



"We the jury, award Theodore Prutt damages to the amount of \$5,000, the sum to be paid by the corporation known as the Tolleston club."

This was the verdict turned in by twelve men sitting in the Circuit Court room at Valparaiso, Ind., recently. It seems probable that the decision may be the end of one of the last of the fights, legal and physical, which have marked the twenty-seven years' existence of a shooting and fishing club, and which have given the name to the club's possessions in northern Indiana of the "dark and bloody ground?"

The members of the Tolleston club are nearly all Chicago men, and are nearly all rich. The payment of even large sums to plaintiffs in successful suits might be a matter of small moment to the wealthy members, and it is not the probability of having to pay these sums that makes it appear that the beginning of the end has come, but the fact that it may be that the days of shooting on the Tolleston marsh are over. Owing to the lack of water the wild fowl which have made the sloughs of the little Calumet their rendezvous spring and fall will in the future pass it by for feeding grounds more to their liking.

"The dark and bloody ground"; the transplanting of this name from the Kentucky of olden days to the northern Indiana of today has not been done without reason. The farmers of Ross station and Tolleston have given it to the marsh, and it is a name given in baptism, a baptism of blood. Farmers have been killed and wounded there, and there their antagonists, the game guardians, have given up their lives in defending what

they thought were the legal rights of their employers. No feud in the mountains of eastern Tennessee or western Virginia has I ever been more fiercely carried on than this war of a quarter of a century standing between-the residents of Lake County and the men who. gun in, hand, tramped the half-frozen marsh.

The hatred that has existed between the shooting-ground guardians and the neighboring residents has been of a kind which forbade all intercourse and brought about open hostilities. The record of contentions in the last ten years over this patch of almost worthless land includes assaults without number, arson, murder, attempted assassination, and mysterious deaths. There are peace-loving men about that marshy tract, and peace-loving men in Chicago who would not sorrow in the least if it turn out true, as is expected, that the waterfowl will hereafter leave the marsh in the lurch, and thus put an end forever to the murderous encounters which have marked the history of the place.

#### **Long List of Fights.**

Prior to the year 1889 the conflicts between the game wardens of the Tolleston club and alleged trespassers. while numerous., were not of a particularly serious nature. In March of the last year of the '80 decade the body of James Norris. a young Chicagoan, was found lying in a pool of half frozen water near the edge of the Tolleston marsh. Norris' gun was beside the body, as were a half dozen ducks which he had killed. It never has been known definitely what caused Norris' death. It has been put down by some as the result of exposures and by others to assault. The night before the discovery of the body had only been moderately cold. Norris was strong and active. There was a bruise on the back of his head - the result of his fall, some said. Others thought differently. In absence of any definite evidence that he was the victim of foul play the matter was dropped. The death of young Norris on the Tolleston shooting grounds marked the beginning of the serious troubles which have continued until this day.

Just one year after this tragedy of the marsh, Dr. Robert A. Norris, a Chicago dentist, and a brother of the first victim, went to Tolleston with William Dale of Chicago to do a little shooting. The two men had shot over the grounds before and were thoroughly familiar with the boundary lines of the preserves of the shooting club. They were at great pains to keep outside the proscribed limits. That they did this is now a matter of court record as the result of a special survey made for the purpose of evidence in a damage suit. Norris and Dale had shot a number of ducks and were just about to pull in their decoys and start homeward when two of the Tolleston club wardens named Costello and Conroy approached from behind the two sportsmen and before either was aware of their presence the wardens had dealt two murderous blows with clubs which they carried. Dale fell senseless, the blood pouring from his head. Norris was :only partly stunned, but was unable to defend himself. The keepers were apparently alarmed at Dale's condition. and lifting him carried him tum to a shanty where there were workmen employed by the natural gas pipe line. A physician was summoned, who dressed Dale's wounds. It was months before he fully recovered.

Some time after the assault Norris managed to make his way to the house of a farmer friend.. He had been stricken down within half a mile of the place where his brother's body had been found just twelve months before. Norris and Dale instituted damage suits against the Tolleston club and proved by a surveyor that the place where they were attacked was not on the club's grounds. The court awarded them \$1,000.

#### **Question the Club's Title.**

Many of the residents about the region of the Tolleston club marshes say that they have a perfect right to tramp over the clubs grounds, because the land in reality belongs to the State. The title to the land has been the subject of controversy in the courts for years. No one has ever had the hardihood to claim that if the club was rightfully in possession of the property that the members had not a perfect right to keep out trespassers. The organization took every precaution to see that no one not a member or invited guest shot mallards, pintails, or teal unchallenged. The watchmen for years had made it a practice to climb into the cupola of the clubhouse, there to watch through a spyglass for poachers on their employers' domain. As soon as a man with a gun came within range of the glass the watchmen would take their own guns and clubs and start for the intruder.

Shortly after the assault on Norris and Dale Charles Slidell had something more than an interview with Gamekeepers Conroy and Cleary. Slidell was taken home in a wagon and did not leave his house again for duck shooting or any other diversion for a twelvemonth. Cleary and Conroy were on duty on the marsh the next day.

In January, 1883, Arthur Morton was found dead in the vicinity of the Tolleston marsh. He had been the victim of violence, but the crime could never be traced to any definite source. At this time public attention was sharply directed to the series of troubles which seemed to beset this shooting place on the Little Calumet. The club members said: " It has become a fixed habit to lay blame for every crime which occurs within ten miles of our swamp at the door of the clubhouse. This is our property. All we ask is that people should keep off."

### **Called It Revenge.**

The farmers round and about said at the same time:

"It is no longer a question of the shooting or beating of trespassers as trespassers. but it is a question of beating or shooting by the gamekeepers of any residents of this vicinity whenever or wheresoever the wardens find them unarmed. It is a question simply of revenge."

It must not be supposed for an instant that all the injuries have been inflicted upon the shoulders of the Tolleston farmers. Men who have received or who have fancied that they had received unjust treatment at the hands of the game wardens occasionally built blinds for the purpose of shooting something beside ducks. Human game was sometimes lured to these places. Once Watchmen Frank Witiock and Lawrence Traeger passed within shooting distance of one of these blinds. They were both carried home weighing, by reason of the shot which had been pumped into them from behind the blind, several ounces more than they did before they came within range of the concealed enemy. They both recovered, but neither man knows to this day to whom he owes the shot scars which he carries with him.

A few months prior to this shooting State Commissioner La Sarre rowed up the Calumet River, cast an anchor, and began to fish. The fact that he was a State official did not prevent his getting about as severe a pummeling as ever fell to the lot of mortal man, and this at the hands of one of the Tolleston club wardens. La Sarre said that the Calumet was a government stream, and that no corporation had a right to prevent his fishing therein. There are those who agree with him, and then again there are those who disagree. This Calumet fishing right matter is still an open question.

Following a long series of assaults. a double killing occurred in March, 1894, as the result of trouble on the Tolleston marsh. Watchmen William Cleary and James Conroy, at whose door the citizens of Tolleston and other places near by laid the blame for nearly all the assaults which had been committed, were shot and instantly killed by Alfred Looker, who had been one of their victims. Richard Smith, a friend of Looker, had some trouble just a week before the killing with Conroy and Cleary. They found him. as they declared, shooting on the marsh sacred to their employers. Conroy killed Smith's dog, and then one or the other of the watchmen took a shot at Smith himself, one of the pellets of the charge plowing through Smith's cheek. Smith succeeded in getting away from the men, but thinking he had not received punishment enough for his trespassing, they started out one night to look for him. They found him seated with Looker on a bench in Harden's saloon. The watchmen had heard somewhere that Looker had declared that he could shoot on the marsh and never be caught. As a result, they bore him a grudge. Conroy struck Looker with a pair of brass knuckles, knocking him down. Looker managed to get to his feet, only to be knocked down once more. He succeeded in drawing a revolver, and killed Conroy. Cleary jumped for Looker, and attempted to wrest the revolver from his hand. Cleary was in turn killed.

This double killing created greater excitement throughout northern Indiana than all the assaults and mysterious deaths that had gone before. Looker was acquitted on the ground of self-defense. Immediately there was a vendetta declared. It took on to a great extent the character of a racial war, and as results afterward showed Ireland got rather the worst of it. Conroy and Cleary had many friends, notwithstanding the

generally accepted idea that they had been responsible for a large share of the slugging in the years that were gone, Looker had many friends, too, but the danger of assassination grew so great that after his exoneration he left Indiana and went west. In the meantime some unknown person had applied the torch to valuable property belonging to Looker's father.

#### **Ended in Kansas City.**

The slayer of Conroy and Cleary went to Kansas City. He was followed there by a brother of Conroy. They met one day face to face. Conroy drew a revolver and fired point blank at the man who had killed his brother. He missed his aim and before he could pull the trigger again he lay dead with a bullet in his brain. Looker had escaped assassination and had killed his third man. A Coroner's jury exonerated him from all blame. Just where he is now is not known, nor is it likely that he cares that it should be.

It was just one year to a week prior to the giving of a \$5,000 verdict to Farmer Prott that the trouble occurred which made it possible for him to secure this sum in damages. That trouble was in fact a pitched battle between four wardens of the Tolleston club's marsh on the one side and half a dozen muskrat hunting farmers on the other.

The Tolleston club members do not like to have the muskrats which abound on their premises killed. There is a belief among sportmen that ducks have an affinity for places where muskrats abound. Whether there is any scientific basis for this belief is a question for savants.

At any rate, there were orders at the Tolleston marsh to prevent the spearing of the fur-bearing creatures. Muskrat skins are worth 15 cents each, hence the hunt. The farmers, armed with muskrat spears and in some instances shotguns, met the forces of the enemy, headed by Superintendent Kunert. The keepers were Frank Witlock, Barnum Witlock, Alfred Taylor, and John Blackburn. Before actual hostilities were opened spicy remarks were interchanged. The farmers, among other things, said they were not on the club's land, but on that of J. H. Clough. One word led to another, and pretty soon rat spears and shotguns were brought into play. When the action was over John Blackburn was found to have been shot in the head; Alvin Bothwell, a muskrat hunter, had so much lead in his legs that he was unable to stand; Theodore Prott, farmer, was in a similar condition; and Frank Costick had a bullet from a Winchester through his lungs. It was thought for a long time that Costick would die. He eventually recovered. It would seem that neither side could get enough trouble, and, even since this wholesale shooting and stabbing disquiet has brooded over the miasma-breeding swamp. J. H. Clough more than once has put dynamite under the end of the club's dam, which he insists rests upon his land. The dynamite has exploded. The net result has been no dam, no water, no game - but plenty of lawsuits.. Until a dam can be rebuilt - and it appears now that the rebuilding can never take place - there will be no shooting on the Tolleston marshes. That is why it would seem that the beginning of the end of this old-time club of Chicago shooters is at hand, and it seems probable that in place of scurrying flocks of ducks and geese the white-winged dove of peace is to hover evermore over the "dark and bloody ground " of northern Indiana.

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