

# THE LAW COMES TO MEEKER COUNTY

BY

PATRICK J. CASEY

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FOREWORD

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In 1968, Patrick J. Casey published *The First 100 Years: A History of Meeker County*. Parts of this history are based on official records such as minutes of meetings of county commissioners, but most of it is derived from previously publications, as, for example, articles in *The News Ledger*, a local newspaper. Casey had a considerable interest in local history, which was matched by his talent in rewriting these old stories, and fitting them into particular chapters in his book. His chapter, “The Law Comes to the County,” is based on Abner Comstock Smith’s *A Random Historical Sketch of Meeker County from Its First Settlement to July 4th, 1876*, published in 1877.

Casey also compiled lists of county office holders during its first one hundred years. They reveal a distinct trend that appears in other county histories as well—very few county officials held office for more than one or two terms in the nineteenth century. In Meeker County, which was formed on February 23, 1856, the turnover rate was exceptionally high. From 1858 through 1876, it had ten county attorneys; from 1856 through 1877, it had nine sheriffs; and from 1857 to 1875, it had eleven probate judges. In the next century, county officials became careerists. They no longer held the view that their posts were temporary, part-time assignments; they ran successfully for reelection, stayed longer, sometimes decades. Albert Foster served as county attorney from 1895 to 1905; Raymond Dart served from

1913 to 1927, and was followed by Sam G. Gandrud who held office from 1927 to 1951. From 1900 to 1950, there were only five county attorneys. This pattern holds for other offices. From 1900 to 1950, the county had eight sheriffs, seven different probate judges, and six registers of deeds.

The chapter that follows, “The Law Comes to the County,” appeared on pages 15-18 of Casey’s *History*. The compilations of county office holders appeared on pages 227-31. They are complete, though reformatted. A few typos have been corrected. Casey’s footnotes have not been changed.

## The Law Comes to the County

The Courts first made their appearance in Meeker County in 1858. One dealt with land titles under the Homestead and Preemption Act and was presided over by Smith & Evans under the supervision of Thomas A. Hendricks, the Commissioner of the General Land Office at Forest City. One known as the District Court was presided over by Hon. E. O. Hamlin, District Judge of St. Cloud, Minnesota, and a third, the Justice Court, was presided over by Judge J. B. Atkinson as Justice of the Peace.

The first regular term of the District Court was to be held in October, 1858, but roads were so bad and there was so little business that the Judge did not come.<sup>1</sup>

However, on the appointed day the legal wisdom of the county met in Judge Smith's back office, then being used as a store room, and consisted of Wm. Richards, County Attorney, (not then admitted to practice), T. C. Jewett, Sheriff and Smith & Willie then constituting the Bar Association. The following is a description of the Court as related by A. C. Smith in his "Historical Sketch" written and published in 1876:

"Col. Allen's demijohn stood in an old candle box under the table, when Esquire Richards peremptorily directed the sheriff to open and adjourn the court, pursuant to law.

Jewett was inexperienced—never having done anything of the kind before—asked Richards what he should say.

"Say after me, sir," says Richards.

"Proceed Sir," says the Sheriff

"ere ye, 'ere ye', 'ere ye" says the Co. Atty.

"ere ye, 'ere ye', 'ere ye" says the Sheriff—"The District Court for the County of Meeker is now open—all persons having any business in this

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<sup>1</sup> A. C. Smith—Random Historical Sketch, p. 135 et seq.

court must appear and they shall be heard—God save the Queen,” says the County Attorney.

“D- - d if I’ll do it sir,” says the Sheriff, “this is a free country and you’ve got an old English form that won’t work here.”

At this point in the ceremony Richards looked at Willie, who had discovered the demijohn under the table—had exploded the cork and elevated “the substance of things hoped for,” and obtained a goodly portion of “the evidence of things unseen,” and had lowered the same to half mast—and at once with offended dignity, which none but those who knew Richards could appreciate—enquired of Willie what he was about.

“Oh! nothing,” says Willie, in his usual style, and stroking his moistened mustache,—“go on with your court, this is only the first informal call of the calendar, and ceremony is entirely unnecessary” again flourishing the demijohn, as a barber would cut a figure eight with his razor, and in its descent securing another liberal portion of the “evidence of things unseen.”

It is needless to add, to those who knew Richards, that he left, in disgust, forgetting to adjourn the court and it is not quite certain that that court has ever been adjourned.”

The Justice Court,<sup>2</sup> locally known as the “Supreme Court”, was presided over by Judges Butler, Ritchie, Geo. Frid, Robson, Griswold, Atkinson, Stevens, Walker, Campbell, Hutchins and a host of others whose names have been lost in the limbo of time. Jurisdiction depended, in most cases, on who got hold of the case first. Qualifications were not too rigid and elections sometimes existed only in the mind of the man who claimed to be justice and strange as it may seem their authority was not too often questioned.

J. D. Atkinson, Esq. was referred to as “Chief Justice” of Meeker County most of the time from 1858-1870. He was the first merchant in the county, the second postmaster and held many other offices all at the same time. He claimed jurisdiction as far south as the Minnesota River which gave him an ample field to work in. Some others infringed on his territory from time to time and in the summer of 1858 a Complaint was filed before one John P.

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<sup>2</sup> A. C. Smith—Random Historical Sketch, p. 139 et seq.

Robson, who in addition to his operation of a sawmill and minister to the Methodist Church also acted as Justice of the Peace.

One Lucy Slater,<sup>3</sup> an unfortunate woman, had masqueraded as a man for a number of years and in the summer of 1856 had built a cabin for herself in the old Kandiyohi Townsite in the county of that name. Her closest touch with civilization was Manannah, and in 1857 she spent much of her time in and around Manannah doing chores, chopping wood, hunting etc. dressed in male attire. Sometime in 1858 it was discovered that she was a woman and the fact that she dressed as a man seems to have shocked the morals of certain members of the community and she was hailed before Judge Robson's court. The Complaint read as follows: "that, whereas, one Lobdell, being a woman, falsely personates a man, to the great scandal of the community, and against the peace and dignity of the State of Minnesota" and ask that she be dealt with according to law. U. S. Willie, Esq. appeared for the prisoner and a plea of NOT GUILTY was interposed. The legal evidence to prove the necessary fact could not easily be obtained, and was left in doubt, and the court, after taking the case under advisement, finally ruled that the right of females to "wear the pants" had been recognized from the time of Justinian, and that the doctrine was too well settled to be upset in the case at bar and Mrs. Slater was discharged forthwith.

The first formal term of the District Court<sup>4</sup> was held in the office of A. C. Smith and U. S. Willie at Forest City in October, 1859. E. O. Hamlin, District Judge from St. Cloud presided. The first man admitted to the Bar in this county was the then County Attorney, Wm. Richards. He was admitted on his own motion but did not remain to practice for any length of time in the county.

The first civil case was tried at this term of court.<sup>5</sup> The Plaintiff, Peter Steirne sued his brother-in-law John Pffeifer to foreclose a chattel mortgage on a yoke of oxen in which both, had at one time, an equal interest.

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<sup>3</sup> A. C. Smith—Random Historical Sketch, p. 99 et seq.

<sup>4</sup> A. C. Smith—Random Historical Sketch, p. 136.

<sup>5</sup> A. C. Smith—Random Historical Sketch, p. 136.

These men had settled on a tract in Darwin Township and in order to prove up on two different tracts they had built a cabin on the line, between the two tracts, part of which was on each tract. Evidently the cabin was too small. because they ended up in a quarrel that eventually led them to court.

It is reported that the Plaintiff was allowed damages in the sum of three cents by a jury consisting of Geo. S. Sholes, Sen. A. B. White, John C. Scribner, Alexander Lee, T. R. Webb, Thos. Dougherty, A. C. Maddox, Sam'l L. Getchell. Geo. W. Baird, Edward Brown, John Blackwell and Chas. Duffy, and that the attorneys got the yoke of oxen for fees. The story goes that these two frugal Germans, feeling that they would be unable to live together, went back to their cabin, tore it down and divided the material equally between them.

Enforcement of the law in the year of 1858 was a little difficult at times too. Some flour had been stolen at Kingston and a search warrant was placed in the hands of Sheriff, T. C. Jewett, who, in turn turned it over to A. C. Maddox, who then was a Deputy Sheriff.<sup>6</sup> The Deputy Sheriff went to the house of Madam Morris Powers, a widow, and a resident of Forest City Township to make a search. Mrs. Powers was washing that day and had a supply of hot water on the stove and when Deputy Sheriff Maddox descended through a trap door to the cellar, in search of the flour, Mrs. <sup>7</sup>Powers stationed herself over the trap door with a tin dipper ready to pour the boiling water upon Maddox if and when he attempted to leave.

What eventual arrangements were made is not known to posterity, but Maddox was detained for an hour and resigned soon afterwards.

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<sup>6</sup> A. C. Smith—Random Historical Sketch, p. 21.

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## COUNTY ATTORNEYS

Meeker County was organized without services of a County Attorney, in fact without any attorney, and it was not until 1858, when Wm. Richards was selected, that this office became a reality. The fact that Richards was not then admitted to the bar bothered no one as the laws of the State did not require it. In addition this condition was remedied in October 1859 when Judge E. O. Hamlin came from St. Cloud to hold the first term of the District Court in Meeker County.

From the best information available it is doubtful if, at that time, Richards was even a citizen. He was admitted to practice on his own motion. The immediate needs of the time were taken care of in a most practical manner.

His term in office was a stormy one commencing with the action of the County Commissioners objecting to his first bill for services but he gained national distinction when the trial of Lucy Ann Slater was written up in Harpers Weekly. He fought the good fight through 1860 at which time he was succeeded by Mark Warren, a layman who held many different offices in the County.

Warren held the office in 1861 and 1862 and A. C. Smith, an attorney admitted to practice, was county attorney through 1867. Thos. S. Brown followed him but resigned after a very short time in office and Henry Wilson was appointed. He served until some time in 1869 when Henry Hill fell heir to the office. He served through part of 1870 and Chas B. Howell took office. Frank Belfoy followed him and served during 1871-72 when C. H. Strobeck was elected. C. H. Strobeck served during 1873-74 and B. A. Campbell then held the office during 1875-76. S. A. Plumley served from 1876 to 1882 when W. E. Von Eman took over for two years.

B. P. Peterson followed Von Eman and served until 1887 when J. M. Russel was elected and served until 1889 when E. P. Peterson was elected and he served until 1895. Albert F. Foster succeeded Mr. Peterson and served as County Attorney until 1905 when E. W. Campbell was elected. L. K. Sexton took office in 1907 and served until 1913 at which time Ray H. Dart took office. He was County Attorney until 1927 at which time San G. Gandrud took office and continued in office until 1951 when Edward F. Jacobson took his place. Leland Olson was elected County Attorney in 1955.

## **SHERIFF**

The first County Sheriff was Abijah Bemis. He served in 1856 and was replaced by H. A. Averill in 1857.

T. C. Jewett served during 1858 and 1859. During 1860 and 1861 B. G. Fitch was Sheriff.

J. B. Atkinson served as Sheriff from 1862 to 1865. Orrin Whitney replaced him in 1866.

A. A. Sanford became Sheriff in 1867 and was succeeded by Wm. Campbell in 1869. Wm. Campbell served until 1873.

N. J. March served from 1873 to 1877 when Per Edstrom replaced him. Mr. Ekstrom served until 1883.

Nils Holm became County Sheriff in 1883 and served until 1891 when J. H. Maher was elected. Maher served two years.

Charles A. May became Sheriff in 1893 and served until 1901.

Frank Nelson succeeded him and served from 1901 to 1905.

Chris Beretlson succeeded Frank Nelson in 1905 and served until Mike Konshak became Sheriff in 1911. Konshak served until 1923.

Bernard Anderson became County Sheriff in 1923 and served until 1931 when Art Kruger was elected to the post. Art Kruger held the office from 1931 through 1938.

Albert Barley served as Sheriff of the county from 1939 until 1943.

Art Kruger was reelected in 1943 and served until 1947.

Frank Dollerschell succeeded him in 1947 and served until 1951 and he was succeeded by Eldon L. Hardy, the present Sheriff.



## **REGISTER OF DEEDS**

The office of Register of Deeds was the first office needed in the new county and was the first one filled. The two County Commissioners who met in May of 1856 to organize the County of Meeker selected Milton G. Moore. There is nothing in recorded history or even in tradition to indicate what talents or capabilities Moore brought to the office for which he was selected, but he was succeeded by T. H. Skinner who occupied the office during 1857 and through 1860.

J. C. Jewett took over in 1861 and served through 1862. He enlisted in the army and T. H. Skinner again took over only to die in office in 1863. Hamlet Stevens was appointed to complete his term and served through 1864. E. H. Whitney replaced him and served through 1865 but gave way to Jas. M. Harvey who held the office in 1866.

John Blackwell was Register of Deeds from 1867 to 1870 and helped moved the records of the office to Litchfield. N. A. Viren replaced him and served until 1884 when the voters replaced him with Jas. H. Morris who served two terms. He, in turn, got the nod from the voters for the year 1888 and 1889 and then Jas. H. Morris again took office for 1892 and 1893 and then Nils Holm was elected to office. Nils Holm served until his death in 1903 and his son, C. M. Holm, succeeded him.

He held the office until 1908 when Louis Norgren of Dassel took over by the will of the people. B. B. Peterson succeeded Norgren in 1912. Peterson held the office until 1923 when Frank H. Lindell took over. He passed away and his wife, Alma Lindell, succeeded him. She continued in the office until 1933 when Ed McGraw succeeded her. He was Register of Deeds until his retirement in 1943.

He was succeeded by Luella Nelson who served until the present.

## **JUDGE OF PROBATE**

The early settlers were, for the most part, young and healthy, and while the office of the Judge of Probate was a constitutional office the early holders of the office had to depend on fees and they proved to be more than somewhat scarce so there wasn't too much interest in the office. That being the situation there was quite a turnover of occupants.

H. N. Baker was the people's choice in 1857. He apparently lost interest after the first year. A. C. Smith, newly admitted to the practice of law, succeeded him and held the office until 1863. B. H. Whitney appeared in 1864 to fill the office but the following year saw Jas. H. Harvey take over.

C. B. Jordan followed Harvey and held out for two years when he was succeeded by Henry Wilson. John M. Waldron served in 1869 and 1870 and C. B. Howell followed in 1871. F. V. DeCoster was elected in 1872 and served during 1873 and 1874. John Blackwell one of the early settlers was elected in 1874 and took office in 1875 but death ended his term and J. A. Plumley was appointed to fill the unexpired term.

He was elected to the office and served until 1878 when he was defeated by N. C. Martin. There was more interest in the office now and he held it until C. H. Strobeck took his place in 1884. C. H. Strobeck held the office until 1896 when he was defeated by O. B. Voss. Voss was not reelected and his successor was V. H. Harris who held it until his death in 1911. His son was appointed to succeed him but he gave way to Chris Bertelson in 1914.

Bertelson became a fixture and served until 1926 at which time J. W. Wright came into the office. He was defeated at the next election by Raymond H. Dart but came back two years later to defeat Dart. Wright did not live to finish his term and Dart was appointed to take the unexpired term. He presented himself for reelection but the voters selected R. C. Erickson.

Needless to say Dart was disappointed and set up a contest that was eventually decided in the Supreme Court in favor of Erickson. Erickson has been Judge of Probate since that time.

## CLERK OF DISTRICT COURT

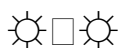
Apparently everybody in Meeker County was too busy making a living to worry about law until about 1860. Hon. E. O. Hamlin, Judge of the 14th Judicial District set up a term of 1858 but didn't make it to the County until October, 1859. On this occasion he tried the now famous case of John Pfeifer vs. Peter Stierne. This case never made the Supreme Court but it was reported in Harpers New Monthly for November 1861.

This being the situation it is not strange that there was no clerk of the District Court until 1860 at which time J. A. Staunton was elected to the office and served until January 1, 1864, at which time he was succeeded by J. M. Harvey. He held the office until January 1, 1867, when John Blackwell took his place.

John Blackwell held the office for the years 1867-68-69-70 and 71. S. W. Leavett was elected in 1871 and took office January 1, 1872. He continued in office until 1884 when he was followed by J. E. Upham who served until 1896.

That year H. S. Angel, better known as Hy Angell took over and served four terms and J. F. Maher followed to serve two terms. He was defeated by C. H. better known as Hess Atkinson, who took over in 1908 and served until 1910 at which time Carney Koerner became Clerk and continued in office until 1930 at which time he was opposed for reelection by his former wife and Albert Koerner (no relation). The voters had to vote for a Koerner and Albert Koerner came up with the most votes so he became Clerk of Court.

He filled the office for fourteen years and was followed by Stanley O. Ross who was Clerk at the time this history was discontinued. ■



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