CHAPTER X
THE COURTS

Section 9 of the Act Creating the Territory of Wisconsin, approved by Andrew Jackson, President of the United States, April 20, 1836, vested the judicial powers in a supreme court, district courts, probate courts, and justices of the peace.

The Supreme Court consisted of a chief justice and two associate justices, and met annually to act as a court of appeals. The number of justices comprising the Supreme Court was later increased from three to five, and finally to seven.

To each district court there was assigned a certain territory over which it had jurisdiction, and at times prescribed by law court was held in each district and was presided over by one of the justices of the Supreme Court. It was a common law trial court, and court of appeals from inferior courts, with practically the same jurisdiction as that exercised today by its successor, the Circuit Court, appeals, from its decisions going directly to the Supreme Court. When the territory became a state in 1848 the district courts were replaced by circuit courts, the change, however, being one in name only.

The probate courts were the predecessors of the present-day county courts and had in general the same functions, those of courts of probate and record. In 1849, one year after the assumption of statehood, the probate courts were abolished and replaced by the county court system.

The early justices of the peace had practically the same jurisdiction as those of today, extending over light misdemeanors and matters not involving land boundaries or debts of over $50. The limit of the amount of debt involved has been changed to $200, which is the only change of any importance that has been made in the jurisdiction.

The territory was at first divided into three judicial districts, in each of which a district court had jurisdiction. The First District comprised Crawford and Iowa counties; the Second, Dubuque and Des Moines; the Third, Brown and Milwaukee. Hence the territory now occupied by Wood County, being then a part of Brown County, was under the jurisdiction of the Third District. When Portage County, including the present territory of Wood County, was fully organized for judicial purposes by an act approved Jan. 31, 1844, it was attached to the Second District. In 1848, when the state was formed, five circuits took the place of the three districts, and Portage County became a part of the Third Circuit. As a part of Portage County, the site of the present County of Wood remained in this circuit until it was erected as a separate county in 1856 and attached to the Seventh Judicial Circuit, in which it still remains. Under this division of territory the first term of the circuit court was held on the fourth Monday of April, 1857.

In the matter of federal courts, the whole of Wisconsin, with Illinois and Indiana, is in the Seventh Circuit of the United States Circuit Court of Appeals, and Wood County is in the Western District of the United States District Court for Wisconsin.
There is one municipal court in Wood County—that at Marshfield. Established in 1891, it tries all criminal actions committed in the city below state prison offenses, and holds examination of persons accused of all other crimes and all offenses under the city charter and ordinances. The present judge of this court, R. E. Andrews, is serving his third two-year term, having served two terms following his first election in 1902.

The Seventh Judicial District from the time of its organization in 1854 up to the present has had but four judges, namely George W. Cate, Gilbert L. Park, Charles M. Webb and Byron B. Park, the last mentioned, who took office in 1911, still serving. To enhance the interest of this chapter a biographical sketch of each will be here given.

George W. Cate, first judge of the Seventh Judicial Circuit, was born at the town of Montpelier, Vermont, Sept. 17, 1824, and died March 7, 1905, at Stevens Point, Wis. His ancestors were soldiers in the War of the Revolution and the War of 1812. He was educated in the common schools and in a local private school, and at the age of 17 became a teacher, which profession he followed during the winter months for several years. In 1840 he began the study of law in the office of Joseph A. Wing at Plainfield and after three years there completed his studies in the office of H. Lucius B. Peck, then a leading lawyer in central Vermont. He was admitted to the bar in September of 1845, and practiced one year in his own village. Finding the competition of the older and better established layyers too keen, he abandoned the attempt to build up a clientele, and came to Mineral Point, Wis., in the fall of 1846. Being without funds, he went to work cutting cord wood at five shillings a cord, and a little later, "I hired out," he writes, "to Abraham Brawley, a lumberman making his headquarters at a little hamlet called Stevens Point." He spent two years in the woods and mills, and on the river, and in 1848 opened a law office at Plover, Wis. That year he was made deputy postmaster at Plover, deputy register of deeds, and deputy clerk of the board of supervisors. In 1849 he was made district attorney and held the office for two terms. During this time he also served as register of deeds and city clerk, and several times as chairman of the county board of supervisors. In the fall of 1851 he was elected to the Assembly, and was reelected the following year. In 1850 he formed a partnership with the late Chauncey Abbot of Madison, under the name of Abbott & Cate, and in 1852 entered partnership with Luther Hanchett under the firm name of Cate & Hanchett. In April of 1854, at the age of 29, he was elected Judge of the Seventh Judicial Circuit. He was reelected to this office three times, and resigned to take a seat in the Forty-fourth Congress, having been elected at the general election in November, 1874. He served in this capacity one term, and in the summer of 1857 opened a legal office at Stevens Point. Then began his career as one of the greatest trial lawyers the state has produced. From 1877 until his practical retirement a year or two before his death he was constantly occupied with the legal affairs of a large and wealthy clientele, drawn to him from all over central and northern Wisconsin. No lawyer in the state, it is safe to say, had a larger personal following. In 1886 he entered a partnership under the firm name of Cate, Jones & Sanborn, which was changed Jan. 1, 1896, to Cate, Sanborn, Lamoreux & Park. A. W. Sanborn left the firm in 1900, and in 1902 Judge Cate also left to enter a partnership with his son-in-law, G. M. Dahl, in which partner-
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ship he continued until he ceased practice. Judge Cate was married Oct. 24, 1850, to Levara S. Brown, who died Aug. 29, 1915. By this union he was the father of six children, all of whom survived him.

Gilbert L. Park was born Aug. 31, 1824, in Scipio, Cayuga County, N. Y., and died June 5, 1884 at Waukesha, Wis. His parents were Elisha and Sarah McDowell Park; his grandfather, Joel Park, took part in the War of the Revolution. Gilbert L. Park spent his childhood on a farm, and at the age of 15 left home without formal leave taking and enlisted in the service of the Hudson Bay Company, going to Ft. Churchill. He returned a year later, however, and went to Port Dover, Ont., to which place his family had removed. He then attended for three years an academy at Millville, N. Y., after which he spent two years in Canada in the lumber business. A great storm on the lakes in 1848 destroyed a raft of lumber in which practically all of his resources were invested, and he abandoned the lumbering venture and turned his attention to the study of the legal profession, going to Kalamazoo and entering the office of N. A. Balch. He was admitted to the bar in September of 1851, and in November of that year came to Wisconsin, spending his first winter here in cutting logs and running lumber down the river, to recoup his finances. In September of 1852 he formed a partnership for legal practice with James T. Alban, at Plover, continuing in this connection for four years, after which he went to Stevens Point. In 1854 he was elected district attorney of Portage County. In 1856 he married Mary D. Beach, of Kalamazoo, Mich. In the fall of the same year he was reelected district attorney. He was mayor of Stevens Point when the Civil War broke out, and resigned his office to enter the 18th Wisconsin Volunteer Infantry as Adjutant. He later became Captain of Company G of this regiment, and served with it in all three and a half years, taking part in many important engagements. After being mustered out he returned to Stevens Point, and resumed legal practice. March 1, 1875, Mr. Park was appointed judge of the Seventh Judicial Circuit, and April of the following year was elected for the remainder of the unexpired term. In 1878 he was reelected for a full term. A few years later, however, his health began to fail, and he sat on the Bench for the last time March 13, 1883, resigning a short time later. He then spent some time in traveling, in an effort to regain his health, but was unsuccessful in this, and returning to Wisconsin, entered a sanitarium at Waukesha, where he died a little over a year after his resignation from the Bench. Judge Park was a great student and a strong lawyer. He was twice nominated for State Senator by the Democratic party, once for lieutenant governor, and twice for representative in Congress.

Charles M. Webb was born Dec. 30, 1833, at Towanda, Penn., and died at his home in Wisconsin Rapids, Wis., Aug. 12, 1911. He was of prominent Revolutionary stock, and the youngest of five children. He attended West Point Military Academy for a year and a half and then went to work in the government printing office at Washington. With a natural interest in legal and political affairs, the atmosphere of Washington fired him with the ambition to take an active part in these things, and he accordingly returned to his home city and studied law in a legal office there and was admitted to the bar in 1857. The same year he married Miss Jane Pierce of Smithville, Penn., who survived him to June 1, 1914. From this union there were three daughters, two of whom still survive. In 1857
Mr. Webb came to Wisconsin, and in the following year took his residence in Grand Rapids, now Wisconsin Rapids. Here he was first the law partner of Jeremiah D. Witter for about four years, and then formed a law partnership with J. W. Cochran, under the name of Webb & Cochran, which continued until his elevation to the circuit bench. During the first year of his residence in Grand Rapids he was elected district attorney for Wood County, which office he resigned in 1861 to enter the army as a first lieutenant, serving for eight months. He then resigned, returned home and resumed law practice. For two terms, commencing in 1864, he was clerk of the board of supervisors of Wood County. In 1868 he was elected to the State Senate. He was the first United States district attorney for the western district of Wisconsin, serving from July, 1870, to Feb. 14, 1878, when he resigned. In 1881 he was appointed Register of the United States land office at Deadwood, now in South Dakota, which position he resigned after a few months' service and resumed his law practice at Grand Rapids, and again entered the State Senate for a second term. His elevation to the circuit bench in 1883 as successor to Judge G. L. Park followed. He was successively elected and re-elected to this high office without opposition, serving without a break to the time of his death—nearly 28 years. He was the choice of the bar of the state for Justice of the Wisconsin Supreme Court in the election of 1893. He was, however, defeated by the late Justice Newman, who was carried to victory by his very popular decision as circuit judge in the Treasury Cases. Subsequently Judge Webb twice refused appointment to the Wisconsin Supreme Court. He was once a prominent Republican candidate for Congress, and later, in 1898 and again in 1903 was a very prominent Republican candidate for United States Senator. He took a great interest in remedial legislation, and it was largely due to his labors, while a member of the State Senate, that our present legislation on reassessment of taxes was enacted, thereby correcting the disastrous effects to Central and Northern Wisconsin of the decisions in March vs. Supervisors, 42 Wis., and other similar cases.

Byron B. Park, the present judge of the Seventh Judicial Circuit, was born at Stevens Point, Wis., Oct. 6, 1858, and has ever since been a resident of that place. His elementary education was acquired in the local schools, and in the fall of 1876 he entered the university, and was graduated from its law college in 1881. From that time until March, 1883, he was in a law office in Milwaukee, after which he returned to Stevens Point. In 1886 he formed the law partnership of Lamoreaux & Park. In 1890 the firm of Raymond, Lamoreaux & Park was organized, and in 1896 the firm of Cate, Sanborn, Lamoreaux & Park. In 1900 Mr. Sanborn withdrew, the firm becoming that of Cate, Lamoreaux & Park and continuing so until 1903. Then Judge Cate withdrew and the succeeding firm was that of Lamoreaux, Park & Carpenter, which continued up to 1904. In the latter year Mr. Lamoreaux withdrew, removing to Ashland, and Park & Carpenter practiced together until 1908, when Mr. Carpenter died. After that Mr. Park practiced alone until appointed circuit judge in 1911. Aside from his judgeship he was city attorney of Stevens Point in 1888 and 1889; mayor of that city in 1901; district attorney of Portage County from 1892 to 1895, resigning during his second term, and a member of the Board of Regents of Normal Schools from 1891 to 1894. On Sept. 29, 1886, Judge Park was married to Bertha N. Wyatt, and of this union four children have been born: Gladys, who married R. E. Joy; Dr. Lawrence W. Park,
who is in the Federal service and now located at Fort Thomas, Ky.; Lyman B.,
teller in the Citizens National Bank of Stevens Point, and Allan L., who is attend-
ing the University of Wisconsin.

It is not the object of this work to give a complete biographical history of the
bench and bar of Wood County, both because such a record would be impossible
to obtain, and also because the careers of some members have had no powerful
influence on the general history of the county; but sketches of Joseph Wood, Levi
P. Powers, J. Wilbur Cochran, George R. Gardner, John A. Gaynor, George L.
Williams, William E. Wheeler, B. C. Pors, W. J. Conway, B. M. Vaughan, F. W
Calkins, and a few other prominent lawyers or judges, past or present, may be
found in the biographical part of the volume.

The present circuit court commissioners are (1922): Chas. E. Briere, Wiscon-
sin Rapids; B. M. Vaughan, Wisconsin Rapids; E. N. Deming, Marshfield; C. B.
Edwards, Marshfield, and H. H. Helke, Nekoosa.

The Court House.—When the county board of supervisors met for the first
time, Oct. 8, 1856, there were just two members, H. W. Jackson and Eusebe La-
vigne, Mr. Jackson taking the chair. On that occasion the only business con-
sidered, so far as is recorded, was a petition for the establishment of the town of
Rudolph. At the second session Messrs. Jackson and Lavigne “were appointed”
a committee to furnish suitable offices and furniture for the county officers, which
they later did, as the record of the board for January 10, 1857, says: “It was or-
dered that Lavigne’s Hall (Magnolia House) be rented for court purposes, with a
suitable grand jury room to be furnished by Lavigne for $125 for the first year,
and with the privilege of the same for the second year.” At the same meeting—
Henry F. Black and H. H. Hecox being now additional members of the board,
owing to the setting off of the towns of Rudolph and Saratoga—a resolve was
passed that “it is inexpedient for the present board of supervisors to take any ac-
tion in regard to building county buildings.”

For the following year new arrangements were made, for there is a record dated
Nov. 11, 1857, stating that a hall for county purposes was rented for one year from
William Roe. It is also recorded that county offices were rented in November of
the following year (1858) for one year for $50; and this system of renting was fol-
lowed for awhile, though later the county officers, or most of them, at least, con-
ducted their official business in their own homes, stores or offices.

The first building actually erected for a court house in Wood County was built
in Grand Rapids by Howe & Rabin on a spot close to the brewery site, but a little
nearer to the river. Thomas Love and Tom Stevenson worked on the building,
which fronted First Street. The jail was in the under part, the sheriff had the
floor, and on the next higher story was the court room. The building was not
taken over by the county for some time after it was finished, which was owing to
a controversy between the builders, Howe & Rabin, and the county board. The
references to this subject on the county clerk’s records are very scant, but under
date of Feb. 16, 1867, there is the record, “Ordered that the county purchase from
Howe & Rabin the court house in Section 8, Town 22 N, Range 6 E,” the words
“court house” indicating that the building had been erected for that purpose, and
the word “purchase” that the board officially regarded it as Howe & Rablin’s property, in which the county had no obligatory interest as a contracting party.

The matter being finally thus disposed of, the building became the property of the county. Its position was between the Grand Rapids Brewery site and the river, and as this was some distance from the business part of the city, and the amount of county business was then comparatively small, the county officers for a number of years transacted their official business in their own stores or offices, or wherever it might happen to be convenient to them. As this practice, however, was not conducive to the public interest, particularly after the volume of business had increased, the board, on Nov. 19, 1872, issued an order to the effect “that the clerk, treasurer and other county officers remove their offices to the court house.” This order seems to have had but a temporary effect, if any, for as late as 1880 the county officers, with one exception, were still transacting county business in their own offices, or elsewhere away from the court house.

A more detailed and interesting account of this period is given by P. N. Christensen, who became register of deeds in 1881, but who had become acquainted with county officers some ten or more years earlier. Mr. Christensen says: “I worked in the lumber woods in Wood County in the winters of 1867-68 and 1868-69 and did not permanently locate in Wood County until the fall and winter of 1869-70, when I first became acquainted with the then county officers, of whom only the county treasurer, Emanuel Dutruit, a one-armed Civil War veteran, kept his office in the then court house, a two-story frame building on the bank of the river, very cold in winter, but lying surrounded by lands formerly owned by John Rablin (the firm of Howe & Rablin having gone bankrupt), and that court house being rather far away from the business section of the then called city of Grand Rapids, the register of deeds, Lemuel Kromer, and county clerk C. O. Baker, partner in the law firm of (Levi P.) Powers & Baker, kept their county offices down in the business street. Where the sheriff, Philip Ward, kept his office I don’t remember, but I imagine under his hat. Even up to the time I took the office of register of deeds, the first Monday in January, 1881, all the county officers had their offices in separate localities down town. I, for my part, hired a former lumber office of Neeves & Neeves, adjacent to the Wood County bridge, and stayed there until the new court house (the present one) was built, which was while I was register. Apropos of my office term, while I was still located in the Neeves office near the bridge, a heavy flood came down the Wisconsin River, so that people navigated up and down Main Street in boats, and I went diagonally across the street to liveryman Sweeney to hire him to haul all my record books and paper and myself to safety, to a house I owned up on High Street, simply leaving a tremendous big old iron safe in the office and some stationery. To my recollection the only county officer using the old court house for an office, outside of probably the sheriff at odd times, was the old county treasurer, Emanuel Dutruit, while of course the circuit court and county board held their meetings upstairs when they were in session.”

The old court house was in use up to 1881, when the present large and commodious brick structure was erected. When it became evident that such a building was needed and would be built, a bitter fight arose between Centralia, Pittsville and Marshfield, each of which cities wanted the county seat, each claiming to have the best location. For fear of an injunction being served preventing the building
of the new court house, Judge Charles Webb prepared the papers for the contract
and had them properly signed, and together with Judge George R. Gardner and
Peter McCamley—the last mentioned being a member of the county board—went
to Green Bay and let the contract, and the court house was accordingly built in
Grand Rapids on the site it now occupies. The contract price was $20,000.
Later there was built an addition at a cost of $13,230. The total cost of the court
house as it stands today, including all furnishings, was $40,008.63.

The old Wood County court house burned down April 25, 1885. The fire, which
it is said was the work of an incendiary, originated in the hall, and the building
was all in flames before the engine could be drawn there. It was owned and occu-
pied at the time by David Lutz, Jr., as a cigar factory and residence. The loss
amounted to $1,200 and there was $800 of insurance. It was the Lutz family who
built and owned the adjacent brewery.