

STORY COUNTY 1853

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The laying of the cornerstone of a new Story County courthouse in 1968 is an auspicious time to review the history of the organization of the county, 115 years earlier. It is coincidental that also in 1968 the County is dedicating a new park and lake at Hickory Grove, where some of the most dramatic events of 1853 occurred.

The people of Story County were certainly not avid to get organized. A census figure of 1852 revealed 214 persons, and it was not until that fall that a petition was originated. The legislature approved the request in January and ordered Judge McKay of the District Court to see that the proper procedures were followed. Early in 1853 he appointed Samuel McCall, County Judge of Boone County, to take the necessary steps, thus marking a watershed between the total freedom of the pioneers and the beginnings of structured and organized society.

There were two principal loci of settlement in the county - one along the East Indian creek and the other about the Squaw Fork of the Cha Ca Gua or Skunk. An entirely different route of entry led to each, and they were separated by as much as ten miles of swampland, or overflow land or both. There was little communication between the two centers; those in the east found neighbors in the more developed Jasper and Polk counties, those in the west in Boone.

There was voting in Story County in the fall of 1852, the presidential election. The county was then attached to Polk for administrative purposes, and Byron Rice, County Judge of that county, designated two precincts for the election, Indian Creek and Skunk River. Voting was at the cabins of Sam McDaniel in the east and of Shadrack Worrall in the west. Commissioners for the Indian Creek polling place were J. P. Robison, W. W. Utterback, and Nathan Webb. This was at Hickory Grove, near the center of "The Big Grove" and specifically in Sec. 23, Township 83, Range 22. There is no record of who were the commissioners at Worrall Grove in Sec. 17, Township 83, Range 24, and there is no record of how the votes were cast.

McCall, who was a veteran at organizing counties, made arrangements for an election on April 4th and appointed two polling places: the cabin of Horace Heald on the East Indian, Section 35, Township 83, Range 22, and that of Evan C. Evans on the east side of the Skunk Section 24, Township 84, Range 24. This took care of the principal settlements, but not of a group who were strung along the southern border of the county between Ballard Grove and Calamus Creek. It seems that those citizens took no part in the first election, whether from oversight or because of disinterest. Sixty-three votes were cast.

The establishment of the two precincts tended to aggravate a situation which geography had created; the voting was strictly regional. The westerners won all the offices, including that of surveyor, which was uncontested. Perhaps Otho French was the only citizen with the knowledge or instruments to qualify for the job. The most important office at the time was that of County Judge, and this went to Evan Evans. Otho proved to be an excellent selection. Other officers were: Franklin Thompson, Clerk, Eli Deal, Sheriff, Shadrack Worrall, Coroner, and John Kiegley, School Fund Commissioner. The voting was about 3:2 for the western candidates. S. P. O'Brien, who was not quite 21, was appointed assessor by Judge Evans shortly thereafter when he reached his majority.

An outside commission was delegated to choose a site for a county seat, and on June 27th they met. Thomas Mitchell of Polk was ill and could not attend, but Johnson Edgar of Jasper and Josiah Thrift of Boone made up a quorum. Thrift arrived at the cabin of Steve O'Brien to find the Skunk too high to ford. He tried to swim his horse across, but the animal assumed command and dumped the commissioner in the water, much to the amusement of O'Brien. The day turned out pleasant and a considerable crowd appeared as news of the event had been widely circulated.

The target was the geographic center of the county, and the two 80-acre plots which formed the original town of Nevada filled the bill. Thrift, who was a returnee from the California gold fields, suggested the name of Nevada. It was probably never pronounced correctly. This was the first named town in the county, though, as a matter of fact, there was not a dwelling within five miles.

Among the crowd present was T. E. Alderman, who decided on the spot to make the unborn town his future home, and he became its first citizen. Also present was Jenkins W. Morris, a speculator who hurried back to the "Fort" and entered the land for himself. This resulted in some mild future trouble. Another witness was A. K. Webb, a future attorney, but then a barefoot farm boy who had walked all the way from Iowa Center to see what was going on. He remembered being nearly washed away by a terrific storm on his way home.

Early in September the land sale of town lots was held, and Alderman was on hand to buy his plot and to start his cabin in the square where the courthouse has since stood. That cabin was Nevada's only building for a year, and it served as a home, as a store, and even as a tavern. In fact, the county archives were kept there in a wooden box under Alderman's bed - so it was also the first courthouse, on the exact site where the 1968 building stands.

To follow the succeeding events it is helpful to have a bit more knowledge of the settlers. They were not immigrants from abroad, nor were they "easterners". Nearly all were from Illinois, Indiana, Ohio, or even southeastern Iowa and in the main they were second-generation pioneers, moving further west in the hope of bettering themselves. As such, there was a strong tendency for them to conform to the mores of the areas from which they came. With due regard for exceptions, in general they were farmers of Anglo-Saxon descent, of protestant fundamentalist religious persuasion, and inclined to be puritanical in their pleasures. Most of them were opposed to alcohol, card playing, dancing - "sin" in any form. The settlers around the Heald cabin at "Hog Skin Point" conformed to this pattern quite generally.

But only a couple of miles to the northeast, at Hickory Grove, a more free and easy group developed. Judiah Ray explained it like this: He and his wife came across the prairie from Newton in the late fall of 1852, hoping to locate near the "Big Grove". They saw a plume of smoke, and when they headed toward it they were overtaken by a horseman. He said his name was Barnabus Lowell, that the cabin belonged to Sam McDaniel who was absent in Ohio, but that he was living there and they would be welcome. He was a man of such "uncouth and forbidding aspect" that Ray was barely civil to him, and this drew reproaches from his wife, who thought that a tactless way to enter a new community.

At the cabin they met McDaniel's sister and her spouse, E. H. "Doc" Billings, the Lowell family, plus other assorted "rough looking customers", all drinking whiskey and playing cards. The Rays were cordially invited to join the party, but they declined, saying they would sleep in their wagon as they had been. Next morning they made an early start toward the southwest and soon found equally hospitable, but more congenial, settlers at the Hiram Vincent cabin.

The McDaniel cabin was located due west of the present southwest entrance to Hickory Grove Park, on the high hill now occupied by the Mound cemetery. This area was chosen by very early arrivals because of the nearby confluence of three creeks in a region of well-wooded glacial hills. In any direction better soil and ultimately better farms could have been found at no great distance, but this spot satisfied the needs of the pioneers. The first arrivals had been in 1850 and now, three years later, there were several cabins nearby.

The stage is now set, and as the drama unfolds, perhaps the best narrator is Steve O'Brien, 21-year-old bridegroom, pioneer, and the first assessor for Story County. The date is lost, but it was a beautiful late summer morning when he started out to assess the eastern settlements. He had already made the rounds of the western cabins, with which he was well acquainted, and now he took advantage of the nice day to visit new territory.

He went down the west Indian, where he found only J. P. Robison and Elisha Alderman. He crossed the Indian and saw two Pearsons down on the county line and further east he visited William Parker. He remarked that Parker claimed to have been there since 1849, "and from the looks of things he had". Starting up the east Indian he found two Proutys, W. K. Wood, James Sellers, two Brouhards, George Dye, and Nathan Webb. He next met Sam McDaniel, riding across the prairie and headed for Newton, "to get two Doctors to perform an autopsy on Mrs. Barnabus Lowell". She had died during the previous night and some of the neighbors were accusing her husband of murdering her.

Naturally, he took a short cut to the cabin of the Lowells, where he found a number of people gathered while the accused bitterly assailed them. He had not been arrested, but expected to be soon. As a matter of fact, as O'Brien headed for home he met the sheriff and coroner coming to take charge of the affair. Law and order had come to the Big Grove.

Tradition has it that the inquest was conducted by J. F. Robison, but in the presence of the proper authorities, this seems unlikely. It was perfectly in character, however, for that gentleman to have taken charge and to act as if he were the presiding officer, even if he were only the foreman of the coroner's jury.

Lowell lay on a bed in the Heald cabin, where the inquest was held, and cursed and threatened his accusers throughout the proceedings. The following story was, in general, the basis of the findings.

The widow Mary Hague lived near the present northwest corner of the park in a cabin recently vacated by Billings, who had left the country. During the previous night she had been awakened by one of the Lowell girls, who asked her to come to their house, as her mother was very sick. Lowell had recently erected a cabin just a short distance away, but on the other side of the creek. Mrs. Hague quickly dressed and splashed her way across to give such aid as she could. She found Mrs. Lowell dead.

As the neighbors congregated they took note of strange actions on the part of Lowell. He refused to let anyone remove a coarse cloth which was wrapped around the dead woman's neck; in fact he refused to let the women prepare the body for burial at all. She was buried at the top of the hill in what later became the Mound cemetery, but the talk continued. Certain remarks by the girls fueled the suspicions, and McDaniel set out on his errand as previously noted, while someone else went for Sheriff Eli Deal.

The daughters testified that their mother had been perfectly well when they returned from Sunday dinner at the McDaniel home, but soon thereafter the parents engaged in a violent quarrel. The girls were sent to bed in a lean-to and the door barred.

Loud sounds of a disturbance followed, but Lowell refused to readmit them to the cabin. They even described sounds of "striking, choking and struggling", which soon ended. They also testified that their own mother, Lowell's first wife, had died under almost identical circumstances in Ohio. Testimony from the experts that Mrs. Lowell had died of strangulation clinched the case against her husband.

Barnabus Lowell was jailed at Fort Des Moines, and Judge McKay called for a Grand Jury hearing to be held in the cabin of County Judge Evans. They actually convened on September 24th in a log cabin being erected nearby for the Judge's brother William. It had four walls, but as yet no roof. Judge McKay slept in the Evans cabin, but the other members of the court and visitors slept under the stars.

The prosecuting attorney was W. W. Wilkinson of Polk County; there were as yet no lawyers in Story. No defense lawyers are mentioned, though it is reported that several attorneys were present. Dan Finch of Fort Des Moines, John A. Hull of Boonesboro, and the famous "Old Timber" Woods.

The sheriff was Eli Deal, the bailiff William Arrasmith and the clerk Franklin Thompson. The jury included J. P. Robison, foreman, and Samuel Heistand, John H. Kiegley, William D. Evans, Nathaniel Jennings, David Wilkinson, Jeremiah Cory, William K. Wood, Hiram Vincent, David S. Neal, Judish Ray, Horace Heald, John Sellers, Jennings Wilkinson and John Zenor. Since there are fifteen names on this list, it probably represented the panel rather than the actual jury.

Lowell was indicted on the same evidence which had been given previously and he was given a change of venue to Polk County. This seems reasonable, since half of the jury were, of necessity, his neighbors and thus his accusers. It is part of the early mythology of Story County that foreman Robison was so ignorant of his duties that in his report to the judge he found Lowell guilty of murder and sentenced him to hang by the neck until "dead, dead, dead". More sober accounts suggest that this canard was hung on the "Squire" in order to deflate his ego, as he was generally considered pompous and self-important.

Lowell had tried to escape on the way up from the jail, and so was returned in irons. He was tried, found guilty, and sentenced to life imprisonment at Fort Madison, where he died. There seems to be no information as to what became of the girls.

This ended the "troubles" at Hickory Grove. A recapitulation of the dramatis personae suggests that McDaniel, whose cabin was the center of the lawlessness, was a victim of his hospitality, his generosity, and his sister's choice of a husband. Billings was gone by the time of this story, and the arrest of Lowell returned the neighborhood to the law abiding citizens.

This story has been culled from several distinct sources; there are some discrepancies and a careful attempt has been made to reconcile these. Occasionally it has been necessary to interpolate a bit along the lines of probability, logic and common sense.

There is more than a little confusion concerning the roles played by various individuals, and especially of Mr. J. P. Robison. It is helpful to know that the election of April 1853 was a special one, and another was held in August, the regular election. Some new officers were elected at this time, but had not yet qualified to take office at the time of the trial. For example, at the original election the coroner elected was Shadrack Worrall. Nowhere in these events is his name mentioned - it is at least suggested that he had refused to serve. The coroner elected at the August election was none other than J. P. Robison, and the fact that he was actually coroner-elect may account for some of his officious behavior.

Preservation of the various lists of names tells quite well who the responsible early day citizens were, the ones who took democratic self-government seriously. It is an amazing fact that known descendants of more than half of these names are still in Story County and that many more could be found, no doubt, if one knew the married names of daughters. This merely points up the fact that the pioneers in this area came to stay.

The events of 1853 had a far-reaching effect upon the affairs of the new county. It was demonstrated that there was a local government, and that it could act when the necessity arose.

People came from far and wide to attend the Grand Jury hearing - it was unquestionably the entertainment "Special" of the year. It was commonly said that the tracks across the prairie of those who attended became the trails, and ultimately the first roads of the pioneer area.

The establishment of communication and acquaintance between members of the two communities did much to heal the breach which was created by geography and aggravated by early elections. The political history of Story County begins in this tale.