been able to ascer-
tain. I have a recollection that about the time of the out-
break of the Civil war he was studying with W. H. Hamilton,
along with True M. Bailey. Like all the rest of the young
men of that period who were worth their salt, he was swept
into the war. He remained in the South a year or two after
the war ended, and coming north again went to Minnesota.
He remained in that state about a year and then returned to
Manitowoc. The records of the December term for 1867
show that a committee was appointed to examine him for ad-
mission to the bar but there is no record of any report or
order for his admission. An order was no doubt made but
there was much neglect in such matters and it was not recorded.

He opened an office in Manitowoc in the summer of 1870-71, giving his attention to the buying and selling of real estate, a commodity which was not moving much about that time.

He had some practice. I know he had some cases in which he was opposed to me. He was pugnacious, a determined fighter and had he remained in the profession would have made his mark.

He brought suit for his father to recover a debt of $12.00 for goods sold. It was fought through justices court, the defendant represented by W. J. Turner his attorney, having counter-claimed for the value of a saddle;—appealed to the circuit, tried there and finally went to the supreme court. The judgment was there reversed, and the case sent back to the circuit, again tried there, and again appealed to the supreme court, before it was finally decided. The “saddle case” with all its various motions, postponements and adjournments was for a time a joke with the old lawyers of the bar. Those curious to see what can be done with a small case in fighting hands, should look up Smalley vs. Ericson 36 Wis. 302 and 41 Wis. 416.

Mr. Smalley apparently grew tired of the waiting period which nearly every tyro of the bar has to pass through, and returning to Minnesota entered the field of journalism. He was a man of good education, a writer of forcible English possessed of a good stock of general knowledge, and above all was a thinker. He became connected with the Pioneer-Press of St. Paul as editor and achieved a reputation in journalism which spread far beyond the bounds of his state, in fact was nation-wide. He died eight years ago.

FRANK E. MANSEAU

Soon after I entered J. D. Markham’s office in 1871, F. E. Manseau came to it being regularly employed as a clerk. I had met him previously at Appleton, Wis., where he was a student at Lawrence college in the winter of 1868. He had been taken ill and hearing that a young student from Manitowoc was sick I called on him at his boarding house two or three times.

Mr. Manseau soon got the run of things in the office and was a model law clerk. He was industrious, a hard and constant worker, though not so much a student or reader. There was another student clerk in the office, Will A. Plaice, and when there was a rush of work and a multitude of copies re-
quired, we three could turn out a vast quantity of manuscript in a day.

Just when Mr. Manseau was admitted to the bar does not appear. He was never enrolled here and it is possible he may have been admitted in Kewaunee, but it must have been about 1875, as he remained with Mr. Markham for three or four years after Mr. Plaice and I left. He first entered on practice in Kewaunee, where he formed a partnership with W. H. Timlin, (later Justice Timlin of the supreme court) which existed some two or three years, and after that with G. G. Sedgwick, which terminated by the removal of Mr. Sedgwick to Manitowoc in 1881. Some time later Mr. Manseau came to Two Rivers and settled down to practice.

In the spring of 1898 he was elected as county judge without opposition, having received the Democratic nomination. He took his seat as judge on the January first following and for nearly a year discharged the duties with entire satisfaction to both the bar and the public. After that time he developed brain disease, which compelled his resignation and later caused his death.

Judge Manseau was a good lawyer. His long service as a law clerk combined with his reading made a solid and sure foundation. He might strictly be called an office lawyer, for he had not the gift of expressing himself in speech. In writing, on the contrary, he excelled.

He made a most excellent judge, patient in hearing matters before him, ready and firm in decision.

He died December 22, 1896.

R. P. EATON

These papers would be incomplete if left without reference to Rufus P. Eaton. He came to the Manitowoc bar from Fond du Lac some time in 1873. He was then in advanced years and had but little general practice during his residence here. He was a lawyer of old Territorial times. I find traces of him in the southwestern part of the state as having been in the lead mining district in the early '40's. He was then contemporary with Chief Justice Dunn, Justices Irwin and Frazer of the U. S. Courts, Thos. P. Burnett, Moses Strong and others. A little later he located at Fond du Lac, being associated with Chief Justice Stow, Henry S. Baird, S. Cotton and others of the old Fourth circuit.

In one of the Pinney's Reports, there is a case where Eaton was sued for slander and Justice Stow was his attorney, and unsuccessfully defended him.

He was a tax-title speculator and lawyer and like one of
Walter Scott's heroes "fought for his own hand," a good deal of the time. He was a determined and tenacious fighter of the bull dog type, getting his hold and never letting go until every resource of the law had been exhausted.

His tenacity is commented on by the Supreme court in the case of Eaton vs. Lyman, 33 Wis. P. 36, where Justice Lyon says, "this action now makes its fifth and it is earnestly hoped its last appearance in this court. The student who is anxious to learn something of the vicissitudes to which a lawsuit of even moderate dimensions may be subject when manipulated by skillful hands can gratify his curiosity to some extent by carefully perusing the reports in this case."

There is a long line of cases in the Supreme court reports in which he was of counsel either for himself or others, beginning in the 2nd Pinney, and extending to the 42nd Wisconsin.

I was opposed to him twice in the Supreme court, and he was associated with me in the case of Watts vs. Owens, but died before that case went to the Supreme court.

Although Mr. Eaton was much in my office using my library, and would talk freely on most subjects, I learned little of his early life. To the best of my recollection he was from Vermont. He had a daughter who was a student at Lawrence College, Appleton, and married a classmate, J. A. Loomis, and went to live in Kansas.

After coming to Manitowoc he married a widow, Rachel Holmes Hill, and by her had a son, who now lives in Louisiana. His last wife died before him several years.

He died in Manitowoc in the autumn of 1884.