

THE PALIMPSEST

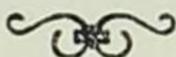
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White Beans For Hanging

The tale that follows is not a placid one, for it has to do with the sharp, dramatic outlines of one of the bloodiest struggles that ever took place between whites within the bounds of Iowa. Therefore let those who wish a gentle narrative of the ways of a man with a maid take warning and close the leaves of this record. The story is of men who lived through troublous days and circumstances and who at times thought they could attain peace only by looking along the sights of a gun barrel.

The facts are given largely as they were related by Sheriff Warren. It is more than three quarters of a century since the events occurred, and Warren and the others who took part have long since left this life. There have been those who tell in some respects a different story, but it seems probable that the sheriff, whose business led him through every turn of the events, knew best what happened. And his long continuance in office led one to feel that he did not pervert the record.

Warren was a Kentuckian by birth and a resi-

dent for some years at the lead mines of Galena; but he crossed the Mississippi and located at Bellevue, in Iowa Territory, when that town was a mere settlement on the western fringe of population. Active and courageous, this young man was appointed sheriff of the County of Jackson and held the position for nearly a decade.

Soon after his arrival there came to Bellevue a group of settlers from Coldwater, Michigan. Among them was William W. Brown, a tall, dark complexioned man, who bought a two-story house and opened a hotel. Brown was a genial host, full of intelligence and pleasing in his manners, and he won immediate popularity among the people of the county. His wife, too, a little woman of kindly ways and sturdy spirit, was a general favorite.

Brown also kept a general store and became a partner in a meat market. In this way he came in touch with a large number of the pioneers, and the liberality with which he allowed credit and his generosity to the poor endeared him to many. The hotel was a convenient stopping place for men driving from the interior of the county to Galena. They came to Bellevue to cross the Mississippi, stopped off at Brown's, ate at his far famed table, drank of his good liquor, and listened to his enlivening talk. And usually they went away feeling Brown a valuable addition to the community.

When winter came he hired a number of men and put them at work on the island near the town

cutting wood to supply fuel to the Mississippi steamboats. At the approach of spring, and before the ice broke up, the woodcutters became teamsters, and long lines of teams might be seen hauling the cords of wood across the ice to the Iowa side where they were piled up on the shore.

Bellevue in 1837 was less than five years old. On a plateau overlooking the Mississippi a few houses had sprung up; then came stores and a hotel. Along the river and off in the outlying districts other small settlements began to appear. Roads and common interests united them and they formed a typical group of pioneer communities. Warren found the preservation of order in this new county somewhat of a task. Conditions of life were primitive and so also were the habits of the pioneers. Derelicts and outcasts from older settlements found their way to the new. Petty thieving was not uncommon, and travelers were often set upon as they passed from town to town — sometimes they disappeared unaccountably from the face of the earth. Men found themselves in possession of counterfeit money; horses and cattle were stolen; and pioneer feuds or drunken brawls now and then ended in a killing. Yet Jackson County was without a jail.

For some years the whole northwest had suffered from the operations of gangs of horse thieves and counterfeiters, and it began to look to Warren and others as if one of these gangs had particular

associations with Jackson County. Horses and cattle, stolen in the east, turned up at Bellevue with curious frequency; bad money became common and thieving grew more bold. Again and again circumstantial evidence associated crimes with one or another of the men who worked for Brown or made their headquarters at his hotel.

One of these men was James Thompson, a son of well-to-do Pennsylvania parents and a man of some education. Twice he was arrested for passing counterfeit money and once for robbing stores in Galena, but in each case he was cleared on technicalities or on the testimony of his associates. Two other members of the suspected group were William Fox, charged with a part in the Galena robbery, and one Chichester who, together with Thompson, was implicated in the robbing of an old French fur trader named Rolette.

The people of the county were particularly irritated by the fact that seldom was any one punished for these crimes. The aggrieved parties often found Brown appearing as counsel for his men when they were brought to trial; and almost invariably alibis were proven. At one time Thompson, arrested on the charge of passing counterfeit money near Galena, was released on the testimony of Fox and three others of his associates that at the time mentioned he was attending the races with them in Davenport. At another time a man was cleared by the statements of his friends that they

had played cards with him on the night in question.

Brown's constant connection with the suspects and his assistance in case of their trial caused his own reputation to suffer. Many people came to believe that he was in reality the very shrewd and clever leader of an organized gang of criminals. Others felt Brown unjustly accused and wronged.

Among those of his early friends who lost faith in him was Thomas Cox, a veteran of the War of 1812 and the Black Hawk War and a man of magnetic personality and dominant will. Over six feet tall and weighing two hundred and fifty pounds, he was vigorous enough even when well beyond the half-century mark to place his hands on the withers of a horse and vault into the saddle without touching the stirrups. In 1838 he had been chosen to represent his county in the Territorial legislature and in 1839 he wished greatly to succeed himself in the office. At the time of nominations Cox was absent from home attending to his duties at the capital, but he counted on his friend Brown to support him. What was his surprise then to find that Brown had been nominated in his place. He immediately announced himself as an independent candidate and was elected. But from then on Cox bitterly opposed the hotel keeper.

Brown's charm of manner and apparent sincerity, however, kept friends and adherents for him among many of the best people of the county. A number of the men of the vicinity, anxious to help

matters, finally decided to call a meeting, put the case squarely to Brown and see if he would not do something to rid the neighborhood of crime.

Brown appeared, but with him came the notorious Thompson. James Mitchell, a fiery opponent of the suspected gang, jumped to his feet at once, characterized Thompson as a robber and counterfeiter and demanded his withdrawal. Thompson, infuriated, drew his pistol, but was seized by the bystanders and hustled out of the room, breathing threats against the life of Mitchell. Outside a group of his friends gathered. They broke the door and stormed into the room, and only the efforts of Brown prevented a bloody conflict.

As a result of the meeting Brown agreed to do what he could and the next day most of his boarders, shouldering their axes, crossed over to the island where they set to work chopping wood. The relief, however, was only partial. Robberies continued and raids upon the island disclosed much plunder.

So things ran on till the winter of 1839. Warren tells us that under the dominant influence of Brown's men the holidays were marked by drinking and dissipation rather than the usual dancing and feasting. The better citizens determined to celebrate Jackson's victory at New Orleans by a ball on the evening of January 8. Furthermore, upon the suggestion of Mitchell, who was one of

the managers, it was agreed that none of Brown's men should be allowed to participate.

After many preparations the night came. The flower of Bellevue womankind, bewitching with smiles and curls and gay attire, and the vigorous men of that pioneer town gathered at a newly built hotel to enjoy the music and bountiful refreshments and to engage in the delights of the quadrille and the Virginia reel. Mitchell was there with his wife and daughter and two sisters. Sheriff Warren, because of sickness, was unable to attend; and Thompson and the other men upon whom the company had learned to look with such disfavor were nowhere to be seen.

Around and around on the rude puncheon floor went the dancers, moving with slow and graceful steps through the stately figures of the quadrille or quickening their pace to a more lively measure of the tireless musicians. Suddenly came a strange commotion by the door and excited men and women gathered about a young woman who had reached the ball room, half clad and almost spent with fright and exhaustion. It was Miss Hadley, a young relative of Mitchell's who, too sick to attend the ball, had been left alone at his home. When she could speak the dancers learned that Thompson and some of his friends had taken advantage of Mitchell's absence to plunder his house, and the indignities at the hands of Thompson from which Miss Hadley had with difficulty escaped formed a

climax that stirred the spirit of murder in Mitchell's heart. Borrowing a pistol from Tom Sublett, he left the ball room and went out into the night in search of his enemy.

The night well served his purpose. The moon — clear and full — hung high in the heavens, opening up to his view long stretches of village street. The frosty air rang with every sound. His quest was short. There swung into sight down the otherwise empty street two men, and the quiet of the night was shattered by drunken curses. Mitchell strode on to meet them. One of the two called out to him in warning. The other came on as steadily as did Mitchell. In one hand was a pistol, in the other a bowie knife, and influenced by drink, his purpose matched that of the man he met.

Scarcely three feet separated the men, when Thompson attacked with pistol and knife at once. His gun, however, at the critical instant missed fire and a moment later a ball from his opponent's pistol entered his heart. Seeing Thompson dead at his feet, Mitchell retraced his steps to the ball room, where he gave himself up to the deputy sheriff and asked for protection against the mob he knew would soon appear.

The terrified guests of the Jackson Day Ball scattered to the four corners of the night. Women, unmindful of wraps or dignity, sought the safety of home, and the men, hurrying away to arm themselves, did not all — it is safe to say — return.

Anson Harrington and another man who had weapons remained with Mitchell and these three with the devoted women of his family took refuge in the upper story of the hotel. The air now became vocal with the tumult of Thompson's friends approaching with wild cries of revenge. The deputy sheriff tried in vain to stop them, then dashed off to summon Sheriff Warren. Upstairs the little group had taken the stove from its place and poised it near the head of the stairway ready to roll it down upon the heads of the invaders.

In a turmoil of rage the crowd of men swarmed into the house and, headed by Brown, reached the foot of the stairway. But the muzzles of guns looking down upon them, and their acquaintance with the grim nature of the men above halted them. Baffled, they began calling for the women to come down, threatening to burn the house and punctuating their threats by firing bullets up through the ceiling into the room above.

Soon Warren appeared upon the scene. He promised to be responsible for Mitchell's appearance in the morning and persuaded Brown to quiet his inflamed men. They dispersed reluctantly and the disturbed night at length resumed its quiet. In the morning Mitchell was taken from the hotel, arraigned before a court, and bound over for trial. Mitchell was held under guard in his own house.

The friends of Thompson, though making no open demonstration, were nursing their desire for

revenge. William Fox, Lyman Wells, Chichester, and a few others — unknown to Brown — laid a diabolical scheme to blow up with gunpowder the house in which Mitchell was being held. Mitchell had killed their comrade — only by his death could they be appeased, and they had little hope that the process of law would exact from him the death penalty. So one night they stole a large can of powder from one of the village stores and repaired to Mitchell's house. At midnight everything was quiet. A shed gave access by a stairway to the cellar and the powder was soon placed by Fox, while Wells laid the train which was to start the explosion. Unobserved, the two men returned to their comrades who had been drinking themselves into a proper frame of mind. The question now arose as to who should apply the match. And at this midnight council the conspirators agreed to cast lots for the doubtful honor. It fell upon Chichester and he stepped to the task without hesitation. A few moments later there was a flash, but to the men who had fixed their hopes on this instant of time there came a great disappointment for the report was strangely feeble. When the sun from across the river brought another day to the distracted town the house was still standing and Mitchell and his family were unhurt.

Among the conspirators there was discussion and probably an uneasy curiosity as to the next move of Mitchell's friends. But there came no im-

mediate sequel. Sheriff Warren took no action, although he held the key to the situation. There had been a deserter in the camp of the plotters. Lyman Wells, in laying the train to the can of powder, had left a gap so that the main deposit of explosive had not been reached. The next day he told the whole story to the sheriff who took possession of the powder but withheld from Mitchell the news of the attempt upon his life.

The weeks that followed saw no cessation of crime, and Warren, unable to control it, realized that the situation had become intolerable. Men in despair of proper protection from the law were trying to sell their property and move to safer communities. At length Warren and three others were appointed as a committee to go to Dubuque and consult Judge Thomas Wilson as to some means of checking outlawry in the county. The conference resulted in the drawing up of an information charging Brown, Fox, Long, and a score of their associates with confederating for the purpose of passing counterfeit money, committing robbery and other crimes and misdemeanors. The information was sworn to by Anson Harrington, and a warrant for the arrest of the men named was put into the hands of Sheriff Warren. Everyone knew that with the serving of this warrant a crisis would come in the history of Jackson County.

When Warren first went to the hotel to read the warrant to Brown and his men he found Brown

inclined to be defiant — disputing the legality of such a general instrument — and his associates were ready for the most desperate measures. The sheriff as he read began to have extreme doubts as to his safety and was perhaps only saved from violence by the sudden anger which seized the crowd when Harrington's name was read as the one who had sworn to the information. On the instant they dashed off to wreak vengeance upon him. Brown turned at once to Warren, urging him to go while he could, for he knew that Harrington had already sought safety on the Illinois shore before the warrant was served, and that the mob would soon return disappointed and vengeful. Just then Mrs. Brown hurried into the room. "Run for your life," she cried, "they are coming to kill you."

Warren departed in haste, thoroughly convinced that the arrest of the infuriated gang would be a desperate task and one requiring careful preparation. He determined to organize an armed posse, and turned to Thomas Cox for assistance, commissioning him to visit certain parts of the county and bring in a force of forty armed men. The task was no doubt a welcome one to Cox. The old warrior spirit in him had been aroused by the defiant attitude of the lawless coterie, and he believed that radical measures alone could free the neighborhood from Brown and his gang.

Warren and Cox set out in different directions through the county to gather recruits. Many of

the settlers, feeling that Brown was an innocent and much abused man, refused to move against him. But on the morning of April first a considerable force was mobilized in the town of Bellevue ready to help the sheriff in arresting the men.

At the hotel meanwhile there was a similar spirit of battle. A desperate and reckless defiance seemed to pervade the men. In front of the hotel a red flag fluttered and on it the words "Victory or Death" challenged the fiery men of the frontier who had gathered there to help make their homes and property safe. Parading up and down beside the flag were members of the gang, among them an Irishman who at the top of his lungs advised the posse to come on if they wanted Hell. The members of the posse — many of them veterans of the Black Hawk War — did not take kindly to such words of defiance, and there was high feeling between the two parties when the sheriff went alone to the hotel to read the warrant and demand a surrender.

The men listened in silence while the sheriff, alone among desperate men, read to them the challenge of the law. Then Brown asked him what he intended to do.

"Arrest them all," replied Warren, "as I am commanded."

"That is if you can," said Brown.

"There is no 'if' about it," replied the sheriff. "I have a sufficient force to take you all, if force is

necessary; but we prefer a surrender, without force."

He talked privately with Mr. and Mrs. Brown, and showed them letters from various men in the county advising Brown to surrender and trust to the courts. This the hotel keeper finally agreed to do providing the sheriff and four other men (whom he named) would come and pledge that he and his men should be unharmed. Warren left and returned shortly with the men designated. But in the meantime Brown seemed somewhat to have lost control of affairs. The four men were ordered away and the sheriff alone was admitted.

The men in the hotel were now restive with drink and no longer inclined to submit to the restraints of their leader. Warren was to be held as a hostage, they told him, and if a shot were fired from outside he would be killed at once. He was powerless to resist. Minutes of increasing tension went by. Then came word from the front of the house that Cox and his men were forming in the street for an attack. In a last effort to avoid trouble, Brown shoved the sheriff out of the house. "Go and stop them and come back," he said. Warren needed no second bidding.

But the fight was now inevitable. An attacking party of forty men was chosen. They were addressed by Warren and Cox, told of the seriousness of the occasion, and given a chance to withdraw, but not a man wavered. It was now early

afternoon. The noon hour had passed with scarcely a thought of food. The town waited in breathless suspense.

In the neighborhood of the hotel the houses were deserted, and far from the scene of action, women and frightened children gathered in groups listening intently for the first sound of a gun. And to Mitchell, confined in his own home, the acuteness of the moment must have been almost unbearable. His wish to join the posse had been overruled, but he had been given arms so that he might not be helplessly murdered in case of the defeat of the sheriff's force.

In the street the posse was forming. With orders not to fire until fired upon, the men started toward the hotel. Silently and steadily they moved until they were within thirty paces of the house, then came an order to charge and with a rush they made for the building. The crack of a gun was heard from an upstairs window and one of the forty, a blacksmith, fell dead. Brown, with his gun cocked, was confronted by Warren and Cox.

"Surrender, Brown, and you shan't be hurt," they called to him. Brown lowered his gun evidently with the intention of complying but it was accidentally discharged and the ball passed through Cox's coat.

Then all restraint broke loose. The guns of two of the posse barked and Brown fell dead on the instant with two bullets in his head. From all

points now bullets drove into the frame building, and answering volleys came from the windows of the hotel. There were more than twenty men in the house and with them was Mrs. Brown who with unswerving loyalty had stood by to load guns. The struggle was desperate. Bursting into the lower floor, engaging in hand to hand conflict, the sheriff's men drove the defenders upstairs where with pitchforks and guns they defied capture.

No longer was sheriff, or legislator, or any other man in the posse mindful of the law. The primitive instincts had escaped bounds and the impulse to kill possessed them all. One after another, men on both sides crumpled up under fire and lay still. Warren, carried away by the excitement and unable to force the upper floor, ordered the house to be set on fire, and the torch was applied.

Then the cry arose that the men were trying to escape by jumping from a shed at the rear of the house. Pursuit was on at the instant but seven of the outlaws escaped from the hands of the sheriff's men. Thirteen others gave up and were taken prisoners, while three others lost their lives.

The fight was over but not so the intensity of hatred. A number of the invading party had been severely wounded and four of them lay dead. The sight of their inanimate bodies, when the firing ceased, aroused the desire of the posse for instant punishment of the captives.

Ropes were procured and the awful, unthinking cry of revenge went up. But saner councils prevailed and the prisoners were put under heavy guard while it was decided what their fate should be. Warren's desire to hold the men for trial by law was, however, overruled on the ground that, the county being without a jail, there was too much danger of the prisoners being rescued by friends. The settlement of the case was finally left until the morning with the understanding that a meeting of citizens should impose sentence.

It is doubtful if sleep rested upon the eyelids of many in the town of Bellevue that night. Thoughts of the toll of the day — the unburied dead — and speculations upon the possible toll of the morrow, must have made the morning sun long in coming. But the surface of the Mississippi reflected its rays at last, and the excited villagers tried to compose themselves for the events of the day.

At ten o'clock occurred one of those episodes that rises now and then out of the grim frontier. Men who had faced a fire that dropped their comrades dead at their sides, who with the lust of animals to kill had stormed the defenders of the hotel, now stood possessed of the men whom they had faced along the level gun barrel but a few hours before; and it was their task to consider what should be done with them.

Thomas Cox presided at the meeting and stated that the citizens had relieved the sheriff of his duty

and had taken the case into their own hands. Chichester gained permission to speak on behalf of himself and his comrades; and the man, now greatly cowed, made a pitiful plea for mercy. Others spoke — among them Anson Harrington who favored hanging every one of the prisoners. Fear alone made them penitent to-day, he said. Revenge he saw depicted on all their faces. Mercy would only jeopardize the lives of others. But he closed by proposing that a ballot should be taken as to whether the captives should be hanged or merely whipped and exiled from the region.

Every man was required to rise to his feet and pledge himself to abide by the decision. Then two men, one with a box containing red and white beans, the other with an empty box to receive the votes, passed about among the company. The man with the beans, as he approached each individual, called out "White beans for hanging, colored beans for whipping," and the voter selected his bean and dropped it into the other box.

To the thirteen men whose lives depended on the color of the beans, those anxious moments while eighty men passed sentence upon them probably seemed like an eternity.

"White beans for hanging," and a bean rattled into the empty box. Those first four words, so brutal and so oft repeated, must have crowded the companion call out of their minds. Stripped clear away from them was the glow and excitement of

the life of the past. The inspiriting liquor was not there to drown out the stark image of a drooping body and a taut rope. The red flush of battle had paled to the white cast of fear. No longer upon their faces played the contemptuous smile or the leer of defiance. No bold words came to their lips. Their eyes scanned the set faces of their captors and into their ears dinned the cry, over and over repeated like a knell: "White beans for hanging."

The beans dropped noiselessly now among their fellows, and unrelieved was the hush of the men who tossed them in. How long it was since the wild events of yesterday afternoon! How near now was the choking rope!

Yet there was some comfort when they listened to the other call, "Colored beans for whipping." How welcome such an outcome would be! A week before they would have drawn guns at a word of criticism; now they were ready to give thanks for the grace of a lashing. But they had robbed these men and given them bad money, had taunted them and had killed their friends. Could there be any mercy now in these grim avengers? Were the "white beans for hanging" piling up in the box like white pebbles on the shores of their lives?

The eightieth man dropped in his bean. The tellers counted the votes and reported to Thomas Cox. The stillness reached a climax. Holding in his hand the result of the ballot, the chairman asked the prisoners to rise and hear the verdict.

Again he asked the men who had voted if they would promise their support of the decision. They gave their pledge by rising to their feet. Then he read the decision. By a margin of three the colored beans for whipping were in the majority.

The voice of Anson Harrington rang out. Cox called him to order — the case was not debatable. But Harrington replied: "I rise to make the vote unanimous." Immediate applause showed the change of feeling. Chichester, who was near him, took his hand and managed to blurt out his thanks.

The whipping followed — lashes laid upon the bare back and varying in severity with the individual. The thirteen men who had so narrowly escaped the rope were placed in boats on the Mississippi, supplied with three days' rations, and made to promise never to return. They left at sundown with expressions of gratitude for their deliverance; and with their departure the town of Bellevue and Jackson County resumed their more placid ways.

And the thirteen exiles? It would be a happy task to record of them either reformation or oblivion. Unfortunately one can do neither. The trail of William Fox and two others of the Bellevue gang came into view five years later when they were implicated in the murder of Colonel George Davenport. But thereby hangs another tale.

JOHN C. PARISH