

The
PALIMPSEST
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PUBLISHED MONTHLY AT IOWA CITY BY
THE STATE HISTORICAL SOCIETY OF IOWA

THE PURPOSE OF THIS MAGAZINE

The PALIMPSEST, issued monthly by The State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

Superintendent

THE MEANING OF PALIMPSESTS

In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

PRICE—10c per copy: \$1 per year: free to members of Society
ADDRESS—The State Historical Society Iowa City Iowa

THE PALIMPSEST

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VOL. I

ISSUED IN SEPTEMBER 1920

NO. 3

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A Romance of the Forties

It was Sunday, and most of the inhabitants of the little Iowa village of Quasqueton were assembled at the town boarding house for their regular exchange of gossip and stories. On this particular occasion the ordinary town talk was probably superseded by a more absorbing topic, namely, the unsuccessful elk hunt of the day before. Again and again in the past weeks a lone elk had been chased in vain by the hunters of Buchanan County. Many and varied were the theories devised by these pioneer Nimrods to explain the failure, one being that the elusive elk was only a phantom of its departed race and kind.

Breaking abruptly into the midst of their discussion, rode a man and a girl, both on spirited black horses; and the attention of the group shifted immediately to these newcomers. The man was a commanding figure, tall and well built. He had about him an air which strongly impressed one with the fact that he was a person not to be trifled with —

yet the sprinkling of gray in his black hair lent dignity and charm to his appearance. The girl, on the other hand, was as striking in point of loveliness as her companion was in general appearance and bearing. She was fair in feature, graceful and bewitching in manners, attractive in form and speech. With the advent of this unusual couple it is safe to say that everyone speedily lost interest in the elk hunt.

Upon being asked the customary pioneer question — whence he came and where he proposed to go — he made the startling declaration that he was Bill Johnson, the far-famed Canadian patriot of the Thousand Isles of the St. Lawrence River. A gasp of wonder followed this remarkable revelation, for in the early forties the daring exploits of the renowned Canadian were fresh in the minds of all frontiersmen. But a few years had elapsed since the so-called "Patriot War of 1838", which was a revolt of certain Canadians against the administration of Sir Francis Bond Head, then Governor-General of Canada. And by far the most conspicuous figure in the revolt was Bill Johnson, whose adventures, deeds, and escapades in the region of the Thousand Isles of the St. Lawrence, where he had been compelled to flee from justice, would fill a volume. So it is little to be wondered at that this abrupt, unexpected appearance of the notorious rebel should have affected the villagers as it did.

Before they had time to recover from their surprise, he plunged into his tale. He told how he had

long been a terror to the British Dominion, how he and his family had lived on and indeed owned many of the islands in the St. Lawrence, and how he had been forced to flee from place to place to escape the British. He concluded by saying that since his daughter and he were now the only living members of his family, and having tired of the dangerous fugitive life on the islands, they had decided to leave Canada and settle down in Iowa. Interest changed to wonder, and wonder to awe, as he fluently recited his tale of daring adventures and hair-breadth escapes; and by the time he had finished, admiration was written on the faces of all.

Johnson purchased a farm within two miles of Quasqueton; and for some time the social life of the community centered about him and his daughter. While he probably came and went in every day life like the other pioneers, one can easily imagine the effect he had on his neighbors: how the story of his arrival spread from cabin to cabin; how the loud talk in the village grocery store toned down to a subdued whispering behind his back when he stepped up to the counter to buy, only to break out again stronger than ever the moment he left; and how he was followed by admiring glances and busy tongues wherever he went. It is even possible that the children in their daily games played at the daring exploits of the heroic figure.

It came as a rude shock to many in the surrounding community, therefore, when they learned that

their prominent neighbors had been made the victims of an unspeakably cruel outrage. According to Johnson's version, a party made up of about eight white men and a band of Indians, entered his house on a wintry night, dragged him from his bed out into the bitter cold, tied him to a tree and gave him some fifty lashes on the bare back. Then they ordered him and his daughter to pack up their belongings and leave the county within two hours. Since there was nothing to do but obey, into the bleak night they went, with twenty-five miles of windswept prairie between them and refuge. It was cold, so cruelly cold that one of the rioters is said to have frozen to death, another froze his feet, while many others of the party were frost bitten before they reached their homes. To Johnson, when he learned this, it must have seemed that poetic justice had overtaken his persecutors who had driven him from his home into the cold with an unmerciful beating.

In Dubuque, Johnson commenced proceedings against the rioters. The trial proved to be a lodestone, for hundreds of spectators crowded into the court room, no doubt as much to view the famous Canadians as to see justice done. Nor is it to be overlooked that the charms of Kate proved irresistible — she captivated the court from the judge to the janitor. So enamoured with her beauty and charm was the judge that he is said to have forgotten the dignity of his position in that he left his elevated station and escorted her to the door. And

we are told that "The cohort of loungers mounted the tables and benches, the bald headed jurors and the phalanx of attorneys stood with amazed countenance and open mouths at the unprecedented proceedings."

The trial went hard against the offenders. Four of them — Spencer, Evans, Parrish, and Rawley — were convicted, one sentenced to the penitentiary for two years, and the others fined two hundred dollars each. Stern justice must be meted out to those who dared encroach upon the rights of law-abiding people taking up residence in Iowa.

One of the absurd sequels of this trial was the effect on the young men. Although everyone at the trial, including the judge, was completely bewitched by the lovely Kate, it was the young bloods, and especially the editorial gallants who were most sorely smitten. After the trial they vied with one another in showering compliments and sweet flattery upon her through the editorial columns. Andrew Keesecker of the Dubuque *Miner's Express*, carried away in his ecstasy, wrote a rhapsody in which she was pictured as having "heavenly charms, deep blue eyes, matchless grace, piercing glances, queen-like dignity, soul-subduing countenance". As a result, he was made the laughing stock of the whole press of the West, a fact he deeply resented. The ridicule of John B. Russell, editor of the *Bloomington Herald*, he must have regarded as a personal affront, for he came very near fighting a duel with

him over it. Apparently what prevented these pioneer knights from entering the lists for a deadly tilt over the fair lady was disagreement as to place of meeting.

From Dubuque, Johnson and Kate went into Mahaska County, settling near the Skunk River. There a new turn of affairs took place in their ever eventful lives. Heretofore the famous Canadian had not been bothered much by the love-stricken admirers of his fair daughter, for they had been content to gaze and admire from a distance. But now a new problem confronted him when a man actually dared to make love openly to Kate.

Job Peck was the long reputed rowdy and terror of the Skunk River country. One day when he was hunting deer, he saw smoke curling up from the chimney of a recently vacant cabin. Curious to learn who its new occupants were, he proceeded to reconnoitre, and when his eyes fell upon Kate — the Cleopatra of the Iowa frontier — it is reported that he immediately shed his desperado characteristics. One can almost picture his desperate efforts to live down his doubtful reputation, break from his swaggering habits, and make a favorable impression on the "new girl". And hereafter, he made frequent wanderings to the little cabin in the timber; his deer in the chase seemed always to lead him to that locality. But even though Kate seemed disposed to return his affections, the old man would have none of their foolishness. And one day, rifle in hand, he

ordered young Peck off his premises, threatening him dire vengeance if he ever prowled about the place again.

These threats probably kept the love-smitten Peck well out of the range of Johnson's rifle in the day time, but evidently did not cause him to abandon the dictates of his heart. For one evening when Johnson was away, Peck eloped with Kate to Benjamin McClary's place in Jefferson County, where they were married. When the father came home and learned what had happened, he followed in hot pursuit and arrived at McClary's cabin just after the young couple had gone to bed.

With drawn pistol he entered the cabin and climbed up into the loft where they had retired for the night. At the point of his gun he forced his daughter to get up and dress and descend the ladder. Then he followed, put her on a horse and rode away with her. Peck, meanwhile, suffered the humiliation unresisting. It was hopeless to remonstrate or argue with an armed man. And was not this the fearless rebel who had struck terror into the hearts of many a Britisher in the Thousand Isles?

Several days passed. Then came a wild dismal night with the wolves howling a blood curdling chorus in the timber near Johnson's cabin. The Canadian himself sat on a rude stool before a log fire, puffing away at a corn cob pipe. There was a flash of light, a sharp report, and he fell to the floor shot through the heart. Suspicion pointed toward young

Peck, and he was arrested and held for the murder in a Washington County jail. But though it was generally conceded that he was guilty of the crime, in the trial he was acquitted.

Recently there had come unexpected developments. For some time Bill Johnson and his bewitching daughter had given new zest and color to the ordinarily hard life of the pioneers of Iowa. Unthought of events had followed each other in such rapid succession that the people hardly knew what to look for next. Then came the news out of the East that the man who had passed himself as Bill Johnson the Canadian patriot was not that noted character, but rather was the degenerate son of a worthy Welsh Canadian — that he was a criminal and an impostor, and a man of low repute. The real patriot Johnson, it was learned, was held in high esteem, even by his enemies. Then it was learned that in the Dubuque trial, Johnson and Kate had perjured themselves; and upon this discovery, the Governor remitted the penalties laid upon the assailants in the winter night attack. These men set out to arrest Kate for having committed perjury; but she was aided by those who were still subject to her charms, and made her escape.

That the person whom they had accepted and entertained so royally should turn out to be an impostor was a fact bitterly hard for the Iowans to accept. But the evidence was not to be doubted. The first clear intimation that the Bill Johnson dwelling

among them was not the Canadian patriot came in the form of a statement in a New York newspaper, denying that the Johnson of Canadian memory had been lynched in Buchanan County, for he was at that time residing in New York State, and was in good health. Shortly afterward a letter followed, from a number of inhabitants of Greenville, Maine, which revealed the facts that Iowa's hero had at one time resided in the vicinity of the Canadian patriot and learned all about him; that while in Maine he had variously passed as Killey, Willis, and Salone, and had been engaged for the most part in swindling schemes. And finally, an Iowan, A. C. Fulton, while in Canada, looked up the record of the individual who had claimed to be the hero of the Thousand Isles, and found that he was an impostor and would have been welcomed back by the Canadian authorities with open arms and a rope halter. So the people in Clayton, Buchanan, Dubuque, and Mahaska counties had to swallow their disappointment and admit that a rogue had hoodwinked them.

There are several versions of the later career of Kate and Peck, and it is difficult to say which is correct. But there is one of them — and it sounds as plausible as any — that brings the romance to a natural and happy ending. However, there were long and unhappy days for Peck during his imprisonment, and for several months following his release, when he knew nothing of his wife's whereabouts. No doubt his darkest hour came when he searched in

vain for a trace of Kate, trying bravely to fight off the fear that perhaps she was lost to him forever. Finally he learned that from Iowa she had fled to Pittsburgh, Pennsylvania; whereupon he set out for the East. At his journey's end he found Kate living with refined, cultured people, in whose home she delighted him with a display of her accomplishments upon the piano. From Pittsburgh, the happy couple moved back to Iowa, settling at a point near Oskaloosa, where they lived several years; later they moved still further west. In California they lived happily together until Peck's death. And the last heard of the one time vampire of the Iowa frontier was that she was again married and to a devoted husband.

WILLIAM S. JOHNSON

Benjamin Stone Roberts

One day in the summer of 1835 a buzz of excitement broke the monotony at Fort Des Moines: a strange officer had arrived at this frontier post on the western bank of the Mississippi River. The newcomer was Benjamin Stone Roberts who had been graduated from West Point on the first day of the previous July, brevetted second lieutenant, and assigned to duty with the First Dragoons. A strange face was an unusual sight in this out-of-the-way cantonment, and the soldiers watched the young lieutenant curiously as he entered the log cabin which served as the headquarters of Colonel Stephen Watts Kearny, the commanding officer of the post.

At this time Lieutenant Roberts was about twenty-five years of age, and it is probable that he had never before been farther west than New York, for he had been born in Vermont and educated at West Point. Feeling that he must do credit to his military training he had dressed himself in the full regimentals of his rank — dark blue double-breasted coat with many gilt buttons, bluish gray trousers trimmed in yellow, elaborate cap, epaulettes, gold lace, orange colored sash, and cavalry sabre. But Colonel Kearny, the veteran frontier fighter, refused to be dazzled by the brilliant raiment of his subordinate. After careful inspection he decided that the hair and beard of the

man before him did not conform to army regulations and he gruffly ordered the young officer to get a shave and a hair cut.

The next lesson in the school of frontier army life was a problem in construction. Lieutenant Roberts, with a detail of men, was sent to build a log cabin. Cabin construction had not been covered in the West Point curriculum, but the men were experienced in such work and the walls of the cabin were soon raised. At this point the officer discovered that no openings had been made for windows and doors; and considering this an irreparable mistake, he ordered the men to tear down the partially completed cabin and cut out the necessary openings.

In vain the soldiers pointed out to their inexperienced but theoretically infallible superior that log cabins were always built thus, with notches in the logs where the openings were to be made later by means of a crosscut saw. An officer must be obeyed; and it was only after a part of the log structure had been torn down that Captain Jesse B. Brown happened to pass that way, inquired the cause of the demolition, and ordered the construction continued — much to the disgust of the lieutenant and no doubt to the great satisfaction of the soldier workmen.

Lieutenant Roberts was really a good soldier, and experience soon made him an efficient officer. He received his permanent commission as second lieutenant on May 31, 1836, and was made first lieutenant

ant on July 31, 1837. During at least a part of 1836 he served as post adjutant at Fort Des Moines, but in some way he became involved in financial difficulties — due, it is said, to the depreciation of paper money entrusted to him by the government. As a result of this embarrassment he resigned his commission on January 28, 1839.

Civil life, however, did not prove dull and prosaic to the young man for soon after he left the military service he was appointed chief engineer of the Ogdensburg and Champlain Railroad by the Governor of New York, and in 1840 he became assistant geologist of that State. Next the young West Pointer turned his attention to the study of law, but before he had completed his preparation for admission to the bar adventure once more called him; and in 1842 he went to Russia, having been assured by the Russian Minister that his services would be accepted in the railroad construction work then under way in that country. When Mr. Roberts arrived in Russia, however, he found that an oath of allegiance was required from all foreigners employed in such service, and considering that to become a subject of the Tsar was too great a price to pay for employment, he refused the terms and returned home in February, 1843.

Having finally completed his studies in the summer of 1843, the former lieutenant of Fort Des Moines began the practice of law at Fort Madison in Lee County, not far from the site of the old fort.

In addition to his duties as a lawyer Roberts was also justice of the peace. Here, too, he maintained his reputation for originality. It is said that on one occasion, when he desired to transfer a lot to a purchaser, he made out the deed, signed it, secured his wife's signature, and then as justice of the peace certified to the acknowledgment of the signatures.

Scarcely had he become established in the practice of law before the sound of guns in the southwest recalled Lieutenant Roberts to military duty. As soon as the Mexican War began he offered his services to the United States, and on May 27, 1846, he received a commission as first lieutenant and was assigned to the Mounted Rifle Regiment. The following February he was raised to the grade of captain. Indeed, he was promoted in line as if he had not been out of the service and received the arrears of pay from the date of his dismissal or resignation as if he had remained in the service. Evidently the matter of the depreciated paper money had been cleared up by this time.

The career of Captain Roberts in the Mexican War furnishes one of the romantic incidents associated with the story of Iowa and war. He was present at the siege of Vera Cruz, and led his regiment in storming the heights of Cerro Gordo on April 18, 1847. The Mexicans, who referred to the Mounted Rifle Regiment as the "Cursed Riflemen", met the charge of the Americans with a shower of bullets but, as Captain Roberts put it, "when dangers thick-

ened and death talked more familiarly face to face, the men seemed to rise above every terror."

Again on the tenth of August, Captain Roberts led the assault on the town of San Juan de los Llanos. Eight days later he participated in the battles of Contreras and Churubusco, and on the thirteenth of September he commanded the storming party which captured the castle of Chapultepec. The following day he led the advance of Quitman's army into the City of Mexico, and to him was assigned the honor of raising the first American flag over the palace of the Montezumas. Justin H. Smith thus describes the scene:

"As a triumphal procession the command looked rather strange. Quitman and Smith marched at its head on foot — the former with only one shoe; and behind them came troops decorated with mud, the red stains of battle and rough bandages, carrying arms at quite haphazard angles. Not less astonishing looked the city, for sidewalks, windows, balconies and housetops were crowded with people. Except for the silence, the countless white handkerchiefs and the foreign flags, it might have been thought a holiday. Before the palace, which filled the east side of the plaza, the troops formed in line of battle. Officers took their places at the front, and when Captain Roberts hoisted a battle-scarred American flag on the staff of the palace at seven o'clock, arms were presented and the officers saluted."

The following day Captain Roberts was sent out with five hundred men to drive the straggling forces of Santa Anna from the streets of the capital. In October he was transferred to the command of the United States cavalry forces in the District of Puebla and here on November 10, 1847, he surprised and defeated seven hundred Mexican guerrillas under General Torrejon, captured their supplies, and recovered a large merchant train which the bandits had captured en route to the City of Mexico. The sword of the guerrilla chief which became the prize of Captain Roberts was presented by him to the State of Iowa, and was later deposited in the office of the Adjutant General at Des Moines.

A suit of ancient Mexican armor, said to have been taken from the palace in the City of Mexico, was also presented to the State of Iowa by Captain Roberts. This souvenir, consisting of a helmet of brass similar to those worn by the Spanish military explorers, with a crest ornamented with stiff black hair from a horse's mane or tail, and a breastplate and backplate of steel covered with burnished brass, the whole weighing about thirty-five pounds, was presented by the State officials to the State Historical Society of Iowa and may still be seen in the library of the Society.

The gallant conduct of the young officer did not go unrewarded. He was brevetted major on September 13, 1847, for "gallant and meritorious conduct" in the battle of Chapultepec and lieutenant colonel on

November 24, 1847, for his part in the actions at Matamoras and the Pass Gualaxara.

But nowhere were the gallant exploits of the young captain more appreciated than in the newly admitted State of Iowa. Comparatively few citizens from this frontier Commonwealth had taken part in the battles in Mexico and the patriotic people of Iowa were sincerely proud of those who served in the front ranks. The legislature, indeed, expressed this appreciation of the achievements of the Fort Madison attorney in two joint resolutions. One of these — adopted on January 15, 1849 — was a vote of thanks and read as follows:

“*Whereas*, Capt. Benjamin S. Roberts, of the United States Army has presented to the State of Iowa, a suit of armor, taken as a prize of war; and a sword captured from General Torrejon, in the late war with Mexico, designed to commemorate the part borne in the late struggle by the officers of this State. Therefore

“*Resolved by the General Assembly of the State of Iowa*, That Capt. Benj. S. Roberts of the United States Rifles, for his gallantry and heroism during the late war with Mexico, has won for himself a brilliant distinction, which reflects a lustre upon the character of the American soldier, and an honor upon this State. And for this evidence of his patriotism and attachment to his adopted State, he deserves and is hereby tendered the cordial thanks of the Representatives of the people.”

The second resolution was approved on the same day and provided that the Treasurer of State be authorized "to procure a finely wrought sword and scabbard, not to exceed in cost the sum of one hundred dollars, with the proper inscriptions, to be presented by the Governor to Captain Benjamin S. Roberts, of the Rifle Regiment, as a memento of the pride of his fellow citizens of this State in the soldier-like patriotism and deeds of valor performed by him in the late war with Mexico."

This sword, elaborately inscribed, was presented to Captain Roberts in the Capitol at Washington by the Iowa representatives in Congress. No other similar honor has been bestowed by the State of Iowa.

Captain Roberts was a leader in organization as well as in battle. On March 20, 1860, he submitted to the Secretary of War a plan for the reorganization of the militia, but there is nothing to indicate that this plan received much notice. Indeed, the advent of the Civil War soon made necessary the training of all available men. Early in 1861 Captain Roberts was sent to Fort Stanton, New Mexico, to join Colonel George B. Crittenden who was organizing an expedition ostensibly against the Apaches. After the expedition started, however, Captain Roberts became convinced that the real object of Colonel Crittenden was to aid the Confederate cause. He refused to obey treasonable orders, and, procuring a furlough, hastened to Santa Fe to inform Colonel

Loring of the situation; but to his astonishment and chagrin he was reproved and ordered back to Fort Stanton. It transpired soon after this that Crittenden and Loring were both disloyal.

For a time, following the battle of Valverde and the rout of the Texans, Colonel Roberts was in command of several military districts in New Mexico, but on June 16, 1862, he was made brigadier general of volunteers and transferred to the staff of General John Pope as chief of cavalry. In May, 1863, General Roberts was transferred to the Department of the Northwest, and a month later was put in command of the Iowa District with headquarters at Davenport. Here he was within a few miles of the place where twenty-eight years before he had reported for duty to Colonel Kearney.

In honor of the distinguished general and former Iowan, the camp of the Eighth and Ninth Iowa Cavalry companies at Davenport was at first named Camp Roberts. Later the name was changed to Camp Kinsman, and toward the close of the war the Federal government donated this military establishment to the Iowa Soldiers' Orphans' Home.

Although Iowa was a loyal State it appears that some complaints of disloyalty were made to General Roberts, and that he attempted to forestall resistance to the government and especially to the draft by the seizure of arms belonging to certain citizens. General Pope, the department commander, did not approve of the action taken for in July, 1863, he

wrote to General Roberts from Milwaukee, Wisconsin:

“I regretted much to receive your dispatch stating that you had seized arms, &c., the personal property of the citizens of Iowa. I don't desire you to have anything to do with such matters. I have carefully refrained from allowing such things to be done here, though I have been repeatedly urged to do them. . . . I confine myself strictly to my military duty. I hope you will do the same . . . Surely the seizure of personal property on suspicion merely that it might hereafter be used in resisting the laws was out of place by a military commander in loyal States, and can only lead to ill-feeling and disagreeable and unnecessary complications, which it has been my steady purpose to avoid.”

General Pope urged that no action of this kind be taken by the military authorities in loyal States except upon the request of the civil authorities. Within a short time this contingency occurred in Iowa, for on August 6, 1863, Governor Kirkwood wrote to the Secretary of War that because of a mob of armed men in Keokuk County he had asked General Roberts to detain the six companies of the Seventh Iowa Cavalry until the danger was passed. This request was complied with. In a letter to General Roberts General Pope commended his handling of this tense situation and added: “It is not necessary to inform the people of Iowa that troops will be used to enforce the draft nor to hold out to them any

such threat in advance of execution of laws, which it is only apprehended they may resist.”

On December 2, 1863, General Roberts was relieved of his command of the Iowa District and was transferred to the Department of the Gulf where he served during the remainder of the war. He was mustered out of volunteer service on January 15, 1866, remaining in the Regular Army as lieutenant colonel of the Third Cavalry.

During the years immediately following the Civil War General Roberts devoted his energies to the invention and improvement of military equipment. He retired from the army in December, 1870, to take up the manufacture and sale of a rifle he had designed, but it does not appear that he was successful in securing the orders he anticipated during the Franco-Prussian War. He died at Washington, D. C., on January 29, 1875.

RUTH A. GALLAHER

The Trial and Execution of Patrick O'Conner at the Dubuque Mines in the Summer of 1834

[Eliphalet Price, an eyewitness of the hanging, wrote the following account in the early fifties. In October, 1865, this account was published by the State Historical Society of Iowa in the *Annals of Iowa*, from which it is here reprinted. Price's spelling of the name O'Connor has been retained in the article.—THE EDITOR]

In giving a detailed historical account of the trial and execution of Patrick O'Conner, at the Dubuque mines, in the summer of 1834, we are aware that there are many persons still living who participated in bringing about a consummation of justice on that occasion; as well as many who were witnesses of the stern solemnity attending its closing scene; which may subject this reminiscence to a criticism which we believe will not extend beyond the omission of some minutia, which did not come under our personal observation.

Soon after the treaty between the United States and the Sac and Fox Indians at Rock Island in 1832, which resulted in the extinguishment of the Indian Title to the lands embraced in the present State of Iowa, permanent mining locations and settlements began to be made in the vicinity of the present city of Dubuque; and at the close of the winter of 1834, Congress attached the country acquired under the

treaty, to the Territory of Michigan, for election and judicial purposes.¹

Up to that period no judicial tribunals existed in the country, except those created by the people for special purposes. Difficulties of a civil character were investigated and settled by arbitrators; while those of a criminal character were decided by a jury of twelve men, and, when condemnation was agreed upon the verdict of guilty was accompanied by the sentence. Such was the judicial character of the courts which were held at that time, in what was known as the "*Blackhawk Purchase*."

Patrick O'Conner, the subject of this memoir, was born in the year 1797 in the county of Cork, Ireland, — came to the United States in the year 1826, and soon after arrived at Galena, in the State of Illinois, where he embarked in mining operations. Having fractured his left leg in the fall of 1828, on board of a steamboat, in Fever River, it was found necessary to amputate the limb, which operation was performed by Dr. Phileas of Galena. In this situation O'Conner became an object of public charity. The citizens of Galena, and the mines in that vicinity, promptly came forward and subscribed liberal sums of money for his support and medical attendance and in the course of time he was enabled to get about with the assistance of a wooden leg, when he began to display a brawling and quarrelsome disposition, which soon rendered him no longer an object of pub-

¹ This act of Congress was approved June 28, 1834. — The Editor.

the open air, beneath the wide-spreading branches of a large elm tree, directly in front of the dwelling then occupied by Samuel Clifton. A large concourse of people had assembled and stood quietly gazing upon the prisoner, when upon the motion of some person, Captain White was appointed prosecuting attorney, or counsel in behalf of the people. O'Conner being directed to choose from among the bystanders some person to act as his counsel, observed: "Faith, and I'll tind to my own business", and appeared perfectly indifferent about the matter. At length he selected Capt. Bates of Galena, who happened to be present, and in whose employ O'Conner had formerly been engaged. The two counsel then summoned from among the bystanders twenty-four persons, who were requested to stand up in a line; when Capt. White directed O'Conner to choose from among those persons twelve jurors. He accordingly chose the following persons, calling each by name:

Woodbury Massey, Hosea L. Camp, John McKensie, Milo H. Prentice, James Smith, Jesse M. Harrison, Thomas McCabe, Nicholas Carrol, John S. Smith and Antoine Loire.

The names of the other two jurors, who were traveling strangers, cannot after a period of thirty years be discovered. It was known, however, at the time of the trial, that six of the jurors were Americans, three of them Irishmen, one Englishman, one Scotchman and one Frenchman. The jury being seated upon some house logs Capt. White observed

to O'Conner, "Are you satisfied with that jury?" O'Conner replied, "I have no objection to any of them; ye have no laws in the country, and ye cannot try me."

Capt. White continued, "you, Patrick O'Conner, are charged with the murder of George O'Keaf, do you plead guilty or not guilty?"

O'Conner replied, "I'll not deny that I shot him, but ye have no laws in the country, and cannot try me."

Three or four witnesses were then examined; when Capt. White addressed the jury for a few minutes and was followed by Capt. Bates, who endeavored to urge upon the jury to send the criminal to the State of Illinois; and there have him tried by a legal tribunal. Capt. White replied that offenders had been sent to Illinois for that purpose, and had been released upon "Habeas Corpus," that state having no jurisdiction over offences committed upon the west side of the Mississippi River. After this, the jury retired, and having deliberated for an hour, returned to their seats, upon the logs, with Woodbury Massey as their foreman, who read from a paper the following verdict and sentence:

"We the undersigned, residents of the Dubuque Lead Mines, being chosen by Patrick O'Conner, and empaneled as a Jury to try the matter wherein Patrick O'Conner is charged with the murder of George O'Keaf, do find that the said Patrick O'Conner is guilty of murder in the first degree, and ought

to be, and is by us sentenced to be hung by the neck until he is dead; which sentence shall take effect on Tuesday the 20th day of June, 1834, at one o'clock P. M."²

Signed by all the jurors, each in his own hand writing.

There was a unanimous expression of all the bystanders in favor of the decision of the jury. No dissenting voice was heard, until a short time before the execution, when the Rev. Mr. Fitzmaurice, a Catholic priest from Galena, visited O'Conner and inveighed against the act of the people, denouncing it as being illegal and *unjust*. Immediately the Catholic portion of the Irish people became cool upon the subject, and it was evident that they intended to take no further part in the matter.

Up to this time we did not believe that O'Conner would be executed. It was in the power of the Rev. Mr. Fitzmaurice to save him, and he was anxious to do so. Had he appealed to the people in a courteous manner, and solicited his pardon upon the condition that he would leave the country, we confidently believe that they would have granted it; but he imprudently sought to alienate the feelings of the Irish people from the support of an act of public justice, which they, in common with the people of the mines, had been endeavoring to consummate. This had the effect of closing the avenues to any pardon that the people might have previously been willing to grant.

² The 20th of June, 1834, occurred on a Friday.— The Editor.

They, however, up to this time, would have recognized a pardon from the Governor of Missouri or the President of the United States. Application was made to the Governor of Missouri to pardon him; but he replied that he had no jurisdiction over the country, and referred the applicants to the President of the United States. President Jackson replied to an application made to him, that the laws of the United States had not been extended over the newly acquired purchase, and that he had no authority to act in the matter; and observed, that as this was an extraordinary case, he thought the pardoning power was invested in the power that condemned. A few days before the execution, a rumor got afloat that a body of two hundred Irishmen were on their way from Mineral Point, intending to rescue O'Conner on the day of execution. Although this report proved not to be founded in truth, it had the effect of placing the fate of O'Conner beyond the pardoning control of any power but force. Runners were immediately dispatched to the mines to summon the people to arms; and on the morning of the 20th of June, 1834, one hundred and sixty-three men, with loaded rifles formed into line on Main street in front of the old "*Bell Tavern*," where they elected Loring Wheeler Captain of the Company, and Ezra Madden, Woodbury Massey, Thomas R. Brasher, John Smith and Milo H. Prentice, Marshals of the day. The company being formed six-a-breast, marched slowly by a circuitous route to the house where O'Conner was

confined, while the fife breathed in lengthened strains the solemn air of the Dead March, accompanied by the long roll of the muffled drum. The stores, shops and groceries had closed up their doors and life no longer manifested itself through the bustling hum of worldly pursuits. All was silent as a Sabbath morn, save the mournful tolling of the village bell. Men whispered as they passed each other, while every countenance denoted the solemnity and importance of the occasion. Two steamers had arrived that morning from Galena and Prairie Du Chien, with passengers to witness the execution. The concourse of spectators could not have been less than one thousand persons.

The company having marched to the house occupied by O'Conner, now owned by Herman Chadwick, halted and opened in the center, so as to admit into the column the horse and cart containing the coffin. The horse was driven by William Adams, who was seated upon the coffin, and was employed as executioner. He had on black silk gloves, and a black silk handkerchief secured over and fitted to his face by some adhesive substance, which gave him the appearance of a negro. The Marshals soon came out of the house, followed by O'Conner and the Rev. Mr. Fitzmaurice. The two latter took a position directly behind the cart, while the former mounted their horses and rode to the front of the column, which now moved slowly to the smith-shop of Thomas Brasher, where the irons were stricken from O'Con-

ner by Henry Becket. Our position in the column being in the front rank, following the priest and O'Conner, we were enabled to observe the bearing of the latter. He seemed to have abandoned all idea of being released, and was much distressed, wringing his hands and occasionally ejaculating detached parts of some prayer, "Will the Lord forgive me?" he would frequently ask of Mr. Fitzmaurice, who would reply, "Whosoever believeth in the Lord Jesus Christ shall be saved," together with other like scriptural expressions. After he returned from the smith-shop, the Captain of the company desired him to get into the cart, when the priest observed, "No, I wish to talk to him; let him walk." Capt. Wheeler replied that he had orders to place him in the cart; but would go and state his request to the Marshal. Accordingly he advanced to where Mr. Madden was sitting upon his horse, who observed in a loud tone of voice, "No; if that gentleman wishes to talk with him, let him ride upon the cart with the murderer." This was spoken harshly and contemptuously by Mr. Madden, who, we learned afterwards, was deeply offended at some remarks previously made by Mr. Fitzmaurice concerning himself, and imprudently took this opportunity to retaliate, which we have reason to believe he afterwards regretted.

The Captain of the company delivered the message as he received it, though in a more pleasant tone of voice. Fitzmaurice bowed respectfully to the mes-

sage, but made no reply. O'Conner being now seated upon the coffin, the column commenced moving forward, to quarter minute taps of the drum, and arrived about twelve o'clock at the gallows, which was erected on the top of a mound in the vicinity of the present Court House. The company here formed into a hollow square, the cart being driven under the arm of the gallows, at the foot of which the grave was already dug. The Captain immediately ordered the company to ground arms, and uncover. Even many of the spectators removed their hats, while the priest offered up, in a clear and distinct tone of voice, a fervent and lengthy prayer, parts of which were repeated by O'Conner, who, at the close of the prayer, addressed a few remarks to the people, saying that he had killed O'Keaf, that he was sorry for it, and he hoped that all would forgive him. Then pausing for a moment, he observed, "I wish Mr. Lorimier and Gratiot to have my —" here he was interrupted by the priest, who observed, "Do not mind your worldly affairs; in a few minutes you will be launched into eternity; give your thoughts to your God." The hangman now spoke to O'Conner and assisted him to reascend the cart, when he adjusted around his person a white shroud; then securing his arms behind him at the elbows, he drew the cap over his face, fixed the noose around his neck, and lastly, he removed his leg of wood; then descended from the cart, and laid hold of the bridle of his horse and waited for the signal, which was given by one of the

Marshals, who advanced into the open area, where he stood with a watch in one hand and a handkerchief at arm's length in the other. As the hand of the watch came around to the moment, the handkerchief fell, and the cart started. There was a convulsive struggling of the limbs for a moment, followed by a tremulous shuddering of the body, and life was extinct. The body hung about thirty minutes, when Dr. Andros stepped forward, felt of his pulse, and said, "He is dead." The body was then cut down and placed in the coffin, together with his leg of wood, and deposited in the grave. The company now marched in single file to the front of the Bell Tavern, where a collection was taken up to defray the expenses, when the company was disbanded. Immediately after this, many of the reckless and abandoned outlaws, who had congregated at the Dubuque Mines, began to leave for sunnier climes. The gleam of the Bowie knife was no longer seen in the nightly brawls of the street, nor dripped upon the sidewalk the gore of man; but the people began to feel more secure in the enjoyment of life and property.

ELIPHALET PRICE

Comment by the Editor

AN EYEWITNESS

In the July number thirteen border criminals came within a few beans of hanging. Instead they were merely whipped and exiled, with the result that one of them at least returned to take a prominent part in the murder of Colonel George Davenport. In the present number a man is actually hanged. The affair was a noteworthy one, but it occurred at so early a date that there are few records of it. Fortunately Eliphalet Price was there as an eyewitness. He had come to the lead mining regions by way of New Orleans about the time of the Black Hawk War. In fact one writer credits him with having had a part in that war, capturing twelve redskinned prisoners.

However that may be, Price was in Dubuque in 1834, and was a prominent figure in northeastern Iowa for nearly forty years thereafter. He held various offices and was influential in State politics, partly by reason of his unusual ability as a speaker and a writer. In the sixties he was a member of the Board of Curators of the State Historical Society of Iowa and wrote many graphic articles for the *Annals of Iowa* which the Society was then publishing.

IOWA IN 1834

When Patrick O'Connor killed his partner, George O'Keaf, in 1834, the country that is now Iowa was

without a local constitutional status. It was a part of no State or organized Territory. Missouri, of which it had been a part, became a State in 1821 and the land north of it to the Canadian boundary and west to the upper waters of the Missouri River was left without organized government. No legal courts sat within its borders; no sheriff or constable protected its inhabitants. For a long time these inhabitants consisted only of Indians and fur traders. Settlement was prohibited by act of Congress.

In 1830 a group of lead miners crossed to what is now Dubuque and began to work the mines. They met beside a cottonwood log on the shore and drew up a set of rules for their own government. But Zachary Taylor, in command of United States troops at Fort Crawford, sent a detachment of soldiers under Lieutenant Jefferson Davis to drive them out. After the Black Hawk War miners and settlers crossed the river in numbers and, although still technically trespassers, developed a pioneer community into which O'Connor and O'Keaf came and settled.

The murder, according to Price's account, took place on May 19, and the hanging on June 20, 1834. Eight days later an act of Congress was approved which placed the tract of land including modern Iowa under the jurisdiction of the Territory of Michigan.

“YE HAVE NO LAWS”

The hanging was extra-legal, but under the conditions it was essentially an act of authority. Justice

is not always dependent upon the citation of statutes and the functioning of commissioned officials; in fact justice is sometimes accomplished more truly where it is not trammelled by legal technicalities. O'Connor's punishment was the deliberate, carefully-weighed act of a people who exercised the judicial function because they had no legal machinery to serve them. He was tried before a jury of his peers; he was given the benefit of a counsel to plead his cause; and a month's time elapsed between his sentence and his execution. Looking upon it in another light, his hanging was the logical answer of the people of a community to a man who said: "I'll not deny that I shot him, but ye have no laws in the country, and cannot try me."

J. C. P.

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