

## THE REPORTER AND THE JUDGE Emma Ingalls and Judge Shepherd By Rick Hull



Later photo of Emma Ingalls  
Montana Historical Society

Women in the United States received the right to vote with ratification of the 19th Amendment in 1920. However that was old hat in Montana. Women had the right to vote in local elections before Montana became a state, and gained all rights in 1914. Missoula native Jeannette Rankin is of course famous for being the first woman in Congress, after being elected in 1916. Flathead County had its own first with the election of Republican Emma Ingalls to the state Legislature in 1917 and 1919.

However that was only a later chapter in Emma's accomplishments.

Ingalls and her husband were founders of the *Inter Lake*, when it was a small weekly in the pioneer town of Demersville. Though Clayton Ingalls's name was on the masthead, it was generally agreed that Emma was the powerhouse behind the paper. And it was Emma who cut her political teeth on a battle with the local Justice of the Peace — a battle in which she came out on top.

Emma Backhus was born in 1860 in Racine, Wisconsin, the daughter of two English immigrants. There she met Clayton Ingalls, who had been born in New York state in 1856. Clayton grew up in Iowa, where he learned the newspaper trade. Emma had dropped out of school to help in her father's store, but continued to educate herself. She married Clayton at age 19, and they soon had two daughters.

Clayton struggled with asthma, and in 1886 they moved to Corvallis, Montana in hopes the climate would be better for his health. In 1889 they came to the fledgling town of Demersville, on the Flathead River south of present-day Kalispell, and started the *Inter Lake*. The paper was named after the lakes in the area, Emma said.

The job involved setting type by hand, and printing on a hand-fed press. Like weeklies today, much of the income came from job printing, and the newspaper was almost secondary.

Her nemesis was Judge Charles Shepherd. Emma described him this way:

"Judge Sheppard was a man of fine natural ability and a graduate of West Point, but he came out of the war a wreck and drifted out to the frontier and became the first schoolteacher in Demersville. He would dismiss school for a recess whenever he wanted to imbibe his favorite beverage."

"His court became famous as the Supreme Court of the Flathead, because of his arbitrary decisions, which were always in favor of the last drink of whiskey. "

"One day a stranger who came in on the boat the previous night, was crossing the street and was shot in the back. He was taken into Langerman's saloon and the justice of the peace sent for. He was awakened and hurried to the saloon where he proceeded to go through the dead man's pockets. He first found a twenty dollar gold piece which he carefully placed beside him, then came a six shooter. The judge became indignant and said, "What's this? What's this? I fine him \$20 for carrying concealed weapons." He then picked up the \$20 for carrying concealed weapons and the case was closed. "

"Another man who had quarreled with his neighbor over a line fence and struck him

over the head with a crow-bar, the man dying, was brought before him and he rendered a verdict of heart failure."

G.M. Houtz, who ran the competing *Journal* in Demersville, admired Emma. He later wrote:

"She was clever and interesting writer, forceful, and on occasion wielding a caustic pen. An illustration will suffice:"

"Sometime in 1890, there'd been a case tried before justice Shephard in which that official rendered a decision especially obnoxious and unjust – something for which "old Shep" later became quite famous. Reporting this matter Mrs. Ingalls during the absence of her husband in Missoula, sharply criticized the justice, and claimed that his judgment in the case was not borne out by the evidence, hinting at corruption in of the court.

"Shephard was hired by this and was bound to fine the editor the paper for contempt of court. He wanted to have Mrs. Ingalls arrested and hauled before him. Being advised by lawyers that such an act would bring on physical violence against him from the whole community the justice desisted until the return of Ingalls from Missoula, when that gentleman was arrested for contempt. Before hearing the matter Shep said that a public apology was made in the newspaper he would drop the matter Mrs. Ingalls smilingly said, "Sure, I'll apologize."

"She did so in the next issue of the paper – in her own way. At the head of a column there appeared a formally correct apology, and that people might be fully informed, this was followed by reprint of the offending story, Mrs. Ingalls adding a few more for vitriolic sentences to it. Then followed another apology for the added matter.

"Continuing her aspirations on the "supreme court of the Flathead" she further discussed Shepherd special and general offenses in the conduct of his office.

"Again she apologized, then wound up with an all-around, all-embracing blast at the ill-starred justice of the peace, referring to in many unflattering terms to his life and lineage, and the general unfitness to occupy the important position he held, in fact, a thorough old-fashioned roast. Concluding, she apologized for this and all preceding matters, leaving a not a leg for the judge to stand on while he endured the hearty laughs of the *Inter Lake* readers."

In an *Inter Lake* column in February of 1891, the Ingalls wrote of a blowup with the judge. Shepherd had fined the attorney, McClelland Winniger for contempt, and then took offense with the *Inter Lake's* reporting of the incident.

"Last Tuesday morning shortly after we had partaken of a hearty meal and had made a trip down town we ran up against officer Clayton who tapped us gently on the shoulder and smilingly said "I have a warrant for your arrest." We neither fainted nor attempted to run away, for we have had it intimated by many of our friends that "Old Shep", as he is commonly called-who had taken offence at an article which appeared in our last week's issue was going to have us arrested for criminal libel.

"The warrant ordered us to appear before Judge Lane at Ashley forewith. So we hitched our horse to the cutter and drove to Ashley, where we found. Robt Kane, J.P. awaiting our coming. The mournful complaint was read to us and when asked if we were guilty or not, we answered with a choking voice, "not guilty."

"We waived examination and, like the Lord High Executioner in the 'Mikado, we were liberated without bail on our own re-cog-ni-zances."

W. C. Whipps, a Demersville banker and later mayor of Kalispell, wrote that there was a

serious effort to lynch the judge at the time: "There was a Justice of the Peace there who was very unique. A motion to adjourn his court at any time for drink was always in order. It was said that he always had his hand out and one might induce him to do most anything for a slight consideration."

Shepherd's tenure came to a head when a well-liked local man got in a dispute in a gambling den, and was killed. The judge turned the killer loose, and the assailant quickly left town. According to Whipps, a committee was quickly formed, with hanging the judge on its agenda.

"I was a member of that of the committee and I insisted that the old Judge be heard before we proceeded with the hanging," Whipps said.

Shepherd was called before the committee, and it the testimony soon revealed the shooting had been a matter of self-defense, and could have gone either way. "But that committee had had their mouth all fixed for blood and were determined to hang old Shep just on general principals," recalled Whipps.

Whipps talked the committee down, and ushered Shepherd out the door, expecting to be stopped at every step. "I told old Shep to go quick and hide and he wasn't long and following the advice. I then went back in and told that bunch of that old Shep probably deserved hanging for lots of things but they would all be glad tomorrow that they had let the old man go on that charge of letting a guilty man escape just punishment," he said of the incident.

Emma wrote that Judge Shepherd didn't heed his narrow escape from the noose.

"He went to Missoula and engaged the best legal talent available. Swore out 16 warrants for the rest of Demersville citizens but they were never served. Serving those warrants and the resulting trials would've cost the County not less than \$20,000. A costly revenge just because the people took a shortcut to read the community of what they deemed a very undesirable citizen. He was legally removed by the commissioners November 12, 1891."

By then Clayton had tired of the newspaper business, and in April of 1891 turned the paper over to P. N. Bernard. Clayton pursued his dreams of striking it rich, and filed a claim in the South Fork. It was named the Inter Lake lode. He died in 1898 at age 42.

Emma continued to farm on the family homestead in the Lower Valley, with the help of her daughter Bernice and son-in-law William Winston. They moved to Kalispell in 1914, where Emma started her political career. During her first term, she introduced the resolution urging Congress to pass a Constitutional amendment giving all women the right to vote.

In later years she worked for the Bureau of Child Welfare, and help found and led the county League of Women Clubs. She served as secretary of the State Horticultural Society, and was a long-time member of the Century Club and Flathead Republican Women's Club.

She died in 1940 at age 80.

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