

“LEGAL HISTORY” AND
“LAW ENFORCEMENT” *

IN

BIG STONE COUNTY, MINNESOTA
1881-1981

BY

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The Ortonville Independent
1981

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LEGAL

The residents of Big Stone County have never lacked access to legal service. Lawyers came as early as 1874. A “Law Office” sign on one of a few small wooden buildings is photographic evidence of an old saying that “a lawyer put out his shingle.”

It was many years before a law practice could support a man, let alone a family. Lawyers published newspapers, sold real estate, held public office whenever possible, and were promoters of many business ventures.

Some of the earliest lawyers mentioned were Addison J. Parker, who came in 1874, followed by George W. Parker, Lyman R. Jones, D. C. Stam, R. W. Miller, L. Emmett, and T. M. Grant. An 1885 Ortonville Headlight mentions Spooner & Whittemore, J. R. Selman, and Nelson O. Foss. Some of these men did not stay long. By 1899, there were more familiar names. E. F. Crawford, Aaron B. Kaercher, Ray G. Farrington, E. N. Morrill, and Frank L. Cliff were in Ortonville.

A. B. Kaercher, who practiced from 1890 to 1926, had Solomon Scholberg studying with him for a few years. Later his daughter Grace assisted him in business.

Ray G. Farrington, who practiced from 1892 to 1927, was in an office with Charles H. Bolsta. Herb Bolsta began his law practice on February 22, 1919, and was active until he died on December 30, 1971.

F. L. Cliff had a law office in Ortonville from 1883 to 1935. The firm was Cliff and Purcell in the early 1900s. Earl V. (Pat) Cliff joined F. L. Cliff in 1919 and worked for over 50 years.

Jack J. Purcell came to the county before 1900 and practiced law until he died in 1953. In his later years, he shared the office of Benson & Schreiner.

R. D. Hill was an attorney in Odessa in 1899 and early 1900s. J. D. Kelly was also an attorney at Odessa,

Charles E. Chrisman practiced in Ortonville from 1902 until 1947. W. C. Preus, lawyer, was a charter member of Ortonville Kiwanis in 1923.

Graceville had a succession of lawyers around the turn of the century. The 1899 Ortonville Herald Star mentions attorneys M. S. Stevens and A. Wartner of Graceville. In 1901, there were Stevens and Shelley of Graceville. In 1908, M. S. Stevens was mayor of Graceville, and John A Green ran for county attorney on the Democratic ticket.

James Fahey came to Graceville in 1915 and established a law practice. He was editor of the Graceville Enterprise from 1926 to 1929, and postmaster from 1933 to 1949. He still had his law office when he was in his 80s.

Carl J. Eastvold came to Ortonville about 1922. Howard Kaecher joined him in his office from 1930 to 1933. Robert R. Pflueger began practice with Eastvold in December 1949, and moved into his new office in 1964. Germain Kunz joined him in 1972.

Clifford J. Benson began practice in September 1933. He was joined by Robert D. Schreiner in the early 1950s. Lloyd Moosbrugger was with the firm for about five years, 1958 to 1963. Mike Hanna was in the office 1976 and 1977 and then for about a year in Clinton. William Watson joined Benson & Schreiner in October 1978.

LAW ENFORCEMENT

One account of law enforcement in the fall of 1879 embodied all the elements of stories of the Old West. Two strangers rode into Ortonville on horseback, each packing a revolver, a breech-loading carbine, and a full cartridge belt. They got drunk in a local saloon, beat up a man, and rode up and down Main Street, firing their guns at random.

Sheriff Bernard Dassell quickly got a warrant for their arrest, and with the help of several men, took the two into custody. The next day they pleaded guilty to charges of assault and creating a disturbance, paid fines of \$5 plus \$9.75 costs and were released. They were still in Ortonville three weeks later when a reward of \$200 was posted for the capture of Jack Nolan and Joe Johnson, members of Doc Middleton's gang, who were wanted for bank robbery and horse stealing. Nolan was a known road agent with a long string of crimes including murder of at least one man in Nebraska.

Special Agent Llewellyn arrived in Ortonville, deputized six men, and tried to locate the fugitives. The posse located the two holed up in a shanty ten miles away on the Yellowbank River, while Johnson recovered from a gunshot wound in the foot. The men evaded the posse long enough to take a farmer's family hostage. During the night, they left with the farmer in his wagon. He took them into South Dakota, where they bought Indian ponies and headed west. They were captured several days later by the Ortonville men, a few soldiers from the Sisseton Indian Agency, and Colonel Bennett of Fort Wadsworth.

“As an echo of the famous Nebraska outlaw episode a local police force was organized and a requisition made upon the governor for a supply of needle guns. The force was officered as follows: Captain C. H. Mero; 1st Lt. Frank Trushell; 2nd

Lt. R. R. David; 1st Sergeant F. Shumaker; 2nd Sergeant A. J. Parker,” according to the Big Stone County Herald of October 23, 1879.

In September 1980, heavily armed law officers from North and South Dakota joined local authorities in a man hunt for suspected burglars. While the four suspects were under surveillance, they allegedly burglarized the Alley Cat Lanes on Highway 75 and took about \$300. About 5:45 A. M., law officers closed in on the suspects’ camp at the north end of Long Tom Lake. Two of the men were arrested and the other two escaped on foot.

The search for the two men focused on the section just north of the new nine holes of the Ortonville golf course after two men were seen entering a cornfield in that area. The section contained marshland, brush, and trees as well as unpicked cornfields. Law officers kept the area cordoned all day, and an observation plane circled low over the area in a vain attempt to spot the men. Others kept watch from house tops and the bucket of a city boom truck. Later in the day, officers entered the area on horse back, and a dog was brought in to try to track the fugitives. Darkness called a halt to the all-out search. Presumably, the men stole a car that night and made their escape.

Cars and helicopters replaced horses in the time span between the two news stories. In 1981, there were fewer horse thieves to apprehend but theft of cattle and pigs has increased because of their higher market value.

However, the big change during that time was obviously in communication. Modern technology can provide information through communication systems with the necessary speed to match transportation.

Changes in the laws alter the focus of attention. For example, enforcing the Volstead Act of 1919 which prohibited the manufacture, sale or transportation of intoxicating liquor, kept the sheriff busy until the amendment was repealed on December 5, 1933. Part of the difficulty of enforcement was the fact that it was an unpopular law. [77]

Sixty years later the focus is on drug traffic, juvenile delinquency, and crime prevention. Restrictions on search and the rights of individuals have resulted in more detailed procedure. Twenty-five or 30 years ago, no hearing was required before arraignment. Now there is more protection for the rights of individuals as spelled out in the fifth amendment. Evidence presented by county officials must meet the same constitutional requirements as that of the F B I and federal officials. Mandatory time requirements for holding suspects are also for individual protection.

All Minnesota police officers must pass intelligence and skill tests, complete two years of academic training and ten weeks of skill training, and serve a one-year probationary period before they are licensed police officers.

The sheriffs office is unique to policing as its deals with civil matters as well as criminal. The sheriff and his deputies are the officers of the court, required to supply court security and have responsibility for the jury. They also handle all mental commitments. The officers collect debts for the county court and small claims court. They collect property taxes and defaulted taxes.

The primary purpose of the sheriff is to protect the lives of the people, their property, their health, and their morals. The sheriff represents the sovereignty of the State and he has no superior in his county.

Big Stone County Sheriff Orin Haukos has two deputies. Doran Nagel has been deputy sheriff for 14 years, and Joseph Bening for 7 years.



Posted MLHP: May 2008.