

STATE OF MINNESOTA
EXECUTIVE DEPARTMENT

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In the Matter of the Petition of
H.C.Hanson and others, for the re-
moval from office of James B.Otteson,
Sheriff of Freeborn County, Minnesota.

- - -

WHEREAS there was duly filed with the undersigned, as Governor of the State of Minnesota, on the 15th day of January, 1929, a petition signed by H. C. Hanson and others, citizens and residents of Freeborn County, Minnesota, duly charging James B. Otteson, as sheriff of said Freeborn County, Minnesota, with certain acts of malfeasance and non-feasance in said office, and praying for removal of said James B. Otteson from the office as sheriff of said Freeborn County, Minnesota; and

WHEREAS there was thereafter on or about the 15th day of February, 1929, duly filed with the undersigned a supplemental petition signed by John F. D. Meighen and others, charging the said James B. Otteson, as sheriff aforesaid, with certain other and additional acts of malfeasance and non-feasance; and

WHEREAS the undersigned on the 31st day of January, 1929, duly made an order appointing Martin A. Nelson as special commissioner to take and report the testimony for and against said James B. Otteson on said charges; and

WHEREAS a hearing was duly had before said commissioner, commencing on the 14th day of February, 1929, and ending on the 27th day of February, 1929, at which hearing the said James B. Otteson duly appeared in person

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and by counsel and at which hearing testimony and evidence were duly taken for and against said James B. Otteson; and

WHEREAS said testimony was duly reduced to writing by said commissioner and was thereafter duly filed with the undersigned; and

WHEREAS the matter duly came on for consideration by the undersigned upon the testimony so taken and reported and upon written briefs duly filed by counsel for and against said James B. Otteson.

NOW THEREFORE, having duly considered said matter and said briefs and being duly advised in the premises,

IT IS FOUND as follows:

I

That said James B. Otteson is the duly elected, qualified and acting sheriff of Freeborn County, Minnesota, and was such at all times hereinafter mentioned.

II

That on or about April 15, 1925, said James B. Otteson, while sheriff as aforesaid, permitted one Pat Keenan, who was then and there lawfully committed to the Freeborn County jail and to the custody of said Otteson as sheriff, under judgment and sentence of the United States District Court of Minnesota, to go with him to St. Paul and Minneapolis, Minnesota, and there to go about said cities unattended, free from restraint and without being in the custody of the sheriff or a deputy sheriff, contrary to the judgment and sentence of the court, during the day while the said Otteson traveled on to the city of St. Cloud, Minnesota; that said Otteson thereafter on the evening of said day met Pat Keenan at the latter's home in St. Paul, Minne-

sota, where they had supper together, all as charged in specification No. 1 of said original petition.

III

That on July 4, 1925, while the said Pat Keenan was a prisoner in the county jail of Freeborn County, Minnesota, as aforesaid, the said Otteson did release him from said jail and did permit him to freely go about in the city of Albert Lea, unattended, free from restraint and without being in the custody of the sheriff or any deputy, contrary to the judgment and sentence of the court, all as charged in specification No. 2 of said original complaint.

IV

That during the time when one Gustave Klose was duly committed to the county jail of Freeborn County, Minnesota, and to the custody of said Otteson as sheriff aforesaid, under lawful judgment and sentence of the District Court of Freeborn County, Minnesota, the said Otteson did permit the said Klose, at various times between March 6, 1926, and March 10, 1926, to leave the jail and go about the streets of Albert Lea unattended, without restraint and without being in the custody of sheriff or deputy, contrary to the judgment and sentence of the court, all as charged in specification No. 3.

V

That said Otteson did on or about the 17th day of April, 1926, give the said Klose, while committed and serving sentence as hereinbefore specified, his complete freedom without leave or order of court, notwithstanding his sentence continued and did not expire until the 10th day of May, 1926, all as charged in specification No. 4.

VI

That during the time when one Nick Mundahl was duly and lawfully committed to the county jail of Freeborn County, Minnesota, and to the custody of said Otteson as sheriff, under judgment and sentence of the District Court of Minnesota, the said Otteson during the months of February, March and April, 1926, permitted the said Mundahl to leave the jail and be at liberty on numerous occasions and to go about the city of Albert Lea, Minnesota, unattended, free from restraint and without being in the custody of said sheriff or any deputy sheriff, contrary to the judgment and sentence of the court, all as charged in specification No. 5.

VII

That during the time when one B. F. Cummings was duly and lawfully committed to the county jail of Freeborn County, Minnesota, and to the custody of said Otteson as sheriff, under judgment and sentence of the District Court of Minnesota, the said Otteson did permit the said Cummings to leave the jail at various times during the month of March, 1926, and go about the streets of the city of Albert Lea freely unattended, without restraint and without being in the custody of a sheriff or a deputy, contrary to the judgment and sentence of said court, all as charged in specification No. 6.

VIII

That while one Art Jensen was duly and lawfully committed to the county jail of Freeborn County, Minnesota, and to the custody of said Otteson as sheriff, under judgment and sentence of the District Court of Freeborn County, Minnesota, the said Otteson did permit the said Jensen to leave said county jail for substantial periods of time and

to be at liberty and to go about freely in and out of the county of Freeborn, unattended and without being in the custody of the sheriff or a deputy, contrary to the judgment and sentence of said court, all as charged in specification No. 7. That on or about the 14th day of May, 1926, the said Otteson permitted the said Jensen, while lawfully committed to his custody as aforesaid, to leave said jail and to be at liberty permanently for the balance of his sentence, notwithstanding said sentence was still in full force and effect and the term thereof had not expired, contrary to the judgment and sentence of the court, all as charged in specification No. 7.

IX

That while one Carl Hambly was duly and lawfully committed to the county jail of Freeborn County, Minnesota, and to the custody of said Otteson as sheriff, under judgment and sentence of the District Court of the State of Minnesota, the said Otteson on numerous occasions permitted the said Hambly to leave said jail and to be at liberty within and without the city of Albert Lea and in the State of Iowa, unattended and free from restraint, and without being in the custody of the sheriff or a deputy, and did permit the said Hambly while so at liberty to attend to and transact private business as a car salesman at Norwood and St. Ansgar in the State of Iowa, contrary to the judgment and sentence of the court, all as charged in specification No. 8.

X

That during the years 1925, 1926, 1927 and 1928, the said Otteson as sheriff aforesaid, did frequently and on numerous occasions permit prisoners lawfully committed to

the county jail and to the custody of said Otteson as sheriff, under judgment and sentence of court, to be at liberty and that, notwithstanding said prisoners when so at liberty frequently and on numerous occasions procured meals and lodgings outside of the jail and at their own expense, the said Otteson did unlawfully and wrongfully charge the county of Freeborn for meals and lodging not furnished while the said prisoners were so absent, and did receive from said county compensation therefor, all as charged in specification No. 9.

XI

That said Otteson in November, 1928, while sheriff of said Freeborn County, Minnesota, in the town of Bancroft, in said county, wrongfully and unlawfully threatened to arrest one Nick Korakas, without cause or excuse, and put the said Korakas into his automobile and took him a short distance, after which he forcibly ejected him from his automobile and directed him to report at the sheriff's office in the court house in the city of Albert Lea the following morning; that said Korakas reported as ordered by said Otteson and was told that he might go, all as charged in specification No. 14.

XII

That on or about November 28, 1928 said Otteson, as said sheriff, went to the town of Manchester in said Freeborn County, Minnesota, pursuant to a call from Oscar Emrud and Alvin Hall, residents of said town, to take a man into his custody whom they reported to be in a drunken condition; that a man, afterwards identified as Ed. Sydle, was found seated in a car on the side of the public highway

in an intoxicated and drunken condition; that one Hambly, then a prisoner in the Freeborn County jail, accompanied the sheriff on said trip, and at the request of the sheriff, took charge of the drunken man's car and drove it back to Albert Lea; that two bottles were found in the car, one containing intoxicating liquor and the other being empty; that the said Sydle was under the influence of liquor to such and extent that he could not drive or manage his car or proceed on his way to Waltham, Minnesota, his destination. That Otteson took said Sydle into his custody and proceeded with him to the city of Albert Lea in said Freeborn County, but permitted the said Sydle to spend the night at the Freeborn Hotel and then to proceed the following morning to his destination; that the car was stored during the night in a garage at Albert Lea, and was turned over to said Sydle the following morning; that said Otteson, as such sheriff, collected \$5.50 from Sydle for the expense of the trip to Manchester and for storage charges for Sydle's car. That notwithstanding that all the foregoing facts were then and there well known to said Otteson from personal knowledge, he failed and neglected, without cause or justification and contrary to his duties as such sheriff, to file a complaint or criminal charge against the said Sydle. That no further action was taken by said Otteson as sheriff in said matter until the 13th day of December, 1928, when a complaint was signed by him and filed with R. S. Farnsworth, a justice of the peace for the city of Albert Lea, charging the said Sydle with unlawfully, wilfully and wrongfully transporting intoxicating liquor, based upon the occurrence in said town of Manchester, to which charge the said Sydle pleaded guilty in the District Court of Freeborn County,

and for which offense he was fined. That said complaint was not filed by said Otteson until Alvin Hall, one of the persons who had called the sheriff to Manchester township on November 28, made inquiries in and about Albert Lea as to the disposition of the case and until after Mr. C. H. Wilson, editor of the Alden Advance, called on the sheriff personally in regard to the disposition thereof, all as charged in specification No. 16.

XIII

That during the month of September, 1928, said Otteson, as sheriff aforesaid, arrested one Ray Lundberg at the fair grounds for being drunk; that while taking the said Lundberg to the Freeborn County jail and placing him in jail, the said Otteson, unnecessarily and without cause or justification, wrongfully and unlawfully struck, kicked and mal-treated the said Lundberg, seriously injuring his left knee to such an extent as to require medical attention and treatment. That as a result of such treatment by said Otteson, the said Lundberg was confined to his cot for a period of about two weeks; that said Otteson at times wrongfully and improperly, and without justification, denied the request of said Lundberg for medical attention and treatment and also improperly and wrongfully at times denied the request of members of his family to visit the said Lundberg while so confined in the county jail. That during the time said Lundberg was so confined the said Otteson made threats of bodily harm and of a serious nature, all without reason or justification, all as charged in specification No. 18 of the supplemental petition.

XIV

That on Thanksgiving Day 1928 the said Otteson as sheriff aforesaid, wrongfully and unlawfully permitted one Cyril Shade, then and there a prisoner duly and lawfully committed to the said Freeborn County jail and to the custody of said Otteson as sheriff, under judgment and sentence of the United States District Court for the State of Minnesota, to leave said jail and to go unattended and without restriction, and not in the custody of said sheriff or a deputy sheriff, into the State of Iowa to enjoy a Thanksgiving dinner and so remain absent from said jail and from said Freeborn County unrestrained and at liberty for several hours, all as charged in specification No. 21 of said supplemental petition.

XV

That said Otteson, during the year 1924, while one Joe Altendorfer was duly and lawfully committed to the county jail of Freeborn County, Minnesota, and to the custody of said Otteson as sheriff aforesaid, under a judgment and sentence of the United States District Court for the State of Minnesota, did assault, strike and beat the said Joe Altendorfer while the latter was resting upon his mattress, which assault, committed as aforesaid, was wholly without provocation, excuse or justification, all as charged in specification No. 23 of said supplemental petition.

XVI

That during the year 1924 said Otteson, as sheriff of Freeborn County, Minnesota, did wrongfully and unlawfully release one Helmer Lee, one Steffen Kibsgaard and one Jim, whose surname is unknown, each and all of said prisoners being then and there committed to the county jail of said

Freeborn County and to the custody of said Otteson as sheriff, by lawful judgments and sentences of courts having jurisdiction, before the expiration of their said respective terms under said judgments and sentences and contrary thereto, and without leave or order of court. That after the release of said Kibsgaard the said Kibsgaard brought and delivered several dozen of eggs to the sheriff's residence for which he received no pay, all as charged in specification No. 25 of said supplemental petition.

XVII

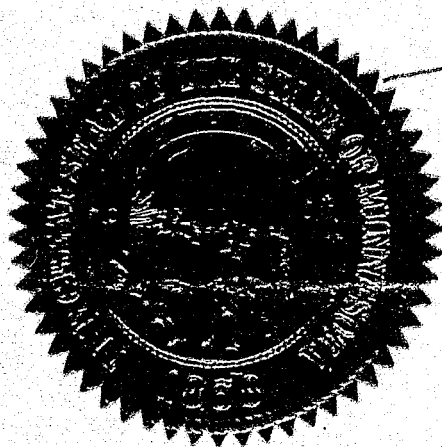
That during the year 1924 one Schneider and other prisoners, whose names are unknown, but each of whom were then and there duly and lawfully committed to the Freeborn County jail and to the custody of the said Otteson as sheriff of said county, under valid and legal judgments and sentences of the United States District Court for the State of Minnesota, were wrongfully and unlawfully permitted by said Otteson on many occasions for substantial periods of time to leave said jail, unattended and without restraint, and without being in the custody of the sheriff or any deputy, and to visit the farm of one Steffen Kibsgaard, more than two miles distance from said Freeborn County jail and have meals at such place and at such other places as they desired, all contrary to said judgments and sentences, and without leave or order of court; that one of said prisoners, without supervision or restraint, and without being in the custody of the sheriff or any deputy, worked for substantially a week at the farm of said Kibsgaard, all during the term of his sentence and without permission or order of court, all as charged in specification No. 26 of said supplemental petition.

XVIII

Except as hereinbefore stated the charges made and specified in said original petition and said supplemental petition were not proven.

THEREFORE, I, Theodore Christianson, Governor of the State of Minnesota, do hereby remove the said James B. Otteson from the office of Sheriff of Freeborn County, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Minnesota to be affixed, at the Capitol, in the City of St. Paul, Minnesota, this 3rd day of July, 1929.



Theodore Christianson

Governor.

Attest:

Wm. H. Holm
Secretary of State.

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