

“The Lind Libel Case”

John Lind vs. St. Paul Dispatch

(1897)

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Campaign ad
Minneapolis Journal, August 27, 1896.

Foreword

On August 28, 1896, in the midst of a spirited campaign for governor that pitted Democrat-Populist John Lind against Republican incumbent David M. Clough, the *St. Paul Dispatch* published a “special” report exposing Lind’s religious beliefs:

No one in New Ulm has ever made any pretense of denying the fact that John Lind has been an avowed agnostic, materialist, infidel, or whatever name may be used to designate a person who does not believe in the divine origin of the bible or the efficacy of the Christian religion.¹

Lind addressed these charges in his acceptance speech to the Populist Convention, which became fodder for another attack on him by *Dispatch* editorialists:

He challenged the accuracy of the Dispatch in quoting from his infidel lecture before the Turner Society of New Ulm, and said just what the Dispatch has admitted—that he has a perfect right to his private belief or unbelief. No one has denied him this right, and the only criticism that was made was to the effect that he could not consistently expound orthodox theology in a Minneapolis church on one day and teach atheism in a New Ulm lodge the next.²

Clough defeated Lind by a small margin, a result he attributed to the libelous article in the *Dispatch*.³

¹ *St. Paul Dispatch*, August 28, 1896, at 3 (the entire article is posted below at 5-6).

² *St. Paul Dispatch*, August 27, 1896, at 4.

³ The results of the election on November 3, 1896, were:

David M. Clough (Republican).....	165,006
John Lind (Democrat-Populist).....	162,254
William J. Dean (Prohibition).....	5,154
A. A. Ames (Independent).....	2,890
William B. Hammond (Socialist-Labor).....	1,125

1897 Blue Book, at 486-478. George M. Stephenson *John Lind of Minnesota* 125 (Kennikat Press, 1971)(first published 1935) (Lind blames *Dispatch* libel for defeat).

Five weeks after the election, Lind brought suit against the *Dispatch* alleging that the article on August 28, which portrayed him as an atheist and infidel, was libelous.⁴ The case was venued in Ramsey County District Court, and called for trial in mid-February 1897. Judge George L. Bunn, who had just been appointed to the bench by Governor Clough on January 2, 1897, drew the assignment.⁵ The county sheriff summoned a “struck jury,” which may have been the last such jury in Minnesota history.⁶

This was a political trial. The *Dispatch* detested Lind as did his political enemies in New Ulm, several of whom attended the trials and testified against him. To Lind the verdict in the second trial cleansed his reputation and removed a small hurdle in his campaign for governor in 1898. He won that election but lost in 1900.

⁴ From *The Rochester Post*, December 11, 1896, at 2:

SUES FOR LIBEL.

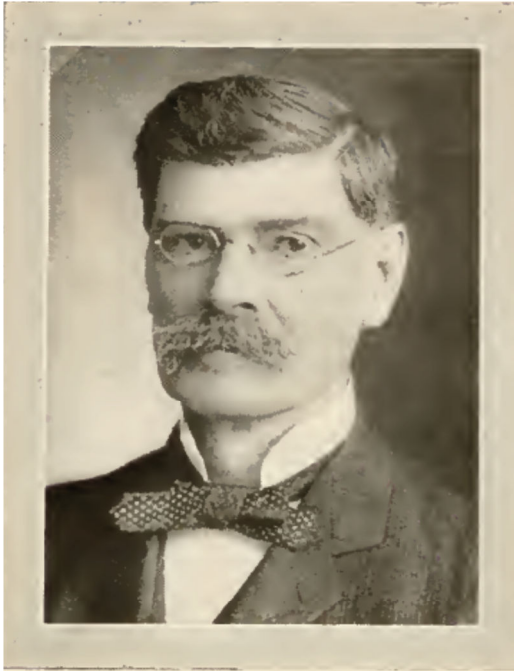
Mr. Lind Demands \$20,000 of the St. Paul Dispatch.

St. Paul, Dec. 10. Attorneys for John Lind, fusion candidate for governor in the last election, to-day served papers upon the proprietors of the Evening Dispatch in a libel suit, in which Mr. Lind demands \$20,000. Last August, after the Democratic convention, the Lutherans of Minneapolis held a festival at which Mr. Lind made an address. The following evening the Dispatch published a special telegram from New Ulm, the home of Mr. Lind, criticising Lind for appearing before the Lutherans, inasmuch, as the telegram alleged, he had delivered an address to a body of Turners at New Ulm in which he professed to share the religious beliefs of the Turners. Mr. Lind declares this to be a libel, and demands \$20,000 therefor.

⁵ This is his profile in the 1897 Blue Book, at 591:

George L. Bunn (Democrat) was born June 25, 1865, in Sparta, Wis. He graduated from the University of Wisconsin in 1885 and from the law department of the same institution in 1888. Came to this state Sept. 18, 1888, locating at St. Paul where he has since resided. Was appointed judge of the Second Judicial District on the second day of January, 1897, to fill the vacancy caused by the death of Hon. C. D. Kerr.

⁶ The first law authorizing a struck jury, Stat. c. 71, §§ 15-19, at 785-786 (1878), was repealed by 1891 Laws, c. 84, at 157-158 (effective March 20, 1891), re-enacted by the 29th legislature in 1895 Laws c. 328, at 736-737 (effective April 24, 1895), and repealed again, 1897 Laws, c. 13, at 11 (effective February 20, 1897).



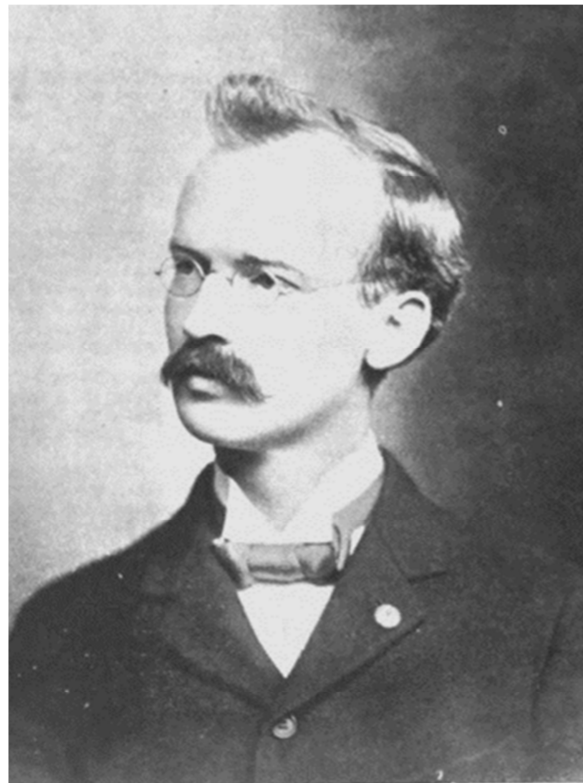
SQUIRE L. PIERCE
DODGE CENTER.
LAWYER.



THOMAS D. O'BRIEN .
ST. PAUL.
C. D. & T. D. O'BRIEN, LAWYERS.



MARCUS D. MUNN
ST. PAUL.
LAWYER.



HON. G. L. BUNN.

The Libelous Article

St. Paul Dispatch
August 28, 1896

AT HIS OWN HOME.

LIND'S PECULIAR VIEWS ACCEPTED AS A MATTER OF COURSE IN NEW ULM.

A LOCAL DRAMA SUGGESTED.

Conversation Between John and Jack—A Newspaper Which is Now Supporting Him Published His Record Three Years Ago.

Special to the Dispatch.

New Ulm, Aug. 28.—No one in New Ulm has ever made any pretense of denying the fact that John Lind has been an avowed agnostic, materialist, infidel, or whatever name may be used to designate a person who does not believe in the divine origin of the bible or the efficacy of the Christian religion. Here where he is known the fact is admitted without comment, and his fellow-members of the Turnverein who believe as he does point to him as a distinguished and able advocats of their views. Though for many years a member of the local order of the Turners, Mr. Lind usually avoids parading his connection with the order, and his part in the work of the society has consisted for the greater part in delivering addresses at the Sunday evening meetings and aiding in the local contests where the Turners and church people have locked horns on the question of teaching infidelity in the schools.

After the long struggle which ended in the retirement of an infidel superintendent of the local schools, the Turners, who had made a bitter fight to retain their man, gave an entertainment at their hall, one of the features of which consisted of a kind of allegorical illustration of the "downfall of liberalism." A pasteboard school house was placed on wheels and drawn across the stage by a donkey and slowly torn to pieces as showing that the abandonment of infidel teaching was regarded as a backward step in the education of the young.

The donkey which was hitched to the wagon belonged to John Lind, and was loaned, by him for the occasion. Just to show that there has never been concealment of Lind's religious belief—or, rather disbelief—an article which appeared in one of the local papers at the time may be of present interest. It appeared in the New Ulm News, of Jan. 27, 1894, a paper which, by the way, is supporting Lind at this time. No special attention was paid to the article at the time, because the main point it made—that Lind was anti-church—was so generally known and so commonly accepted that it occasioned no comment, except a laugh at the expense of Lind and his donkey. The article was never answered, and was as follows:

JOHN AND HIS DONKEY.

An Easy Drama for Local Theatrical People to Practice on.

Scene I.—An ex-congressman's stable, occupied by a donkey.—Period, Jan. 20, 1894.

John.—Hey! Jack! Come here.

Jack.—I'm all ears, sir.

John.—I have been asked to act a part at the masquerade in Turner hall tonight. Now, the Turners are my friends; in fact, I'm one of them, but you know, Jack, there are certain political plums that I would give my soul to pick.

Jack.—But have you no soul?

John.—True, but (with a wink) I want the votes of these weak-minded church people. Besides, you know my fellow Scandinavians will not tolerate the agnosticism and it would be political suicide for me to become prominent in Turner circles now. I must satisfy my Turner friends, too, and must be represented at their ball tonight. Now, Jack, you are well calculated to represent me and I want you to go there and be guided by them—just as I am. I can thus show my sympathy with the Turners and still pull the wool over the eyes of these sleepy church people. I will hide behind the screens and applaud.

Jack.—What a sly old dog you are, my master; we'll get you into some good office yet—with the help of my brothers. But isn't it a huge joke for some people to still call you "Honest John!"

John.—True, true, but I fear some of them begin to see through me; that's the reason I act so slyly. By the way, Jack, I shall want you to appear very smooth in taking my place tonight. Act your part well and you shall be rewarded.

Scene II. Same place—12 hours later.

John (patting the donkey fondly).—Well done, my noble representative! I declare, you seemed like my twin brother; everybody said I could not have played the ass much better myself, and you shall have your reward, my brave Jack. Listen: My bully friend, Josef, must soon retire from the examining board, and if we can succeed in winning the next school election you shall be his successor, and a worthy one you will be. Rest now, my noble steed, a bright future is in store for you.

Scene III. Same place—2 hours later.

Jack (frantically butting his head against the stone wall).—I follow such a man! Never! (butts his head) I much prefer to (butts his head) spend an eternity in (butts his head) the regions of the damned than (butts his head) suffer such disgrace! (The donkey dies.)

Scene IV. Same place, next morning.

John (weeping over the corpse).—Oh, Jack! What fiend has laid you low! So another of my best kind of friends is gone and I lose another vote. Surely if many more such friends drop off I shall never again get into office. O, fool that I was that I did not try to stay in. But I must not be idle; there are more donkeys to be caught and I will write letters for the papers to publish on every subject I can think of, what matter if I know nothing about them so long as enough donkeys think me wise.

(Curtain.)

Only the first paragraph of this article was considered libelous. The skit "John Lind and His Donkey" was received in evidence during the first trial. See *infra*, page 18.

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The Trial - Day 1

St. Paul Daily Globe
February 17, 1897, at 2.

JOHN LIND'S LIBEL SUIT.

Jury Is Drawn and Opening Address Made.

John Lind's \$20,000 libel suit against the *St. Paul Dispatch* was called for trial yesterday afternoon before Judge Bunn and a struck jury.

Of the struck jury drawn to try the case, one, W. G. Crisham, was absent, being out of the city. The other eleven all responded to their names and were duly seated in the jury box. Their names are James C. Bailie, John A. Bazille, William Dunlap, Sherwood Hough, Frank Hoffman, George T. Kuhles, Michael Lux, A. D. McLeod, W. A. Maxwell, S. H. Reeves and James P. White. In place of Mr. Crisham, the absentee, James O. Johnson was drawn from the regular panel, but Mr. Munn, counsel for the defendant, peremptorily challenged Johnson, and his place was filled by Wallace O. Thomas, also drawn from the regular panel.

Mr. Munn, the attorney for the defendant company, challenged Juror Dunlap on the ground that he belonged to the free silver party and was in sympathy with the political views of John Lind, but the challenge was not sustained. Neither did the court find true the challenge of T. D. O'Brien, one of the plaintiff's attorneys, against Juror S. H. Reeves. Mr. Reeves is a druggist, and is exempt from jury duty if he chooses to exercise his rights, but in this case he preferred to serve.

Mr. Reeves, like Mr. Dunlap, testified that he could try the case fairly and impartially and was accordingly allowed to retain his seat on the jury.

John Lind himself was the quietest observer of the proceedings. Mr. Lind sat behind his attorneys, Messrs. T. D. O'Brien and S. L. Pierce, and while he paid close attention to every move, he scarcely moved a muscle.

The jury was sworn in shortly after 4 p. m., and Attorney Pierce opened the case by reading the complaint, setting forth the publication by the *Dispatch* of an article charging Mr. Lind with infidelity and atheism, and quoting an atheistic lecture or speech alleged to have been delivered by the defendant at New Ulm. Mr. Pierce talked for an hour, and then the court adjourned until 10 a. m. today, when the trial will be resumed.

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Day 2

St. Paul Daily Globe
February 18, 1897, at 1.

JOHN LIND NOT AN ATHEIST.

Never Claimed There was No God and Never
Entertained That Belief.

SO HE TESTIFIES IN HIS LIBEL SUIT.

Joined the Turners When But their Members Take
He Was 20 Years Old. No Vows on Religion.

Witnesses for the Defense, including the Writer
of the Article, tell the Basis for the
Alleged Libelous Reports.

John Lind's \$20,000 libel suit against the *St. Paul Dispatch* was continued in Judge Bunn's court yesterday, and although the entire day was devoted to it, the testimony is not all in yet.

Attorney Pierce concluded his opening of the case for the plaintiff in a most dramatic manner, characterizing those responsible for the alleged libel as “damnable, infamous and miserable wretches.”

Mr. Pierce offered a paragraph said to have appeared in the issue of Aug. 28 which he wished to introduce for the purpose of showing aggravation and malice, and the attorneys argued at great length as to the propriety of its introduction.

Mr. Munn contended that the subsequent publication could not be shown to prove malice, as Mr. Lind was a candidate for public office and nearly every issue of the paper contained his name. Mr. Munn declared that he should contend throughout this trial that calling a man an atheist was not libelous, and if there was any libel it lay in calling Mr. Lind a hypocrite. But that was an accusation drawn from conclusions and facts. To call him an atheist was no more than to call him a Methodist, a Presbyterian or a Catholic.

The court overruled Mr. Munn's objection, stating that it was not necessary for him at this time to rule as to whether calling a man an atheist constituted libel or not.

Mr. Pierce read the paragraph dated Aug. 28, which purported to be a special telegram, and stated that no person in New Ulm pretended to deny that Mr. Lind had been an avowed agnostic for many years, and quoted an article said to have been previously printed in the *New Ulm News*. Mr. Pierce also read an editorial from the defendant newspaper stating that great care had been taken to ascertain Mr. Lind's views on religion.

Mr. Lind himself was the first witness. He said he was forty-two years of age and a lawyer by profession and had resided in New Ulm since 1873. Between 1881 and 1885 he was register of the land office at Tracy. His attention was called to the alleged libelous article and he said he had read it.

An effort was made to introduce correspondence to show that Mr. Lind had been invited to address the convention of ministers at Minneapolis and had not volunteered to do so, but after much squabbling between the attorneys the letters were withdrawn.

The address attributed to Mr. Lind was then taken up and he was asked if he delivered any such address. He replied that he had not and also that it did not express his views. He had not at any time expressed views opposed to Christianity or pretended to say that there was no God. He admitted that he was a member of the Turners' society, but said it was a non-religious organization, and a man was not required to make any vows as to his religion.⁷ He joined the Turners when he was about twenty years of age, at which time he was teaching at New Ulm. He was questioned as to the school contest at New Ulm and said its origin had always been a mystery to him. It began while he was away in Washington. He wanted to see the principal retained for the reason that he considered it for the best interest of the school. He never knew that principal to teach infidelity. He had heard that one of the teachers talked evolution.

On cross examination Mr. Lind was asked by Mr. Munn if he was not actively identified with the Turners, and said he had paid dues, but took no active part in the affairs of the organization. He was then asked if a large majority of the Turners at New Ulm were not atheists

⁷ From the Wikipedia entry on New Ulm, Minnesota:

In 1856, the Settlement Association of the Socialist Turner Society ("Turners") helped to secure [New Ulm's] future. The Turners originated in Germany in the first half of the nineteenth century, promoted with the slogan, "Sound Mind, Sound Body". Their clubs combined gymnastics with lectures and debates about the issues of the day. Following the Revolutions of 1848, substantial numbers of Germans emigrated to the United States. In their new land, Turners formed associations (Vereins) throughout the eastern, midwestern, and western states, making it the largest secular German American organization in the country in the nineteenth century. Following a series of attacks by nativist mobs in major cities such as Chicago, Cincinnati, and Louisville, a national convention of Turners authorized the formation of a colony on the frontier. Intending to begin a community that expressed Turner ideals, the Settlement Association joined the Chicago Germans who had struggled here due to a lack of capital. The Turners supplied that, as well as hundreds of colonizers from the east who arrived in 1856.

and said he thought that they were rather agnostics, although some were atheists. Prof. L. Nix he knew to be an atheist.

Mr. Munn then inquired of the witness if he himself had not often been accused of being an atheist and he said no, although he had heard it had been so stated in the *New Ulm News*.

Mr. Lind also admitted that he had made a speech at New Ulm advocating the retention of Prof. Nix in the schools. Mr. Munn then questioned Mr. Lind closely as to whether he had not heard that Prof. Nix was teaching the theories of evolution to the children, and after some sparring he said he had inferred so from what he heard said. Mr. Lind was asked to state what portion of the article he considered libelous but Mr. Pierce's objection was sustained.

Mr. Munn inquired of Mr. Lind his definition of the word hypocrite and said he considered it to mean a man who professed views he did not believe in or act upon.

"Do you believe in the principles of the Democratic party?" inquired Mr. Munn, and after a pause Mr. Lind replied that he believed in the main principles of the Chicago platform.

Then followed considerable political discussion to which Mr. O'Brien objected, when Mr. Munn asked Mr. Lind if he had ever said that if the doors of the penitentiaries were opened the prisoners would rush to the support of the Democratic party. The objection was sustained.

Mr. Lind would not admit that the portion of the article in which he was said to have participated in the school fight was true, although Mr. Munn asked him several questions bearing upon that point.

At the conclusion of Mr. Lind's testimony the court took a recess until 2 o'clock and when that hour arrived the case of the plaintiff was rested after evidence to show the circulation of the paper.

Mr. Munn opened his case for the defense, briefly stating that he would show Mr. Lind's attitude in the school fight and the rights of a newspaper to call attention to Mr. Lind's weaknesses. He would

show that the article as to Mr. Lind's alleged atheism was first published in a New Ulm paper. There were, he said, thousands of people who did not believe in a Supreme Being. Mr. Lind had expressed atheistic ideas once, but finding it to his interest he had changed his ideas and abandoned them. That, said he, constituted hypocrisy.

H. L. Henry was the first witness called for the defense, and stated that he had known Mr. Lind since 1893, and had lived in New Ulm from 1892 to 1895 where he published the *New Ulm News*. He was present in New Ulm during the school fight, the issues of which as he understood them, were whether the teachers who were believed to be atheists should be continued in the schools.

Mr. Pierce asked Mr. Henry if he knew what Mr. Lind's reputation was in the community in which he lived in the matter of religion or religious beliefs. Mr. Henry said he did.

"Well, what was it?" inquired Mr. Pierce.

"It was reported that Mr. Lind was an agnostic," answered the witness.

"Name a man, who said Lind was an agnostic—Can you?"

The witness could not name a man. Witness said he had come to St. Paul from Mankato.

"Who pays your expenses here?"

"I do."

"Were you subpoenaed?"

"No sir."

"You came voluntarily. Eh?"

"Yes sir."

"Well you can go back again." (Laughter).

The next witness was William E. Coles, a newspaper man from Stillwater. The defense sought to prove by Mr. Coles, that prior to the publication of the matter set forth in the complaint, the witness had run across a publication, in a weekly sheet entitled "The Iron Age," of an agnostic speech alleged to have been delivered by Mr. Lind in Indianapolis. The witness had clipped the article from the alleged newspaper, and the clipping was handed to him to identify.

Messrs. O'Brien and Pierce strongly objected to the method of examination adopted by the defense, whereupon a lengthy argument followed, on the motion of plaintiff's attorneys to strike out Cole's testimony. It was argued that the best evidence that the alleged newspaper, "The Iron Age" had ever been published and had printed the alleged speech, would be the production of a copy of the paper of that date as well as the affidavit of the publisher, that the paper was published on that same day. It was insisted that there was nothing before the court to show that such a paper had ever existed.

Judge Bunn ordered that portion of the witness testimony relative to his reading the publication of the alleged speech in the weekly paper described as "The Iron Age" and to his clipping the same from said paper, to be stricken from the record.

The production in court of a copy of the paper containing the report of the alleged speech would be the proper way to prove its publication.

The court then took a recess until 4 p. m.

After the recess H. G. Hayes, of the *Sleepy Eye Dispatch*, was placed upon the stand and stated that he had resided in Sleepy Eye about nine years and had known John Lind most of that time. Mr. Lind, he said, had the reputation generally of being a member of the society of Turners, and that was taken as an indication that he was an unbeliever. The terms atheist, agnostic and unbeliever, he explained, were used indiscriminately as applying to Mr. Lind.

On cross-examination by Mr. Pierce, the witness admitted that he had opposed Mr. Lind in the recent election and had reproduced in his paper portions of the matter published in the *St. Paul Dispatch* although he did not take them directly from that paper. He clipped them from a Minneapolis paper in which they were printed and credited to the *Dispatch*. He had heard so many persons speak of Mr. Lind as an agnostic that he could not recall the **names of all of them**, but Mr. Mullen, the banker, was one. Mr. Lind was advertised to appear as orator of the day at an annual meeting of the Turnerfest, and Mr. Mullen in speaking of this fact said that Lind was an infidel.

In redirect examination by Mr. Munn the witness said he had heard personal friends of Mr. Lind speak of him as an unbeliever, and was about to continue further with his statement when Attorney Pierce angrily interrupted him and asked the court to "instruct the witness to hold his tongue and give the attorneys an opportunity to object to questions." Mr. Hayes, in reply to a question from Attorney Pierce, said the first person to speak to him of Mr. Lind's reported infidelity was C. L. Ross, of New Ulm, who said that Mr. Lind was a member of the Turners' society and was therefore said to be an infidel.

The next witness was C. H. Hornberg, who said he had been a resident of New Ulm for sixteen years and had known John Lind all that time. He was one of the candidates in the school contest of 1893-4 and had been re-elected upon the board. The issue upon which the contest was based, he said, was the question of religion. It was generally understood and felt that under the old administration the pupils of the schools had been subjected to at least indirect and perhaps direct teaching in infidelity. Mr. Lind, the witness said, had the reputation of being an infidel and being asked by Mr. Pierce what that reputation was based upon, replied upon the fact that Lind did not attend any church or affiliate with any religious body. He did not think it was merely because Mr. Lind was a Turner that he was considered an unbeliever.

In further cross-examination by Mr. O'Brien, the witness said he had seen Mr. Lind in church and that he had never heard him proclaim views against Christianity. Speaking further of the school contest he said that the principles of the opposing factions were well under-

stood. The party known as the "church" side adopted regular resolutions, but the other side made no declaration of atheism or agnosticism. The witness did not know who Mr. Lind supported in the contest, except from his own statements.

John Schaller, president of the Lutheran seminary at New Ulm, followed Mr. Hornberg. Prof. Schaller said he had lived in New Ulm since September, 1889, and had taken an active part in the school contest. He had been interested in securing a change of administration, because it was understood that un-Christian doctrine was taught in the schools. He had never heard it said that Mr. Lind was an agnostic or even an unbeliever, but it was understood that he was a Turner, and in the community of New Ulm that fact would signify as much.

Asked what he meant by un-Christian doctrine, Prof. Schaller replied that he had heard the theory of evolution was taught by at least one of the teachers.

Prof. Reim, also of the faculty of the Lutheran seminary, gave testimony very similar to that of Prof. Schaller and said it was generally understood in New Ulm that John Lind was a Turner, and it was, therefore, believed that he was also an infidel.

Elder E. Krooks stated that he had lived in New Ulm since 1873 and had attended the school. He knew of his own personal experience that Prof. Nix had advocated the principles of evolution and had heard him express his views to pupils. He also said Mr. Lind was believed to be an infidel because he was a Turner.

J. S. Vandiver was next called, and after setting himself comfortably in the witness seat, stated that he had written the article which formed the basis of the suit. He said he first went to New Ulm to make inquiries and spent two days there interviewing business men and public officials, who were old residents of the place and were in his opinion competent to give him the information he desired. He visited perhaps a dozen or fifteen gentlemen and specifically inquired of a number of them as to the report that Mr. Lind was an agnostic or infidel.

In waiting for the article which appeared he had used the information which he had gathered on this trip, but had not used all he heard while there. The article which he wrote was, however, based upon the information secured by him at New Ulm. While there he was informed that Mr. Lind was a Turner and that he had participated in the school contest. The witness also made inquiry as to the issues involved in the school contest and read the files of the New Ulm papers published during the time of the contest. The witness also stated that he had been informed while in New Ulm that Mr. Lind had scoffed at religion and professed unbelief and that he had believed what was written in the article. At this point Mr. Munn again referred to the matter clipped from the "Ironclad Age," and after he had specified that portion of the matter quoted in the complaint, the witness was allowed to state that it was taken from a newspaper and that the newspaper was the "Ironclad Age." This consumed some time, however, owing to the frequent objections made by Mr. Pierce to the questions of Mr. Munn. The witness also stated that he was sent to New Ulm by the managing editor of his paper and at that time was a writer on the paper and had no other employment.

Mr. Pierce cross-questioned the witness severely and at times with some show of irritation and bitterness. When asked to mention some of the men to whom he had talked in New Ulm. Mr. Vandiver named Messrs. Mullen, Silverson, Krooks, Peterson, Hayes and another man in the Eagle mill whose name he could not remember. He said that the words used in the article were not exactly those spoken by the gentlemen to whom he had talked, and Mr. Pierce replied in loud and angry tones:

"No. They are your own words; that is very plain."

The witness said that the article, although dated New Ulm, was written in St. Paul after he returned.

Mr. Pierce had not concluded the cross-examination when court adjourned for the day.

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Day 3

St. Paul Daily Globe
February 19, 1897, at 2.

LIND'S LIBEL SUIT.

ALL THE EVIDENCE IN THE CASE
HAS BEEN SUBMITTED.

THE ARGUMENTS MADE TODAY.

Several Witnesses from New Ulm
Never Heard the Agnostic Story.

NO MALICE IN THE PUBLICATION.

Requests of Each Side made to the
Court in the Matter of Instructions.

John Lind's libel suit against the *St. Paul Dispatch* will go to the jury today. All the evidence was in before 2:30 p. m. yesterday. The remaining hours were consumed by the attorneys for plaintiff and defendant in arguing in support of their respective requests that the court deliver certain charges to the jury.

When Judge Bunn opened court at 10 a. m. the galleries were filled and all chairs on the lower floor were occupied as on the previous day. Quite a number of attorneys were among the interested spectators of the novel suit.

J. S. Vandiver, the writer of the alleged libelous screed, resumed the stand, and Mr. Pierce, of counsel for the plaintiff, continued his cross-examination. It amounted principally to a cross-fire of sarcastic repartee in the course of which Mr. Vandiver conveyed the following information to the jury:

He had ascertained from parties in New Ulm that Mr. Lind was in the habit of delivering Sunday evening lectures before the Turners in New Ulm. Mr. Vandiver said he had no reason for omitting to publish the name of the paper from which his article was alleged to have been copied. He did not sign the article because he knew his signature would be cut out by the paper, and would therefore represent a waste of ink.

On redirect examination by Mr. Munn, Mr. Vandiver explained why he had not in his article used the exact language of the people he had interviewed in New Ulm. It was not customary to do so and furthermore, he could not be a shorthand writer. He declared, however, that he had not perverted the facts nor misquoted anybody.

Mr. Munn then called H. F. Black, the managing editor of the paper. Mr. Black testified that he had sent Mr. Vandiver to New Ulm to investigate Mr. Lind. Mr. Mullen, the New Ulm banker, had during the campaign, brought matters to the attention of the witness, and among them was a report that Mr. Lind was a hypocrite. Mr. Vandiver's report satisfied Mr. Black that the statements regarding Mr. Lind were true. On cross-examination the witness related his conversation with Mr. Mullen.

Mr. Munn introduced in evidence the copy of the *New Ulm News* containing an article headed "John Lind and His Donkey," which was received, whereupon the defense rested. [Posted *supra*, at page 6]

The plaintiff, in rebuttal, placed Rev. Emil Seeger on the stand. Mr. Seeger is minister of the German church at Port Washington, Washington. He lived in New Ulm from 1894 to 1896, was well acquainted with John Lind and had often met and conversed with him. Witness was asked if he had heard Mr. Lind say anything derogatory to Christianity, but upon objection of the defense, Mr. Seeger was not allowed to answer, the court holding that the defendant was allowed the defense of privileged communication as well as justification and mitigation of damages. In answer to the question whether he was acquainted with Mr. Lind's reputation, the witness answered that he was and that he had never heard anything to the effect that he was an infidel, an atheist or an agnostic. As far

as the witness knew Mr. Lind had always entertained the view uttered in his speech at Minneapolis.

On cross-examination, Rev. Mr. Seeger said that he had not heard Mr. Lind talked about. His congregation knew that Mr. Lind was not an infidel. Had he been an atheist the witness was sure he would have heard of it. Upon further cross-questioning the witness said he had once heard Mr. Mullen speak of Mr. Lind's beliefs.

G. A. Ottomeyer, who said he had resided for fifteen years in New Ulm, testified that he had known Mr. Lind for that period, and that so far as he knew, Mr. Lind was not regarded as an agnostic. Mr. Lind had contributed to the churches, for the witness had collected from him. He had heard Mr. Lind's religious views talked of during the last campaign, but couldn't recall the name of any individual who spoke of the matter, unless it might have been the pastor of witness' church.

Pastor Meskey of Prescott, Wis., who had a charge at New Ulm from 1891 to 1893, knew Mr. Lind well, he said, and far as he could judge, Mr. Lind's reputation was good generally.

"There was a general belief that he was a Turner," testified Rev. Meskey, "but it did not represent his views. His life and habits were not inconsistent with his Minneapolis speech."

On cross-examination the witness said he had not heard any one discuss Mr. Lind's religious views since 1893. His knowledge was based entirely on what he learned during his residence in New Ulm from 1891 to 1893. Mr. Meskey admitted that he had heard the subject discussed during his residence in New Ulm, and that people had inferred that Mr. Lind was an atheist because he supported Prof. Nix, who was an avowed atheist.

Mr. Pefferman, a New Ulm grocer, who was a member of the school board and council of that city testified that he never considered Mr. Lind an atheist, though he was well acquainted with Mr. Lind's reputation. Neither had witness heard that the people supposed him an atheist because he was a member of the Turner's society.

Jacob Klausner, of New Ulm, had known Mr. Lind for twenty-five years, but never heard that he was an atheist.

George Graff, of New Ulm, a Roman Catholic, testified that he had never heard that Lind was or was not an atheist. He didn't know anything about Mr. Lind's religious views, and had never heard them discussed.

Mr. Lind had contributed to the building of the Catholic church sometime between the years 1890 and 1893, during which period he was at one time a candidate for congress.

S. A. Joyce, of New Ulm, who said he had known Mr. Lind for fifteen or twenty years, declared that Lind was not an atheist. He had not heard his religious views discussed, but had heard people say Mr. Lind was not an infidel. Witness finally admitted that he had heard it said that Lind was an atheist because he was a Turner.

Charles L. Roos, of New Ulm, testified that he had once told H. G. Hayes, of the *Sleepy Eye Dispatch* that Mr. Lind was a Turner, but that he had never said to any one that Lind was an unbeliever.

Harry Black, being recalled, testified that in publishing the alleged libelous article, he was not actuated by any malice or ill will towards Mr. Lind.

This closed the testimony. On motion of the plaintiff, all the testimony of Mr. Cowles, the Stillwater newspaper man, was stricken from the record.

The requests to charge were then presented by both parties and argued by the attorneys. Mr. Munn was heard first in behalf of the defendant.

Mr. Munn contended first that the court should instruct the jury to return a verdict for the defendant, on the ground that the article complained of was a privileged communication, and that, therefore, the defendant had a right to publish it. The defense further argued that the defendant newspaper had reasonable ground and probable

cause to believe the matter complained of to be true and published the same in good faith, and therefore the court should charge the jury to return a verdict for the defendant. Mr. Munn asked the court to instruct the jury that the plaintiff must show by a preponderance of the evidence that not only was the article complained of false, but that the defendant knew it to be false, and published it maliciously, and that if the jury found it was not published maliciously, even though it be false, then its verdict must be for the defendant. Mr. Munn finally contended that the court should charge the jury that in any event the plaintiff could recover only nominal damages.

The plaintiff's requests are squarely opposed to the defendants. Mr. Pierce, who argued in their support, began by producing authorities showing that the public press enjoyed no Immunity not possessed by private individuals in the matter of uttering defamatory charges concerning any person. It was not necessary for the plaintiff in this case to prove express malice on the part of the defendant. If the charges were false, good faith and probable cause constituted no defense, though they might mitigate the damages. No question of privilege appeared in this case, nor evidence to substantiate the truth of the charges made by the defendant, and the jury should be instructed to return a verdict for the plaintiff.

Court then adjourned until 10 a. m. today, when counsel will begin summing up, after which Judge Bunn will charge the Jury.

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Day 4

St. Paul Daily Globe
February 20, 1897, at 2.

LIND JURY HUNG UP.

RETIRED AT 3 AND AT MIDNIGHT
GAVE NO EVIDENCE OF A VERDICT.

DISAGREEMENT IS PROBABLE.

Judge Bunn Delivers a Carefully
Prepared Set of Instructions.

SATISFACTION SEEMED GENERAL.

Except to the Attorney for the Defendant —
Gist of the Arguments to the Jury.

John Lind's libel suit against the *St. Paul Dispatch* went to the jury at 3 o'clock yesterday afternoon. The jury made no report last night, Sounds heard over the transom of the Jury room at 12 midnight indicated that the members were employing themselves at that time in other ways than the consideration of a verdict.

The forenoon was entirely devoted to the summing up of the attorneys on both sides. Court then adjourned until 2:30 p. m. At 3:25 Judge Bunn began his charge to the jury. At precisely 3 o'clock (sic), it was finished. It was the general opinion of the members of the bar, a number of whom were present, that the charge was an able and concise exposition of the law of libel applying to the particular case, and that it was eminently fair and impartial.

After briefly describing the nature of the action, Judge Bunn announced that he would give the first and second charges requested by the plaintiff, as follows:

First—Any publication which tends to injure any one's reputation in the common estimation of mankind or to throw contumely, shame or disgrace upon him, or which tends to hold him up to scorn, ridicule or contempt, or which is calculated to render him infamous, odious or ridiculous, is, on its face, a libel, and implies malice in its publication. So, also, is any publication injurious to private character, or that induces an ill opinion, or that imports a bad reputation and is injurious to the person concerning whom the publication is made

Second—A publication, when it concerns a person and is discommendatory, is always, in the absence of any evidence to the contrary, regarded as uncalled for, and is presumed to be malicious and false.

The court then proceeded:

By consent of counsel, the question whether this article constitutes a libel is left to you. If you find that the publication constitutes a libel on the plaintiff, within the meaning of that definition contained in the first charge, in the absence of justification by the defendant, the plaintiff is entitled to a verdict for at least nominal damages. The plaintiff was a candidate for governor, and the newspaper press had a right to comment, within certain limits, on his acts, without being legally responsible if the comment or criticism were made in good faith and without malice. However, I instruct you that this privilege does not extend to false allegations of fact derogatory to the private character of the candidate.

The extent of privilege in communications is to be determined by balancing the needs and good of society with the right of an individual to enjoy a good reputation when he has done nothing which ought to injure his reputation.

I charge you that these allegations, if false, tended more to injure the reputation of the plaintiff than the publication, if true, would have benefited society. In other words, the sacrifice of the individual rights, if the charges are untrue, is so great, that the public good to come from the publication of the charges, if true, is outweighed.

I charge you, therefore, that there was no privilege in this case, and that the plaintiff must have a verdict, unless you believe that the defendant has shown by a fair preponderance of the testimony that the charges alleged to be libelous were in fact true in substance.

That brings us to the question of damages. If those statements in that article are libelous the presumption is that they were actuated by malice, and that they are false, and if you find that they were not in substance true, as I have stated, the plaintiff is entitled to damages, which must be at least nominal damages.

I charge you that the plaintiff is not entitled to any special damages in this case, for he has neither pleaded nor proven any. He may, however, be entitled to recover damages for the mental distress that the publication may have caused him to suffer. When it is shown by the evidence that the defendant in making the publication was guilty of actual malice, or culpable negligence or wantonness, manifesting willful indifference to the rights of or effect of the publication upon the reputation of the plaintiff, the jury will be justified in giving the plaintiff, that is, you may be justified, and are allowed to, but are not compelled to, give the plaintiff, in addition to the compensatory damages referred to, what in law is called punitive or exemplary damages: that is, damages in addition to the compensatory damages in such sum as in the sound, impartial judgment of the jury the defendant ought to pay in view of all the circumstances, by way of punishment and example.

In considering the subject of malice on the part of the defendant, which will justify the jury in awarding exemplary or punitive damages on account of it, you are instructed that whatever is done willfully and purposely, if it be at the same time wrong and unlawful, and that fact known to the party doing it is, in legal contemplation, malicious. That which is done contrary to one's own conviction of duty or with a willful disregard of the rights of others, whether it be to compass some unlawful end, by unlawful means, or to do a wrong and unlawful act, knowing it to be such, constitutes malice, as defined by law.

In determining whether the publication was malicious or wanton on the part of defendant, and the degree of malice, it is the duty of the jury to consider the character of the publication complained of, and, in addition to that, the publication by the defendant in the *Dispatch* of defamatory or derogatory statements relating to the matters contained in the original publication or bearing upon them, and the circumstances under which the publication complained of was made. The subsequent publications by the defendant may be considered as going to show malice, but not as an aggravation of the damages.

In regard to the evidence introduced by the defendant to show mitigation of damages, Judge Bunn instructed the jury that the mere fact that Mr. Lind was a candidate for governor would not alone mitigate the damages. But if the jury believed the article was published in good faith, and with the sole desire to inform the public of the character of John Lind and not with the desire to injure the man himself, such belief would justify a mitigation of plaintiff's damages. If the publisher took all reasonable precautions and published only what he believed to be true, even though the allegations might be false, the damages should be mitigated. In this connection Judge Bunn drew a distinction between legitimate news and mere scandal.

Judge Bunn informed the jury that the burden of proving actual malice rested upon the plaintiff, but that the burden of proving the truth of the allegations rested upon the defendant, who must prove it by a fair preponderance of the testimony. The burden of proving the mitigating circumstances also rested on the defendant.

In conclusion, Judge Bunn cautioned the jury to decide the case wholly on the evidence and not to permit neither religious beliefs nor political sympathies to enter in the slightest degree into their consideration of the case.

The charge concluded, the jury retired.

Plaintiff's attorneys took no exceptions whatever to the charge, but Mr. Munn, in behalf of the defense, excepted to nearly all the charges.

When court opened in the forenoon, Mr. Munn at once began summing up for the defense. He first discussed the press and its liberties. The United States constitution and all the state constitutions zealously guarded the liberty of the press. The people demanded that the characters of the men who proposed to govern them should be freely discussed. Such inquiries as this were necessary when it was charged that the press had overstepped the limits. When a newspaper believed that its sources of information were reliable and true, it had right to publish news received through

customary channels. Mr. Lind had been a man of local reputation when he became a candidate for governor, the people of the state had a right to be informed of his qualifications.

There had never been an article published where more care was taken to establish the facts. There has never been an article published which was more thoroughly warranted by the facts. The reporters of newspapers were, as a class, a fair set of men; they are, as a rule, fair and impartial, understanding human weaknesses and regarding them with charity and exposing only hypocrisy and falsehood. The article in the *Dispatch* was published without malice, as was testified to by the managing editor. Mr. Lind was more to be blamed than any one else. If he had wished to set himself right before the people, why didn't he do it?

Mr. Lind (Interrupting)— Mr. Munn was there a paper open to me in this city?"

"You might have come to the *Dispatch*."

"I did."

"Yes, to deny the facts 'in toto' as false."

"They were."

"You denied that you were a Turner."

"That I was a leading Turner."

In conclusion, Mr. Munn contended that Mr. Lind had not substantially contradicted the allegations of the article.

Mr. T. O'Brien summed up in behalf of Lind. Mr. O'Brien contended that the defendant newspaper had utterly failed to prove the truth of its libelous article. There had been no defense, and the averments of the complaint stood uncontradicted. The defendant was unable to justify its publication of false allegations, and therefore, the plaintiff was clearly entitled to a verdict.

Mr. O'Brien closed his able address at 12:30, and Judge Bunn adjourned court until 2:30 p. m.⁸

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⁸ The *Princeton Union* had more to say about the selection of the jurors:

The sensation of the week in St. Paul, has been the trial of the libel case of John Lind against the *St. Paul Dispatch*. The *Dispatch* published only a small part of the things that were said about John while he was trying to become governor, but John seems to think he has a better chance of getting his money back from the *Dispatch* than from some of the other papers which said more. The case was tried before a struck jury, and is probably the last case which will ever be tried in a like way. The sheriff of Ramsey county is a free silver Democrat, and he struck the jury.

Several members of the jury participated in the free silver banquet at the Windsor a week before the trial came on, and many of the jurors were personal friends of Lind. The charge of the judge was also quite friendly to the plaintiff, and the only wonder, under the circumstances, is that the *Dispatch* escaped being soaked for a good round sum in costs. It was really Lind's friends on the jury who made the disagreement, for nine of the jury favored a verdict for at least the costs. The other three held but for a verdict from \$5,000 to \$10,000 and the result was a disagreement.

Lind used to have a good deal of fun with Donnelly about the latter's one-dollar reputation, but here he has a jury selected wholly by one of his own friends which couldn't agree that his reputation was worth 50 cents, and it will take another trial to settle the question. The alleged libel was the publication during the campaign of statements tending to show that Lind was a practicing atheist at home in New Ulm and a preaching Lutheran in Minneapolis, the inference of course being that he was essentially hypocrite in both places. The case will probably be tried again at the March term of the court, and unless an agreement is reached that will be the end of it.

Princeton Union. February 25, 1897, at 1.

Day 5

St. Paul Daily Globe
February 21, 1897, at 2.

LIND WILL TRY AGAIN.

Jury in His Libel Suit Was Unable
to Agree.

The jury in the John Lind libel suit after being out twenty-four hours failed, as anticipated in the *Globe*, to agree upon a verdict. They so reported to Judge Bunn yesterday forenoon and thereupon discharged.

It was learned that nine members of the jury were in favor of giving Mr. Lind a verdict for \$1,000, whereas the most that the remaining three would allow was \$500. One of the jurors disputes this statement. He says that on the first ballot eight jurors favored a verdict for the plaintiff ranging anywhere from \$1,000 to \$10,000. One wanted to return a verdict for \$10,000, while three thought that \$100 would be amply sufficient. The second ballot, according to the same authority, resulted in a vote for \$5,000 damages for Lind. nine votes for sums ranging from \$1,000 upwards and two votes for a verdict of \$1 for Mr. Lind. Mr. Lind will bring the case to trial again and it will probably come up next month.

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THE TRIAL AS REPORTED IN THE NEW ULM REVIEW
February 24, 1897, at 1.

The Jury Disagreed.

**Such was the Outcome of the Celebrated
Lind Libel Suit.**

**The Jury Struggled with the Case for
Twenty Hours.**

**It was an Interesting Case and Attracted
Wide Attention.**

**Mr. Lind's Personal Enemies Voluntarily
on Hand to do him Injury.**

**Ottomeyer, Pfefferle, Kiossner, George,
Roos, Seeger, Graff and Meske
Testify in His Behalf.**

The first round in the libel suit of John Lind against the *St. Paul Dispatch* has been fought. The trial occupied two days, the jury was out for nearly twenty-four hours and the end was reached in disagreement. It was just what might have been expected after noticing the method of drawing the jury.

The trial commenced before Judge Bunn in the Ramsey county court Tuesday afternoon. S. L. Pierce and Thos. D. O'Brien appeared as attorneys for Mr. Lind and M. D. Munn for the *Dispatch*.

Mr. Lind himself was the first witness called. He testified to having addressed a body of Christians in Minneapolis during the campaign, but said he did so upon invitation and not for the sake of securing votes. Asked as to whether he had ever expressed views opposed to Christianity he replied in the negative.

He had never pretended to say there was no God and had never entertained such a belief, said he was a member of the Turner Society, but claimed that it was a non-religious society—that no member is asked to take any vows as to religion.

He was questioned concerning the school fight at New Ulm and replied that the origin had always been a mystery to him. It began when he was in Washington. On his return he found the peaceful village in a ferment. He said he did not participate, except to counsel patience, and voted with the side he believed to be in the right.

He did not consider it a sectarian struggle, though some viewed it in that light. He simply felt that if Prof. Nix was lost, the schools would suffer. The reason for his thinking so was that nearly one hundred per cent of the population entered school with little knowledge of the English language. The English child went equipped to acquire knowledge, while the German child had first to acquire the vehicle.

He was asked if the principal of the schools ever taught infidelity. He replied that he had never heard the charge laid at his door, although he had heard that one of the other teachers had been teaching evolution.

"Now, about the jackass," said Mr. Pierce, referring to a printed dialogue in the *New Ulm News*. "I consider it too silly to discuss," replied the witness. He then described the masquerade that had been held at Turner hall. His boy owned a donkey and asked his father if he could use the animal. Of course he could and that night he saw the donkey in a tableaux that touched on a feature of the school fight.

On cross examination Mr. Munn asked if it wasn't true that a large majority of the Turners in New Ulm were atheists. Mr. Lind answered that he thought that some of them were atheists, but the majority he would consider agnostics. Prof. Nix was an atheist and he had had debates with him on the subject.

The *New Ulm News* he styled as a paper that had been gotten up to abuse him and that did not have enough subscribers to entitle it to publish legal notices.

Asked why he advocated the retention of a man as principal of the schools who was continually charged with being an atheist, Mr. Lind

said: "I was satisfied, as I am today, of his qualifications. Even the school board was satisfied."

Munn also tried to bring in politics and asked Mr. Lind if he believed in the principles of the democratic party. Mr. Pierce objected, but Mr. Lind insisted on answering, and said that, with the exception of the portion referring to the Chicago riot, he approved of the Chicago platform and advocated Mr. Bryan's principles. He believed in a reasonable protection.

Asked if he did not, in a speech at New Ulm, claim that Mr. Lawler was not a fit man for governor because he was a Roman Catholic and a Democrat. Mr. Lind replied emphatically that he did not.

H. L. Henry was the first witness for the defense and claimed that the main issue in the New Ulm school fight was whether atheistic doctrines were to be taught in the schools either directly or by implication. He also said that Mr. Lind's reputation was that of being an atheist, but he could not name a man who ever said so.

Pierce asked him who paid his expenses at the trial. He replied that he paid his own expenses. "Then you are here voluntarily," suggested Pierce.

"Yes, sir," said Henry.

"Well, you can go home again," was the attorney's retort.

H. G. Hays, the *Sleepy Eye* editor, also came to the assistance of the libelous *Dispatch*. He had heard so many persons speak of Mr. Lind as an agnostic that he could not recall the names of all of them, but Mr. Mullen was one of them. Mr. Lind was advertised to appear as orator of the day at a Turnerfest and Mr. Mullen in speaking of the fact said that Lind was an infidel. Chas. L. Roos had told him that Lind was a Turner and therefore he concluded that he must be an infidel.

C. H. Hornburg testified that the issue upon which the school contest was based was religion. He also said that Lind had the reputation of

being an infidel, from the fact that he did not attend church. He did not think it was merely because he was a Turner. Later on he admitted that he had seen Lind in church and had never heard him proclaim views against Christianity.

John Schaller of the Lutheran Seminary was another witness. He had been active in the school contest for the reason that he believed un-Christian doctrines were being taught in the schools. He had never heard it said that Mr. Lind was an agnostic or even an unbeliever, but it was understood that he was a Turner and in New Ulm that would signify as much as an infidel. Asked what he meant by un-Christian doctrine, Prof. Schaller replied that he had heard the theory of evolution was taught by at least one of the teachers.

Prof. Adolph Reim gave testimony similar to that of Schaller and said it was generally understood in New Ulm that Lind was a Turner and it was therefore believed that he was also an infidel.

Lewis B. Krook claimed to know of his own personal experience that Prof. Nix had advocated the principles of evolution and had heard him express, his views to pupils. He also said Mr. Lind was believed to be an infidel because he was a Turner.

J. S. Vandiver, the reporter of the *Dispatch*, who wrote the libelous article, was next placed on the stand. He stated that he had visited New Ulm expressly for the purpose of inquiring into Mr. Lind's beliefs and had interviewed a dozen or fifteen gentlemen. Among them were Mullen, Silverson, Krook, Peterson and Hays. He was informed that Mr. Lind was a Turner and had participated in the school fight, He. had also been informed that Mr. Lind had scoffed at religion and professed unbelief.

Managing Editor Black of the *Dispatch* stated, in reply to a question, that he sent Vandiver to New Ulm because matters concerning Mr. Lind had been brought to his attention by Mr. Mullen, the New Ulm banker.

This concluded the testimony for the defense and the plaintiff's attorneys at once proceeded to introduce testimony in rebuttal.

Rev. Seeger, formerly of New Ulm, but now living at Port Washington, was the first to appear. He knew Mr. Lind well and had never heard anything to the effect that he was an infidel, atheist or agnostic. He knew of nothing in his remarks or acts, inconsistent with his speech in Minneapolis. His congregation knew Lind was not an infidel and Mr. Mullen was the only man he had ever heard refer to him as such.

G. A. Ottomeyer stated frankly that he had known Mr. Lind's reputation and could say that he was not regarded as an agnostic. He had contributed to churches and during the school fight had never heard his religious reputation discussed. Asked if the masquerade referred to so frequently was considered as given by the atheists, he said, it was not.

Rev. Meske of Prescott, Wisconsin, said he knew Mr. Lind very well, and his reputation was good. "There was a general belief that he was a Turner," he said, "but it did not represent his views. His life and habits were not inconsistent with his Minneapolis speech." The inference that he was an atheist [was] only because he had supported Nix.

Richard Pfefferie testified that he had never considered Mr. Lind an atheist, and thought he was acquainted with Lind's general reputation. He had been a candidate during the school contest, but never heard Mr. Lind's religious views discussed further than that he was a member of the Turner Society. He had never heard any one say that he was not a religious man, and he was not aware that because he was a Turner he was therefore considered an atheist.

Jacob Klossner Jr. swore that he had known Lind for twenty-five years and never knew him to be an atheist. He said Lind's religious reputation was not discussed in New Ulm and he had never heard it discussed by anybody at any time.

George Graff said he had never heard whether Lind was or was not an atheist. He knew that he had contributed to the Catholic church, but could not state definitely what his religious reputation was.

S. A. George had known Lind for twenty years and knew he was not an atheist. He had never heard anyone say he was an infidel, although he had heard it said often that he was a Turner.

Chas. L. Roos was the last witness. He had never told Hays that Lind was an agnostic. All he said was that Lind was a Turner and he explained the platform and principles of the society. He had never told anyone that Lind was an unbeliever.

All of Friday morning was consumed by the attorneys in arguing the case to the jury. Mr. Munn summed up for the *Dispatch* and Mr. Thos. D. O'Brien for Mr. Lind. Judge Bunn then charged the jury and it is generally admitted that he favored the plaintiff. The defendant's attorney excepted to nearly every section of the charge, whereas the plaintiff took no exceptions whatever.

Libel, said the judge, was anything that was published that was untrue and that brought a man into disgrace. The malice in a libelous article was to be presumed. He said that the question with the jury was to decide whether the article was untrue or libelous. If the jury considered that it was, then a verdict must be found for the plaintiff.

The plaintiff was a candidate for governor and the press had a right to criticise his character and his behavior so long as it remained within the bounds of truth. The fact that he was a candidate for a public office was no excuse for a paper libeling him, although it might, under certain circumstances, act in mitigation of damages.

The judge stated that if the jury found that the article was untrue and libelous within the meaning of the law, then it must find for the plaintiff and give him a verdict for the damage that his reputation had sustained by the publication of the libel. No special damages could be awarded for the reason that none had been pleaded or proved. All this was in case nothing more than implied malice was found.

In case the jury decided that there had been actual malice in the publication, then it might give exemplary or punitive damages. The question of malice was altogether with the jury. Damages must not

be allowed for subsequent publications, although such publications might be considered in deciding whether or not there was actual malice.

On the question of the mitigation of damages the judge said that the fact that the plaintiff was a candidate for a public office might be used as a circumstance for mitigation. In case the publisher of the article, even if it were libelous took great pains and care in gathering the supposed facts and published what, as a matter of news, the public was supposed to have a legitimate interest in, then it would operate as a mitigating circumstance.

"There is only one thing more," said Judge Bunn, in closing, "and I do not think it absolutely necessary, at least I hope not. However, it will do no harm. You are to decide this case on the evidence you have heard. You are not to let your religious beliefs enter into the matter at all. Your verdict must be based on the evidence introduced, and on that alone."

The jury retired at three o'clock. At ten o'clock the next morning they came in for instructions, returning again to their room. An hour later they again entered the courtroom and reported that they had been, unable to agree upon a verdict. The Judge thereupon discharged them.

It was learned that on the first ballot, nine of the jurors voted for a verdict of \$15,000, one for \$1,000, one for \$500 and one for nominal damages or nothing. The following ballots produced various changes, but the man who insisted on nominal damages held out and refused to yield, just as had been anticipated.

Mr. Lind had the sympathy of all of the court visitors during the trial and it is plain that he had the sympathy of a majority of the jurors. He will bring the case to trial again and it will probably come up next month

At the end of the foregoing article the *New Ulm Review* reprinted this editorial from the *St. Peter Press*:

John Lind's \$20,000 libel suit against the *St. Paul Dispatch* was tried last week before Judge Bunn and a struck jury.

Mr. H. L. Henry, the former editor of the *New Ulm News*, appeared as one of the principal witnesses against Lind. Hays, a personal enemy of Lind, and Messrs. Hornburg, Reim and Schaller, his old-time antagonists, were all on hand to prove Lind's bad qualities and perhaps with good effect upon the jury.

It is fortunate for the *Dispatch* that the relative positions of the respective gentlemen named are comparatively little known in Ramsey county. To an outside observer it is extremely revolting to see the fair name of a reputable neighbor dragged into the mire of defamation for the purpose of gaining a political point and incidentally gratify the vindictiveness of a few personal enemies. It is an ugly habit, of very questionable effect and ought never be tolerated by honorable men. — *St. Peter Press*.

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Second Trial - Day 1

St. Paul Daily Globe
April 9, 1897, at 8.

LIND LIBEL SUIT.

Jury Secured to Hear the Second Trial.

It required the greater part of the day to secure a jury in the Lind libel suit yesterday. Out of the twenty-five men called and examined as to their qualifications to sit as jurors in the case, eight were excused for actual bias and five were dispensed with by peremptory challenges, each side being allowed three peremptory challenges.

T. D. O'Brien and S. L. Pierce again appear as counsel for Mr. Lind and M. D. Munn is conducting the defense.

Mr. Pierce made the opening address to the jury and then called as the first witness for the plaintiff Rev. Emil Sweeger, formerly resident of New Ulm. Mr. Sweeger testified on the same line as he did in the former trial. The case will be resumed this afternoon.

The following citizens compose the jury: John C. Blake, A. E. Breidert, Thomas O'Connell, George H. Biggs, Wallace C. Winter, G. H. Brown, Daniel W. Porter, Thomas H. Berisford, George W. Watterson, Albert H. Manson, William Ruff, John W. Williamson.

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Day 2

St. Paul Daily Globe
April 10, 1897, at 8.

SAME AS THE FIRST TRIAL.

Nothing New In the Lind Libel Suit.

John Lind took the stand in his own behalf yesterday forenoon, in the trial of his libel suit against the *Dispatch*. He swore that he was not an atheist and that he had not, as charged by the defendant newspaper, given utterances to atheistic views or sought in any manner to place the New Ulm public schools under atheistic control

for the purpose of securing the teaching of such doctrines to the pupils.

Mr. Lind admitted that he was a member of the Turners' society, but denied that that society was an association of atheists. In the afternoon Mr. Lind resumed the stand and at the conclusion of his testimony the plaintiff rested.

Mr. Munn opened the case for the defense, and then called H. G. Hayes, of the *Sleepy Eye Dispatch*, as the first witness. Mr. Hayes testified that Mr. Lind had the reputation of being a non-believer.

Dr. O. C. Strickler, who was a member of the New Ulm school board at the time of the controversy over the school question, testified that Mr. Lind was regarded as an agnostic because he belonged to the Turners, who were considered atheists or unbelievers. Prof. John Schaller, of the Lutheran seminary in New Ulm, and Prof. A. F. Reim, of the same institution, testified to the same effect. The latter was confused by the cross-examination to which he was subjected by Counsellor S. L. Pierce regarding the doctrine of evolution and its relation to religious tenets.

Lewis B. Krooks, a member of the Lutheran church, was the last witness called for the defense yesterday. His testimony was similar to that of the others.

The case will be resumed at 10 a. m. today [Saturday]. The defense has seven or eight more witnesses to examine, and the plaintiff will call an equal number in rebuttal.

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Day 3

St. Paul Sunday Globe
April 11, 1897, at 12.

LIND LIBEL SUIT

Attorneys Regard a Ruling Made Yesterday Significant.

Judge Bunn made a ruling in the John Lind libel case yesterday that the attorneys in the case regard as significant. The defense having rested, the plaintiff in rebuttal offered in evidence a speech delivered by Mr. Lind in Minneapolis, in which he declared that the Christian church had been the great civilising agent of the world. The witness on the stand was asked if Mr. Lind's life, so far as he knew it, had not been consistent with that speech.

Mr. Munn, for the defense, objected that the evidence desired was not in rebuttal. Judge Bunn sustained the objection, remarking as he made the ruling that if the testimony objected to was not proper rebuttal, then the defense had not proved anything to be rebutted.

Michael Mullen, a witness in behalf of the defense, occupied the chair for the greater part of the forenoon. The gist of Mr. Mullen's testimony was that Mr. Lind had the reputation of being an atheist because he was a Turner

On cross-examination it was revealed that Mr. Mullen, prior to the nomination of Mr. Lind for governor, had written a letter to Chris O'Brien in which he denounced Lind as an A. P. A. and an infidel.

H. L. Henry, S. D. Peterson and T. H. T. Black were subsequently called by the defense.

In rebuttal the plaintiff called G O. Ottomeyer, the president of the Christian Endeavor Society of the New Ulm Congregational church; Benedict Junil, teacher in the New Ulm public school; B. Alwin and A. J. Rose. All testified that they did not believe that Mr. Lind was an atheist, and never heard that he was. Mr. Ottomeyer said he had never heard Mr. Lind's reputation as a Christian called in question.

The trial will be resumed at 10 a. m tomorrow.

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Day 4

St. Paul Daily Globe
April 13, 1897, at 8.

TESTIMONY ALL IN.

Lind Case Will Go to the Jury To-day.

All the testimony in the Lind libel suit against the *St. Paul Dispatch* is in, and the case will presumably go to the jury some time this afternoon. Counsel will begin summing up this forenoon.

Yesterday forenoon the plaintiff continued to call witnesses in rebuttal, all of whom testified that they had never heard Mr. Lind's religious views discussed, and did not regard him as an atheist. Joseph A. Eckstein, a lawyer of New Ulm, so testified.

R. Pfefferie, who was a member of the New Ulm school board, and is a Roman Catholic, testified that the controversy over the control of the schools did not involve the question of infidelity, but that of the adoption of the "state high school system." The witness personally knew Mr. Lind to be a believer in God.

Dr. J. L. Schoch, Capt. S. A. George and Peter Manderfeldt had not heard that Lind was an atheist or non-believer. Capt. George testified that Mr. Lind had once assured him that he didn't believe that this earthly existence was all and that he was confident that human beings would have to answer in the future for their misdeeds here.

The plaintiff rested at this point, and the defense called one witness, C. H. Hoberg. Mr. Hoberg had supposed that Mr. Lind was an atheist, but he entertained no ill feelings toward him.

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The Jury Instructions

St. Paul Daily Globe
April 14, 1897, at 2.

WHAT DOES LIND GET?

Sealed Verdict Will Be Opened in
Court This Morning.

The Lind libel suit went to the jury at 4:30 p. m. yesterday. M. D. Munn occupied the forenoon from 10 a. m. summing up for the *Dispatch*, and T. D. O'Brien made the closing argument for Mr. Lind.

Judge Bunn began charging the jury shortly before 4 p. m. The court instructed the jury that the article published in the *Dispatch* concerning John Lind was false and libelous and directed the jury to return a verdict for Mr. Lind for the actual damages they might find he had sustained by the libelous publication.

The jury returned a verdict at 9 o'clock, sealed it up and dispersed. It will be opened in court at 10 o'clock this morning.

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The Verdict

St. Paul Daily Globe
April 15, 1897, at 8.

LIND IS SATISFIED

VERDICT OF \$600 IN HIS LIBEL
SUIT HE REGARDED AS VINDICATION.

HOW THIS WAS AGREED UPON.

Various Sums from a Nominal Amount
To a High Figure.

WERE SELECTED AND VOTED ON.

Six Hundred, After Twenty Ballots,
Just Caught the Whole Twelve
Jurymen.

John Lind recovered a verdict of \$600 in his libel suit against the *St. Paul Dispatch*. The verdict was returned in a sealed envelope about 9 o'clock Tuesday night, after the jury had been in conference nearly five hours, but was not announced until 10 a. m. yesterday in open court.

Mr. Lind expressed himself as well satisfied with the verdict, which, being of a substantial as distinguished from a nominal character, he regarded as a complete vindication.

Considerable speculation was rife as to the possible and probable ways and means whereby the jury agreed upon the sum finally awarded. Many surmised, from experiences of their own in a jury room, that each juror cast a written ballot, naming the amount of damages that he desired to award, and that the sum total that the twelve slips aggregated, was divided by twelve in order to obtain an average.

Such a method has been known to be employed when an agreement cannot be arrived at in any other manner. But this was not the way the Lind jury reached a unanimous decision. Instead, various sums would be proposed as the amount of the verdict to be given, and a separate vote was taken on each. Over twenty ballots were taken on this this plan before \$600 received a unanimous vote.

The estimates of the jurors as to the actual damages sustained by Mr. Lind in consequence of the libel ranged from the mere nominal figure of \$5 to the highly substantial sum of \$10,000.

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New Ulm Review's Report of the Second Trial

New Ulm Review
April 14, 1897, at 8.

The Great Lind Case.

The Second Trial is Proving a Hot One
for the "Little Lying Dispatch."

The Methods of Lind's Enemies Cleverly
Exposed.

Some of Last Fall's Party Political Tricks
Brought to Light.

Great Interest Being Manifested in the
Case and the Sympathy is
All with Lind.

His Witnesses All Tell a Clean, Straight, Forward Story.

The second trial of the case of John Lind against the *St. Paul Dispatch* for libel came up before Judge Bunn at St. Paul on Wednesday. The *Dispatch* undertook to secure a continuance on the ground that Attorney Munn was ill, but the judge evidently took but little stock in the plea for he consented to postpone the case only until the following day.

All of Thursday was consumed in securing a jury and in listening to the testimony of Rev. Seeger, who presented practically the same evidence as on the occasion of the original trial.

Mr. Lind was the next witness and occupied the stand all of Friday morning, most of the time being taken up with cross-examination. He denied the truth of the statements contained in the *Dispatch* article, alleged to have been libelous, and in reply to questions by Mr. Munn admitted that he was a member of the Turner society in New Ulm. He said that when he first came to the town there were very few citizens who spoke English and he joined the society in order to get acquainted with the people.

He said that the society was not in any sense of the word a religious society and that its only object was sociability and physical culture. He denied that he had ever been an atheist or an agnostic, as charged in the article complained of. Mr. Lind's testimony closed the plaintiff's case.

Mr. Munn opened to the jury for the defendant. He said that the defense would be justification, and he claimed that the paper was justified in printing the article complained of for the reason that the statements made in it were true.

The first witness called was H. G. Hayes, editor of the *Sleepy Eye Dispatch*. He said that Mr. Lind had a general reputation of being an unbeliever in God.

Dr. O. C. Strickler of New Ulm testified that he was a member of the schoolboard of the city during the school campaign of 1893. He said that Mr. Lind supported Prof. Nix, who was considered an atheist, for the position of superintendent of schools. He said that the members of the Turner Society of New Ulm were considered there as atheists. He also testified that Mr. Lind had a reputation for being an atheist.

Rev. John Schaller, a professor in the Lutheran seminary at New Ulm, testified substantially to the same facts.

Prof. A. F. Reim of the same seminary, said that Mr. Lind's reputation was that he was an atheist. He said that the principal issue in the campaign of 1893 was whether infidelity should be taught in the public schools. When asked if he knew that Prof. Nix taught infidelity he said that he had heard him do so. It was in 1875, when Prof. Reim was at school in New Ulm.

On cross-examination he said that Prof. Nix taught evolution, and that he considered that this was denying the existence of a supreme being. The witness believed that God created Adam out of dust. He also said that he believed in the old theory that the world was made in six days.

Lewis B. Krook testified that Mr. Lind was considered an atheist. He said that the Turners were always considered unbelievers and that they had always had control of the school board. He told of attending a school meeting in Turner hall where a resolution was passed to the effect that no one should be elected to the school board unless he was favorable to the Turners and their doctrines. He said that in the school campaign of 1893 the churches were arrayed on one side and the Turners, Mr. Lind among them, on the other. He told of the teachings of Prof. Nix years ago, when the witness was a school boy, and said that he taught infidelity. His testimony, on what infidelity was, was not very strong, and the effect of his statements was changed on cross-examination.

H. L. Henry of Mankato was sworn in behalf of the defendant. He had formerly published the *New Ulm News* and admitted it had only 400 paying subscribers. He was boycotted, he claimed, and therefore left

the town. He testified that he had taken part in the celebrated school contest that the issue was whether teachers who taught atheism were to be discharged or retained, that he was familiar with Lind's reputation, that it was that of an agnostic, that he had not devoted most of his time to abusing Mr. Lind. Examined by Mr. Pierce, he admitted that he never heard Mr. Lind make any statement derogatory to religion or express his views upon the same he could not even recall anyone who had ever said he was an atheist or an agnostic.

Michael Mullen of New Ulm testified that he had known Lind for about twenty years, that he (the witness) had taken no active part in the school controversy, but was acquainted with the issue. This, he said, was that the church people were not satisfied with Prof. Nixon's account of his atheistic principles. Lind's reputation was that of an atheist. On cross examination, Mullen testified that he had heard one man say that Lind was an atheist, but he had never heard Mr. Lind himself say anything against religion. He admitted, however, having made such, a charge against him. Mr. Vandiver, he claimed, had told him that the proofs of the speech, alleged to have been made by Lind in New Ulm years ago, derogatory to religion and supposed to have been published in Indianapolis, were locked up in the *Dispatch* safe at St. Paul. He admitted having talked with Managing Editor Black about it.

Mr. Pierce then asked Mullen if Lind belonged to any societies besides the Turnverein. Mullen said that he did not. Then Pierce asked if he belonged to any lodges or secret societies. Mullen replied in the negative. He was asked if he was sure about this—positive. He said that he was as far as his knowledge was concerned. Then he was asked if he had written a letter to C. D. O'Brien of St. Paul, charging Lind with being a rank freethinker and infidel, a hypocrite and an A. P. A., and rebuking O'Brien for supporting such a man for governor. The witness could not say that he had ever written such a letter.

At this juncture, Thos. O'Brien arose and coolly showed Mullen a letter, dated July 24, 1896, and addressed to his brother, Hon. C. D. O'Brien of St. Paul. Mullen read it, admitted that it was in his

handwriting and that he had written and signed it. Objections were raised to its being read, but they were over ruled and the letter was read to the jury by Mr. Pierce. This was the most dramatic incident of the entire trial.

The letter in substance charged Lind with being the biggest hypocrite in the state, and a member of the rankest freethinkers' organization in the country; it said that he could not carry a ward in his own town for anything from governor down to dog-catcher, and that he had no friends outside of the Turners; it also implied that he was an A. P. A., an organization opposed to Catholics holding office, and urged O'Brien to drop him like a coal of fire.

The witness further testified that he had stated that Lind had advised people to vote for no Roman Catholic for governor. He could not say to whom he reported this information, but probably had done so to several. He knew that Peterson had offered to make the affidavit. He never saw the affidavit published and contended that the circular was used in a private manner. In reply to the question as to whether or not the whole *Dispatch* matter and circular were started by him, he is reported to have evaded the question as much as possible. He denied having furnished the extracts of Mr. Lind's speech, alleged to have been delivered at a Turner meeting held years ago. He said he had never heard of it before it was published.

Attorney Pierce also forced the witness to admit that Lind had carried every ward in New Ulm for governor, and not for dog-catcher.

S. D. Peterson was likewise placed in the sweat-box. He claims of course that Lind's reputation was that of an atheist, but he could not recall that Lind ever spoke of the matter. He had heard him speak of a revival meeting at which Dr. Strickler was present, and it was his impression that Lind said it was strange that Dr. Strickler—a man of his intelligence—should go to a revival meeting. He couldn't remember the exact language used, however. In answer to the question by Pierce as to whether he ever heard Lind accuse Strickler of having any intelligence, the witness said he had not, unless it was on the occasion referred to—the revival meeting.

The witness admitted that he was not on good terms with Mr. Lind, but he was forced to admit that about fifteen years ago, on the death of his son, Lind consoled him and told him that his son would continue on in another life. That was fifteen years ago, he claimed, and he could not very well remember what had transpired so long ago. Pierce remarked, however, that he seemed to be able to remember very distinctly things that happened twenty-five years back.

Questioned further, he said it was not until the school trouble commenced that Lind was charged with being an atheist. He had heard it stated that all opposed to "our" ticket were atheists, but when asked particularly about the members on the opposition ticket he had to admit that Koch and Eckstein were not Turners, one being a Catholic and the other a Lutheran. Peterson claimed to have heard over two hundred make the remark that Lind was an atheist, but the only one he could call to mind was Herman Schapekahn. Even in this case he could not give Schapekahn's words. That was last fall during the great political campaign. The witness also admitted having written a letter to Michael Doran in which he accused Lind of objecting to Dan Lawler for governor on account of his being a Roman Catholic. He admitted having signed the affidavit to that effect which was circulated about the state over Peterson's signature.

Jacob Klossner, Jr. testified that Mr. Lind at his home was not considered an agnostic or an infidel. While he was on the stand, a practical admission of the falsity of the *Dispatch* article was made. Mr. Klossner was asked if there was anything in Mr. Lind's conduct that was not in harmony with the views he expressed in his Minneapolis speech. Mr. Munn objected on the ground that the question was not proper rebuttal. "We have put in no testimony except as to Mr. Lind's general reputation," said Mr. Munn. "Then the case is settled," remarked Attorney Pierce. Judge Bunn evidently entertained the same view, for he said: I am not sure that the objection is not well taken, but if it is it removes one issue from this case." The question was not pressed.

G. A. Ottomeyer was called as the first witness in rebuttal. He said that he was the president of the Christian Endeavor Society of the Congregational church and that he had never heard Mr. Lind's reputation as a Christian gentleman called in question until after the article in the *Dispatch* appeared which is alleged to be libelous. He said that as far as he knew Mr. Lind had a reputation for being a Christian. He had seen him in Church a number of times.

Benedict Juni made another capital witness in Mr. Lind's behalf. He denied that Mr. Lind had the reputation of being an atheist and insisted that his acts and public utterances were always those of a Christian. Questioned as to the issues of the school fight, he stated emphatically that the teaching of infidelity in the schools was not an issue and he never knew of its being taught. The school fight, he said, started from a row between the millers, and spitework was more of an issue than anything else. The fact that the vote of the city was about evenly divided showed conclusively that it was not a contest between the Turners alone and the church people.

W. G. Alwin also denied that Mr. Lind's reputation was that of an atheist or that he had ever scoffed at religion on the street corners. He commenced to tell of the public meeting held at Turner Hall, at which time Lind and Judge Webber made addresses, but was prevented by the attorney for the *Dispatch* from proceeding. He said that the charge that infidelity had been taught in the public schools was not true.

Chas. L. Roos was also called as a witness for Mr. Lind. He denied ever having told Editor Hayes that Lind was an atheist and added that there would be no object in his doing so, for he knew that he was not. In response to a question as to the religious beliefs of the Turners he said that some were atheists, some agnostics and some materialists, but the society made no demands upon the belief of any member—he was left to follow his own mind and conscience and believe as he wanted to. The witness was not an atheist, neither was Prof. Nix. Attorney Munn tried to trap Mr. Roos upon this point, but failed dismally. The witness knew his position and gave pointed definitions of the terms “atheist,” “agnostic” and “materialist.”

By an unintentional question of Munn's the witness was also permitted to define Mr. Lind's position on matters of religion. He was asked if he had ever heard anyone talk of Mr. Lind's belief. He said he had and proceeded to relate a conversation between himself, Prof. Nix, Dr. Fischer and others over a debate in which Mr. Lind had participated. "All of us," said the witness, "expressed regret that Mr. Lind did not believe as we did." This proved a clincher for Munn and he was only too willing to excuse the witness.

Monday morning Capt. George testified that he knew Lind's views upon religion and that they were not atheistic. Lind, he said, believed in a higher being and in a life of progression. Mr. George was positive in his assertions and the closest kind of cross questioning failed to shake him.

Peter Manderfeld swore that he had never heard Lind's religious beliefs discussed. They had never been a topic of public talk.

Dr. Schoch, Richard Pfefferle and Attorney Eckstein testified in a similar vein. The latter was subjected to a severe cross examination, but could not be twisted in his statements. He knew Lind well and was positive as to the truth of his statements.

The *Dispatch* put C. H. Hornburg on the stand late Monday afternoon and the testimony was concluded.

Arguments were made to the jury yesterday and a verdict will be returned today.

The sentiment prevailed generally among those present at the trial that Lind would win.

As one of the witnesses said, he will get a verdict if it is possible to secure one in Ramsey county. The testimony was decidedly in his favor.

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Press Comments on the Verdict.

The Minneapolis Tribune

April 15, 1897

In its report of verdict in the second trial, the *Tribune* retracted its reprint of the story about Lind's speech published in the *Dispatch* on August 28, 1896. It admitted the story was erroneous. Here is an excerpt from its April 15th retraction:

The Dispatch published what purported to be a speech made by Mr. Lind one Sunday afternoon, at a certain hall, in New Ulm. The speech enunciated the well known doctrines of agnosticism. In the first trial a reporter of the Dispatch, who furnished it with a report of the speech, testified that he clipped it from a paper published at Indianapolis, during the year 1890. After the first trial, and before the second trial, Mr. Lind secured the files of the paper in question, for the years 1889, 1890, and 1891, but they did not contain the speech credited to Mr. Lind.

Mr. Lind testified on the stand that he had never delivered the speech credited to him either at New Ulm or elsewhere, which seems to have been the fact. Where the reporter secured the speech does not appear. The important fact, however, was clearly established that Mr. Lind did not write or deliver the speech, and had no connection with it whatever. At the time, it was published, however, it bore every evidence of authenticity, and THE TRIBUNE, with other papers, published it. It is only just to Mr. Lind, therefore, that THE TRIBUNE should give equal publicity at this time to the fact that he was not the author of it.⁹

⁹ *The Minneapolis Tribune*, April 15, 1897, at 7 ("Vindicates Lind").

The Broad Ax

(St. Paul)

April 15, 1897

The libel suit of John Lind against the Dispatch was tried Monday and Tuesday and went to the jury about 4 o'clock on the last named day. The judge instructed the jury that as the defendant admitted the article was not true a verdict must be brought in for the amount of the damage. The jury gave him \$600. It should have been at least \$6,000.¹⁰

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Afterword

The verdict did not end the acrimony between John Lind and the *St. Paul Dispatch*. The newspaper attacked him throughout his two-year term, even going so far as to label him a traitor. On January 9, 1901, after the ceremonial change of administrations, now ex-Governor Lind walked to the office of *Dispatch* managing editor Harry Black and demanded a retraction. When Black refused, Lind uncorked a right-handed haymaker that flattened him.¹¹

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Credits

The photographs of Thomas D. O'Brien and Marcus D. Munn on page 4 are from *Men of Minnesota* (1902). That of Squire L. Pierce from *Men of Minnesota* (1912) (he is listed as practicing in Dodge Center because he moved there in 1904). The photograph of Judge Bunn is from 4 *Minnesota Law Journal* 224 (December 1896).

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¹⁰ *The Broad Ax*, April 15, 1897, at 1.

¹¹ George M. Stephenson, note 3, at 187-188.

Related Article

“John Lind (1854-1930)”
(Minneapolis Bar Association, April 10, 1931)
(MLHP, 2018)

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