

deep. He was the author of a number of pamphlets, principally in his native language.

Generous in his nature, he was ever ready to contribute to any public enterprise calculated to promote the moral or pecuniary welfare of the community. One large church building in Pella will long stand as a monument of his public spiritedness. To the Iowa Central University he donated the five acres of land on which it stands, being in the most beautiful part of the city.

Mr. Scholte, though he had a few enemies, as few good men have not, had many warm friends who still occasionally speak of his good qualities and virtues, having experienced benefits from the same.

Having succeeded in a great enterprise, dear to him from the time he first conceived it, and having witnessed the growth and prosperity of the colony, after a short illness that seemed to be the culmination of a chronic indisposition, he died, August 25, 1868.

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## HISTORY OF MARSHALL COUNTY.

BY NETTIE SANFORD, MARSHALLTOWN, IOWA.

(Concluded from page 548.)

ABOUT seven o'clock on the morning of the 11th of January, 1859, Judge Smith, after a night of intense agony, is found in a chamber of Rev. Mr. Babcock's, surrounded by several prominent citizens of Marshalltown, with a sheet of paper before him, for the purpose of writing an order for the removal of the county records, after a formal re-canvass of the vote. The judge was astonished to find a paper, with the county seal affixed, knowing that he had not given any such paper. Wondering where it came from, he concluded it was a good plan to throw off the responsibility on some unknown rascal, signed the order for the removal, and went through a legal

pantomime, as his sham captors desired. The moment this order was signed, men were sent in every direction to the friends of Marshalltown to go to Marietta, take the records by force, and bring them down to the Town Hall.

Sheriff Harris had been elected upon this local issue, and with a flourish of trumpets ordered out the Bowen Guards, a Falstaffian militia company of Marshalltown, to make preparations for marching on Marietta. Harris buckled on a big sword that had never been wet with human gore. Every warlike weapon, down to a first-class darning-needle, was scoured up ready for the fray. Wagons began to come into town filled with country farmers, armed, if possible, or else looking very savage. Orderlies from the grand army had drummed up a crowd of at least five hundred by the time they were ready to start; wives and sweethearts kissed and bade them "good-bye," with the expectation that the loved ones would be brought back lifeless corpses.

By eleven o'clock, Marietta had quite a respectable army also in operation, commanded by Weatherly, ex-sheriff, ready to defend the court house against organized thieves. A keg of powder had been bought and placed under the safe of the court house with a train and slow match, to blow the raiders into atoms if they were determined to go inside the doors. The excitement increased every moment after it was rumored that the army of invasion was within a half mile. Marietta ladies, gentle and refined, caught up guns and axes, and belligerently defied the robbers "to show their hands." Crookham, the lawyer, made his will "in the wink of a cat's eye." Quincy Black and Mr. Dishon leaned over their gates, pistols in hand, to defend their firesides, for the threat had gone forth that the invading army would burn the town. Slowly the guards and volunteers advanced, with Harris, Elliott, Shurtz, and Wells Rice in front. Harris, believing danger was ahead, at a favorable opportunity slipped away. Hepburn, now Col. Hepburn, of Page county, was also in the front, and when all were within a few feet of the court house, the click of rifles told both sides to beware. Surrounded by

the swaying crowd, swearing, excited, it is a wonder that so much order was maintained by the guards. Alex. Crow, a hotel keeper, drew his gun on one of the soldiers, when Sam Hoffman, discovering him at the unlucky moment, drew up his gun, and, with an oath, said, "I'll make a *white* crow of you if you shoot one of our men." Hepburn jumped back and threw up his hand, saying, in a loud voice, "For God's sake, don't shoot,— we Marshalltown men only want the records."

But at this critical moment, above the roar of voices, was heard Boardman, of Marietta, reading an injunction from Judge Thompson, of the district court, restraining the removal of the records. How this injunction was obtained after the judge's previous action and the action of the county judge, has never been satisfactorily explained. It was probably obtained something after the manner of the order for the removal. In its proper place we forgot to mention how the sheet of paper was found with the county seal. Hon. G. M. Woodbury went into Judge Smith's office to get a deed, when he let the county seal fall just right on the paper. Then he carelessly folded it up and put it in his pocket.

After the injunction had been read, the Bowen Guards slipped away rather precipitately from the court house yard, swearing, with the other Marshalltown men, vengeance on the judge who had come between them and their long coveted prize. It is strange how courage oozes sometimes away in the presence of real danger. One valiant Marietta man emerged from a pile of rails, another took his gun from the window a half mile off, where he had been watching the fight. A guard left the ranks, for he had "the stomach ache fearfully," and did not return till the fight was over. Another slipped out to light his pipe,— "be back in a minute, corporal." But his minutes lengthened into an hour, and he got back into the ranks about a mile out from Marshalltown, as the guards returned home. Harris did not appear to take command, so Shurtz ordered his men to "fall into line and march home," as we above intimated. As they passed one Daly, who

was armed with a sausage stuffer, they received a blast of water. This was certainly one of the most comical fights on record. <sup>V</sup>Daly had no ax or gun, and his wife suggested the weapon, without seriously thinking he would use it.

The women and children of <sup>V</sup>Marietta flouted and jeered at the poor guards; some threw decayed eggs and vegetables, but it did not enrage them enough to shoot. It is a wonder that no chance shot was fired, or that these half-crazed men still had respect for law and order to go quietly home. Had <sup>V</sup>Harris rushed in and gone to breaking locks in the court house without caution, there is no doubt blood would have flowed like a tide. At sunset Marietta was alone in her empire, no one hurt, no one killed, still the county seat of Marshall, without sending a single hero to the shades of Valhalla.

We will not attempt to describe the feelings of that stalwart army, the <sup>V</sup>Bowen Guards, as they approached the streets of <sup>V</sup>Marshalltown, for here the tragedy ends in a farce. They had marched up "more than *one* bill, then down again," had come home victorless, and no scalps, no county records, no ashes of Marietta homes, not a smell of gunpowder, but awful tired, cross, and hungry. "Where was you in the fight?" "Where is your dead?" These questions assailed the poor guards on every side. False reports of death and battles had been circulated all day through Marshalltown, so that when the doughty army returned safe and sound, the rebound from such a dismal state of things was great. Wives joked over their tea at the expense of their warlike chieftains, and when night set in, Marshalltown, on the whole, was in almost as happy a frame of mind, barring the fighters, as her prouder rival of "the up-river bend."

## CHAPTER VI.

But more was had of the pen than the sword. The lawyers were busy, and at the April term of the district court the mandamus case came up again.

There was a long trial on the injunction. An attachment was also issued against Judge <sup>V</sup>Smith, as he did not show

cause to the court for his contempt in not re-canvassing. He appealed to the supreme court, which decided against him at once. Previous to this action of the courts, Judge Smith issued county bonds to Wm. Dishon, on his contract to build a new court house at Marietta, to the tune of \$26,000. Dishon went to New York and sold the county bonds for goods, instead of doing as he contracted, to use the money in building the court house. This injured Marietta, and it was used in many an ingenious manner by her enemy, when the whole matter came up at the June term of the supreme court; also at the December term following, and a decision was finally given in favor of Marshalltown, which virtually ended the contest. Upon summing up the case, an impartial witness of this conflict could not help but rejoice that it was ended. Bitter hatred had been engendered,—there was great expense on both sides.

William Penn. Clark was the counsel for Marshalltown, in the supreme court; Judge Cole, for Marietta.

After the decision in the case had been rendered, the county officers at Marietta gracefully "came down," like Davy Crockett's coon, and, on the last day of December, 1859, brought the records down on an ox sled, the mercury ten degrees below zero. The new year dawned upon the glad village of Marshalltown when the joyful news went out that the scepter had changed hands to last forever.

A New Year's supper was given to Marietta, and her citizens were welcomed at the banquet with a cordiality most pleasing and hearty. Some were sullen, and defiantly staid at home. But fates were against them. Stores, houses, etc., followed in a successive flight to Marshalltown, and the death-blow was given to Marietta, where dismantled she stands, a monument of hopes wrecked in corner lots. Most of the officers who lived in Marietta were re-elected as a salve for all wounded feelings on their part, and this bitter controversy has been entirely forgotten for a long time, or only to be remembered jokingly, as each side recounts his or her particular conflict with the enemy.

Marshalltown has increased her population to 5,000 inhabitants. Two railroads give her good facilities for trade; a splendid water power in the Iowa river enhances her manufacturing abilities; the densely populated country around makes her one of the best depots for trade in Central Iowa. Marshalltown has many enterprising citizens, among them Hon. Delano Smith, Hon. T. Brown, B. Clark, esq., Dr. McBride, and J. D. McCord, who are public-spirited men, and have accomplished a great deal for her present prosperity.

Marshall county is one of the central counties in Iowa, and is divided into eighteen townships. It is twenty-four miles square, and contains 368,640 acres of magnificent land, with scarcely a foot that cannot be cultivated, excepting where there is running water. With these advantages she presents a prize to every farmer coming from the east. Marshalltown has seven churches, factories, mills, splendid residences, and the machine shops are soon to be erected for the Central railroad. With these few statistics, we close our very imperfect sketch of Marshall county.

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### A FOUL MURDER AND NOBODY KILLED.

BY E. W. EASTMAN, ELDORA, IOWA.

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THERE has been and now is in Iowa, and in fact in most new states, much opposition to the old system of grand juries, and also to some of the long established rules of evidence in criminal trials. Frontier people are active and impulsive. They think quick, judge quick, and contract quick or not at all. They are here to-day and to-morrow they are westward, ho! with the star of empire. Hence, in legal tribunals, they dislike the slow, formal process of a grand jury, and technical rules of evidence. They want to try the case while the fever is up, and upon such evidence as appears *to them* to be good,

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