

# HENRY JACKSON

## St. Paul's First Justice of the Peace

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When Henry Jackson, a thirty-one year old “walking encyclopedia,” arrived in St. Paul in 1842, other settlers reportedly felt a bit more “respectable.” The next year he was appointed justice of the peace—the city’s first; and several years later, he became postmaster—again, the city’s first.

Thomas M. Newson painted the following sketch of Jackson in *Pen Pictures*, a collection of brief biographies of early residents of St. Paul, published in 1886:

### OLD SETTLERS — HENRY JACKSON

In 1842, or forty-three years ago, the population I have described, was made greatly more respectable by the arrival of Henry Jackson, who, according to Yankee ideas, established a store of general merchandize, including liquid goods, and for a time, in 1846, or thirty-nine years ago, was postmaster, and allowed letters to be deposited in a candle-box two feet square, out of which each customer helped himself. People must have been more honest then than now, or there were a less number of drafts going through the mails, for I do not hear of any one losing money at this early day, except at the gaming table. Each one took his own letters and left the others. If this system were adopted now most people would, no doubt, make an improvement upon the past, by taking somebody else’s letters and leaving their own.

### JACKSON AS HE WAS.

As I remember Jackson he was a short, thick-set man, slow in speech, quiet in his movements, with a florid complexion, and a mouth full of tobacco. He was generalissimo of all he owned — a sort of walking encyclopedia condensed, political and otherwise—and a man to whom others looked for general information. He filled the measure of his usefulness in this city, and if my memory serves me aright removed to Mankato. I well remember, in making a political speech at that place in 1854,

or thirty-one years ago, I charged the removal of the Indians to that section (then an unpopular measure,) to the influence of Hon. H. M. Rice, and these charges were based upon information received from the then Gov. Willis A. Gorman, now dead. At the end of my speech a man in the audience arose and said, "that the speaker talked fluently and well, but that he could tell more lies in a given time than any man he ever heard." It was Jackson and he was right. I had been honestly lying, and did not know it, but subsequently learned that my information was incorrect, and hence I had done Mr. Rice a great injustice which I took an early occasion afterwards to correct [Further information shows that it was P. K. Johnson who interrupted me, and not Jackson].

#### GIVING A BOND TO MARRY.

Jackson was born in Virginia in 1811, and was a self-made man, possessing considerable fun, well versed in human nature, and very hospitable. As an illustration of the humorous element of his character, it is said of him that before his commission arrived as Justice of the Peace, a couple applied to him to get married, but he told them he could not perform the ceremony unless they gave him a bond agreeing to return after his commission had been received and be legally married over again. They consented to do this and he pronounced them man and wife—*by proxy*. The bond was given, and the much married couple departed, but whether they returned to Jackson again is a mooted question. I guess they didn't.

In his early days Jackson went to Texas and engaged in the war there, and then drifted to New York, Wisconsin, Illinois and finally Minnesota. His log store stood upon the bluff just back of the Fire and Marine Insurance building on Jackson street, and here he did considerable trading with the Indians and the whites, and became a man of considerable importance. In 1843 he was made justice of the peace; in 1846 postmaster, in 1847 elected member of the Wisconsin Assembly, which office he held two years; later he was a member of our town council and of the Territorial Legislature. He married Miss Angelina Bivins in 1838, who still survives him, and died in 1857 at Mankato, Minn. Jackson was a natural pioneer; easy, good natured and very social. I remember him as a man sensitive as to points of

honor and strongly devoted to his friends. Jackson street in this city was named after him.<sup>1</sup>

Newson's story of Justice Jackson's officiating a "marriage by proxy" was so good that it was repeated—and embellished—in *History of the Great Northwest and its Men of Progress*, a collection of biographical sketches published in 1901. The following excerpt from that book also has an account of one of Jackson's more rambunctious jury trials, and concludes digressively with a tale, probably apocryphal, from a book Newson wrote about life in the Dakota Territory:

In 1844 (sic), Henry Jackson of St. Paul was appointed justice of the peace. There was some delay in the arrival of his commission, and before it came, a couple came to his house and asked him to marry them. When he told them he was not yet legally a justice, and therefore could not lawfully marry them, they were terribly disappointed. They assured him that they could not possibly bear the shock of disappointment, and begged of him to devise some way of uniting them, for their hearts already "beat as one." "Well," said Jackson finally, "I can nail you together so that perhaps you'll hold till my commission comes, but I can't warrant the job. I'll marry you by bond, if that will be satisfactory." "How's that done?" inquired the would-be husband. "Why," said Jackson, "you can give me a bond that when my commission arrives you will appear and be legally married. In the meantime, you may consider yourselves husband and wife, remembering that you are only quasi married people, and if my commission fails to come, the deal is off." Both readily assented to the quasi marriage, and having executed their bond, went on their way rejoicing. The commission arrived in due time, but there is no record accessible to show whether the quasi union was ever converted into a legal one.

Four years later, the same justice was trying some ordinary case. The matter had been submitted to the jury, and they had

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<sup>1</sup> Thomas McLean Newson, *Pen Pictures of St. Paul, Minnesota, and Biographical Sketches of Old Settlers: From the Earliest Settlement of the City, Up to and Including the Year, 1857* 27-9 (Bibliolife, 2009) (Published first, 1886) (italics in original).

retired for consultation, being locked up by the constable in a small room lighted by one small window which was at a considerable distance from the ground. One of the six jurymen was a skilled violinist who was always in demand for dancing parties. On the day of the trial, a man had come from Stillwater for the purpose of securing the services of this musician for a ball that was to be held in that city that very night. On finding the violinist in confinement, he became somewhat uneasy lest the wielder of the bow should be detained so long as to prevent his reaching the ball-room in time. Unfortunately, the jury had great difficulty in agreeing upon a verdict. The discussion of the case was conducted with considerable warmth, and several times the jurors nearly came to blows. The man from Stillwater, meanwhile, became desperate. He dared not return without his violinist. He determined to speak with him at all hazards. Procuring a high box, he placed it under the window and, mounting it, succeeded in attracting the attention of his man who at once approached the window and held an extended conference with him. At this point, one of the jurors who had disagreed with the violinist accused him of being in surreptitious communication with an outsider and of being guilty of conduct which exposed him to a grave suspicion of having received a bribe. This intimation precipitated a fight. Chairs, tables, heads, shins, and the window were broken in the melee. Among the injured was the musician, whose right arm was dislocated. The constable unlocked the door and rushed in to restore the peace; the justice and the people followed. The jurors who had not been placed hors du combat slipped out of the room in the confusion, and this ended the case. For the benefit of those who must always be told how a story "comes out," it may be added that the violinist did not draw the bow that night, and that the Stillwater ball was postponed.

The scene now shifts to Dakota. Leaving the pastoral region of Minnesota, we find ourselves once more in a rugged, mountainous, mining country. The following sketch of the administration of justice in a court of law is taken, with some changes in wording, from "Life in the Black Hills," by Maj. P. M. Newson.

Street scene. Post-office. Men coming and going; a strange, mysterious man in the crowd. He is recognized by a passenger, who exclaims:

“Here’s a mail robber !“

Men draw their pistols; the mysterious man also draws and runs. He is pursued by the crowd, firing as he runs, but is finally caught by the sheriff, who, flinging his arms about him, holds him fast. He is found to be severely injured, and the sheriff, with the assistance of two men, conveys him to jail. The next day he is brought into court. The judge is on the bench, lawyers are present, and the court room is filled with people. The complaint is that the prisoner is guilty of robbing the stage.

Judge: “What have you to say,—guilty or not guilty?”

Before the prisoner answers, a man goes to the judge and speaks a few words to him, when the judge says:

“The court orders the sheriff to produce one of the prisoner’s boots.”

The boot is produced and is examined by the judge and others. It is a very small one. The judge now turns to the prisoner and remarks:

“Suspitions are now conclusive, by the production of this boot, that you belie your sex, and are not what you appear to be—that is, you are a woman! Do you plead guilty to this charge?”

“May it please your honor, I do, and if permitted would like to make a few remarks. I am a woman! I mean no wrong. I did not rob the stage, but was with the parties who did. Drawn into their cob-web of villainy, I could not break away from them without losing my life, and may it please your honor, every resolution I made was broken. I plead guilty to the last, but not to the first charge, and if I may be permitted to skip the town this time, you may be assured, your honor, that I will never enter it again.”

“Madam,” said the judge, “you are in a very singular predicament,—charged with robbing the stage and violating all social and civil law by appearing in the character of a male. Under ordinary circumstances, the law would deal harshly with you, but I take the responsibility of setting you at liberty.” With

thanks to the judge for his leniency, the woman walks out of the court room and disappears. <sup>2</sup>

Henry L. Moss had the following recollection of Jackson, which he read to the Minnesota Old Settlers' Association in 1897:

#### HENRY JACKSON.

Of the persons prominent in those days I will first mention Henry Jackson. He was born in Abington, Virginia, February 1st, 1811. He arrived in St. Paul on the night of June 9th, 1842, with his wife, and found shelter in a cabin occupied by one Abraham Perry. Within a few days he rented a small cabin of Pierre Parrant, who had been the founder and proprietor of that more ancient settlement known as "Pig's Eye," of which Saint Paul was the western suburb. Jackson's rented cabin was on the levee near the foot of the present Jackson street, where he remained till he built a log cabin for himself on the point of the bluff in the rear of the present St. Paul Fire and Marine Insurance building. In the new cabin he opened a stock of goods suitable for the Indian trade and also "kept tavern."

Henry Jackson was a remarkable man, shrewd, active, jolly, and ever equal to any emergency. He was, in his day, legislator, postmaster, justice of the peace, merchant, and hotel keeper. On April 7th, 1846, the postoffice of St. Paul was established, and on the same day Mr. Jackson was appointed postmaster.

Only three postoffices had been previously established within the limits of the present state of Minnesota. The office at Fort Snelling was established January 22nd, 1834, and the first postmaster was Samuel C. Stambaugh. The business done at this office was limited chiefly to the military post and the Indian agency. The second postoffice, established July 8th, 1840, was known as Lake St Croix, and was discontinued December 11th of the same year, the receipts having amounted to only \$23.53. It was, however, reestablished December 23rd, 1841, and is now known as Point Douglas, in Washington county. The third office was established January 14th, 1846, at Stillwater, and Elam Greeley was appointed the postmaster. Its first year's

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<sup>2</sup> Hugh J. McGrath & William Stoddard, eds., *History of the Great Northwest and Its Men of Progress* 32-3 (1901).

receipts amounted to \$101.93. For the year 1896 its receipts were \$14,054.70.

The next or fourth postoffice was established at St. Paul, April 7th, 1846, as before stated. The receipts for the year 1846 amounted to \$14.70; and the receipts from the same office for the year 1896 amounted to \$433,706.99. These figures illustrate the growth of this city in the past fifty years.

I first became acquainted with Henry Jackson in 1847, when he was a member of the Legislature of Wisconsin Territory. The district represented by him was composed of the counties of Crawford, Chippewa, St. Croix, and La Pointe, which together embraced the entire country northwest of the Wisconsin river, extending to lake Superior and the British possessions. In both the territorial legislature and the convention to form the constitution of the state of Wisconsin, Mr. Jackson took an active part for securing the St Croix lake and river as the western boundary of the proposed state of Wisconsin. Thereby he foresaw that a new Territory would be assured. From him I had my first information of the probability of the new proposed Territory of Minnesota. Upon its organization he was one of the representatives from St Paul in the first session of the Territorial legislature.

Mr. Jackson removed with his family from St. Paul to Mankato in April, 1853, being among the first settlers of that prosperous city, where he died July 31st, 1857.

Did the purposes of this article admit, I might make it consist entirely of a relation of incidents in the life of this pioneer merchant and magistrate. I will, however, only mention one more, as evidence of his tact and ingenuity in solving a dilemma. Sometime during the winter of 1843-44, Governor Dodge of Wisconsin Territory appointed Mr. Jackson justice of the peace. On account of the infrequency of the transmission of the mail during the winter season, a long time elapsed, after his bonds were sent to the Governor, before his commission was received. In the meantime a young man and woman applied to Mr. Jackson to be married. Jackson knew he had been appointed justice of the peace; but he had not received his commission, and requested them to wait a few days. This they were unwilling to

do, as they were anxious to be married without any delay. Mr. Jackson at once solved the difficulty by proposing to them to give a bond, that they would come and be legally married after he had received his commission; they at once consented to this arrangement, and the bond was executed and delivered, whereupon Jackson told the youthful couple to go their way and be happy, and when he received his commission they could come again and be legally married.<sup>3</sup>

Henry Jackson, a creative Justice of the Peace who had no legal training, died on July 31, 1857, at age forty-six.<sup>4</sup> While his service on Justice Court may be forgotten, his name is not. It is affixed to a major thoroughfare in the capital city, traveled by thousands each day — Jackson Street. ■



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Expanded with Moss sketch, October 30, 2016.

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<sup>3</sup> Henry L. Moss, “Biographic Notes of Old Settlers,” 144-46 (9 Minn. Hist. Soc. Coll. (1901)(paper read before Old Settlers’ Association of Minnesota at annual meeting in June 1897; read later before Minnesota Historical Society on December 13, 1897).

<sup>4</sup> The semi-official biographical sketch of Jackson provides:

JACKSON, HENRY, pioneer, b. in Abington, Va., Feb. 1, 1811; d. in Mankato, Minn. July 31, 1857. He came to St. Paul in 1842; was appointed the first justice of the peace in St. Paul in 1843; was the first postmaster of St. Paul, 1846-49; and was a member of the first Territorial Assembly. He removed to Mankato in 1853, where he was one of the first settlers. He established the first store in St. Paul, on the river bank near Jackson street, which was named after him, and engaged in the fur trade in partnership with William Hartshorn.

Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 365-66 (14 Collections of the Minnesota Historical Society) (Minn. Hist. Soc.,1912).