

# **“Bench and Bar of Kittson County”**

BY

**Peter H. Konzen**

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## **FOREWARD**

BY

**DOUGLAS A. HEDIN**  
EDITOR, MLHP

The article that follows is a highly personalized history of the bench and bar of Kittson County written by Peter Henry Konzen, a prominent attorney. After devoting two pages to early terms of the district court, Konzen announces that he will avoid “the monotony of legal routine” by describing two amusing trials—the prosecution of Kate Rafferty before Ozora P. Stearns, a legendary judge of northern Minnesota, in 1883, and a civil suit for damages for the killing of a dog, in which he represented the plaintiff, in 1888. Konzen’s client was awarded an amount somewhat less than he sought.

In the style of most county legal histories of this period (it was published in 1909), Konzen includes biographical sketches of eight lawyers who practiced in the county, the longest being of himself. Apparently finding the opportunity irresistible, he wrote,

Mr. Konzen is recognized as one of the ablest and most prominent attorneys north of Crookston, and during his residence at Hallock has amassed a snug little fortune, besides building up a professional and business reputation of which he

may well be proud. He has helped in an eminent degree to shape the destiny of his city, and when the history of Kittson shall be written he will appear as one of its most conspicuous figures.

There is an ironical footnote to this flattering self-portrait. Konzen died on July 15, 1935, twenty-six years after the publication of his article on the county bench and bar. His death was headlined on the front page of the *Kittson County Enterprise* on July 17, 1935. The newspaper described not only Konzen's final days but also, under the subheading "Biography," his youth, education and early years in the county. Almost all of that "biography" was taken verbatim from Konzen's earlier self-portrait. Thus Peter Henry Konzen was placed in the unusual position of writing much of his own obituary.

## **Passes To His Eternal Reward**

### **Peter Konzen, Pioneer and Highly Respected Citizen Passes Away After Long and Useful Ser- vice to City and Community**

Today Hallock mourns the passing of one of her most outstanding venerable citizens and townsmen. Peter H. Konzen, who died at his home in this city on Monday, July 15th at the age of 78 years, one month and 18 days—he has gone his reward.

Hallock never had a finer citizen and more devoted father. Quiet, unpretentious, wonderfully human and amazingly competent, he represented the best that a city can expect from its citizens. His more than half a century of life in our city was a precious gift to his fellows. He had done much good and was ready day or night to serve the needs of anyone who called on him. He never made any fuss about living—he just lived, which

is a priceless legacy to those of us who are inclined to philosophize.

He was a man of quiet, retiring disposition and minded his own business, both with reference to himself and others. In his youth, he was of good physique, but of late years had suffered afflictions incidental to advanced years, which at times confined him to his bed and home. About a week before his death he again became afflicted and gradually and slowly sank, growing weaker and weaker, with but little pain until about three days before his death when he became overcome with chills. At the last, however, death came peacefully and quietly, and while apparently in sleep, his breath came slower and slower, until the last. All of his family were at his bedside excepting a daughter, Mrs. F. V. King, who in a race with death across the continent failed to arrive in time to see her father alive. During his final illness he was watched over by members of his family and friends and a special nurse.

The funeral services were held from St. John's Episcopal church Wednesday afternoon with Rev. S. J. Hedlund officiating. The cortege was the largest ever gathered in Hallock which testified to the high esteem in which the deceased was held in the community. The active pallbearers were members of the Kittson County Bar Association of which the deceased, was a member. They were: A. D. Bornemann, Wm. L. Peterson, J. E. Sundberg, C. J. Hemmingson, John Matt Brendal, Lyman Brink. The honorary bearers were twenty pioneer citizens of the town. The district bar association also sent delegates to attend the funeral. These were: L. S. Miller, Martin O'Brien, Wm. P. Murphy, W. E. Rowe, F. A. Grady, Crookston; H. O. Chommie, C. M. Bishop, Theodore Quale, Thief River Falls; Judge B. B. Brett, W. O. Braggans, Oscar Knutson and Rasmus Hage, Warren.

The remains were laid to rest in the family lot at Greenwood cemetery, beside those of his wife who preceded him in death

several years ago, and thus has passed away another of our old timers—they are passing away and soon only their memories will be left. May they all leave as pleasant recollections as does our friend and venerable townsman—God rest his gallant soul.

### **Biography**

Peter H. Konzen was one of the pioneers of Kittson county, having located here in the spring of 1881, when a young man of 24 years. He was born on the 27th of May, 1857, in Chickasaw county, Iowa, on a farm now embracing the site of the village of Lowler. His parents emigrated from Germany in 1852 and the following year located on the farm upon which deceased was born. He was the third child of a family of five, all of whom have since passed away, excepting one, Mrs. Kate Buchholz living at Forest City, Ia. He was educated in the public schools of Lawler, afterwards attending an academy at Bradford in that county and completing his education at the University of Iowa City and at Boyleer's Mercantile College at Keokuk, Iowa. His boyhood life was spent upon the farm until the age of 17 when he began teaching while completing his education.

In 1878 he began the study of law, first in the office of Judge H. H. Potter at New Hampton and afterwards under the direction of John R. Geeting, a gentleman who later rose to considerable distinction as a criminal lawyer in the city of Chicago. Mr. Konzen first came to Minnesota in 1879 and entered the law office of a Mr. Parker at Sleepy Eye, where he remained until the fall of that year when he again returned to Iowa to enter the newspaper business, editing the Lowler Herald until the spring of 1881, when he sold out and returned to Minnesota and locating at Hallock, then a hamlet numbering not more than half a dozen buildings, where he opened a law office, and in the words of the immortal Horace Greely, "grew up with the country."

In the fall of 1881 Mr. Konzen was elected superintendent of schools for Kittson County which position he held for several years, having been three times re-elected. He had since held various public offices, as County Attorney, president of the Kittson County Agriculture Society and in 1898 was the Republican nominee for member of the state legislature. Although defeated by the tide of populism at that time, he received a creditable vote and conducted a model campaign. In 1916 he was again the nominee for his party for member of the state legislature and this time was elected by a comfortable majority. Mr. Konzen was one of the most progressive and public-spirited citizens in Kittson county. He was for many years a member of the Hallock school board, and it was chiefly owing to his push and perseverance that this thriving little city can now boast of a high school second to none in the state. Mr. Konzen was elected mayor of Hallock in 1897 and held the office for a dozen or more consecutive years to the eminent satisfaction of her people. He had also served as a member of the state drainage board, probate judge and in his time had filled various town and village offices, so that he had helped in an eminent degree to shape the destiny of his beloved city and community.

During his early career in Hallock, he was associated in the law business with W. H. Alley, now deceased, and in 1901 Mr. Konzen and J. D. Henry formed a co-partnership for the purpose of conducting a real estate, loans, insurance and collection business in connection with the law business. Mr. Henry is not a lawyer but handled the insurance, loans, collection and real estate business of the firm and was very successful, especially in the sale of real estate.

Konzen's article appeared first on pages 944 to 951 of the second volume of *History of the Red River Valley*. It has been reformatted. Page breaks have been added. His spelling and punctuation have not been changed.

**“Bench and Bar of Kittson County” \***

IN

**HISTORY**

OF

**THE RED RIVER  
VALLEY**

**PAST AND PRESENT**

**Including an Account of the Counties, Cities, Towns  
Villages of the Valley from the Time  
of Their First Settlement and  
Formation**

**BY VARIOUS WRITERS**

**IN TWO VOLUMES**

**VOLUME II**

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**ILLUSTRATED**

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**HERALD PRINTING COMPANY  
GRAND FORKS**

**C. F. COOPER & COMPANY  
CHICAGO**

**1909**

## **Bench and Bar of Kittson County.**

**By**

**P. H. Konzen.**

Kittson county, having been since its organization successively apart of the eleventh and the fourteenth judicial districts of this state, the personnel of the bench is treated in elsewhere in this volume. It remains to speak of the court with special reference to the earlier terms held in this county.

The first term to be held, after the separation of this county from the county of Polk, to which it was attached for judicial purposes immediately after its organization, was fixed by an act of the legislature for the third Monday in June, 1881, but for some reason this term was adjourned until the 5th day of July. It was held in the south store room under Hotel Hallock, where a temporary platform was built for the judge, with a small office table in front of him. Judge O. P. Stearns presided, Frank Laughlin, of St. Vincent, was clerk, and John A. Vanstrum sheriff, while R. R. Hedenborg, who had been elected to that office in the fall of 1880, was county attorney. There were three cases on the calendar. The first criminal case tried in the county was the case of the State of Minnesota vs. Hugh Drain, indicted upon the charge of grand larceny for stealing a yoke of oxen from one J. J. Conrads. He was duly convicted and drew a sentence of three years in the penitentiary. The first civil action was the case of M. I. Northrup vs. J. A. Vanstrum, sheriff, being an action in conversion for the seizure and sale of certain goods under execution.

The bar of this county was at that time represented by County Attorney R. R. Hedenberg, who located at St. Vincent in 1879, [945] and P. H. Konzen, who had located at Hallock in April, 1880. The cases on the calendar numbered three civil and one criminal and, except for the county attorney who looked after the criminal case, they were taken care of by Reynolds & Watts and Ives & McLean, of Crookston, and Warner & Stevens, of St. Paul. The term was finished in two and a half days, and the balance of last

day, awaiting the arrival of the train south, was spent fishing by the court and attorneys, after each catching his own frogs for bait. To the younger members of the bar it was rather an amusing circumstance to see Judge Stearns, then well up in years and of a very dignified and patriarchal appearance, lay aside his judicial dignity and pursue the diminutive amphibians with an agility which surprised them all.

Annual terms were held thereafter until the year 1903, when regular spring and fall terms were provided for by the legislature. The office of clerk of the court was held successively by Frank McLaughlin, W. F. Wallace, Olaf A. Holther, Charles Clow, N. G. Ehrenstrom and E. A. Johnson, the latter being the present incumbent. The office of sheriff was held successively by John A. Vanstrum, Oscar Younggren and O. J. Anderson, the latter the present incumbent. The first grand jury summoned for this county consisted of the following: J. Peter Johnson, W. H. Miller, F. W. Wagoner, John O. Sullivan, Lars Ekund, E. G. Thomas, John Finney, T. B. Newcomb, N. C. Moore, N. P. Peterson, J. McGlashen, Knute O. Wold, J. S. Lindgren, Alfred Larson, Andrew Murphy, E. N. Davis, Mathew Cowan, F. Chase, Albert Hams, Henry Graham, Robert W. Lowery, W. R. Bell and D. F. Brawley.

The first petit jury was composed of the following: M. A. Holther, John B. Fee, Thomas McGlothlin, C. Pelan, W. H. Moore, John Jenkins, Jr., F. Almey, Charles Clow, James I. Kirk, George Ash, John Long, H. J. Moore, Thomas Toner, Hugh Kennedy, Lars Mattson, Jonas Sandberg, Ralph Brown, John Buie, Richard Forbes, Ole Norland, John Lindblom, Edward Cammeron, W. H. Alley and Michael Fortune.

While there were no important cases tried here in an early day and, as in most agricultural counties of the state, but little of importance transpired during our terms to vary the monotony [946] of legal routine, the following may be cited as among the amusing incidents and happenings: At the May, 1883, term an indictment was returned by the grand jury against one Kate Rafferty, an Irish woman of rather more rustic than criminal proclivities, charging her with having made assault upon one, Donald Morrison, with a dangerous weapon, to-wit., a firearm commonly called a pistol, which was then and there loaded with powder and leaden bullets, with intent then and



there to do him, the said Donald Morrison, great bodily harm. In order to explain the circumstances of the assault it is necessary to state that Mrs. Rafferty was "holding down a claim," which she was guarding very jealously, and, on account of her husband being away at work on the railroad in Manitoba, she was suspicious that certain evil-disposed persons were casting covetous eyes upon her claim. On the day in question Morrison, with a companion, was seen walking across the tract which she called her own, in a suspicious manner, as she thought, and seizing the "dangerous weapon" in question she started in pursuit, and with its gaping muzzle pointed in Morrison's direction, ordered him peremptorily to vacate the premises. Morrison promptly swore out a warrant against her, and the grand jury returned "a true bill." Kate appeared in court with the weapon which she claimed to have used. It was an old-fashioned, muzzle-loading horse-pistol, of formidable size, thoroughly rusted, with the nipple completely battered down. It had probably not seen service for twenty-five years or more. W. W. Irwin, of St. Paul, then in the prime his reputation as a criminal lawyer, was retained to defend Mrs. Rafferty. In due time she took the stand in her own behalf, Mr. Irwin drew from his pocket the weapon and handed it to Mrs. Rafferty with the question, "Is this the gun that you had?" Mrs. Rafferty took the weapon and answered in a rich Irish accent, "Yis, your honor, that is it," at the same time snapping the hammer several times. Judge Stearns, with his brow knit and his eyes flashing fire, cried out in excited voice, "Stop, stop, stop snapping that weapon in here!" By this time Kate realized that the judge was afraid that the weapon might be discharged and, in order to assure him of its absolute safety, cried out, "Oh, your honor, it ain't loaded," and pointing it directly at him, snapped [947] it again several times. At this time the court sat in the schoolhouse and the judge's position was behind the teacher's desk. Forgetting his dignity, he slipped from his seat and crouched behind the desk, shouting, "Stop, stop, or I'll have you arrested!" After recovering himself from the floor, with his eyes darting vengeance upon the prisoner, he blurted out, "Woman, if you were a man, I'd have you arrested right now." The "Tall Pine of the North" regarded this episode with infinite amusement.

At the general term of court held in March, 1888, the action of Thrane vs. Holmberg came up for trial. Plaintiff had sued for the killing of a dog and claimed damages in the sum of fifty dollars. Attorney P. H. Konzen

appeared for the plaintiff and Hon. H. Steenerson, of Crookston, for the defendant. Plaintiff had testified that a certain party had offered him fifty dollars for the dog and which offer plaintiff had refused. This testimony was given for the purpose of fixing the value of the dog, and as the person referred to had left the country, this was about the only corroborative evidence as to the value. Mr. Steenerson began to cross-examine the plaintiff as to the offer and requested him to repeat the conversation he had had with the party, and exact language used by him in making the offer, when the following colloquy ensued:

Mr. Steenerson—“Will you please state the exact language used?”

Mr. Thrane—“Well, we were out hunting together with the dog, and after we got back this party asked me what I would for him, and I told him fifty dollars.”

Mr. Steenerson—“Well, did he say that he would pay you that for him?”

Thrane—“No.”

Mr. Steenerson—“Well, what did he do when you told him you would take fifty dollars for the dog?”

Mr. Thrane—“Nothing; he went to North Dakota and I have not seen him since.”

Mr. Steenerson—“Then let me go over that offer again. As I understand it, he asked you what you would take for the dog, you told him fifty dollars, and then he left the state and went to North Dakota and never came back—is that right?” [948]

Mr. Thrane—“Yes, sir.”

Mr. Steenerson—“I don’t blame him; I would have done the same thing.”

The jury returned a verdict for the plaintiff in the sum of six cents.

Among other old attorneys who practiced in Kittson county there was Frank MacGowan, of St. Vincent, who was admitted to practice in the court room in Hallock. He is now in Lewiston, Mont. He taught the first term of school in the Joe river district.

**W. H. Alley**, at one time the partner of Mr. Konzen, was the county attorney of the county for one term. He is now located in Roseau.

**George E. Holcomb** practiced law in Hallock in the late eighties. He afterwards went to the Pacific Coast and became interested in a townsite of a growing town, and when he sold out his lots there he went to Cuba, where he superintended a large estate for many years. At present he resides on his large farm near Argyle in Marshall county.

The bar of Kittson county is now made up of P. H. Konzen and R. R. Hedenberg, heretofore mentioned, and the following:

**Elmer C. Yetter**, who came to Hallock in 1893 and the senior member of the firm of Yetter & Blethen. Mr. Yetter is the present mayor of Hallock and the president of the First National Bank of the village. His junior partner, Ralph V. Blethen, is a graduate of the law department of the University of Wisconsin, was admitted to practice in this state in the fall of 1902, and came to Hallock immediately afterwards.

**C. O. Ofsthun**, of Karlstad, the cashier of the State Bank of that place, is also an attorney, having been admitted to practice in 1904. He is a graduate of the law department of the University of the State of Minnesota.

**Edward Nelson**, the present register of deeds of the county, is the latest addition to the bar. He passed the state examination in May, 1909, and took the oath of an attorney at the June term of court at Hallock the same year.

In this connection, mention may also be made of J. D. Henry, the junior member of the firm of Konzen & Henry, who, while [949] not admitted to the bar, is no inconsiderable factor in the firm. Mr. Henry handles the commercial collections of the firm.

**R. R. Hedenberg** is a pioneer resident of Kittson county. He was born in Carlstorp parish, Sweden, November 16, 1854. In 1867 he came with his parents from Sweden to Red Wing, Minn. He was then twelve years old, the eldest of a family of eight children. Within a month after their arrival in this country, his father and five of the children died of cholera. His remaining brother and sister died while children, and after the death of his mother he was the only one left of this family.

He studied law in the law office of Colonel William Colville and Charles N. Akers, at Red Wing, and was admitted to practice as an attorney May 16, 1879. He located in St. Vincent where he remained till the spring of 1890, when he removed to Hallock, where he now resides. At the first county election held the county, being in 1879, he was elected county attorney and has held that office ever since except during the years of 1889-1892, when he was the judge of probate of the county. He is still the county attorney of Kittson county.

He has been a painstaking, trustworthy, energetic prosecuting attorney, and his conservatism and carefulness have been the means of much saving in a financial way to the county.

Mr. Hedenberg was married July 8, 1893, to Corinne L. Davidson. They have had six children, of which Anna Corinne, Robert Davidson, Winfred Giroux and Margaret Elizabeth are living, two having died in infancy.

**P. H. Konzen**, the present village attorney of Hallock, is one the pioneers of Kittson county, having located here in the spring of 1881, then a young man of twenty-four years. He was born on the 27th of May, 1857, in Chickasaw county, Iowa, on a farm embracing the present site of the village of Lawler. His parents emigrated from Germany in 1852 and the following year located upon the farm upon which the subject of this sketch first saw the light of day. He was the third child of a family of five, three sons and two daughters, all still alive. He was educated in public schools of Lawler, afterward attending an academy at Bradford, in that county, and completing his education by a term at the University of Iowa City, and a course at Baylee's mer-[950]-cantile college at Keokuk, Ia. His boyhood life was spent upon the farm until the age of seventeen, when he began

teaching school, which profession he followed during the formative period of his career and while completing his education.

In 1878 he began the study of law, at first in the office of H. H. Potter at New Hampton, and afterwards under the direction of John R. Geeting, a gentleman who has since risen to considerable distinction as a criminal lawyer in the city of Chicago, Ill. Mr. Konzen first came to Minnesota in 1879, and entered the law office of a Mr. Parker, at Sleepy Eye, where he remained until the fall of that year, when he again returned to Iowa to accept the nomination tendered him by his friends for the office of county superintendent of schools of his native county. He was defeated in the election and entered into the newspaper business editing the Lawler "Herald" until the spring of 1881, when he sold out, and coming to the Red River valley, he at once recognized the grand possibilities of this garden spot of the world and settled at Hallock, then a hamlet numbering not more than half a dozen buildings, where he opened a law office and, in the word of the immortal Horace Greeley, has "grown up with the country."

In the fall of 1881 Mr. Konzen was elected county superintendent of schools for Kittson county, which position he held for some years, having been three times re-elected. He has since held various public offices as county attorney, president of the Kittson County Agricultural Association, and in 1898 was the Republican nominee for member of the state legislature for the sixty-third legislative district. Although defeated by the tide of Populism, he received a creditable vote and conducted a model campaign. Mr. Konzen is one of the most progressive and public-spirited citizens of Kittson county, was for many years a member of the school board of Hallock, and it is chiefly owing to his push and perseverance that that thriving village can boast of a high school second to none in the state. Mr. Konzen was elected mayor of Hallock in 1897, which position he held until 1906, to the eminent satisfaction of its people. Mr. Konzen is recognized as one of the ablest and most prominent attorneys north of Crookston, and during his residence at Hallock has amassed a snug little fortune, [951] besides building up a professional and business reputation of which he may well be proud. He has helped in an eminent degree to shape the destiny of his city, and when the history of Kittson shall be written he will appear as one of its most conspicuous figures.

In the spring of 1901 Mr. Konzen and J. D. Henry formed a co-partnership for the purpose of conducting a real estate business in connection with the law business, and so far have been very successful, especially in the sale of Manitoba lands.

**Edward Nelson**, the present register of deeds of Kittson county, was born in Gladstone, Ill., February 6, 1877. He received his early education in the public schools of Monmouth, Ill. Thereafter he attended Augustana College of Rock Island, Ill., and was graduated from that institution with the degree of bachelor of arts in 1897.

In September, 1897, he came to Kittson county and taught school in St. Vincent and Humboldt. In the spring of 1899 he returned to Illinois and entered the law office of J. B. Oakleaf and read law there until the fall of 1901, when he returned to Kittson county. In March, 1902, he entered the employ of Captain John A. Vanstrum, who was then the register of deeds of the county. On October 28, 1902, Captain Vanstrum resigned from his position and on that day the county commissioners appointed Mr. Nelson to succeed him. Captain Vanstrum had received the nomination on the Republican ticket, and this he also resigned with the recommendation to the county committee of that party that they appoint Mr. Nelson to fill the place on the ticket. This was done and Mr. Nelson was elected by a large majority. He was re-elected in 1904, 1906 and 1908.

On September 23, 1903, Mr. Nelson was married to Miss Annie Ferguson, of Drayton, N. D.

Mr. Nelson is a member of the Minnesota State Historical Society and was admitted to the bar in 1909.



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