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THE UNIVERSITY OF MINNESOTA'S FIRST DOCTOR OF PHILOSOPHY¹

Charles Burke Elliott, the writer of the following diary, was born in a log house on a small farm in Morgan County, Ohio, on January 6, 1861. He attended the one-room country district schools until he entered Marietta College. After a year in the preparatory department there, he went with his parents to Iowa and was graduated from the law school of the University of Iowa in 1881. He practiced law first at Aberdeen, South Dakota, and later in Minneapolis, where he settled in 1884 after his marriage to Edith Winslow of Muscatine, Iowa. While he was endeavoring to establish a law practice, he took graduate work in history at the University of Minnesota, and in 1888 he was awarded the first degree of doctor of philosophy conferred by the university. His thesis, on the *United States and the North-eastern Fisheries*, published by the university in 1887, was a notable contribution to American history and is still, fifty years later, a comprehensive and authoritative work on the

¹ Extracts from Judge Elliott's diary for 1888 were read by his son, Major Charles W. Elliott of Minneapolis, at a meeting of the Minnesota Historical Society in the Historical Building, St. Paul, on April 12, 1937. The original diaries, covering much of the period from 1886 to 1901 and a few later years, are in the possession of Major Elliott, who has edited a portion of one volume for publication in this magazine. Many of the entries relate to the author's studies for his degree, but the record as a whole gives an excellent picture of social and economic conditions in Minneapolis in the late eighties. The spelling, punctuation, and paragraphing of the original have been followed throughout. Whenever possible, individuals mentioned have been identified by supplying their first names in brackets. *Ed.*

subject. In his diary for the first six months of 1888, presented herewith, Elliott records his activities while preparing for his doctoral examinations, and tells how he received his degree.

In 1891 Elliott was appointed by Governor William R. Merriam a judge of the municipal court of Minneapolis and he was elected to the same post in 1892. In 1894 he was elected judge of the fourth judicial district, a position to which he was re-elected in 1900, and in 1904 he was elected an associate justice of the Minnesota Supreme Court. President Taft appointed Judge Elliott an associate justice of the supreme court of the Philippine Islands in 1909, and in the following year he became a member of the Philippine commission and secretary of commerce and police in the government of the islands. He resigned these posts in 1913 and returned to Minneapolis, where he practiced law until his death on September 18, 1935.

Judge Elliott was a profound student of law and history, the author of a number of standard legal texts, innumerable essays, addresses, and historical studies, and a two-volume work on the Philippine Islands. He was deeply interested in international law and served one term as president of the American branch of the International Law Association. For many years he was a member of the faculty of the law school of the University of Minnesota, lecturing to students on corporation and international law. He was honored with the degree of doctor of laws by the University of Iowa and Marietta College. His service in the tropics resulted in a serious impairment of his hearing and all his life he suffered severely from physical ailments brought on by overwork and improper diet while a struggling young student and lawyer. His wife died on May 13, 1934, the fiftieth anniversary of their wedding. He is survived by four sons and a daughter.

CHARLES W. ELLIOTT

MINNEAPOLIS, MINNESOTA

DIARY OF CHARLES BURKE ELLIOTT, JANUARY 1-JUNE 7, 1888

[Elliott MSS. — A.D.]

Sunday, January 1, 1888 Rose at 8³⁰ and found an abundance of snow to shovel. This occupied me for an hour. Breakfast and the annual edition of the Tribune two more hours, then the Century and *Les Miserables* until dinner at 1 P.M. After dinner went to Winslows² for the Colonels³ milk and brough[t] back besides the milk a beautiful Greyhound puppy six weeks old, so this is his birthday as far as we are concerned. At 3 P.M. went down town to the office and drew mortgages as long as I could see, then came home. Read the Life of Lincoln in the car. After supper read the Century and *Les Miserables* until about ten. Then spent an hour getting the family (including the new dog) to bed for the night.

The new year opens up with very fair prospects ahead. The old year has been somewhat eventful and I find my position more assured than [than] a year ago. Among the "events" may be attributed (1) The Baby, (2) The position as attorney for the National Building Loan & P[rotective] Union,⁴ (3) My trip to Washington and work in the State Department, (4) The publication of my thesis on the "*Northeastern Fisheries*" by the University of Minnesota (5) Removal into a house of our own.⁵ For the coming year I am to write one leading article for the *National Law Review* (of which I am to be assistant editor), The Criminal Law Magazine, The American Law Register and at least one for the Eng. & Am. Ency. of Law (for which I wrote the article on Bonds in Vol. 2) I am also going to work on a book on the subject of "*Centralization*" being a study of the Centrifugal and Centripetal forces in a federative system of gov-

² Charles C. Winslow, Elliott's father-in-law, lived at 1307 Sixth Street, Southeast. He was the Minneapolis manager of the Domestic Sewing Machine Company. He was a Maine state Quaker, who had gone to California during the gold rush of 1849. He returned to California about 1891 and operated a fruit ranch until his death in 1918 at San Diego.

³ The "Colonel" was Elliott's year-old son, Charles Winslow Elliott.

⁴ This organization had offices in the Temple Court, at Hennepin and Washington Avenues, where Elliott also had an office. The officers of the union were Austin D. Cotton, president; George B. McIntosh, vice president; Orrin C. Kneale, secretary; and Gus J. Pauly, treasurer.

⁵ The house was located at 1600 Fourth Street, Southeast. Earlier the Elliotts had lived with the Winslow family.

ernment; collect authorities for a Law Book, and master the French Language. These are to be merely incidental to my law business which must be doubled and pushed vigorously.

Man proposes &c — May it all prosper for the best.

Monday, January 2, 1888 Went to the Court House at 9 A. M. to try case of *Lasher vs Fishblatt*, but found it second on the docket and it was not reached although I was kept there all day expecting it to be called. Spent the time in listening to [Frank F.] Davis' speech [*sic*] to the jury in the Barrett case.⁶ He spoke all day and made a very fine speech. Lunch at N Y. Res. with Maj. [G. L.] Abbott. In evening sawed wood and read *Les Miserables* until 11³⁰

Tuesday, January 3, 1888 Was at the District Court House at a little after 9. A. M. Walter [Winslow] came over and went down with me so that I could pass him into the court room where he could hear Mr [William W.] Erwin's address to the jury in the Barrett case.⁷ When I arrived I found that my case had already been reached and passed succeeded in getting it on the Calender again and in getting a judgment for all I claimed. Remained a few minutes listening to Erwin. He is certainly a wonderful criminal lawyer and made a magnificent effort to save the neck of his worthless client, with what result will be seen. I am inclined to think that the jury will disagree owing to their hesitancy in believing the evidence of an accomplice who turns states evidence and thus attempts to hang his brother This is the fourteenth day of the trial, which has awakened great interest in the community.

Came home for dinner. Went to the Court House again in the afternoon and had an order signed. Came back to the office and attended to correspondance. Got the *Political Science Quarterly* for December and devoted most of the evening to reading it. Much interested in an article on "*The Oleomargarine Law.*" Such laws have no foundation to stand on except the purely selfish efforts of the men who make butter and who have sufficient political power to control votes in Congress. Received a letter from [Murat W.] Hopkins stating that he had written a review of the "Fisheries" for the

⁶ Davis was county attorney of Hennepin County. Tim and Peter Barrett were tried, convicted, and sentenced to be hanged for the brutal murder of a streetcar driver named Thomas Tollefson. The case was prominently featured in the newspapers of the day.

⁷ Erwin, a prominent St. Paul criminal lawyer, defended the Barretts.

National Law Review the first Number of which comes out the last of the present month.⁸

Wednesday, January 4, 1888 A day devoted to office business — much of the time to examining titles and correspondence. In the evening went to the Lodge and was Installed as Recording Secretary of Ridgley Lodge No. 85, I. O. O. F. Home about 11. P. M. Purchased a box of cigars and opened them at the Lodge Room. Received a letter from Mr. Bates from Wash. Ter. stating that he had received and read my booklet. He also gave me some good advice viz. you will become famous, if you only "*eat light suppers and go to bed early.*" I can remember the time (several of them) very easily when I had the light suppers.

I find that my "office" at the Lodge is going to be some trouble as necessitating my regular attendance every Wednesday evening

Thursday, January 5, 1888 Left the house at 8³⁰ and ran to catch car for the office Just as I was catching it remembered that I had not a penny about me so concluded to walk. Crossed the 10th Ave. bridge and went direct to Court House. Heard Erwin arguing a motion in the Barrett case. Got the papers in the case of Swenson vs Winslow. Went hence to office stopping at the Bank. Drew \$5. Ordered Gass put into the office which was done. Lunch at Womans Exchange Walter Winslow with me. At Union Leag[u]e rooms for half an hour.⁹ New billiard and pool tables being put in. Devoted remainder of the day to preparing to try case tomorrow. Served subpoena *duces tecum* on Swenson and Mathilda Johnson. Home for supper after which went to Canton [(I. O. O. F.)]¹⁰ and drilled until 10³⁰. to office, left my uniform and then to Reception at Club Rooms — remained until 11. Home and sawed wood until after 12. M. Received a letter from Hon. Hamilton Fish acknowledging receipt of a book To bed at half past 12. The League passed resolutions opposing the confirmation of Lamar as Justice of

⁸ Murat W. Hopkins, then of Danville, Indiana, and later of Indianapolis, was a classmate of Judge Elliott at Marietta College. They were close friends for many years. The review referred to appeared in the January, 1888, number of the *National Law Review*, and was highly laudatory. Mr. Hopkins is still living in Indianapolis.

⁹ Then at 7 South Sixth Street.

¹⁰ The letters enclosed in brackets are written in pencil. This and numerous other pencilled notations were added by Judge Elliott himself in later years. Military branches of the Independent Order of Odd Fellows were called "cantons" instead of lodges.

the Supreme Court of the U.S. [William H.] Eustis, [Robert] Stratton and [John F.] Byers made strong speeches against the confirmation. Resolutions to be sent to our Senators, but I dont really imagine they will have any [great]¹¹ effect. It is easy to Resolve I am unable to get up any rabid enthusiasm on such questions. It is worse than nonsense to state in a speech that Larmar [*sic*] never tried a case and that any one attorney in Minneapolis is better prepared (legally) for the position of Justice (Eustis). Its worse than nonsense — its gross ignorance.¹²

Friday, January 6, 1888 Today, I spent at the District Court Room waiting for my case to be called, but it was not reached & was passed until Monday 2. P. M. Evening at home. This is my 27th Birthday, so many times have I been born into a new year. It is now just ten years since I left home, in Marion Twp. Morgan Co. Ohio, and walked to Pennsville to attend the High School, to be taught by my cousin Jesse T. Elliott now Auditor of Morgan Co. Taylor Hambleton, Frank Hambleton, Frank Brown and myself rented two rooms and cooked our own meals. I attended this school for 10 wks when the teacher was forced to suspend operations on account of sore eyes. I returned home and remained until sometime in April when one raw, cold, muggy day I started and walked to Deavertown, twenty one miles, where my old friend L. W. Sheppard was Principal of the schools. Started at sun up and arrived there about 2 P. M. Sheppard offered to pay my board if I would remain and attend school until spring. This I did. The next day (Saturday) at noon I started home for my books carrying an empty valice. It had snowed and begun to thaw and the walking was horrible, wet, muddy & slippery. Up hill, and down, mile after mile I trudged along. The sun wen[t] down when I was 10 miles from home. At 11. P. M. I was home. The next day (with my Library in the borrowed valice) I started back. Father took me within 8 miles of my destination on horseback and upon starting back gave me ten cents in paper (all he had.) I would give ten Dollars for that little shinplaster today. Well can I remember the spot, at the top of a

¹¹ The word enclosed in brackets has been added in pencil.

¹² The Union League opposition to Lamar's nomination was evidently based on his earlier Confederate activities. He had been a lieutenant colonel in the Confederate army and judge advocate general under Jefferson Davis. The Senate confirmed his appointment on January 16, 1888, despite protests from various quarters.

long hill. The rest of the way I walked and carried the heavy valise. arrived late in the evening, having walked 48 miles in three days over such roads as I have seen in [S. E.] ¹³ Ohio, only. After about 6 weeks of school, I began my career as a teacher in a District School two miles north of Deavertown. I had already received a Teachers Certificate after some dif[f]iculty I was thus launched, and at the end of Ten years, *here I am*. Have they been successful? I think I am safe in saying that they have not been altogether wasted. The ten cent shinplaster, has not multiplied very rapidly, but within a month I have received personal letters from some of the most distinguished men in the land, unsolicited, all speaking in flattering terms of my work. One from a very distinguished Diplomat, who has represented his country at one of the Courts of Europe (and who bears one of the greatest names in American history) [Jay] ¹⁴ asking my opinion as to the proper course to be pursued by the United States in a Controver[s]y with Great Britain. Surely, without vanity, I may feel that there is some distance between the poor muddy youth of seventeen, standing on that hill side in Ohio ten years ago, and the young lawyer of 27 here in this great Western City. Senators of the United States, (unknown to him) did not then write to that youth, "*You have done yourself and the State great credit.*" when I think of this, it gives me renewed strength for the hard struggle, for it has been ten years of hard work, worry, bitter poverty, and frequent disappointment.

Tuesday, January 10, 1888 Spent the forenoon at office After dinner went to the Court House to try case of Swenson vs. Winslow, et al. An action for damages on a Replevin Bond for breach of the Condition to prosecute with effect. Commenced about 3 P.M. and plaintiff closed his evidence—adjourned to next morning. In evening went to the office (Edith with me) and posted my self more for the morrow. Think I shall win. Am for the Defence (appellant) I lost in Justice Court. [Won before a jury] ¹⁵

Wednesday, January 11, 1888 At the District Court House at 9. A.M. Opened case for the Defense, and put in my testimony.

¹³ The letters enclosed in brackets have been added in pencil.

¹⁴ The name enclosed in brackets has been added in pencil. John Jay was a grandson of Chief Justice John Jay. He was minister to Austria from 1869 to 1874 and in 1890 he became president of the American Historical Association.

¹⁵ The statement enclosed in brackets has been added in pencil.

Case went to the Jury at noon and after being out 30 minutes they brought in a verdict for the Defendant, thus being a victory for me. A hard fought case and a clean win.

Thursday, January 12, 1888 Went to the Court House this morning—heard Tim Barret sentenced by Judge Lochran [*William Lochren*] to be “hanged by the neck until you are dead, and may God have mercy on your soul.” Back to office—general business. Lunch at N. Y. Restaurant with [Sumner L.] Trussell. Spent most of the afternoon electioneering for Stratton for President of the Union League for the coming year, but I fear we are in the field too late.¹⁶ Came home and spent the evening reading Porters “Free Trade Folly,” and case law on “Some points in the Law of Extradition,” an article for the [“] Criminal Law Magazine,” of Jersey City.

Sunday, January 15, 1888 Said to be one of the coldest days ever known in the Northwest. Scarcely ventured out of the house, but sat by the fire and read the paper and Kents Com. on International Law. I believe we burned half a cord of wood today to say nothing of the coal. Fuel now costs me \$20 a month regularly and I have no furnace either.

Wednesday, January 18, 1888 Nothing worth recording occurred today. The weather is so cold that we all keep close in doors and attend to the fires. Intended to have Mr [Charles W.] Purple come out to supper and with that object in view arranged to have another party act of [as] Secretary at the Lodge. But through a misunderstanding he could not come and it was arranged that he should come out with me tomorrow evening

Concluded however, that it was too cold to go to the Lodge and remained at home reading Bancroft. I may be no judge of a historical style but to me Bancrofts style is abominable His everlasting series of semicolons instead of conjunctions irritate me, and make it very hard reading. I like Mr Shoulders [*Schouler's*] style, it is smooth and “uneventful” and I read on without having my attention called to it

The Republican leaders of the State met today at the Union

¹⁶ Nevertheless, Stratton was elected president of the League for 1888. Timothy E. Byrnes and C. P. Preston were elected vice presidents, Trussell, secretary, and Clarence H. Childs, treasurer. Byrnes later became vice president of the New York, New Haven and Hartford Railway.

League Rooms for the purpose of taking steps for the organization of a State League composed of delegates from local L[e]ague[s] and clubs throughout the State. There were about 150 present and great enthusiasm prevailed. The coming year will be hot politically. Every office in the State and nation, almost, is to be filled, and the pot has begun to simmer already.

Thursday, January 19, 1888 Close at my desk all day. In evening Mr. Purple, our Stenograph[er] came over for supper and spent the evening. Mr. [Charles H.] Coe came in also and we played cards until ten oclock. Purple is a graduate of Oberlin College and has been admitted to the Bar, not yet commenced practice. Have been think[ing] today about the advisability of seriously undertaking the "*Commentaries on the Law of Public Corporations*"¹⁷ This has been in my mind for a long time. The undertaking is so vast, the labor involved so immense, and the results of such tremendous importance that I hesitate. The field is open and some man will make fame and fortune, but a failure would be almost ruin. Dillon, on Municipal Corporations now covers a part of the field, but has in a measure gone out of date and become overlaid with notes &c. but its reputation is so great that it seems presumptuous to enter the same field. But some one will do it and I am confident that I can imagine the plan and scope of a better book, but dare I attempt it. It will involve the careful reading and digesting of at least fifteen thousand cases and the severe concentrated labor of at least six or eight years. If it should be a failure it would be a serious matter, but success would be money and a solid reputation. The preparation would not seriously interfere with my practice but would engross all my spare time. I have however decided not to commence it at present but to devote the present year to a historical study and further preparation by a course of reading. A year from now I will commence the *magnum opus*, 3 v[o]lumes 600 pages each. In the meantime, for "Centralization."

Friday, January 20, 1888 Cold! Cold! Cold!, Coal!! Coal!! Coal!! \$9⁵⁰ \$9⁵⁰ \$9⁵⁰

¹⁷ Elliott carried out this program. In 1893 the Goodyear Book Company of Minneapolis published his *Principles of the Law of Private Corporations*, which went into five editions, and in 1898 his *Principles of the Law of Public Corporations* was issued by Callaghan and Company of Chicago.

At office until 11. A. M. Then went to St. Paul to get an opportunity to examine Spear on Extradition, but found that the Attorney General was using it. So devoted a couple of hours to examining some articles in the Albany Law Journal, by William Beach Lawrence on the same subject. Reached my desk again at 3 P. M. where I remained until night. Came home and spent the evening urging the fires and reading Bancroft.

Am trying to get together the authorities for an article for the Criminal Law Review on the power of trying a prisoner for an offence other than that for which he is extradited. Find it difficult to manage. This article was promised sometime during last year but I had so much on my hands that it was not written. For the present year I have promised an article for the American Law Journal and one or two for the Cyclopaedia of Eng. and Am. Law, on a subject to be assigned me well down the list. Then during the year I hope to do most of the work on a Book on "*Centralization; a Study in Government*," for which I have some notes prepared. During May I suppose I will have to pass an examination for my Degree of Ph.D. if the faculty ever get the matter arranged. This with my law business will give me enough to keep me busy. Law business is very quiet this month, very little new business although I have secured two good new clients.

Saturday, January 21, 1888 Horribly cold, said to have been as low as 53 below zero this morning, but 42 is the lowest authentic report, and this by the Government Signal Service officer at St. Paul. He report[s] the coldest sustained record for any day since the establishment of the station in 1872. I was late in reaching the office, 9³⁰. Attended closely to business until noon although suffering from a cold which has invaded every nook and cranny of my system. After lunch went to the Club room and played Billiards with [A. W.] Scot[t], talked with [William J.] McAfée about Commercial Union with Canada and the Fishery Dispute. Read the paper and remained until almost three P. M. Concluded that I would go home, but stopped at the office and found my mail contained matters requiring immediate attention. Went up to Plymouth Avenue to look after a collection. Came home at 5³⁰ and spent the evening sitting before the fire reading Bancrofts U. S., the decline of the Colonial System.

Mr Henry L. Sheppard came in the office today and informed me that he saw a very flattering notice of my Book in some Eastern paper but could not remember what paper. *The Star News*, in its notice gets me mixed up with a Mr Elliott who a few years since published a book on the Alaskan Seal Fisheries.¹⁸ Washington dispa[t]ches today state that nothing is expected from the Fishery Commission. My prediction will be verified. Mr Chamberlain and his col[l]eagues will undoubtedly spend a pleasant winter in Washington and do no serious damage — this and nothing more.

Sunday, January 29, 1888. Close to the Library all day reading and dreaming. Have been wondering why some one has not written a "*History of the Foreign Relations of the United States*" or call it a "*Diplomatic History of the U. S.*"¹⁹ The position of the U. S. as one of the Family of Nations is of course treated of incidentally by all the historians, but a complete work devoted to this subject would be worthy of any writer. It must be written with access to all the sources of information, printed, and written in this and other countries. It would give due prominence to the influence of the U. S. upon the development of trade and commerce, the peculiarities of the Monroe Doctrine, her influence on the growth of International Law, and the principle of Arbitration as applied to International disputes &c. &c. Trescott and Lyman have, in a fashion treated of the early Diplomatic history, and Seward's Volume of the period of the Rebellion.²⁰ Mr Stevens [*A. J. Stephens*] research[e]s in the Archives of Europe have brough[t] much new and important matter to light which it is hoped will soon be accessible. I understand that the period of the Civil War is being written by a St. Louis man who recently took his Doctor Degree at some German University.

Monday, January 30, 1888. General office business, correspondence and drawing pleadings. Feeling badly and in no condition for

¹⁸ The reference is to *Our Arctic Province: Alaska and the Seal Islands*, by Henry Wood Elliott (New York, 1886).

¹⁹ Several histories of this type have since appeared, the most recent by Samuel Flagg Bemis, whose monumental *Diplomatic History of the United States* was published in 1936.

²⁰ The works referred to probably are William H. Trescott, *Diplomacy of the Revolution* (New York, 1852) and *Diplomatic History of the Administrations of Washington and Adams* (Boston, 1857); Theodore Lyman, *Diplomacy of the United States* (Boston, 1826); and William H. Seward, *Diplomatic History of the War for the Union* (Boston, 1884).

work. Have been suffering from the epidemic locally known as Winter cholera, and am weak and debilitated and now on top of it comes a severe cold, which has almost laid me on the shelf.

Tuesday, January 31, 1888 Feeling very much under the weather, cold and winter cholera. Did not reach the office until late. Went to Court House and upon returning to the office found Mr. Pope from Cedar Rapids Ia waiting for me. He is a client Mr. [J. J.] Windrum sent me. We went through some matters and then went to see some property his [*sic*] is thinking some day of trading for. Found it unsatisfactory. Lunch at Womans Exchange, and then played Billiards at Club Room for awhile Le[f]t the office at about 4 P. M. and came home.

The weather is warm and moist today and for most of the forenoon a heavy fog hung over the city—something unusual.

Prof. Judson informs me that the Faculty refused to accept that plan proposed by the committee on the Degree of Doctor of Philosophy²¹ The Committee reported in favor of conferring the Degree upon a satisfactory examination in the one special Branch chosen and the preparation of a suitable thesis showing original work. Some of the Faculty favor a scheme by which an examination must be passed in one other subject entirely out of the special line of work and on[e] collateral to it. If this is adop[t]ed, I shall select International Law, Constitutional History of England, and my specialty of American History. If they go to adding any further requirements I will withdraw as my time is too valuable to give much more of it to this kind of amusement. The Degree is not a matter of vital importance to my present or future welfare.

Wednesday, February 1, 1888 Cold not much better and throat worse. At home most of the day About 10 A. M. ventured over to the University Library. Returned a volume of Morleys Critical Miscellan[y] and brought home vol. 1. of Grotes "Plato" and a small volume by Lewis Rosenthal on "America and France," which

²¹ Harry Pratt Judson was professor of history in the University of Minnesota in 1888. In 1892 he became dean of the colleges and professor of history at the newly established University of Chicago, in 1906 and 1907 he was acting president, and he was then installed as president. For many years he served as a member of the general education board and of the Rockefeller Foundation. From 1895 until 1902 he was one of the editors of the *American Historical Review*. He was a lifelong friend of Judge Elliott.

has escaped my attention before. It is an attempt to show, chiefly by abundant quotations from contemporaneous writers, the influence of America upon the French Revolution. As far as I have read he seems to agree with Mr. [H. M.] Stephens who in the Preface to the American Edition of the first volume of his new History of the French Revolution points out that it was only in its earliest stages that American [*sic*] exerted any appreciable influence. The influence of America in successfully establishing a republic doubtless, by giving an illustration more modern than [*than*] the republics of antiquity, led the thinking men of France to choose a Republic rather than a limited monarchy after the English fashion so much admired by Montesquieu. But these leaders of thought [*t*] who prepared the way by the destruction of the monarchy, were not the men who established the French Republic in 1794 and the men who actually founded that Republic received their inspiration from the classics.

Went to the office late in the afternoon and attended to my letters. Felt worse and came home as soon as possible. Brought the Century with me and spent the evening reading it and taking medicine &c. Went to bed with a very sore throat [*sic*] wrapped in salt Pork. Omitted Lodge. Mr. Shepley [*E. R. Sheply*] called at my house for advice (and left \$5.)

Thursday, February 2, 1888 Found my throat somewhat improved this morning, but felt afraid to venture out, so remained indoors all day. Feeling better generally and hope to be able to return to business tomorrow. The weather is quite warm but no sun shone to dispel the mist and dampness. Snow seems to be melting some. Spent the day reading "*America & France*," and in browsing [*sic*] in the Library. Sent to the office in the afternoon for the files of a case and spent an hour or two in working over the papers. The case is set for trial the 8th of this month. Read awhile from Gneists *Constitutional History of England*, and in estimating the amount of reading I will have to do in case I must be examined in the two extra branch[*e*]s. Will read Gneist, 2 vols. in all 1000 pp. at 33 $\frac{1}{3}$ a day I can master it in one month, then in one month I will take the insides out of a volume (probably Woolsey) on *International Law*. That will leave me something over six week[s] in which to review *American History*. In connection with Gneist will read [A. V.] Dicey on the Constitution, for the present state of the "organism" and [Sir Henry J. S.] Maine's *Lectures on Democracy*, for its future.

Am in hopes, however, that I will not be obliged to take these extra subjects as my time is needed for other matters. In looking up the subject of International Law I got to reading from Whartons Digest of the Int. Law of the U. S. and spent two hours posting myself on the conduct, careers, and social amenities of the British Ministers Agents or Ambas. sent to our country prior to 1812. With the exception of Erskine, they were a precious collection of British Boors from Hammond to Jackson. And by the way Jacksons correspondence with his family takes the foundation from under Sir A. Allisons story of his (J^s) treatment in the U. S.²²

Friday, February 3, 1888 Felt much better this morning but as it was damp and misty out of doors was afraid to venture out until about 11. when I went to the office Felt very weak and out of sorts but got better towards evening. Got some of my neglected business attended to Came home feeling in good spirits and ready for an evenings work over an argument but after supper (at Mr Ws where I found Edith and Winslow) suddenly lost my energy and dozed the evening away over the Life of Charles James Fox. Expect to be at the office early tomorrow and attend closely to business all day. It is now 10 P. M. and I must to bed where the rest of the family have already gone.

Snow disappearing gradually

Wednesday, February 15, 1888 Closely confined to the office in the forenoon. Felt out of sorts and went to the club room after lunch and stayed until 2 P. M. Stopped at [James O.] Springers office and talked awhile with [Howard] Abbott.²³ Then back to office and commenced looking up cases for a brief. About 4. P. M. Mr Windrum came rushing in and informed me that Harrison Farrington & Co. had attached the stock of goods which Mr. Sheply had purchased on the 6th from Frank Rice.²⁴ Went over and found

²² The reference is to Francis James Jackson, British minister to the United States in 1809, and to the account of his reception by Jefferson, given by Sir Archibald Alison in his *History of Europe*, 10:594 (Edinburgh and London, 1842).

²³ James D. Springer was vice president and general solicitor of the Minneapolis and St. Louis Railway Company. Howard S. Abbott was assistant attorney for the same road. Their office was in the Boston Block.

²⁴ Harrison, Farrington and Company was a wholesale grocery firm located at 200 First Avenue South. The partners were Samuel P. Farrington and Hugh Harrison. Frank Rice was a small wholesale grocer

Sheriff in possession Will make a formal demand tomorrow and if not complied with will at once commence an action for damages & conversion

Mr Howard Abbott called and spent the evening. Read some Constitutional History of England today.

Thursday, February 16, 1888 Reached the office at 8³⁰. A beautiful morning, sun shining warm with a spring like tone. Spent almost the Entire day working on the Sheply attachment case. Served notice of claim of notice of ownership on the Sheriff. Had great difficulty in getting the run of the case as no papers were on record Rice seems to have gone sure enough and very likely we will have a great fight to hold the stock but if I am not greatly in error we will be successful.

Drove Edith out to 3342 — 3^d Ave. S. to see her dress maker but found her not at home. Took notice of foreclosure with me to serve on her. Drove Mr Winslows horse. Came home, called at Coles printing office to see about the Circular — not done yet.²⁵ Supper at Winslows, then brought Edith and Winslow home and went to the Canton, remained until 10. Drilling — Home 10³⁰.

The papers today contain an account of the new Treaty on the Fishery Question just signed yesterday. It seems as far as known unexpectedly good for the United States. If the three mile limit and the question of Commercial Privileges are settled all will be well.²⁶ In the meantime I am anxious to see the treaty.

Friday, February 17, 1888 Reached the office at 9. A. M., stopping at the Printing office on my way down and read proof [on] a circular advertising the Fisheries Devoted almost the entire day to working on the matter of the Sheply attachments. Will bring suit vs the Sheriff for \$20.000 damages Came home very tired After supper went over and got som[e] of the Circulars. Came home and read the first 20 pages of Gneists Constitutional History of England.

who had been a clerk the previous year in still another wholesale grocery establishment owned by Sheply.

²⁵ W. T. Cole and Company, printers to the University of Minnesota, had a plant in the university buildings. The circular was an advertisement for Elliott's book on the *Northeastern Fisheries*. A copy is in a scrapbook in the possession of the editor.

²⁶ The treaty was adversely reported by the Senate committee on foreign relations on May 7, the committee vote being 5 to 4. The text of the treaty will be found in 50 Congress, 1 session, *Senate Miscellaneous Documents*, no. 109 (serial 2517).

Have laid out my work as follows. One month for this subject reading through Gneists 2 Volumes It will require 30 pages a day. One month for International Law and then one month to reviewing the History of the U. S. ready for my examination for a Degree the latter part of May. The work is getting to be somewhat of a burden in connection with my regular business which is enough for one man

Saturday, February 18, 1888 Another beautiful day. Thawing the snow rapidly. At courthouse awhile in the forenoon. Most of the day devoted to looking up the law and getting ready for the case of Sheply vs The Sheriff, et. al. I think this is going to be the most important case I have had since coming to Minneapolis At club room for a short time. Came home in buggy with Edith. Took horse over to W^a. Went over to Coes to see if any of them care to join in a game of cards. All were engaged. Came home to a late supper. After which read, Const. Hist. until 9, and then went to bed to try and get caught up with sleep. Felt very tired and exhausted. The last three days have been very hard ones. Received a paper from Oscar Watkins containing an address read by him before some Teachers Meeting in Ohio. Wrote him. Sent out about a dozen Circulars advertizing my Book (to friends) Brought a suit for Mr Winslow against a Mr [Thomas W.] Hanley (a Tailor) to recover \$40—summons and complaint served by Posner.

Tomorrow being Sunday will get a good quiet day for reading. Am just beginning to realize the amount of work I must do in order to get ready for a creditable examination in English Constitutional History But I think a thorough mastery of Gneist with such collateral reading as I can get time for will carry me through with credit.

Tuesday, February 21, 1888 Stopped at the University Library on my way to the office. Closely confined to business all day The Union moved to the floor above, and will not bother us so much now. I am to be at their offices at a certain hour every day to do their business

Lunch at Womans Exchange.

Read Gneist 30 pages

Tacitus, all of the Germania

Edith and I called at Houses and spent a couple of hours in the evening

Wednesday, February 22, 1888 Washingtons Birthday. Snow-

ing and warm. Read Gneist awhile before going down town. Found there a letter from Clark saying that he is sick at Spokane Falls and in need of money.²⁷ Wrote him a long letter urging him to come home and settle down and promising to send him money in a few days. I pity the poor boy and know how it is to be sick among strangers and without money. But he deserves some kind of punishment as Hugo says such an experience is the crucible into which God casts a young man when he wants a scoundrel or a hero. Clarks letter so complete[ly] unnerved me that I have been useless all day. Came home at 3 P. M. and read Gneist and Stubbs until supper. Shoveled ice and snow for awhile. Edith and Winslow out calling.

At Lodge until 10. Strolled into the Peoples Theater and saw a part of one act of *Rip Van Winkle* not by Jefferson²⁸ Reached home at 11¹⁰

Received a letter today from my old teacher & friend L. W. Shepard, now Superintendent of Schools at Mt Sterling Ohio. Had not heard from him for eight years.

The Senate made the Fishery Treaty public and it is in all the papers this morning. Am inclined to think that it is a makeshift. A compromise with a sting in its tail — (if compromises have tails.) But have not examined it with care yet.

Thursday, February 23, 1888 Another warm day, thawing. Busy at the office but did not accomplish much. Most of the day spent in drawing pleadings. Lunch at Womens Exch. Billiards. Court House. Prof. Judson called at the office and informed me that the Faculty had at last made arrangement for regulating the granting of the Degree of Doctor of Philosophy I am to be examined in the General subject of History and minutely in the Political and Constitutional History of the United States and to defend my Thesis before a meeting of the Faculty in Chapel. The latter part is adopted from the German Universities It will be amusing at least.

²⁷ Clark was Elliott's younger brother, Clarkson Ralph Elliott, who was at the time a professional athlete. A few years later he enlisted in the Third United States Cavalry. During the Spanish-American War he was commissioned a second lieutenant and he rose to the rank of lieutenant colonel in the Twenty-sixth United States Infantry. He was killed in action at Verzy-le-Sec, near Soissons, France, on July 18, 1918, and was posthumously awarded the Distinguished Service Cross for exceptional gallantry in action.

²⁸ In the following week another company played *Rip Van Winkle* at the Pence Opera House, with John Murray in the title role.

After supper shovel[ed] ice and snow for awhile. Then went over and called on Miss May at Coes for an hour Home and read *Geist* and *May* the remainder of the evening.

I find that I am not going to have to pass an examination in International Law, but in the General field of History instead

Pioneer Press today contains remarks by Dr Folwell at the meeting of the University of M. Allumni meeting in which he speaks in very flattering terms of my *Fisheries*²⁹

The G. A. R. men hold their Grand Encampment in the City to-day. (State)

Thursday, March 1, 1888 March came in this morning with a heavy snow storm. Reached the office a little late Spent the forenoon drawing Deeds and Bonds (\$10 for same) late lunch at N. Y. Rest. with Mr Herrick. Afternoon general business Talk with [Wiley] Tindolph & Crocker about the town business. Am to take the proper steps to have name changed.³⁰

In evening Edith and I went to the Grand and heard "*Jim the Penman*."³¹

Stayed at Winslows

Saturday, March 3, 1888 Paid several bills. Answered letters for Union. Wrote an opinion for a client. Lunch at the Womans Exchange. Called on [Harold C.] Chapin City Editor of the Pioneer Press.³² As I was leaving met Dr. [Albert] Shaw in the Hall He invited me into his Sanctum where we talked for an hour.³³

²⁹ The account published in the *Pioneer Press* of February 23, 1888, makes no mention of Dr. Folwell's remarks on Elliott's book. It is possible that some one present at the meeting reported to Elliott that such mention had been made.

³⁰ The reference is to a project for platting a new town in what was then called "Seidel's Addition" to Minneapolis. Tindolph was a real-estate man whose legal business Elliott handled.

³¹ *Jim the Penman* was a popular play of the period, by Sir Charles Young. The Minneapolis caste included no recognizable "star." The performance was supplemented by the talents of a male quartette.

³² The *Pioneer Press* in 1888 was published in Minneapolis as well as in St. Paul. Chapin was the Minneapolis manager.

³³ Shaw was the editor of the *Minneapolis Tribune* in 1888. In 1891 he became editor of the *American Review of Reviews*, now the *Review of Reviews and World's Work*. He was born in 1857, and is still, at eighty, one of the most distinguished figures in American literature and in the field of political science.

Spent the evening at home reading the Century Sent in my subscription for the North American Review, and am to receive with it a copy of Rice's "Reminiscences of Abraham Lincoln.[""] \$4⁰⁰. My talk with Shaw, while very enjoyable gave me the "blues." It makes me realize my lack of advantages in early life. By some means I must acquire a good knowledge of modern languages. In my specialty I do not fear, but the confidence manifested by men like Shaw is foreign to me. I feel at a disadvantage Nothing can overcome it now, but a residence of a few years abroad.

Tuesday, March 6, 1888 Edith sick this morning and unable to prepare breakfast. Got my breakfast at Mrs W^s. At Municipal Court, setting cases, office. At Tindolphs office. Long talk about the new town &[c] Came home for dinner, found Edith at her mothers. Stopped at Judsons on my way down. He gave [me] a letter from James Russell Lowell about the "Fisheries" very complimentary.³⁴ Also several others from men of less prominence. In Evening read from Gneist on the Conflicts between the Ecclesiastical and Secular powers under the Norman Kings. Also Ch[apter] on the *Curia Regis* and the Great offices of the Realm To bed at Eleven with burning eyes.

Tuesday, March 13, 1888 A general busy day at the office About 4 P. M. received a telegram that the case of Crocker vs Niland was on the Calander for trial tomorrow at Fond du Lac. Left on the 7⁵⁰ train after a general rush

Spent the night in a sleeper. Read Bagehots *English Const.*

Saturday, March 17, 1888 Reached Chicago at 8. AM.—to Grand Pacific for a general cleansing and Breakfast. Called on Beck, Charlton, Mr Crawford, Calumet Iron & Steel Co. where I was paid \$25, balance of fee. Met a partner of Lyman Trimble. Called on Cratty Bros who kept me waiting so long that I left. Stopped in at the U. S. Circuit Court where Judge Gresham was hearing a case

³⁴ Lowell, who had been minister to England, wrote: "I have read with great interest & instruction your History of the Fishery Question. It seems to me a thorough & fairminded statement of the whole business. The matter had naturally interested me both as a New Englander & because I had to take cognizance of it officially while in England. Your compendium would have saved me much trouble in getting a comprehensive view for my own satisfaction." The original letter, dated February 23, 1888, is in the possession of the Elliott family.

in which Capt. [William P.] Black was one of the attorneys—he of Anarchist fame.³⁵

Talk with Mr Myers, Law Book Publisher about a Minnesota Digest. Also called on Flood & Co. to chat a while. For home on the 3 PM. Wis Cent. train, reading McCarthys "England under Gladstone 1880-1885," and Bagehots *English Constitution* the latter a wonderful book, keen and incisive in language and thought. Mr. Woodrow Wilson followed his method very closely in his remarkable book on "*Congressional Government*."

Had a very dreary ride home as I did not take a sleeper thus saving \$2²⁵ towards paying for the Books I purchased, viz Campbells *Lives of the C. Js*, 4 vols. Johnsons "*Connecticut*" 1 vol. Roberts "*New York*," vol. 2. Drapers *Civil Policy of America*, 1 vol. Doyles *Reminiscences* 1 vol.

Also Bates *Law of Partnership*, 2 vols, a splendid new work on an important subject.

Sunday, March 18, 1888 Arrived at Minneapolis at 8. A.M. and found all well. Slept most of the afternoon. Went to the office a short time—supper at Winslows. To bed at 8. P.M. all used up.

Monday, March 19, 1888 Found a heavy business accumulated, many letters &c. Began with a will the task of clearing up but run amuck of a horrible nervous headache about 10 A.M. which completely used me up. Got an order to show cause from Judge [Stephen] Mahoney. Lunch at W. Exch. Went to the League Rooms with Frank Smith to see what progress had been made in re-fitting since the fire. Not quite in order yet.

Wrote several letters. One to Hon. Jno. Dalzell M. C. who wrote for one of my "Fisheries" on the recommendation of Henry Cabot Lodge, who seems to be still speaking well of it. About 4 P.M. I could stand it no longer and came home. Found the Col. and the servant Girl in charge. After supper felt some better. Edith read to me from the *Reminiscences & Opinions of Sir F. H. Doyle*. A package of books followed me from Chicago, amongst them Campbells *Lives of the C. Js*, and Drapers "*Civil Policy of America*."

Tuesday, March 20, 1888 Spent the entire forenoon in Municipi-

³⁵ Black was one of the lawyers for the defense in the trial of the anarchists involved in the Haymarket riot of May 4, 1886, at Chicago. Michael J. Schaack, *Anarchy and Anarchists*, 553-559 (Chicago, 1889).

pal Court on hearing of an order to show cause in *Wendell et. al. vs. Windrum deft & First Nat. Bank, Garnishee*. Came out ahead. In afternoon attended to correspondence and general business. Mr. [Andrew J.] Graham the Rector, came to supper and spent the evening.³⁶ Talked about almost everything. Edith read from Lippencotts Amelia Rives new Novel, "*The Quick or the Dead*."

Saturday, March 24, 1888 Appeared in Court in connection with the application for a receiver for Frank Rice.

Sunday, March 25, 1888 One of the very worst blizzards of the year set in about 11. A.M. and continued all day We went to Church and found the return difficult. Mr. Graham preached a fine sermon

Came home and devoted the day to playing with the Baby and reading English History principally, Macaulay and Freeman.

I find that it is very difficult to make much progress in such reading owing to the constant interruptions. Have about concluded to move my study upstairs where I may be able to work with less difficulty.

Have been reading Gneist, but find him abominably hard reading His two bulky volumes seem to be the very essence of the whole subject, so analyzed and subdivided that in order to grasp it, it seems almost necessary to memorize the entire volumes.

Freeman and even Stubbs is easier reading. Gneist has very positive opinions as to the continuity of the Witen Gemote [*witenagemote*], or Assembly, believing that under the Norman Kings the Great Council was little more than a meeting of the nobles for purposes of show and display, while Freeman insists that the Present House of Lords is the Witengemote, of Saxon times, the Great Council of the Norman Kings. This is doubtless true only in a theoretical sense. The Norman Kings governed and through their police & military power practically legislated when necessary.

Monday, March 26, 1888 Found the world burried in snow again, so that the labors of old Sol for the last week have been all undone. Cut wood and shoveled snow until about 8³⁰, then to the office. Spent most of the forenoon in getting ready to try the case of *Best vs Winslow* in the afternoon. Came out to Winslows for dinner where I found Edith & the Colonel. From 1 to 3+ spent in

³⁶ Graham had been rector of Holy Trinity Episcopal Church, located at Fourth Avenue, Southeast, and Third Street, since 1884.

trying the case before Justice [Ace P.] Abell. Kind of a free for all in which the clients joined and cheerfully dubbed each other liars &c &c. Submitted the case. The result is very doubtful. Returned to the office wrote some letters and went home, taking the Harper. Read Gneist until supper time when I went over to Winslows

Received a letter from Hon. John Dalzell, M. C.

Wednesday, March 28, 1888 Preparing for trial in forenoon.

In afternoon tried the case of Wendell vs Windrum before Judge Mahoney, without a jury

Came home for supper and went back to Lodge. Home at 9⁴⁵

Thursday, March 29 1888 Spent most of the forenoon drawing papers for [William P.] Merriam and O'Brien.³⁷ Went out to Mr [George E.] Wardens for Dinner. Edith the baby and Mrs Winslow were already there. On way back stopped at Club House awhile. Wrote letters and worked over loans. Spent an hour at Purples office He does not seem to catch on yet.

In evening Mr [Richard S.] Reeves called to look at some rooms we think of renting.³⁸

Read vol. V. of Freeman's Norman Conquest until late.

This has been a beautiful warm day and much snow disappeared. About the first day which has caused me to hope that this cruel war of the elements is about over.

Saturday, April 7, 1888 Received a letter from Sen. Hoar of Mass. speaking kindly of the Fisheries.

A day or two since I received a letter from the Editor of "Education" asking for a copy to review which I sent.

Sunday, April 8, 1888 In forenoon read Shottowes [*Skottowe's*] *Short History of Parliament*. Went over to Winslows for dinner. Left Edith & W. and Walter and I came over home. He recited his Oration, and I made some suggestions.³⁹

³⁷ Merriam was a member of the firm of Merriam and Kneale, a real-estate company. No such firm as Merriam and O'Brien is listed in the city directory of 1888. Orrin C. Kneale is frequently mentioned in the diary. His office was in the Temple Court close to that of Elliott.

³⁸ Richard S. Reeves was the stenographer employed by the National Building, Loan and Protective Union, for which Elliott was attorney.

³⁹ Mr. Walter E. Winslow was Elliott's brother-in-law. He was a member of the class of 1890 at the University of Minnesota, and was therefore a sophomore in 1888. His "oration" was prepared for an annual oratorical competition and his subject was "The Republican Emperor," Louis Napoleon. Mr. Winslow now lives in Minneapolis.

Read Parli[a]mentary History balance of the day.

Monday, April 9, 1888 The sun came out very bright giving every evidence of a beautiful spring day but by ten oclock it was raining and so continued until almost night.

Attended to loan business in forenoon. In the library from 11 until 12³⁰ Lunch at N Y. Rest. Read half an hour in Gardners "English History for Students" Went to Court House in the rain examined record. On way back stopped at Tindolphs office. To lumber Exchange to collect coupons for [Orrin C.] Kneale, found my man and expect to get the money tomorrow. . . .

Looked up Wisconsin Law on right of owners of a mill dam to stop passage of logs.

Sent power of Attorney of Brader as Guardian to *Little Rock* to Vaughn to get money &c of Montgomery Estate transferred up here.

Came home in rain. after supper picked up Pres Adams "*Democracy in France*" for the purpose of looking up a point — became interested & read until 9. P.M.⁴⁰ Then came up stairs and worked on *Stubbs Const Hist of Eng.* until 11 P.M. Read mostly on the Witingemote, its origin composition, and powers.

Thursday, April 12, 1888 General business all day.

Edith received a telegram announcing the death of Anna Schall (Cloud) of Muscatine.

Read Walters oration, and an hour on Bancroft.

Friday, April 13, 1888 The brigh[t]est spring day of the season. Forenoon general business at office, mostly loan matters. Attended a meeting of the Attys in the Frank Rice Insolvency matter.

Came to Winslows for dinner. Took Mr W^s horse and buggy and with Edith & Baby drove about five miles into the country and served an order for Supplementary hearing on Edward W. Furner. On way back reached the office at 5 P.M. and stopped only long enough to attend to my mail, &c Came home and split wood awhile. Took down the storm doors. Read Bancrofts U. S. and to bed early.

Saturday, April 14, 1888 A beautiful, balmy spring day. Reached the office very early and was closely confined thereto until noon Came home for lunch.

Spent almost all the afternoon attending to loans. We now have

⁴⁰ The book referred to is Charles Kendall Adams, *Democracy and Monarchy in France* (New York, 1875). Adams was president of Cornell University.

the Companys business arranged as follows. All matters connected with the Loan Department is turned over to our office as soon as received and sorted in the General Offices on the floor above us. I then take charge of it and examine the applications and approve or reject the same. When the Abstract of title is received I turn that over to Stratton who examines it. I then close the loan and send out the money. The work takes about two hours each day and I receive \$25⁰⁰ a month and my office rent, which is equivalent to \$20 more, in all \$45 per month. I am also situated so that I get considerable legal business from the Co. and particularly from the members. Am gradually getting all of Mr Kneales business. Also Merriam and Tindolph. While I dislike the correspondence in reference to loans, it brings me a small steady income. I have now rented 1/2 of my house for \$12⁵⁰ a month so that I have to pay but 12⁵⁰ myself. Am beginning to feel that my affairs are getting into better form.

Thursday, April 26, 1888 The 69th Anniversary of I. O. O. F. in America.

At office until 11. Went home and upholstered myself in the uniform of a Patriarch Militant and marched with the Band through the streets of the City. Began to rain as usual but we reached the Peoples Theater just in time. Speeches by Col. Stratton, [Norton H.] Hemiup, Dr.——, &c and the inevitable original "Pome" by the local genius, original in its badness only. In all quite a festival. Such proceedings always remind me of the Festivals of the Sixteenth Century.

But the order is a Noble one in its objects. Last year more than two millions of Dollars were spent in the work of relieving distress, and educating the orphans

But the members, the rank and file are generally such "chumps" and the meetings are a bore to me.

I am just about through a term as Secy of our Lodge and am thoroughly sick of the whole matter.

Friday, April 27, 1888 This Diary business has gotten very much behind—one year seems to have about exhausted my capacity, but will try to keep it up from now on. Business has been keeping me close to the office. All spare time given to reading up on English and American History. Find that the time I am able to give to general study gradually grows smaller. But am obliged to review for the Examination which is to come off in the last week of May.

After May 1st I intend to remain at home a part of the day and give the time to study. While I should not take the time from the business it is absolutely necessary that I be well prepared for the final examination, as it is a milestone in my career which must be passed with credit.

Today I found time to read some from Bancrofts U. S. In the evening called at Prof. Judsons a few minutes

Since writing in this record, I have received very flattering letters from Senator Hoar of Mass. and from the Father of American History, the Venerable George Bancroft. An encouraging word from him should mark a red letter day. Senator Hoar said that he should expect to see other such contributions to history from me. Well we shall see — what we see.

Saturday, April 28, 1888 Read Bancroft before and after breakfast, until 8³⁰ — came to the office and attended to loan correspondence until noon — carried lunch with me. Read from article on "Parliament" in Ency. Britannica while eating my lunch. At club room a short time. Dreary and rainy — felt like loafing, talk with C. W. P[urple] about probability [*sic*] of getting a franchise from the Council for a Company to investigate for Natural Gas. At Library an hour.

Sunday, April 29, 1888 Snowed all day until the ground was white. Spent the entire day close at home reading Bancroft and Winsor mostly on colonial topics.

Monday, April 30, 1888 Busy all day at office.

Word today that Cleveland had nominated Melville W. Fuller of Chicago for the office of Chief Justice of the United States.

Mr. Fullers name has not been prominently mentioned, in fact I have not heard it referred to. But he is a fine lawyer and I presume will be confirmed without difficulty. Almost four years ago, I was attorney for the German American Insurance Co. in a case brought against it by a brother of Mr Fuller. To [*The*] to-be C. J. was of counsel but we won the case in the Lower Court and it is now pending in the Supreme Court of D[akota] T[erritory]. Another attorney in the same case is now chief justice of Michigan ⁴¹

Tuesday, May 1, 1888 Read at home until 11, and then went to the University Library. Brough[t] home Vol. 1, Shoulders History U. S. and Vol. 2. of Von Holst, U. S.

⁴¹ This was Thomas R. Sherwood.

At office at 1 P. M. — very busy remainder of day. In evening Mr. & Mrs [John S.] Clark called. Read awhile and to bed

Wednesday, May 2, 1888 Commenced reading at 8. A. M. and read until after eleven, Winsors & Bancroft, Early New York Colonial history, also Va. after the Restoration — causes of Bacons Rebelions.

Went to University Library and drew some book[s]. (This is error, at Library yesterday)

Office at 1 P. M. and business until 6. To supper with Mr Purple.

Lodge. Home at 10 with a raging headache.

Read Shoulders Hist of U. S.

Thursday, May 3, 1888 Remained at home until noon reading and reviewing for the Examination In the afternoon was kept very busy at the office.

Vol. 6 of the Critical and Narrative History was delivered. It is devoted to the Revolution and is a magnificent volume.

It rained all day so that I did not go to the Canton in evening but remained at home.

Ordered a new summer suit of clothes.

Friday, May 4, 1888 Came to the office early. To St Paul on 10. AM. Train to examine an abstract for Mr. Merriam who came to the office door and beckoned me out in order to give it to me as he has been one of Strattons clients in the past. I find that the most of his clients come to me as soon as they learn that I am the one who does the work, and this although I rather seek to discourage the business. I certainly do nothing to encourage it.

Back from St Paul at 1. P. M. Called at club room and played a game of Billiards with Peck — the first time I have been there for over a week.

In evening Mr. [Charles A.] Coe, and Mr. [Clarence H.] Childs called — after they left (10 P. M), read awhile.

The ground was white with snow this morning but it soon changed into mud. Said to be the latest spring ever known in this country.

Saturday, May 5, 1888 Early part of the day devoted to closing some business for Merriam

Lunch at N. Y. Rest. Billiards with Peck. Raining

Read S[c]houlders U. S.

Sunday, May 6, 1888 Read steadily until noon, when Mr.

Spooner from Jewett Mills Wis came to the house and wanted me to go to the office and get papers ready for garnisheeing some money over in Wis.

After dinner went down and drew part of the papers when I found that the money we were after was exempt.

On the way home stopped at Mr. Winslows and took the Century home. Intended to go there to supper but could not get the Baby over on account of the rain. So remained at home and read.

Wednesday, May 9, 1888 Read until 9. Came to office and made a desperate effort at removing some of the accumulated business, especially the Union business.

At noon took lunch at W Exch. and then by invitation of Carmen Smith went with him to the Studio of Mr [Alva] Bradish and "assisted" him in selecting a painting. He purchased a landscape and paid \$200 for it.

Spent a few minutes at the Club Room. At office most of the afternoon. Rained all day. We are having the most despicable weather ever known in this country. Rained now every day for about two weeks Went home suffering from a sick headache, but after supper went to the Lodge and attended to my duties as Secretary.

Came home at 10, drank two cups of Coffee and read awhile before retiring Am not making much progress in the way of reviewing and will have to go into the Examination on my general knowledge I find the tendency to devote too much time to one point so great that I can not get over much ground in a few weeks

Thursday, May 10, 1888 At office by 8³⁰. General drudgery. Lunch at W. Ex. Rainy, dreary, day, until about 4 oclock when the sun came out. Edith came down town and went to store for some purchases. Went home with her and for supper to Winslow[s]. Then home and read from vol. III of S[c]houlers U. S., the Adm. of Jefferson. Went to bed, rather early.

Saturday, May 12, 1888 At Court House most of the forenoon. closely confined at office.

Purchased a chair for Edith as an anniversary present. A beautiful antique oak Rocker with embossed leather seat and back.

Went home but found Edith was at her mothers so went over there and remained for supper. After which went home and spent the evening reading. Prof. Judson sent me over a letter from John

Fiske, acknowledging the receipt of a copy of "*the Pamphlet*"—also an outline of the requirements for the Degree of Ph.D. which have been adopted by the Faculty and which will appear in the next Catalog.⁴²

Should have taken home a new suit of clothes this evening but found only the "pants" done. Took them home and got into them instantler.

Towle made the suit.

Sunday, May 13, 1888 This is the 4th Anniversary of our marriage and it was celebrated in due form—by remaining at home and reading S[c]houlers U. S. all day and most of the evening.

The sun came out and it begins to look somewhat like winter was over.

Monday, May 14, 1888 Remained at home until noon reading Reached office at 1. P. M. Found a letter from Prof. John Bach M^cMaster the rising historian of the "People of the U. S."

Capt. [Otto] Langum called in response to a card from me and we went to Schlaners [*Schleners*] and purchased a new set of Books for the Canton.⁴³

Saturday, May 19, 1888 Came to the office in morning and attended to general business.

At noon took my coat home and wore new suit complete in afternoon. Purchased a new pair of shoes (6⁵⁰) also some collars &c.

In evening read from S[c]houlers 3, vol.

Sunday, May 20, 1888 Remained close in doors reading and reviewing on history. In afternoon went over to Winslows and took a walk with Walter.

Monday, May 21, 1888 A very beautiful morning but commenced raining about 10, and rained furiously remainder of the day

Walter drove me down town and back home to dinner. Read on the Oregon Question &c. Close at the office until supper time, after which read, principally from Curtis, Life of Buchanan

Moved the stoves out ready for summer.

Am very much disgusted with my Degree business. Am unable to get time to study and will have to face a severe examination with-

⁴² The rules, however, did not appear in the succeeding catalogue.

⁴³ Langum was for many years sheriff of Hennepin County. The firm of John A. Schlener and Company was in 1888, and for two decades thereafter, the leading stationery firm in Minneapolis.

out the necessary preparation I am a fair specimen of an ass, to attempt any thing of the kind while running a business at the same time.

Monday, May 28, 1888 Prof. J. B. McMaster, the author of the "History of the People of the United States" sent me a copy of a monograph on the "Anti Rent Riots in New York 1839," by Mr. Cheeney, which arrived today ⁴⁴

Tuesday, May 29, 1888 During the forenoon I was very busy at the office attending to general matters. Prepared interrogations for Depositions to be taken in case of Vander Single *vs* Vander Single.⁴⁵ Wrote ma[n]y letters, one to an old pupil, now an attorney at Langdon D. T., Mr Kessler. As I had to go to St. Paul after dinner, drove over and took Edith and Winslow with me. Saw Foulke about paying the notes he guaranteed, owed by the Calumet Iron Steel Co. and the Chicago Tyre Spring Co. of Chicago.

Back at office at 6 P. M. and went to try and get the time for answering in some cases extended. The gentlemen (?) who appear as attorneys of record, Mess[rs] [David B.] Johnson & [Michael C.] Brady⁴⁶ refused to accommodate me, so I was obliged to remain at the office and get the answers ready which I finally served

In evening read Gneists Const. Hist of Eng. until 12. midnight

Expected to have been examined at 3 P. M. today but was notified that the ceremony had been postponed until Thursday next at the same hour when I will shine or flicker gently.

Wednesday, May 30, 1888 Decoration Day and a general holiday I came down to the office at 9, and remained until 11. A. M. Home and spent most of the day reading, &c

Came down toward evening and cleaned up some arrears. Then to the Lodge.

Saturday, June 2, 1888 At Special Term most of the day.

Tried one case—motion 1/2 successful. Office business in afternoon.

After supper went to Prof. Judsons, where I was to be examined for my Doctors Degree Found five members of the Faculty present,

⁴⁴ The reference is to Edward P. Cheyney, *The Anti-rent Agitation in the State of New York, 1839-1846* (Philadelphia, 1887).

⁴⁵ This was a divorce case. Elliott was attorney for Mrs. Vander Single.

⁴⁶ This was a law firm, with offices at 43 Washington Avenue, South.

Folwell, Judson, Clark, Benton[,] Hall.⁴⁷ They commenced on me at about 8 P.M. and kept it up for two hours. Dr. Folwell examined me in the Civil & Political History of the U. S. and Prof. Judson, in the Constitutional History of England. It was a very searching examination but I got through fairly well—with credit they said. Left at about 10³⁰ after lear[n]ing the decision. Glad it is over.

It has been a long hard course of study and I am well pleased to be free from it.

Sunday, June 3, 1888 A very beautiful day, spent in rest and reading the Magazines.

Went to Church in the morning and at 3 P.M. to hear Pres Northrups [*Northrop's*] Bac. Sermon, which was very fine. His text was "Be ye ready &c."

Monday, June 4, 1888 A very busy day. At St Paul in the forenoon. Called and left a card at the Ryan for Gen. [Edward F.] Winslow.⁴⁸ In evening, at University, to hear the Orators on Contest. Walter was one of the contestants and while he did not get first place he did so well that I was very much surprised.⁴⁹

Tuesday, June 5, 1888 During the forenoon wrote mortgages and letters. Home for dinner and found Edith & Winslow gone visiting at Mr W^s. went there for dinner, after which came to the office again.

Collected 3⁵⁰ from Sweet & Hawthorn. Borrowed \$150 from Mr. Tindolph for a couple of days.

Alone at present. Stratton attending Grand Lodge at Fergus Falls.

Thursday, June 7, 1888 Raining furiously until about 10 A.M. Commencement day opened drearily. I had a case set for trial but at 10. oclock the jury was dismissed until 2, which gave me time to

⁴⁷ The members of the examining committee were William Watts Folwell, professor of political science; John S. Clark, professor of Latin; Charles W. Benton, professor of French; Harry Pratt Judson, professor of history; and Christopher W. Hall, professor of geology.

⁴⁸ Winslow was a distant relative of Mrs. Elliott. He had been brigadier general of a volunteer cavalry unit of the Union army in the Civil War, and he was at this time president of the St. Louis and San Francisco Railway Company.

⁴⁹ The winner of the contest was H. D. Dickenson, whose subject was "Bismarck and German Unity."

go over to the Colos[s]eum.⁵⁰ Arrived when the speeches were almost through. They found a place for me among the "graduates," and at the proper time I found myself alone on the stage, confronting the worthy President Northrup. The audience cheered heartily when I came forward and also at the close of the Presidents address, which was in Latin, and very complimentary. This closed the Exercises after which congratulations were in order. They were all very kind. The President came and took me by the hand and said that he greeted me as "*the highest in the University*," &c

I had to return to the Court Room at 2. P. M. so that I was unable to attend the Commencement dinner, where, as the President informed me in the evening, I was to have made a speech.

In the evening we all attended the Presidents reception which was also in the Col. A large crowd and a pleasant time. Home at 11. PM. Thus ended Commencement Day, A. D. 1888, and I found myself entitled to write the mystic letters "*Ph D.*" after my name — well they represent long hard work and Doctors of Philosophy are scar[c]e in this community.⁵¹

⁵⁰ The university drill hall and auditorium, which was known as the Colosseum, was located on University Avenue, about where Sanford Hall now is. It was destroyed by fire in 1894.

⁵¹ Curiously enough, the account of the university commencement exercises in the *Minneapolis Journal* for June 8 includes no mention whatever of the degree awarded to Elliott. Doctors of philosophy evidently were not only "scarce in this community," but they possessed slight news interest.



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