The Wabasha Doctors’ Murder Trial

By

John W. Murdoch

Foreword

By

Douglas A. Hedin
Editor, MLHP

In the early 1950s, a decade after he retired from practicing law in Wabasha, John Murdoch wrote articles about two unusual cases in which he acted as co-counsel for the defense with John F. McGovern, “a brilliant Irish attorney and probably the best trial lawyer who has ever practiced in Wabasha.”

The first, about a suit brought against the Village of Reads by financier Russell Sage, was published in The Lake City Graphic in February 1952. Murdoch explains the novel legal issues in the case in language most readers could understand. He delights in describing the tactics of the lawyers for both parties to achieve victory (including having a local legislator run a specially tailored bill through the legislature to thwart Sage).

The second was published in The Wabasha County Herald on February 17, 1954, under the headline “Doctors’ Early Day Rivalry Resulted in Murder Trial.” Because there were no complex legal issues to unravel (the indictments of Doctors Lincoln and Bond are covered in one short paragraph and their trial in another), Murdoch devotes much of his article to describing the family background, education, work habits, ambitions, and idiosyncrasies of Doctors Lincoln and Milligan — in other words, what drove him to act as he did.
Murdoch’s sharp portraits of the actors in this melodrama and his account of the doctors’ rivalry and jealousies that led to violence and the courtroom, suggest why he was such a formidable trail lawyer. He possessed superior narrative skills, and in a trial told his client’s story in a way that won the jury over. Moreover, from these insightful character sketches (excepting his superficial, stereotypical sketch of the “half-breed” Dan Cratte), it is evident that he possessed a quality of all successful trial lawyers that is rarely mentioned—they have the ability to appraise or size up the opposing party and attorney, witnesses, jurors, the judge and, particularly, their own client, and make use of that assessment. John Murdoch, we may surmise, was usually a shrewd judge of character.

At times he could not resist digressing. One of the most interesting is this description of the “corduroy roads” in the late nineteenth century:

The roads of that day were something to justify extremely strong language by any one so unfortunate as to be obligated to use them. Particularly was this true of the bottom road on the Wisconsin side of the river leading through Buffalo County, where a large number of Scandinavians settled in an early day. This was what was known as a “corduroy road” made by placing logs side-by-side at right angles to the travel, and filling in the intricacies between the logs with rocks and earth. When well filled and surfaced this was a passable road but a few good storms would wash away a considerable part of the filling, leaving the unfortunate traveller bumping along on the logs.

If a driver was so unfortunate in the darkness as to get a wheel off the end of the logs he found himself at once entangled in a morass so deep and sticky as to be distinctly discouraging.

“Corduroy roads” were what nineteenth century judges and lawyers had to endure when they travelled from home by horse-drawn coaches or carts to sessions of the district court in another county of their judicial district.
Here is an article about Murdoch that appeared in *The Wabasha County Herald* on February 17, 1954. It introduces readers to his story about “The Wabasha Doctors’ Murder Trial” in that issue. It follows. It has been reformatted. The title is by the MLHP.

Viewers are encouraged to read the profiles of John W. Murdoch and John F. McGovern in the “Wabasha County” category in the Archives of the MLHP.

*Wabasha Herald* (June 11, 1896):

*Wabasha Herald* (March 3, 1898):
The Wabasha Doctors’ Murder Trial

By

John W. Murdoch

In 1853 Wabasha was little more than a trading post. Augustin Rocque lived there; had lived there since 1826. There also lived Duncan Campbell. Both of these men lived in the western part of the town, across a slough. In the main part of the town lived Oliver Cratte, Joseph Buisson and Francois LaBathe, Alexis Bailly and Frank Talbot.

Ten years before the little settlement had been named “Wabasha”, a christening was had on the levee, with an interesting ceremony. A hole was dug in the riverbank and a bottle containing a paper giving an account of the event was placed in the hole, then a post was set over the place with a board nailed on it, on which was written the name “Wabasha” in large letters. A bottle of whiskey was broken to celebrate the event. Ten years later, when Frank Talbot arrived, the post was still standing.

Dr. Milligan Arrives

Another of Wabasha’s very early settlers who arrived the same year that Frank Talbot appeared on the scene must also have inspected this monument, for he was a trained observer with keen grey eyes which missed little of importance within the limits of his observation. This man was greatly needed in this new settlement expanding on the shores of the Mississippi, for he was a physician and surgeon and destined for nearly forty years to play an important part in the life of the town. This was Dr. F. H. Milligan, then a young man of twenty-three, a graduate of Jefferson Medical College in Philadelphia. He had not only the town but the entire county to himself and had a field which would have been the envy of a circuit ride, for it extended southward to the Iowa line, eastward to Chippewa Falls, westward to Faribault and northwards to Red Wing, a territory as large as some of the Eastern states.
Then Comes Dr. Lincoln

The field was his undisputed own for four years, when Dr. W. L. Lincoln arrived on the scene and opened an office.

Some idea of the sort of a man this first physician [Dr. Milligan] proved to be, and the conditions which he found in while Wabasha County in the early days is conveyed by a survey of his activities. Besides caring for the sick and injured in his breath-filling territory, he found time to answer a wide variety of demands made upon his talents by the exigencies ease of the growing community.

Alexis P. Bailly was the first Register of Deeds of the county, but in July, 1855, the office was vacant and young Dr. Milligan was appointed to fill out the balance of the term. Even before this and the year of his arrival, the office of county treasurer being vacant he was appointed by the county board to fill that office and for the next two years counted and safeguarded the county’s cash. Just to see that time did not hang heavily on his hands, the same board appointed him as sheriff of the county in 1854 to fill a vacancy and in many of the real estate conveyances of this period, his name appears as Notary Public.

As may be gathered from this account of his activities Dr. Milligan was a good mixer and a man who enjoyed the confidence of the community.

He was no longer practicing when the writer of these pages first saw Wabasha, but his picture was in many homes of the city, and a clear impression of the man still lingered in the minds of those who knew him. Short and stocky, quick in his movements, with piercing eyes, easily dominated almost any group in which he found himself. He was quick-tempered, perfectly willing to take care of himself in any argument whether verbal or physical.

Keen Professional Man

Professionally he seems to have been keen and, for his time, progressive. He was the first president of the Wabasha County Medical Society, assisted in the organization of the State Medical Association and was its
centennial president. Twice he received a commission during civil war
days, serving two different regiments as surgeon.

His first wife was Lucy Ann, second daughter of Alexis Bailly. After her
death he married Miss S. D. Abrahams, a lady of refinement and talent who
bore his four children, one being his only son, who succeeded him in the
practice at Wabasha. For many years the family made their home in what
was then known as the Judge van Dyke homestead, one of the finest
residences in the city. This building was later purchased by the hospital
authorities and incorporated as part of what is now St. Elizabeth’s Hospital.

About four years after Dr. Milligan establish himself in Wabasha there came
to share his territory and divide his practice a man of a very different type,
Dr. William L. Lincoln from Massachusetts, a graduate of the medical
department of Harvard University, who located at Wabasha in his middle
thirties. Dr. Lincoln was of retiring disposition, completely absorbed by his
profession, his church and his family.

He was a hard worker quite indifferent to financial considerations. He
almost never rendered a bill, and in fact it was very difficult to get him to
prepare one, his bookkeeping methods being very indifferent. He was on
most occasions mild-mannered and retiring, but he had a temper which
occasionally got the better of him, and when it did, he entirely forgot that he
was deacon in the church, and his fury was something to terrify the object
of his wrath. He always had a good driving team in his barn and usually a
saddle horse as well, and many a long country mile those animals took him
on his professional duties.

Rode Corduroy Roads

The roads of that day were something to justify extremely strong language
by any one so unfortunate as to be obligated to use them. Particularly was
this true of the bottom road on the Wisconsin side of the river leading
through Buffalo County, where a large number of Scandinavians settled in
an early day. This was what was known as a “corduroy road” made by
placing logs side-by-side at right angles to the travel, and filling in the
intricacies between the logs with rocks and earth. When well filled and
surfaced this was a passable road but a few good storms would wash away a considerable part of the filling, leaving the unfortunate traveller bumping along on the logs.

If a driver was so unfortunate in the darkness as to get a wheel off the end of the logs he found himself at once entangled in a morass so deep and sticky as to be distinctly discouraging. No road was so bad or no call so far away that Dr. Lincoln ever hesitated in answering it, and I am told that on occasions he would drive over that bottom road to some farm house ten miles from home to attend to the child of some poor Swede or Norwegian where there was little chance of any payment. When he got there and needed hot water, if the husband would absent, he would go to the wood pile and work up enough wood to get a good fire going in order to carry out his intended course of treatment.

Beautiful Summer Scenery

On such a trip, if made in midsummer, the surroundings were delightful. At the outset the river had to be crossed and this was done by ferry, held against the current by a steel cable stretching from bank to bank. The deep whistle of a steam boat from down river as it approached Cratte’s island, just below town, would be heard, and from upriver might be seen a log raft of the floating variety, steered by long sweeps, and from the center of this could be seen the smoke from the fire which had just cooked the dinner of the crew. As a Wisconsin bank was reached, hundreds of wild pigeons would be scared from their nests in the huge elms that extended inland from the river to the Wisconsin bluffs. The bottoms would be a lush green, well watered, with grasses and reeds three feet high fringing the ends of the logs which served as the foundation of the road. Cattails would be everywhere in evidence and against the background of green would flame the tall stalks of the cardinal flower.

Doctors Were Rivals

For some reason, not apparent to a layman, the doctors of the community do not form a happy family that might be expected, but frequently exhibit a measure of professional jealousy and personal rancor which surprise their
patients. This was emphatically true at Wabasha and Dr. Milligan and Dr. Lincoln had about the affection for each other that the devil is said to have for holy water, and for a quarter of a century went their respective ways on their errands of mercy either entirely ignoring each other or conjuring up plans to appropriate each other’s patients. This attitude persisted during their lifetime and was bequeathed to their respective sons who followed them at Wabasha in the practice of medicine and surgery. If anything their sons improved on their personal and professional bitterness and this finally blossomed and brought forth fruit in a criminal case involving two of the Wabasha doctors in which they were indicted and tried on a charge of assault with intent to kill. This, as Kipling says, “is another story” which will shortly be told.

Young Dr. Milligan

Dr. Milligan had one son, Dr. William F, Milligan, who followed in his father’s footsteps and continued his father’s practice. He was a true chip off the old block, for like his father, he was short and chunky and active. By this time other physicians had invaded the Wabasha territory, but for the next quarter of a century the Milligan and Lincoln influence was dominant in medical circles.

Young Dr. Milligan was a man who aroused intense enthusiasm and loyalty among his patients. He never married and was always a prospective bridegroom, which in no way hampered his success in his practice. He was tireless in his attention to his patients and was on call day and night. He had a number of good driving horses, always had a driver in attendance on him, was always in a hurry and his teams on the road rarely had a dry hair on them. When a country call came to him in his office, his exit from town was much like that of a fire department, and pedestrians in his way leaped to the safety of the sidewalk as they watched in admiration the speed with which he rushed to the bedside of his patient, unless, of course, the endangered pedestrian happen to be in the Lincoln camp, and then the comment would be, “Look at the Irish so-and-so, doing the grandstand act. Where the hell does he think he’s going? Thinks he owns the street!”
Never Afraid to Operate

Dr. Milligan had an engaging bedside manner, was never afraid to operate, used drugs with discretion, and had always at his command a shrewd knowledge of human nature and on occasion relied on diplomacy and a psychological approach and could easily glamorize a bread pill into a potent therapeutic agent.

Like his father, he was a good mixer, and was intensely active in local politics. He served as mayor of the city for several terms, but was not hungry for office for himself, but did greatly enjoy pulling the strings behind the scenes and constituting himself as a local boss.

Whenever any excitement was on in local politics, the lights in his office burned late. The key men of the town were there, listening to his directions, enjoying his stories and quick wit, and consuming liberal amounts of his good liquor.

Operations for appendicitis were numerous in those days, for the technique had come to be well understood by those surgeons who were progressive and fearless. Dr. Milligan established quite a reputation for this type of operation, and had always in his office several bottles containing inflamed appendixes which he had removed and preserved as interesting exhibits. His detractors used to assert that many of these were perfectly normal and could well have remained where they were if he had not been afraid that if he did not remove them Lincoln would.

Afraid of Operation

It is the irony of fate that he, who was so fearless in the use of his knife on a patient suffering from appendicitis, should himself have suffered from that same malady, and been unable to summon sufficient courage to permit another surgeon to operate until it was too late, and so came to his death well instilled in his prime of life.

Dr. William H. Lincoln, son of the old doctor, was very little like his father. He was not at all interested in any church and much of his family life was turbulent and disturbed. He was, however, a fine physician and surgeon
and I am assured by a Lake City physician who knew him intimately over a long term of years, that he was the best physician and surgeon that Wabasha ever knew. In appearance he was tall, well-formed, athletic. In middle life the hair on the top of his head was not much in evidence, but he made up for that by lack up that lack by sporting a long and luxuriant beard, and was often referred to as “His Whiskers”.

He was well-equipped in his profession, having graduated from Rush Medical College and had an internship in a Chicago hospital. He brought into the sickroom an air of quiet confidence and cheer which did more for his patients than most drugs that could be prescribed and he was an exceedingly skillful surgeon, who tempered his courage with professional caution.

\[\text{Streak of Cussedness}\]

To his friends he was genial and sunny and would go as far as any man to help a friend in time of need, but he had, as an element in his makeup, a streak of pure “cussedness” and could and did resent an injury with the vindictiveness which was calculated to give an aggressor pause.

He had a good sense of humor and a facility for statement which made his conversations the pleasure of his patients and friends. He had a pride in his office and his equipment and owned and drove the first automobile to be seen on the streets of Wabasha.

He and Dr. Milligan were both on the staff of St. Elizabeth hospital and kept the good sisters who manage that institution in frequent hot water by reason of their enmity and quarrels.

And now, as a setting for what follows I must say a few words concerning another Wabasha doctor – Joseph F. Bond. Dr. Bond was a man who came to Wabasha from Denver in mid-life or a little past. He was a son of a physician and was possessed of a very good literary education as well as a good medical equipment. He came to Wabasha in the employ of Dr. Lincoln and shortly became his partner, the firm being known as Lincoln and Bond. He had seen, in the west, something of the seamy side of life,
with its quick appeal to violence, but he was a nervous, sensitive retiring
sort of man never disposed to make trouble or to go looking for it. He was,
however, possessed of plenty of courage and a large measure of loyalty
and these qualities got him into a situation which he little anticipated and
which occasioned him plenty of grief.

Assault With Intent to Kill

Among the well known characters in Wabasha was one Dan Cratte, a half-
breed of considerable intelligence with no well-defined occupation. He was
a good man about horses and was frequently employed as a driver. In the
early part of the year 1899 he was an employee of Lincoln and Bond as a
driver and general handyman. He was addicted to drink and was of a
morose and revengeful disposition.

There was then living in Wabasha a woman who shall be nameless here
except that she shall be referred to as “Mary Jones”, in whom Dr. Lincoln
was greatly interested. In the course of the year the suspicion arose in the
bosom of Dr. Lincoln that the same driver, Dan Cratte, was also interested
in her, and was secretly attempting to undermine him in her affections. This
spark of jealousy was fanned into a flame by some of the boys who wished
to improve their standing with the doctor and he became greatly distraught.
In the fall of that year Dr. Lincoln discharged Cratte and upon Dr. Milligan
learning of this, he promptly employed him as a driver and fitted him out
with a couple of rooms over his Main Street office. Dan continued his
secretive attentions to the woman in question and beyond doubt he was
couraged in this by Dr. Milligan, who now had a handy weapon to yield
against his old-time rival. Lincoln had always had at hand a staff of amateur
volunteer detectives who kept him informed of much that was happening in
town, together with plenty that never happened except in their fertile
imaginations.

January 1st, 1900 was an important day in the lives of three of Wabasha
citizens, who on that day became involved in an affair which was directly
responsible for two of them being indicted for attempted murder, and
indirectly resulting in the third member of the trio being sent to the
penitentiary on a like charge. But we will let Dan Cratte tell his own story, a part of which at least, is true.

Dan Cratte’s Testimony

“I reside at Wabasha. I was born here and am 47 years old. I am acquainted with J. F. Bond and W. H. Lincoln. I have known W. H. Lincoln since we were boys. I have known Dr. Bond since he came here. I have been in the employ of Dr. Lincoln. I left him about twelve weeks ago. I was working for Dr. Lincoln on January 1, 1900. We were up on the Wabasha Hill and returning about five p.m. or a little after, myself and Dr. Milligan. I put up my team and took care of my horses and went home to supper. I live in South Wabasha. I came back after supper to Dr. Milligan’s office. I was on my way to the Post Office. I stopped at Odink’s corner and met “Mary Jones”. I spoke to her and went to the Post Office. I got the mail and returned to the office. Mary was standing at the office door. She went upstairs. I went into the office and left the mail and then went upstairs. I had on my large fur overcoat. Mary was up there. The stairs are between the two buildings on the east of the office. There is a door entering at the top of the stairs opening into the two rooms over the office. There is a front room. I did not sleep there. I came up there into the front room used for a bedroom. She was there. There was a light and a stove with a fire in the stove. The fire had been there since dinner. I intended to clean a harness, but the doctor was called to Woodley’s and I went there with the doctor. Mary was sitting there in a chair by the stove and I was sitting on the bed near the edge. I was not there over 10 minutes talking.

“I’m Going to Kill You”

“Someone came up while we were sitting there. I live on the other side of the building and the door was kicked in. They walked up to the other door. It was open up a little ways. I walked up to the door. Dr. Lincoln pushed the door open and drawed his gun on me and said, I’m going to kill you, you Indian son-of-a _____. He had a dark lantern in his left hand and in his other hand a good sized revolver. He pointed the revolver at me and I dropped on my knees when it went off over my head.
“Dr. Bond was present by the side of Dr. Lincoln and George Calhoun was behind them. I was on my knees and I threw off my fur coat when I stood up and Dr. Lincoln struck me on the head with a piece of iron. I don’t know whether he struck me with the revolver at that time. After he struck me several times we clinched and then they all picked at me – Calhoun, Bond and Lincoln. We clinched right at the door and scuffled back into the other room, the back room. They pounded me around.

Hit With Iron Pipe

“Dr. Lincoln had me by the shoulder first, picking me with that iron pipe on the head. When the gun went off Mary ran out and down the stairs. They were all three in there, scuffling around, and we got back into the front room. He, Lincoln, had the side of the bed raised up and struck me on the shoulder. I was standing on the west side of the room. Lincoln was near the front of the bed and Calhoun and Bond were alongside of me towards the back room punching at me. Dr. Bond struck at me with the iron pipe and I dodged or he would have struck me in the face, but it struck me on the side of the head, on the scalp.

“They brought me downstairs; Dr. Lincoln had me by the coat or shirt collar. Bond was pushing me and Calhoun behind, onto the street in front of Milligan’s office. They took me right to the city jail. There was no officer there until we got to the corner. Hendricks unlocked the door and Lincoln pushed me in. All along the street Dr. Lincoln and Bond had a hold of me, one on each side.

“Dr. Lincoln wanted to look at my head and see how bad I was hurt in the jail, and I wouldn’t let him. My shoulder was out of place and my head was badly hurt. When he discharged the gun there was a flash and we afterwards found a bullet in the mop board facing the street. This is the dark lantern Dr. Lincoln had in his hand, this is the same piece of gas pipe that Dr. Lincoln and Dr. Bond struck me with, and this is the mop board that was taken out of the front room facing the street and shows the bullet hole. Dr. Milligan dressed my wounds later and set my shoulder. Dan Buisson
was present and Cyp Dezell, the Sheriff and night watch and others. This was in Milligan’s office”.

Town Stirred Up

Naturally the town was greatly stirred up by these events. Very shortly thereafter Dr. Lincoln and Dr. Bond were arrested and placed under a four thousand dollar bond for their subsequent appearance in court.

In the meantime Dr. Milligan was occupying the center of the stage. He was in charge of his patient, Dan Cratte, and was keeping him incommunicado. No one was allowed to see him, he was too sick a man and the most alarming bulletins were daily being issued from the patient’s home. “His temperature was rising soon at a dangerous point. His wounds were infected and he was delirious. His life hung by a thread”.

Some of the town took those bulletins with a grain of salt. Dan was not the first half breed who had been beaten up in Wabasha and none of them had passed on. But Lincoln’s adherents were scared stiff. They had not too much confidence in the treatment been administered to the patient. If Dan died, then it was all day with Dr. Lincoln and it could not be expected Dr. Milligan would be a chief mourner.

Retain John McGovern

In this exigency, Drs. Lincoln and Bond had the good judgment to employ as their attorney John F. McGovern, a brilliant Irish attorney and probably the best trial lawyer who has ever practiced in Wabasha. McGovern tried, unsuccessfully, to gain entrance into the Cratte home and observe Dan’s condition for himself. Something had to be done, and soon, so McGovern sent to Alma [Wisconsin] and brought up-river his good friend Dr. Tenney, an old Wabasha boy who knew everyone in town and knew his way around. He speedily found a way to get into the Cratte home and to slip a thermometer into Dan’s mouth. His temperature was normal and on his report the town relaxed. There were no more bedside bulletins.
And now Dan Cratte was at large again, very much puffed up a by his new found prominence and the lime light in which he had been basking.

**Cratte Carried Gun**

His evenings were largely spent in various of the twenty odd saloons with which the town was amply supplied. He packed a revolver in his hip pocket and filled himself up with cheap whiskey and was loudly vocal as to what he would do to the low-down saw bones who had attacked him. On one of these evenings he entered “Baister’s” saloon well under the influence, with his inhibitions almost completely submerged in alcohol. There he met, among others, one George “Betsey” Hayes, a Lincoln adherent. An argument followed, which speedily ripened into a quarrel and to the horror of the bystanders, Dan drew his gun and shot “Betsey” squarely in the abdomen, inflicting a nasty and dangerous wound. Hayes was immediately taken to the hospital where his strong constitution stood him in good stead and he made a speedy recovery.

**Dan in Jail Again**

Once more the machinery of the law was set in motion and Dan found himself in jail charged with assault in the first degree. There was no one who had sufficient confidence and financial backing to offer bail, so the chastened an sobered half breed languished in captivity until the next term of the District Court.

In May of that year, the Grand Jury of the County met at Wabasha and the cases of the State of Minnesota vs. William H. Lincoln and Joseph F. Bond; and State vs. Daniel Cratte was given high priority.

In each of these cases an indictment was returned charging the defendants in each case with assault in the first degree, that is an assault with a deadly weapon with intent to cause the death of a human being.

Fortunately for the two doctors the case of State vs. Cratte was first tried and resulted in a verdict of guilty, followed by a sentence to the state penitentiary.
Shortly thereafter the case against Lincoln and Bond was reached for trial and a jury empanelled, but the State’s case was considerably fly blown by the predicament in which the star witness found himself. The fact that he was a convicted criminal was duly played up by the astute counsel for the defendants and John F. McGovern had the deserved satisfaction of securing at the hands of the jury the coveted verdict of “Not guilty.”

Hatchet Finally Buried

So ended a most spectacular affair, but the feud between the two doctors continued until shortly before the death of Dr. Milligan when there was an amicable meeting between them and the hatchet was duly buried, with the end of the handle slightly protruding.

Like many another story in real life, the feud between Dr. Lincoln and Dan Cratte had its anti-climax. Dan paid his debt to society and when the doors of the penitentiary opened outward on him he returned to Wabasha, where he lived to see the remains of the man who had assaulted him interred in the Lincoln lot in Riverview cemetery. For some years the aging half breed was a familiar sight on the streets of Wabasha, slithering about with his characteristic Indian gait. He lost his teeth, his face folded up and he sucked pathetically on a much blackened corn cob pipe. Finally he was given light employment by the city in supervising the dumping of the city’s refuse and in his later life had somewhat derisively bestowed on his the title of “Mayor of the Dump.”
ACKNOWLEDGMENTS

For the story of how John Murdoch’s two articles came into my possession, see my “Acknowledgments” that concludes his “Russell Sage v. Village of Reads – A Comedy of Errors,” which is posted separately on the MLHP. There I express my debt to Dr. Covell and Ruth Bayley, neighbors of Murdoch in Lake City, for keeping copies of these articles. I am convinced that Murdoch refers to Dr. Bayley in this description of Dr. William H. Lincoln:

He was, however, a fine physician and surgeon and I am assured by a Lake City physician who knew him intimately over a long term of years, that he was the best physician and surgeon that Wabasha ever knew.

And so, and again, I dedicate this article to Dr. Covell and Ruth Bayley, who made its posting possible. •

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