

The
PALIMPSEST
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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.

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THE PALIMPSEST

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A. J. Whisman, Pioneer

When A. J. Whisman came to Iowa the whole region between the Little Sioux River and Sioux City was a prairie wilderness. In the summer of 1867 he heard that a quarter section of western Iowa land, as good as any in Illinois, could be homesteaded and proved up for twenty-one dollars. Having sold his farm implements and household goods, twelve milch cows for fifteen dollars a head, and two hundred bushels of wheat at seventy-five cents a bushel, he fitted up a prairie schooner and set out with his wife and three children to establish a new home on the frontier.

The journey by covered wagon from Pontiac, Illinois, to the site of his future abode on the banks of the Little Sioux River in Cherokee County required twenty-six days. The Mississippi River was crossed at Muscatine on a ferry-boat which conveyed four teams and wagons at a time. He

crossed the Cedar River on Brown's Ferry in the southeast corner of Goshen Township in Muscatine County, found a bridge over the Iowa River at Iowa City, and forded the Des Moines River at Fort Dodge. There was a store, a stockade, and a blockhouse at Fort Dodge, but after leaving that "town" and reaching the top of the hills to the west Mr. Whisman stopped to view what looked to him like desolation with not a cornfield, house, or any other sign of habitation in sight.

Undaunted nevertheless, he continued his journey and soon encountered a new peril — that of crossing Devil's Slough near Twin Lakes. When nearing this "bugbear" to travellers he met a man who told him that his team of horses could not get the heavy wagon across the slough and offered to take them through with two yoke of small oxen for twenty dollars. Mr. Whisman replied, "If those four little oxen can make it, my horses can", and declined the offer. The slough covered many acres of utterly impassable ground with the exception of one strip about twenty feet wide where a sort of road-bed had been constructed by laying down quantities of tall grass, which grew so abundantly around the swamp. Having explored this track on horseback, Mr. Whisman found the road to be comparatively safe so he returned and brought his outfit and family safely through to the other side, although a slip from the road would have meant danger and perhaps tragedy.

Mr. Whisman selected for his homestead a quarter section of land on the west side of the Little Sioux River. There he built a small house and farm buildings at once. "We lived warm that first winter," says Mr. Whisman, "for our cabin was made of thick logs well chinked, the roof was covered with two feet of dirt, we had a fireplace and a cook stove, and were well protected from winter winds by a thick grove." It was so warm that green shoots grew three feet long from the logs inside the house. The dirt roof was very satisfactory during the winter but in the following May, after three days of rain, the mud began to trickle through. Thereupon several big cottonwood trees were cut down, the heavy bark was peeled off, and the squares of bark were laid like shingles over the mud and extended far out at the sides. After that there was no more trouble with a leaky roof.

When the time came that the Whismans needed and could afford a bigger and better house, a frame dwelling was decided upon. Mr. Whisman felled cottonwood and maple trees and hauled the logs one at a time to Pilot Rock, a distance of nearly ten miles, where there was a little "circular" saw. On each return trip he hauled the new-made lumber — a tedious process we would call it now.

Before leaving for Iowa, Mr. Whisman had written to his brother-in-law, M. H. Pierson, to buy some corn and put up some hay for him, but when he arrived there was no corn or hay awaiting him. Mrs.

Pierson had a three gallon jar of butter that she was going to market in Sioux City but she sold it to Mr. Whisman instead. Flour and other provisions for winter were necessary and not to be bought in Cherokee County. Denison, the nearest railway station, was sixty miles away, so that a trip there and back required four days. Corn could also be obtained at the little Mormon settlement of Deloit and flour at Castana.

Late in the fall Mr. Whisman and Will Pierson started to Denison for corn and meat. They reached Ida Grove the first night and slept in their wagons. "In the middle of the night," says Mr. Whisman, "I was startled by a noise, then the horses began to snort and I thought sure the Indians were coming. I called to Will Pierson to listen for Indians, but we could soon tell that it was a large herd of elk passing with four or five men in pursuit. These men told us they had six elk in the wagons following and were trailing the herd so they would be tired the next day and easier to get a shot at."

When they arrived at Deloit the next day, which was Saturday, they found a man who had two hogs for sale. The owner of the hogs agreed to butcher on Sunday, to sell the dressed pork for ten cents a pound, and to keep the men and their teams until Monday free of charge. Accordingly, on Sunday morning the two fat hogs were butchered near the Mormon church. They cost Mr. Whisman seventy dollars.

On the return trip the weather turned cold, about four inches of snow fell, and the meat froze stiff. Mr. Whisman bought twenty bushels of corn at Cheadle's Grove and three bushels of potatoes at Ida Grove. Not having money to stay at Moorehead's tavern in Ida Grove, they built a big bonfire and camped for the night. During the evening a man and his wife on their way to Denison for provisions drove up and asked to share the camp fire. Mr. Whisman and Mr. Pierson were glad of the company. At Correctionville, where less than ten families were living about a stockade and blockhouse, several people wanted to buy some of the fresh pork, but Mr. Whisman told them he had a family at home almost starving and refused to sell a pound. With plenty of pork and venison his family fared very well that winter.

During the first winters in the new country, Mr. Whisman spent considerable time hunting and trapping. Game was abundant in the Little Sioux Valley, particularly deer, elk, grouse, and wild turkeys. There were thousands of buffalo over around Sioux City but none in the vicinity of his homestead. "I could watch great flocks of turkeys in the timber along the river," he says, "and on one hunt I killed eight, the largest weighing twenty-four pounds dressed. Sometimes I would be gone a week, hunting as far as Denison, and once I shot a two hundred and fifty pound deer just east of where Rodney now stands." On one hunt Mr. Whisman fell in with

O. B. Smith, for whom Smithland was named, and together they killed nine deer. They made "jerked venison" of the meat by hanging it on forked sticks over a bed of coals made by burning dead willow branches in a ditch. This meat kept indefinitely. Having been soaked awhile and then boiled in water and grease, it made good eating. Mr. Whisman spent his last twenty-five dollars, hard-earned and hard-to-part-with, for some traps said by their owner to be worth thirty-six dollars but which he was anxious to sell that he might get back to civilization. The traps proved to be a real bargain, for Mr. Whisman's first catch of beavers netted him twenty-five dollars. He also caught many mink, muskrats, and wolves, which enabled him to better provide for his family.

Those were the days of "flapjacks" and "lasses", grasshopper days, days of great hardships and appalling disasters. In August, 1868, Mr. Whisman was digging a well when he chanced to look up and saw grasshoppers flying in such numbers that it looked like a hard snow storm. He called to his helpers to pull him out so he could watch the flight. About four o'clock in the afternoon the grasshoppers began to light, and although they left the next morning about ten there was not an ear of corn nor a leaf left on a thirty acre piece of sod corn, a forty acre field of wheat was entirely ruined, and every head of oats was cut off. Even the watermelons and muskmelons were filled with holes. One

six-acre piece of corn in a clearing in the timber was missed by the hoppers so that Mr. Whisman had that left for winter feed. A peculiar thing was noted in grasshopper time — that they flew only when the wind blew from the northwest and settled as soon as the wind changed. In 1871 the grasshoppers came again by myriads but did not light in as great numbers as in 1868, because the wind happened to be to their liking for travelling. These pests were so destructive in 1873 that farmers in O'Brien County were forced to leave or starve. One O'Brien County man told Mr. Whisman that the hoppers ate all of his cabbage and then sat on the stumps and called, "More kraut, more kraut."

About a year after the Whismans came to Cherokee County, another settler and his wife homesteaded just north of their place. The woman soon became very ill and, being unable to get a doctor, she died. No coffin was to be had, nor material for one, and the new neighbor had no money if either had been available. Mr. Whisman had just purchased some walnut lumber at Oto and hauled it the thirty miles to build a cupboard for his wife, but when he heard of his neighbor's extremity he gladly gave him the lumber and helped build a rude box in which to bury the unfortunate woman. They had no nails so the boards were held together with hand-made wooden pins. There was no minister, no funeral, no singing — simply a burial in a new, lonely land. The only marker for the grave is a row of trees outlining its

shape, now nearly sixty years old, still standing in mute testimony of life and death in pioneer days.

In 1867 Mr. Whisman made application for a post-office to be located in his house, the mail being carried at that time by horseback or "buckboard" from Onawa to Peterson. His request was granted, and when asked by the government to name the post-office, he promptly answered, "Washta". The name was suggested by an incident that had occurred a few weeks before. While hunting with a fine rifle he met three Sioux Indians. All of the Indians were armed and when the largest asked to see his rifle Mr. Whisman complied with the request. The Indians examined the rifle with great care, exclaiming, "wasté, wasté"—which is the Sioux word meaning beautiful, fine, or good. The Indian pronunciation is wash-tā'.

Twenty years after "Uncle Jack" Whisman and his family settled on the Little Sioux River, the Illinois Central Railroad was built from Cherokee to Onawa, and the depot and town site of Washta was located across the river east of the Whisman homestead. Thereupon Mr. Whisman rented his farm and moved to Washta where he and his son kept store for a number of years. Later he moved back to the farm where he lived until 1909, when he sold the old homestead and bought a place in Washta where he still lives. Although he is eighty-seven years old, "Uncle Jack" Whisman, as he is familiarly called by all who know him well, cares for a

large garden and lawn, keeps a flock of chickens, goes fishing almost daily in the summer time, chops quantities of wood in the winter, and is a regular church attendant, never missing a morning service on account of the weather and very rarely on account of his health.

INEZ KECK

Buying a Farm in 1866

Almost every day throughout most of the years in his long life, Theophilus Kirkpatrick wrote something in his farm diary. It was usually only a line or two each day, pertaining to the humdrum affairs of rural life. The weather was under constant observation, help was hired in harvest time, fences were mended, a sick horse was doctored, the neighbors were visited, and the payment or collection of debts was carefully recorded. No effort was made to embellish the matter-of-fact account with explanations or personal opinions for the benefit of posterity. The diary was simply a journal of common transactions. As I turn the pages in these little note books, the bits of history that link them to the present have to do with his trip from Illinois in 1866 and the purchase of a farm in Iowa.

The Kirkpatrick homestead had been staked off near the Illinois River in 1836, before the government land office was opened in that neighborhood. For thirty years grandfather lived there. He had prospered to the extent of three hundred acres and a family of six children, and it was his ambition to give each of the boys and girls a quarter section of land out of which they were to make a home.

At the close of the Civil War several neighbors who had moved to southwestern Iowa sent back

reports of cheap land and good prospects within driving distance of the railroads which were being built or anticipated west of the Mississippi River. After harvest in 1866, a quarter section of the Illinois farm was sold for thirty-seven dollars and fifty cents an acre or a total of six thousand dollars. For land without buildings that was considered a high figure — the peak of the war boom.

On Wednesday, October 3rd, Mr. Kirkpatrick and his son-in-law, S. K. Leacox, set out for the ferry across the Mississippi at New Boston and arrived at Washington, Iowa, on Tuesday the ninth. They drove a light team hitched to a one-seated buckboard. Concealed in their clothes they carried two thousand dollars in paper money. The diary records an overnight stop at the deserted cabin of a wood chopper, the tedious drive over roads that were little more than ruts in the hard ground, and the elder man's fatigue. They did not realize then that hard, rough roads were preferable to bottomless mud. A year and a half later, while moving the household goods, the diary records the loss of several pieces of furniture left by the road side because the horses could scarcely move an empty wagon.

After a night spent with relatives at Washington, which was the terminal of a branch of the Rock Island Railroad, the team was led out of the barn to start for Creston, but the brown mare was lame. A delay of a day or more seemed necessary. That afternoon, while Mr. Kirkpatrick rode out south of

town, Mr. Leacox, in a casual conversation with a druggist, told of his errand and the search for "raw land". He said that he had originally intended to drive through to Pawnee, Nebraska, but his father-in-law preferred to stay east of the Missouri River because he feared the lack of rainfall on the plains. The druggist's father-in-law happened to be a land speculator and of course a deal was proposed on an "improved" farm in the timber near town. Mr. Leacox remained steadfast in his demand for land which could be obtained directly from the government, but finally agreed to go out the next day to look at an eight hundred acre tract twenty miles northwest of town. For several years there had been very little call for prairie land. This particular tract, which had cost five dollars per acre ten years before, was being offered at seven dollars and fifty cents per acre.

With a borrowed team they drove out to look at the farm. As Mr. Kirkpatrick wrote in his diary, "All went out to see prairie." They arrived in the vicinity of the tract without knowing for certain the section numbers or the names of the adjoining land-owners. Half a dozen farmsteads within sight had been inclosed but most of the country was open level prairie growing up in blue-stem with occasional patches of hazel brush. There were a few trees here and there by the little water courses where buffalo, and more recently cattle, had trampled the grass. Herds of cattle were grazed on the unfenced prairie

in summer and the boys who herded the cattle found plenty of time to snare ground squirrels, hunt bird nests, and gather great bouquets of the little orange-colored lilies which grew in clumps everywhere.

The Illinois landseekers were pleased with the appearance of the country. They thought that the creek would furnish plenty of water for cattle, and timber for stove wood and fencing material was only a dozen miles away. They expected to cultivate only a small homestead and judged that it would be possible to graze cattle on the unfenced prairie for another generation. That night after dark they drove to Washington for the deed showing the section numbers, and returned the following morning, calling at the home of Rev. D. V. Smock who lived a mile west of the present town of Keota. Mr. Smock served two parishes, each about eight miles on either side of him, and was also county superintendent of schools. With the aid of his wall map showing the school districts and section numbers the land was readily located and a search of only a few minutes revealed the little mounds which the surveyors had spaded up to mark the corners of each quarter section. All afternoon the men walked around the tract. Mr. Kirkpatrick agreed to take the five quarter sections at the price of six thousand dollars provided that Mr. Leacox would give up the search for "free land". On the way into town these personal affairs were arranged and the deal was closed.

The next season one of the Kirkpatrick boys and Mr. Leacox drove out from Illinois to break a piece of sod and rent a house in Washington for the family. By that time several new settlers were moving in and land values had advanced to ten dollars an acre. Mr. Kirkpatrick moved to Iowa in the spring of 1868. Four years later the rails of the Knoxville branch of the Rock Island Railroad were laid and a station was located within two and a half miles of his farm. In 1874 he purchased an adjoining hundred and sixty, one of the last of the unfenced quarter sections on the prairie, for eighteen dollars and ten cents an acre. The days of cheap land in southeastern Iowa were over.

CHARLES D. KIRKPATRICK

The Trials of a Homesteader

At the close of the Civil War, after three years' service, I was discharged. In September, 1862, just before enlisting in the army, I had married Harriet Z. Currier of Nashua, New Hampshire. After my discharge from the army we resided in Nashua for about one year. While there I worked in a machine shop and received as wages seventy-five cents a day. In six months my pay was increased to \$1.25 a day, but I realized that it would be impossible to provide a comfortable home for a family on so small a wage. Determining to take Horace Greeley's advice, I went to Rockford, Illinois, where I found work in a soap factory for fifty dollars a month.

Although I had never been a farmer, I was ambitious to be the owner of a farm, and I soon determined to go farther west in search of a government homestead. With this end in view I purchased a team of horses, and in the spring of 1866 my wife and I, in a covered emigrant wagon, started west. I had no knowledge of the country west of Illinois, and no definite idea where to locate. After three

[This account of the experiences of an Iowa homesteader on the Des Moines River Improvement lands is adapted for THE PALIMPSEST from Charles H. Morrill's *The Morrills and Reminiscences*. The book was written when Mr. Morrill was seventy-five years old, after he had spent a lifetime developing more than a hundred thousand acres of raw land on the frontier in Nebraska, Colorado, Wyoming, and Montana.—THE EDITOR]

days' travel we reached Savanna on the Mississippi River. There was no bridge and everyone had to cross in a ferry-boat. As we were waiting for the boat I made the acquaintance of Mr. J. P. Smith and his wife. Mr. Smith was a Yankee from New Hampshire, who had been in the West several years and was also seeking a western home on government land. He had some knowledge of central Iowa, as he had looked the region over the year before, and had decided to locate near Webster City. I gladly accepted his invitation to join his party. We made the journey by easy stages. Neither family had children. The trip was one of the most enjoyable of my life.

After about three weeks we arrived at Webster City. There we learned that government land could probably be had about fifteen miles south. We then went to a small settlement, known as Hook's Point, located a mile north of the present town of Stratford and half-way between Webster City and Boone. The land on which I located was a portion of what was known as the Des Moines River Improvement land grant.

After much controversy and litigation the United States Supreme Court decided that the patents issued to settlers who had preëmpted land in this grant were void, inasmuch as the entire grant had been conveyed to the Des Moines River Navigation and Railroad Company. The settlers, feeling that they were being fraudulently deprived of their prop-

erty, organized and refused either to vacate or purchase the lands from the Navigation Company. As the decisions of the courts were in favor of the Navigation Company, Federal marshals were directed to eject settlers. When the settlers armed themselves and refused to leave their homes a reign of terror began. Both sides went prepared to defend themselves. Several agents of the Navigation Company were shot by the settlers; marshals were attacked; many families of the settlers, numbering about two thousand, were ejected from their homes; and some men were imprisoned for violating the orders of the court. The Navigation Company, through its agents, continued to harass the settlers by serving notices on them that they must vacate the premises or purchase the land from the company.

Owing to these conditions, permanent improvements were neglected and most of the settlers lived in mere shacks. Many bills were introduced in Congress to reimburse the settlers for money paid by them to the government. In 1872 there were two hundred and forty suits pending against settlers for rent and damages. A commission was appointed by the Governor of Iowa to ascertain the value of the improvements on the land, which was found to be one million five hundred thousand dollars. For more than twenty years the rights of settlers who had lost their land were ignored. Not until 1894 did Congress pass an act to return to them the money paid into the United States Land Offices as purchase

price under the preëmption act. In the meantime, many of the settlers, driven from their homes, had died or gone to other territory to secure new homes.

It was during this contention that I settled on an eighty-acre tract of the Des Moines River land grant. During the first summer we lived in a small shack having one room. The roof was constructed of elm boards, badly warped and cracked by the hot sun. Whenever it rained most of the water came through, wetting the bedding and everything inside the so-called house. We had at that time about five hundred dollars, a team of horses, and a wagon. Our money was soon expended in the purchase of two cows, a few pigs, and enough lumber for a small house.

As I had always lived in Concord, New Hampshire, I knew nothing about farming, and my wife was a city bred girl. Everything we tried to do seemed a failure. I knew nothing about the care or management of horses and cattle. My wife knew just as little about farmhouse work, such as making butter or caring for chickens. We had practically no comforts in the house, and no cellar — only a hole in the ground with dirt walls, a very inviting place for rats and mice. I spent the first summer breaking prairie for some of my neighbors, and a few acres for myself. We had no tillable land, and therefore no crop. Our new house was twenty-eight by twenty-five feet, one story high, and divided into four small rooms. It was so poorly built that during the first winter Mrs. Morrill, while at work in the kitchen, froze her

feet so badly that she suffered for several years. A pail of water standing in the kitchen over night sometimes froze solid.

During the first year our daughter Lilla was born. In the fall of 1866, my health was very poor. I had a violent cough and showed symptoms of tuberculosis. In September, in company with J. P. Smith, I went to Boone, sixteen miles south, and was examined by a lung specialist. He said I had consumption and advised me, if I had friends in the East, to go to them as I was in a very serious condition. When the cold weather came on I began to improve and decided to remain in Iowa.

In the spring of 1867 I planted about forty acres. The season was wet, I did a poor job of farming, and my crop was almost a total failure. One of my horses died, leaving me without a team. I purchased a blind horse on credit, and in 1868 put in about sixty acres. This year also was very wet and crops again failed. Gradually I was getting into debt. This indebtedness was almost always for food and clothing. I was indebted to my neighbors for corn, wheat, and meat and it was impossible for me to pay them. Naturally my credit became poorer as time went on, and I was soon considered, by those living near me, as financially irresponsible and not worthy of credit. In 1868 our son, Charles Albert, was born.

In 1869 there was another partial crop failure due to wet weather. For the first time I was refused credit at the store at Hook's Point, our nearest town,

for twenty-five cents worth of coffee, and I was informed that I was on the blacklist because I did not pay my debts. To me this was a terrible blow; winter was coming on and we were almost without shoes and clothing. Thinking I might obtain credit in towns farther away, where I was not as well known, I went to Boone, Webster City, and Mineral Ridge. Wherever I went my name was found in the blacklist book, and I was refused credit. I purchased from my neighbors, on credit, old saddle skirts with which I half-soled shoes for myself and wife. For over two years we had no clothing except that which we made for ourselves from brown denim. My wife even made mittens and caps for me from old worn clothing. For nearly two years we had no wheat flour because I had to have cash to obtain it. But I was able to purchase, on credit, a few bushels of corn from distant neighbors who did not know my financial standing, and could get it ground at a mill near by.

While I was in this desperate condition, I lost another horse which hung itself in the stable. After several weeks' search I found a poor "crow-bait" that I could purchase on time by agreeing to pay twice the real value of the animal. In 1870 our condition was most deplorable. During the summer I found a tract of one hundred and twenty acres of land that I could purchase for two hundred dollars by paying one hundred dollars down and the balance in two years. I succeeded in borrowing one hundred

dollars from my uncle, John Henry Morrill of Rockford, Illinois. The season started with fine prospects for crops, and during the latter part of the summer I disposed of my newly acquired land for nine hundred dollars. When I had paid my debts I still had five hundred dollars.

After several days of discussion, my wife and I decided to invest the entire sum of five hundred dollars in young calves, which at weaning time could be purchased at five dollars a head. To do this we would have to continue living on very little, and deprive ourselves of every comfort. We were young and full of hope, however, and we concluded that by making this sacrifice we would soon be on the road to prosperity. At that time my only ambition was to acquire a comfortable home. All around our farm were large tracts of land owned by non-residents. This land was free to settlers for pasturage and for cutting hay. By the time frost came in the fall of 1870 I had more than one hundred head of calves, and sufficient hay to feed them through the winter. I was so afraid some of these young cattle might die that I almost slept with them. My crops in 1870 were very good, and with my debts paid, and my young cattle growing, I felt myself on the highroad to success.

I remember well the day I rode from neighbor to neighbor to pay my debts. Nearly every man thanked me and said, "Morrill, we are glad you are making good. We never expected you to be able to

pay us." This was one of the happiest days of my life. My debts were all paid and my honor as a man was redeemed. After that I was able to look my neighbors in the face without feeling that they had good reason to think I had obtained credit from them under false pretenses. By the year 1871 I had a fine herd of cattle, and my credit was established so that when necessary I could borrow small sums of money from the banks. In 1872 I sold a bunch of fat cattle for one thousand dollars.

The experience I had in Iowa was just the lesson I needed to make me a careful, successful man. It taught me methods of economy and thrift, the value of money, and more than all, the value of credit, which in a very large degree means character and honor. In the fall of 1871 I made a trip to Nebraska where I purchased from the Union Pacific Railroad one hundred and sixty acres of land in Polk County on the Big Blue River. The next spring I drove six yoke of oxen overland, took a homestead on land adjoining that which I had purchased the previous year, and during the summer I broke one hundred acres of prairie. My intention was to move my family west the following spring. During the summer of 1872, while I was in Nebraska, our son Arthur was born. It was about March 1, 1873, when I started to Nebraska with my wife and children in two covered wagons. We had at that time a hundred and twenty-five head of cattle and eight horses.

CHARLES H. MORRILL

The Vigilance Committees

The vigilance committees in Iowa grew out of two peculiarities quite typical of all frontier life in the Mississippi Valley. One was the considerable number of desperadoes who found the frontier a safe refuge from the punishing arm of the law; the other was the tendency of the early settlers to provide for themselves that protection which the government did not give them. Thus, we find the miners of Dubuque in 1830, four years before Iowa was placed under the jurisdiction of the Territory of Michigan, making their own regulations by which they were governed; the squatters forming claim associations to secure their land; and when the law failed to control the great number of "border banditti" the vigilance committees came into existence to protect the settler's life and property.

Many were the offenses of the outlaws, but the most prominent were murder, counterfeiting, and horse stealing, particularly the latter. Horses were always marketable. They not only served as the "power in front of the plow" but also as the "means of transportation." Being scarce and very useful in this new country they brought as much as one hundred or one hundred and fifty dollars a head — an enormous sum in those days of low prices. In addition to this, the thief could make his escape on

his stolen goods, which made more profitable and possible the stealing of horses.

And horse stealing was not only remunerative — it was romantic. It had much of the same attraction for some men that stealing watermelons has for boys. The extreme danger — death was the penalty if caught, and often if suspected — made the risk a thrilling experience; or perhaps the “knightly air” associated with the horse bred in some weak-willed men an overwhelming desire to have a “steed” of their own. Be that as it may, the daring feat of “raising” a horse overnight attracted many of the most adventurous of the desperadoes.

Several men usually banded together for this operation. One of them would steal the horse from an unsuspecting neighbor, and the others would relay it on to another community over river-timbered routes well provided with friendly taverns and farm homes affording shelter and secrecy. The stolen horse was usually transported to Missouri on the south, or to Wisconsin and Illinois on the east, while horses from those States were often brought to Iowa in the same way.

The most notorious of these gangs were the Brodys in Benton and Linn counties, and the “Bellevue gang” with headquarters in Jackson County. The leader of the gang at Bellevue was W. W. Brown, a tavern keeper of “intelligence and engaging manners”. His confederates operated “through portions of Wisconsin, northern Illinois

and extending down the Mississippi River into Missouri. The large body of timber in Jackson County, known as the 'Big Woods', made an almost secure place for secreting stolen property. There were stations extending through Jones, Cedar, Johnson, Mahaska, Scott, Louisa and Lee counties Among the desperadoes who belonged to the gang were William Fox, Aaron and John Long, Richard Baxter, Granville Young and Mr. Birch, all of whom were afterward concerned in the robbery and murder of Colonel George Davenport."

With such well organized gangs operating in the State the owner of a stolen horse could seldom afford time or money to recover his property. If he were sufficiently determined and correspondingly lucky to trace the thieves he could not always prove his claim to the horse, or even identify it, for clever thieves often had the horse "remodeled". For instance, Garrett Thompson and his accomplices of Monroe County concealed the identity of dark-colored animals by burning the foreheads with nitric acid, thus producing white spots which made a star-face or bald-face out of an otherwise solid brown or black. If the owner did find, identify, and prove his claim to the horse he was not always sure of the coöperation of the local officials and the trouble of getting a horse thief extradited made the problem of recovering his property almost an impossibility for the individual owner.

But what the early settlers could not do individ-

ually they could do collectively. Consequently in many localities they took the law, the practical administration of it at least, into their own hands. Many times when some extraordinary outrage would fire their sense of justice they would gather as a mob and hunt, seize, and punish their victim, and then disband never to meet again. In that manner the notorious "Comequick" (J. W. Thomas) of Polk County was hanged in 1857 when it was discovered that he had murdered a young man and his wife and stolen the money which they had brought to Iowa to buy a farm. Such action was moblike but effective and had the sanction of the entire community. Usually, however, the settlers took time to create a more permanent form of extra-legal organization with a constitution, by-laws, and rather orderly course of action.

The names of these organizations varied in different communities. Often they were called some form of protective association, as the Iowa Protection Company of Benton County or the Mutual Protective Association of Linn County. Again there was the Anti-Horse Thief Association, while many localities achieved a certain community pride with distinctive names, such as the Wapsie Rangers. However, the name most generally applied to all was the Regulators or the Vigilance Committee — embodying "the sentiment of watchfulness with those of circumspection, care, and protection."

These vigilance committees existed in practically

all sections of the State during the forties and fifties but were most active in the eastern part, centering around the Des Moines, Cedar, and Iowa rivers. The dense timber land, with its excellent hiding places, was an ideal rendezvous for an uncommon number of thieves, and as this part of the State was settled before the young government was strong enough to give much protection the settlers had to rely upon themselves. The headquarters of the main body of vigilantes of this section, which drew members from the counties of Jackson, Jones, Clinton, Scott, Cedar, and Johnson, was at Big Rock in Scott County.

Although it is said that "not less than seven hundred citizens" were members of the above organization the ordinary vigilance committee had only from fifty to one hundred members, depending upon the size of the community. The prerequisites for membership were few but strict. The candidates at Emeline in Jackson County had to be of age and to swear on oath "that they had not at any time previous, been in any way connected with counterfeiting gangs, thieving, or any other unlawful pursuits." The penalty for perjury was death "and all spies" shared "the same fate". The members were commonly the most influential citizens in a community and were, as a local historian records, usually "church members". Farmers made up the predominant part of all committees, for they were the ones most sinned against in horse stealing.

The organization of a vigilance committee as provided for in the constitution of the Iowa Protection Company (the only constitution of a vigilance committee known to be in existence) consisted "of a President, Secretary and Treasurer, to be chosen *viva voce* at any stated meeting, and to hold their offices during good behavior." These officers had the usual powers pertaining to such positions, and in addition the president acted as "judge" when an offender was being tried and had power to convene the committee at any time. It is interesting to note that the first president of the Iowa Protection Company, John S. Forsyth, was later one of the most prominent judges of Benton County, and that the president of the committee at Emeline was an eminent minister, the Reverend Eldad Cooly.

The regular meetings of any well organized vigilance committee were provided for in the constitution. The constitution of the Iowa Protection Company stated that the regular meetings "shall be the Saturday before the full of the moon, at such place as may be designated." The meetings were secret and any member "on revealing its proceedings in any respect" was excluded from the benefits of the committee. At the regular meetings usually only routine business was transacted, such as hearing committee reports. When one of the sub-committees, or any individual member, had something of vital importance to report to the vigilantes a special meeting was called and there it was that the

main and more exciting business of the vigilance committee was conducted.

The most important work for which the vigilance committees were organized was to catch, or to aid the civil officers in catching, violators of the law, especially horse thieves, and with their thorough-going organization they were very efficient in their detective services. Occasionally a thief would be caught red-handed in the overt act. At other times he would be tracked and apprehended by a band of vigilantes who were willing to stake their cunning against desperadoes. The suspicions of the regulators were usually aroused by seeing a stranger with a neighbor's team, or by seeing a neighbor with a strange team. Invariably either was questioned, and if a satisfactory answer could not be given the accused was immediately taken into custody by the committee.

Other means of detection were employed, many of them unique. Once a retired sea captain, R. A. Lyons of Clinton County, while sweeping the wild prairies with his marine telescope, detected some thieves endeavoring to lasso a valuable horse he had brought from Mexico. The vigilance committee acted upon his information and aided in bringing the would-be thieves to justice.

But after the vigilantes caught an offender they were not always sure that he would be punished. The officers of the law were often "friendly with or afraid of the criminals and many judges were weak

and easily intimidated." The thieves "employed the best lawyers because they had the most money with which to pay them." Refuge was sought in legal technicalities and "changes of venue were easily obtained. Witnesses against criminals found it convenient to be away or not to tell the whole truth."

Such conditions as these resulted in long delays and frequent acquittals. Consequently the vigilance committees, thoroughly disgusted with the administration of justice, took upon themselves not only the work of catching offenders but also the conviction and punishment of them in "courts" of their own. In the words of the Jackson County Vigilance Committee, they had decided to enforce the criminal laws of the State "to the very letter", but would only be "governed by the penal laws of the State so far as it is convenient." In the fourteen years from 1846 to 1860 some seventy victims in Iowa were punished by the vigilantes.

Various rules of procedure obtained in the courts of the vigilantes. If the prisoner had been caught in the overt act or if he had resisted capture, the case was merely a matter of punishment. This was the fate of such men as Peter Conklin, "who had committed many crimes in Johnson County". A band of regulators "was scouring the country near Yankee Run, in Cedar County, on the 27th of June, 1857, and came upon Conklin in the woods on horseback. He fled, was pursued, overtaken, shot down

and instantly killed. There was little doubt that he was a desperado of a very dangerous character."

But where the evidence was not quite so obvious the prisoner was accorded a trial. The "court" of the vigilantes was usually held at night, although several, such as the one that tried Garrett Thompson of Monroe County, were held in broad daylight and the public was invited to attend. The "bar of justice" was usually a wagon placed under a tree — the tree is significant. The president of the committee mounted the wagon and acted as judge. Twelve jurors were impaneled, the accused often having the right to object to any of them. Sometimes a man would be designated to defend the prisoner, but more often the "judge" both interrogated and defended.

With the preliminaries hastily performed the prisoner was brought before the "court"—judge and jurors standing throughout the trial. Witnesses for the plaintiff were called. No attempt was made to secure witnesses for the defense. Men were afraid they would be implicated should they stand up for an accused horse thief. "After a thorough examination"—usually to secure a confession or enough evidence for further convictions—"the jury retired" and prepared their verdict. It was invariably guilty. The assembly then decided what the penalty would be. Motions were made and acted upon as to whether the prisoner would be banished, tarred and feathered, whipped, or hanged. It was usually the latter. A majority vote, determined by

the yeas passing on one side and the nays on the other, was necessary for action. As stated in the case of Garrett Thompson the motion prevailed that "Garrett Thompson be hanged by the neck until he is dead."

The condemned was then prepared for his execution. He was placed on the wagon. One end of a rope was tied to the limb of the tree under which the court was held, the other end to his neck. Prayer was offered, tobacco "chaws" were discarded, the fated man was asked for further confessions, the wagon was pulled away, and the deed was done.

Seldom was any attempt made to bring participants of these affairs into the courts to account for their action. Civil officers were warned that "they must not commence proceedings" against members of the committees, and the "unjust death" of any member would be avenged. If any action was brought against the vigilantes the witnesses were made drunk or spirited away, or a court room full of armed men usually convinced the jury that no one was guilty. As the vigilantes themselves or their friends often sat on the juries there was seldom any danger of a "miscarriage of justice". Sometimes the family of a victim would sue for damages but the sum awarded, if any, was insignificant. Probably the largest amount ever given was in the case of Charles Brandon of Mahaska County. On September 21, 1868, he was hanged for horse stealing. Thereupon his friends sued for ten thousand dollars

and received eight hundred. It is noteworthy that the defendants were not tried for murder.

Like most institutions the vigilance committees were occasionally manipulated by scoundrels. Men who wished revenge joined in order to destroy their enemies. In this way innocent men were punished. An example of this is the case of Alonzo Page who is said to have been an honest and "intelligent young man who lived on a farm near the eastern line of Cedar County, southeast of the present town of Lowden." He had incurred the hatred of a man named Corry who joined the regulators and spread the report that Page had connections with a gang of horse thieves. Believing the report, a body of regulators rode up to his cabin in June, 1857, and warned him to get out of the country. Conscious of his own innocence he refused to obey them. Sometime afterward, Page heard the tramp of horses one night. He looked out of the window and saw that his cabin was surrounded. The regulators knocked at the door, but he refused to open it. In vain he declared his innocence and told them that his wife was very sick. They broke down the barricaded door, shot him, and rode away, leaving the sick wife with her dying husband. Upon the testimony of participants in the raid, "Corry was the man who did the shooting."

Such misguided action aided in bringing the day of the vigilance committees to a close. Men like Canada McCullough of Cedar County openly de-

nounced their actions and supported his denunciations with a house full of loaded rifles. Intimidations failed to shake him and men like him, and the vigilance committees somewhat reluctantly gave up their powers to the rapidly developing State government. Apace with the development of the State the majority of the desperadoes moved farther west to new fields of endeavor so that there was little for either vigilantes or civil officers to do. Although a few vigilance committees still survived in western Iowa as late as the seventies, they were for the most part of a social or reminiscent nature.

ORVILLE F. GRAHAME

Comment by the Editor

DEVELOPING THE COUNTRY

Hope is the power that runs the world. It is the stuff that conscious dreams are made of—"the nurse of young desire." The plans and work and prayers of men are but expressions of their hopes. Of all the motives that mortals feel, the most vital is hope of achievement. Aspiration, not fulfillment, is the "lifeblood of the soul"—the alchemy which converts the dross of dull reality into the purest gold of future bliss. "Kings it makes gods, and meaner creatures kings." In times of distress, hope is the balm that eases the pain of sorrow and privation. As the Count of Arnheim sings at the loss of his daughter Arline:

The heart bowed down by weight of woe
To weakest hope will cling.

Thus forever eternal hope buoys up the sinking fortunes of the human race.

For three centuries Americans devoted their energy to the task of winning a continent, with the expectation of bettering their condition. The continual struggle to wrest a living from reluctant soil, to establish means of transportation, and to build cities tried the courage, endurance, and faith of the people severely. It was a stupendous enterprise the

like of which had never been undertaken before, and never can be done again. At what cost in pain and treasure men and women from generation to generation forged westward in the work of making homes and developing the country! The wars of the nation are insignificant in comparison. It was a great adventure and the chance of success was high. Allured by the vision of boundless acres and hustling commerce and encouraged by the experience of their fathers, men were willing to pile their all into a covered wagon and risk everything on their hopes of the future. The stake was high, but so also were the profits.

J. E. B.

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