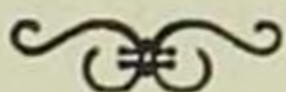


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Jones County Calf Case

A few years ago, as I climbed the worn and creaking stairway of the old courthouse at Anamosa (an ancient and antiquated structure that was soon to be abandoned for the new one that was almost completed) a reminiscing mood brought back memories of the thrilling and interesting litigation I had heard in the old courtroom while serving for eleven years in the office of the Clerk of the Court.

Of all the litigation I recalled, none was probably more famous in Iowa than the Jones County Calf Case. It was in the Anamosa courthouse that the indictment was found. It became celebrated in the annals of jurisprudence throughout Iowa and indeed much of the nation. And, although several generations have come and gone since its inception, one may still hear echoes of its reverberation in legal circles. It has been termed as one of the most famous cases of litigation ever known.

It is not strange that I should have an unusual

interest in the Jones County Calf Case, for I knew most of the parties who were engaged, some casually and others quite intimately, for they were my particular friends. From the lips of these intimate friends I learned much of this story. Furthermore, in Jones County where I lived, the Calf Case was for many years a common topic of conversation around the family board.

The duration of this famous case may be better visualized if I might be privileged to point out that it began in the year in which I was born — 1874. In the years in which I was growing up it went on and on. Finally, when I had grown to young manhood and had been elected by the people of Jones County to serve them as Clerk of the Court, it became my privilege to enter into the court records a transcribed judgment from the District Court of Black Hawk County bearing on the last decision of the Supreme Court of Iowa, the final decree, the closing chapter, and the last words ending the record of the Jones County Calf Case.

This case seems to me of peculiar interest because it is a story that is true, a story of real people, of real facts, and of real life. The setting of the Jones County Calf Case is distinctly Iowan. The scene was in the rural Walnut Grove Community in Rome Township in southwestern Jones County. The time was early in the month of June, 1874.

Now, to gain a better understanding as to how all of this could have happened, we must first consider the era in which it occurred. In 1874 Jones County was comparatively new; scarcely a generation having passed since the first pioneers began infiltrating into the region. Despite this fact, 19,168 inhabitants were counted on January 1, 1875, or approximately the same as were recorded in 1950. Fully 10,700 of these people were born outside of Iowa. Log cabin and frame schoolhouses still predominated; log cabin homes were still fairly common. One railroad (the North Western) had been built westward from Clinton to Council Bluffs, passing through near-by Mechanicsville in Cedar County. The Dubuque & Pacific (now the Illinois Central) had recently been built to Sioux City. All present-day tracks had been laid in Jones County. The telephone had not yet been invented, and communication of information and ideas was still relatively slow.

Travel, for most rural folks, was largely by horseback or lumber wagon. Roads were frequently mere trails along the ridges, through the forests, and over the prairies. Gravel roads were still unknown, and in the spring, or after heavy rains, wagons and horses mired deep in the mud.

Pioneer life still existed and the inhabitants underwent many hardships. In harmony with this environment, the minds of men were given much to the sober and serious problems of life. With-

out the modern facilities for dissemination of expression, folks individually discussed, studied, and thought out for themselves answers to all of the problems which confronted them. Quite naturally, therefore, they were fixed and set in their own opinions and beliefs and had a corresponding determination never to acknowledge defeat of the issue for which they contended. Such was the period, such were the conditions, such was the environment, and such were the characteristics of those who were involved when this story had its beginning.

Quite naturally the story I am about to tell you is woven largely around a man by the name of Robert Johnson, for he was one of the principal characters. Born in Delaware County, Ohio, in 1837, Johnson came to Iowa in 1858, where he soon acquired a 157-acre farm in Jones County. They called Bob Johnson, the hero of the Jones County Calf Case, and that is what he was. But as I try to portray him to you I should like also, in common justice and with deference to the facts, to place high along side of him another man, a man no less heroic — Bob Johnson's lawyer, the late Charles E. Wheeler of Cedar Rapids, a man who started in with Bob at the beginning, a man who stayed by him through all the years and when he had finished most generously told him that he owed him nothing.

A very common conception has prevailed

among many to the effect that this case involved only the paltry value of a few calves, but after we have given consideration to a relation of the real facts, we learn that nothing could be further from the truth.

Before I go into the story proper I want to say a few words about the men who were involved. They were all well-to-do farmers. They all lived in the southern part of Jones County in a neighborhood known as the Walnut Grove Community; that is, they all lived there except one man by the name of Potter, and I should like to have you mark the name of this man well — Potter — for he plays a most important part in the story which is to follow. Potter and Bob Johnson were old friends. They grew up together in the state of Ohio. They went to school together. They came west together and settled there in the Walnut Grove Community. Later Potter had moved on west, out into Greene County.

It was early in the month of June, 1874, that Potter came riding back to Jones County. He reached the Walnut Grove Community just as the shades of night were falling, and, as was quite natural, he sought the hospitable roof of his old friend, Bob Johnson. Bob received him with open arms. He was glad to see him, and that night, as they sat around the family hearth, they talked of many things. They reminisced of their boyhood days back in Ohio, of the friends they had left

behind, of their new friends and of the fast changes and of the comings and goings in the Walnut Grove Community. Finally Potter told Bob his mission, declaring: "I am going on down to Big Rock [in Scott County] to pick up some calves; and, Bob, if you can find any calves up here that are all right, you buy them for me and when I come back on my way home, I will take the calves that you have bought for me." Bob agreed, and bright and early the next morning, Potter left on his journey to Big Rock.

The next day Bob and his brother Newt went down to the little neighboring town of Olin. Bob was going to build a house and he went into Coppess & Derr's General Store to price some hardware. He did this, and as they talked about hardware and other things, Bob remembered his friend Potter's request. He accordingly told Coppess & Derr of Potter's visit at his home the previous night, of his trip to Big Rock, and of his desire to buy some calves. Neither Coppess nor Derr had any calves to sell and they knew of no one who wanted to dispose of their stock.

Whereupon a stranger who was sitting in the store came forward and said to Bob, "I have got four calves down here on the commons, down on the river bottom, that I would be glad to sell you." And Bob said, "All right. I have got to go down to Stanwood and price hardware, anyway, and that is on the road and we will go down and see your calves." And he said, "By the way, what is your

name?" and the stranger said, "My name is John Smith." He picked an unfortunate name. And he said, "I am Clem Lane's son-in-law."

And so Bob Johnson, his brother Newt, and the stranger, John Smith, left Coppess & Derr's store, got on their horses, and rode down to the Commons on the river bottom. They found a lot of cattle running loose on the commons, for it was in the days before wire fences, and everyone let their cattle run wild. They did not see the Smith calves, so they dismounted from their horses and started to search for them. Finally they found three, which Smith identified as his, but they could not find the fourth one, which Smith said was just as good as the other three.

"Well," Bob said, "You find him and bring them and put them up in the Hines pasture, and then come over to my house and I will pay you." . . . "Well, now," Smith says, "I will tell you Mr. Johnson; I would not sell you these calves as cheap as I have priced them to you if it was not for the fact that I have got to have some money tomorrow morning. I am sued." Bob said, "I haven't got money enough with me to pay you." His brother Newt, however, said that he had, and so Bob borrowed some money from Newt and put it with his money and paid Smith, and Bob and Newt went on to Stanwood.

Not long afterwards Bob got word from Potter that he was coming back from Big Rock with a herd of calves and, if Bob had any calves, to meet him at a point on the highway called Por-

ter's Hill, bringing the cattle with him. Bob promptly went down to the Hines pasture where a lot of cattle were grazing. He saw three calves which he recognized as those he had bought from Smith and with them a fourth which looked like the other three, so he took those four calves — dark colored calves, mind you — and drove them down to Porter's Hill.

When Bob reached Porter's Hill with his four dark colored calves, he found a man there by the name of Peter Onstott talking to Potter. Onstott had lost some calves and he was out looking for them. Peter Onstott, with one exception, testified in court for almost a quarter of a century, that before Bob Johnson got there with his four dark colored calves, he had noticed four light colored calves in Potter's herd and had said to Potter, "Where did you get those calves?" Onstott was told that Potter had bought them of a man near Big Rock. And so Bob delivered his four dark colored calves to Potter. Potter put them with his herd and paid Bob Johnson \$24.00 for them and then started on his way westward to Greene County.

A short time afterwards, John Foreman, a prominent farmer in the Walnut Grove Community, discovered that he had lost four calves. He searched everywhere but could not find them. After diligent inquiry, Foreman finally learned that Potter had visted the Walnut Grove Com-

munity a short time before and picked up some calves. He decided to go out to Greene County and see if by any chance they had gotten into Potter's herd. In Greene County he visited Potter's farm and immediately identified the four light colored calves as his own. He said to Potter: "Where did you get those calves?" Potter replied: "I bought them from Bob Johnson." Amazed at this reply, Foreman insisted that Potter return with him to Jones County and confront Bob Johnson with this statement.

It was at this point that a young Mechanicsville attorney, Charles E. Wheeler, entered the story. According to Wheeler:

Potter and Foreman came back from Greene County to see Bob Johnson, and Bob happened to be in Mechanicsville. I had then (in 1874) just exposed my professional sign to the weather in Mechanicsville and there was standing room in my office. None of the neighbors seemed to know what great opportunities they were missing in not coming to my office. But Bob Johnson, and Potter and Foreman did break into my office through the crowd, and this was what happened: Bob said: "Charley . . . John Foreman here lost four calves, and he has gone out to Greene County and found them in Potter's herd, and Potter says he got them of me. I got them of Clem Lane's son-in-law, named Smith. Now, what am I going to do about it?" "Well," I said, "Bob . . . if you have handled the Foreman calves, why, you have got to pay for them, and then you go and jump on Clem Lane's son-in-law, Smith." "All right," Bob said, "but I ain't got the money. I tell you, Foreman and Potter, I bought these calves of a

man who approached me to sell them up in Coppess & Derr's store in Olin, and you come and go over there with me and they will tell you all about it, just as I told you, that I got them of Smith, and then I will give you my note for the calves." They went over there with Bob, and Coppess and Derr told them that Bob's story was true, but said that Smith was a stranger to them; they didn't know who he was, and Bob gave his note for twenty-four dollars, six dollars apiece for the four calves, and they went across the street and had a drink . . . and shook hands, and all parties went home except Bob.

Now, we who were privileged to know Bob Johnson in the later years of his life are not surprised to learn of what he did. He went across the street to a Justice of the Peace. He got a warrant and a constable and started out with the constable to find John Smith. As Wheeler recalls:

They went down into Clem Lane's neighborhood and tackled Clem Lane, and told him that Smith said he was his son-in-law, and Clem Lane said, "I never had a son-in-law named John Smith," and from that day to this Smith has never been found. Although Bob Johnson tracked him, or tracked all the Smiths by the name of John, and they were all named John, he tracked him high and low over this State and other states, he never could find the John that was Clem Lane's son-in-law, or the man from whom he bought the four dark colored calves.

I might say here, that there had been formed in Jones County an organization known as the Iowa Branch of the North Missouri Anti-Horse Thief Association. Such organizations were not uncom-

mon; rather they were incident to most new and unsettled communitites, since the preservation of livestock was deemed of vital import to all settlers, and the theft of livestock was accordingly looked upon as one of the most heinous of all crimes. Most of Bob's neighbors were members of this Anti-Horse Thief Associaton, but Bob was not. Members of the Association told Foreman that he must join their Iowa branch of the North Missouri Anti-Horse Thief Association and help them prosecute his neighbor — Bob Johnson. Foreman joined.

Then they wrote to Potter out in Greene County (the man that had the four light colored calves) — Foreman's were all *light colored* — and told him that he had better come back to Jones County and become a member of their organization and help them prosecute Bob Johnson. Potter was awfully slow in coming back. Finally, they wrote to him that if he didn't come back they would prosecute him (Potter) for stealing Foreman's calves. Under the encouraging suction of that threat, Potter came back and joined the associaton. These men then went to the district attorney of Jones County at Anamosa, told their story, and then appeared before the grand jury, gave their testimony, and on the strength of this, had Bob indicted.

Now, after he had been indicted for the theft of John Foreman's calves, Bob began an investi-

gation on his own initiative. A story came to his ears that the four calves which Foreman had gone out and found in Potter's herd, and which he claimed were stolen from him, were light colored calves, whereas he knew that the four calves he had bought from Smith and sold to Potter were dark colored calves. So Bob and his brother Newt went out to Greene County. They went into Potter's herd in company with Potter. As Wheeler relates:

Bob said: "Potter, where are those four Foreman calves?" And Potter pointed them out — four *light colored* calves. Bob said, "Why Potter, I never sold you any light colored calves." "Well," Potter says, "You did." And then it was that Bob used language that — well, it was more forcible than elegant — and jumped off his horse to whip Potter, and Newt stopped the fight, and they came back. Then it was that Bob found out that he had not handled the Foreman calves at all, the light colored calves, and then it was that he refused to pay his twenty-four dollar note.

This note case was argued in the courts for several years, and had the note remained in the hands of the party to whom it was given, Bob might have escaped payment. But unfortunately for him, the note had passed into the hands of a third party. This "innocent purchaser" was a bank, and Bob's contention against payment under such circumstances was futile. It is said that this \$24.00 note cost Bob in attorney fees, and all other costs incident to the litigation, more than \$1,400.

After Bob Johnson had been indicted, in addition to Charley Wheeler he employed Colonel Isaac M. Preston, who was then a distinguished advocate of the bar in Linn County, to defend him. First, they moved to set aside the indictment on the ground that it was illegally drawn and that the grand jury was improperly empaneled.

While this motion was pending one of Bob Johnson's barns was burned, and going out of his house one morning he found upon his horse block a piece of rope tied into a hangman's noose. In addition, tied to the noose was a note which read somewhat as follows: "You had better try your case on the indictment as found or you had better go west, or you will get this, the same as Hiram Roberts did."

Now Bob Johnson knew the significance of all this, and particularly of the allusion to Hiram Roberts. Hiram Roberts was a notorious horse thief and counterfeiter who was captured by, or rather who surrendered to, a Cedar County mob in 1857, under the promise that he would be taken into court and accorded an impartial trial. The mob did not keep faith with Roberts, but instead took him to the Walnut Grove Community, tried him by a jury selected from the mob, found him guilty, as was to be expected, and forthwith hanged him in a barn. Bob Johnson decided, then and there, that he did not want to be tried in that particular county.

Mr. Wheeler relates the following:

Colonel Preston, who, it it seemed to me used to have misgivings as to whether Bob Johnson was guilty or innocent, said to me in substance: "How big is Bob's bonds?" And I told him it was \$1,500. He said, "Who is on it?" And I told him old George Fall [Saum], Bob's father-in-law. "Well," he says, "now, Charley, of course Bob is innocent, but I guess you better tell him he better leave the country." It was a terrible shock to me. I was filled with vinegar in place of knowledge, and I believed just as religiously then as I believe now that Bob was innocent, and for a great lawyer like Colonel Preston to tell me I better tell Bob to jump his bond, was something of a shock to me. But I was under orders, and so that night I took Bob out for a walk. It was in Anamosa, and we walked down into the woods where the Penitentiary now stands. It was not there then. And after going all around by Robin Hood's barn, I finally told Bob that the Colonel and I . . . thought he had better . . . under the circumstances . . . jump his bond and leave the country.

Wheeler later declared he would never forget Bob Johnson's reaction to the suggestion.

We were walking side by side. Bob stopped, and I stopped. He took me by the shoulder, and turned me facing him. He looked to me as high as the second joint of a liberty pole. He looked like an infuriated lion, and he says, "Boy, I never stole the John Foreman calves, and by God, I will go to the penitentiary from off my doorstep before I will ever jump my bond." And from that day, during all the years that followed, and up to this day, I have never doubted that he told me the truth.

Well, the court finally sustained the motion to set aside the indictment and continued the case

so that it might be submitted to the succeeding grand jury, and at the next term of court it was submitted and that grand jury returned another indictment. Bob Johnson's attorneys, thereupon, by reason of the unusual publicity, notoriety, and apparent feeling of prejudice that existed in that county, moved for a change of venue. The court sustained this motion and transferred the case from Jones County to Cedar County.

At the next term of the court down in Cedar County the case came up for trial. Bob Johnson stood before the bar of justice, before a jury of his peers, charged with the theft of John Foreman's calves. He was vigorously prosecuted by the state's attorney and as ably defended by his own attorneys — Colonel Preston and Charley Wheeler. After the testimony had been concluded, the arguments of the counsel made, and the instructions of the court given, the case was submitted to the jury, which, after long deliberation, finally stood 11 to 1 for acquittal. They could not agree and so the court dismissed the jury, continuing the case until a succeeding term of the court.

Now I should like to relate here the substance of a very interesting conversation I happened to engage in one day with Frank Johnson, the son of Bob Johnson. Frank said to me: "You know, one day after that first trial down in Cedar County, father happened to meet Peter Onstott on the

street and Onstott said to father: 'Bob I am glad they didn't convict you. You weren't guilty. You never stole John Foreman's calves. Those Foreman calves were in Potter's herd before you got there that day because I was there when you came and I saw them.' Bob then said: 'Why, Peter if you knew all of this, why didn't you come forward and defend me?' Peter Onstott replied: 'I tell you, Bob, it was because I was afraid. These men in this Anti-Horse Thief Associaton heard that I knew something about your case and they came to me, and told me that if I knew when I was well off I had better keep out of it, otherwise, I would get into trouble and so I was afraid to say anything about it.' "

Bob's son added: "You know, father recalled that when he got down to the Porter Hill that day there was a man there talking to Potter. He didn't pay any attention to the circumstances then, for it did not impress him as being of any particular importance, and afterward, although he tried and tried, he could not remember who the man was — until Peter Onstott told him."

And so, when the case came up for trial again in Cedar County, Peter Onstott was on hand and he gave his testimony, and after the conclusion of the testimony in this second trial the jury quickly and unanimously acquitted Bob Johnson of the theft of the John Foreman calves. This concluded the second chapter of the story.

Had Bob Johnson been accused and prosecuted in the ordinary course of the law, the third chapter of this story never could have been told. It could not have happened. For that law which makes it the civic duty of a citizen who knows of a crime being committed to appear before the grand jury and give his testimony exercises extreme diligence in the protection of such a citizen. But Bob Johnson felt that he had not been so accused and so prosecuted. He believed that the men who made up the Anti-Horse Thief Association had been actuated by malice, by a determination to destroy him, to deprive him of his good name, and to drive him out of the country. He, therefore, began the third case of the series. He brought a suit for damages, charging conspiracy and malicious prosecution, against seven of his neighbors who were members of the Anti-Horse Thief Association and who had been most active in his prosecution.

This malicious prosecution damage case, the third chapter in our drama, is ordinarily referred to as The Jones County Calf Case. These three cases lasted almost a quarter of a century. It was in the circuit courts all over eastern Iowa. Eleven different jury trials were held, verdicts were set aside, appealed and reversed, and this was the most important case of the three.

During these court proceedings those who were concerned got so "riled" that some of them carried guns. At one time the case had as many as

130 witnesses. According to Attorney Wheeler:

I tried to get Bob to quit. I told him he had been acquitted in the criminal case, but he always insisted, as he said, "I want my character back!" And I always said, "You got it back when you were acquitted." And Bob said, "No. They claim that they had reasonable and probable cause for having me indicted and I will try it with them until I will convince everybody in this country that they had no cause whatever."

So Wheeler and Johnson kept on and on. Well, they would try this malicious prosecution case and Bob would always get a verdict from the jury, but either the court would set the verdict aside on account of some irregularity or technicality, or if the court let it stand, then Bob's enemies, with their combined resources would appeal it to the Supreme Court.

Finally, Bob was bankrupt; the court battle had kept him that way for many years. Between terms of court he would go home and work very hard to get the money to try his lawsuit again. Then Bob Johnson's foes would take it to the Supreme Court, where it would be picked to pieces and reversed. But there was always enough left so that the case could be tried again.

Finally, after the lapse of many years, came the last trial up in Waterloo. The Honorable Horace Boies, who afterwards became one of Iowa's most distinguished governors, and who had been the attorney for Bob's opponents for many years, was making his final jury plea. As Wheeler recalls:

Old Horace had made an argument that made me cold. He just chilled me with the force of his argument the whole length of my spine. Bob sat right next to me. He saw that Horace was going to sit down, and he leaned over to me, and he said, "Charley, tell them I don't care whether they give me a cent or a million dollars. *What I want is my character back!*" And again Bob Johnson got a verdict from the jury.

Naturally, the query now arises as to why so much litigation? Why all of these trials spreading over so many years? It might be stated that litigation of this character had been rather rare in Iowa. Many of the opinions rendered by the Supreme Court of Iowa in this case blazed a new legal trail in determining the application of law to actions of this character. The case brought forth decisions which stood for the guidance of the courts, not only in this state but in other states as well. It also might well be pointed out that the burden of proof was upon Bob Johnson alone and single-handed to prove that the seven men who were instrumental in prosecuting him were motivated by malice and that a conspiracy did actually exist. This was something that was most difficult to establish. The various trials were filled with errors in the wrongful admission of testimony and of erroneous instructions to the jury by the trial courts, for apparently the attorneys were imbued more with a determination to obtain favorable verdicts than they were to abide by established rules of law.

As this case came before the Iowa Supreme Court on its various appeals the court pointed out, so far as it consistently could, that in the event the case came to trial again, certain procedures should be followed, particularly a procedure to separate the questions of law from the questions of fact. The court also directed that the jury be instructed to determine certain specific questions of fact, and to facilitate this, interrogatories were submitted to the jury for its answers. In the final trial in Waterloo, Bob's opposing attorneys submitted some 28 different interrogatories. Bob's attorneys submitted only two, and the second one they submitted to the jury in substance was something like this: "Did these men who were instrumental in having Bob Johnson prosecuted, when they went to the District Attorney and told their story, and when they appeared before the Grand Jury and gave their testimony (upon the strength of which Bob Johnson was indicted) did these men themselves believe that Bob Johnson was guilty?" To this interrogatory the jury answered "No." When this verdict was appealed, the Supreme Court referred to this interrogatory and to the jury's answer, and commented that if these men themselves did not actually believe Bob Johnson to be guilty, then they could not have acted in good faith. Therefore, in the opinion of court, Bob Johnson was entitled to the relief he sought, and the verdict affirmed. Here then, was the vin-

dication Bob Johnson had sought over all of these years. And so he "got his character back."

Bob was only 37 years old when John Foreman's calves were stolen. When he was through with all his trials, the anxiety of the years and the weight of a quarter of a century had bowed him. He was bankrupt, and all of his debts were barred under the statute of limitations. But he returned to Jones County, the county where he had been indicted, and he went to work. He entered the real estate business, since it was a business which required little capital. He engaged in it at a propitious time, for it was a period when men were selling their rich farms over in Illinois at fabulous prices and coming into Iowa to buy equally as good or better land for half. The Iowa farmers, in turn, were pushing westward out into the Dakotas.

So Bob did well. He had many clients, for people believed in him. He saved his money, and be it said to his everlasting credit that he paid every dollar that he owed.

When Johnson had his debts fairly well paid up he went down to see his lawyer. His wallet was pretty thin. Over all of these years of litigation Bob had borrowed varying sums from Wheeler. According to Wheeler:

I was just as much interested as Bob was, and so it had run along until Bob said he owed me about fifteen hundred dollars for borrowed money, and he had been earning

money and paying his other creditors, and we sat down on the floor as all thieves do to divide the loaves and fishes, and Bob didn't have any loaves and fishes except a spavined stallion — a cheap horse, and spavined — and one hundred and thirty dollars. So he handed them over to me and said that he would pay me the balance as he got it. And I said, "Bob, I have been a thousand times repaid. I didn't have any clients; I didn't have anything to do when you came to me twenty-five years ago, and I have made an acquaintanceship, and that has done me good, and you don't owe me another dollar." And so we shook hands and looked the other way, and Bob went back to Anamosa.

The story has an ending not inappropriate to the sacrifice which it records. For in time the people of Anamosa, the town where he had been indicted many years before for grand larceny, conferred upon him the highest mark of confidence that was within their power to bestow. They elected him mayor of the town in 1909. He worked hard and served the town well, for he was just as diligent in the performance of his official duties as he had been in all of his other affairs.

Personally, I am inclined to agree with Attorney Wheeler's remarks about the Calf Case before the Iowa State Bar Association in 1920.

You men are all lawyers. Let me ask you some questions. . . . Who was the man, Smith? The other side always claimed there wasn't any Smith; that he was a mythical Smith, and that Bob lied when he said he bought the four dark colored calves of Smith; and they always referred to him as "the shadowy Smith." And before I leave that question I want to say . . . that the evidence

disclosed, beyond a reasonable doubt, that there was a Smith; that he was unquestionably present in Coppess & Derr's store that day that he sold these calves to Bob Johnson. Bob searched the earth for him, but he could not find him, and so our enemies always referred to him as "the mythical Smith."

Another question, gentlemen: It is sure John Foreman's calves, light colored calves, were stolen. That is sure. We admitted that. Who stole them? Not Bob Johnson. Not Smith. Because Foreman's calves were light colored [those] that he lost and found out in Greene County. The Smith calves were dark colored. Who stole John Foreman's light calves? . . . Was it Potter? Bob always claimed it was. I make no claim. He is dead.

In Wheeler's own description of Bob Johnson we see a tribute to the dogged persistence of this man.

He was as tall and straight as a lance. He had long tawny hair. . . . He had a full tawny beard. He had smiling grey eyes. His hair and his beard made Bob look like a lion, and that is what he was. He was one of those rare men whose courage mounts and grows, and mounts with adversity, and during all those years that the trial judges were setting aside our verdicts, and the supreme court was setting aside our judgments, during all of those years old Bob was just the same. He never weakened, never gave up. As I have said, he would say, "That's all right, Charley; that's all right, *I am going to have my character back,*" and he got it.

With his name cleared, his debts paid, and the honor and respect of his friends known through the county, Bob Johnson walked the streets of his

beloved community with his head erect. Everyone respected the "old lion of the calf case." And one day he walked to his modest home, greeted his faithful wife Mary Ann (who had stood by his side through all the trials), and moved to an easy chair in her kitchen. Seated there, his proud head dropped, "the first time he ever dropped his head in his life," and Bob Johnson was dead.

The minister who had received Bob into the church, the Reverend Dean C. Dutton, came all the way from Kansas City at his own expense that he might pay tribute to the worth and example of such a life. On that day the business of the town was suspended as he was laid away in beautiful Riverside cemetery there in Anamosa — where high on an eminence one may stand and gaze westward toward the setting sun, and see almost at his feet the sparkle of glittering sunlight on the waters of the two rivers, the Wapsipinicon and the Buffalo. Here the rivers join to continue their journey to the boundless and eternal sea. They sing his unending requiem and lull him to peaceful rest, for there — close to and yet a little apart from the scene of his long, long conflict and his final victory — he sleeps.

JASPER H. RAMSEY