

## CHAPTER VII.

MISSOURI STATE MILITIA ORGANIZE—BUSHWHACKING IN THE COUNTY—THE BUSHWHACKING NEAR WALKERSVILLE—STOCKADE BUILT AROUND COURT HOUSE—"SPECIAL ORDER NO. 30"—SEVERAL CHANGES IN POSITIONS—JOHN L. OWEN KILLED—SHELBY COUNTY MEN EXECUTED—THE 1862 ELECTION.

### MISSOURI STATE MILITIA ORGANIZE.

The war department of the government gave Governor Gamble authority sometime in December, 1861, to organize the Missouri state militia, which was for the defense of the state and not to be ordered out of the state unless on the mission of defending the state.

Those who joined this organization were to be paid by the United States government, subsisted, transported, clothed and armed. They were to assist and co-operate with the Federal troops whenever and wherever they possibly could.

Two months later, or in February, 1862, Col. H. S. Lipscomb commenced the organization of a company of cavalry. It was designated as the Eleventh Cavalry, Missouri State Militia. The organization was completed in May following. The regiment was officered as follows: H. S. Lipscomb, colonel; A. L. Gilstrap, lieutenant-colonel; John B. Rogers, J. B. Dodson and John F. Benjamin, majors. The regiment existed until September, or four months, then it was consolidated with the Second Missouri State Militia. John McNeil was colonel of the new organization and John

F. Benjamin was made lieutenant-colonel.

The Eleventh Cavalry, Missouri State Militia, was made up mostly of Shelby county men. The officers of the Eleventh were: John F. Benjamin, captain from February 10, 1862, until June 3, 1862. At that date James M. Collier was made captain, Mr. Benjamin having, on May 6th, been promoted to a major. Mr. Collier resigned on August 6th, and on August 18th, A. G. Priest was made captain. W. J. Holliday was the first lieutenant and John Donahue second lieutenant. Later Company I, Second Cavalry, Missouri State Militia, was organized. A. G. Priest was made captain of this regiment, in which capacity he served for nearly a year, from August 13, 1862, until July 28, 1863, at which date he resigned. Alex R. Graham took his place and was commissioned captain August 11, 1863, and resigned November 3rd of the same year, serving in this capacity for only about three months. He was succeeded by James A. Ewing, who took rank from November 25, 1863, and was later commissioned captain Company B, Seventeenth Missouri Cavalry Volunteers. W. J. Holliday was first lieutenant of the regiment from February 10, 1862,

until June 13, 1863, at which time he resigned. His successor was James A. Ewing, who took rank from August 11, 1863, and who, on the 25th of November following, was promoted to captain. Robert C. Cavert then became first lieutenant and served in that capacity until mustered out at the close of term, on February 25, 1865. John Donahue was commissioned second lieutenant at the organization of the regiment and served from February 10, 1862, until October 7, 1863, at which time he resigned. The commissary sergeant was John S. Duncan, whose younger son, Charles B. Duncan, was bugler of the company. When the regiments were consolidated Company H was mustered out. The officers of this company while it existed were J. W. Lampkin, captain; Cyrus S. Brown and John C. Carothers, lieutenants. These companies did little except scouting throughout Shelby and adjoining counties. They were in 'the Porter raid and were considered quite efficient in their services generally.

#### BUSHWHACKING IN THE COUNTY.

In relation to bushwhacking in the county the history of 1884 has the following to say:

"Upon the first blush of spring in the year of 1862, military operations in northeast Missouri began to assume a more sanguinary character. The Confederate bushwhackers were early on the warpath. Near Colony, in Knox county, about the 25th of March, they waylaid seven or eight members of the state militia from Medina, fired upon and killed two and dangerously wounded two more. As another party of militia were returning from the burial of the two men killed

they were fired on, presumably by the same bushwhackers, and three more were killed. Sometime about the 10th of March, James M. Preston, a Union man, living near Monroe City, was taken from his home one night by Capt. Tom Stacy and his band of Confederate partisan rangers, or bushwhackers, and murdered. The killing was done in Shelby county, near Stacy's camp, or headquarters, on Black creek or North river. Stacy afterward said that Preston had been "carrying water on both shoulders"; that he pretended to be a Confederate when in the presence of the bushwhackers and that when Federal troops came along he was a staunch Unionist and informed on certain Southern men and had them arrested. Stacy tried Preston after a fashion, found him guilty of playing the spy on him and his band, and shot him forthwith. The body was never recovered. It was said to have been sunk in Salt river with large stones tied to it. Preston left a wife and family in distressed circumstances. His murder aroused the greatest indignation among the Unionists, who vowed that, as the Confederates had inaugurated that sort of warfare, they should have their fill of it before the war was over. Tom Stacy's band numbered at this time perhaps twenty members, but its strength varied from a dozen to fifty. It kept Shelby county in quite a furor at times and greatly disturbed the western part of Marion on various occasions. When any of the members wanted a horse, a gun, a blanket, or any other article, they did not hesitate to take it wherever they found it—no matter whether its owner was a Unionist or a Confederate sympathizer. All was fish that came to their net.

**THE BUSHWHACKING NEAR WALKERSVILLE.**

On Wednesday, April 2, of this year (1862), Col. H. S. Lipscomb, of the Eleventh M. S. M., and a Captain Wilmont, with an escort of thirteen men of the same regiment in charge of a wagon load of supplies, started from Shelbina to Shelbyville. Taking the road via Walkersville, on Salt river, about a mile below that little hamlet, Tom Stacy, with sixteen of his band, bushwhacked the party, killing two militia men named Long and Thomas Herbst and a prominent and worthy citizen of the county named Lilburn Hale. The latter gentleman lived three miles southeast of Shelbyville. That morning he had gone to Shelbina to mail a letter to his son, J. C. Hale, then in' Pike county, and now prominent attorney of Shelbyville. Returning on horseback he was overtaken by the military a quarter of a mile from the scene of shooting and was riding along with Colonel Lipscomb when the murderous volley was fired. Long and Herbst were residents of this county also and both left families. All the men were shot in the head. It was wondered at that not at least a dozen men were killed. The firing was done at point blank range. In a short time Colonel Lipscomb and some of the others of the escort came galloping into Shelbyville and gave the alarm. There was the greatest indignation among the militiamen and the Union citizens. Mr. Hale was generally respected, and his murder incensed the people as much as the killing of the soldiers. The troops in town consisted of the Eleventh M. S. M., who sprang at once to arms. Lieut. John Donahue, at the head of twenty-five men of Company A, started immediately in pursuit of the

bushwhackers, who, it was conjectured, had set off immediately after the shooting for their rendezvous, in the southeastern part of the county.

Lieutenant Holliday, with a considerable force, went at once to where the shooting was done. Holliday's squad, under Sergeant Engles, started on the direct trail of Stacy and his men. The trail was easily followed, as the ground was very muddy, but Stacy tried to throw off the force which he knew was on his track by riding into and through the current of the river where he could. But Engles and his men kept on the trail, eager as panthers and true as bloodhounds. About the middle of the afternoon Lieutenant Donahue came upon the bushwhackers at a point on Black creek, at the Kincheloe bridge, ten miles from Walkersville. They were north or northeast and the Federals were going east. The former had just crossed the bridge. With a yell the militiamen dashed upon the bushwhackers and the latter fled, scattering in every direction, some taking to the thickets, others swimming Black creek, which was near by, and still others fleeing straight away. The bushwhackers were completely routed. Two of their number were killed outright, one was drowned in Black creek and another was badly wounded and never was heard from again. Tom Stacy was so hard pressed that he was forced to abandon his horse, saddle bags, coat, hat, sword and double barreled shotgun. Some articles in his possession, particularly the sword, a beaver cap and some trappings, were identified as having belonged to Russell W. Moss, Esq., near whose residence, northwest of Runnewell, in the Black creek timber, Stacy and his band

had their camp. The two dead men were found to be William Carnahan and James Bradley, both citizens of this county. Bill Carnahan lived at Walkersville and left a wife and children. It is said he had eaten many a meal at Mr. Hale's table, and knew that gentleman well. Bradley lived in the northwestern part of this county. The killing was in this wise: Jim Bradley, like Absalom, rode upon a mule. In the rush of the retreat he was either thrown or jumped off "and the mule that was under him went away." Bradley then threw away his fine double-barreled shotgun and started to run. Sergeant John S. Duncan (afterwards postmaster at Shelbyville) was upon him in an instant. Bradley stopped, threw up his hands and called out, "Don't shoot; I give up; I haven't done nothing," etc., all very rapidly and excitedly. Duncan said, "Well, I can't shoot an unarmed man," and lowered his gun. But Bradley started to go back for his gun and Duncan said, "Don't run." And just then Private Tom Hillaber, who lived in the northeastern part of the county, came up and without a word leveled his Austrian rifle and fired, the ball striking Bradley (ten feet away) in the breast, killing him instantly. The body was not bayoneted, as has been reported. Bill Carnahan was shot out of his saddle farther down the creek. The man drowned in Black creek was wounded just as he entered the water. Tom Stacy leaped from his horse and took to a tree. He carried with him a short rifle and an Indian fight took place between him and Lieutenant Donahue. The latter fired twice and missed. Tom saved his fire for close quarters. Private James Watkins

reinforced Donahue and then Stacy retreated, saving his life by his fleetness and knowledge of woodcraft. The militiamen beat up the woods and brush for some time, but failed to find any more of the guerrillas, and soon after gathered up the corpses of the men they killed, put them in the wagon, "pressed" for the occasion, and started for Shelbyville. Not a man among the Federals were injured in the least. Indeed, the bushwhackers fired but two or three shots. Meanwhile a tragic scene was being enacted at Shelbyville. There was the most intense indignation in the town over the killing of Long, Herbst and Mr. Hale. Capt. John S. Benjamin was almost beside himself with rage and excitement. He had a room of Confederate prisoners in the sheriff's office upstairs in the court house. The most of these, if not all of them, had not been regularly enlisted and mustered into the Confederate service as regular soldiers, but were more partisan rangers. Benjamin declared he would shoot three of these men instantly in retaliation for the three Unionists killed that day. Among these prisoners was one Roland Harvy (alias "Jones" or "Maj." Jones), of Clark county. A few days before this he had been captured near Elliottsville, on Salt river, in Monroe county, by a scouting party of the Eleventh M. S. M., led by Benjamin himself. Harvy was a lieutenant of a band of Confederate partisans, of which Marion Marmaduke, of this county, was captain. Captain Benjamin selected Harvy as the first victim. He was an elderly man and, it is believed, was a reputable citizen. But now he was given a hard fate and a short

shrift. It is said that the guard opened the door of the prison room and pulled out Harvy as a fancier thrusts his hand into a coop and pulls out a chicken. He was hurried downstairs, taken out into the stockade, southeast corner of the yard, and tied to one of the palisades with a new rope before he realized what was being done. He seemed to think the proceedings were intended merely to frighten him. In two minutes a file of soldiers was before him and he was looking into the muzzles of six Austrian rifles. The command "Fire!" was given, there was a crash of the guns, and in an instant the unfortunate man was a corpse. He could not fall to the ground, for he was lashed to the palisade, but his limbs gave way and his head dropped on his breast, while his body hung limp and twisted. By Benjamin's order the body was taken down by some Confederate sympathizers and carried into an old log building in the rear of J. B. Marmaduke's store, on the southwest corner of the square. Here it was prepared for burial and interred by the same class of citizens in the Shelbyville cemetery, where its ashes yet lie. Another prisoner captured at the same time with Harvy was John Wesley Sigler, a young man of Shelbyville. He had a close call. Benjamin selected him for the next victim from among the now terror-stricken prisoners huddled together in the sheriff's office; but now more rational minded men interposed and better councils prevailed. It was urged that it would be better to wait and see what the result of Donahue's and Holliday's scout would be—maybe they would exterminate the band that had done the murderous work. Wait and see. This was done, and soon

came Donahue bearing in a wagon the corpses of Carnahan and Bradley, and these were tumbled into the room where Hasvy lay, all'ghastly and gory. Then Benjamin's wrath was mollified and no one else was shot.

STOCKADE BUILT AROUND COURT HOUSE.

Company C, under Captain Block, and Company F, commanded by Captain Call, parts of Glover's regiment, were stationed at Shelbyville during the winter of 1861 and '62. They were quartered in the court house. Around the court house was erected a strong stockade, by direction of Capt. John F. Benjamin. The stockade was built of heavy oak posts, set firmly in the ground, having the top ends sharpened. The posts were about fifteen feet high. Small holes were made for the use of the defenders, and under the conditions a small number of men could have withstood the attack of several times their number. Many Union sympathizers enlisted during the winter.

Glover was now stationed at Edina. He vigorously enforced the Halleck-Schofield orders to extend no mercy to bushwhackers, and sent his troop frequently into Shelby and adjoining counties.

"SPECIAL ORDER NO. 30."

A few days after Colonel Glover reached Edina he sent a message to Captain Benjamin at Shelbyville which was headed "Special Order No. 30." The order read as follows: "In every case within your reach where the rebels take a dollar's worth of property of any kind from a Union man or family, do you take at least twice as much in value from rebels in the vicinity (from parties who

took the goods if you can identify them) and hold it as security for the return of the property, and hold it until the robbery is made good. You will forthwith levy an assessment and collect it from the wealthy secessionists in the vicinity sufficient to comfortably support the families of the members of the M. S. M. who were killed by the rebels, and see that they are comfortably supported by this means until further orders."

After two days' time had elapsed after receiving the famous "Special Order No. 30," Captain Benjamin received a list of sixty-five names of men in different parts of the county and a letter that read as follows :

Edina, April 10, 1862.

Captain Benjamin:

Sir—I send you a list of names marked (A), who did the killing of militia in this (Knox) county. The others are members of a bushwhacking company in this and other counties. Give a list of the names to your commissioned officers with instructions to hold all such if arrested. Keep their names as secret as possible. I do not want them to know they are suspected, or we shall not be able to catch them. You have two of them, I am told (the Feltz). Hold them safely. We have five or *six* of them, and on yesterday we killed one of the murderers, William Musgrove. These men are scattered all over the country. You will be as active as possible and charge your men to be cautious. These men are frequently to be found in the vicinity of Magruder's, on Black creek. These fellows are in the habit of crossing Salt river, southeast of your town, on a bridge on an unfrequented road. You will do well to give it some attention. My

instructions are not to bring in these fellows if they can be induced to run, and if the men are instructed they **can** make them run. Yours respectfully,

J. M. GLOVER.

#### SEVERAL CHANGES IN POSITIONS.

In June of 1862 there were several changes ordered among the Union forces in northeast Missouri. On the 4th of June Colonel Glover was sent to south Missouri and Col. John McNeil, Second Cavalry, M. S. M., was given charge of the northeast Missouri troops, with headquarters at Palmyra. Major John F. Benjamin was appointed commander at Palmyra and M. A. Stearnes was assistant adjutant-general. The changes were made in compliance with an order from General Schofield. Nearly all of McNeil's men followed him to Palmyra. Captain Lipscomb was assigned to Mazon City and the Third M. S. M. was sent to Rolla.

#### JOHN L. OWEN KILLED.

Major Owen lived near Monroe City, and had been a major in the Confederate Missouri State Guards under General Price. He had participated in the Monroe City battle, in which the Confederates burned the depot and destroyed considerable property. He returned home from service in December, 1861, but found an indictment hanging over him for treason and consequently could not come in and surrender. He therefore continued to hide out.

On the 8th of June, 1862, a scouting party of the Eleventh M. S. M., under Captain Lair, found Major Owen early in the morning hiding under some brush near his residence. Captain Collier and

the Shelby county company took him prisoner, and after assuring his wife they would conduct him safely to Palmyra, they started off, and when only half a mile from his home they sat him upon a log against a rail fence and fired eight 54-caliber bullets through his body. The two captains (Collier and Lair) justified themselves on the ground that they were enforcing General Schofield's "Order No. 18," which enjoined the utmost vigilance in hunting down and destroying all marauders and bushwhackers, whom the order said "when caught in arms or engaged in unlawful warfare, were to be shot down on the spot." The action of Lair and Collier was approved by the Unionists generally, but was a fire brand among the Southern sympathizers, and, in fact, many Union men denounced the act as a murder. The Federal superior officers, however, approved the act. Some now say that Owen was unarmed and did not come within the purview of Schofield's order. Others say he was armed and that his blanket and revolver were found close beside him. It is, however, too late in the day to argue the case, and after giving the facts as nearly correct as it is possible to gather them, we leave the matter to the readers for their own solution.

#### SHELBY COUNTY MEN EXECUTED.

Gen. Lewis Merrill, who was in charge of the Federal troops at Macon, on September 26, 1862, executed ten prisoners at Macon. These men had all been with Porter and were accused of violating paroles. Two of these men were Shelby county citizens. They were Frank E. Drake and Edward Riggs. Another Shelby county citizen was sentenced to

be shot at the same time, but he made his escape from the prison. His name was James Gentry, who lived for many years in Shelby after the bloody scenes of the war and who died in Shelbyville only a few years ago.

Capt. Tom Sidener, who lived in Monroe county a few miles south of Shelby, had been with General Porter, but after the Kirksville battle, in which Porter suffered severely, and the disbandment of the Porter company, Sidener decided to quit the service and accordingly returned to his home in Monroe county. He feared, however, to remain there and decided, as did many others of the Porter men, to seek refuge in Illinois. He therefore disguised himself in ladies' apparel and, in company of a lady cousin and a sister and his brother, Jackson, set out in an open carriage to drive to Canton, where they intended to cross the Mississippi into Illinois. They passed through Shelbyville October 1, 1862, and one of Benjamin's men recognized the ladies and Jack Sidener and informed Benjamin that they had passed through the town with a load of provisions, which were thought to be for supplies for Tom and the Confederates. Colonel Benjamin ordered pursuit and the carriage and its occupants were soon brought back to Shelbyville. Captain Sidener was careless in getting out of the carriage and gave himself away by disclosing his boots that he wore instead of lady's shoes. He was stripped of his dress and bonnet and placed in the hands of the Benjamin forces. They kept him a few days at the hotel and then he was sent to Palmyra and was one of the ten men executed at the famous "Palmyra massacre," by General McNeil. The re-

maining occupants of the spring wagon were held for a few days and then released. The executions were, of course, the most blood-stirring events of the war; but next perhaps to these was the burning of dwelling houses. Of these latter depredations Shelby county had three of more than ordinary notice. One was the burning of the Robert Joiner house and barn in Tiger Fork township; the other, the home of Carter Baker and John Maupin's home in Jefferson township. The Joiner home was fired by a detail under Lieut. W. J. Holliday, who was sent out to do the work by McNeil and Merrill. They accused Joiner of "keeping a rendezvous for guerrillas and murderers." Lieutenant Holliday executed the order at noon September 5th. Mr. Joiner was in prison at Shelbyville. His three sons were in the Confederate army, as was also one son-in-law, Harry Latimer, who was later captured and executed. Mr. Cochrane, a son-in-law, was the only man on the place, and his wife was seriously ill and was carried out of the house on a cot, whereon she was lying. The family lived with their neighbors for awhile, but soon after Mr. Joiner returned to his home, having been released. His health had been impaired and his spirits broken and he died the next spring.

The home of Carter Baker, who had been with Porter, was burned by Company I, commanded by Capt. A. G. Priest, who was sent to Jefferson township to burn, as the militia termed them, "bushwhackers' nests." Mr. Baker had been with Porter and was at home, wounded. He was in bed at the time of

the burning of his house and was carried out into the yard on a couch.

#### THE 1862 ELECTION.

During the war courts were held regularly from this time on, and elections held under the authority of the Gamble administration. No one was allowed to vote, however, who would not submit to the Gamble oath: "To support the United States government and the Gamble provisional government against all enemies, domestic and foreign." This, of course, disqualified many voters in the county. John B. Clark, Sr., had been expelled from Congress for participating in the rebellion. The candidates to succeed him were W. A. Hall, of Randolph county, and N. P. Green, of Marion. The permanent or, in fact, the only issue, was emancipation in Missouri.

Green represented the emancipation side and Hall the anti-emancipationists. The former carried the county by a vote of **598** to **279**. For state senator **A. L. Gilstrap**, the emancipationists, carried the county over **Fred Rowland** by a vote of **523** to **199**. **W. R. Strachan** was elected representative over **J. M. Collier** by **482** to **248**. **Samuel Huston** elected county judge without opposition. He received **359** votes. **C. K. Cotton**, treasurer over **Benjamin Grogg** by **363** to **242**. The entire emancipation ticket was elected. Hall, while failing to carry Shelby county, was elected to Congress by a good majority in the district. **W. R. Strachan** was provost marshal of north-east Missouri, and attained notoriety in connection with the Palmyra massacre.