

**“ The First Lawsuit in Becker County ” \***

in

**A PIONEER HISTORY**

OF

**BECKER COUNTY**

**MINNESOTA**

INCLUDING

***A BRIEF***

***ACCOUNT OF ITS NATURAL HISTORY***

***AS EMBRACED IN THE MINERAL. VEGETABLE AND ANIMAL  
KINGDOMS, AND A HISTORY OF THE EARLY SETTLEMENT  
OF THE COUNTY; ALSO, INCLUDING A LARGE AMOUNT OF  
VALUABLE HISTORICAL INFORMATION COLLECTED BY***

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**MRS. JESSIE C. WEST.**

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**AND NUMEROUS ARTICLES WRITTEN BY VARIOUS EARLY  
PIONEERS RELATING TO THE HISTORY OF  
THE SEVERAL TOWNSHIPS OF  
BECKER COUNTY**

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**BY ALVIN H. WILCOX**

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**PIONEER PRESS COMPANY  
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**\* MLHP editor: this chapter appeared on pages 582-584 of this history of Becker County, Minnesota. Though reformatted, the chapter is complete. The authors' spelling and punctuation are unchanged. More stories of early court cases in the county are in the Addendum.**

## A Pioneer History of Becker County

### Chapter XXXII.

#### The First Lawsuit in Becker County.<sup>1</sup>

When I was in St. Paul in the spring of 1871, there was quite a breeze raised by the people of both St. Paul and Minneapolis over the report that a woman was going about exhibiting as a show her own daughter who was only eleven years old and herself the mother of a child.

The authorities soon put a stop to this show business, but I noticed the family on the streets several times afterwards. The name of the woman was Wilkins and her daughter's name was Panola.

I returned to Becker County soon afterwards and thought no more about them until the next fall, when to my surprise I found the whole family living in a comfortable log house in Lake Park Township.

Harvey Jones, one of the first settlers in Becker County had married the mother of the young mother, and they were all snugly housed in his new log cabin.

Matters did not, however, run smoothly in the Jones' household for a very long period of time. Jones was a bachelor up to the time of his recent marriage, nearly fifty years old and was not accustomed to having his authority in domestic affairs called in question. He complained that Panola and her mother were wasteful and extravagant and that their extravagance was backed up with an aggravating kind of impudence and abuse, and that his wife was not faithful and true. Later on, quarrels became frequent in this interesting family and the trouble finally culminated in Jones being arrested for administering family

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<sup>1</sup> Told by Alvin H. Wilcox.

discipline to Mrs. Jones with an iron-wood sapling. A complaint was made out and a warrant issued by justice James G. McGrew of Audubon Township, which was placed in the hands of Captain F. K. Small, constable, and Jones was arrested about the last of October, 1871.

Excitement ran high in the neighborhood. Some of the settlers took sides with Jones, but more of them were on the side of Mrs. Jones and Panola. I was camped in the vicinity at the time, and heard all sides of the case and my sympathies were with Jones.

Jones was tried before Squire McGrew and a jury of twelve men, and this was the first jury before which a case either civil or criminal was ever tried in Becker County. Here is a list of the jurymen: L. D. Sperry, Patrick Quigley, Moody Cook, Charles P. Wilcox, Hosmer H. Wilcox, William P. McKinstry, T. R. Anderson, John Lewison, David Pyle, A. J. Haney, A. B. Freeman and Brede Anderson.

Not a single person connected with this trial is now living in Becker County.

The jury brought in a verdict of guilty and Jones was sentenced to thirty days in the Otter Tail City jail. Captain F. K. Small was furnished with the commitment papers and he and the prisoner started for Otter Tail City on foot, a distance of forty-five miles. On the road through Detroit Township they passed the residence of John O. French, who was one of three constables of that township and Small made an arrangement with French to take Jones off his hands and deliver him to the jailer at Otter Tail City. When they reached Detroit village, Jones decided that he wanted to consult a lawyer and persuaded French to stop with him for a few minutes at the office of W. W. Rossman, who had just opened a law office. After entering Rossman's office French concluded it would be a good time to get a drink of water while the prisoner was consulting with his attorney, so he stepped out for a few minutes, leaving his overcoat and the prisoner in Rossman's care. The commitment papers were in the overcoat pocket. When French returned Jones stated that he had had all

the legal advice he wanted for the present, and they again started on the road to Otter Tail City. They went on for two miles down through the Detroit woods until they came to about where the clubhouse is now, when Jones complained of feeling tired and sat down by a log to rest. French soon became impatient and tried to get Jones up and off again, but Jones finally told him he had gone far enough and was going back home. French told him he would see whether he went back home or not and took him by the collar and tried to pull him along, but Jones would not budge an inch. Finally Jones told him that he wanted to see what authority he had for taking him to jail anyway. "I'll show you," French said as he reached for the pockets of his overcoat to produce the commitment papers, but the papers were not to be found in the overcoat pockets or in any other pocket.

Not having any commitment papers French concluded he would have a hard time getting the prisoner off his hands at Otter Tail City, so they both started back home and that was the end of the first legal case in Becker County.

After that Jones always held a high opinion of Squire Rossman as an attorney.◇



## ADDENDUM

### More Criminal Cases in Becker County

In 1871-1872, a village called Oak Lake Cut sprouted along with the excavation of a “cut” of some several hundred feet in length and more than twenty feet in depth on the Northern Pacific Railway line. It was said to be “the heaviest job of excavating on the Northern Pacific between Duluth and the Missouri River.” By August 1871, the village consisted of several hotels and tents in which about 400 hundred people lived. It made for some rough times. The following two tales of crime and “punishment” by Peter O. Peterson were included in *A Pioneer History of Becker County*:<sup>2</sup>

There was also the usual accompaniment of saloons, gamblers, sports, toughs, confidence men and fast women, such as are usually found congregated together on the outskirts of civilization, wherever there is any unusually large gathering of men without families. One large tent was used for a dance hall, and various other “doings” of a mysterious character were said to be carried on in that tent, as a consequence of which it was shunned by all timid people.

Conspicuous among the gang of outlaws that infested the town were two superfine cut-throats of the first water. The name of one was Shang, a polished expert of the light fingered craft, who claimed to be a native of Dublin, Ireland and the name of the other was Shumway. After the Northern Pacific Railway was completed to Moorhead in the fall of 1871 this pair of land pirates changed their quarters to that village much to the relief of the people of Oak Lake. On the 25th of April, 1872, Shang shot and mortally wounded Shumway, who after he was wounded attempted to shoot Shang, but instead shot and killed an innocent

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<sup>2</sup> Alvin H. Wilcox & Jessie Campbell West, *A Pioneer History of Becker County* 380-81 (1907).

bystander, a barkeeper by the name of Thompson. Clay County had only just been organized and no county officers had yet been appointed. The newly appointed county commissioners met immediately and appointed James Blanchard sheriff of Clay County and his first official act was arrest the murderer Shang. At a preliminary hearing after Shumway's death, Shang was released on a nominal bond and never prosecuted, it being the general opinion that he had rendered Moorhead a good service in ridding it of Shumway, although Shang was if possible the worst villain of the two.

The first political meeting in Becker County was held about the 25th of October, 1871. Governor Austin made a speech at a Republican meeting at Oak Lake Cut, and during the progress of the meeting, a Norwegian by the name of I. T. Knudson, who lived on Section 16, Audubon, was badly injured for life by a blow on the head with a revolver in the hands of an Oak Lake gambler called Blinky Jack. Jack's dog had a fight with a dog belonging to Jacob Anderson and the owners of the dogs had a row over the dogs but were separated. Jack was not satisfied and afterwards started to hunt up Anderson and have it out. He came across Knudson and taking him for Anderson struck him on the head several times with his revolver. He was knocked senseless and thought to be dead for awhile, but was finally restored and is suffering from the hurt until this day.

Jack was tried at the November term of court and sentenced to pay \$400 fine or a year in jail. As there was no jail in the county, the sheriff, Charles B. Churchill, could do no better than to take him home with him, but after boarding with him for a couple of weeks Jack skipped out. ◇

Other tales of summary justice in the 1870s were recalled by John McClelland:<sup>3</sup>

L. G. Stevenson was another queer specimen of humanity, who came here in 1870. "Steve," as he was called, was as cute as a fox, a first-rate neighbor, and a clever fellow all around. The first civil case tried in the township Steve was employed as counsel for the defendant and John McClelland for the plaintiff.

As the justice of peace before whom the case was tried was not very well posted in Blackstone, he was at a loss to know how to open the court. Steve told him to repeat after him what he should say, "Proceed sir," said the justice of peace. "Hear ye, hear ye," said the justice of peace, "the justice court of Lake Eunice is now open, all persons having business in this court must appear and be heard. God save the Queen."

"God save the Queen, be d— d if I'll do it," said the justice of peace, "there is something' not right about that. We don't have a Queen in this country."

After a sharp skirmish by the attorneys it was decided to call off the Queen and the case went on trial.

The plaintiff won the case, and as Steve did not tell the justice of peace how to close the court, the probability is, it is still open.

Steve was for a long time the political Moses of this part of the country, and when the Republican party wanted to concentrate public sentiment and obtain full delegations from Becker Comity in the district conventions, they had but to call Steve, and the thing was fixed. Steve was a singular genius; the world would not have been complete without him.

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<sup>3</sup> Id. at 459-462.

Mr. Weymouth was the first postmaster at Frazee, bringing the office with him from Hobart.

For several years he was justice of the peace for the town of Burlington and many stories were in circulation years ago, relating to his short-handed methods of administering justice and his utter disregard for red tape.

On one occasion a woman came in from the country and complained that her husband had been pounding her, and asked to have a warrant issued for his arrest. The warrant was issued but they could not find the constable. He had gone from home. Weymouth, however, could not allow so trifling an obstacle as that to stand in the way of the administration of justice, so he took the warrant and served it himself, arresting and bringing the offender to town in his own conveyance. He gave him a speedy trial, with no other witness than his wife, found him guilty of assault, fined the prisoner ten dollars, which he promptly paid. Weymouth then handed the ten dollars over to the offender's wife, who went home rejoicing, highly pleased with Judge Weymouth's method of conducting court, and dealing with wife beaters.

Mr. Weymouth died on the 26th day of August, 1885.

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Related Article: “William W. Rossman (1829-1906)” (MLHP, 2014).

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