

Hubert Stein

By Frances Harrington



Hubert was born in 1831, in Luxembourg, Belgium. At the age of 21, he was drafted into the army. He said he wanted no part of what he thought was an unfair draft, and had “no desire to serve the king as a target for his enemies”. His parents secured the necessary papers and sent him to another country (the name of that country was never mentioned). He waited there until his parents and his sister joined him, and they all headed for a better life in America. His parents were Nichols (1808-1855) and Catherine (Shultz or Sholters) Stein (1808-1874). His sister’s name was Susanna (Stein) Young.

They lived in Wisconsin for a few months, before coming to Muskegon. The year was 1852, and Hubert and his family were some of Muskegon’s early settlers. He married Elizabeth Symet (or Zimet) also of Luxembourg, in 1856 at St. Mary’s Church. He claims to have been the first man married in that church, which he helped to build. The couple ended up having 4 children who lived past infancy. His father died in Muskegon in 1855 and his mother in 1874.

Hubert was employed in Muskegon by the Trowbridge, Wing & Swan saw mill, working there for 15 years. He also worked at rafting on the sawmill booms, and teaming from Grand Rapids to Muskegon before the railroad came in. With his earnings, he purchased land for farming. At one time, he owned 2,900 acres of land that would eventually become Muskegon Heights. He purchased the land for \$1 an acre. When he sold the land years later, he sold it for \$10 an acre.

His personal farm was 115 acres of what had been described as the most picturesque and naturally beautiful farm in the county. By all accounts, he was a very good farmer. His crops were known to yield more than those of his neighbors. He was once given 3 walnuts by a man named A. A. Bullock. He planted all 3 nuts. One of the trees died but the other two developed into fine adult trees. One year, from just one of the trees, he got 22 bushels of walnuts! He also grew other fruits, wheat, and vegetables and raised some cattle. When he first started out growing potatoes, he had so many that he couldn’t sell all of them so he offered people a deal – you buy one bushel of apples and he’d throw in 1 bushel of potatoes.

Mr. Stein was quite well known throughout Muskegon. He served as Township Treasurer, was on the Highway Commission, and for many years was the Township Supervisor. He was also

one of the directors and President of the Muskegon County Agricultural and Driving Park Association. He was known to be a kind and considerate man.

In 1903, Hubert (age 72) had quite the altercation with an old friend, John Williams (age 54), who was a wholesale and retail liquor dealer. Some months earlier, Hubert had signed 3 or 4 bank notes for Williams totaling about \$2,425. Mr. Williams had given Hubert the mortgage on some property he owned as security. The mortgage was found to be faulty. Meanwhile, the notes became due and the bank was looking for Hubert to pay off the debt. He was quite upset with the whole situation and wanted something done! There was a meeting with their lawyers where Mr. Williams then tried to give Hubert a different mortgage, which his lawyer thought did not hold enough value, so Hubert refused it. The meeting didn't resolve anything. Hubert was angry and went to the bank and took up the notes and paid the interest. That night he barely slept. The next day, he didn't eat breakfast and he visited several saloons. By the afternoon, while quite intoxicated, Hubert went and got his old rusty revolver, and when he saw Mr. Williams in town, he called him a robber. Mr. Williams made a face at him and pushed him aside. That's when Hubert pulled the revolver. Hubert later said he didn't think the revolver was loaded, nor was it cocked. Mr. Williams then tried to take the revolver from Hubert. There was a struggle and Mr. Williams yelled for help. A bystander stepped in and took the gun. Hubert then went voluntarily to the police station, and told his account of the events including the fact that he didn't really try to stop anyone from taking the gun from him. Then he told the Chief he could lock him up, if he wanted. The chief told him he could do one of two things, be locked up, or go home. He chose to go home. He was persuaded to go home with his neighbor, Charles Whitney, who was also intoxicated.

After Hubert got home, while having dinner with his family, and Mr. Whitney as their guest, he got his double-barreled shot gun and headed in the direction of Mr. William's place. He said he had taken the shot gun to use as a club against some dogs that were bothering his cattle, but Mr. Whitney thought he was going after Mr. Williams again. Remember, both men had been drinking all day and were still intoxicated. When Whitney got near, Hubert told him to mind his own business, but Mr. Whitney kept coming closer, arguing with him. When he was about 12 feet away, Hubert leveled the shot gun, and pulled both barrels, but the gun was not loaded. Mr. Whitney then came at Hubert and Hubert hit him in the head with the gun. Hubert dropped the gun and accidentally stepped on it and broke off the stock. Mr. Whitney claims that Hubert then pulled a knife on him. Mr. Whitney said he grabbed the broken stock and hit Hubert with it to make him drop the knife. He said he then gave Hubert a beating with his fists. When Hubert finally agreed to go home, Whitney accompanied him and left him in the care of his family. Mind you, Hubert was 72 years old at this time and Charles Whitney was about 30 years younger.

Meanwhile, Williams went to the police and swore out a warrant for Hubert's arrest for "assault with the intent to commit murder". Early in the morning, Sheriff Payne drove out to Hubert's farm to serve the warrant. He found Hubert confined to his bed because of the beating, with both eyes completely swollen shut. Hubert told Sheriff Payne, "Whitney said he did this for my own good," pointing to his bruised face and arm, "but was this for my good?"

Sheriff Payne thought he was in no condition to be arraigned, so he didn't bring him in at that time, but would do so when he recovered.

Later, he was arraigned, pleaded not guilty, and held over for trial. During the trial, Hubert maintained that he thought the gun was not loaded and was only carrying it to protect himself from Mr. Williams. A bail of \$4,000 was required and was immediately furnished. The bond was signed by Patrick Dowd and John S. Anderson.

At the trial, attorney W. J. Turner, in his opening statement, said, "the defense would show that Mr. Stein had no intention of killing John Williams; that he supposed the gun he had was not loaded; and that he covered the barrel with his other hand so that Williams would not see that the gun was not loaded". The trial lasted four days. Judge Russell, in his charge to the jury, asked, "What was Stein's intent?" "Did he intend to kill Williams?" Hubert's attorney must have made their case because the jury deliberated only three hours and returned a verdict of "Not Guilty".

As for Mr. Whitney, he was later found guilty of assaulting Hubert with the intent to do great bodily harm. He was ordered to pay \$75 or be confined in the Detroit House of Correction, not to exceed 6 months. He paid the fine. In Circuit Court, a jury awarded Hubert a judgement of \$2,669.44 against John Williams. John Williams, in turn, filed a suit against Hubert for \$3,500, which he claims was for an open account for horses, liquor, etc., over a period of 10 years. The Circuit Court jury returned a verdict of "no cause of action". (According to <https://thelawdictionary.org> it is a verdict that is in the defendant's favor on grounds that the plaintiff does not have a right to bring a charge against him.)

In 1908, Hubert Stein put his 115 acres farm up for sale. He was 77 and decided it was time to retire. His wife, Elizabeth, died in May of 1910. Hubert died 5 months later. They are buried in St. Mary's Cemetery along with Hubert's parents Nichols and Catherine, and his sister Susanna.

Sources: Ancestry.com, Genealogybank.com (Muskegon Chronicle), Romance of Muskegon (Alice Prescott Keyes), Portraits and Biographical Record of Muskegon and Ottawa Counties (Biographical Publishing Co.), Findagrave.com, Lakeshore Museum Center, Hackley Public Library (Local History & Genealogy Dept)