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## Warden and Warrior

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## Warden and Warrior

Come from the mountain and the valley,  
From prairie-lawn and woodland sally,  
For Texas and for freedom rally,  
Rise! rise! rise! Freemen rise!

Thus did the Bloomington (Muscatine) *Herald* of June 12, 1846, announce the call to arms for the Mexican War. Eleven days earlier Governor James Clarke had received a requisition from President James K. Polk for a regiment of ten companies from the Territory of Iowa. Among the companies was one enrolled in the vicinity of Burlington, Keosauqua, Bloomington, and Fort Madison. Recruiting was informal. Among the most dynamic and enthusiastic of the leaders was Edwin Guthrie, erstwhile justice of the peace and lately warden of the Penitentiary. In recognition of his ability as a leader and his interest in the raising of the company, Edwin Guthrie was named captain and on April 9, 1847, this company was attached to the 15th U. S. Infantry, a regiment recruited from the States of Ohio, Michigan, Wisconsin, and Iowa. This was the only Iowa company to see service in Mexico and the first unit from this State to take part in a campaign abroad.

Not too much is known about Captain Guthrie's career before he came to Iowa. According to the *Roster and Record of Iowa Soldiers*, Vol. VI, he was born in Smyrna, New York, on December 11, 1806. There he later married Adeline Jewett on September 7, 1827. For some time he lived at Sackett's Harbor, New York, where he was a manufacturer of chemicals and a distiller. In 1835 or 1836 he moved to Iowa where he settled at Fort Madison on the Mississippi River.

His abilities were evidently soon recognized in this small pioneer community, for he served as justice of the peace, holding commissions first from Governor Stevens T. Mason of Michigan Territory, then from Governor Henry Dodge of Wisconsin Territory, and finally from Governor Robert Lucas of the Territory of Iowa. The date of his first appointment is not certain, but it must have been some time in 1836, just before Iowa became part of Wisconsin Territory. He is not listed with the settlers coming to Fort Madison in 1835, but his name, spelled *Guthery*, appears on the 1836 census roll.

Guthrie's record as a justice of the peace won both approval and sharp criticism from his neighbors. On October 4, 1837, a letter was sent to Governor Dodge signed by Peter Perkins and forty-seven others, complaining that Guthrie was

remiss in his duties, partial in his decisions, and not of sufficient capacity to fill the office. Incidentally, the signers recommended another candidate, Isaac Vandyke, for the office when Guthrie's term expired. However, this first letter was followed by another on October 30, 1837, signed by James Douglass (the first postmaster at Fort Madison) and sixty-five others. The second letter described Guthrie as "prompt and efficient" in the performance of his duties, "governed in his decisions by the strictest impartiality", and characterized by ability, integrity, and high moral worth. This letter concluded by recommending his reappointment. Apparently the larger number of signatures convinced Governor Dodge, for he reappointed Guthrie on November 13, 1837. On January 19, 1838, Governor Dodge further added to Guthrie's duties by appointing him as commissioner of bail for Lee County.

Hawkins Taylor, another pioneer from the same area, wrote an interesting sketch of Guthrie's character for the *History of Lee County, Iowa* (1879). He described Guthrie as a man who drank no liquor, never gambled, and was always polite and full of moral courage. No man, because he was poor or insignificant, ever failed to get justice from Squire Guthrie who "hated slavery and loved justice and freedom". Taylor

claimed he did not know Guthrie's religious sentiments, but he knew that he liked to fish and hunt and often used to slip off on Sundays with his fish pole and gun to the bottomlands below the town. This habit apparently offended the zealous churchmen who then combined with the whiskey-drinking, gambling crowd to oppose Guthrie's appointment whenever his commission was to be renewed, but moderates kept him in office.

After August 26, 1842, when he was appointed its second warden, Guthrie's story becomes associated with that of the Penitentiary at Fort Madison. Construction of the Penitentiary began in 1839 and in 1841 William Anderson became its first warden. After Anderson's death, Edwin Guthrie succeeded him and three months later made the official "Report of the Warden of the Iowa Penitentiary" to the Legislative Assembly for 1842-1843. His report shows a remarkable grasp of the details of running the institution, although he complains of the difficulties of getting provisions because his scrip issued in payment was below par on account of the tardiness of its redemption. His executive ability was recognized in 1843 when the Council augmented his duties as warden to include those of director and superintendent of construction and he then embarked on a new building program.

His report in 1845 contains his theories on the treatment of prisoners, theories which were advanced for his day. Solitary confinement, for example, was substituted for corporal punishment and he reported: "the violent methods have been almost or wholly abandoned, and the more rational or human one adopted of rewarding merit by marks of approbation". Added to this, he had set aside half of Saturday afternoon for washing up and reading. The books provided for the prisoners included the Bible, lives of self-made men and celebrated travelers, and the *Penny Magazine*. Guthrie admitted that not everyone responded to his lenient treatment, that some prisoners were "strangers to the emotion of gratitude" and could not be dealt with in this approved fashion. He reported thirteen convicts and only one guard who received only one-fourth of his \$20 a month salary. But his chief complaint in the report was that his prison was not as self-supporting as he had hoped.

When Guthrie took over the office as warden, on August 24, 1842, he reported a deficit in Penitentiary accounts of \$551.49. By December 1, 1842, the debt increased to \$628.89. In December, 1843, Guthrie reports a debt on building alone of \$1,387.22. By May, 1845, he reports a loss between December 1, 1843, and May 1, 1845,

of \$688.49. From May to December, 1845, there was another \$423.18 deficit. In apologizing for the continuing indebtedness he mentioned that there had been few convictions so that the earning power of his prisoners had been reduced. Sickness had further reduced the working days (304 days were lost thus). Also he reiterated the complaint about depreciation of his scrip, which was never sold without a loss of at least 30 cents to the dollar. His explanations of the debt were evidently not entirely satisfactory to the Legislative Assembly of 1845, which by joint resolution appointed a commission to examine the affairs of the Penitentiary.

The committee's report, published in the *Journal of the House of Representatives* for 1845-1846, was not a whitewash for Guthrie. While the investigators complimented the "gentlemanly" warden who was anxious to cooperate with their efforts, they were by no means satisfied with the Penitentiary accounts. They found that over \$44,000 had been spent on buildings and yet one-third of the prisoners committed had escaped. In fact they found the buildings so inadequate for prison purposes that they reported "any prisoner of common cunning that could not get out of the prison ought to be whipped out." The second objection was that prisoners were put to work in the

town in competition with day laborers and thus required as many guards as there were prison workers. This practice the commission considered costly as well as unfair to the town.

Furthermore, the committee found the books of the prison in such a state that it was necessary to get most of the information about expenses of the institution from direct interviews with merchants, prison guards, and discharged prisoners. They found that a large item of expense was the prodigious amount of meat ordered for the prisoners, averaging three pounds per prisoner per day. Guthrie explained that some of the meat was spoiled and had to be thrown away, but the investigators felt that merchants should have been asked to give credit for all that was inedible. Also they found that prisoners had access to the provisions whenever they chose, a practice which probably helped explain the enormous consumption.

Another objection which the investigators raised was the warden's practice of charging a profit on all purchases for the Penitentiary. This he did on account of the depreciation of scrip, but the committee "could not understand the merits of his reasoning". Nor did they approve his practice of charging articles for his private use to the Penitentiary account. Finally, they concluded that if the present system was to be continued, the war-



den should be required to adopt a different mode of bookkeeping so that all items were carefully recorded. They made it clear that they did not wish to cast any reflection on the present warden, but that the natural suspicion which attaches to every public officer when he does not produce clear evidence of all his transactions, might thus be avoided.

The committee, while not in favor of leasing the Penitentiary, concluded that in light of the prison debt and the newness of the Territory, it would be better if the legislature leased the prison for a term of five to ten years. But they stipulated that the choice of the lessee was extremely important and that he should be required to confine his operations to a business which would compete least with the laborers and mechanics of the surrounding community. On January 17, 1846, the Legislative Assembly acted on this suggestion and voted to lease the Penitentiary to John W. Cohick, beginning March 15, 1846.

Guthrie's reputation for leniency to prisoners was apparently generally known, for J. M. Reid's *Sketches and Anecdotes of the Old Settlers* complains that the convicts of Fort Madison Penitentiary were not under one-half as strict a discipline as soldiers in the regular army. This account charges that prisoners slept in separate cells, were

well fed and clothed, were allowed freedom when they were sent out to work; in fact, they lived better at Fort Madison than they "had been in the habit of living at home before conviction". For this, Warden Edwin Guthrie alone could be held responsible.

This complaint about the leniency of his prison may throw some light on another of Guthrie's activities during this period. On October 16, 1845, he served as president at a mass meeting of Lee County citizens in the courthouse in Fort Madison. The purpose of the meeting was a protest against the recent crimes in this area, reputedly committed by Mormons. Resolutions were adopted that all Mormons should be ordered to leave Lee County and that two anti-Mormon candidates should be nominated for the next legislature. Later a long statement to "Voters and Taxpayers of Lee County" was published, listing criminals and giving the reasons for the Anti-Mormon ticket, as well as announcing the candidates — William Patterson and Jesse B. Browne — who had been selected at the meeting at which Guthrie presided. It is possible that his prominent rôle at this meeting was his attempt to answer the criticism against his too-lenient treatment of prisoners. Crime had clearly gotten out of hand in his community, and he was apparently quite willing

to join with law-abiding citizens to do something about it.

At the time Guthrie gave up his duties as warden, a new career was open to him. War fever had spread over the Territory and Governor James Clarke, on June 1, 1846, called for ten companies of volunteers to serve in the war with Mexico. Guthrie was commissioned captain in the U. S. Army on March 8, 1847, by President James K. Polk. On April 9, 1847, he was assigned to Company K of the 15th U. S. Infantry Regiment and its former captain, Frederick D. Mills, was promoted to major in the regiment. The rendezvous of Company K was at Fort Madison and without ever joining the rest of the regiment which had assembled at Newport Barracks, Kentucky, Guthrie and his company were sent by steamboat down the Mississippi to New Orleans and then by ocean steamer to Vera Cruz. Almost immediately, Company K was sent on the road to Puebla escorting a supply train to join General Scott's march on the capital city. But Guthrie never even got to join the rest of the regiment, for at a skirmish on the road to Perote, three weeks after he landed, he was wounded on June 20, 1847, at La Hoya Pass. The wound was serious, for an escopet ball had struck his thigh. He was taken to the castle of Perote where his leg was amputated, but when

another amputation became necessary, he died of hemorrhage on July 20, 1847, just a month after he was wounded.

Company K remained actively engaged throughout the war. Its losses from death and disease were heavy (40 per cent), but nearly every one of its officers received special mention at brevet promotions for "gallant and meritorious conduct". Of the total enrollment of 113, only 52 were left to be mustered out at Covington, Kentucky, on August 4, 1848.

While Captain Guthrie did not live to see his Company K distinguish itself in the fighting, he had the dubious honor of being the first Iowa officer to die in the Mexican War. His friends back in Iowa remembered him and the General Assembly in 1850 honored his memory by naming Guthrie County after this Mexican War hero.

JEAN B. KERN