CHAPTER XV.
THE RISE AND FALL OF COLUMBIA COUNTY.

BY CHARLES L. CONGER.

SOME PROCEEDINGS OF THE BOARD—BUSINESS DONE REGULARLY AND IN ORDER—DEFEAT AND DISASTER AFTER ALL—THE NEW COUNTY FIGHT OF 1896—THE LEADERS OF COLUMBIA’S FIGHT FOR EXISTENCE.

For some years after the year 1890 certain citizens of what are commonly called the Thirteen Towns—being the thirteen Congressional townships in the southeastern part of Polk County—had agitated and promoted the project of the formation of a new county to be composed of the townships named. The grounds assigned for the change in the composition of the original Polk County were various. Some persons said the district was too far from the county seat (Crookston) and that the people could not attend court or transact other county business without trouble and difficulty. Others were prohibitionists, or zealous temperance advocates, and feared that the western part of the county would some day become so strongly “wet” that Polk County, as a whole, would allow liquor selling throughout its borders. There were of course other reasons which were not either strong or attractive. There was a large element in the western part of the county which favored a new county that would be “dry” and allow the old county to remain “wet.”

Those opposed to a new county favored keeping Polk undivided and undisturbed, in symmetrical shape, and strong and influential as a political division, which, they argued, would be better for the whole people. The area of the county with its 3,030 square miles, was larger than either the States of Rhode Island or Delaware, with their 1,248 and 2,376 square miles, respectively, and that Polk and its big sister county, Otter Tail, might, if not dismembered or mutilated, become powerful factors in State legislation and controlling influences in northwestern Minnesota’s business and commercial affairs. They denied that there was any necessity for a new county to be taken by a sort of Caesarian operation from the body of the mother organization. They also charged that the advocates of the new scheme only desired that the towns or villages in which they were interested should become county seats, or that they should become county officers.

Late in 1900 the partisans of a new county in the Thirteen Towns took decided action. December 13 a petition was filed with the Secretary of State, praying for the creation of the proposed new division, which was to cover the area of the Thirteen Towns and called Nelson County (in honor of Ex-Governor and then Senator Knute Nelson), with its county seat at the village of Fosston, five legal voters were also named to constitute the first board of county commissioners. The next day, December 14, another and similar petition, describing the same territory precisely, was presented and filed with the Secretary of State. In this petition it was proposed to call the new county Columbia, with McIntosh as the county seat and five other and different legal voters to constitute the board of county commissioners. More than a year later, or July 22, 1902, a third petition was presented and filed asking for a new county with identically the same territory as named in the petitions for Nelson and Columbia. It was proposed to call this county Star, and its county seat was to be at Erskine.

These several petitions were duly considered by
Governor Hon. John Lind, Secretary Peter E. Hanson, and Auditor R. C. Dunn, and December 17 the Governor issued his proclamation declaring that fact. The Governor further proclaimed that the question of the creation of the proposed new county was submitted to the voters of Polk County to be voted upon at the next general election, November 4, 1902. All these proceedings were under Chapter 143 of the Laws of 1893, as amended by Chapter 124 of the Laws of 1895. Later a proposition to create the county of Valley was made and ordered voted upon.

There was a very earnest and heated canvass over the new county question by the respective rivals. The newspapers of Fosston and McIntosh conducted a spirited discussion of the question, each editor arguing plausibly if not convincingly for his own town. As the canvass progressed the rival villages made what they considered liberal offers to the voters. Each said that if its county with the favored name should be created, then the town would not only give the site for the public buildings but would build factories and mills which should furnish employment to many and add to the development and prosperity of the old Polk County.

At the election November 4, 1902, the vote on the new county question was:
- For Columbia County: Yes, 1,513; no, 813.
- For Nelson County: Yes, 1,381; no, 112.
- For Star County: Yes, 132; no, 18.
- For Valley County: Yes, 135; no, 918.

It seemed, on the face of the returns, that "Columbia County," with McIntosh as the county seat, had won, and great was the rejoicing in McIntosh! But the partisans of Fosston and "Nelson County" protested that they had won the fight, and Star County had hopes; only "Valley County" was out of the running. The Nelson County forces set up the claim that under the Red Lake County decision (State ex rel. Atty. Childs vs. Comrs. Red Lake Co., 67 Minn., 352) it was entitled to be the county, since on its proposition it had received a majority vote, and moreover its petition was the first filed, preceding that of Columbia County by one day. Chief Justice Start and Associate Judge Buck had said that the law did not authorize the submission of conflicting or competing petitions, and that the one first legally filed was the only one that ought to be submitted to a vote, "Columbia County" stood upon the decided majority it had received, and that all its proceedings had been regular and legal, and contended that it made no difference whether its petition had been the second filed—or the first or the fourth—because all four propositions.

The result of the vote having been canvassed and announced, Governor Van Sant, following the rule announced by the Supreme Court in the Red Lake County case, issued his proclamation declaring the proposition for the creation and organization of Columbia County carried.

Thereupon the County Commissioners of the new county—who were named in the petition and the proclamation, and who were Lawrence O'Neill, Henry G. Mitchell, Ingebreit Larson, Halvor Off, and Olaf Stardig—met at the temporary courthouse in McIntosh December 23, 1902, and organized according to the forms of law and proceeded in the usual manner of County Commissioners. There was great satisfaction and even jubilation among the new county's people. For years they had labored for the creation of a county all their own and now they rejoiced that they had lived until their eyes had seen the glory.

Some Proceedings of the Board.

The Board chose Commissioner Mitchell as President and Commissioner O'Neill as Clerk. The first business was the division of the county into five districts, as follows: District No. 1 was composed of the townships (or towns*) of Garden, Winger, and Knute and the village of Erskine. District No. 2, townships of Woodside, Grove Park, Badger, Lessor, and the village of Mentor. District No. 3, townships

* Political divisions of counties in the Eastern States are called towns; in Western and Southern States they are called townships. In the West and South a town is either a village or a small city.
of Sletten, Brandsvold, King, and the village of McIntosh. District No. 4, townships of Johnson, Gully, Chester, Hill River, and Eden. District No. 5, townships of Queen, Rosebud, Columbia, and the village of Fosston. Thus the county was composed of eighteen Congressional and civil townships, every Congressional being a civil township.

The Commissioners also elected a full list of county officers, who were: Auditor, Charles McCarty; Treasurer, E. Le Page; Register of Deeds, Andrew Trovaaten; Sheriff, Edward L. Stowe; Judge of Probate, Anton I. Solberg; Surveyor, J. E. Beime, of Fosston; Attorney, Harvey W. Stark; Clerk of the Courts, George E. Flattten; School Superintendent, Gunstein D. Aakhus; Court Commissioner, Thomas R. Brownlee; Coroner, Dr. Archibald McEachren.

At the second meeting of the Board it was announced that Geo. E. Flattten, who had been chosen Court’s Clerk, had failed and refused to qualify for the position, and Charles Hanson was elected in his stead. The annual salaries were fixed at a subsequent meeting and the County Auditor was to receive $1,200, the Treasurer $360, the County Attorney $1,200, the Judge of Probate $825, and the Superintendent of Schools $10 per district.

At the first meeting, December 23, it was announced that Attorney General Douglas had brought an action in the name of the State, which would bring up and determine the legality of Columbia County. The case was entitled "the State of Minnesota on the relation of Wallace B. Douglas vs. Ingebret Larson." When the votes were canvassed at St. Paul, the Attorney General had said that, as to the election over the new county proposition Columbia County had won over Nelson and the other counties. But he said he was not certain as to the validity of the law under which the election was held, because it permitted four propositions to be submitted to the individual voter, who, however, was restricted to voting only upon one. In his formal opinion he said, among other things, that to deprive the voter from voting upon each of the propositions submitted, where there is no question but that he has the right to have his vote counted and given force and effect, "seems to me," he said, "to be beyond the power of the Legislature." A fortnight or so later, he brought the action to test the law. He named Mr. Larson and the other Commissioners who alleged themselves to be officials of Columbia County and sought to have them ousted as one having no official authority. The Board granted the County Attorney assistance in defending the case, and Columbia’s lawyers were County Attorney Stark, Gideon S. Ives, of St. Peter, and A. A. Miller, of Crookston. Representing the State were De Forest Bucklin, Martin O’Brien, J. H. Hendricks, and the strong St. Paul firm of Childs, Edgerton & Wickwire. The writ of quo warrants were served on the Board January 6.

But until the election was declared invalid, and "Columbia County" declared to have never legally existed, the County Board went ahead with its assumed duties. A transcript of its records* shows that on December 30 the Commissioners conferred with the McIntosh Village Council in regard to providing a suitable room or rooms to be used as a sort of temporary court house, and that Chas. L. Conge, the President of the Council, agreed to have partitions put up in the village hall and the building wired for electric lights in order to accommodate the Board and the public business. Later the Council proposed to lease the city hall to the Commissioners for the use of the several county officers; to build a good and substantial vault, of sufficient size and security, in which to keep all records of the county, and to furnish a hall room for court purposes. The propositions were accepted and the County Attorney was instructed to procure a lease from the proper village officials.

Among other proceedings of the Board were the letting of contracts for the public printing for 1903 to the McIntosh Times and the Thirteen Towns; the owners and conductors of these papers—respectively,
Charles T. Lanman and Arthur W. Foss—were to publish the county financial statement, delinquent tax list, Commissioners’ proceedings and other official notices, and to do the job printing.

The First National Bank of McIntosh, the Citizens’ Bank of McIntosh, and the Bank of Mentor were designated the official depositories of the county. Geo. D. Barnard & Company agreed to furnish the county a $600 steel vault for the preservation of the public records. This company had already agreed to do $1,975 worth of printing for the county, and now the steel vault was to cost $600 more. But how it turned out that Barnard & Co. were the victims of misplaced confidence, and never received a cent for their contract, will be explained on another page.

**Business Done Regularly and in Order.**

The officials of Cook County upon appointment immediately organized their respective offices and began the transaction of appropriate business. The Register of Deeds began transcribing the records at Crookston so far as they pertained to Columbia County, and new deeds, mortgages, and other transfers were recorded as fast as offered. The Polk County officials relinquished all claim to any deeds or mortgages sent to the Register of Deeds of that county and sent them to the proper officers of Columbia County. The Clerk of the Courts transcribed from the Polk County records all judgments recorded therein which affected lands in Columbia County and recorded them in the latter county’s books. His office at McIntosh was open every day.

The County Treasurer received all fees and payments due to Columbia County and deposited all sums in the county’s name. At the spring election of 1903 a full complement of justices of the peace and constables was elected and they filed their official bonds with the Columbia officers; bills from justices’ courts were duly allowed by the Columbia authorities. All former Polk County notaries residing within Columbia were re-appointed in the new county.

The Judge of Probate committed a number of persons to the insane asylum and the bills for their transportation were audited and paid. He also probated a number of estates. His office, too, was open every day.

In the Clerk of Court’s office Joseph Ekstadt, Mrs. Samuel Hanson, and Guro Anderson, aliens, made their proper declarations to become U. S. citizens. The following named couples were licensed to marry: Lars Engester and Ingeborg R. Oppegaard, both of McIntosh; Carl A. Johnson and Anna Sophia Johnson, both of Gully; Olaf Axel Engdahl, of Park Rapids, and Abigail M. Olsen, of McIntosh; Ingal E. Solberg, of Winsor, and Florence Coon, of McIntosh; John N. Sanden and Anna W. Ahman, both of McIntosh; Thomas Oystad, of Winnipeg, Man., and Inga Anderson, of Fosston; Ole Kamplien, of Gosston, and Emma Josephine Fayelesda, of Fosston; Ole Mykleby and Krestene Lokken.

Thus the county of Columbia, while it existed, was a de facto county and as such was recognized by the State and sister county authorities. A subsequent Legislature passed a special act legalizing all the acts of the de facto officials of the county, thus preventing much confusion and embarrassment.

**Defeat and Disaster After All.**

But all the while officials and common citizens were apprehensive and uneasy. The result of the Attorney General’s action to have the proceedings, the election, etc., leading to the county’s organization declared illegal was uncertain. There were devout wishes that the Supreme Court would decide in favor of Columbia, and there were fond hopes in certain quarters—yet there were many doubts and misgivings.

At last, on April 16 (1903) the Supreme Court handed down its decision in the Attorney General against Larsen and Others case, and that decision was that the pretended organization was invalid and of no effect and its pretended officials were ousted from the offices which they claimed to hold. In brief, the Court’s decision was (and it is still the law) that
under Chapter 143 of the Laws of 1893, but one proposition for creating a new county involving the same territory can be submitted at the same election. In Columbia County's case there had been four propositions at the same election. It was also decided that the first petition presented to the State officials for the organization of a new county must be given priority by them in deciding which petition should be acted upon in calling an election. The late Judge Loren W. Collins, who wrote the opinion of the Court, declared:

"It is impossible to believe that the Legislature intended by the act to permit and authorize an unlimited number of petitions to be filed for one county — that is to say, several petitions describing the same territory. * * * With three petitions, each describing the same territory, there could be but one main proposition to be submitted, namely, the creation of one new county, and but one. The petition first filed complied in form with the statute and demanded that the creation of certain described territory into a new county be submitted to the electors of Polk County. The subsequently filed petitions were mere repetitions as to this essential question, and invalid." (Italics Compiler's.) For the full decision, see Vol. 89 of the Minnesota Reports, pp. 123-131. The Revised Laws of 1905 changed the wording of the law to conform to the decision.

THE "NEW COUNTY" FIGHT OF 1896.

In the contest before the Supreme Court in 1905 Columbia County's attorneys relied upon a former decision of the Court in 1896, in what is known as the Red Lake County case. The main facts in that case were these:

May 8, 1896, four petitions for the organization and location of four new counties, to be formed out of a portion of Polk County, were filed with the Secretary of State. These proposed counties were to be called respectively "Nelson," for Hon. Knute Nelson; "Hill," for James J. Hill; "Garfield," for the former President; "Red Lake," for the lake itself. The propositions for the creation of these counties were not inconsistent or competing, because no territory included in any one of the proposed counties was included in any one or more of the other. In the Columbia County case of 1905 the territory was the same in each of the proposed counties.

July 14, 1896, two other petitions were filed for the creation of two more new counties out of Polk County, to be called "Mills County," for Hon. Ira B. Mills, and "Columbia County," for the "Gem of the Ocean." Each of these two propositions were competing ones with the previous Red Lake and Nelson. Columbia competed with Garfield, each having part of the other's territory. More than half of the proposed Red Lake and part of Nelson were included in Mills. A part of Red Lake was also included in Columbia, and Columbia included part of Garfield. At the general election of 1896 the propositions were voted upon and the vote resulted:

Nelson County: For creation, 765; against, 1,050.
Garfield County: For creation, 603; against, 608.
Hill County: For creation, 553; against, 1,574.
Red Lake County: For creation, 992; against, 449.
Mills County: For creation, 334; against, 56.
Columbia County: For creation, 575, against, 107.

The Governor proclaimed that, as a result of the election, the proposition for the creation of Red Lake County had been adopted. In a case brought by Attorney General Childs against the Commissioners and other officials of Red Lake County the Supreme Court sustained the Governor's proclamation and the creation. It decided that, "an elector may sign two or more non-competing petitions for the creation of new counties, but that only one of the competing propositions can be adopted at the same election, and to secure this result it must receive a majority of all the votes cast thereon, and also a plurality of the votes cast on the propositions with which it is competing." (State ex rel. Childs vs. Comrs., 67 Minn., pp. 352-360.) A comparison of the two decisions is both instructive and interesting.

THE LEADERS OF COLUMBIA'S FIGHT FOR EXISTENCE.

The prominent men of McIntosh who fought for and led the movement to organize Columbia County were John P. Johnson, who is considered to have been
the leader, and his principal lieutenants were C. T. Lanman, of the McIntosh Times; Dr. Archibald McEachren, Charles L. Conger, S. H. Drew, O. E. Stevern, Anton Jensen, W. G. Hunt, and C. F. Page. These men started and led the movement originally.

In the contest of 1902 the leading fighters were Johnson, Lanman, Conger, Drew, Jensen, and Hunt, and they were re-enforced by Thomas Lawrence, Wells S. Short, Paul W. Carpenter, E. A. Webster, Andrew Trovaaten, T. N. J. Reese, John L. Hagen, Thomas R. Brownlee, and Leslie Shadduck.

A prominent former Columbia County partisan, who has furnished much information for this article, writes the compiler on the subject and says: "The separation of the Thirteen Towns from Polk County and the creation of Columbia could yet be made at any general election were it possible for the villages of Fosston, McIntosh, and Erskine to agree upon a county seat. But as each village will vote against any proposition that will locate the county seat in any other village, all hope of dividing the county has been abandoned.

The only loser of a claim for money against Columbia is Barnard & Co., the St. Louis printers, who furnished the blank books and other stationery, amounting to over $2,500. When Columbia County vanished they brought suit against Polk County as "the successor" of Columbia. But Polk County denied that it was anybody's "successor." It declared it had no sort of responsibility for Barnard & Co.'s claim, and eventually the Supreme Court (98 Minn., p. 289) sustained this county's contention. The Court's decision declared that when the attempt to create a new county out of the territory of an existing county results in a de facto county, which is subsequently dissolved the original county is not liable for debts contracted by the de facto county. The old county is not the successor of the de facto county.