

OUR SERIAL

STORIES OF THE SECRET SERVICE

BY Capt. Patrick D. Tyrrell

STORY No. 3 The MISSOURI LAND LEAGUERS

Being an Account of the Operations and Conviction of the Band of Land Thieves Operating in Missouri in the Early Seventies.

By CAPTAIN PATRICK D. TYRRELL

(Copyright, 1905, by Marion G. Scheitlin.) My plan was to conduct negotiations with Lindsay and Van Hise in such a way that they would have the deeds to the land they were to sell Stedman and me in their respective offices on the day the arrests were to be made, thereby providing fresh evidence to be used against them in the courts. There was no hitch in this plan. Lindsay followed up the negotiations opened by Stedman with the celerity ordinarily displayed by a man of business anxious to close a deal in which there was big profit. Van Hise was just as eager and unsuspecting in his efforts to unload 25,000 acres on "James Hall," sawmill operator. The plan was working smoothly and promised great results. The amount of detailed work, which at this late date would be of no interest to my readers, was enormous. I spent six weeks alone in the Washington land office withdrawing papers for examination and comparison. Frequent trips were made to southern Missouri, Ohio and Pennsylvania, the network of evidence being filled in with a patch here and a patch there. I believe I neglected to say in beginning this story that the communication to Secretary Schurz, which had turned over to Chief Brooks, and which was the real starting point of this historic criminal case, had been written by one Leo Whybark, of St. Louis, a former colleague of Robert Lindsay. To all detectives it is well known that many of the most important cases have their origin in the falling out of thieves among themselves. Lindsay and Whybark had split over a division of the spoils, the latter claiming that he had been worsted by Lindsay, who had grown domineering in his treatment of subordinates. Whybark's revenge took the form of his letter to the secretary of the interior. During the investigation Whybark was of considerable service to the government, but later was arrested as one of the leaguers. His sentence, however, was never enforced, this being his reward for his services to Uncle Sam. In Cleveland George Linn, after whom was named a suburb, Linddale, was found to be almost as important a leaguer as Van Hise. John K. Corwin, the notary used by Van Hise and Linn, was a member of one of the most prominent families in Ohio, but through his overindulgence in whisky, was a pliable tool in the hands of others. John F. Gardner was a banker and a man of high business standing. In the work of producing false titles the notarial work was not the least item, as all the papers had to be sworn to, and it was necessary to find notaries who not only would consent to take acknowledgements they knew to be false, but who could be trusted to maintain the utmost secrecy. Two more of these notaries were Herman E. Schuster and John J. Brady, Jr., of St. Louis. In all, 22 men had been dragged into our net for complicity in one form or another in this great conspiracy. At last the time came to strike. I believed that the evidence in all the cases was strong enough to convict. Warrants were sworn out and placed in the hands of deputy United States marshals in the various cities where the arrests were to be made. The greatest secrecy was observed in getting out the papers, and arranging other preliminaries. With Lindsay and Van Hise, Stedman and I arranged to have all the papers in our hands with them in their respective offices on the day the arrests were planned. It was the 15th day of March in the year after the investigation was begun that I entered the private office of Robert L. Lindsay in St. Louis with Deputy Marshal Foster. Lindsay, jaunty and busy, was at his desk. I quietly told him he was under arrest. "Who are you, and what am I under arrest for?" he demanded. "I told him who I was, and, briefly, what he was wanted for."

"All right," he said, coolly, reaching for his hat, "but you came just in time to spoil a big trade for me." Then he became indignant. "This is an outrage," he said, angrily; "a plot put up by Carl Schurz to ruin me. It's the work of the d--d reformers in the republican party, and is going to hurt the party." As nearly as the same instant as was physically possible, the arrests of a score or more of the leaguers was made in St. Louis and other cities. All were placed under bonds, the furnishing of bail being a comparatively easy matter for men of such prominence and means as most of them were. Then began a most desperate fight for freedom on the part of the land leaguers—a fight in which was employed every agency from the influence of the highest dignitaries in the republican party to the intimidation of even minor witnesses by threats of lynching. Among the men who had been carelessly let into possession of incriminating information against Lindsay was Frank Smith, an employe of President Thompson, of the Boatmen's bank, of St. Louis, who had a country seat at Ironton. One day the following notice was sent to Smith from a mysterious source:

Frank Smith, Ironton, Mo. Cook at Thompson's. Prepare with your maker—he will wait for you to come to him very soon. We will on August 31, at 12 o'clock, midnight, come to your house and hang you to a tree until you are dead. May you be ready to die! BEWARE. PARTY OF LYNCHERS.

With the history of the tree of death in Arcadia valley in their minds the persons upon whom such notices were served did not look upon them as jests or idle threats. Seventeen corpses had dangled from the limbs of this tree in mute testimony of the sincerity of purpose of the land leaguers; and the receipt of such a notice after the leaguers had been brought to bay was not a pleasant incident. The government maintained surveillance over the criminals and their suspected allies, however, and prevented the execution of any threats. The notice sent to Smith I found to be in the handwriting of Robert Lindsay. It was in high political places that the most telling fight was made by the leaguers to escape the penalty of their crimes. To explain this fight I must revert for a moment to the national political situation of that year. Grant had completed his globe-circling tour and was being urged for a third presidential term. Among the 206 delegates to the Chicago convention that stood by him to the last were James Lindsay and Carroll R. Peck. Grant was defeated for nomination by the unexpected launching of the name of James A. Garfield, around whom the anti-Grant forces rallied. The schism in the party preceding the convention was widened by the nomination and election of Garfield, and the bitterness of feeling was nowhere more intense than in Missouri. Robert Lindsay was prominent in the Grant faction of that state, being an officer in a large political organization with such staunch republicans as Chauncey I. Filley and others of equal prominence. His father was Grant's personal friend and political beneficiary, and the relations between the former president and the Lindsay family were very warm, as indicated by James Lindsay's appointment to one responsible position after he had proved a defaulter in a previous one. United States Attorney Bliss, upon whom fell the chief burden of prosecution of the leaguers in the courts, was appointed by President Grant, and other government officials, the weight of whose influence should have been on the side of the prosecution, were found lukewarm in the cause. I do not mean to imply that there was any overt neglect of duty on the part of the government prosecutors nor that any of the Grant politicians used their influence corruptly; but I do say that from mysterious sources and in the most mysterious manner there came strange happenings—all in favor of the defendants. It did not take me long to see that at the rate matters were going the land leaguers would soon be free without trial. At the time of his arrest Robert Lindsay charged his trouble to Carl Schurz. In the newspapers he charged that Secretary Schurz had discharged James Lindsay from the Ironton land office without cause, and that he, Robert, had issued a circular attacking Schurz for this act. In order to get revenge for the issuance of this circular Schurz had connived this plot against the Lindseys, according to those worthies. The secretary of the interior was a member of the anti-Grant faction, and this gave some color, with the uninformed, to the cry of his political plottings against the Lindseys. This is the first time since the celebrated land fraud cases came before the public that the exact truth concerning their origin has been made public. The starting point, as I have related, was the falling out of Robert Lindsay and his lieutenant, Whybark, and not any desire on the part of Secretary Schurz to punish his political adversaries in the republican party. To raise the cry of political persecution, however, was to put forward the strongest available defense. James Lindsay came forward with a newspaper interview in defense of his son and in condemnation of the federal authorities. Carroll R. Peck, in the Ironton paper owned by him, charged me with having involved the government in an expense of \$80,000 to satisfy the political enemies of my superiors. As a matter of fact, about \$1,000 had been spent up to that time. The strongest political forces in the state were being pushed to their utmost capacity to bring about the release of Lindsay, especially, and the bitterest of feuds were fomented. After the 19th of September, 1887, when the word flashed across the land that the shot fired by Guiteau on the railway platform at Washington had

proved fatal, a prominent government official said to me: "Now that Garfield is dead there is little chance of convicting the land leaguers." This statement was made on the assumption that President Arthur was friendly to the Grant element; but this turned out to be an erroneous surmise. In answer to it I said: "The republican party cannot afford to stand sponsor for these men." Fully as I realized the strength of the political movement in favor of the criminals I was scarcely prepared for the sudden turn which affairs took. The cases had been brought in the United States court. Suddenly it became whispered about that the federal law governing land patents had been construed in such a way as to release the conspirators. This construction was to the following effect: That a land patent once issued was valid so far as the government was concerned without reference to the manner in which it had been obtained—in other words, if the fraud was not discovered before the patent was issued it could not be used to nullify the patent nor punish the guilty. Here was a pretty how-d'ye-do. After a year's hard work had revealed a crime involving the clear theft of from 6,000,000 to 8,000,000 acres of valuable land from the government and thousands of individuals had been robbed, the promoters of the plot were to be restored to liberty and their former places in society because a judge claimed to have discovered a possible construction of the federal law that would attain this result. There was no claim that the land leaguers had not committed the acts with which they stood charged, but their friends claimed—and unfortunately they found ready support among government officials—that the discovery of this technicality justified the dismissal of the cases. My position was that merely of the officer who had been largely instrumental in planning and carrying out the investigation at the orders of my superiors. But I was determined that the criminals should not escape if it was in my power to prevent. I had seen all the august power of government arrayed against malefactors whose crimes had been infinitesimal compared with that of these kid-gloved conspirators, and to me it seemed a violation of every tenet of eternal right to allow these men to go free because they were strong in the councils of their political party. I was also convinced that the judge in question was in error legally, and in support of my view I had a letter written by Assistant Secretary of State Bell to John Sherman, secretary of the treasury, calling attention to section 5403 of the statutes, which provided that any person stealing or destroying any paper, record or document from any federal office could be fined and imprisoned. This section covered fully the thefts of land patents. Besides, it had been held by the supreme court that the actual delivery of a patent, as with a deed, was necessary to pass title. So far as the use of their technicality was concerned the defendants gained their point. On the construction referred to the cases were allowed to die in the federal court by the judge who had made the strange construction of the law. There was but one recourse. In the perpetration of the big crime numerous individual offenses against state laws had been committed, such as forgery, perjury and obtaining money under false pretenses. We might find justice in these state courts. This was suggested, but my superiors in Washington doubted the probability of our being able to convict in the state courts on the theory that they were even more subject to influence than the federal courts. Most fortunately there came to the rescue of justice at this critical moment a man with splendid fighting ability and a deep sense of duty—Circuit Attorney Harris, of St. Louis. He possessed in a marked degree the qualifications that the federal prosecutors lacked. With him I went over the evidence. He leaped into the breach with a vim that was refreshing. He was invulnerable to political or other influences and soon mastered and marshaled for use the great mass of evidence. In the meantime a touch of romance had been added to the drear details of the case in Cleveland. In the office of Orlando Van Hise there had been employed a clerk named Mary A. Johnson. Her sister had married George Linn, another member of the ring. She was also a notary public, and had taken many fraudulent acknowledgments for her employer. The government had intended to use Mary Johnson as a witness against Van Hise, but Cupid took a hand soon after the arrest and Van Hise and the girl were married, thus giving the government a serious setback in the prosecution of Van Hise, for a wife could not be used as a witness against her husband. The dismissal of the cases in the federal courts and the institution in the state courts of course necessitated the rearresting of the defendants and the furnishing of new bonds. When we went to Cleveland we found that Van Hise and Linn had decamped for parts unknown, presumably Europe. The others were secured, however, and the trials were held in St. Louis, Mo.; Steubenville, O., and Clarion, Pa. Circuit Attorney Harris had mastered the evidence so thoroughly and had all the cases so well in hand that he went to Steubenville to assist in the prosecution of the Ohio conspirators. Robert Lindsay retained the most able lawyers he could find and every artifice known to them was employed. At the end of the first battle in court Robert L. Lindsay was sentenced to serve nine years in the penitentiary. This term he served, minus the time allowance for good behavior. I do not know if he be alive or dead. Far be it from me in these narratives to seek to follow any man past the point where he explained his crime in the manner prescribed by the

courts. I hope he learned well the lesson that education, a good position in society and powerful political affiliations do not palliate crime. Crime in broadcloth is still crime. The entire 22 were convicted and were sentenced to serve from two to nine years. These were the conspirators, big and little: Robert L. Lindsay, Addison F. Burns, William Burns, Orlando Van Hise, George Linn, John K. Corwin, John F. Gardner, Samuel L. Carter, David S. Bingham, J. F. Richards, Benjamin F. Pickett, Herman E. Schuster, Charles Vassell, Charles Newman, John F. Norris, H. R. McClellan, George W. Nelson, Cyrus Smith, J. S. Wolfe, John Brady, Jr.; George L. Brown, Samuel C. Clark and Leo Whybark. There were 61 indictments against Lindsay, 52 of which Attorney Bliss nolle prosequed in St. Louis while Lindsay was on trial in Steubenville. In the little courtroom at Clarion, Pa., was laid the pathetic closing scene of this memorable crime. William Burns, the gray-haired father, and Addison, his son, in the prime of manhood, were tried together. Their lawyers fought a good fight but lost. After they had been found guilty by a jury they were called before the bar for sentence. I can give the exact language of the judge, for it was stenographically preserved—not a general custom in those days: "The offense committed by you is a very grave one. It was committed under very remarkable circumstances and seldom is crime committed which is so deeply imbedded in perjury as this crime has been. In order to make this forgery effectual, to impose upon the persons victimized, it was necessary to resort to falsehood, to impose upon notaries public and to impose forged papers upon the officials of the United States in the land office. The evidence showed that this single transaction was interwoven with many others of the same kind. That these several transactions have extended over a period of several years during which falsehood was continually resorted to; that one or the other of you have repeatedly forged instruments, imposed upon the officers of the land office and that you have repeatedly victimized the citizens of this commonwealth is proved. In the history of the crimes of this country, there is no one that I know of that has developed so complete a system and so skillful an intertwining of falsehood, perjury and forgery. "You had abundance of time to reflect; you are both men of mature years. You knew the effect of your conduct. You knew that you were imposing upon the men who indicted you. You knew that you were reaping gains in this unlawful way and that you were imposing on the department at Washington and deceiving the officials in Missouri. You knew you were unsettling the land titles in that state and giving to the citizens of this commonwealth an entirely worthless title and were getting from them as much money as you could by a system of false dealing. We regret the position you are in, and that the evidence was not such as would have warranted the jury in doing otherwise than they have. We do not desire to continue our remarks in a way to lacerate your feelings, but it is our duty to administer the law as faithfully as we can. William Burns, I sentence you to pay a fine of \$500 and to serve seven years at hard labor in the Allegheny penitentiary, and Addison Burns, the same sentence is imposed on you." Father and son were led away to solitary confinement and the curtain was rung down on the greatest conspiracy of its kind of the century.

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