

Incidents of Lawlessness- Theodore Roosevelt Bags His Men

by Dr. Aaron Woodard

One feature of the Old West that is known to almost everyone is the role of the outlaw and the lawman. A staple of western movies and novels, this duel between good and evil figures prominently into American culture-then and now. Many modern “Americanisms” have their beginning in this struggle for law and order in the West. The classic showdown at high noon in some dusty western town between a lone sheriff or marshal and a gang of cutthroats remains a popular topic for westerns but also, in a somewhat modified form, for modern action films.

Despite what has sometimes been represented, in essence, that the western frontier, including Dakota Territory, was a virtuous island of church-going moral rectitude (or, as one Native American historian characterized it to me-‘Little House on the Prairie’), there appears to have been quite a lot of very serious crime in Dakota, including axe murders, serial killings, horse and cattle thievery, and generalized gun play-and of course we have not even discussed the debauchery of Deadwood, where Wild Bill met his end in 1876. In fact, crime was so on the increase that the Territorial Governor in 1879 had this to say in a speech to the legislature, urging them to consider the construction of a new prison, or prisons, for Dakota “One of the most important subjects that should, I think, demand your early attention, is the mode

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and expense of keeping our convicts...The number is increasing and with our largely increasing population it will continue to increase.”¹

During the 1880’s in western Dakota, lawbreakers were certainly a feature of life. One account described the area as follows, “Little Missouri was a terrible place,...it was wild and wooly...there were many of them, outcasts of society, reckless, greedy and conscienceless; fugitives from justice with criminal records and gunmen who lived by crooked gambling and thievery of every sort.”² There were also brutal murders in Dakota, including the case of George Miller, who murdered a Baptist minister and his 6 year old daughter with an axe and knife in 1885. There was also the 1894 case, shortly after North Dakota statehood, of Albert Bomberger who murdered six members of the same family after he was apparently denied the chance to engage his romantic intentions towards the youngest daughter of the family. Both of these offenders were executed by hanging.³ These murders were also not committed in the “wild” parts of the territory, but in settled regions; apparently Dakotans were not particularly better than any other Americans of any other region in this regard.

One of the more prominent residents of Dakota at this time was a young New York politician-turned ranchman, Theodore Roosevelt. He had invested in the cattle business in Dakota and, as a result, he experienced various thefts, including the theft of horses from his ranch. In a letter to Anna Roosevelt he mentioned the arrival of new horses but also the thefts of two, “I have just had 52 ponies brought in by Ferris and Seawall (sic) and Dow started down the river with their share yesterday. The latter came but two horses; I am afraid they have been stolen.”⁴ Horse

1 George Kingsbury, History of Dakota Territory Vol. II (S.J. Clarke Co., Chicago, 1915), p.1083.

2 Hermann Hagedorn, Roosevelt in the Badlands (Houghton Mifflin, New York, 1921), p.48.

3 Address by North Dakota State Archivist Frank Vyzralek to Judge Bruce M. Van Sickle Inn of Court, October 19, 2000. Located <http://www.ndcourts.gov/Court/News/ExecuteND.htm>.

4 Letter from Theodore Roosevelt to Anna Roosevelt, December 14, 1884, Theodore Roosevelt Collection. Ms Am 1834 (202) Harvard College Library, Theodore Roosevelt Digital Collection, Theodore Roosevelt Center, Dickenson State University.

theft, was of course, considered (short of murder) the most grievous of frontier crimes. Roosevelt's sometime friend and sometime rival in Medora, the Marquis De Mores also experienced horse theft. In a notice in the local newspaper, *The Badlands Cowboy*, the editor noted, "Several of Marquis ponies were stolen from Matthews...a few days ago. Up to last accounts the thieves had not been overtaken, but they probably will be. This is the first horse-stealing case for a long time in the Badlands, and the thieves, if caught, should be so dealt with as to discourage any further pleasantry of this sort."⁵ In 1884, Roosevelt and De Mores, both members of the Little Missouri Stock Grower's Association, advocated an active campaign to destroy thieves and rustlers. In 1885 De Mores went so far as to offer a \$20 per head reward for stolen horses that were returned and a \$500 bounty for the thieves. He also engaged a private detective agency to carry out surveillance and investigations into the stock thievery. This resulted in the arrest of 5 persons in 1884.⁶

Dakota territorial government tried to organize elements of law and order, principally by appointing a territorial marshal. Several marshals were appointed. The earliest reference to a marshal that I could find dates from 1863 in a letter from the Register of the Land Office in Vermillion, John Allen, to President Abraham Lincoln. Allen was "angling" for an appointment as Governor of Dakota Territory, "But Thank God, by the exertions of the Union Leagues, we have been able to carry both houses of our legislature, John Hutchison Secty. and Acting Governor & Judge Bliss & Judge Williston, Attorney Gleason, *Provost Marshal Waldon (my emphasis)...*"⁷ Waldon is not mentioned in other references of Dakota Territorial Marshals, including a history page from the U.S. Marshal's Service⁸ The recorded marshals include, respectively; William Shafer,

5 The Badlands Cowboy Newspaper, February 7 1884, Theodore Roosevelt Digital Collections, Theodore Roosevelt Center, Dickinson State University.

6 Arnold Goplen, "The Career of Marquis De Mores in the Badlands of North Dakota", *North Dakota History*, Vol.13, No.1 &2 June-April 1946, , p.30-31.

7 Letter from John Allen to Abraham Lincoln, October 14 1863, Political Affairs in Dakota Territory located at <http://memory.loc.gov/cgi-bin> from The Abraham Lincoln Papers at the Library of Congress. Incidentally, Lincoln appointed someone else, despite Allen's flowery letter.

8 List of Territorial Marshals, U.S. Marshals Service, <http://www.usmarshals.gov/district/sd/history>

General Pinney, L.H. Lichtfield, and Capt. John Raymond in 1877, who succeeded J.H. Burdick.⁹ Later, Joe Morrill served as deputy United States marshal. Morrill was apparently known as a "softie" on crime and was no one to be feared.¹⁰ Roosevelt served as chairman of the Little Missouri River Stockmen's Association whose members were concerned with the amount of stock thievery occurring on the range. They agreed to appoint a brand inspector to monitor rustlers' attempts at re-branding cattle but unfortunately they selected Morrill to fill the post, which guaranteed weak enforcement.¹¹ In fact, from where Roosevelt was located, a marshal was hundreds of miles to the south and a sheriff was 150 miles to the east.¹² These were not conditions conducive to law and order.

In other cases, it was not uncommon for a range cowboy to shift professions and take up law enforcement. Amadee Rousseau, a French-Canadian immigrant to Dakota worked first as a cowboy but later served as a deputy sheriff for Dewey County once counties were organized.¹³ Sam Moses was a well known cowpuncher who first entered Dakota in 1878. He alternately worked as a sheriff, a stock detective, and a special government agent. He was so effective that several outlaws reversed the usual practice of placing a reward on a wanted man and instead placed a \$1000 reward for the death of Moses. He survived however and lived until old age.¹⁴

There were also cases where formerly law-abiding cowboys turned to crime, including, in fact, one of Roosevelt's former employees. As the Bismarck Tribune noted, "Sheriff Willard, of Medora, passed through the city yesterday, en route home with a prisoner for whom he has been skirmishing in Ohio. The prisoner is Charles Myers, is about 30 years of age and for several years worked on the ranch of Theodore Roosevelt in the Bad Lands. He is charged with stealing cattle that

9 George Kingsbury, *History of Dakota Territory* Vol. II (S.J. Clarke Co., Chicago, 1915), p.1027; *History of Southeastern Dakota*, no date or publisher given (I estimate 1880's), p.29..

10 Hagedorn, p.324.

11 Ibid.

12 Hagedorn, p.48.

13 Bert Hall, *Roundup Years-Old Muddy to Black Hills* (State Publishing Company, Pierre S.D., 1954), p.68.

14 Ibid, p.76.

strayed on to the Roosevelt ranch, selling them and appropriating the proceeds to himself. Meyers left Dakota in September last and was traced to Wooster where he was visiting friends. He will be given a preliminary examination upon his arrival in Medora.”¹⁵

Although marshals were appointed by the territorial legislature, the number was grossly inadequate. One marshal, with perhaps a deputy or two, was assigned to patrol and keep order in an area that now covers the states of North and South Dakota! Many western movies have as themes waiting for the marshal to arrive or sending for the marshal. One can see why law enforcement, like most other things on the largely unsettled frontier, was generally up to the residents themselves. As Roosevelt observed

In any wild country, where the power of the law is little felt or heeded, and where every one has to rely upon himself for protection, men soon get to feel that it is in the highest degree unwise to submit to any wrong without making an immediate and resolute effort to avenge it upon the wrong-doers, at no matter what cost of risk or trouble. To submit tamely and meekly to theft, or to any other injury, is to invite almost certain repetition of the offense, in a place where all self-reliant hardihood and the ability to hold one's own under all circumstances rank as the first of virtues.¹⁶

Roosevelt wrote of several incidents of lawlessness that occurred while he was in Dakota. He also noted that often “extra-legal” means were employed to quell lawbreaking:

15 *Returned with his man*, Transcript from *Bismarck Tribune*, December 14 1886, 1958 Theodore Roosevelt Symposium, Dickenson State University, Theodore Roosevelt Digital Library, Theodore Roosevelt Center, Dickenson State University. This may have been the same cowboy Roosevelt famously fired for rebreeding cattle. See Hagedorn p.256. Hagedorn discusses this episode but names the cowboy as George Myers and the sheriff as the Joe Morrill. He also intimates that the incident was “doctored up” and that Myers was probably innocent-see Hagedorn =pp.442-444.

16 Theodore Roosevelt, *Ranch Life and the Hunting Trail*, (New York, Century, 1888), p.115. This quotation could also certainly be applied to T.R.'s general theory of international relations as well. He believed nations should be self-reliant and tolerate no offense to themselves without an adequate reply.-

During the last two or three years, the stockmen have united to put down all these dangerous characters, often by the most summary exercise of lynch law. Notorious bullies and murderers have been taken out and hung, while the bands of horse and cattle thieves have been regularly hunted down and destroyed in pitched fights by parties of armed cowboys; and as a consequence most of our territory is now perfectly law-abiding. One such fight occurred north of me early last spring [1887?]. The horse thieves were overtaken on the banks of the Missouri; two of their number were slain and the others were driven on the ice, which broke, and two more were drowned. A few months previously another gang, whose headquarters were near the Canadian line, were surprised in their hut; two or three were shot down by the cowboys as they tried to come out, while the rest barricaded themselves in and fought until the log hut was set on fire, when they broke forth in a body, and nearly all were killed at once, only one or two making their escape. A little over two years ago one committee of vigilantes in eastern Montana shot or hung nearly sixty-not, however, with the best judgment in all cases.¹⁷

Roosevelt expanded on this incident as well, “Be it remarked in passing, that while the outcome of their efforts had been in the main wholesome, yet, as is always the case in an extended raid of vigilantes, several of the sixty odd victims had been perfectly innocent men who had been hung or shot in company with the real scoundrels, either through carelessness and misapprehension or no-account of some personal spite.”¹⁸

Although rare, there were professional gunmen who ventured through Dakota from time to time. They were deadly shots with their pistols and, according to Roosevelt, these types of men did most of the killing on the frontier.

17 Roosevelt, *Ranch Life*. . . , p.14. One can assume that it was highly fortuitous for Roosevelt's later well publicized political career that he himself did not participate in any extra-legal hangings. One can imagine what the press would have made of such an event.

18 *Ibid*, pp.114-115.

The “bad men” or professional fighters and man-killers are a of a different stamp, quite a number of them being, according to their light, perfectly honest. These are the men who do most of the killing in frontier communities; yet it is a noteworthy fact that the men who are killed generally deserve their fate. These men are, of course, used to brawling, and are not only sure shots, but, what is equally important, able to “draw” their weapons with marvelous quickness. They think nothing whatever of murder and are the dread and terror of their associates; yet they are chary of taking the life of a man in good standing, and will often weaken and back down at once if confronted fearlessly...others however will face any odds without flinching; and I have known of these men fighting, when mortally wounded, with a cool, ferocious despair that was terrible. As elsewhere, so here, very quiet men are often those who in an emergency show themselves best able to hold their own [Speak softly and carry a big stick perhaps?]. These desperadoes always try to get “The drop” on a foe-that is, to take him at a disadvantage before he can use his own weapon. I have known more men killed in this way, when the affair was wholly one-sided than I have known to be shot in a fair fight; and I have known fully as many who were shot by accident. It is wonderful, in the event of a street fight, how few bullets seem to hit the men they are aimed at.¹⁹

¹⁹ Roosevelt, *Ranch Life*..., pp.13-14. This description certainly seems to contradict the popular image of two gunmen facing each other at midday in some western main street. It should be mentioned that there were men who resembled the above quotation, but who put their “gift” on the side of the law. By all accounts Wild Bill Hickok was a stone cold killer, but his killings were done as a peace officer or in defense of others-see Joseph Rosa, *Wild Bill Hickok-Gunfighter*, (Norman, University of Oklahoma Press, 2001).

Roosevelt also noted that there had been other lawbreakers in his vicinity. “In our own immediate locality we have had more difficulty with white desperadoes than with redskins. At times there has been a good deal of cattle-killing and horse-stealing, and occasionally a murder or two.”²⁰ He also stated his belief that if a person stays out of bars and saloons, there is little to fear in the way of armed molestation. It was a different story in the case of rustlers, “Against horse-thieves, cattle-thieves, claim-jumpers and the like, however, every ranchman has to be on his guard; and armed collisions with these gentry are sometimes inevitable. The fact of such scoundrels being able to ply their trade with impunity for any length of time can only be understood if the absolute wildness of our land is taken into account. The country is yet unsurveyed and unmapped.”²¹

Roosevelt’s closest association with lawbreakers (and his most famed adventure before his heroics in the Spanish-American War) was his pursuit and capture of several outlaws who robbed him of a boat. This incident occurred in April of 1886 at his Elk Horn Ranch. Roosevelt had acquired a small boat for his and his ranch hand’s use in crossing the river by the ranch. He purchased it in a visit to Minnesota in St. Paul.²² Roosevelt’s own account of this episode is worth quoting at length because it reveals several interesting aspects of his character and philosophy.

As stated previously, Roosevelt’s Elk Horn ranch was located almost on the banks of the Little Missouri. The river itself was extremely unpredictable in regards to flooding and depth., “...for the Little Missouri, like most plains’ rivers, is usually either a dwindling streamlet, a mere slender thread of sluggish water, or else a boiling, muddy torrent, running over a bad of shifting quicksand, that neither man or beast can cross. It rises and falls with extraordinary suddenness and intensity...”²³The ice break-up had been early in February and one particular huge ice jam scoured the banks of the river near Roosevelt’s ranch house, leaving a deeper and faster channel in the river’s middle. He and his men had been keeping their horses on the other side of the river across from their ranch house

²⁰ Ibid, p.111.

²¹ Ibid, p.111.

²² Ray Mathison, “Life at Roosevelt’s Elk Horn Ranch”, *North Dakota History*, Vol.27, No.1, p.131.

²³ Roosevelt, p.112.

and were using his boat to cross and re-cross the swiftly flowing water. He had also contemplated a hunting trip down the river after the floods in the Spring and were planning on using his boat for just such a purpose.²⁴

He and his men crossed the river and looked for wild game to hunt, as this was their main supply of fresh meat. Once they had shot 4 deer and left them to freeze in the cold weather. They went back after them 2 weeks later, but found little left of their cache, it having been devoured by mountain lions. Roosevelt was eager to hunt the lions and he planned to return the next day with a dog to track them, but he was informed that during the night someone had stolen their boat, as they discovered that the rope had been cut and a red woolen mitten with a leather palm that apparently had been left behind by the thieves.²⁵

Roosevelt believed that he knew who had stolen it—"...three hard characters who lived in a shack or hut, some twenty miles above us, and whom we had shrewdly suspected for some time of wishing to get out of the country, as certain of cattlemen had begun openly to threaten to lynch them. They belonged to a class that always holds sway during the raw youth of a frontier community, and the putting down of which is the first step towards decent government."²⁶

The three suspected criminals had a bad reputation and were widely suspected of various crimes including the worst of the worst, horse-stealing, "We knew that these three men were becoming uneasy, and were anxious to leave the locality; and we also knew that traveling on horseback, in the direction in which they would wish to go, was almost impossible...so we had little doubt that it was they who had taken our boat; and as they knew there was no boat left on the river, and as the country along its banks was entirely impracticable for horses, we felt sure they would be confident that there would be no pursuit."²⁷

The only solution open to most people would have been to loudly lament the lack of law and order, wring their hands and perhaps send for the marshal in the forlorn hope that in a few weeks time he might arrive and engage a posse with a slim chance of catching the suspects.

²⁴ Ibid.

²⁵ Ibid, pp 114-115.

²⁶ Ibid, p.114.

²⁷ Ibid, p.115.

Not Roosevelt. Two of his hired men, Sewall and Dow, he had known since he was a young man. Both were from Maine and, "were mighty men of their hands, skilled in woodcraft, and the use of the paddle and rifle. They set to work with a will, and, as by good luck there were plenty of boards, in two or three days they had turned out a first-class flat-bottom, which was roomy, drew very little water, and was as dry as a bone; and though, not a handy craft, was easily enough managed in going downstream."²⁸ Roosevelt had great confidence and admiration for his two men who were also his close friends, "There could have been no better men for a trip of this kind than my two companions, Sewall and Dow. They were tough, hardy, resolute fellows, quick as cats, strong as bears and able to travel like bull moose [this, of course, was the name of Roosevelt's 1912 independent splinter party when he sought the White House against both Taft and Wilson]."²⁹

They organized supplies, including flour, coffee and bacon for two weeks, warm clothes and bedding, and set off in pursuit of the thieves.³⁰

The weather had been very cold. It appeared that there was a lull, but Roosevelt and his men were well prepared "We all were most warmly and thickly dressed, with woolen socks and underclothes, heavy jackets and trousers, and great fur coats, so that we felt we could bid defiance to the weather. Each carried his rifle and we had in addition a double-barreled duck gun for waterfowl and beaver. To manage the boat, we had paddles, heavy oars and long iron-shod poles, Sewall steering while Dow sat in the bow. Altogether we felt as if we were on a holiday trip, and set to work to have as good a time as possible."³¹

Roosevelt and his two companions made their way down the river, hoping to catch the thieves unaware, all the while marveling at the strange landscapes of the Badlands,

²⁸ Ibid. Roosevelt spells Sewall as Seawall, which is incorrect. Instead of misspelling it every time with a (sic), I have used the correct spelling in the quotes from Roosevelt.

²⁹ Ibid.

³⁰ Ibid, p.116.

³¹ Ibid.

“The river twisted in every direction, winding to and fro across the alluvial valley bottom, only to be brought up by the rows of great barren buttes that bounded it on each edge. It had worn away the sides of these till they towered up as cliffs of clay, marl or sandstone. Across their white faces the seams of coal drew sharp black bands, and they were elsewhere blotched and varied with brown, yellow, purple and red.”³²

They continued on their way and were frequently confronted with enormous chunks of ice from the beginning of the spring break-up, “All through the early part of the day we drifted swiftly down between the heaped-up piles of ice, the cakes and slabs now dirty and unattractive looking...there would every now and then benecks where the jam had been crowded into too narrow a spot and had risen over the side as it had done up-stream, grinding the bark from the big cottonwoods and snapping the smaller ones short off. In such places the ice-walls were sometimes eight or ten feet high, continually undermined by the restless current...”³³

They continued on their way until evening when they landed and made camp. They were lucky as, “a sharp-tailed prairie fowl flew across stream ahead of the boat, lighting on a low branch by the water’s edge. Shooting him, we landed and picked off two others that were perched high up in leafless cottonwoods, plucking the buds. These three birds served as supper; and shortly afterward, as the cold grew more and more biting, we rolled in under our furs and blankets and were soon asleep.”³⁴

They started the next day, but the weather continued to grow increasingly colder, “It was colder than before, and for some time we went along in chilly silence, nor was it until midday that the sun warmed our blood in the least.”³⁵ They encountered a small group of abandoned tepees along the river bank which they believed belonged to the Grosventre tribe. They again landed for lunch and by afternoon the cold was greater still. They made camp at dark after again dining on prairie fowl they had successfully hunted, but the cold was worse and worse, “During the night the thermometer went down to zero, and in the morning the

32 Ibid.

33 Ibid, pp.116-117.

34 Ibid, pp.117-118.

35 Ibid, p.118.

anchor ice was running up so thickly that we did not care to start at once, for it is most difficult to handle a boat in the deep frozen slush.”³⁶

They decided to redeem their time by replenishing their larder. Deer were abundant on this stretch of the river, so they decided to try their luck, “Accordingly, we took a couple of hours for a deer hunt, as there were evidently many white-tail on the bottom...almost before we had begun four deer broke out...and took refuge in a deep glen...one of our number crept round to the head of the gorge...They attempted to break out past the man at the head of the glen, who shot down a couple...”³⁷

After enjoying their ample new supply of venison, the little group loaded their boat and proceeded on their way as the third day of their chase began. In the mid-afternoon, their boat came around a bend in the river and there in front of the them was the stolen boat, “We had come on the camp of the thieves. As I glanced at the faces of my two followers I was struck by the grim, eager look in their eyes. Our overcoats were off in a second and after exchanging a few muttered words, the boat was hastily and silently shoved towards the bank. As soon as it touched the shore ice I leaped out and ran up behind a clump of bushes, so as to cover the landing of the others. For a moment we felt a thrill of keen excitement, and our veins tingled as we crept cautiously towards the fire...”³⁸

The capture of the outlaws turned out to be much easier than anticipated. As he wrote Anna Roosevelt, “But there was no difficulty whatever. We came upon their camp by surprise, and covering them with our cocked rifles, tied them up and disarmed them in the most approved western fashion.”³⁹

The only thief in camp was the older of the three, labeled “the German” by Roosevelt. He surrendered immediately and they waited for his two companions to return. The most dangerous of the three was named Finnegan. He was believed to be armed with a Winchester rifle, so Roosevelt and his men had to exercise caution. Will Sewall described the incident in a letter to his brother, “. . .in about half an hour he came without the least suspicion [and] walked into the open space.

36 Ibid.

37 Ibid, pp.118-119.

38 Ibid, pp.119-120.

39 Letter from Theodore Roosevelt to Anna Roosevelt, April 12 1886 Theodore Roosevelt Collection, Ms Am 1834 (208), Harvard College Library, Theodore Roosevelt Digital Collection, Theodore Roosevelt Center, Dickenson State University 29

When Roosevelt called to him he hesitated as if he had a mind to try it. Will was afraid he would try to raise his gun and we would have to shoot him so he snapped...‘Damn you-drop that gun,’ and he dropped it. So they were taken without danger to ourselves or harm to them.”⁴⁰

Sewall’s account differs somewhat from Roosevelt’s, who described the same scene thusly, “When we were within twenty yards or so we straightened up from behind the bank, covering them with our cocked rifles, while I shouted to them to hold up their hands...Finnigan hesitated for a second, his eyes fairly wolfish; then as I walked up within a few paces, covering the center of his chest so as to avoid overshooting and repeating the command, he saw that he had no show and with an oath, let his rifle drop and held his hands up beside his head.”⁴¹ So it is uncertain if Dow or Roosevelt gave the final command for Finnigan to surrender, but in any case, he did. Finnigan was definitely a dangerous man as Sewall again noted in his letter to his brother, “...one of the men [Finnigan] was called a pretty hard ticket [and] was well armed with a Winchester rifle and a self-cocking Smith and Wesson revolver which are considered the most dangerous kind of pistol [.]”⁴²

Unlike many of his ranching contemporaries, who undoubtedly would have hanged all three outlaws without a second thought, Roosevelt was not inclined for lynch law. Although this incident has not been generally discussed as a major one in Roosevelt’s history, it was. If he had lynched these three men, his chances for election to President or even selection as Vice President would have been in doubt. Roosevelt’s description of this episode as told in a magazine article, “Sheriff’s Work on a Ranch,” certainly cemented him into the mold of a tough [but fair] westerner to thousands of readers. It is doubtful if a lynching would have been something most readers would have admired-let alone voters.

The trip back was, as he wrote in a letter to Corinne Roosevelt, “...very rough work, as we got entirely out of food and had an (unintelligible word) time in the river, as there were great ice gorges, the cold being

40 Ray Mathison, *Life at Roosevelt’s Elkhorn Ranch-The Letters of William and Mary Sewall*, *North Dakota History*, Vol.27, No.1, p.133.

41 Roosevelt, *Ranch Life*..., p.120.

42 Mathison, p.132.

intense.”⁴³ Indeed, as he wrote later, “Having captured our men, we were in a quandary how to keep them. The cold was so intense that to tie them tightly hand and foot meant, in all likelihood, freezing both hands and feet off during the night; and it was no use tying them at all unless we tied them tightly enough to stop in part the circulation. So nothing was left for us to do but keep perpetual guard over them. Of course, we had carefully searched them, and taken away not only their firearms and knives, but everything else that could possibly be used as a weapon.”⁴⁴

The most tedious part of the expedition was to follow, however. After having their prisoners take off their boots, Roosevelt and his two companions decided to watch the outlaws a half a night apiece so they could all get a fairly adequate amount of sleep. The thieves were left untied and wrapped in two buffalo robes by the huge fire that had been kindled.⁴⁵ Whomever kept the watch was armed with a double-barrel shotgun loaded with buckshot, certainly a devastating weapon as close range and assuring the thieves that, “...they cannot get up, no matter how quick they are, without being riddled.”⁴⁶ Staying awake could be a problem however, “The only danger lies in the extreme monotony of sitting still in the dark guarding men who make no motion, and the consequent tendency to go to sleep, especially when one has had a hard day’s work and is feeling really tired. But neither on the first night nor on any subsequent one did we ever abate a jot of our watchfulness.”⁴⁷

William Sewall agreed with Roosevelt’s assessment, calling it “...the longest and dirtiest voyage that we ever had.”⁴⁸ He also described⁴⁹ the difficulties on the river as very trying, “I tell you we might have had a nice time if it had been a nice river but both Missouries (sic) are as muddy as any

43 Letter from Theodore Roosevelt to Corinne Roosevelt Robinson April 12 1886, Theodore Roosevelt Collection, Ms Am 1834 (949) Harvard College Library, Theodore Roosevelt Digital Collection, Theodore Roosevelt Center, Dickinson State University

44 Roosevelt, *Ranch Life*..., p.121.

45 Ibid, pp.121-122.

46 Ibid, p.122.

47 Ibid.

48 Mathison, p.133.

49 Ibid, p.134.

puddle in the road and there (sic) are no good chances to camp or even land (.) the ice had been jammed all the way and the mud was piled on the shores from two feet down to two inches deep and from twenty rods wide (.)”

Roosevelt and his men began moving downstream with their captured thieves, Roosevelt keeping a particularly close eye on Finnigan, “Finnigan, who was the ringleader, and the man I was especially after, I kept by my side in our boat, the other two being put in their own scow, heavily laden and rather leaky, and with only one paddle. We kept them just in front of us, a few yards distant, the river being so broad that we knew, and they knew also, any attempt at escape to be perfectly hopeless.”⁵⁰

The trip downstream began well and they made good time, although the cold was very great. Soon, however, trouble appeared in the form of ice jams, “We paddled on until, coming into a long reach where the water was almost backed up, we saw there was a stoppage at the other end. Working up to this, it proved to be a small ice jam, through which we broke our way only to find ourselves, after a few hundred yards, stopped by another. We had hoped that the first was merely a jam of anchor ice, caused by the cold of the last few days; but the jam we had now come to was black and solid, and, running the boats ashore, one of us went off down the bank to find out what the matter was...as far as we could see, the river was choked with black ice.”⁵¹

They decided that it would be nigh impossible to go upstream, so the only solution was to wait until the jam lessened somewhat and allowed them to head downstream once again. It proved a very difficult proposition as Roosevelt noted, “The next eight days were as irksome and monotonous as any I ever spent: there is very little amusement in combining the functions of a sheriff with those of an arctic explorer. The weather kept as cold as ever. During the night the water in the pail would freeze solid. Ice formed all over the river, thickly along the banks; and the clear, frosty sun gave us so little warmth that the melting hardly began before noon.”⁵²

⁵⁰ Roosevelt, *Ranch Life*..., p.123.

⁵¹ Ibid.

⁵² Ibid.

The going was tedious and tiring. Roosevelt and his men had to wait while the great ice jam moved slowly downstream. They would land and hold the boats for hours at a time and await the chance to advance slowly downriver.⁵³

There were also concerns over Indians and food. The former (Sioux Indians) had been a problem for some of Roosevelt’s men the previous year and they did not want to incur additional problems when they already had three in the form of the captured thieves. Food also began to run out. They could find no game to shoot. The Indians apparently had been conducting a large hunt along the river and had killed or frightened away almost everything.⁵⁴

The surroundings were equally glum as anyone who has ventured out in late spring in Dakota can attest, “The endless rows of hills bounding the valley, barren and naked, stretched along without a break. When we rounded a bend, it was only to see on each hand the same lines of broken buttes dwindling off into the distance ahead of us as they dwindled off into the distance behind.”⁵⁵ The diet also became extremely dreary as well. They could still find no fresh meat to shoot and were reduced to eating flour and, as Roosevelt noted, “...unleavened bread, made with exceedingly muddy water, is not, as a steady thing, attractive.”⁵⁶

The prisoners behaved themselves throughout and, according to Roosevelt, the subject of their capture only came up once when the ringleader Finnigan was discussing another area thief, Calamity Joe, who had resisted capture and arrest with the result of being shot twice, “Finnigan commented on Calamity as a fool for ‘not knowing when a man had the drop on him’; and then, suddenly turning to me, said, his weather-beaten face flushing darkly: ‘If I’d had any show at all, you’d have sure had to fight, Mr. Roosevelt; but there wasn’t any use making a break when I’d only have got shot myself, with no chance of harming anyone else.’”⁵⁷ The remark was laughed off by Roosevelt but illustrated

⁵³ Ibid., p.124.

⁵⁴ Ibid.

⁵⁵ Ibid, p.125.

⁵⁶ Ibid.

⁵⁷ Ibid, p.125. “The drop” is a reference to having the advantage in a gunfight—drawing first, or shooting from ambush.

that Finnigan could have been a very dangerous fellow in the right circumstances. In a side note, Calamity Joe survived his brush with lead, as Roosevelt noted in a letter to Anna Roosevelt, after he had been to Mandan to testify against the thieves in court, "I think I should have had rather a rough time had I been obliged to put up with the hotel accommodations; for it was a vile building entered through an underground drinking saloon, and my room contained two beds, and two fellow boarders-one of them my old friend the horse thief Calamity Joe, now out on bail."⁵⁸

The dreary journey continued for several days until Roosevelt and his companions came upon a camp from the C Diamond ranch near the river. One cowboy was there and he directed them to a nearby ranch where Roosevelt was able to hire a wagon and horses (which were barely broken and nearly bucked Roosevelt off. One of his men told the cowboy who owned them that "the boss ain't no bronco-buster"). Roosevelt's sense of judicial fairness was also seen as a mystery by the ranch owner, "who evidently could hardly understand why I took so much bother with the thieves instead of hanging them off-hand."⁵⁹

Roosevelt split off from Sewall and Dow, who went on to Mandan. He and the driver of his hired wagon, took the three thieves into Dickenson. Now when he was alone with the convicts, Roosevelt had to take extra precautions so as to minimize any chance they might have of overpowering him, so he, "...found the safest plan was to put the prisoners in the wagon and myself walk behind with the inevitable Winchester. Accordingly, I trudged steadily the whole time behind the wagon through the ankle-deep mud. It was a gloomy walk. Hour after hour went by always the same, while I plodded along through the dreary landscape-hunger, cold, and fatigue struggling with a sense of dogged, weary resolution."⁶⁰

The nights were even more difficult, for without Sewall and Dow, Roosevelt was obliged to take the sole watch. This, of course, meant that he received no appreciable rest from his daily toil, even after

⁵⁸ Letter from Theodore Roosevelt to Anna Roosevelt August 11 1886 Theodore Roosevelt Collection, Ms Am 1834 (216), Harvard College Library, Theodore Roosevelt Digital Collection, Theodore Roosevelt Center, Dickenson State University.

⁵⁹ Roosevelt, *Ranch Life*... p.126.

⁶⁰ Ibid, p. 128.

they found a hut they could use for shelter. "I did not dare to go to sleep, but making my three men get into the upper bunk, from which they could get out only with difficulty, I sat up with my back against the cabin door and kept watch over them all night long."⁶¹

Finally, he and his three prisoners arrived on the main street of Dickenson. He had had no rest for 36 hours. He received mileage for bringing in his men-about 50 dollars in his self-appointed role as deputy-sheriff.⁶² Roosevelt was in horrendous physical shape when he arrived in Dickenson. His feet were badly blistered and he asked the first person he saw on the street where he might find a doctor. The person he asked luckily turned out to be the local physician, Dr. Stickney, and he left a memorable account of his time with his dirty and blistered patient. "We talked of many things that day while I was repairing his blistered feet. He impressed me and he puzzled me, and when I went home to lunch, an hour later, I told my wife that I had met the most peculiar, and at the same time the most wonderful, man I had ever come to know. I could see that he was a man of brilliant ability and I could not understand why he was out there on the frontier."⁶³ It had been a trying time, as Roosevelt wrote to Corinne, "...and I was glad enough to give them up to the sheriff this morning, for I was pretty well done out with the work, the lack of sleep and the strain of the constant watchfulness but I am as brown and as tough as a pine knot and feel equal to anything."⁶⁴

It just so happened that there was a confidant of the editor of a Massachusetts newspaper in Dickenson who sent him the following letter concerning this incident, "...I presume you are all acquainted through the newspapers with the Hon. Theodore Roosevelt who is quite prominent in New York politics and society. He owns a ranch on the Little Missouri...and created quite a stir last Sunday by bringing to town three horse thieves whom he had captured...When I saw him, Mr.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Hagedorn, pp.382-383.

⁶⁴ Letter from Theodore Roosevelt to Corinne Roosevelt Robinson, April 12 1886, Theodore Roosevelt Collection, Ms Am 1834 (949) Harvard College Library; Theodore Roosevelt Digital Collection, Theodore Roosevelt Center, Dickenson State University.

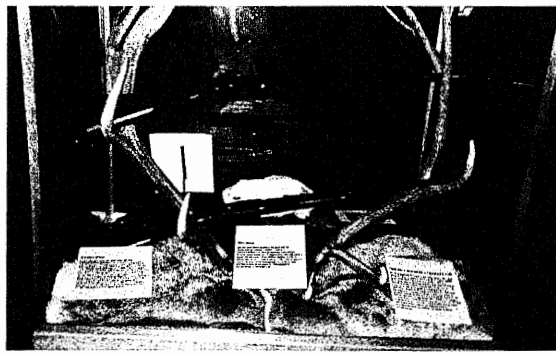
Roosevelt had been on the trail for three weeks and wore a cowboy's hat, corduroy jacket, flannel shirt, and heavy shoes, but was in excellent health and spirits. Said he, 'I don't know how I look, but I feel first-rate.'⁶⁵

The thieves were indicted by a justice of the peace appropriately named Western Starr, an old acquaintance of Roosevelt from Columbia Law School. They were tried in August and the old German was acquitted, while Finnigan and the "half-breed" Bernstead both received 25 months in the territorial penitentiary in Bismarck. Later, Finnigan wrote a letter to Roosevelt, with apparently no hard feelings evident, and he tried to justify his theft of the boat, "In the first place I did not take your boat Mr. Roosevelt because I wanted to steal something, no indeed, when I took that vessel I was labouring under the impression, die dog or eat the Hachette...I was bound to get out of that country cost what it might, when people talk lynch law and threaten a person's life, I think that it is about time two (sic) leave. I did not want to go back up river on the account that I feared a mob...I have read a good many of your sketches of ranch life in the papers since I have been here and they interested me deeply. P.S. Should you stop over at Bismarck this fall make a call to the prison-I would be glad to meet you."⁶⁶

Finnigan was certainly lucky in his choice of a boat to steal as any other rancher would have lynched first and worried later.



William Sewall accompanied Roosevelt on the trip.



Roosevelt's Winchester 1876 Repeating Rifles that were used during the trip.

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⁶⁵ Hagedorn, pp.384-385.

⁶⁶ Roosevelt, *Ranch Life*..., p.129.