

CHAPTER XLII.

APPENDIX.

Famous Law Cases—The Kreigler, Carbury and Wing Homicides—Ruble's Alleged Claim to the "Court Square"—Some Additional Churches—Trondhjem, Moscow, Oakland and Hayward Congregations.

As an appendix to his able article on the Bench and Bar of Freeborn county, Hon. Henry A. Morgan, has prepared a statement of some of the famous court cases in Freeborn county as follows:

Kreigler Trial and Execution. On May 6, 1859, occurred the first deliberate murder in the county, when Henry Kreigler, a half-demented German, deliberately and "with malice aforethought" took the life of his highly respected and kind-hearted neighbor, Nelson Boughton, in the presence of his family at the latter's home two and one-half miles east of the present village of Emmons. Kreigler has married a German widow who had a son about ten years of age whom he so shamefully abused that they left him, and Boughton's only offense was that he kindly let them stay at his home. On this fateful day Boughton had just arrived at his gate with a load of hay when Kreigler came along. Boughton called his attention to threats he had heard Kreigler had made that he would kill Boughton, and asked if then was not a good time. Kreigler at once drew a large dirk knife and proceeded to unwrap a string from around its blade. Boughton doubtless thought it a bluff and began lightly rapping his murderer over the hands with his pitchfork handle. As soon as the knife was ready Boughton was instantly stabbed three times and died in a few moments. Kreigler was at once arrested, brought to Albert Lea and indicted at the September term for murder in the first degree. A change of venue was taken to Steele county, where he was tried before Judge N. M. Donaldson, found guilty and sentenced to be hung March 1, 1861, and was executed accordingly.

The day of the execution was a lovely one. The deep snows of the previous winter were nearly gone, although a sleigh was used to convey the condemned man to the scaffold and to convey the remains to their final resting place a mile east of the Milwaukee depot. It was many years before Albert Lea again saw

so large a crowd. People flocked to the scene of execution from Mankato, Faribault, Winona, and nearly all the Minnesota towns to the east, and it was conservatively estimated that over four thousand people witnessed the event. It was a sober, quiet throng, as the two saloons had closed their doors the night before and liquor could not be obtained until after the close of this sad drama.

The gibbet was erected in Broadway on a low knoll at the foot of court house hill, nature forming a perfect amphitheater around which nearly every family in the county had gathered. When Sheriff James Robson and assistants entered his cell Kreigler showed no fear, and assisted in donning his white shroud and combed his hair in perfect composure. Though he had repeatedly been told that he must die, he did not seem to realize it until he reached the brow of the hill west of the court house, where he came in sight of the scaffold and assembled people, when his pale face, covered with great beads of perspiration, silently told his mental anguish. The exercises at the gibbet were very brief, not lasting more than fifteen minutes. Rev. A. Matson, pastor of the Methodist Episcopal church, offered a most fervent prayer and talked to the condemned man in the most kindly spirit, commending him to a merciful Saviour; but his remarks fell on deaf ears, the only response being "Me a poor man, me got no money." His crying could have been heard a half mile away, but was quickly silenced by the fateful rope.

The first trial occurred in Albert Lea, and the district attorney, O. F. Perkins, of Faribault, and J. U. Perry, of Albert Lea, prosecuted; while Charles McClure, of Red Wing, and Augustus Armstrong, of Albert Lea, were appointed to defend him. The jury was illegally drawn and a new trial was ordered. In March, 1860, a change of venue was taken to Steele county, where the accused was first tried as to his sanity, Attorney General Gordon E. Cole and J. U. Perry appearing for the state and O. F. Perkins and Augustus Armstrong for the defense. A jury pronounced him sane, and in May, 1860, he was again tried and the jury this time failing to agree, another trial was necessary, in December of the same year. This time, D. G. Parker appeared in place of J. U. Perry. Kreigler was again tried for his sanity and being again proven sane, was tried, found guilty and sentenced to be hanged.

Carbury Case. About six o'clock in the evening of August 17, 1895, at a time when Clark street was thronged with citizens, a man rushed into the street from the rear of Staunch's saloon pursued by another who overtook him in the middle of the street where the fatal assault was witnessed by a large number of passersby. Thomas Carbury was the assailant and John Gillen the victim.

They were both comparative strangers in the city, although Carbury had a family and had lived here a short time, while Gillen had never made his home here and was a mere transient visitor. Carbury and Gillen in company with two or three others had been drinking beer under the Staunch shed during the afternoon and a quarrel ensued in which it is believed that others took a hand and that Carbury was not the only assailant of Gillen. But, in spite of the most rigid investigation, and owing either to the reluctance or intoxication of those who might have cleared up the mystery and revealed the whole tragedy, the state was never able to secure any satisfactory history or explanation of just what did occur in the hidden interior of the saloon shed. It appeared conclusively that but one blow was struck in the street, and that with the naked fist, and that no weapon of any kind was used by Carbury in this assault; but, in spite of the absence of a weapon, eye-witnesses testified that Gillen, when struck, involuntarily doubled up like a jack knife and was unconscious when picked up and lived but a short time. The autopsy showed that the skull was fractured so that the whole top of the cranium was displaced, which could not have been the result of a single blow of a clenched fist by such a man as Carbury who was small and physically weak from army service and dissipation. The theory of the writer always has been that Gillen was struck with a weapon and his skull fractured before he left the shed, and that the blow administered in the street caused the displacement and consequent paralysis, and that had not a previous fracture been made the street blow could not have resulted so disastrously.

Carbury was indicted at the December term 1895, and tried in January, 1896, the trial lasting three days and resulting in a verdict of guilty of manslaughter in the second degree, for which he received a sentence of five years in the penitentiary. The case was tried before Judge John Whytock. Hon. H. W. Childs, attorney general; Henry A. Morgan, county attorney, and R. S. Clements, assistant county attorney, conducted the prosecution; while the defense was ably handled by W. E. Todd. This tragedy had much to do with Albert Lea voting "dry" at the following election.

Wing Case. In the fall of 1899, Albert Lea suffered from an epidemic of smallpox, and naturally many were opposed to going to the pest-house even when afflicted. The statute then gave the board of health authority by proper proceedings to remove any afflicted one to the pest-house if such person was without proper food or accommodations, or housed in a room occupied by more than one family, or in hotel, inn or boarding house, etc. Fred Wing was isolated in his own bed room upstairs in his own

home, which was duly quarantined, and where he was being cared for by his parents and was in no sense "without proper food or accommodation," nor did he come within any of the provisions of the statute authorizing his removal against his will or against the wishes and without the consent of his parents. His father, Charles B. Wing, and the whole family strictly observed the quarantine regulations, and Wing Sr. notified the board of health and public authorities that his son should not be removed to the pest-house, and forbid the officers to enter his house for that purpose. In face of this warning a number of police and health officers with an exaggerated idea of their authority, and in defiance of the rights of the members of the Wing household, forcibly entered the house for the purpose of forcibly removing the young man to the pest-house, which attempt was forcibly opposed by Charles B. Wing, the father. Among the officers engaged was Judson H. Randall, a special quarantine policeman, and in the struggle that ensued Mr. Wing used a small stove lifter and also a small section of a broom handle, the latter being broken and the former being the weapon with which the fatal blow was evidently struck. The officers finally abandoned the attempt and Mr. Randall returned with the other officers up town and on the way stated that Wing gave him an awful blow, but further than this seemed to suffer no more than would naturally result from a stinging blow of the kind with a light weapon. This was in the forenoon of November 4, and about noon Mr. Randall took to his bed where he soon lapsed into unconsciousness and died November 6, without regaining consciousness. The autopsy revealed the fact that the blow, evidently from the stove lifter, had caused a fracture of the thin temple bone and a fragment so pressed against the brain as to cause the paralysis that resulted in death as stated, although a very simple operation would have relieved the pressure and insured a complete recovery. Such an operation was timely and urgently advised by physicians, but the family would not permit it and the unfortunate man's life was thus sacrificed. Mr. Wing was indicted February 8, 1900, charged with murder in the second degree, and tried at the same term. On the seventeenth of February, after a trial that lasted several days, he was acquitted. Judge Nathan Kingsley presided at the trial, and the prosecution was conducted by Hon. Wallace B. Douglas, attorney general, and R. S. Clements, county attorney, while the defense was handled by Lafayette French and Henry A. Morgan.

The foregoing constitute a complete list of the homicide cases with which the records of the county have in the past been enumerated.

Ruble Case. Many notable civil cases have been tried in this

county, but to make special reference to them would immediately be considered discriminating. The fact is, that owing to the central location of Albert Lea, and exceptional railroad and business opportunities in the city since the settlement of the county, Freeborn county has been the field for a great deal of important litigation, and on several occasions in recent years the number of days of court held in a single year in this county has equalled, and in some years exceeded, the aggregate number of days of court held in the other three counties of the district. We feel not only justified, however, but consider it a part of our duty to briefly refer to the case of George S. Ruble against Freeborn county, which was tried and finally disposed of in the month of August, 1883. This case was important in all of its features and directly concerned every inhabitant of the county for the simple reason that it challenged and brought in question the title of the county to "Court Square," where the county buildings, consisting of the jail, sheriff's residence and the court house, were then situated. The town site of Albert Lea was located and platted before the county seat was definitely located. George S. Ruble was one of the original town site proprietors and owned all the land embraced in the town site east of Broadway street, and platted it into blocks and lots, except "Court Square," and the streets and alleys designated on the plat which was made by C. C. Colby, engineer, and filed at Mantorville, where such records were then required to be kept. "Court Square" was clearly designated on the plat. This was in 1856, and thereafter the county built a jail and sheriff's residence and court house on the property, and continued to use it for county purposes. In 1881 George S. Ruble challenged the title and brought suit to recover court square from the county, claiming that the county had never purchased the property and that he had never dedicated it to the county. This suit was brought by Sherman Page, formerly judge of the district court, as attorney for Mr. Ruble, but shortly after the commencement of the suit Mr. Page gave up the practice of law and moved to Pasadena, Calif., and James H. Parker, of Albert Lea, and William Ely Bramhall, of St. Paul, conducted the case for Mr. Ruble. The interests of the county were in the hands of John A. Lovely, county attorney, and his law partner, D. F. Morgan. Judge Farmer, of this district, invited Hon. Thomas Buckman of Faribault to preside at the trial and the case was tried before him and a decision rendered in favor of the county confirming the title in the county and forever setting at rest any adverse claims. The title of the county rested upon the dedication by Ruble as evidenced by his plat and by his oral statements from time to time, which were

reproduced and related by a host of witnesses, most of whom have since crossed the "Great Divide."

In this chapter have been included several articles received too late for publication in the body of this history, but worthy of preservation in this volume.

SYNOD CONGREGATIONS.

Trondhjem, Moscow, Oakland and Hayward Congregations.

The Rev. O. O. Amdalsrud, of Hayward, is in charge of four congregations of the Norwegian Lutheran Evangelical Church. **The Hayward Congregation**, which was organized Friday, January 14, 1876, by Rev. Einar Wulfsberg, has 233 members. Its history, written by J. J. Hove, appears in the body of this work. Among the charter members of this church may be mentioned: Endre Gulbrandson, Peter Lunde, Ole Anderson, Engebrit H. Knatvold, Lars Lunde and V. Gulbrandson. Endre Gulbrandson, one of the pioneers of this church, was instrumental in securing the site for the cemetery so beautifully located at Hayward, the land being donated by the late Augustus Armstrong. The following articles are prepared by the pastor.

The Oakland Congregation was organized February 15, 1876, by Rev. E. Wulfsburg. The charter officers were John Bell, Sr., Jens Natvig and Andrew Lerum, trustees; Gunder O. Gunder-son, secretary. Among those who may be mentioned as prominent in the church in the early days are: Rognald Knutson, Ole J. Winjum, Lars Esse, Peder Tufte, Ole Ofstun, Roland Tisdal, James W. Johnson, H. K. Fodness and Ole O. Wangen. The church edifice, located at the northwest corner of the township of Oakland, was erected in 1896, and dedicated August 20 of the same year by the Rev. Dr. Ylvisaker.

The Moscow Congregation was organized March 17, 1887. Prominent in the work in that section were B. J. Stoa, Elling Soli, O. P. Lunde and G. Gullickson. Moscow church was built in 1910, and dedicated June 28, in that same year, by the Rt. Rev. O. P. Vangsness.

Trondhjem Congregation, whose church is located at the south-east corner of the town of Oakland, is small in numbers, but has a fine church building erected ten years ago and dedicated by the Rev. O. H. Smeby, of Albert Lea. This, with the Hayward, Oakland and Moscow congregations, constitute the Hayward-Oakland call, the first minister of which was the Rev. Einar

Wulfsburg, who was succeeded by the Rev. O. H. Smeby, of Albert Lea. He served the congregation from Albert Lea until the fall of 1895, when the Rev. T. O. Tolo, now at Belgrade, Minn., was called and installed. Rev. Tolo was the first resident minister at Hayward. A fine parsonage was erected in Hayward in 1896. Rev. Tolo served the congregations until the fall of 1899 and was succeeded by Rev. Ewind Skabo, who for seven years had been a missionary among the Mormons in Utah. At the death of Rev. Skabo the charge passed to the late minister's chaplain, Rev. Odm. Olof Amalsrud.

Rev. Odm. Olof Amdalsrud was born in Norway in 1859, and attended the schools of the city of Tromso. In 1890 he was sent by the Mission Society at Bergen, Norway, to New York City, to assist the Seamen's minister in his work for the spiritual welfare of the Scandinavian sailors in that port. In 1899 he was sent to Rio de Janeiro, Brazil, as a minister to Scandinavian seamen in that port. He worked there three years and was then called to go to South Africa to look after the spiritual welfare of the sailors in Cape Town and Port Natal. Poor health compelled him to return to America in the fall of 1902. Since 1905 he has been located at Hayward, Minn., and has charge of the Trondhjem, Moscow, Hayward and Oakland congregations.