

## History of Cooper County Missouri by W. F. Johnson Pages 150 - 199

### Chapter VIII

From 1819 to 1821

(Continued)

the court and together with the plat of the town of Boonville the lots of which were divided and which plat was returned by them as a part of their report is ordered to be recorded.

William Ross produced in court a commission from the governor of this territory bearing date the 28th day of April 1819, appointing him surveyor of the county of Cooper, who made oath as the law directs, and who together with William Gibson and Stephen Cole his securities entered into and acknowledged bond in penalty of \$2,000 conditioned according to law.

At the July term, 1819, the Grand Jury shows activity. The offenses were trivial. The early settlers were gradually learning obedience to written statutes.

The Grand Jury impaneled and sworn this court returned again into court, presented an indictment against John H. Moore and Churchwell Box. Stephen Cole, Jr., Stephen Cole, Sr., and John Roberts "a true bill" and then they retired and after same time returned an indictment against Stanley G. Morgan "a true bill" also an indictment against William Warden "a true bill", also an indictment against Jesse Mann, "a true bill" also an indictment against Isaac Renfro "a true bill" also an indictment against William Bryant, "a true bill", also an indictment against Williamson H. Curbs, "a true bill" also an indictment vs. Samuel Potter, "a true bill" and having nothing further to present, were discharged.

Further reproductions of the records of the court would doubtless be wearisome to the reader. There were a number of petitions for roads presented and as one would judge from the licenses issued for the establishment of ferries across the Missouri River and other streams it would verify the fact that immigration south of the Missouri River was increasing from day to day.

That the settlers were beginning to feel the force and effect of written statutes and courts is evidenced by the fact that at the March term, 1820, the following men were indicted by the Grand Jury for swearing: Jesse Mann, Isaac Renfro, William Warden, William Bryant, Thomas Brown, Stephen Tate, John S. Moreland, David Fine. This action, however, seemed to be more to caution than to punish. These indictments were afterwards dismissed by the court for want of jurisdiction.

Up to Jan. 23, 1821, the following attorneys were enrolled and practicing in this court: Peyton R. Hoyden, being the first enrolled; George Tompkins, John S. Brickey, Cyrus Edwards, John S. Mitchell, Hamilton R. Gamble, Andrew McGirk, Robert McGavock, Abiel Leonard, John F.

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Ryland, Arinstedd A. Grundy, Dabney Carr, William J. Redd and John Payne. Among these we find the names of many who afterwards occupied offices of trust in the state of Missouri. Indeed, all of them are noted as being fine lawyers and honorable men.

The records of the court show that during the year 1819, there were but four peddlers and six merchants within the limits of Cooper County, and that the total amount of revenue on the tax-book for 1819, as charged to William Curtis, sheriff, at the July term of this court, 1819, was \$488.34.

All these terms of court were held at William Bartlett's boarding house called the Tavern of Boonville. This was but a crude log cabin but answered well the purpose of those early days. During the year 1819 there were but seven marriage certificates recorded. We herewith give some of the first marriages. On the 11th day of February 1819, John Turner and Nancy Campbell were united in marriage by Benjamin Procter, a minister of the gospel. On the 3d day of May 1819, Peyton Newlin, M. G., joined together in the bonds of matrimony, John Smith and Sally McMahan. William Weir, on the 28th day of June, 1819, solemnized the nuptials of Jeremiah Meadows and Anne Music. The same William Weir, Justice of Peace, on the 8th day of July 1819, performed the ceremony uniting Henry Cowin and Honor Howard. On the 6th day of May 1819, Benjamin F. Hickcox, Justice of Peace, performed the marriage ceremony between John Green and Nancy Boyd. On the 12th day of Sept., 1819, James Bruffee, J. P., joined together in the holy state of matrimony, Charles Force and Betsy Connor. On the 13th day of April 1820, David Coulter and Eliza Stone were united in marriage by William Weir, J. P., and on the 17th day of July, 1820, Finis Ewing, M. G., who was the father of Cumberland Presbyterianism, performed the marriage ceremony between Larkin Dewitt and Hannah Ewing.

Beginning in 1817 the settlers of the territory of Missouri were clamoring steadily and strenuously for statehood. In Jan. 1818 a memorial was presented to Congress by the Hon. John Scott, the delegate from the territory. In this memorial the petitioners gave potent reasons why the new state should be organized. Other petitions were sent up from various sections of the state and many of the settlers of Cooper County were signers of the petitions, and active in the movement to have the territory admitted as a state. All these petitions have been lost except one. A few years ago Representative Bartholt, of St. Louis, accidentally discovered one of these petitions, said to be the only one in existence, in the capitol, at Washington, and had it sent to the M. S. S. Division

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of the Library of Congress where it has been framed and is thus permanently preserved. In Dec. 1818, the territorial Legislature of Missouri took up this subject and also adopted a memorial praying for the establishment of a state government, supplementing the original petition. This agitation at this time marks the beginning of the great contest between the advocates of slavery and those who opposed that institution. The controversy in Congress was bitter and the admission of the territory into the union as a state was delayed by reason of slavery restrictions sought to be placed upon the admission of the Missouri territory as a state into the union. The admission of the territory into the union as a state thus became a national question, eliciting the deepest interests and energies of the greatest intellects of our nation. The anti-slavery movement was strong, especially in the east. So vital had become this question which was involved in the formation of the new state of Missouri that Thomas Jefferson, erudite, scholarly and a deep student of governmental affairs, expressed the fear that it would eventually disrupt the Union. Cooper County at this time was a slave holding county and its citizens largely from the southern states, were deeply interested in the terms upon which the state would be formed. However, a bill was passed by the House and Senate generally known as the "Missouri Compromise" authorizing the people of the Missouri territory to form a constitution and state government and for the admission of such state into the Union on an equal footing with the original states and limiting slavery in other territory. This act was approved the 6th day of March, 1820. The state of Missouri had at this time been organized into 15 counties. An election was held on the first Monday and two succeeding days of May, 1820, to choose representatives to a state convention which was to meet at the seat of government (then St. Louis), on Monday, June 12th of the same year. Cooper County sent, as its representatives, Robert P. Clark, Robert Wallace and William Lillard.

Forty-one representatives met at the designated time in St. Louis at the Mansion House on the corner of Vine and Third streets and concluded their labors by signing the constitution that was framed on the 19th day of July. David Barton was the president of the convention. Barton was one of the ablest and most remarkable men that Missouri has ever produced. On the admission of the state into the union, he was unanimously elected to the United States Senate and it was

through his influence that Benton, at the same session of the legislature, was elected to the Senate as his associate. He served in the United States Senate

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from 1821 to 1831, was afterwards elected to the State Senate while a citizen of Cooper County, and finally ended his brilliant career by departing this life, demented, at the house of William Gibson, one mile from Boonville. His remains are interred in Walnut Grove cemetery at Boonville.

It would be going too far afield for us to go farther into the history of the admission of our state into the Union. Suffice it to say that on the 26th day of July, 1821, the territorial Legislature of Missouri in special session adopted a solemn public act declaring assent of the state to the fundamental condition of admission and forthwith transmitted to the president a copy of same. On Aug. 10, 1821, President Monroe proclaimed the admission of Missouri into the Union to be complete and the state took its rank as the 24th of the "American Republics."

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### **Chapter IX** From 1821 to 1834

The territory of Cooper County was considerably decreased in size in Nov., 1820, by the formation of the counties of Saline, Lafayette and Cole.

The first county court held in the county was on the 8th day of Jan., 1821, and its first session was held at the house of Robert P. Clark, on High street, in the city of Boonville. This court then exercised the powers and performed the duties of the present county and probate courts. Heretofore these duties had been performed by the Circuit Court.

The County Court continued to perform the duties of both County and Probate Court until the year 1827, when by act of the Legislature, the Probate Court was separated from the County Court, and invested with separate powers and prerogatives and was required to perform certain duties, and so continues separate till the present time.

James McNair, the governor of the Territory of Missouri, appointed as the justice of the County Court, James Bruffee, James Miller and Archibald Kavanaugh. Robert P. Clark was appointed by the court as its clerk, and William Curtiss as sheriff.

On the 9th day of April, 1821, Robert P. Clark produced his commission from the governor, as clerk of the County Court, "during life or good behavior."

After Missouri entered into the sisterhood of states, and these officers became elected, it would seem that the people confirmed the judgment of Governor McNair, for they kept Clark in office during life and determined that his behavior was good.

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George Crawford was appointed assessor and Andrew Briscoe collector of Cooper county. On the same day the will of Thomas McMahan, deceased, was probated, this being the first will proved before this court. Also constables were appointed for the different townships of the county as follows: Boonville township, John Potter; Lamine township, Bryant T. Nolan; Moniteau township, Martin Jennings; Clear Creek township, James C. Berry.

George C. Harte was appointed commissioner to run a dividing line between Cooper and Cole Counties.

When Messrs. Morgan and Lucas laid out the town of Boonville, they donated fifty acres to the county on condition that the commissioners selected to locate the county seat would locate the same at Boonville. The commissioners, named in the preceding chapter, located the county seat at Boonville, deeming it the best place to hold the courts. A part of the land donated by Morgan and Lucas was sold by the county, and the County Court thereupon commenced the building of a court house, which was located on the land donated to the county. It was adequate for the courts of the period and sufficient for the needs of the officers of the court.

It was a small two-story brick building, very much the style of the one recently torn down by the present generation, although much smaller. It was completed in 1823. It was torn down at the time the second court house was built, and some of the brick were used in the construction of the second court house. It will be remembered that the present court house is the third one erected by Cooper County. The second court house, which was situated on the same spot on which the old one was located, was completed in the year 1840. It was a large and commodious two-story brick building, and was situated on a high piece of ground overlooking the river, from the cupola of which an excellent view could be had of Cooper and Howard Counties. The present elegant court of justice occupied practically the same location, being somewhat further west of the site of the second building.

The first will proved in the County Court, which then had jurisdiction in probate matters, was that of Thomas McMahan, Sr. Its quaint phraseologies as well as the time it was made, may interest the reader, and we here reproduce it. "In the name of God, Amen, I, Thomas McMahan, Sr., of the Arrow Rock township in Cooper County and State of Missouri, being weak in body, but of sound mind and memory, thanks be given unto God, calling unto mind the mortality of my body, etc., do make and ordain this my last will and testament. That is to say principally and first of

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all I give and recommend my soul into the hand of Almighty God, who gave it, and my body I recommend to the earth to be buried in decent Christian burial at the discretion of my friends. And as touching such worldly estate wherewith it hath pleased God to bless me in this life, I give demise and dispose of the same in the following manner and form.

First, I lend to my beloved wife, Diana McMahan, during her natural life, the whole of my estate, real and personal for her own proper use and benefit. Under the care of my executors hereinafter named.

Second. At the death of my wife, I will that all my personal estate be equally divided amongst my four children hereinafter named or their representatives. (That is) I will that all the children of my daughter, Elizabeth McGee, deceased, have one child's part equally divided amongst them. I will that my daughter, Mary McMahan, have one child's part, which I give to her and her children forever. I give to the children of my son, Samuel McMahan, deceased, one child's part of my personal estate to be equally divided amongst them as their property forever. I will that my daughter, Susannah McMahan, shall have a child's or fourth part of my personal estate to her and her heirs forever.

Third. After the death of my said wife I give and bequeath unto my son, Thomas McMahan, my Negro man, Samuel, instead of giving him any part of my personal estate, which Negro Samuel, I give to him and his heirs forever.

Fourth. After the death of my said wife, I give and bequeath to my son, James McMahan, my Negro woman, Edey, instead of giving him any part of my personal property, which Negro woman and her increase after the death of my wife, I give to him and his heirs forever; but in case either of the aforesaid Negroes, Samuel or Edey, should die or be lost before the death of myself and wife then, and in that case I will that my son, Thomas or James, or both, as the case may be should have an equal child's part of my personal estate with the afore named children that are to

share my personal estate, or if my Negro woman, Edey, should have any living children in the lifetime of myself or wife aforesaid, I leave it with my said children to divide such increase amongst them as they may think fit and proper, or should the personal estate amount to more by valuation at the time of the division, to each share than the value of one of the said Negroes then my will is that after each sharer getting the value of one of said Negroes the over plus, if any, be equally divided amongst all my children or their representatives as aforesaid. And lastly I do hereby constitute and appoint my two sons, Thomas McMahan and made.

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James McMahan executors of this my last will and testament, requesting and enjoining it on them to faithfully execute every part of this my will and make all such dividend with the other heirs as are herein mentioned.

And I do hereby utterly disallow, revoke, and disannul all and every other former testaments, wills, legacies, bequests and executors by me in any wise before named, willed, or bequeathed, ratifying and confirming this and no other to be my last will and testament-IN WITNESS whereof, I bare hereunto set my hand and seal this twenty-first day of January in the year of our Lord 1821.

P. S.-Should myself or wife, or both, become helpless and dependent on our children, I also will that them that takes care of us should be paid for their trouble out of my personal estate before any division is further THOMAS McMAHAN.

Signed and sealed in the presence of us who in his presence and at his request and in presence of each other have hereunto set our names. Peyton Nowlin, Bryan T. Nowlin, Pewton W. Nowlin."

During the year 1821, John V. Sharp, a soldier who had served in the Revolutionary War, and who was living in Cooper County, became paralyzed and as helpless as a child. He soon, not having any means of his own, became a charge upon the county. The cast of to the County Court was two dollars per day for his board and attention to him, besides bills far medical attention.

After having endeavored in vain to raise sufficient funds to take care of him, the County Court, in the year 1822, petitioned the General Assembly of this state to defray the expenses of his support, stating in the petition, that the whole revenue of the county was not sufficient for his maintenance. This may sound strange to a person living in a county in which thousands of dollars are levied to defray its expense. But the whole revenue of the county for 1822, as shown by the settlement of the collector, was only \$718, and the support of Mr. Sharp, at two dollars per day, cost \$730 per year, besides the cost of medical attention, which left the county, at the end of the year 1822, in debt, without counting in any of the other expenses of the county. The petition not having been granted by the General Assembly, the court levied, for his support, during all the years from 1823 to 1828, a special tax of 50 per cent. of the state revenue tax being an amount equal to the whole of the general county tax; and in 1828, ten per cent, of the state revenue was levied for the sane purpose He must have died some time during the year 1828, as no further levy for his support appears upon the records of the county, thus

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relieving the county of a burdensome tax. If these facts were not matters of record, they would seem too incredible to be believed.

In the heated contest for the presidency, between Clay and Jackson in the year 1824, Cooper County cast her vote for Clay. It was to pay a debt of gratitude to Henry Clay for his great services as a member of Congress in the struggle of the state of Missouri for admission into the Union. The vote of the county for President at this election cannot be found. Only four books of this election are obtainable. They show that Henry Clay had 136 and Andrew Jackson 53 votes

according to these four poll books. Of course this was but a small part of the vote cast by the county at that election.

On the eighth day of December, 1825, there was held a special election for governor, to fill the vacancy caused by the death of Frederick Bates. David Todd, the first circuit judge of Cooper County and holding that office at this time, John Miller, Win. C. Carr and Rufus Easton were the candidates. David Todd received a large majority in Cooper County.

At the election on the first Monday in August, 1826, John Scott and Edward Bates were candidates for Congress. Scott had a majority of 124 in the county.

Michale Dunn, Jordan O'Bryan, James L. Collins and John H. Hutchison were candidates for representatives. Michale Dunn and Jordan O'Bryan were elected. W. H. Anderson and David F. Mahan were candidates for sheriff. Anderson was elected by 53 majority; and Hugh Allison was elected coroner.

This was the first election in which party lines were closely drawn, for before that, men had voted for the man whom they considered best qualified; and not because he belonged to any party. The poll books of the presidential election could not be found, but the August election for Representative in Congress and county officers, having the same principles at issue, will show pretty clearly how the presidential election went. There were two tickets, viz: Adams and Jackson, and the tickets on which the men were, who were elected is marked opposite their names.

At the election in Nov., 1828, the county voted for Jackson over Adams, by a majority of about 230 votes; and also in 1832 Jackson was re-elected, and received a large majority in this county.

It should be remembered that up to 1826, Franklin was the mart of commerce and the thriving metropolis of that section of territory formerly known as the central Boonslick country. It had sprung into opulence on the banks of the turbulent Missouri as if a magician had waved his magic

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wand over the wilderness. It became the center of a great trade, and here the caravans destined for Santa Fe and the great southwest were equipped and supplied for that trade. Its local trade reached out for many miles in every direction, and settlers of Cooper traded and bartered there. Boonville was then but a hamlet of log cabins of the period plain, unadorned, but comfortable.

In 1826, Franklin had a population variously estimated at from 1,800 to 3,000, a substantial population in part. Some of whom, however, were of the shifting, adventurous, speculating element. It numbered among its residents wealthy, enterprising and cultured men, mostly from Tennessee, the Carolinas, Virginia and Kentucky, and some from the eastern states, many of whom rose to prominence, and left their ineffaceable impress upon our state.

In the spring of that year, the Missouri river overflowed its banks.

Franklin was built upon shifting sand and because of its low and flat location, suffered greatly from the high water, and as well from the malaria which followed.

The constant falling in and washing away of the river banks inundated the buildings. This occurred to a great extent in 1826, many houses going into the river. Its citizens became satisfied that every future effort to protect the banks from the river would be futile upon their part, and thus believing, many residents and business men left the place, some of them settling in the town of New Franklin, two and a half miles back from the river in Howard County, just in edge of the hills; some in Fayette, then the county seat of Howard; and some came to Boonville, a few of the latter bringing not only their goods, but their houses.

This marked the beginning of the rapid growth of Boonville, and the time when she became the supply center for the Santa Fe trade and of the great southwest territory.

Franklin had been greatly shorn of its influence. The county seat had been moved to Fayette. Much of the business which had been transacted by its merchants and tradesmen had been withdrawn and turned into other channels.

James L. Collins, William Harlin, Andrew Adams and others, had located at Boonville and were conducting a successful and extensive trade with the Santa Fe country a trade which had heretofore contributed to the business of Franklin and the wealth of those who were thus engaged.

This year also marked the beginning of a rapid settlement and development of Cooper County.

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## Chapter X From 1834 to 1847

The county gave a small majority to Martin Van Buren, in 1836. The county remained Democratic until 1840, when the Whigs made a clean sweep, electing their full ticket. Reuben A. Ewing, a Whig, was elected State Senator over David Jones, Democrat; and Jno. G. Miller, Jordan O'Bryan and Lawrence C. Stephens, Whigs, over John Miller, B. F. Hickox and Henry Crowther, Democrats, by an average majority of about 76 votes. There was great excitement during this election and politics ran very high. The Whigs held public meetings in regular order on each succeeding Saturday in each township, until the full rounds were made. They had a band of music engaged for the occasion, flags and banners, with mottoes inscribed thereon also with songs appropriate for the occasion, and eloquent speakers, the prominent ones among which were John G. Miller, Jordan O'Bryan, John C. Richardson, Robert C. Harrison and others.

The Democrats, however, made little or no display, condemned the tactics of the Whigs as noisy, boisterous and unseemly; pronounced the Whigs as deceivers and humbuggers and taunted them with using Cain efforts to win votes by exciting the people. The Democrats held their meetings and had frequent public speakings without any display or show. Their candidates for the Legislature were John Miller, Benjamin F. Hickox and Henry Crowther. The campaign was lively, vigorous, stormy and frequently the personal element entered bitterly in the discussion.

The county remained Whig as long as the Whig party remained in

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existence. The last candidate on the Whig ticket was General Scott, who was succeeded by Franklin Pierce.

The campaign of 1844 was lively with more parade and ostentation on the part of the Whigs than was exhibited in 1840 or the years before. For President, Henry Clay, of Kentucky, was the nominee of the Whig party, and James K. Polk, of Tennessee, of the Democratic party.

During this exciting campaign, many songs were written, but none was more popular than the following, which was the effusion of some Boonville poet. It was written for the Boonville Register during the campaign of 1843.

### Henry Clay and James K. Polk.

"The whigs call Henry Clay a coon,

And say he'll be elected soon;  
But James K. Polk will got it alone,  
And make old Henry walk jaw-bone.  
So get out of the way, old Kentucky,  
And clear the track for one more lucky.

"The Whigs cried out for 'home perfection',  
And think to gain old Clay's election.  
They hold conventions, shout and sing,  
'Huzza for Clay!' he is our king.  
But get out of the way, old Kentucky, etc.

"The Whigs of '40 did invent  
All schemes to elect their president,  
And were successful, it is true,  
But now 'humbergery will not do.  
So get out of the way, etc.

"Their coon-skins and barrels of cider  
Have opened the people's eyes some wider;  
They cannot now be gulled so soon  
By this very same old coon.  
So get out of the way, etc.

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"The squatters on the public land  
Will all unite into one band;  
Then will the 'lawless rabble' say,  
You cannot come it, Henry Clay.  
So get out of the way, etc.

"The people of this mighty nation  
Will not submit to coon dictation;  
So Mr. Clay may rest content,  
He never can be president.  
So get out of the way," etc.

Not long ago the following query appeared in the "Evening Post" of Indiana: "People constantly write the letters 'O. K.' to say all right. How did this practice originate?" The Post gave the following answer: "The practice got its start in the days of General Jackson, known to the men of his time as Old Hickory. It was said that General Jackson was not as proficient in spelling as in some other things, and so in the abbreviating which he practised, 'O. K.' stands for 'all correct' ('Oll Korrekt: ') This is as near as our data at present allows us to come to the origin of the now wide practice.

Reading this answer, a gentleman who signs his initials J. W. D., addressed the editor of the "Evening Post," the following: "I note what you say about the origin of the practice of using the letters 'O. K.' to signify 'correct' or 'all right.' It seems to be that your informant is wrong. I am quite sure that this practice originated during the Clay and Polk campaign. At that time the writer was a boy, living in Boonville, Mo. You all know what a lively campaign the Clay and Polk campaign was. Mr. Clay was the idol of the Whigs, and was affectionately called 'Old Kentucky.' Those who favored his election put up their flags on ash poles, at all the cross-roads, country taverns and wood yards on the river, while the Democrats put up hickory poles with poke bushes at the top, the Whigs using for a flag a square of whole cloth with the letters 'O. K.' signifying 'Old Kentucky.' The Democrats used a streamer with 'Polk and Dallas,' Oregon and Texas.'



"The town of Boonville boasted two newspapers, one the 'Observer,' a Whig paper, conducted by one Caldwell, a very brilliant young man, the other the 'Boonville Register,' conducted by one Ira Van Nortrick. Toward the close of the campaign the editor of the 'Register' came out

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in a very salty editorial, denouncing the ignorance of the Whigs and demanding to know 'What does "O. K." mean anyhow?' Caldwell came back at him with the information that he would find out 'O. K.' meant 'Oll Korrekt' in November. The expression took like wildfire; the boys yelled it, chalked it on the fences. Like other slang, it seemed to fill a want, and upon the inauguration of the telegraph, in '46, the adoption of 'O. K.,' I was informed by one of the first operators in the country, Mr. E. F. Barnes, introduced to the business public, as he was one of the parties organizing the system of signals used by the company. Then it passed into general use. Of course Missouri was not the only place where Air. Clay was called 'Old Kentucky.' A favorite song of the Whigs, both in Missouri and Kentucky, only a line or two of which I can now recall to mind, sung to the tune of 'Old Dan Tucker,' ran about thus:

" 'The balky hoss they call John Tyler,  
We'll head him soon, or bust a biler!' "

Chorus:

" 'So get out of the way, you're all unlucky.  
Clear the track for "Old Kentucky"!' "

An incident of this campaign, illustrative of the attendant excitement and doubtless bitterness engendered among the thoughtless and ruches, class, is referred to in an article we take from the "Boonville Observer." It will be noted that the "Observer" in no mincing or apologetic words condemns the rowdiness mentioned, though evidently committed by one or more persons of its political persuasion:

"One of the most shameful acts that we have ever known perpetuated in any community or on any occasion, was committed in this city on last Friday night, at the Whig gathering in the courthouse, where a part of the convention had assembled to hear speaking. Some debased wretch during the evening cut the Howard and Lafayette banners which had the portraits of Mr. Clay on them. They were cut about the throat of the picture, and also in other places. If a Democrat used the hand and knife that slit those banners, we do not know that it would be much too severe a punishment upon him to be served likewise. No prudent Democrat can object to the Whig party's emblem or banners. It is the privilege of all parties in this country to have them, and an uplifted voice of indignation should chase the wretch who will molest the banner of his opponent when exercising only the same privilege that our institutions

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guaranteed to him. As a Democrat, we sincerely regret that so mean an act could have been committed here on that occasion. The Club here, we understand, has offered a reward of \$100 for the detection of the man who committed this foul stain upon our community; and the Democrats will do their utmost also, to detect him. In the political point of view it will do no harm, but good citizens want no man who is capable of such a deed among them.'

We will at this time continue no further the political history of Cooper County, but will revert to the year 1836. In that year, wild reports and rumors were circulated that the Indians had broken out, and were attacking the settlers living within the present limit's of Pettis County, then part of Cooper and Saline counties, and were slaying men, women and children as they went. The excitement was great, and men began to assemble in that portion of the county to aid in the

defense of the homes of their neighbors. The place of rendezvous for those who went from Cooper County was Wooley's Mill, on the Petit Saline Creek. Here they organized and elected their officers. After doing so, they marched to the supposed seat of war, but on their arrival, they found no Indians had been there, and that it had been entirely a false alarm. It was a practical joke. It seems that some men, for their own amusement, dressed themselves as Indians, and went down to a cornfield where some men were at work, and giving the Indian yell, shot off their guns, pointed in the direction of the settlers. They, supposing that the disguised men were hostile Indians, endeavoring to slay them, took to their heels, and spread the alarm, 'rich, like a tale of scandal, traveled from mouth to mouth, and gathered momentum and new versions as it went from lip to lip. It is stated that a wealthy farmer of Cooper County, catching the alarm, buried his bacon to save it from the bloodthirsty savages. Then going to a field in which a large number of his Negroes were at work waved his hand and shouted at the top of his voice, "Run, run, the Indians will be upon you, the Indians will be upon you." The Negroes taking the alarm, stood not on the manner of their going, but scattered in every direction as though the frightful savages with tomahawks and hunting knives were close upon their heels.

The Mormon War, in 1838, created considerable excitement in the State and roused to action the citizens of Cooper County. When the Mormons first came to Missouri, they located in Jackson County, and the citizens, liking neither their doctrines nor their customs, forced them to leave. They then settled in Caldwell County, Missouri, but the citizens

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in that part of the State, favoring them no more than did the citizens of Jackson County, determined to expel them from the State. They called upon Gov. Lilburn W. Boggs for assistance, and to furnish troops. Governor Boggs called for 7,000 volunteers to assist in driving the Mormons from the territory over which he had control.

In response to this call three companies were raised in Cooper County. One, called the "Boonville Guards," composed entirely of citizens of Boonville this, under the existing laws of the State, was a standing company, and equipped at the expense of the State government. The second, a volunteer company raised at Boonville, composed of citizens of Boonville and the surrounding neighborhood. Of this company, Jessie J. Turley was captain, Marcus Williams, Jr., first lieutenant, and J. Logan Forsythe, second lieutenant. The third was raised at Palestine, the officers of which are not known. Of the forces raised in Cooper County, Joel E. Woodward was brigadier general, Joseph Megguire, inspector general, and Benjamin E. Ferry, aide-de-camp to Gen. Henry W. Crowther.

These companies marched twice towards the Mormon settlement and the seat of war. The first time they marched as far as Jonesborough, Saline County, where the commanders, supposing from reports which reached them that there were sufficient troops already at the scene of war to conquer the Mormons, ordered them to return. They were shortly afterwards again ordered to the seat of war, and marched to Lexington, there they crossed the Missouri River. They then advanced about two mile, into the prairie, and there camped for two days. The Mormon troops having in the meantime surrendered to Gen. John B. Clark, Sr., these companies returned home without having the pleasure of meeting the enemy or having the opportunity of testing their valor. On their arrival at Boonville these troops were disbanded.

The Mormons during this short war were commanded by General Weite, an old British officer, who fought against General Jackson in t the battle of New Orleans. The Mormons, after the confusion of this war, left the State and located at Nauvoo, Illinois, where they remained for several years. Having had a difficulty with the authorities of the State of Illinois, and their prophet and leader, Joseph Smith, having been assigned they again "pulled up stakes" and emigrated to the shores of the "Great Salt Lake," where they have ever since remained, believing and feeling that they are a persecuted people.

The prisoners taken and retained in jail as the leaders of the Mormons were Joseph Smith, Lyman Weite, Hiram Smith, Sydna Regdon,

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Roberts, Higby, and two others. These men were first imprisoned in the jail at Richmond, Ray County, and were afterwards removed to the jail at Liberty, Clay County, where they broke jail, escaped pursuit, and were never tried.

The unprecedented and most disastrous rise in the Missouri, Mississippi, and Illinois Rivers occurred in 1844. About the tenth of June, the river at St. Louis commenced to rise rapidly, while intelligence was received of the rising of the Illinois and Missouri Rivers, and by the sixteenth, the curbstones of Front street were under water, and the danger to property and business became quite alarming.

At first it was thought along the Missouri to be merely the usual June rise but the continued expansion of the flood soon convinced the inhabitants of its unprecedented and alarming character. All the bottom lands, or lowlands of the Missouri River overflowed and many farms were ruined, many being as much as 15 feet under water. Horses, barns and fences were swept away, and in many instances human lives were lost. In others, human beings clung to floating dwellings, or immense piles of driftwood, and some of them were rescued by passing boats, and devices improvised especially to save them. The front streets of many of the towns along the river were completely submerged. Between 900 and 500 persons in St. Louis, and vicinity were driven from their homes, and great distress prevailed.

At St. Louis the river reached its greatest height on the 24th of June. It was seven feet seven inches above the city directrix, and in its abatement the water did not reach the city directrix until the 14th day of July.

A farmer who lived in the bottom about a mile south of New Franklin by the name of Lloyd, waited during the rise, thinking every day that the river would reach its highest point, and did not leave his cabin, until he was compelled one morning to make a hasty exit through the roof. While getting out some of his household plunder, he spilt some corn meal on the roof of this cabin. The third day after leaving, Lloyd returned, and found to his surprise that the roof of his cabin had been transformed into a menagerie of birds and animals. Among these were a cat, a dog, a coon, a fox, a rat, two chickens, and a turkey. He observed that the meal was gone and was greatly surprised to find these animals living together in amity and perfect harmony. A common misfortune had created among them a sympathetic feeling. The presence

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of the great flood had seemingly overawed and overpowered their antagonistic natures, and like the lion and the lamb, of prophetic history, they were dwelling together in peace.

Another farmer who resided in the bottoms, lost a very valuable horse. The day he left his cabin, this horse was driven, with other horses, and stock, to the hills for safe keeping. Some days afterwards the horse was missing, and was not found until the waters had receded, when he was discovered, or at least such portions of him as were left, hanging by one of his hind feet in some grape vines fully fifteen feet above the ground, having on the same halter that he wore when he left. The rise of 1844 obtained a greater elevation.

History retards three great disastrous floods prior to this one. The great flood of 1785, known as "L'anee des Grandes Eaux," and the floods of 1811, and 1826; the latter being that which set the seal of fate upon the future prosperity of Franklin, now referred to as Old Franklin.

Again the tocsin of war was sounded, in 1846. In the month of May of that year, the President of the United States called for volunteers to assist in the Mexican War. One company from Cooper County was called upon to join the troops in Mexico.

The alleged cause of the declaration of war by Mexico against the United States in April 1846, was the annexation of Texas, but the more immediate cause was the occupation by the American army of the disputed territory lying between the Nueces and Rio Grande River.

On the 21st day of May, of that year, the "Boonville Observer" issued the following bulletin, or "extra," which we give verbatim:

"Volunteers - A proper spirit seems to animate the citizens of our country and especially the young men. The call for one company from the fifth division has been promptly responded to. Forty-three volunteers were raised by General Ferry on Monday in Boonville, and on Tuesday, at Palestine, under the direction of (generals Ferry and Megguire, the number was increased to 61. They then elected their officers, and the following gentlemen were chosen: Joseph L. Stephens, captain, without opposition, who delivered to the volunteers on that occasion a spirited and handsome address; first lieutenant, Newton Williams; second lieutenant, H. C. Levers; first sergeant, John D. Stephens; second sergeant, William T. Cole; third sergeant, Richard Norris; fourth sergeant, James S. Hughes; first corporal, Tipton Prior second corporal, A. B. Cele; third corporal, Wesley Amick;

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fourth corporal, A. G. Baber. The company, thus organized, assembled in Boonville on Wednesday, where they were exercised in military duty by their accomplished and gallant young captain.

The following is a list of the privates: Thomas Bacon, Samuel D. Burnett, Jacob Duvall, Charles Salsman, Ewing E. Woolery, Heli Cook, Joel Coffee, Joel Epperson, Jesse Epperson, Hiram Epperson, John McDowell, J. R. P. Wilcoxson, T. T. Bowler, William Sullans, Horatio Bruce, William J. Jeffreys, James M. Jeffreys, Hiram Burnam, Edward S. D. Miller, John Whitley, Benjamin P. Ford, Philip Summers, George W. Campbell, Samuel R. Lemons, John R. Johnson, Thompson Seivers, Charles F. Kine, Jesse Nelson, John Colbert, Robert Rhea, Edmond G. Cook, John B. Bruce, James P. Lewis, Benjamin C. Lampton, Oliver G. Ford, U. E. Rubey, W. B. Rubey, W. H. Stephens, John M. Kelly, George Mock, Samuel Elliott, Alpheus D. Hickerson, Edmond Eubank, Henderson C. Martin, Sprague White, William Woolsey, Martin Allison, Henry Francis, Robert H. Bowles, Justinian McFarland, Nathaniel T. Ford, James H. Jones, James C. Ross, Richard Hulett.

They departed today (Thursday) on the steamer L. F. Linn for St. Louis, where they will be armed ported to the army of occupation and equipped, and immediately transon the Rio Grande. Our best wishes attend them. May victory ever perch upon their banners, and may they all return to their friends full of honors, with the proud reflection that they have served their country faithfully.

When the steamer Louis F. Linn, Eaton, captain, Jewell, clerk, arrived in Boonville, on her downward trip, the company formed in line on the upper deck and many friends passed along the line, bidding farewell and shaking each volunteer by the hand. The landing was crowded with people. The boat soon started, with cheers from the multitude, and waving of handkerchiefs by the ladies.

The steamer laid up for the first night at Nashville, which is about fifteen miles below Rocheport. The members of the company were all jolly fellows, and jest and laughter made the time pass pleasantly and quickly. The most of them had never been from home, and longed, with the anxiety of children, to see new countries and to take part in other than every day affairs of their lives.

Lieutenant Levers being on watch the latter part of the night after they had left Boonville, heard a terrible splash in the water, and on inquiring for the cause discovered that one of his men had fallen overboard. The deck-hands rescued him, and soon afterwards one of the

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company followed the example of his comrade, and was rescued by the same men. The lieutenant becoming alarmed for the safety of the men of the company, waked up the captain, informed him of what had happened, and told him that if he did not take measures to prevent it he might have his company considerably diminished before they reached St. Louis, if the men continued to fall overboard as rapidly as they had commenced. The captain was greatly surprised at such unexpected accidents, and placed out a strong guard, which prevented any more occurrences of the kind. The trouble was that some of the men before leaving Boonville had imbibed rather freely of intoxicants, and having never been on board of a boat before, imagined they were on land and walked off without being aware of their changed circumstances.

They arrived at St. Louis without further accident, and were quartered at the court-house without any blankets to cover them, or any place except the naked benches on which to sleep. Most of the company expecting to draw their clothing and blankets at Jefferson barracks, had nothing but the shirt and pants which they had worn from home.

Captain Stephen's company was mustered into service by Gen. Robert Campbell. General Taylor, having gained an important victory over the Mexicans, and it being thought that he would be able to conquer his enemies without any further reinforcements, Captain Stephens' company was ordered back, and directed to report to Adjutant General Parsons at Jefferson City, whither they hastened on the same boat, expecting orders from him to join Doniphan's expedition to New Mexico. General Parsons informed the captain that he had no requisition for Cooper County, but to hold his company in readiness to march when called on. The members of the company were very much disappointed at being thus summarily dismissed to their homes, and felt very indignant at what they considered such shabby treatment; and though the company was ready and willing, during the whole of the war, to go to the field of battle on the shortest notice, it was not called upon. Some of the members of the company were so determined to go that they joined other companies of General Doniphan's command. The company, although gone from home only a short time, had a rough introduction to military life, having been forced to live on "hard tack" on the trip to St. Louis and return, without bedding of any kind, and many of the men without a change of clothes. Mrs. Andrews, an estimable lady of St. Louis, treated the company to as many pies as the men could eat, for which they felt always grateful to her.

But very few of the company had ever seen St. Louis, or any other

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city, and it was a pleasing and wonderful sight to these men, who had, during all of their lives, been accustomed only to the quiet scenes of their every-day life. The company, as it passed through the streets, seemed, from the numbers who stopped to gaze at it, to attract as much attention as a fantastic company, on account of the queer costumes, arms and manners. As the company expected to draw its uniforms at the "Great City," and as the men expected to throw their citizen's suits away, they were not particular what they wore when they started from home. Most of them, being dressed in backwoods style, without uniform or arms, made a rather ludicrous appearance to city folks. But the men cared little for that, and some of the city gents were made to measure their lengths upon the pavement for their uncalled-for remarks in regard to the personal appearance and manners of the strangers.

Some of the men of the company, while in St. Louis, had a row with some merchants on Water street for insulting one of their number. After some little quarreling, the merchants threatened to

have them arrested and confined in the calaboose; but they were told if that threat was executed, they would level the calaboose, and if that was not sufficient to show their power, they would level the whole city, and that they had sufficient men to accomplish that undertaking. So, the merchants, becoming alarmed, did not attempt to have the threat executed, and the difficulty was finally arranged without any serious consequences. On their return up the Missouri River, on the same boat on which they had gone down to St. Louis, a finely dressed "gentleman" unthoughtfully made the remark that "these soldiers were a rough set." The officers of Captain Stephens' and Captain Reid's companies demanded that he should be put ashore, and at the next landing he was made to "walk the plank," amidst shouts and cheers from the crowd. They thus gave him an opportunity of traveling on the next boat, where, perhaps, he might meet with passengers more congenial to his nature, and where he would not be forced to associate with those whom he considered beneath him in the social scale.

After this they proceeded without further incident to Boonville where they were met by crowds of their friends and acquaintances, who, with loud cheers, welcomed them home. Soon after they arrived, the company was disbanded by the captain, with orders to be ready to assemble and march to the seat of war on very short notice. From that time to the close of the war the members of the company were prepared at all times to march to the front, whenever their services should be

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but they were never ordered forward to take part in the great struggle which had then been transferred to the enemy's country.

This is the only part the citizens of Cooper County took in the war of 1846, and though they did not partake directly in the struggle, they showed their readiness to do so, by organizing and keeping in readiness to march a company composed of some of the best citizens.

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### **Chapter Xi**

Continuation of 1834 to 1847 and up to 1861

It is not our intention, nor have we attempted to chronicle tile events, that make the history of Cooper County, in absolute chronological order. Frequently historical data are so closely correlated, one with the other that we are forced to pass through a series of years to follow the logical chain of events, and are then compelled to "roll back the scroll of time" to take up another line of equally important facts. The preceding chapter deals with the history of Cooper County from 1834 to 1847, yet there are events of that period worthy of historical preservation not recorded therein to which we will now revert.

The period between 1830 to 1847 marks a rapid and increasing title of immigration to Cooper County. Large wholesale establishments were established at Boonville for the purpose of supplying the great trade of the southwest as well as to outfit and provision the great caravans bound for the Santa Fe Trail. Among those who located here at that time are recalled A. L. and C. D. W. Johnson, who, in addition to their mercantile establishment operated a large grist mill which was perhaps the first flouring mill erected at Boonville; J. Mansker and Company; N. ". Mack; Thomas M. Campbell; Charles W. Smith; Caleb Jones; Walter and H. B Benedict, who were engaged in the sale of dry goods and groceries, etc.

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Also Allen Porter, the druggist; H. and J. Rhea, tobacconist; H. W. Crowther, the rope-maker, which at that time seemed to be a profitable and necessary vocation; Jeremiah Rice, tanner; W. P. Roper, a saddler; Hook, a gunsmith; David Andrews, a tinner; George W. Caton, a tailor. John

Dade and James Patton were among the principal hotelkeepers, yet at this time there were several others whose names we are unable to give. Isaiah Hanna was one of the blacksmiths yet there were several others at that time in Boonville and Cooper County. George C. Hart, John W. Martin and J. McCutchen are mentioned in the early records among the physicians who were then at Boonville, yet there were a number of other physicians in other sections of the county. The first newspaper in Cooper County was also established during this period, about the year 1834 and was called the "Boonville Herald," reference to which will hereafter be made in the special chapter on newspapers.

The foregoing, located at Boonville, as above stated, between the years 1830-1840. From the years 1840-1850 the county enjoyed an era of prosperity that had not been known in its prior history. The census of Boonville in 1840 gave the population as 1,660. Other newspapers were established and a number of educational institutions sprang up in different sections of the county. A number of new hotels were erected among which may be recalled the City Hotel, Peter Pierce, proprietor; The Union Hotel, Lewis Bendele, proprietor; The Virginia Hotel, John Dade, proprietor; and Baley's Mansion House. These were located in Boonville. The latter house was the central office of the stage line running from St. Louis to Independence, Mo. At this time Boonville was the most prosperous and flourishing town west of St. Louis and the prosperity and trade of Boonville materially effected and added to the thrift and enterprise of other sections of Cooper County. Business men were attracted and among those who came to Cooper County and settled in Boonville may be mentioned E. F. Gillespie, wholesale and retail dealer in drugs and medicines; Bremermann and Curio, forwarding and commission merchants; Dr. William H. Trigg, forwarding and commission merchant, extracts from whose interesting diary will be found in the preceding chapter; Moseley and Stanley, forwarding and commission merchants; Hammond and Judd, lumber merchants; N. Hutchison, wholesale druggist; S. D. Falls, dry goods; Thomas B. Veasey, hardware merchant; Ahle and Kuechelhan, wholesale druggists; Walter and Keill, liquors, dry goods and clothing; Nelson Jones and Company,

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dry goods, groceries, etc.; Peters and Hill, forwarding and commission merchants; and Talbot and Lanny, clothing.

In the year 1844, Prof. F. T. Kemper arrived in Boonville and established here a private school laying broad and wide the foundation for the Kemper Family School which through years of prosperity and to meet changing conditions became the Kemper Military School under the superintendency of Col. T. A. Johnston. This prosperous military school has just closed the year and celebrated its 75th anniversary with about 500 pupils and a graduating class of 77.

It was during this period, at different times, that great interest was taken by the citizens of Cooper County in changing the county seat. It will be recalled that Boonville was made the county seat and the first court house was completed in 1823. Asa Morgan and Charles Lucas, when they laid out Boonville, agreed to donate 50 acres of land to the county provided that Boonville was made the permanent county seat. Lucas, however, did not live to carry out his agreement. He was killed in a duel with Thomas H. Benton on Sept. 27, 1817, on Bloody Island near St. Louis. However, on Aug. 13, 1819, in compliance with this agreement a deed was executed by Asa Morgan and Mary Gilman as the executrix of Charles Lucas, deceased, conveying to the commissioners of Cooper County 50 acres of land bound on the north by the Missouri River, on the west by the west line of Main street, and on the south by Chestnut street, on the east by a line 30 feet west of Eighth street, parallel with Eighth street. This tract of land embraced all of lots number 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, also what was known as the Court House Square, being that land lying and situated between Main and Fifth streets and Sixth street and High and Court streets, and also the following lots: 122, 123, 124, 125, 126, 127, 128, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 172, 173, 174, 175, 176, 177 (being the lot upon which the jail is located), 178, 179, 280, 181, 182, 199, 200, 201, 202, 203, 209, 205, 206, 207, 208, 209, 236, 237, 238, 239, 240, 241,

242, 243, 244, 245, 246, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, and a strip 60 feet wide off of the west side of lots 8, 63, 78, 129, 144, 183, 198, 247 and 248, all in the city of Boonville, Cooper County, Mo.

The commissioners to locate the permanent county seat were Robert Wallace, Benjamin F. Hickcox, and James Bruffee. The property above donated to the county is at this time the heart of Boonville and its value would run into hundreds of thousands of dollars.

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hour distinct efforts were made to change the county seat from Boonville The first attempt was made in 1832, the second in 1838, the third in 1842 and the fourth in 1844. These attempts to change the county seat resulted in spirited campaigns and aroused some temporary bitterness which is usually the result of county seat removal contests.

The third campaign (in 1842) is of some historical interest and was very bitter. The bitterness arose largely from an unfortunate occurrence that gave soul and life to the desire to change the county seat from Boonville. It had its origin in the intense excitement existing between the militia and an organization known as the "Fantastic Company," of which we here give an account.

From the organization of, the government of the state until the year 1847 there existed a militia law, requiring all able-bodied male citizens, between the ages of 18 and 45 years, to organize into companies and to muster on certain days. They had, during the year, at different times, a company, a battalion, and a general muster. A company muster was the drilling of the members of one company; a battalion muster consisted in drilling the companies of one-half of a county; and a general muster was a meeting of all the companies of a county.

Muster day was, for a long time after the commencement of the custom, a gala day for the citizens, and was looked forward to with considerable interest, especially by the different officers, who appeared in full military dress, captains and lieutenants with long red feathers stuck in the fore part of their hats, and epaulettes upon their shoulders. The field officers mounted on their fine steeds, with continental cocked hats, epaulettes upon their shoulders and fine cloth coats ornamented with gold fringe, rode around among the men and gave orders, making themselves the "observed of all observers:" Also the venders of whiskey, gingercakes apples and cider took no small interest in the anticipated muster day, for on that day, every person being excited, bought more or less of these things. Always on muster days, after the muster was over, the rival bruisers of a neighborhood tried their strength upon one another, thus furnishing a great deal of amusement for those who attended. The little folks were also happy in the anticipation, if not in the enjoyment, of being presented with a ginger-cake and an apple upon that day.

But after a lapse of time these musters became tiresome to a portion of the citizens, as they were obliged to lose so much of their valuable time in order to attend them, or were compelled to pay a fine of one dollar for each failure to attend on muster day; besides they could see no real

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use in continuing the organization, as there seemed no prospect soon of the state requiring any troops, as all was peaceful and quiet within its borders. Also, at the elections for officers, many of them were chosen on account of their personal popularity, instead of their qualifications to fill the office for which they were elected. Musters, after their novelty had worn off, became very unpopular, the citizens believing them to be an unnecessary burden upon them.

Therefore, some time before the battalion muster, which was to take place at Boonville, during the year 1842, a company, the existence of which was known only to its members, was formed - at that place, among the members of which were some of the best citizens of the city. This company was styled the "fantastic company," on account of the queer costumes, arms, etc., of its



members, they being dressed in all manner of outlandish costumes, carrying every conceivable kind of a weapon, from a broom-stick to a gun, and mounted upon horses, mules and jacks. The company was intended as a burlesque upon the militia, and to have some fun at their expense.

The regiment of the state militia which was to be mustered out at the above mentioned time was commanded by Col. Jesse T. Turley and Maj. J. Logan Forsythe, and was composed of all the companies then in the north half of the county. On the morning of the muster day Colonel Turley formed his regiment in front of the court house. After they were organized and ready for muster and drill, the fantastic company, which was commanded by John Babbitt, each member dressed in his peculiar costume and carrying his strange weapon, marched up into full view of Colonel Turley's command, and commenced preparations to drill. Colonel Turley, feeling indignant that his proceedings should be interrupted by such a "mob," and believing that it was intended as an insult, ordered his command to surround the fantastic company.

There was a high fence on the eastern side of the vacant lot on which they were mustering, and Colonel Turley's command surrounded the "Fantastic Company." by approaching on High street, on the alley between Fifth and Sixth streets, and on Sixth street, thus hemming them in on the vacant lot. The latter, being closely pressed, retreated back across the fence, and then commenced a fight by throwing brickbats. The fight immediately became general and promiscuous, and resulted in serious damage to several members of the State militia. Col. J. J. Turley was struck in the side by a stone, and two or three of his ribs broken. Maj. J. Logan Forsythe was struck by a brickbat in the face, just below

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his right eye, and died the next day of his wounds. The members of the fantastic company then dispersed and scattered in every direction.

The death of Major Forsythe caused great excitement throughout the county, and great indignation was felt against the citizens of Boonville, so much so, that a petition was immediately circulated, asking that the "county seat of Cooper County be removed from Boonville," to a more central point of the county. So great was the excitement that some persons living within three miles of Boonville signed this petition. But the county seat, after a severe struggle before the County Court, was retained at Boonville.

The death of Major Forsythe was greatly regretted by all parties, for he was an excellent citizen and a very popular officer. It produced an ill-feeling throughout the county, which lasted many years. After the fight was over, the militia went through with their usual exercises, under the command of their subordinate officers, as Colonel Turley and Major Forsythe were unable, on account of their wounds, to drill them.

The last effort was as stated, in 1844, by the people of Palestine township. The citizens of that township held a meeting in March of that year, and agreed to submit the question of changing the county seat to a vote of the people, which was accordingly done at the succeeding August election. The question was decided adversely to those who favored the change.

The second court house erected was completed in the year 1840. The County Court at its May term ordered that the public square be laid off into lots and sold to raise money to build a new court house and at the same time it was ordered that the old court house (the first court house) be sold. The money, however, realized from the sale of these lots and the sale of the old court house was not sufficient to erect the new building. The first appropriation made in money for this purpose by the court was the sum of \$10,800. Other appropriations were made from time to time until the completion of the building, the entire amount appropriated being about \$30,000. This building, now wrecked and upon whose site stands the present handsome court house, was the scene of many Political gatherings of the past and spirited legal contests by the best legal minds

of the state. It will be cherished in the memory of the present generation. A picture of this building appears in this volume, as well as one of its successor, the present elegant structure. We can but wonder how those that come after us will look upon our last effort in

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erecting a court of justice. In 50 years will they consider it as inadequate, as antiquated, as dangerous and unsanitary, as we of today considered its predecessor? Doubtless more so, for the human race, not with mincing steps but with giant strides, is moving forward.

There are few living at the present time who recall the intense excitement of the years 1849 and 1850 caused by the discovery of gold in California. At this time, the period of its greatest excitement, the people generally throughout the American Union became deeply interested and thousands upon thousands were filled with the lust for gold. It would be strange indeed, if this mania did not penetrate Cooper County and arouse to action the hardy and adventurous settlers of that day. While it may not be a beautiful sentiment, yet in a measure mankind responds to the expression of the poet,

"Gold is the strength, the sinews of the world;  
The health, the soul, the beauty most divine."

Cooper County sent forth to the gold fields of California many of her sons, some of whom were past the middle age with silvered locks, others were boys still in their teens, all animated with the hope and strong desire that their labors, their sacrifices, their dangers, and their bravery would be rewarded with an abundance of the glittering and precious ore. The desert plains over which they traveled to reach the gold fields were littered with broken wagons and carcasses of beasts of burden and here and there the mouldering remains of men. Joaquin Miller, the poet of the Sierras, has said, "The coward never started and the weak did not arrive." We are unable to give the names of all those hardy seekers after gold who left our county at this time, however, we here give the names of a portion of the companies of Capt. Robert McCulloch and Solomon Houck:

Robert McCulloch's company: Spotswood McCulloch, Joseph McCulloch, John McCulloch, Robert Douglass, Charles Lewis, Merriweather Lewis, Nicholas Lewis, Abraham Weight, John Simmons, Joseph Potter, Nelson Potter, John Hornbeck, Perry Taylor, Alfred Hornbeck, C. W. Sombart, Julius Sombart, Robert Allison, Love Warily, Erhart, Sr., August Erhart, Albert Erhart, William Hardcastle, Reuben Stevens and James Humes, of Moniteau County; Ewing Kelly, Joseph Hess, John Kelly, Peter Kelly, Bear, Sr., Frank Bear, John Corey, William Son, George Kelly, Oldhausen and son and Richard Bidel, of St. Louis County; Louis Brant, Dr. Antrim, and Abraham Reidmeyer, William Reidmeyer and John Hahn, from Ohio; Joseph Byler, Calvin Wilson, Simon Boyd, Doctor

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Cooper, Universalist preacher; C. B. Combes, Thomas Chambers, Charles Mitchell, Absalom Meredith, John Baldwin, Jacob Gype, John Mars, Cal Mason, John Oglesby, Thomas Mitchell, Jacob Harrier, Horace Hutchinson, William Samuels, William Wheatley, Samuel Row, John Porter.

Upon the eve of his departure for California, one of the Cooper county boys thought to be the late Col. Horace A. Hutchison penned the following beautiful and touching farewell:

Farewell, farewell, my native land, I leave thee only with a sigh, To wander o'er a foreign strand, Perchance to live, perchance to die. Adieu, my friends, whom kindred ties Unite, though distant we may rove, How ardent as time onward flies, Fond memory clings to those we love.

O'er the broad plains, far away, Beyond the Rocky Mountain's crest, Our wayward feet awhile shall stray, And press the gold-besprinkled west. But 'mid the gaudy scenes of strife, Where gold to pride enchantment lends, We'll ne'er forget that boon of life Companions dear and faithful friends.

And in the lapse of coming years, Should fortune be not too unkind, We'll hope reward for parting tears, In smiles from those we left behind. We go-yet hoping to return, Friends of our youth, to home and you, For these do cause our hearts to yearn, E'en when we sigh Adieu-Adieu.

There are few now living in Cooper County who were old enough in 1853 to remember the intense excitement and the bitterness incident thereto, caused by the temperance movement inaugurated by the Crystal Fount division of the Sons of Temperance in that year.

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Sixty-six years ago saloons were common in Boonville, and mall probability, there were four times as many as at the present time. Whiskey was cheap, and its use was common. The "worm of the still" could be found wherever the thirst demanded. As a rule drug stores, grocery stores, general merchandise stores, dry goods stores, and nearly all mercantile establishments carried their barrel or barrels of whiskey. Although a merchant may have depreciated the sale of intoxicating liquors, he was practically forced to yield to the common custom by reason of the practice of his competitors.

The Sons of Temperance secured the services of Rev. William Ross, Deputy Grand Worthy Patriarch of Missouri, who delivered a number of stirring lectures in the Methodist, Episcopal and Presbyterian churches in this city. The Reverend Ross was pugnacious, possessed of fervent eloquence, and used a trenchant tongue. Like the woodman he cared not where the chips flew. He was more belligerent than discreet, but with all, his methods were well calculated to arouse intense interest and excitement in his hearers. He was radical in his views, and by the bold and denunciatory manner in which he spoke of the liquor traffic, and those who drank, incurred the resentment and displeasure of the saloon-keepers of the town, as well as those who patronized them.

The interest in his subject by his listeners deepened and continued to increase from day to day until it reached its culminating point on July 17, 1853. Upon that Sunday, a meeting o2 the friends of temperance was advertised to be held at the Presbyterian Church, where Rev. William Ross would deliver one of his interesting lectures.

H. D. Benedict was the mayor of the city of Boonville at that time. Fearing serious results from the bitterness manifested on both sides, on the 16th of July, the day preceding the day of the lecture, he had published the following proclamation, which speaks for itself:

"Whereas, a certain itinerant lecturer, calling himself "Billy Ross," has been disseminating discord and dissention in this community, by vituperation and abuse, under the guise of temperance lectures; and, whereas, it is said that sundry persons have armed themselves and threatened to assemble for combat-some to encourage and others to stop said Ross in his course these are therefore to forbid all such riotous and unlawful assemblages. And the police of this city are hereby required to suppress and disperse all riotous and unlawful assemblies in this city.

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In testimony whereof, I, H. B. Benedict, mayor of the city of Boonville, have hereunto set my hand and caused to be affixed the seal of the city, at office, this 16th day of July 1853.

"H. B. BENEDICT, Mayor."

Following his proclamation by action, the mayor immediately organized a force numbering 62 men, of which he was the leader, and marched to the Presbyterian Church on the 17th of July, where he took possession of the church and premises. Many came to the church, at the appointed hour, but were prevented from entering the building by the mayor and his force, and the assembled crowd was quietly dispersed. No resistance was offered nor was there any riotous demonstration. The partisans of the respective parties to the controversy commended and condemned in turn the action of the mayor, according to the respective inclinations, and their interest in the imbroglio.

However, a committee was appointed by the temperance organization of Boonville, and in the following language, gave vent to their feeling, and thus expressed their views of the action of the police force:

"Who made up that (so-called) police force? Everybody in Boonville knows. Whisky traders, grog-shop keepers and their bloated customers, black-legs, infidels—some known long and truly, to be infidels like towards all that is divine in Christianity, and pure and sacred in the principles of a well-ordered domestic and social life. When Mr. Ross together with his peaceable, forbearing, but deeply outraged audience, assembled at the church-yard gate, around the church enclosure, and looked over, they saw men who for weeks before had been breathing "threatenings and slaughter" against Mr. Ross (for no other reason than this only; that he had assaulted within the walls of the churches of this city, the Hydra monster whisky), herded together, all who heartily trade in, and fatten upon the profits of the poison.

"Large numbers of ladies, with the general multitude, lingered around the gate, and gazed with mingled feelings of pity, suppressed indignation and contempt upon the motley mass of disgusting, animal and moral putrescence that made up almost the entire number of the legalized mob that invested, by barbarian, bacchanalian authority the peaceful premises of that deeply dishonored sanctuary."

From the past, we often learn the present. Thus it is seen that in those years long past, the men and the women who passed their brief hour upon the stage, and whose memory we honor and revere, gave vent

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to their feelings and convictions, in language at times virile, vigorous and bitter, much as we today are wont to do, losing sight of the sentiment and the poet's vision,

"Life is too brief Between the budding and the falling leaf, Between the seed time and the golden sheaf, For hate and spite.

"Life is too swift Between the blossom and the white snow's drift,  
Between the silence and the lark's uplift, For bitter wards."

As heretofore stated, the admission of Missouri into the Union aroused such intense and bitter agitation throughout the whole country that it was feared by some of the wisest statesmen of the day that it would disrupt the Union. Throughout the years succeeding the admission of Missouri until the close of the Civil War, the pro-slavery and anti-slavery agitators were busy and active. In 1855 the feeling became intensified. Cooper County at that time was settled mostly by people from the southern states and their deep sympathy was with the proslavery cause. At this time the German population of Cooper County was not large, yet not being slave holders nor attached by tradition to the slave holding cause, they were not in sympathy with the pro-slavery movement.

At a meeting of the citizens of Cooper County, held at Bell Air, on Saturday, June 30, 1855, for the purpose of appointing delegates to attend the pro-slavery convention to be held at Lexington,

Mo., on the 12th day of July, 1855, the following delegates were appointed: Boonville township, J. L. Stephens, W. Douglass, A. W. Simpson, J. M. Nelson, J. W. Torbert, W. N. Ragland, Isaac Lionberger, John Combs, T. V. Hickox, Benjamin Tompkins; Lamine township, Freeman Wing, Jesse B. Turley S., McMahan; Saline township, John L. O'Bryan, W. T. Thorton, J. K. Ragland, A. W. Lucky; Clarks Fork township, Robert McCulloch, Henry Mills, A. Greenhalgh, Charles Q. Lewis; Moniteau township, A. K. Longan, D. Jones, D. P. Swearingen, J. Baughman, Dr. William H. Ellis; Kelly township, W. McCurdy, A. Nelson, Dr. E. Chilton; Palestine township,

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William Bradley, R. L. Bradley, B. C. Clark, R. H. Menefee, James L. Bell, L. C. Stephens, R. A. Ewing; Clear Creek township, James B. Harris, George S. Cockrill, Samuel B. Mahan; Pilot Grove township, Dr. W. W. Harriman, Dr. J. K. McCabe, W. M. Taylor, John Miller; Blackwater township, N. Sutherlin, Thomas L. Williams, Richard Marshall, John A. Trigg; Lebanon township, Richard Willis, Thomas McCulloch, Dr. Samuel H. Sounders, H. W. Ferguson, Geo. Harland. L. C. Stephens, president; William Bradley and J. M. Nelson, vice-presidents; Bennett C. Clark, secretary.

About this time great efforts were being made by both the contending forces in the slavery controversy to settle the State of Kansas with their respective adherents. It would be difficult and it is not the purpose in this volume to portray the unreasonable bitterness arising therefrom, but that our old citizens of Cooper were active in the controversy and the Kansas troubles of 1856 is evidenced by the fact that on Aug. 20, 1856, a call was made in Boonville for men and money from the citizens of Cooper County to aid the pro-slavery party in Kansas. One of the posters announcing the call is as follows; "A meeting of the citizens of Cooper County will be held at the court-house, in Boonville, on Saturday, the 23rd, for the purpose of raising men and money to aid the law and order men in Kansas. Let every pro-slavery man attend. Bring your guns and horses. Let us sustain the Government, and drive back the abolitionists who are murdering our citizens." The above was signed by some of the prominent citizens of the town, who sent men and money to Kansas.

The practical unanimity among the citizens of Cooper County as to the slavery issue was manifested in the elections of 1856 and 1860. In 1866 there were three candidates for President in the field, namely: lame, Buchanan, Democrat; Millard Fillmore, American; and John C. V. Freemont, Republican. There was no ticket in Cooper County for Freemont Millard Fillmore carried the county over James Buchanan by about eight votes, so nearly even were the two parties, but so small the adherents of the Republican party that no ticket was in the field.

At the next presidential election in 1860 the candidates were Stephen A. Douglas, Union Democrat; John C. Breckenridge, Southern Democrat; Abraham Lincoln, Republican; and John Bell, Union.

Douglas carried Cooper County by a small majority, Bell running him close. Breckenridge had a small vote and Lincoln but twenty votes.

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So strange it seemed at that time that any one should vote for Lincoln that the names of those who voted for him were afterwards published in the newspapers as an item of curiosity. The result of the foregoing elections demonstrates that while the citizens of Cooper County were for slavery, yet they were against secession and loyally in favor of the Union.

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The novelist will take the most fragile thread of fact, and from this, with cunning skill, weave a fabric of romantic and surpassing beauty. The historian in comparison must be prosy, eschewing all of the myths, and avoiding legends, the essence of poesy and songs. As one has said, he must "nothing extenuate, nor set down ought in malice." History is a skeleton of the past. It is not in the power of man to visualize it with flesh and blood, make the dead past the living present.

After the lapse of more than half a century, the bitterness of the Civil War is but a memory, and with the younger generation, only a tradition. It is not intended in this chapter to discuss the causes and long chain of events that led up to the sanguinary and internecine war of 1861-64. Suffice it to say that human slavery is abolished. Who can not regret it? The Union is established, one and inseparable. The hand of God has fashioned a nation. In the time of need, He has been the giant of strength, to stay the ruthless onward rush of might. To the peoples of the earth, and the powers of the world, our country proclaims the doctrine that the right of man must prevail over the might of kings and classes.

To give a detailed account of all that transpired here in the war of rebellion, or the Civil War, would require a much larger volume of space than we have at our command. The following pages only profess to give without comment, some of the facts as they occurred.

Cooper County suffered a great deal during the war. Her territory was nearly all the time occupied by either one party or the other, and

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the citizens were called upon to contribute to first one of the contending forces and then the other. Again, some of the most inexcusable crimes and murders were committed within the territory of Cooper County, which, while not a part of the war proper, will be given in another chapter.

**Battle Below Boonville** - Governor Jackson and General Price, on June 11, 1861, left Jefferson City, where the Legislature was in session, sought an interview with Generals Lyon and Blair, and made propositions for a compromise, on the basis of neutrality, etc. The two last mentioned generals refused to make any compromise whatever. They claimed the "unrestricted right to move and station the troops of the United States throughout the State, whenever and wherever, in their opinion, they thought it to be necessary, either for the protection of loyal citizens of the Federal Government, or for the repelling of an invasion.

Governor Jackson and General Price, after this unsuccessful endeavor to bring about peace, returned to Jefferson City, and the Governor issued a proclamation, calling into the active service of the State 50,000 men. General Lyon, a few days afterwards, issued a counter proclamation, in justification of his course in refusing to compromise with Governor Jackson and General Price.

General Lyon then moved his troops to Jefferson City, and on his arrival at that place, he found that Governor Jackson had moved his forces 50 miles above, to Boonville, cutting the telegraph lines, and destroying the-bridges on the railway as he proceeded. General Lyon, leaving Colonel Boernstein in command of a small force at the capital, on the afternoon of the 16th day of June, 1861, embarked his forces on three steamers, and ascending the Missouri River, they arrived at Rocheport about six o'clock on the following morning. There he ascertained that the State troops, under General Marmaduke (Price at that time being sick), were in full force a few miles below Boonville, and that resistance might be expected from them, should he attempt to reach Boonville by that road. Leaving this place, and taking the steam ferryboat, Paul Wilcox, General Lyon's command ascended the river to the island, eight miles below Boonville, which was reached at about seven o'clock a. m., and on the southern shore of which the command disembarked.

No enemy being in sight, and the scouts reporting no sign of any, the troops at once marched up the Missouri River towards Boonville, and followed the road about a mile and a half, to the place where it ascends the bluffs, from the river bottom. At this place, several shots from

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General Lyon's scouts announced the driving in of General Marmaduke's pickets. General Lyon then advanced for nearly a mile, and found General Marmaduke well posted at the brow of the ascent. Captain Totten opened the engagement by throwing a few nine pound bombshells into the entrenchments of the State troops, while the infantry commenced a heavy volley of musketry, which was well replied to, the balls flying thick and fast among the ranks of the troops, and wounding several on both sides.

The State troops, under the command of General Marmaduke, were posted in a lane running from the Rocheport road in the direction of the river, and west of the residence of William M. Adams, on the northwest corner of the junction of the two roads. During the fight a couple of bombs were thrown through the east wall of Mr. Adam's house, causing the inmates to retreat to the cellar for protection. A heavy fire from Colonel Shaefer's German infantry, General Lyon's company of regulars, and part of Colonel Blair's regiment which were stationed on the left of the road, compelled the troops of General Marmaduke to retreat.

His force then clambered over the fence into a field of wheat, and again formed in line just below the brow of the hill. They then advanced some twenty steps to meet the Federal troops, and for a short time the artillery of Captain Totten was worked with great rapidity. Just at this the State troops opened a galling fire from a grove just on the left of the Federal center, and from a shed from beyond and still farther to the left.

What had been before this a skirmish now assumed the magnitude of a battle, which continued only about a half hour. The State troops finding the Federals too strong and too well armed and drilled to be successfully opposed by raw recruits (most of them had never been under fire) and having no artillery with which to return the fire from General Lyon's batteries, abandoned the fight and retreated. Captains Cole and Miller took possession of "Camp Bacon," where the State troops had been encamped for two days.

General Lyon continued his march towards Boonville. He was met on the hill near the residence of T. W. Nelson, by James H. O'Bryan, acting mayor of Boonville, Judge G. W. Miller, and other prominent citizens who formally surrendered the town to him, and he immediately marched into and took possession of it.

General Marmaduke commanded the State troops on this occasion. General Price was in ill health, and on the day on which the battle

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occurred he left Boonville on a steamboat for Lexington. Governor Jackson was on the battleground in the forenoon, but left Boonville on the Georgetown road about 11 o'clock of that day. In this engagement two of Lyon's men were killed and nine wounded. Among the State troops, three were killed and several wounded, but the number of these is unknown.

Kelly's was the only well organized and well drilled company under the command of General Marmaduke, and it did not participate in the battle. It is said that General Price was opposed to making a stand against General Lyon at the time, as all of his troops, except Kelly's company, were raw recruits and very poorly armed and drilled, having rallied at Boonville during the preceding three days. There was considerable controversy among the officers and men, whether, considering the circumstances, a stand or retreat should be made; but some of the most enthusiastic, whose counsel prevailed, said that they had come to fight and they intended to do

so. There were several prisoners taken by General Lyon, but they were afterwards released on parole.

The next day after the battle, General Lyon issued a proclamation, offering full pardon to all who would lay down their arms, return to their homes, relinquish their hostility to the United States Government, and persons who did this were assured that they would not be molested for past offenses. Many who had taken part in this battle availed themselves of the opportunity offered by General Lyon, and some of them never took up arms again during the war.

General Lyon remained at Boonville for several weeks, during which time he purchased a large outfit of wagons, horses and mules, paying fair prices for them, no pressing or forced sales being made. He also captured every steamboat that passed down the river. On the third day of July, having received reinforcements of an Iowa regiment, he took his departure for the southwest, his objective point being Springfield. A short time before, General Blair left for Washington, to take his seat in Congress, he having been elected a representative from St. Louis.

This being the first battle of the Rebellion which was fought on land, the taking of Fort Sumter having occurred only a short time before, produced great excitement throughout the United States, and General Blair on his way to Washington was met by great crowds of his friends, and lionized, feasted, and toasted, as the "hero of the hour."

Before General Lyon left Boonville, Maj. Joseph A. Eppstein organized two companies of home guards, composed entirely of Germans, which

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were commanded by him. They threw up fortifications at the old Fair Grounds. When he moved to Springfield, he left Major Curly, who was shortly afterwards succeeded by Col. John D. Stephenson, in command at the fortifications.

Doctor Quarles was among the killed of the State troops. His body was found in the wheat field late in the evening after the battle, he having been severely wounded in the thigh, and not being discovered, bled to death. Young McCutchen was also wounded in the thigh, and although properly cared for, all their efforts could not save him. He died a few days after the battle. The death of these two gentlemen, so young, so promising and kindhearted, cast a gloom over the entire community, and their loss was universally regretted by all parties. The other gentleman killed, who was from Pettis County, was shot in the head, and his name is not remembered.

General Parsons, with the artillery belonging to the State troops, arrived too late to engage in the Battle. He came in on the Boonville and Tipton road, via Wilkin's bridge, and halted at the top of the hill, south of Boonville, near Dr. William Trigg's present residence, where, learning that General Marmaduke had been defeated and was retreating, he took the road leading from Boonville to Prairie Lick in a southwest direction, and soon formed a junction with Governor Jackson's state troops.

General Lyon, two days after the battle of Boonville, sent a detachment of his force southwest, by way of Syracuse, as far as Florence, Morgan County, in pursuit of Governor Jackson. But finding that the state troops had moved still farther south, the command returned to Boonville without meeting any of Jackson's command.

**Home Guards in Cooper County** - General Nathaniel Lyon, on the 20th day of June, 1861, organized and mustered into service a company of German home guards, consisting of 135 men. Of this company Joseph A. Eppstein was elected captain; Emil Haas, first lieutenant; Ernest Roeschel, second lieutenant; and John A. Hain, orderly sergeant. This company was on the fourth day of August, ordered to Jefferson City for the purpose of aiding in the protection of the capital. They together with Colonel Brown's 7th Missouri regiment, were, a short time afterwards,



ordered to Otterville. They went by rail to Syracuse, and marched on foot the balance of the way to Otterville, which they immediately occupied.

A large number of southern men living in the vicinity had organized a company, and under the command of Captain Alexander, James B. Harris, and others, were camped near by. These two commands for some reason

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not wishing to attack each other, made the following compromise which was suggested by the southern commanders, and after some parley, accepted by Colonel Brown. It was agreed that if the Federal troops would withdraw from Otterville, Captain Alexander would disband his forces, and Colonel Brown ordered his command back to Jefferson City.

Afterwards, the home guards, with part of Colonel Worthington's command, were ordered to Boonville. They ascended the Missouri River in a steamboat, and arrived at Boonville very early on the morning of the day following their start from Jefferson City. The morning was very foggy, so that the boat could hardly be seen from the shore. It passed Boonville under cover of darkness and the fog, and landed at Haas' brewery, situated about one-half of a mile west of the city. Here the home guards disembarked, and from thence marched around and surrounded the town before the citizens were aware of their presence. Colonel Worthington, with the men of his command, dropped down on the steamboat landing at the foot of Main street, and marched up into the town. He then took a number of prominent citizens prisoners, and confiscated the contents of two tin stores and one shoe store, the owners of which were charged with selling goods to the Confederates; he also took possession of the Observer printing establishment, then owned by A. W. Simpson and had the presses, type, etc., boxed up and shipped to Jefferson City. This was all done under the orders of Colonel U. S. Grant afterwards president of the United States, who was then in command at Jefferson City. The home guards, together with Colonel Worthington's command, on the afternoon of the same day, took with them the prisoners and the property which they had confiscated. The prisoners were afterwards released, and returned home; but most of the property, except that belonging to the printing establishment, was never seen again by its owners.

Aug. 28th, in the same year, Gen. Jeff C. Davis ordered the home guards to reinforce Colonel Mulligan at Lexington, Missouri. Two days before the 2d Illinois regiment of cavalry had been ordered to the same place, and had started. When Colonel Eppstein, the commander of the home guards, arrived at Tiptop, he heard that a part of the 2d Illinois cavalry was at Boonville, and concluded to go there also, and reported to headquarters, that if they had any orders for him, to forward them to him at that place.

Colonel Eppstein was ordered by Gen. Jeff C. Davis, then stationed at Jefferson City, to remain at Boonville and occupy the breastworks, which he did.

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Sept. 1, 1861, the troops around Boonville formed themselves into a battalion, consisting of two and one-half companies; companies A and B, infantry, and one-half a company of cavalry. The officers of the battalion were Joseph A. Eppstein, major; Emil Haas, surgeon; and John A. Hayne, adjutant; of company A, infantry, were John B. Keiser, captain; John Roterd, first lieutenant; Charles Koch, second lieutenant; of company B, infantry, were Charles Beihle, captain; Joseph Weber, first lieutenant; John Fessler, second lieutenant. The half company of cavalry was commanded by Peter Ostermeyer.

About four days afterwards, this battalion received information that it would be attacked by the Confederates from several surrounding counties. Colonel Eppstein immediately arrested a number of the most prominent southern men in Boonville, viz: N. H. Ells, Rev. H. M. Painter,

William E. Burr, J. W. Draffen, James Harper, and Joseph L. Stephens, and held them as hostages, hoping thereby to prevent the contemplated attack. But about six o'clock on the morning of the 13th day of Sept., 1861, while Eppstein's command was at breakfast, the pickets having all come in, the breastworks were attacked by a force of about eight hundred men under the command of Colonel Brown, of Saline County. The fortifications were attacked on the west, southwest and southeast sides. The first attack was from the southwest, the next through Lilly's field on the southeast, and finally extended around to the west side. At first, the firing was very rapid from the southwest and southeast, and soon afterwards from the side of the fortifications, the balls falling thick on every side. Colonel Brown led the attack on the southeast, and made tyro charges upon the breastworks, but was compelled to fall back each time under the heavy fire from the intrenchments. In the second attack Colonel Brown was mortally wounded, and fell within 50 feet of the breastworks. A short time afterwards, his brother, Captain Brown, was also mortally wounded, and fell about ten feet behind him. The Browns were both brave men, and fought with desperation and with utter disregard of their own safety. After the two Browns had fallen mortally wounded, and Major Poindexter been left in command of the Confederates, Mr. Burr, who was one of the prisoners at the breastworks, having become satisfied that the entrenchments could not be taken, asked, and was granted permission to visit the Confederates, under a flag of truce, in order to see what arrangements could be made so as to bring about a cessation of hostilities. The two commanders finally agreed upon an armistice for seven days, Major Poindexter's troops to be withdrawn from

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the breastworks and city, a distance of three miles, and were not to enter town only for medicine during that time; Poindexter was to return all horses taken from Union men, and surrender the arms of the men who had fallen in the engagements. If the terms of the armistice were broken by Poindexter, then Rev. H. M. Painter was to be shot.

The home guards numbered about 140 effective men. Their loss was two killed and seven wounded. The names of the killed were John A. Hayne, adjutant, and Kimball, a private. The number of Colonel Brown's command who were killed and wounded is not known. Colonel and Captain Brown were, after the battle, taken to a hospital at Boonville. The colonel died of his wounds the same evening; the captain lingered until the next day, when he too died. Their bodies were taken to Saline County for burial.

At the commencement of the battle, messengers were dispatched by three different routes, viz: by way of Tipton, Jefferson City road and down the river in a skiff, asking for reinforcements. Of these messengers, none reached Jefferson City except Joseph Read and Joseph Reavis, who went down the river. Those who went by the way of Tipton and the Jefferson City road, were captured by Colonel Brown's men while they were on the way.

On the 14th, at 10 o'clock p. m., the force at Boonville was reinforced by the 5th Iowa regiment, under the command of Colonel Worthington, which came up the river on a steamboat. After the armistice had expired, Major Poindexter drew off his men and marched up the river to join General Price, at Lexington.

In Nov., 1861, a scouting party of three men belonging to the home guards, started out to gain information in regard to a band of bushwhackers, who were thought to have their headquarters somewhere in Clark's Fork township, in this county. While approaching the house of William George, in said township, they were fired upon from the house, and one of their number killed. The scouts then returned to Tipton, and having obtained reinforcements, returned and burned William George's house.

On Sept. 16, 1861, Colonel Eppstein's battalion was commanded by Colonel Worthington to take possession of and guard the bridge across the Lamine River, on the road from Boonville to Arrow Rock. Before their arrival at the bridge, they heard the firing of several minute guns behind them,

which were intended to warn the state troops of the approach of Colonel Eppstein's men. They reached the bridge in the night, and were

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fired upon from the opposite side of the river by the state troops, who seemed to have taken possession of the bridge. Colonel Eppstein returned the fire, and mortally wounded a young man named Herndon, who lived in Lamine township, in this county. He was taken to the house of Mr. William Higgenon, where he soon afterwards expired. The state troops soon retreated and left Colonel Eppstein's troops in possession of the bridge, where they remained until Sept. 19th, when they were ordered to return to Boonville.

Soon afterwards, Colonel Worthington ordered Colonel Eppstein to take his command with him and burn this same bridge, it having been reported that General Price's army was marching towards Boonville from that direction, and would probably cross the Lamine at this point. Colonel Eppstein endeavored to dissuade him from this purpose by telling him that this would only delay Price a single day, as he could cross a short distance above; but Colonel Worthington replied that it must be done, as he deemed it to be a military necessity. So the bridge was burned according to his order. This proved to be a false alarm, as Price was not on his way to Boonville, and did not attempt to march in that direction.

Under a special law of congress, passed on account of a general dissatisfaction among the home guards all over the state, Colonel Eppstein's battalion was reorganized, and became a part of the Missouri state militia. Six companies were raised and organized at Boonville, and to these were added two companies from St. Louis, thus forming the 13th regiment of the Missouri state militia cavalry. The company of infantry which was commanded by Capt. Charles Biehle, joined the 1st Missouri state militia infantry. Afterwards the 13th infantry was consolidated with four companies of the 12th regiment, and Schofield's "hussars", and from that time formed the 5th regiment, the old 5th having previously been disbanded.

The officers of this regiment were Albert Sigel, colonel; Joseph A. Eppstein, lieutenant-colonel; John B. Kaiser, major; and John Fetter, surgeon. This regiment after being thoroughly organized and fully drilled and equipped was ordered to Waynesville, in the Rolla district, where they remained and from which place they operated during the war. Part of this regiment was under the command of Colonel Brawn during his pursuit of Shelby, when in October 1863, he made his raid through the state in the direction of Boonville.

**Price's Raid** - Six companies of the 5th regiment, under the command

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of Colonel Eppstein, composed a portion of the forces of General Sanborn during his operations against General Price in his raid through Missouri in the fall of 1864. General Sanborn, at first supposing that General Price would march in the direction of Rolla, concentrated his forces at that place, but finding that General Price was making for Jefferson City, he moved his command to the latter place, on the way marching nearly parallel with the Confederates; for while he was crossing the Osage River at Castle Rock, General Price was crossing the stream eight miles below. Colonel Eppstein's command had a slight skirmish with the Confederate advance guard between the Osage and the Moreau creek, but he succeeded in reaching Jefferson City first.

General Sanborn had concentrated at that place, 3,000 infantry and 4,000 cavalry, most of them regulars, and all of them well-armed and drilled. General Price's army numbered about 20,000 men, yet there were thousands of them who had no arms, and had never seen anything like a battle. Neither had his troops been organized and placed under commanders, as many of them had flocked to his standard as he had marched through the state. As he was continually on the

march, he had no opportunity to effect organization in the ranks at this time although shortly afterwards he had them under perfect control.

Price only made a slight attack on Jefferson City with a small portion of his forces, then withdrew without a general battle, and marched across the country in the direction of Boonville. General Sanborn, as soon as he learned the true state of affairs, started his cavalry in pursuit of the Confederates. The cavalry had skirmishing with the Confederate rear guard, which was commanded by General Fagan at Stringtown, Russelville, and California, on the 10th day of Oct., 1864. During these skirmishes, three of Colonel Eppstein's men were killed and 13 wounded. The loss of the Confederates is unknown. Price camped, on the night of the 10th, on the Moniteau creek just within the limits of Cooper County, and on the next day marched to Boonville.

The Federals moved west and camped on the upper Tipton road, about eleven miles south of Boonville, at Crenshaw's farm. On the 12<sup>th</sup> of Oct., Colonel Graveley, with about four hundred mounted men of Sanborn's command, advanced by way of the Tipton road to within about one-half of a mile of Boonville, to test the strength, and if possible, to find out the contemplated movements of General Price's command. At what is known as the Vollrath place, about one-half mile south of Boonville, Colonel Graveley came upon some Confederate companies in camp,

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and some lively fighting ensued, but finding the Confederates too strong nor them, the Federals retreated to the main army.

On the 12th, Colonel Eppstein with about 350 men of his command, moved toward Boonville, and camped at Bohannon's farm, about seven miles south of Boonville. Early on the morning of the 13th, he was ordered to advance as far as he could in the direction of Boonville, and reconnoitre General Price's position. Immediately upon receiving this order he commenced his march with the above mentioned number of men and two mountain howitzers, and on arriving at Wilkin's bridge, across the Petite Saline creek, his command was fired upon by a band of about 400 men under the command of General Fagan, who were guarding the bridge. Colonel Eppstein returned the fire, and ordered four mounted companies to dismount and deploy as skirmishers. After some little skirmishing along the banks of the creek, General Fagan, leisurely retreated toward Boonville. After going north about one-half of a mile, to where a lane crosses the main road, south of Mrs. McCarty's house, Colonel Eppstein, who was in pursuit, found that General Fagan had barricaded the road with trees, etc. Here Miller's and Murphy's companies had a close fight with the Confederates, even using swords and bayonets. These two companies were surrounded at one time and ordered by the Confederates to surrender but the other two companies of Colonel Eppstein's command coming up to their aid, General Fagan again fell back. At this place two of the Federals were wounded, but none hurt upon the other side.

General Fagan next made a stand at Anderson's branch, and here the two forces had a more severe battle. Three of the Federals were killed, and seven wounded. The killed were: Fred Hoecher, a man named Jones; while the name of the other is not known. The loss of the Confederates, as was afterwards learned, was considerable.

General Fagan by this time had brought up four pieces of artillery, and commenced shelling the woods long Anderson's bronco in which Col. Eppstein was stationed. The Federals then received orders to fall back and retreated to California, Moniteau County, to obtain supplies. They soon afterwards returned to Crenshaw's farm, and there halted and took dinner. Here General Sanborn learned that Price had left Boonville. So marching west he camped for the night at New Nebo church. The next morning he continued his march in the direction of Georgetown.

In Aug., 1864, Captain Parks with two companies, of which Franklin Swap was first lieutenant and provost marshal, being a part of the Iowa

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cavalry, had command of the post at Boonville. Finding but little to do on this side of the river, they crossed over into Howard County, in search of Anderson's bushwhackers-passed through New Franklin, and took the road east leading to Rocheport. Although warned by the citizens of his danger, as Anderson was known to be in full force in the neighborhood, Captain Parks marched on. When about one mile east of New Franklin, his command was suddenly attacked by Anderson's men, and cut into two parts, seven of them being killed by the first fire. The greater part of his command retreated to a house in the Missouri River bottom, and kept Anderson at bay by firing through the cracks of the house. Captain Parks, at the outset, became separated from his men, and retreated towards Fayette until he met Major Leonard's command, which happened to be marching in that direction. With this he returned to the relief of his company, and Anderson having learned of his approach, drew off his men and retired.

The part of Captain Park's company which had been besieged in the house, finding that Anderson had drawn off his men, mounted horses, came back to Old Franklin in the night, and crossed the river in safety, although several men were missing. This part of the company knew nothing of Captain Parks until the next day, when he made his appearance. They then recrossed the river, and having recovered the bodies of their companions who had been killed, buried them in one grave at the city cemetery, in the southwest part of Boonville.

In the winter of 1862 and 1863, Colonel Pope was the commander of several companies of home militia, with headquarters at the fair grounds at Boonville. They disbanded in 1863, and Colonel D. W. Wear formed a battalion and was commander of the post at Boonville. The battalion did considerable scouting, the details of which are not sufficiently known to be given.

Lieutenant-Colonel Reavis, while under Colonel Pope, learning that some Confederate recruiting forces had crossed the river, making their way in a southern direction, immediately started in pursuit and overtook them while in camp in the brush, near Thomas Tucker's house, about two miles east of Bunceton in Cooper county. He fired upon them, killing two men and wounding one. The recruits then separated and made their way out of the country by different routes. The names of the Confederates who were killed were Joshua Lampton and Jones, from Boone County. They were buried at the "Vine" or Concord church. The wounded man,

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Slier recovering, was paroled by Colonel Pope, and returned to his home in Boone County.

**Shelby's Raid** - General Joseph Shelby, of the Confederate army, made a raid into Cooper County during the month of Oct. 1863. He passed through Otterville on the night of the 9th of said month, and burned the Pacific railroad bridge near that town. On the night of the 10th, he camped near Bell Air, in a pasture belonging to Mr. Nathaniel Leonard, and on the next day he marched to Boonville. His movements becoming known in Boonville the night before, a meeting of the citizens was called by Mayor McDeramon. After some delay, the conclusion was reached that the only alternative was to surrender the city to General Shelby. Citizens were sent out to meet him, who returned without being able to gain any information as to his whereabouts, and they conveyed the impression that he would not pay his compliments to the city during this expedition.

Therefore, his arrival at Boonville on the 11th day of October was quite a surprise to the citizens. Several of the citizens had crossed the river into Howard County the night before, having concluded that discretion was the better part of valor, that their presence in Boonville would accomplish no good, and that there would be more safety in making themselves scarce. J. L. Stevens, R. F. O'Brien, A. H. C. Koontz, Alex Frost, U. C. Koontz, Leonard Ware and D. S. Koontz were in this party.

Just as General Shelby marched into Boonville from the south, Major Leonard, with about 250 Federal troops, appeared on the north side of the river and commenced crossing his men. The first boat load had almost reached the Boonville shore, when some one called to those in the boat that the town was full of Confederates, and that they had better retreat. The pilots immediately turned the boat around and made for the Howard shore. At this time some of Shelby's men appeared and commenced firing upon the boat with muskets. But the boat, having gotten cut of reach of this fire, the Confederates brought up some artillery and opened fire on the boat, two shots striking it before it reached the shore. As soon as Major Leonard landed his forces, the artillery was turned upon them, and they were soon forced to retire beyond the reach of the shells.

At the same time, Colonel Crittenden, with about one hundred men, was seen steaming up the river in a boat, but on learning the situation of affairs at Boonville, he dropped down the river and landed a short distance below, in Howard county.

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General Shelby remained in Boonville the balance of the afternoon of that day, and encamped for the night west of the city on the Georgetown road. He came here to obtain supplies, such as clothing and provisions, which they found in great abundance, and which they took, wherever found. M. J. Wertheimer and Messrs. Lamy & McFadden were the greatest sufferers, each losing about \$4,000 in clothing. The Confederate troops did not molest any person during their stay; not a single man was killed or wounded, and they were very polite and gentlemanly to every person.

While the Confederates were in Boonville, the Federals, under General Brown, were close behind them, and on the 11th day of October, were within eight miles of Boonville, on the Bell Air road. On that day General Brown moved a portion of his troops west to the junction of the Sulphur Springs and the Boonville and Georgetown roads, which is about seven miles southwest of Boonville. But during the night he marched his command back again to the Bell Air road, and camped near Billingsville. The next morning after General Shelby had left, the Federals passed through Boonville in pursuit, their advance just behind the Confederate rear guard. Two of General Shelby's men who had stopped at Mr. Labbo's house, about one and one-half miles west of Boonville to get their breakfast, were killed by some Federal scouts as they appeared at the front door, in order to make their escape.

A running fight was kept up at intervals, all along the route from Boonville to Marshall. The fight became pretty spirited between the Sulphur Springs and Dug Ford; and at Dug Ford two Federals were killed and fell from their horses into the water. During the long running fight there was quite a number killed on each side, but the number is not known.

At Marshall, a battle took place in which a number were killed and wounded on both sides. But General Shelby succeeded in escaping from his pursuers with the loss of only a small portion of the stores which he had obtained at Boonville.

This raid, of course produced great excitement, and in the heat of passion, considerable censure was heaped upon the commanding officer, whether justly or unjustly, is left to the reader to determine. General Shelby succeeded in getting back to the lines without any great loss, but whether his entire anticipations in regard to obtaining supplies and reinforcements were fully realized, is not known. Major Leonard and Colonel Crittenden crossed their commands over the river to Boonville about ten o'clock on the morning of the 12th, and after stopping for dinner, they

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started in the direction of Marshall. Boonville, then was once more clear of troops, and the citizens had time to gather together provisions to feed the next lot of hungry soldiers who

happened to land whether Federals or Confederates. Thus ended the famous "Shelby's Raid," as far as Cooper County was concerned.

**Price's Raid Into Cooper County** - The Federal troops in the fall of 1864, having all abandoned Boonville, three companies of home guards were organized for the protection of the city against what were known as the bushwhackers. Two of these companies were composed of men belonging to both parties, who had joined these companies with the understanding that they would only be required to protect the city against bushwhackers and plunderers, and would not be compelled, against their wills, to fight against the regular southern troops.

Although there were frequent alarms, the bushwhackers never attacked Boonville, but often during the war made raids through the county, in which many citizens were killed. They always took anything they wished, no matter in whose hands it was found. There were also bands of robbers moving continually through the county, who cared nothing for either party, and who robbed and killed without discrimination or regard to party. During the year 1864, many good citizens, belonging to each side, were shot down, first by one party and then by another, and many citizens abandoned their homes, seeking places of more security. The details of these murders and robberies are too disgraceful and sickening to enumerate in this brief history.

On the 11th day of October 1864, scouts brought information that a large hostile force was approaching Boonville. These three companies, being under the impression that these were Anderson's bushwhackers, immediately erected a strong barricade across Fifth street, at Thespian hall, in Boonville. They were strengthened in the belief that these were bushwhackers from the fact that they had received a dispatch that afternoon from Mexico, Missouri, stating that General Price had been repulsed at Jefferson City, and was retreating by way of Tipton.

So these companies of home guards, expecting no quarter from Anderson's men, prepared to sell their lives as dearly as they could, thinking anyway, that it would be certain death to fall into the hands of Bill Anderson. Soon afterwards Shelby's command entered the town with a dash, killing a German scout near Mrs. Muir's residence, about one mile east of Boonville. The home guard fired one round at the advance guard of Shelby's command as they advanced along Vine Street near the Baptist

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