

HISTORY OF DAVIS COUNTY, IOWA.

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CHAPTER I.

GENERAL HISTORY.

PROLOGUE.—At the solicitation of the Curators of the State Historical Society, made in 1859, I consented to prepare a sketch of the early settlement and history of our county, for the use of the Society.

Not unmindful of the difficulties to be encountered in the preparation of a paper of this character, I entered upon the work. Several articles were prepared and published in the *Democratic Clarion*, during that year. At the time of their preparation, it was thought that the Society would soon commence the publication of a periodical, in which facts and incidents connected with the early settlement of our State could be preserved in a permanent form. Such publication was not commenced, however, until last year, and the articles prepared by me in 1859, have, as yet, been published only in our county paper.

During this year these sketches will be published in the *ANNALS* of the Society, and for the purpose of making some corrections and additions, they will be published in our county paper also. As I remarked in the preface to the publication made five years ago, I will here repeat: If what I present in this undertaking shall possess sufficient interest to attract the attention of our people to the subject and draw out something like a full history of the earlier days of our county, I shall feel myself amply compensated for the time, labor and expense it may cost me in its preparation.

It is but reasonable to suppose that a few errors as to dates, places, &c., may be found in these articles, notwithstanding it has been my constant aim to have every part of this history

correct. Should the reader find errors herein that seem to require correction, the writer will consider himself under special obligations, if his attention be called to them. And if his friends shall occasionally find a borrowed anecdote thrown in by way of spicing up, it is hoped they will be generous in their judgment, and that their criticism may be confined to this exclamation, "O, Scissors!" since that instrument, if not mightier than the sword, is certainly more powerful than the pen in the hands of a great many newspaper writers.

BOUNDARY.

The territory from which the county of Davis was carved, or rather marked out, is a portion of an ancient territory once belonging to France, then to Spain, and again to France. At one time it constituted a part of Louisiana and afterwards a part of the Missouri territory. It was purchased from France by the United States in 1803, but remained in possession of the Indians for forty years afterwards. The law has fixed the boundary of the county as follows:

"Beginning at the north-east corner of township seventy north, range twelve west; thence west on the township line dividing townships seventy and seventy-one, to range sixteen west; thence south on said range line to the Missouri State line; thence east on said State line to the south-west corner of Van Buren county; thence north with the west line of said county of Van Buren to the place of beginning."

It is therefore composed of the north half of township sixty-seven and the whole of townships sixty-eight, sixty-nine and seventy, north, in ranges twelve, thirteen, fourteen and fifteen west. It is thus a fraction more than twenty-four miles from east to west, and about twenty-one miles from north to south. The county is watered by numerous streams, among which may be mentioned the Des Moines river, (which passes through the north-east corner,) Soap Creek, Salt Creek, Jaquest, (commonly called Chequest,) Fox river, Fabius and north and south Wyacondah. These water courses will each be noticed hereafter separately.

TIMBER, &C.

Along and in the vicinity of all the rivers and creeks of the county, is a great abundance of fine timber—such as black walnut, hickory, elm, white, red and burr oak, linn, cottonwood, birch, hackberry, soft and hard maple, &c., &c. Stone coal of a fine quality is found in beds or veins of from two to eight feet in thickness along all the streams and large ravines in the north half of the county. In the same part of the county, lime and sand stone in inexhaustible quantities is also found. This stone is much used for building purposes already, and in time to come must prove very valuable to our citizens. Much of the water cement used in the construction of the slack-water dams of the Des Moines river was prepared in Davis; and, although the Des Moines slack-water improvement turned out to be a failure, so far as navigation is concerned, there is no question but the cement proved a success! The prairies are rolling, but not hilly—rich and very productive. As an evidence of the productive capacity of our soil, it may be mentioned that, at the second annual fair of the Davis County Agricultural Society, corn was exhibited which was harvested from an acre of ground that produced *one hundred and thirty-eight bushels* that season! And at our third annual Fair, the premium was awarded to a gentleman who harvested in that year *two hundred and thirteen bushels* from a single acre! All things considered, we think we may be allowed to say that Davis county is not surpassed by any county in the State in point of soil, or advantages for agricultural purposes.

The county was first settled with emigrants from Missouri, Kentucky, Indiana and Southern Illinois; and hailing from such localities, it is not surprising that, for a long time, Davis remained behind many of the adjoining counties in improvements, both public and private.

FIRST SETTLED.

Previous to the first of May, 1843, the territory of which this county is composed, was occupied by Sac and Fox Indians. It was at this time, by the terms of the treaty, that the Indians should vacate this part of Iowa, and the Anglo-Saxon

should be allowed to follow in the footsteps of the receding red man. Up to this time, with a few exceptions, there were no white inhabitants within our present limits; and the exceptions consisted of a small settlement from Missouri and Kentucky along our southern border, on that part of Iowa then claimed by Missouri, (known to our people as the "disputed territory," which will be more fully noticed hereafter,) and a few *squatters* on the extreme eastern portion of the county, on that part of the first, or "Black Hawk purchase," now included within our jurisdiction.

ORGANIZATION.

Prior to 1844, our county had no political organization of its own, but was attached to the county of Van Buren for election, judicial and other purposes, but by the first of January in that year, emigration had swelled the population to a sufficient number to justify our organization. To that end the legislative body of the territory of Iowa, on the 16th day of February, enacted a law providing for our organization from and after the first day of March, 1844. From that act I will make the following extract:

"SEC. 2. That the Clerk of the District Court of said county shall, and in case there should be no such Clerk appointed and qualified, or for any cause said office should become vacant, on or before the tenth day of March, 1844, then it shall be the duty of the Clerk of the Board of Commissioners of Van Buren county, to proceed to establish, temporarily, six election precincts in said county, for the purpose of holding the first election in said county as hereinafter provided; and also give notice for the holding such election on the first Monday of April, 1844, by posting up, or causing to be posted up, three written or printed notices of said election in each of the election precincts so established, at least ten days previous to holding said election; also to appoint three judges of said election for each precinct in said county, and issue certificates to said judges of their appointment.

"SEC. 3. It shall be legal for the inhabitants of said county, at such special election, to elect the following officers, who

shall hold their offices until the next general election thereafter, to-wit: Three County Commissioners, one Judge of Probate, one County Treasurer, one Clerk of the Board of County Commissioners, one County Recorder, one County Surveyor, one County Assessor, one Sheriff, one Coroner, one Sealer of Weights and Measures; also, for each election precinct, two Justices of the Peace and two Constables; which officers when so elected will enter into the same bonds and be qualified in the same manner as is now required by law. That the returns of said election shall be made to the person ordering the same, within ten days after holding such election, in the same manner as is now provided for by law. * * *

"SEC. 9. That Charles H. Price of Van Buren county, Thomas Wright, of Henry county, and John Brown, of Lee county, be and they are hereby appointed Commissioners to locate and establish the seat of Justice of said county of Davis. Said Commissioners, or any two of them, shall meet at the house of Noble C. Barron, in said county of Davis, on the first Monday of April, 1844, or on such other day during the said month of April as they or a majority of them may agree, and proceed to locate and establish the seat of justice of said county as near the geographical center of said county as said Commissioners may deem proper, paying due regard to the present as well as future population of said county; and as soon as they have come to a determination, the same shall be committed to writing, signed by the said Commissioners, or a majority of them, and filed in the office of the Clerk of the Board of Commissioners of said county of Davis, who shall record the same and forever keep it on file in his office; and the place so selected shall be the seat of justice of Davis county."

At the time of the organization of the county, Stiles S. Carpenter, Esq., held the office of Clerk of the District Court of our county, by appointment from Hon. Charles Mason, one of the Judges of the Territorial Court, and by the second section of the above named act, had considerable to do in setting the machinery of the new county in motion.

FIRST ELECTION.

At the election held in pursuance to the law above quoted,

the following named persons were elected, to-wit: Samuel W. McAtee, Abram Weaver and William D. Evans, County Commissioners; Gabriel S. Lockman, County Surveyor; Israel Kister, Recorder; Greenbury Willis, Assessor; Fortunatus C. Humble, Sheriff; Franklin Street, County Commissioner's Clerk; Miles Tatlock, Judge of Probate; Calvin Taylor, Treasurer; William McCormack, Coroner; and George Titus, Sealer of Weights and Measures. At this election there were 322 votes polled, (including two precincts in what is now Appanoose county,) and at one precinct there were *one hundred and one* persons voted for that day! And at another precinct, where one hundred and twelve votes were cast, the voters "had a high old time." About 10 o'clock in the morning, a Mr. McIntosh arrived at the polls with a barrel of whisky, on a log sled, (an article much used in "ye olden tyme," and denominated by the squatters a "lizard,") which he had hauled some ten miles with a pair of two year old steers. Immediately upon his arrival it was tapped, and by 3 o'clock in the afternoon there was *not a drop of whisky to be had!* This is literally true—the whole of it had been drank by those at the polls. It is not necessary for us to say whether any of the voters were drunk or sober! But we will say, however, that between 1 o'clock and the time of leaving the polls, there were no less than seven fights, besides much other "noise and confusion." The greatest efforts were made by the peace officers (self constituted) to preserve order and prevent disturbance, and a person whose name we do not recollect, mounted on the head of the empty whisky barrel, and "in the name and by the authority of Jehovah and the United States of America," commanded the peace, and notified the tumultuous assemblage that if they refused to obey, "he'd have their hides on a pole in less than fifteen minutes, as a sample." But, being filled with the *spirit*, his threats of a rapid march to "kingdom come" made not the least impression upon the crowd, and the muss went on until it ended of its "own free will and accord."

COL. CARPENTER.

The persons elected at this, our first election, received cer-

tificates thereof from Mr. Carpenter, the Clerk, and were sworn and regularly inducted in office by him. Mr. Carpenter was from Vermont, a gentleman of some public spirit and private enterprise. He was a Colonel of the Iowa Militia in early days, and held the office of District Clerk from the settlement of the county until after the adoption of the State Constitution, and then refused a nomination tendered him by a democratic county convention for the Clerkship, and accepted that of Prosecuting Attorney. To this latter office he was triumphantly elected over his shrewd competitor, Powers Richey, a very prominent citizen of our county in the days of "Jimmer." The Colonel removed to Texas in 1857, where he died soon afterwards.

COUNTY COURT.

The county being thus organized, on the 13th day of April, 1844, Mr. McAtee and Mr. Weaver, two of the County Commissioners elect, assembled at the house of Col. Stiles S. Carpenter, and being duly qualified, organized a Court. The season had been very wet—a great deal of rain had fallen, and all the creeks and branches, as well as the ravines in the prairies, were filled to the brim with water running in swift currents, while a great portion of the more level country presented the appearance of miniature lakes. The inhabitants of this new and sparsely settled county had many hardships and difficulties to encounter, aside from the rain, mud and swollen streams, which were, in themselves, no small annoyance to the pioneer. But while the *yeomanry* of the county came in for an ample share of the trials and vexations of the times—such as swimming creeks and wading sloughs in order to reach the cabin of a near neighbor (say five miles distant) to procure the loan of a coffee mill, to grind the corn for a dinner's bread for the family—the dignitaries—the County Commissioners, for instance—were also subjected to like annoyances "while in the line of their duty." The trouble of Mr. McAtee in reaching the place where the Court was to sit, we give in his own words. He says:

"I lived some ten miles from the claim of Col. Carpenter,

the place agreed upon for the first meeting of the County Court, and which was about one mile and a half south-east of the present county seat. On the 13th of April, at the break of day, I started, on foot, to meet the other Commissioners. The streams were all past fording, and of course no bridges: and when I came to a stream too deep to wade by rolling up my breeches, and where a log could not be had to cross on, I pulled off my clothes, placed them on my head, drawing my hat over them, I tied them on by drawing my suspenders over the top and tying them under my chin. Having thus secured my clothes, I either waded or swam the stream, as the case required, and reaching the opposite shore, I dressed myself and resumed my tramp, crossing thus each stream that lay in my road, until I arrived at the place where the Court sat."

THE COURT UP A TREE.

Mr. Weaver, who had *squatted* in a different part of the county from that in which Mr. McAtée had taken his claim—some distance from the place where the Court met, and beyond the waters of Jaquest—also encountered creeks and ravines which seemed to defy a passage. But being endowed with the "spirit of progress," as all the early pioneers were, and remembering the encouraging words, once upon a time, addressed, after this manner, to an individual who had met reverses, "It will never do to give it up so, Mr. Brown!" he determined to proceed. Having doffed his buckskin breeches, (which by all means must be kept dry,) he succeeded in fording (afoot) all the branches and ravines that lay in his way, without much difficulty, until he reached the banks of the Jaquest. Its depth, at the place he had encountered it, was too uncertain to risk wading, and its swift current too formidable for him to undertake to swim, with a lame arm, and keep his buckskins dry. He therefore concluded to reconnoiter, and a little distance up the stream he espied a tree that had fallen from the opposite bank, the top of which extended nearly across to the north side of the creek where he stood. To enable him to reach the trunk of the fallen tree, on which he doubted not he could walk over "dry shod," he climbed a hickory sapling

which stood at the water's edge, and throwing his weight in direction of the log he desired to use as a bridge, the sapling yielded and held him suspended over it, some ten or twelve feet from the shore. Placing his feet upon the log, he ascertained that it would not bear him up! The sapling refused to straighten with the weight of one-third of a County Court holding to its top branches, and hence Mr. Weaver was placed in a very unenviable situation, and in a quandry! He made several ineffectual attempts to gain the shore he had just left, but the branches of the sapling all stood the wrong way for him. Finally his hold gave way, and he sat astraddle of the log in water almost to his shoulders! He made his way to the shore the best way he could, and proceeded on his journey with less difficulty, crossing Fox river and other small streams; he met Mr. McAttee about 10 o'clock, A. M. But little business was transacted at this session of the County Court, but among other things it was ordered that the Coroner be directed to proceed to the counties of Van Buren, Henry and Lee, to notify the Commissioners, appointed by the General Assembly to locate the seat of justice, of their appointment. Some time during that month the Commissioners assembled at the house named in the Act of February 15th; and proceeded to locate the seat of justice near the center of the county—being on the north east quarter of section twenty-five, township sixty-nine, north of range fourteen west.

COUNTY SEAT IS NAMED.

A special meeting of the County court was held at the house of Dr. N. C. Barron, at the place of the county seat, on the 25th day of April, 1844, at which time the report of the location commissioners was received. And notwithstanding the act appointing those commissioners and defining their duties declares that their report "shall be committed to writing, signed by the said commissioners, or a majority of them, and filed in the office of the Clerk of the Board of (county) Commissioners of Davis County, who shall record the same and *forever* keep it on file in his office," it is no where to be found, either on file or of record. The house of Dr. Barron, at which the

court was held, was a small cabin, made of round logs; and stood in what is now Franklin street, just west of Columbia and was the first house of any kind whatever built on the town site. At that date this house was not only used (though nominally so,) for a Court room, but was also *the* hotel of the county, and especially of the county town. Dr. Barron, the indefatigable landlord, had not been unmindful of the approaching period, when the locating Commissioners and the County Court, with their advisers and hangers on would become guests at his house, but the exceedingly wet weather and high waters completely unjointed all manner of business in this locality, and the Dr. among the rest was unable to visit his neighbors, and was therefore but illy prepared to accommodate those who had of liberally patronized his inn. The Court remained in session from Monday morning till Wednesday evening, and we have been informed by that body that the bill of fare for the whole session consisted of one large (old) rooster, a small quantity of butter, tea, without milk or sugar, with a fair supply of flour." The *house* of Dr. Barron was considered the Court room, but the Court sat on a wagon box turned upside down, under the shade of an oak tree which stood near the hotel. It was at this time and place that our town received a name, which was determined as we learn by the records, by lot. Mr. McAttee was in favor of naming the town *Jefferson*; Mr. Weaver, *Davis*; and Mr. Evans, *Bloomfield*. Each of these names were written on slips of paper and placed in a hat, and the Clerk of the Board (Mr. Street,) directed to draw one of the ballots which was to settle the question. The result of the drawing decided the name of the county town to be BLOOMFIELD.

The records up to this time, and for two or three sessions afterwards, were kept on sheets of common foolscap paper, and when a record book was procured, those scraps of paper containing the first record of our county, were rolled together and tied with a string, in which condition they remained until a few years ago, when Hon. Samuel A. Moore, then our County Judge, had them put in better shape for preservation, by causing them to be bound in a substantial manner.

It may be thought by some that Mr. McAttee's preference

for *Jefferson* as the name of the county seat of *Davis* county, is suggestive of a partiality in favor of the President and leader of the insurgents in the rebellious States, but such is not the case. Our county, as will appear in another place, was not named in honor of the great Mississippi Repudiator, and moreover, in 1844, he was but little known beyond the limits of his own State. It was in honor of Thomas Jefferson that Mr. McAtee desired to name our county town.

SECOND ELECTION

The second election held in our county, was on the first Monday of August, 1844, at which time there were 378 votes polled. The number of candidates for office was *thirty-seven*—being less than eleven votes to the candidate! A majority of the voters of the territory having decided at the April election in favor of a Convention for the formation of a State Constitution, the people of our county were authorized by the act of June 19th, 1844, to elect two members to that Convention. The election resulted in the choice of Jesse C. Blankenship (Whig) and Sam'l W. McAtee (Democrat) as members of the Constitutional Convention; Willis Faught, (D.) William Walker, (W.) and Ezra M. Kirkham, (D.) as County Commissioners; Samuel Riggs, (D.) as Sheriff; Israel Kister, (D.) as Recorder; Franklin Street, (D.) as Clerk of the Board of County Commissioners; Gabriel S. Lockman, (W.) as County Surveyor; William Shields, (W.) as Treasurer; Riley Macy, (D.) as Coroner; and Miles Tadlock, (W.) as Judge of Probate.

Among the papers attached to the returns of this election for the precinct of this town, we find the following which speaks for itself:—"August the: 5 1844, i Hereby certify that i Qualifyde the judges and clerks of this election Held at the County Seat precinct No forth three judges and Two clerks." This certificate is signed by one of the Justices of the Peace, who was one of the early pioneers—a good citizen and a good man, but who has been gathered to his fathers, beyond the shores of time. In early times we were not so particular as now in election matters.

Our elections were always held somewhere and somehow,

and some one was sure to be elected to office, whether the board of judges had a box with a lock and key or not. We have been informed by Mr. F. C. Humble, our first Sheriff, who was one of the judges of this election at a precinct on the north side of Fox river, that one of those long wooden churns was used as a ballot box. The board of election sat in a log smoke house on the heads of barrels, and Mr. Humble received the tickets from the hands of the sovereigns through a crack of the cabin, placed the ballots in the churn and used his leg for a covering of the box.

FIRST DISTRICT COURT.

The first District Court was organized at Bloomfield, on the 23d day of September, 1844—Hon. Charles Mason being Judge; Hon. L. D. Stockton, District Attorney; John Leffler, Esq., Deputy U. S. Marshal; Col. Stiles S. Carpenter, Clerk; and Samuel Riggs, Sheriff. The Court being thus organized, the Judge directed the Sheriff to summon twenty-four good and lawful men to sit as a petit jury for the term; and the following named gentlemen were summoned, to-wit: William Bonebrake, Joshua Cocklerease, William Maize, Frederick Atchinson, Albert M. Hathaway, Leven N. English, John W. Ellis, James Philpot, Fleming Mize, John Bonta, Abram Weaver, John Bragg, Anderson Willis, Philip Humble, Joseph Carter, Greenbury Willis, Isaac Atterbery, Robert R. Hill, John Denison, Samuel Starr, William T. Johnson, George W. Lester, Robert Merchant, and Nathaniel Ham. This last name stands on the records Nathaniel, but it should be *Matthias D.* There being but little business requiring the intervention of a Court at that time, this term remained in session but one day. No Grand Jury was empaneled. The only jury trial this term was the case of William Willis, plaintiff, *vs.* William Hendricks and Thomas Kelly, defendants, in an action of replevin. From the record we learn that "the parties joined issue upon a plea of *Not Guilty*, whereupon came a Jury, to-wit: Abram Weaver, Robert Merchant, John W. Ellis, John Bonta, G. W. Lester, M. D. Ham, James Philpot, William T. Johnson, Joseph Carter, Albert M. Hathaway, S. Starr, and

John Denison, who being duly elected, tried and sworn to try the issue joined, on their oaths do say, we, the jury, find the defendant William Hendricks guilty, and assess the plaintiff's damages at one cent, and that the said defendant, Thomas Kelly, go hence without day." This, the first term of the District Court was held in a new cabin near Dr. Barrons Hotel, and was the second house built upon the town quarter. The room was 12 by 16 feet. The jury retired to consult of their verdict to the hazel brush in a low ravine about fifty yards from the court room, and sat upon the trunk of a fallen tree, near a pool of water which they mixed with the whisky used during the time of their consultation. There being but two houses in town, and the court about to sit, many of the *settlers* were perplexed and sorely puzzled, for the hotel would be overrun with custom, and the other house would be occupied as a court room, and how could a court be held without a grocery! But the inventive genius or natural instinct of Hardin D. Paris suggested the idea of erecting a temporary shed against the side of Dr. Barron's Hotel, and upon a block of wood, behind a split puncheon for a counter, stood a barrel of whisky, which he had "the privilege of retailing in less quantities than one gallon" to the settlers. And notwithstanding the court remained in session but one day, most of those who came to court remained several days after the court had gone, amusing themselves by wrestling, running foot and horse races, swapping horses, &c., &c.

A strip of country about seven miles in width, extending along the southern boundry of our county, was embraced in, and formed a part of the territory which the State of Missouri claimed as being embraced within the boundary defined by her constitution, and over which the authorities of that State endeavored to exercise jurisdiction. This strip of country was, and still is termed by the old settlers, the *Dispute*. The Sheriffs, Constables, and other officers of the territory of Iowa, and those of the State of Missouri not unfrequently came in collision in the exercise of their several functions pertaining to their respective offices, while on the "Dispute." But, as a general thing, nothing of a serious character resulted from

such conflicts within the borders of our county. Two or three cases, however, we have thought might be interesting, and will, therefore, make a note of them. Aside from these, the excitement among the *squatters* on the "Dispute" at the appearance of the tax gatherer (whose custom it was to pay them annual visits for the first two or three years,) make up our share of the "famous Missouri war," which raged to no mean extent along the border, between the citizens of our sister county of Van Buren and the militia of the State of Missouri.

SHERIFFS IN TROUBLE.

One case of some magnitude in which a deputy Sheriff of Schuyler county Missouri, residing on the "Dispute," was sentenced to the Penitentiary, was commenced on the 9th of March, 1845, by the filing of an affidavit by Paschal Smith, "that on the 9th day of March, 1845, three certain persons whose names are unknown to the deponent, did falsely imprison one Frederick Atchison, by unlawfully violating the personal liberty of the aforesaid Atchison," &c. This affidavit was filed before L. C. Evans, an Iowa Justice of the Peace, residing on the "Dispute," who issued a warrant "in the name of the U. S." which was duly served by the Sheriff of Davis County, as we learn from the docket of the justice, "by bringing into Court Preston Mullinix, Wm. P. Linder and R. B. Cochran." Upon the investigation of the case before the justice Mr. Linder and Mr. Cochran "were discharged," and Mr. Mullinix "held to bail in the sum of five hundred dollars for his appearance at the next term of the District Court to be held at Bloomfield, commencing April 14th, 1845." Mr. Mullinix gave bail for his appearance, with Linder and Cochran as his sureties. At the April term of said Court, the said Preston Mullinix and William P. Linder were indicated by the grand jury. The indictment was drawn and signed by "L. D. Stockton, District Prosecutor for the 1st Judicial District, I. T.," and endorsed "A true bill, A. Weaver, foreman." This indictment contained seven counts, the first of which read, "That Preston Mullinix and William P. Linder, at the county of Davis, on the 9th day of March, 1845, with force and arms did

unlawfully violate the personal liberty, of Frederick Atchison, by confining and detaining the said Atchison without any legal authority so to do; against the peace and dignity of the United States, and contrary to the statute of said territory, in such case made and provided." On the 16th of the month the defendants were arraigned upon the indictment before the court, and plead "Not Guilty." Said Linder "desired the Court to assign him counsel, whereupon the Court appointed Geo. G. Wright and Samuel W. Summers, Esqrs, as defendants counsel in this case." He was then put upon trial by a jury of twelve men, who made and returned the following verdict, to-wit: We the jury, find the defendant William P. Linder, guilty on the first count of said indictment, and not guilty on the other counts of said indictments." The said Linder having nothing to say why the sentence of the Court should not be pronounced, according to law, "It is considered by the Court that the said William P. Linder, be fined the sum of twenty five dollars and that he be imprisoned in the penitentiary of this territory at hard labor for and during the space of ten days, and that he pay the cost of this prosecution." During the trial of this cause, the following bills of exceptions were taken, to-wit: "——that on the trial of this cause, the defendant by his counsel moved the Court to exclude a juror who answered that he had formed and expressed an opinion, as to which was the true line between the Territory of Iowa and the State of Missouri—(it being understood that the alledged offense with which said defendant stands charged, was committed between what is known as Brown's line and Sulivan's, or on the disputed tract;) that said court decided that this was not sufficient cause, to which said decision said defendant excepts, and prays this, his bill of exceptions may be signed and sealed and made a part of the record, which is accordingly done. Charles Mason, [sealed] Judge." "——that on the trial of this cause, the said defendant by his attorney moved the Court to instruct the jury "that if said Atchison was seized and taken by said defendant, the said defendant having legal authority, south of what is known as *Brown's Line*, they are to acquit," which the Court refused to give, in which decision the said defendant says there is error, and

excepts to the same, and prays that this, his bill of exceptions may be signed and sealed, and made a part of the record which is accordingly done. April 17, '45, Charles Mason, [seal.] Judge." As soon as the sentence of the Court was pronounced, a messenger was dispatched to the Governor of the territory, praying that Linder be pardoned. The prayer of the petition was granted by the Governor, and the Missouri official was set at liberty. The case of Preston Mullinix, was continued from time to time, until the boundary line was established by a decision of the Supreme Court of the United States, when the defendant was discharged.

TWO SHERIFFS IN TROUBLE.

Another case in which both Missouri and an Iowa Sheriff were indicted, began to appear in the Courts of Iowa and Missouri, in September, 1845. About the beginning of this year, the militia of the beligerant powers had retired from the field of their operations, all covered with military glory, leaving the "Dispute" in hands and under the control of civil authority. In those days a great many *rigs* were played off on the people in this meridian, and it so happened that one Jonathan Riggs was Sheriff of Schuyler county, Missouri, and one Samuel Riggs was Sheriff of Davis county, Iowa. Both Jonathan and Samuel resided on the "Dispute," and in the exercise of the duties imposed upon Jonathan by the laws of Missouri, as sheriff, which office had been bestowed upon him by the sufferages of a free people, he seized upon the property of some *squatter*, to satisfy an execution issued from some court in that State. This not being entirely to the liking of pioneers a writ was issued from an Iowa court, placed in the hands of Samuel who forthwith arrested Jonathan. He was found guilty of "exercising the office of sheriff without lawful authority;" and held to bail for his appearance at the District Court of our County. Although abundantly able to do so, he refused to give bail for his appearance, and was therefore taken to the smithshop of Joel C. Wheeler, and placed in irons, and thence conveyed by Samuel and his deputies to the jail of Van Buren county. Here he remained twenty days and twenty nights,

and was then released on bail for his appearance. Having returned to his home and family on the "Dispute," his friends procured a warrant from the Circuit Court of Schuyler county Missouri, against Samuel, which Jonathan proceeded to execute without delay, by arresting and carrying Samuel to the county seat of Schuyler. Not admiring the inside of the Missouri jail, Samuel entered into bonds for his appearance when the court should sit, and returned home. Being now even on the score of arresting Sheriffs, in imitation perhaps of *Jonathan and David of old*, our Jonathan and Samuel agreed to prosecute each other no farther, unless compelled so to do by the laws of the respective powers they had the honor of representing—on the "Dispute." But on the 22nd day of September, the District Court of Davis county met, and "the Grand Jurors for the Territory of Iowa, duly empaneled and sworn to enquire in and for the body of said county of Davis," proceeded upon their oaths to present "that Jonathan Riggs of said county did, on the 5th day of May, 1845, within the limits of said territory of Iowa, then and there accept of the office of Sheriff of the county of Schuyler, in the State of Missouri, from the authority of said State, against the peace and dignity of the United States," &c. This indictment contains three other counts, and is signed by "William Thompson, Dist. pros. *pro tem.*," and indorsed, "A true bill, Andrew Leech, foreman." About the same time, Samuel Riggs was indicted by the grand jury of Schuyler county, Missouri, for a similar offense, committed against the peace and dignity of that State. By consent of parties, both cases were continued from time to time, until the boundary line was determined, when the indictments were *nolle prossed*. Soon after the cases were stricken from the dockets of the courts. Jonathan applied to the Legislature of Missouri and that body voted him two hundred dollars for his troubles and *trials*, and the Legislature of our own State enacted a law paying Samuel for his "time and expenses, for defending himself for any and all prosecutions against him by the authorities of Missouri, for exercising his office on the disputed territory." Thus ended this matter, and since then we have heard of no such *rigs* being played off in our county.

[To be continued.]

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