

The U.S. Marshal on Iowa's Frontier

by

Philip D. Jordan

Shots shattered the early morning stillness and ripped through the body of a Deputy United States Marshal. He died, as have scores of federal marshals, in a blaze of bullets and in a manner reminiscent of typical frontier gunfights. Yet Deputy Dick McKinney's life was not snuffed out in a Texas saloon shoot-out nor was he ambushed in a gulch in the wild Indian Territory of the southwest a century ago. He was slain near a dark alley in Cedar Rapids, Iowa, on July 20, 1972.

United States Marshals and their deputies, ever since Iowa was a part of the Territory of Wisconsin, have enforced in one fashion or another federal statutes.

This article is based primarily upon Letters of Application and Recommendation during the presidential administrations of the chronological period discussed; on Letters Sent by the Department of Justice: Instructions to United States Attorneys and Marshals for the same period. Both collections are held in the National Archives and Records Service, Washington, D. C. Published annual reports of the Attorney General of the United States were indispensable, as were annual reports of the Department of Justice. Fourteen Iowa newspapers, ranging from 1837 until 1900, provided local details. Finally, much material was drawn from the author's crime catalogue and index, comprising eighteen file drawers. All this, of course, was supplemented by the United States *Statutes-at-Large*, Iowa Codes, decisions of District Courts, and articles in legal journals.

During the 1970's, they arrested a young man charged with the illegal importation of hashish from Africa into the United States. They seized a fully loaded automatic pistol from a prisoner being escorted into the United States District Court in Des Moines, and they took into custody in Des Moines members of a group of citizen band radio operators indicted by a grand jury and charged with violating fourteen regulations of the Federal Communications Commission. Marshals transferred, on order of the United States Bureau of Prisons, federal prisoners housed in Iowa's Polk County Jail to the Story County Jail in Nevada. In Pella they arrested a veterinarian charged with failure to keep proper records of drugs. They seized in Des Moines about a thousand bottles of silver polish alleged to contain soluble cyanide.

All this sounds exciting enough, for the public, accustomed to television portrayal of the United States Marshal and his deputies, expects dramatic episodes in which federal officers, grim-faced, hard-riding, pistol-packing men, wager lives dedicated to law and order against the nefarious and deadly actions of those who live outside the law. Although Americans expect lawmen to triumph, they sometimes secretly admire boldness and ruthlessness of rascals clever enough to pass the counterfeiter's long-green, sly enough to outwit Wells Fargo agents, and devious enough to make and sell illegal whiskey without being caught.

The United States Marshal, like the

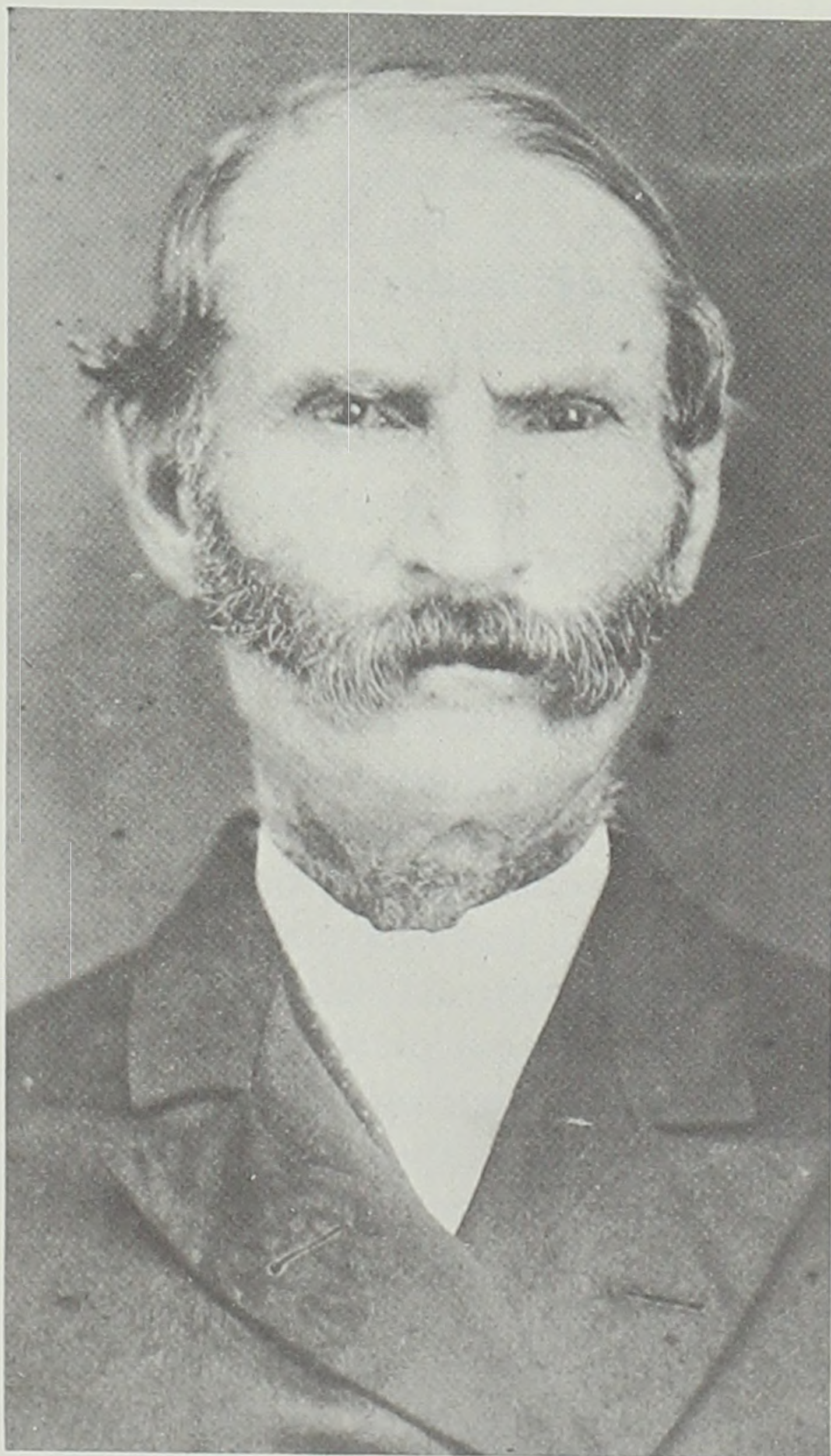
Texas Ranger and the Royal Canadian Mountie, is, in the public mind, a hero of gigantic proportions. The star he wears is never blemished, the horse he rides never tires, the Colt in his hand always barks and invariably sends its slug straight between the eyes. In short, the peace officer is confused with the law he symbolizes; the spectacular pursuits and arrests conceal the fact that no matter how colorful the crime the nub of the matter is that the marshal is serving process; and the daily duties of marshals and deputies are based not upon whim, but upon clearly defined authority and equally specific restrictions.

When Iowa marshals arrested a Pella veterinarian, transferred federal prisoners from one jail to another, and seized a quantity of silver polish, they were, in essence, performing as did Hawk-Eye marshals a century and more ago. The type of offense had changed, but the legal procedure remained much the same. The marshals, cooperating with federal courts, federal attorneys, and federal commissioners, were acting in accordance with instructions. Their duty, then as now, was the enforcement of federal statutes.

This narrative covers the period from 1838, when Iowa became a territory, until 1890, when the frontier officially was closed, a period during which some seventeen individuals received presidential appointments as marshal. The number of regular and special deputies appointed by them is impossible to determine. Of the appointees, seven were removed either

for cause or through changes in national politics, and four resigned. This is neither surprising nor startling, for Iowa inherited a system almost as old as the nation itself. The Judiciary Act of 1789 created the office of United States District Marshal and prescribed its duties.

Originally, each marshal was charged with only two specific duties. He must at-

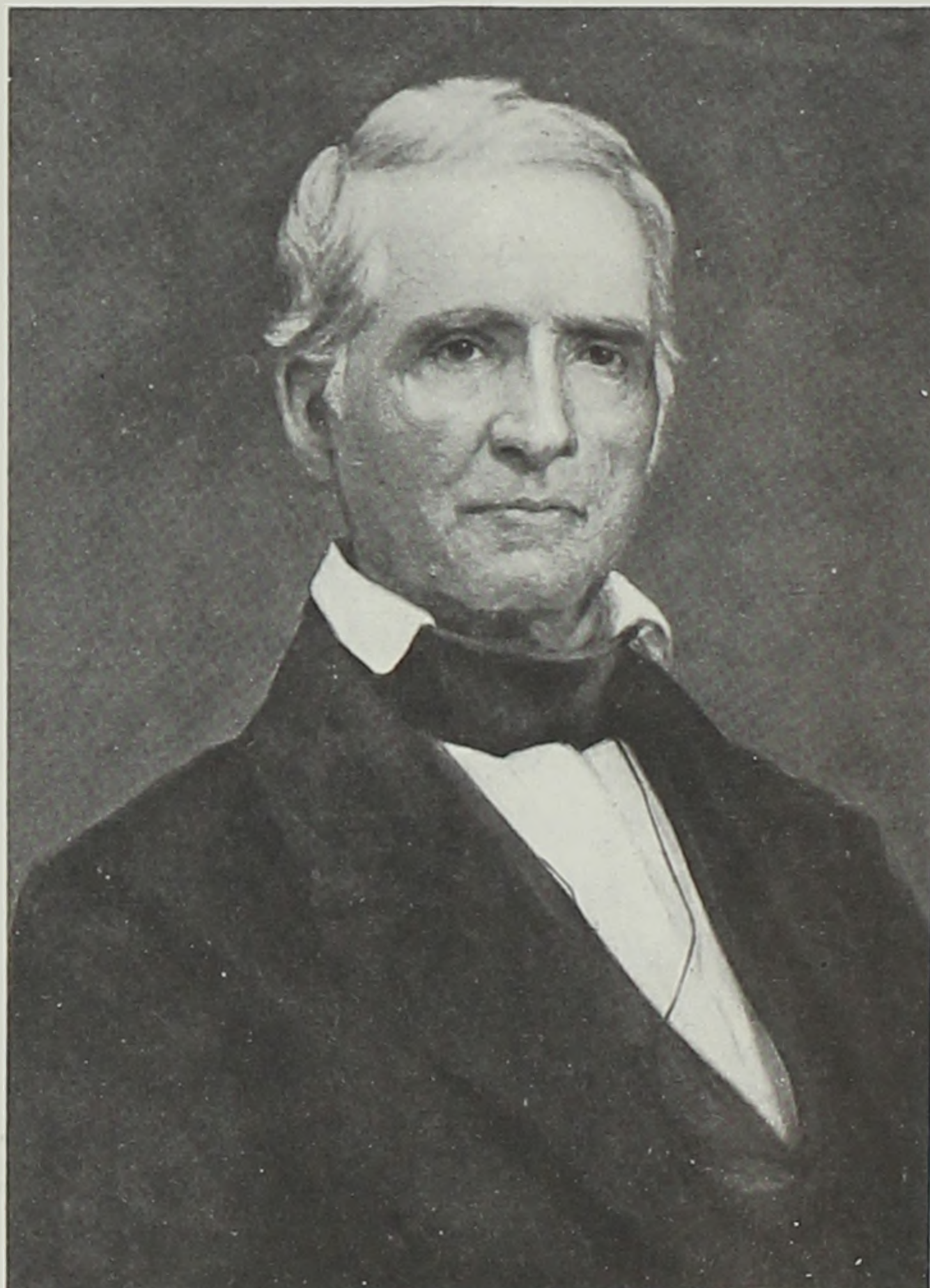


Courtesy of Iowa Department of History and Archives.

Gideon S. Bailey, Iowa's first marshal after statehood.

tend sittings of district and circuit courts and also sessions of the United States Supreme Court when sitting in a marshal's district. He was to exercise in his district all lawful precepts directed to him under the authority of the United States. He was permitted, when occasion warranted, to draw upon all necessary assistance. This meant, in the common law tradition, he could raise and direct a posse. The marshal could appoint deputies. A performance bond was required of the marshal, and both he and his deputies were obligated to take an oath that they would faithfully and honestly execute their duties and upheld federal laws. Marshals were appointed by the President and confirmed by the Senate.

Unfortunately, in Iowa and elsewhere presidential appointment soon resulted in the naming to office of individuals whose only qualifications were that they were loyal party henchmen, had served their country valiantly in time of war, were relatives of congressmen or senators, or possessed business or professional influence. Farmers, tradesmen, and struggling lawyers, believing a marshalship would bulge a lean purse, prayed, pleaded, and petitioned for appointment. A marshal's income was based upon an established fee system. He, for example, received a fixed amount for attending court, for serving warrants and summons, and for transporting prisoners. Fees in many instances fell short of expectation, and government accounting of money received and spent proved a constant irritation, not only be-



Governor Henry Dodge.

cause officers were unable to cope with the mechanics of government bookkeeping but also because too many viewed a marshalship as only an office which permitted them to root ruthlessly in an always full pork barrel. Not until 1896 were marshals placed on salaries.

As the nation expanded, so did a marshal's duties. When Iowa was a part of the Territory of Wisconsin, marshals were taking the federal census, hiring jails in which to house federal prisoners, and serving as fiscal agents of federal courts. In the latter capacity they purchased candles, fuel, furniture, and flags. They paid fees

earned by jurors and witnesses and the salary of clerks of court. Their police power was considerably enlarged from former years for in 1792 they had been granted the same authority in executing the laws of the United States in their districts as were sheriffs in their counties.

Captain Francis Gehon, territorial marshal of Wisconsin and the first federal marshal of the Territory of Iowa, was an almost perfect example of a misfit who epitomized the weakness of political appointment, the inability to keep proper accounts, and the callousness of self-interest. Originally from Peru, Du Buque County, Wisconsin, Gehon was highly recommended both by George W. Jones, territorial delegate, and by Governor Henry Dodge. He was endorsed as a respectable man who had actively defended his country in the war of 1832 against Black Hawk. Jones, who also served in the Black Hawk campaign and who knew Gehon well, believed Gehon had managed the marshal's office in Wisconsin so well that he was "entitled" to appointment in Iowa. President Van Buren agreed and appointed him on June 26, 1838.

Four months later, Jones, enough of a lawyer and a wise enough Democrat to know on which side his political bread was buttered, wrote Levi Woodbury, Secretary of the Treasury, a letter which was both self-defensive and apologetic. He said he and Dodge had requested and received a large sum of money for Gehon's use in his official capacity. He suggested the propriety of requiring Gehon to make

an immediate settlement of all his accounts. Gehon, continued Jones, not only had failed to make payments to witnesses and jurors, as required by law but also had given his due bills for their services in attending courts. "He had been in the habit," said Jones, "of selling the Gold which he had rec'd from the Govt. for depreciated bank notes and then offers these depreciated notes to Jurors, etc."

Governor Dodge was no novice in law-enforcement activities. Neither was he naive in his understanding of the duties of marshals. He, as a young man, filled the office of sheriff of the St. Genevieve District in Missouri for sixteen years. President Madison in 1813 appointed him United States Marshal for the Territory of Missouri. With this background it is difficult to understand why Dodge supported Gehon as long as he did. A plausible explanation is that the Governor permitted Jones and W. W. Chapman, territorial delegates, to garrote Gehon politically with his silent blessing.

Indeed, after a Grand Jury in November 1840 reported it had found Gehon owed the Treasury Department \$3996.40 on the settlement of his accounts for the previous September, it was difficult and inexpedient for anyone to defend him. When the same jury which had reported so unfavorably upon Gehon sought payment for their jury service from the marshal, as was proper, the constable who sought to deliver the jurors' fee schedule to Gehon was unable to do so. He endorsed the document and returned it to

the court with this notation: "I certify that I carried this letter to the house of the U.S. Marshal of this territory and was informed by Mrs. Gehon (the wife of Genl. Gehon) that the Marshal was absent from town." The upstart jurors were obligated to wait for wages.

Such revenge, temporary as it was, only kindled the fire that eventually consumed Gehon. He sought on December 27, 1840 and again on February 26, 1841, to cool antagonism and regain favor by writing John Forsyth, Secretary of State, and William H. Harrison, President-elect. He told Forsyth that not only were his accounts in order but also that the government owed him some twenty-four hundred dollars. Speaking of the Grand Jury action, Gehon explained that he had planned to be in Du Buque in time to attend the sessions, but was prevented by the sudden fall of water in the Mississippi. Even if he had reached home when the Grand Jury met, he went on, nothing would have prevented complaint because jury members were composed of "my personal and political enemies." He intended to pay the jurors promptly. He maintained he always had acted in good faith toward the government and its creditors.

After introducing himself to Harrison as the United States Marshal of the Territory of Iowa and informing him that the office had been more of an expense than a profit, Gehon said his commission expired in July 1842. "Truth and candor," he went on, "requires me to say that I have always belonged to that party which opposed your election to that exalted station you are now about to occupy." Nevertheless and despite false and slanderous charges brought against him, he hoped

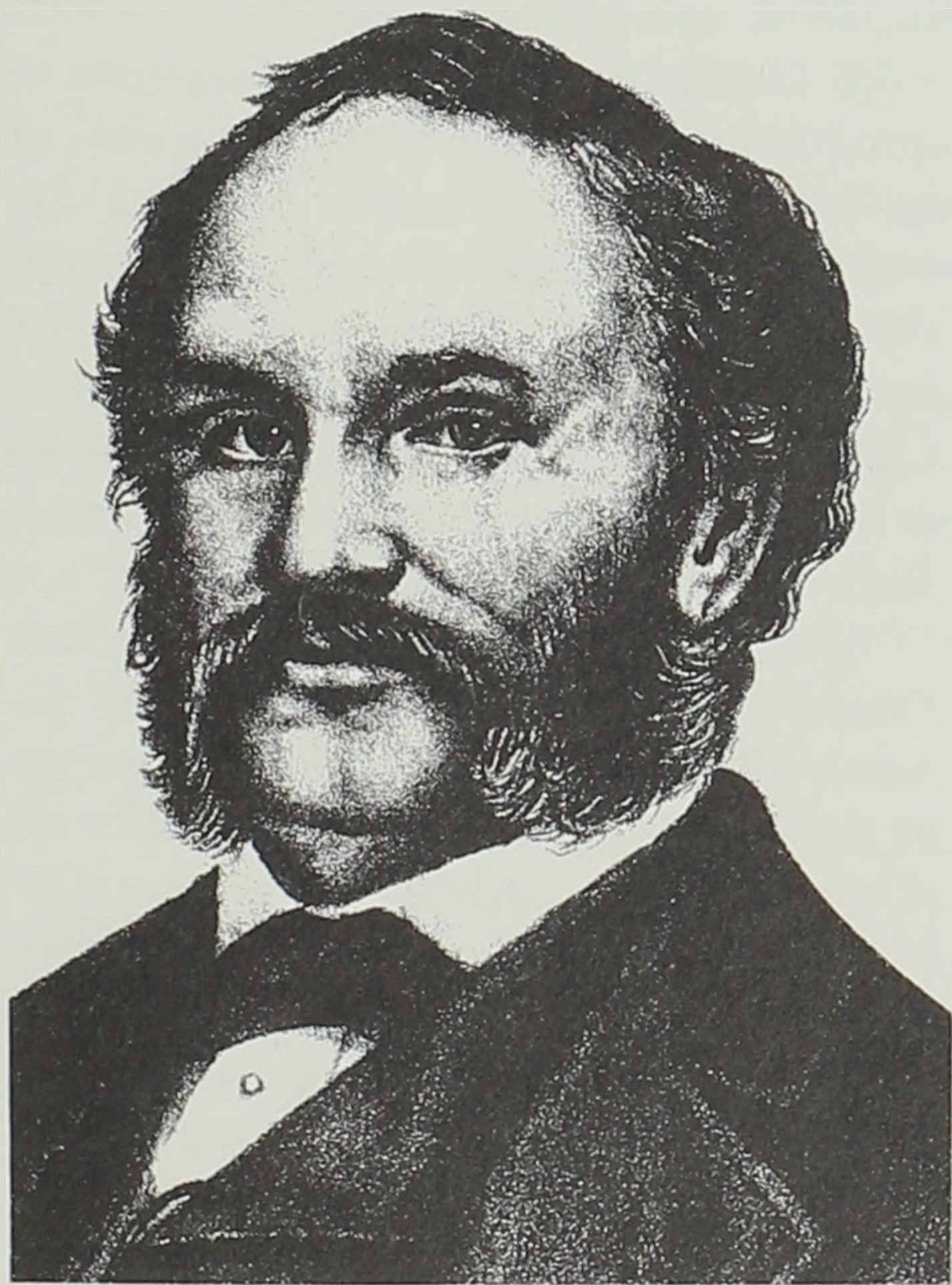
Harrison would permit him to retain the office.

Gehon, of course, made only passing reference in his letter to Forsyth of the role he played—or did not play—in the border dispute in 1839 between Iowa and Missouri. Although urged to intervene by Governor Lucas and the two justices of the Supreme Court of Iowa, Charles Mason and Joseph Williams, Gehon's assistance was slight, although he swore he spent money out of his own pocket in the attempt.

All this was of little avail, for Marshal Gehon himself wove and set the snare which trapped him. He was replaced by Thomas B. Johnson, whose commission was dated March 25, 1841. One incompetent was substituted for another. Johnson, said a petition signed by numerous residents of Bloomington, was a family man, enjoyed the confidence of the people, was of good morals and sober habits, and was possessed to a "handsome" degree of the qualifications of marshal. Originally from Indianapolis, Indiana, Johnson received the unqualified recommendation of friends there. Albert M. Lea, an Iowan and United States Commissioner to aid in determining the southern boundary of the state, was more perceptive.

Lea, in December 1841, wrote Daniel Webster that Johnson's private character was "bad, very bad, and he is intellectually incompetent to perform his duties." Previously Burlington citizens had signed a petition saying almost the same thing. J. H. Clay Mudd also warned Webster. Stephen Whicher, United States Attorney for Iowa, declared that Johnson was peculiarly irresponsible and that morally and politically he had nothing to lose.

That was not all. Whicher wrote President Tyler that the marshal was marked by blackleg habits, the lowest vulgarity, and a foul mouth. Mudd, a close observer of the Iowa scene, not only endorsed Whicher's characterization but also stated flatly that Johnson was a defaulter and "does not pay off the jurors although he had drawn the money from the Treasury for that purpose." The signers of Johnson's bond met in Bloomington in Decem-



Senator James W. Grimes.

ber 1842, and requested the Secretary of the Treasury to withhold further monies from the marshal. They urged Johnson's removal and the appointment of Isaac Leffler.

Leffler, a native Virginian, wielded considerable influence. He knew his way around Washington and, as a congress-

man from 1827 to 1829, kept his political fences in good repair. He was recommended for a judgeship in 1836 for the Territory of Wisconsin and served as chief justice of the first judicial tribunal of Des Moines County. A staunch Whig, he was a hard-working member of the first Iowa territorial legislature. Leffler had scant difficulty in securing the marshalship. He was appointed on March 25, 1843. Yet with all his political acumen, he was removed on January 16, 1844. Like his predecessors, Leffler apparently used the marshalship for personal gain and found difficulty in keeping straight his accounts. Although he prospered as an attorney in Burlington, his political future was less successful. President Fillmore named him receiver of public moneys for the Chariton land district of Iowa in 1852, but less than a year later President Pierce removed him.

With Leffler's removal Iowa Democrats, anxious to avoid further embarrassment, urged in the strongest possible terms the appointment of Gideon S. Bailey. A staunch party man, a defender of Governor Robert Lucas, and a friend of Augustus Caesar Dodge, Bailey was an ideal candidate. Furthermore, he fairly itched with desire. Originally appointed marshal on July 3, 1845, he conducted the office with such prudence and efficiency that little adverse criticism resulted. Indeed, he was reappointed, serving until 1850. Thomas H. Benton, Jr., wrote President Polk from Iowa City that Bailey had discharged his duties with honor.

Bailey, in a long, tightly-written letter, told Polk that he not only desired reappointment for its own sake but also that there was another—a primary—reason why

he wished to retain the office. "There are," he said, "between nine and ten thousand dollars yet to disburse under the Territorial form of Government. I can disburse it more to the advantage of the people and Government (because familiar with the state and condition of business) than any one else and could make it to much advantage to myself." Then he added: "As to the prompt and satisfactory manner that I have performed the duties of the office I refer you to the Treasury Department. In Iowa I have never heard any complaint."

Whether marshals discharged their duties properly or improperly, their official lives were not easy. They were the slaves of many masters. In some instances, as when taking the census, they reported directly to the President. The Secretary of State might call upon them. In 1820, their supervisor was the Secretary of the Treasury, and in 1849, the Secretary of the Interior. Details concerning suits involving the Treasury Department were reported directly to the Solicitor of the Treasury. Definitive supervision was not settled until August 2, 1861, when the Attorney General was given control. These supervisory powers were reaffirmed by the Act of June 22, 1870, which created the Department of Justice.

Numerous marshals, reasonably honest and relatively competent, unwittingly hanged themselves in a noose of red tape and were buried under an avalanche of government paper. Others simply could not comprehend reams of complicated in-

structions sent them. Moreover, officials in Washington frequently were slow in replying to inquiries, and marshals could be equally sluggish in submitting promptly reports and financial accounts. Leffler, for example, wrote the Comptroller of the Treasury in October 1843, requesting instructions. His reply was dated January 24, 1844, some four months later.

All Leffler wanted to learn was how to handle judicial expenses—the costs of maintaining federal courts—in Iowa. He was told in clear enough language to send abstracts of all such expenditures to the Secretary of the Treasury. Then followed a paragraph so typically complicated and so representative of instructions sent marshals that it merits quoting in full.

"The abstracts which you may furnish should be so full, as to enable me to determine, whether the bills of cost, or expenses therein mentioned, are payable out of the Judicial appropriations—the revenue, or by the P[ost] O[ffice] Department: all bills for services rendered, or supplies furnished, should be not only examined and allowed by the Judge, but certified by the Clerk, according to Law; and, *probable cause of action*, in suits for the recovery of fines—penalties, or forfeitures, which fail—must be certified by the Judge—or, the Officer instituting the same must pay the costs &c: but, when fine or penalties are recovered; or, forfeitures decreed, the costs are chargeable *primarily* on their avails—and, only, in case these are insufficient, on the revenues, or judicial appropriation, as the case may be."

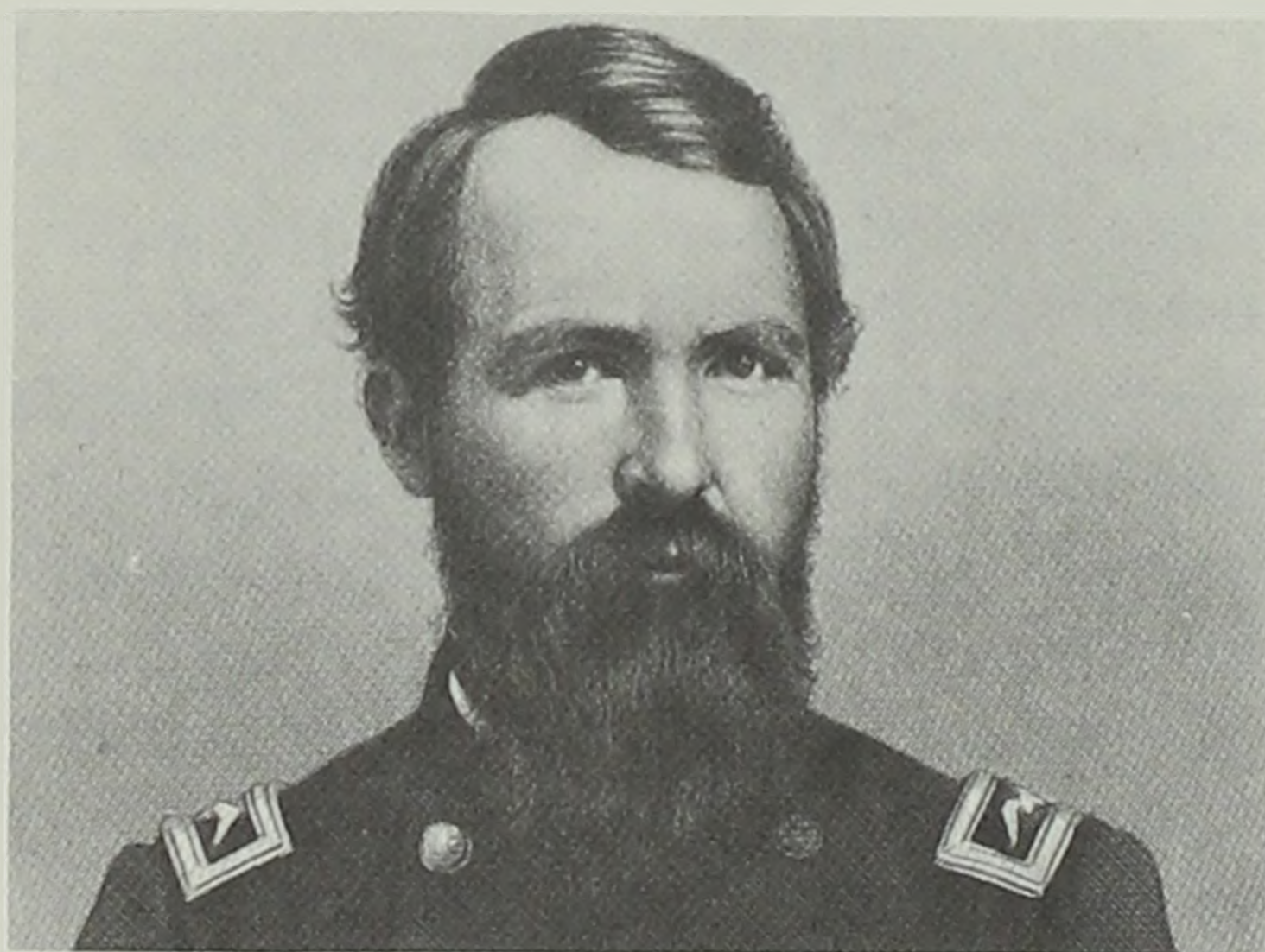
Even if such directions were clear to a nonlegal mind and even if a marshal were determined to follow them, he at times was unable to do so. Inclement weather, irregular mail service, no roads or impassable roads, the moving about of witnesses, the untidy bookkeeping of merchants from whom court supplies were purchased, the work load of clerks of court—all these and more frequently made prompt and proper return of abstracts difficult if not impossible. Marshals throughout the nation found themselves behind in their accounting to the government. Leffler, a year after his removal, echoed the sentiment of other marshals when he maintained that he was not in arrears. "I challenge," he said, "the whole government to show that I have credit for one dollar that has not been paid except fourteen to James Clarke, for which he holds my note."

Several Iowans served as marshal shortly before and during the Civil War, an important period for Iowa marshals. Laurel Summers, a Democrat and legislator in 1841, was well known and competent. He held office from April 1858 until May 1861. His removal was not for cause, but due to a national Republican victory. During the war years, a staunch, pro-Lincoln man, Herbert M. Hoxie, served faithfully and well. Governor Samuel J. Kirkwood, fearing Copperhead sentiments in southern Iowa, sent Hoxie to border counties to suggest plans for defense in event of invasion from Missouri. Largely

a psychological gesture, Hoxie's visit had the desired effect of cooling anti-war activity. He resigned the office and was succeeded on March 3, 1865 by Peter Melendy, an outstanding individual who long had served both community and state in a variety of business, cultural, and political activities.

Melendy, undoubtedly one of the distinguished, if not the most distinguished, of all early Iowa marshals, was born in 1823 in Cincinnati, Ohio. He came to the Hawk-Eye State in 1857 to settle in the primitive village of Cedar Falls. There, following his agricultural and business bent, Melendy threw himself into horticultural and literary pursuits, wrote for the Cedar Falls *Banner*, was editor of *Field and Garden*, supported county and state fairs, and served as trustee on the first board of the state agricultural college at Ames. He endorsed and supported not only the Cedar Falls and Minnesota Railroad but also the Iowa Central Railroad.

Not until the eve of the Civil War did Melendy assume an active role in politics. Then he swung full support behind the Republicans and Lincoln. After Hoxie left office, the Iowa congressional delegation and Asahel W. Hubbard, Iowa congressman, persuaded Lincoln to appoint Melendy. His commission was dated March 3, 1865. The record clearly indicates that he took his duties seriously and performed them efficiently. Yet, after Lincoln's assassination and the coming to office of President Johnson, Melendy was removed on purely political grounds. The dismis-



Courtesy of Iowa Department of History and Archives.

George W. Clark, the marshal who replaced Peter Melendy in 1867. He had risen to general's rank during the War.

sal smarted.

"Appointed U.S. Marshal by Lincoln for 4 years 3rd of March, 1865," Melendy wrote. "Was turned out by A Johnson 12th of October 1866 because I would not eat dirt or forsake my principles. Appointed for a second time by Grant March 1871 for 4 years." In 1879, he secured a low-paid position as quartermaster in the War Department.

One incident involving an Iowan and an out-of-state marshal casts light on the power and function of the office. Perhaps no low-level squabble, during the Civil War, irritated Iowans more than did a confrontation between Senator James W. Grimes, credited with bringing Iowa into the Republican fold, and Ward Hill Lamson, close friend and former law partner of Lincoln's. The President appointed Lamson marshal of the District of Washington in April 1861. Among Lamson's official duties was jurisdiction over the

Washington Jail, a place which Grimes said compared with the French Bastille and the dungeons of Venice. The Senator was in a position to know, for he, as Chairman of the District of Columbia, inspected it. Lamson countered by refusing further inspections. Thereupon, Grimes attempted to appeal directly to the President.

When, said Grimes, he attempted to "approach the fool of power at the other end of the avenue," servants declined to announce him. Furious at what he believed to be the high-handed action of a United States Marshal and angered at what he believed to be a deliberate snub on Lincoln's part, Grimes made the issue public. He spoke of the matter, he wrote, "not because I suppose the influence of this marshal extends so far as to exclude me from the Executive mansion, as well as from the jail, but as a reason why I state publicly here what I intended to state privately there." Lincoln did nothing. As a result, Congress in 1864 transferred all the power over the jail from the marshal to a warden.

This episode, slight as it was and lost as it has been in the welter of greater problems during Lincoln's presidency, nevertheless points up the fact that federal marshals could, if they wished, exercise tremendous influence. Indeed, it throws peripheral light upon the Iowa scene, where some marshals and their deputies believed their star shone brighter than the statutes. Throughout the nation, the Department of Justice was cautioning



Civil War marshal, Herbert M. Hoxie.

United States attorneys and commissioners to watch closely not only marshals' accounts but also their actions. Auditors became more vigilant, and complaints by the military and by citizens were thoroughly investigated.

By the turn of the century Iowa marshals were no longer serving process and hunting down wanted men as they did in pioneer days of early statehood. Earlier, for example, they attempted to prohibit lumbermen from depredations of trespass on public lands on the Upper Iowa and Cedar rivers. Then they transported in chains alleged mail robbers. Then they sold prairie and timber land to satisfy writs of execution. In those early days Deputies D. Sheward and N. Park Woods took the census for Des Moines County, and others performed the same chore throughout the state. During the Civil War, W. H. F. Gurley, United States Attorney for Iowa, advised marshals how to seize rebel property within the area. Twentieth-century marshals were no longer expected to apprehend editors of "treasonable" newspapers as had Hoxie in 1862 when he arrested D. A. Mahoney of the *Dubuque Herald*. A few days later, Hoxie hired in Burlington a special locomotive to make a flying trip to Fairfield, where he arrested David Sheward, editor of the *Constitution and the Union*.

Yet, then as now, duties were arduous and dangers ever present. Hoxie, imbued with the prevalent idea that war veterans should be rewarded with employment, appointed two ex-cavalrymen, J. M. Woodruff and J. L. Bashore, deputies. Woodruff came from Knoxville and Bashore lived in Centerville. On October 1, 1864, the deputies, mounted and properly armed,

rode into Sugar Creek Township, Poweshiek County, to round up draft evaders whom local patriots believed to be Copperheads. A gun battle followed in which both deputies were killed. Both Josiah B. Grinnell, clergyman and congressman, and Governor William M. Stone offered rewards for the arrest and delivery of John and Joseph Fleener, slayers of the deputies.

Some duties, despite occasional bloody episodes, changed little through the years and patterned a marshal's life with never-ending sameness. The distilling and selling of illegal liquor, the theft of horses, and the making of bogus money were crimes which cut heavily into law officers' time. Bootleggers busied themselves not only in caves along the Mississippi River but also in cleverly concealed hideaways in ravines and gullies in the interior. A pitchfork biting into a straw pile might strike not fodder but a keg of corn. Marshal George W. Clark, who served from 1867 until 1871, had been in office less than four months when he and a deputy raided an illegal distillery in Des Moines County. They seized a hundred bushels of rye, fifty bushels of corn, a steam boiler, two yeast tubs, a scale, a mash tub, and three barrels of distilled spirits. Frequently, county sheriffs or local marshals picked up and held for federal marshals sellers of illegal whiskey. Jack Sullivan, for example, a retail liquor dealer of Wapello County in 1879, was charged with violation of United States revenue laws. Time and again, marshals throughout the state sold at public auction high wines to satisfy district court decrees.

Horse theft, like pioneers, preachers, poachers, and promoters, followed the

frontier to Iowa. The crime was the pioneer's scourge. Iowa territorial marshals frequently complained of gangs which ran off horses. With an increase of population, horse theft increased. Davenport's *Iowa Sun and Rock Island News*, beginning September 4, 1839, ran a standing reward for the apprehension of a renegade who took a bright, sorrel mare from its owner in Scott County. "There was a time in this state," reported the Dubuque *Miners' Daily Express*, October 1, 1851, "when it was impossible for an honest man to keep a good horse." Other editors of river-town newspapers spoke consistently of the loss of horses. Both the Mexican and Civil wars not only increased the demand but also the price of horses. Government procurement agents cared little if the mounts they purchased were stolen. Federal marshals frequently worked closely with county sheriffs and local peace officers to curtail, if not stop, the thieving.

Anti-horse thief associations, vigilante committees, and posted signs reading "Watch Out for Horse Thieves" accomplished little. Melendy in 1866 set a trap near Cedar Falls and captured a gang of thieves. A decade later, Marshal John W. Chapman, who served from 1875 to 1879, was plagued by the bold activities of horse stealers, who after a theft boldly shipped stolen stock by river steamer or, with equal effrontery, drove them down public roads. Scores of letters to marshals from federal attorneys commented upon horse thieving.

Counterfeiting, like horse theft, came early into the state. Indeed, since colonial times, the making and passing of bogus money was a concern which legislatures sought by statutes to curtail and prevent.

When during the Jacksonian period the charter of the United States Bank expired and federal funds were deposited in state banks, counterfeiters found a golden opportunity. They duplicated paper money issued by hundreds of banks. Coins, as well as land warrants and military bounty papers, were illegally reproduced.

Iowa fell heir to all types of counterfeiting. Its marshals, not always sufficiently knowledgeable to distinguish between a genuine bill and a piece of fake long-green, frequently relied, as did bankers and merchants, upon a variety of counterfeit detectors. Published by several editors and appearing regularly, these pamphlets not only warned readers against fake bills in circulation but also illustrated their pages with drawings of both genuine and imitation paper. The editor of Muscatine's *Iowa Democratic Enquirer* spoke glowingly in October 1852 of the usefulness of *Dye's Bank Note Mirror*, a guide with a national circulation.

Nevertheless counterfeit manuals proved to be little help, since illegal activity continued throughout the state. In 1842, Iowa marshals apprehended in Montrose a slippery gentleman and charged him with circulating counterfeit ten-dollar bills. Bellevue, long considered by peace officers to be a breeding place where all manner of crime increased, was flooded in 1853 with notes of various denominations purportedly issued by the Chemung Bank, Elmira, New York. Five years later, to select another example almost at random, Marshal Laurel Summers, who held office from 1853 to 1861, arrested in Dubuque Newman S. Barber. A raid on his residence netted a complete set of dies, a kit of counterfeiting tools, and a quantity of



Bank note courtesy of Dean Oakes.

The five-dollar State Bank of Iowa note which was so successfully counterfeited around 1862. This example is genuine. The bogus notes were perfect, except for the reversal of the letter "a" in the lower left-hand corner in the legend "American Bank Note Company."

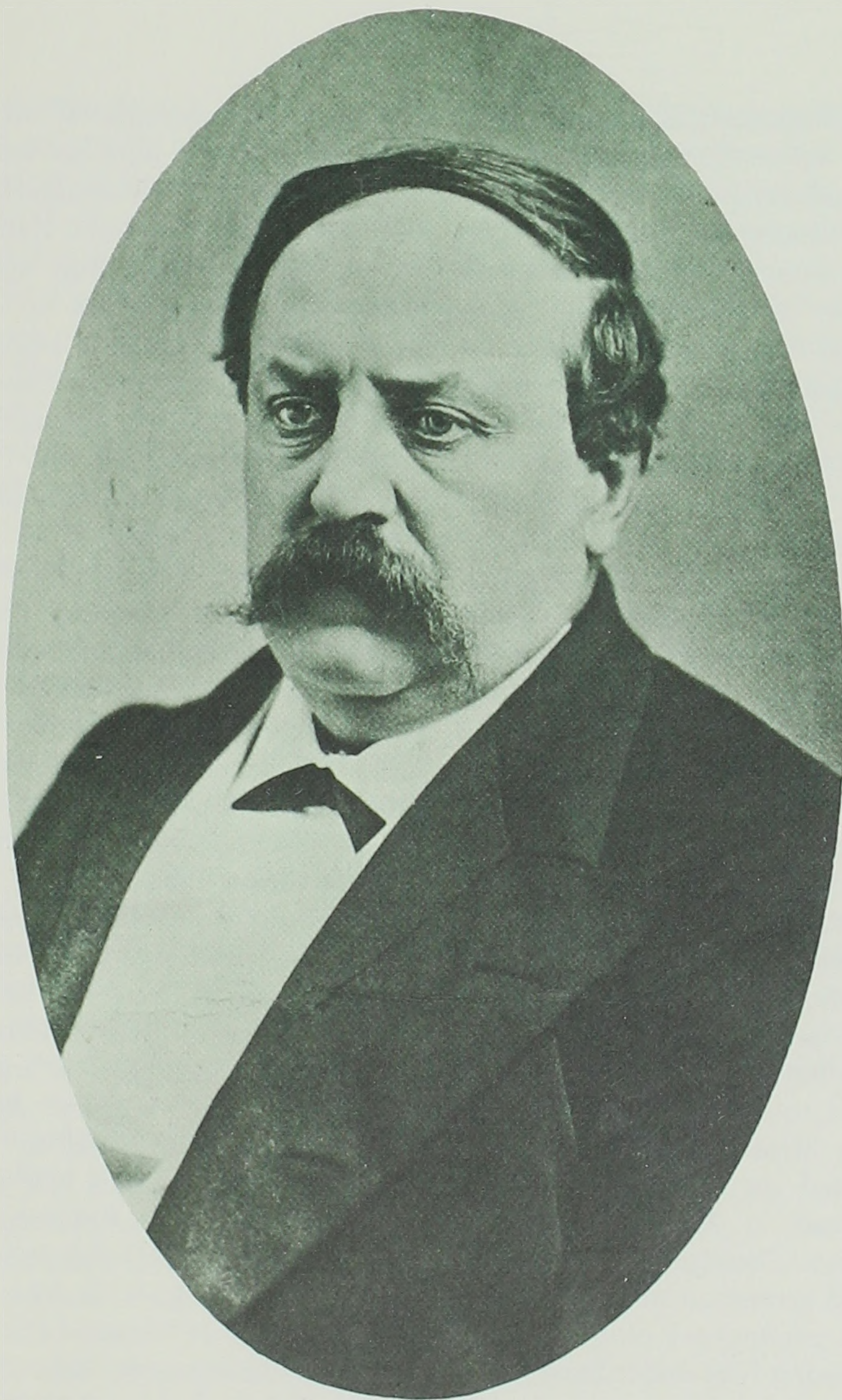
unfinished coins. At Maquoketa, a marshal's net caught an enterprising young man whose pockets were crowded with crudely made coins.

The Civil War proved a counterfeiting headache for federal marshals. Bad money flooded not only Iowa but also the nation. Chaotic banking transactions, fluctuations in the price of gold, huge military expenditures—all these and more provided golden opportunity for counterfeiters. Nearly one-third of all currency in circulation during the Civil War was counterfeited. Iowa merchants, bankers, and commission men were beside themselves. They turned for relief to sheriffs and federal marshals. Dozens of individuals were arrested and quantities of bogus bills were seized. In Burlington, for example, marshals worked long and hard in 1862 to discover who passed a number of fake five-dollar bills issued on the State Bank of Iowa. They were unsuccessful. Nevertheless, S. F. Phillips, acting attorney general, and

Benjamin H. Brewster, attorney general, continued to prod marshals into greater activity against counterfeiters. Marshals were authorized to employ special deputies, to investigate more diligently, to devote more time.

The close of the war, instead of diminishing counterfeiting, only increased it. Return of veterans, unemployment, and the Panic of 1873 combined with other factors to offer makers of spurious coin and paper greater opportunity for illegal gain. Iowa marshals, despite valiant, if not always persistent efforts, did the best they could.

During the 1870's, Colonel R. Root, a two-hundred-pound deputy, residing in Mt. Pleasant, arrested in Keokuk two alleged counterfeiters who had come up from Texas and Missouri to try their luck in the Gate City. He transported counterfeiters apprehended in Dubuque from there to the penitentiary in Fort Madison to await trial in the federal court at Keo-



Courtesy of Iowa Department of History and Archives.

Richard Root, "two-hundred-pound deputy," who helped break up a large counterfeiting ring in Keokuk.

kuk. Marshal Chapman and Deputy Root in 1878 broke up in Keokuk one of the largest counterfeiting operations ever known in the state. So many suspects, both men and women, were arrested and such a quantity of counterfeiting apparatus was seized in a house near the levee that Colonel E. M. Steadman, chief of the Secret Service district of Nebraska and Iowa, assisted federal marshals and local police. Major suspects eventually were sentenced to prison.

Yet, sensational as was the Keokuk round-up, the raid and subsequent trials and convictions scarcely dampened the enthusiasm of illegal coiners and printers. Early in 1879, Sheriff Tom Raisor, acting on a marshal's tip, arrested in Allerton, W. C. Watson, charging him with making counterfeit half dollars. Taken before a United States Commissioner, Watson was tried and convicted in a federal district court and sentenced to one year in the penitentiary. George Baker, also of Allerton, who was an ungrateful associate of Watson and who had "squealed" on him, was sentenced to six months. A Deputy United States Marshal with aid of local officers arrested on February 10, 1879, Sterling Stewart, a Kansan, who had moved to Iowa County. He was tried, convicted, and sentenced to a year in the Fort Madison penitentiary on a charge of passing counterfeit fifty-dollar bank notes.

Counterfeiting, however, was not without its dangers. When in September 1882 Deputy United States Marshal Burr Vermila tracked Richard Revell from Keokuk

to Monroe, he anticipated little trouble. In his pocket the deputy carried a warrant charging Revell with counterfeiting and violating the revenue laws. Each man was armed. Revell, when first apprehended offered no resistance, but no sooner had Vermila seated him in a buggy than he drew a pistol. Thereupon Marshal Vermila shot his prisoner through the heart.

To call the roll of all who "passed the queer" and to recite a litany of their successes and failures would be an endless task. Marshals found them operating from respectable boarding houses, from lodgings of ill repute, and from steamboat cabins. Many manufactured their inks. Some laboriously carved out engraving tools. Almost all cast their own molds for producing coins. Women not only circulated bills and coins but also aided in manufacturing them. Among the "heroines" of Iowa counterfeiting, each of whom was withdrawn from circulation by federal marshals, was the motherly appearing Jeannette Ritter of Ottumwa, who at age fifty specialized in trade dollars, half dollars, and quarters. Another was Amanda Fancy, arrested in Keokuk in 1878, for passing bogus half dollars. Acquitted then for lack of evidence, she soon was picked up, tried, and convicted. Still another was Dolores McFee, a spritely young beauty of twenty-two years, who rode steamboats in the role of a recently bereaved widow. Dolores was highly successful in persuading pursers to give her genuine money in exchange for counterfeits.

So rapid was Iowa's growth by the 1880's and so greatly did the crime rate increase that it no longer was possible for marshals to keep up with court-related activities and with criminal investigations. The District Court of Iowa, first established March 3, 1845, no longer could cope with the increased work load. On July 20, 1882, this single federal judicial was split into a northern and a southern district with a United States Marshal in charge of each district. Chapman continued as marshal of the southern district, and George C. Heberling was named marshal for the northern district. He, however, served less than a year, for his commission was only a temporary one. His successor, George C. Perkins, was suspended in 1885, and Perkins' successor, William M. Desmond, was removed in 1889. Edward Knott headed the northern district from 1898 until 1907, and George M. Christian the southern district from 1898 to 1902. Each was competent and neither was removed.

Christian and Knott carried federal law enforcement as marshals across the year 1890, which formally signaled the closing of the frontier, into the beginning of a period of modern enforcement. Those good, old days when one marshal upheld the courts and the law by himself were gone. The old times when marshals lived by fees alone had disappeared. Marshals no longer traveled only by horse, buggy, or steamboat, but went about their duties on trains and, in some instances, in automobiles. Even the names of early marshals

and their deputies were hard to come by. No frontier Iowa marshal was forged by time into a folk hero such as Wyatt Earp, who never was a hero anyway.

Marshals Christian and Knott each received an annual salary of four thousand dollars, a sum which would have shocked Gehon or Leffler. Each supervised a staff consisting of a chief office deputy, an office deputy or a clerk, and several field deputies. Each received from the United States expenses of travel and subsistence.

Yet, except perhaps for one change, Iowa's pioneer marshals might have felt somewhat at home at the turn of the century. Early marshals transported federal prisoners to prison in Fort Madison. This, during the tenure of Christian and Knott, no longer was possible. Federal prisoners in 1900 were taken to United States penitentiaries at Fort Leavenworth, Kansas, or Atlanta, Georgia, or perhaps to McNeil's Island, Washington. Otherwise the job had changed little—Iowa marshals were still, as they had been, servants of the court and upholders of federal statutes.