

## The Case of the Gold Carrier

Loss of his hard-earned ounces of gold was a stiff blow to a man who had little else to show for his California experience. Moses, at times, was quick to anger. He was deeply religious and had ingrained in him a sense of righteousness that sometimes made him a difficult person with whom to deal. On previous occasions his unyielding nature had prompted him to seek the assistance of the courts: once he had tangled with the law in a case involving a cow.

The more he thought about the loss of his gold, the more determined Moses was to take steps to right his wrong. He was perfectly clear in his own mind what had happened. Soon all Burlington and a part of Des Moines County knew the story too. In January, 1850, L. P. Reed, a member of the Burlington gold company, decided that he had had enough of California and announced that he was returning home. Several of Reed's Burlington friends asked him to carry gold dust back for them. Apparently Reed agreed.

When Moses heard of Reed's willingness to take gold back to the States, he approached Reed with the request that he carry some for him. Reed, so the story goes, was perfectly willing. Moses



then asked him what he would charge for this service. Reed, said Moses, "refused to take any pay — said he would charge nothing for it." So Moses handed over the small bag and thought little more of the matter until he arrived in Burlington in 1852.

Then Reed denied the entire matter, saying "that if he ever received such gold dust, the same was stolen from him on his return home from California, without any fault or negligence on his part." The controversy between Reed and Jordan made news, of course, for both men were well known in the community. Local sentiment was fairly well divided, one group maintaining that Moses should never have entrusted his wealth to Reed and another affirming that Reed was foolish to have attempted to carry any dust but his own. A few pious folk argued that men who put earthly treasures before spiritual riches could only expect to lose both.

Moses, however, was of a different mind. After attempting to secure satisfaction from Reed and failing, he turned to the courts. The case, first tried in the Des Moines District Court, excited tremendous local interest. It had the thrilling, romantic California for a background; it contained an alleged robbery; and it involved two very determined individuals. The courtroom was crowded, and the jury leaned forward eagerly to hear



the evidence. Moses told his story, and Reed unfolded his. The jury returned a verdict in favor of Moses for the value of the gold dust.

Moses was delighted, but his pleasure was short-lived. Reed's attorneys moved for a new trial because, they argued, "the verdict was against the evidence and instructions of the court." This was indeed a startling development, but of even more interest was the fact that the District Court refused to grant a new trial. Once more, the Jordans felt they would have justice, but they reckoned without knowing the strength of the opposition.

Reed's attorneys, determined that a grave injustice had been done, carried the case to the Supreme Court of Iowa, where it was heard in the June term of 1855. The Court then was sitting in Iowa City, and the members were George G. Wright, Norman W. Isbell, and William G. Woodward. The opinion was written by Chief Justice Wright who pointed out, in clear enough language, that statements given in the lower court alleged that Reed was to be paid a reasonable reward by Moses for carrying the gold dust from California to Iowa. But, continued the Chief Justice, "The evidence shows, quite as clearly as language can make it, that there was no such contract, but that Reed expressly refused to accept compensation, and undertook to take this money,



not for hire, but as a gratuity, for Jordan." He pointed out that the degrees of diligence were different in the two instances — that an individual acting without compensation could not be expected to exert the same care as would be expected from an individual who received compensation. In short, Reed, a carrier of gold receiving no reward for his services, could not be held liable to the same degree as if he had received payment.

Summarizing the scene in California when the gold dust passed from Moses to Reed, the Court showed that Moses requested Reed to take the dust, that Reed consented, that Moses offered to pay Reed a compensation, and that Reed refused to accept it, saying he would charge nothing for his services. Then the Court stated that the jury in the Des Moines County District Court had held Reed responsible to the same degree as if he had accepted compensation. "This," wrote Chief Justice Wright, "was manifestly unjust and unwarranted by the evidence." His opinion in "The Case of the Gold Carrier" reversed the decision of the lower court. It was not necessary for Reed to pay Moses the value of the gold.

Now Moses Jordan was a man who knew a straight line and a square corner when he saw them. Quibbling was not in his line. He had little use for lawyers' logic, except, of course, when such reasoning benefitted him. To his layman's



mind, Chief Justice Wright's opinion only proved that all too frequently a forked tongue concealed, rather than revealed, truth. Moses thought he knew the difference between law and justice. He conceded, although reluctantly enough, that perhaps the law was on Reed's side, but he maintained stubbornly until his dying day that justice was with him. He had entrusted his sweat-earned gold to Reed and Reed had lost it. Therefore, Reed should be liable for the loss.

Many another Iowa miner who had flirted with Lady Luck along California's streams of gold agreed vehemently with Moses. When, in later years, members of the Burlington company came together for informal reunions, they hotly discussed the Jordan versus Reed controversy. Indeed, the case became a local legend, which grew with the telling.

After the Civil War, both Burlington and Moses prospered. He identified himself with the firm of B. & H. D. Howard, which later became Miller & Company and eventually L. H. Dolhoff & Company. His brick home on North Sixth Street, with its kitchen and dining room — as was the fashion those days — in the basement, and its front and back parlors on the first floor, was a place of grace and comfort. For New Year's breakfast, when the Jordan family gathered as was its custom to begin a new year together, Deer-



and-Pine-Tree glass reflected merry light from candles on a table covered with damask. At the head of the table sat Moses, the patriarch.

Now and again, but not too frequently, Moses on these occasions would spin yarns of his Virginia boyhood, tell of the days when Ohio was just emerging from the big woods, describe his months in old St. Louis, and relish again his steamboat trip from there to Burlington. He was much more apt to recall these life chapters than to recount his California tour. Sometimes, of course, the story slipped out, and then it seemed as if Moses would never stop talking.

His gold-rush adventures must have been etched deep with some soul-searing caustic into his memory. The older Moses grew, the more he recalled minute details. He saw again mired-down wagons, heard the cries of children ill with "prairie complaint," remembered the icy cold of creek waters where he panned. The truth was that the loss of Charlie and the tremendous physical exertion of the trip west and back and the failure of Iowa courts to redress his wrongs were blows from which he never really recovered. His health became so poor that about 1872 Moses retired from business. He then was sixty-five years of age. He had raised a family of four sons and two daughters.

Only a few years after his retirement, Moses'



wife Catherine died suddenly while preparing breakfast. Her death took place on March 31, 1877, and the funeral services were held the following day from the home on Sixth Street. The big house seemed empty now, for only two children — Henry Clay Jordan and Miss Fannie Jordan — were left with Moses.

When Moses had passed seventy years, he dictated a brief account of the gold-rush era to one of his sons. With the exception of one experience, nothing new was added to what already had become a part of family history. Moses said that along the Sacramento, in 1851, he had struck a really rich pocket. Working desperately to clean it out before other miners should move in on him, in a little less than ten days he had panned dust worth perhaps as much as seven or eight thousand dollars. A portion of it was spent for a new pair of boots, a shirt, and some provisions, but the bulk of it he carried in bags around his waist.

With this treasure, Moses intended to return to Iowa immediately. He already had determined that the average miner had little hope of becoming wealthy no matter how long he remained in California or how hard he worked. One night he put up in a squalid, small boarding house that offered fewer creature comforts than a pig sty. He slept soundly. The next morning he awoke to find that both his gold and his new boots had disappeared.



He never learned who took them. All he knew was that he slept in a room with three strangers, and that in the morning they were gone.

In 1885 Moses was confined to his home. His health failed rapidly after that, and he died at the age of eighty on November 13, 1887. He had lived in Burlington for about half a century. He had seen Iowa develop through the territorial period into statehood and, as a state, become a great Middle Western commonwealth.

The *Burlington Gazette*, commenting upon his death and his services to both state and community, said: "Rapidly the ranks of old pioneers of Burlington are thinning; one by one they are passing from life to join the great majority. Soon there will be none of those sturdy men and women who witnessed the early struggles of the settlement which was the beginning of this now large and prosperous city, left to tell the tale, but the good that they did will live after them, and their names will long be remembered by those who came and will come after them."

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