

Pembina County ND Archives Biographies.....Stutsman, Enos 1826 - 1874

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ENOS STUTSMAN.

By George W. Kingsbury, Yankton, S. D.

Enos Stutsman was one of the earliest pioneers of the Territory of Dakota, having settled at Yankton in the fall of 1858. This was three years before the treaty of cession between the Yankton Indians and the Federal government was ratified by the senate, and the Indians then occupied the soil and had their principal village at the place afterward called Yankton. As Mr. Stutsman occupied a prominent and influential position in all the efforts made to procure the organization of Dakota Territory, which embraced the present state of North Dakota, as well as its sister state on the south, he became an historical character in the Territory before his removal to Pembina.

Enos Stutsman was of German ancestry. His great grandfather was a native of that part of Europe, and emigrated in 1728 to this country, settling in Pennsylvania. His name was Jacob Stutsman, and he was accompanied by a cousin of the same name. From these cousins the Stutsman families of North America sprang, and have been quite prominent in civic as well as military affairs of the several states. They were among the Revolutionary soldiers, were in the second war with Great Britain, also in the Mexican War, and in the great Rebellion of 1861; the Confederate as well as the Union cause was sustained by soldiers of this old German stock.

Nicholas Stutsman, father of the subject of this sketch, was born in Pennsylvania, and emigrated with his parents to Ohio in 1779, settling at a point near which the city of Dayton was built. In 1825 the father removed to Fayette county, Indiana, where Enos was born Feb. 14, 1826. Ten years later, his father again removed to Coles county, Illinois, and settled a near neighbor to the father of President Lincoln. Enos now began to acquire an education, but under many disadvantages. Had he been an indifferent pupil he would have had poor success, but he was eager to learn, and a great reader. When 17 years of age he began teaching school and continued in that occupation until he was 21 years old. His career as a teacher was a successful one, and gave him a wide acquaintance, substantial popularity, the affection of his pupils and the confidence of the people. He now entered the political field, and in 1847 was

elected recorder of Coles county, and two years later clerk of the court. During his incumbency of these offices he had studied law and was admitted to the bar in 1851.

In the year 1855 Mr. Stutsman removed to Des Moines, Iowa, where he opened a land and exchange office, and a year later removed to Sioux City, then the outer limits of civilization in the Northwest. He practiced law in Sioux City, took an active part in politics on the Democratic side, for he had been reared a Jacksonian, and dealt largely in real estate with varying fortunes. Two years later found him a member of an organization known as the Yankton Land and Town Company, as its secretary, and in the fall of 1858 he removed to Yankton for the purpose of supervising the laying out of the town, and the affairs of the company generally. Because of difficulties subsequently arising, affecting the title to the townsite, which at this time was Indian land, the townsite company, after surveying and platting the site, did little more than give permits to build, after the treaty was ratified, with an agreement to make a deed whenever the company could lawfully do so. The company, however, was never able to do this, for after a prolonged litigation, the land was awarded to different individuals and the company dissolved. Mr. Stutsman continued his residence in Yankton and took up a pre-emption claim adjoining the townsite. He also attended to his law business, and for two or three years was the only resident lawyer. The organic act was passed in March, 1861, and the federal officers arrived at Yankton in June of that year, and began the work of constructing the territorial government. A legislature was called to meet in March, 1862, and Stutsman was elected from Yankton district to the territorial council, and during the session was mainly instrumental in procuring the passage of the law locating the capital of the territory at Yankton. He was chairman of the judiciary committee, and one of the most industrious members of the body, performing the principal part of the labor of framing the codes and the general laws passed at this first session. At the second session of the Legislative Assembly he was elected president of the council, and discharged his duties in such an able and impartial manner as to add to the esteem and confidence of his fellow members which he enjoyed in a marked degree.

Up to about this time Mr. Stutsman had been a democrat, affiliating with what was called the Douglas wing, or popular sovereignty faction, of that party. The Civil war was on, and while nominally a democrat he was an outspoken and uncompromising Union man without qualification, (as all of the Douglas school of

democrats were) which gave him the confidence and support of the republicans as well as the Douglas democrats, and he was elected to a second term in the council, in 1863, on a ticket named by a convention called by the republican and Union organization, and thereafter acted with that party. Mr. Stutsman was a good politician. He understood that some men in politics were fond of the "loaves and fishes" in the shape of honors; for himself he preferred power and influence, and was willing that others should have the temporary honors, if in return he could be permitted to dictate the policy. He was usually "the power behind the throne." This will explain why he was not a candidate for president of the council after the second session. Yankton county was stronger and more secure in retaining the capital and securing other legislative and political favors by supporting ambitious gentlemen from outside counties in such positions. Mr. Stutsman was again elected to the same office in 1865, and served at the first session; but having in the early spring of 1866, accepted an appointment from the general government as treasury agent, he was obliged to resign his office as councilman, which he did, and entered upon his new duties, visiting first the upper Missouri county in quest of smugglers.

In June of the same year he left Yankton for Pembina in his capacity as treasury agent, Pembina being the seat of a custom house and the only one in the territory, reaching that point after a very tedious journey, on the 22d of July, 1866. It is doubtful whether he had entertained any thought of removing to that remote corner of Dakota, before this trip—at least his most intimate Yankton friends were not apprized of such intention. He seems to have been captivated by the country, its invigorating climate and fertile acres, and more than all by its wide awake and congenial people; and he in return appears to have been taken at once into their confidence, for in the fall of 1867 he was elected a member of the territorial house of representatives, and when that body convened at Yankton, December 2d, following, Mr. Stutsman was chosen speaker, defeating a very popular member, Mr. Jolley, of Clay county, by a vote of 12 to 10. This honor came to him unsolicited, and until very close to the organization, unexpected. It is proper to mention that he discharged the difficult duties of the office in such a manner as to win the applause of his friends and the respect and confidence of his opponents. He was again elected to the house from Pembina in 1868, and served in that body as chairman of the committee on railroads, and a member of the committee-on judiciary, elections and enrollment. This session closed the annual sessions of the legislative assembly. Thereafter they were held biennially, and Mr. Stutsman returned to Pembina where he engaged

in law practice, and also built a fine hotel building there which he rented. He was again elected a member of the territorial council in 1872 from the Pembina district, and served during the session of 1872-73, and was taken quite ill near the close of the session which confined him to his bed for a number of months. With the termination of this session his legislative labors ended. Mr. Stutsman was a bachelor. Nature had seen fit to usher him into the world poorly equipped physically. He was born without legs, and had but one small well shaped foot where the right leg belonged. Otherwise he was well formed, apparently much better developed than the majority of men. His body was as large as that of the ordinary men whose weight would be 200 pounds; his arms were splendidly developed and possessed unusual strength. He was compelled to use crutches—he could neither walk nor stand unsupported without them, but he could help himself in any ordinary situation with them. Because of his infirmity he claimed no exemption from personal chastisement.

It is claimed that nature is fond of compensations, and what the good dame had denied to Mr. Stutsman physically she had made up in other favors. No doubt his physical inability to pursue the great majority of avocations, taken in connection with his genial and obliging disposition, won him the good will of the people; but had he been less competent, less a leader, less able, he could not have attained the position among his fellows which he occupied and maintained.

Mr. Stutsman was fond of the sunshine, and his disposition and temperament were in fellowship with this fondness. He was a most companionable gentleman, genial, generous, never giving offense, and the life of the social circle. Among the pioneers of the Missouri slope, it was said that Stutsman could, in cases of political emergency, muster the most numerous personal clan of any leader in the territory. He was an honorable man, and in all his connection with business, or with public affairs, and these occupied a large portion of his life work, he acquitted himself with credit, with fidelity to his trust, and preserved a name untainted.

Mr. Stutsman died at Pembina Jan. 24, 1874, and was buried in Sioux City, Iowa, the 10th of February.

The following notice appeared in the St. Paul Daily Press of Feb. 4, 1874.

DEATH OF COL. STUTSMAN.

The sad intelligence reaches us from Pembina of the death a few days ago, at the residence of Charles Cavileer of that place, of Col. Enos Stutzman, a leading citizen of Dakota, well known in St. Paul where he has been a frequent visitor.

Col. Stutzman for several years held the office of receiver of the land office at Pembina, and has represented that district in the Dakota legislature for several years. Though he called Pembina, where he resided for eight or ten years, his home, he has divided his time between Pembina and Yankton. He was a gentleman of considerable property, consisting largely of real estate in northern and southern Dakota. He left the bulk of his property to a niece in Arkansas and a banker in Sioux City.

He was a gentleman of excellent abilities and took a prominent position in the politics of the territory, where he wielded considerable influence. He was a victim of a curious congenital malformation which colored his life with a peculiar cynicism. He possessed a splendid and powerful physique of perfect symmetry, except that he was born almost without legs, Or with legs not more than a foot long. His strength enabled him to overcome to a great extent this disadvantage and he would swing himself into a carriage in which he generally rode, with surprising agility. He was a genial companion and highly esteemed by his friends. His death will be felt by the people of Dakota as a personal loss.

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