

## The Reservoir Regulators of the Canal Period

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The "Reservoir War" in Clay County is one of the interesting phases of Indiana history in the period of canal-building in the State. Aside from its local interest, it is an example of the spirit of the frontier which lingered in Indiana until the time of the Civil War. Individualism was one of the strongest traits of frontiersmen, and it was manifested in many ways. The so-called "Reservoir War" was one of them. It represented a tendency of persons to take the law into their own hands if the regular channels of justice, in their opinion, failed to do so. Occasional outbursts of this frontier spirit are still seen, one the most recent of which was the dynamiting, in the Far West, of the aqueduct which supplied the city of Los Angeles with water, by a group of persons who believed that such a work would destroy the irrigation facilities of the Owen river valley.

Much has been written on the Wabash and Erie Canal, and it is not the purpose of this sketch to repeat the history of that public work in detail, but rather to emphasize the history of the "Cross-Cut", or that portion of the canal extending from Terre Haute to Point Commerce, now known as Worthington.

In March, 1827, Congress granted to the State of Indiana a quantity of land for the purpose of aiding the State in opening a canal, "to unite at navigable points the waters of the Wabash River, with those of Lake Erie". In March, 1832, work was begun on that part of the canal which followed the Maumee River to Ft. Wayne and joined the Wabash near LaGro. During the next ten years the canal was pushed farther down the Wabash, through Logansport and Lafayette. The "Mammoth Bill" of 1836 provided that this canal should extend through Terre Haute and across country to connect with the Central Canal. This internal improvement measure launched a large undertaking indeed for such a young State. In the end, the total debt accumulated amounted to about \$13,000,000.00. It was not until 1842 that the Legislature authorized actual building down to Terre Haute. In 1845, the line to Evansville was surveyed.<sup>1</sup>

The work proceeded slowly in comparison with modern

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<sup>1</sup> Logan Esarey, *History of Indiana*, I, 438.

means of construction. The "Cross-Cut" presented a problem to the engineers, and was by far the most difficult piece of engineering along the entire line of the Wabash and Erie Canal. Here the canal must cross the "summit" divide, where the water supply was scarce. The canal south of the Eel River divide was to be supplied with water entirely from the Splunge Creek Reservoir, which was to cover about four thousand acres of land, with a feeder at Rawley's Mill. For the north side of the "summit," the Resident Engineer determined to construct a reservoir in the Birch Creek valley in Clay County, from which by a feeder two and one-half miles in length, the water could be carried to the summit level. The Chief Engineer reported: "I cannot too strongly recommend the immediate construction of this work, as without it, the Division south of Terre Haute must be comparatively valueless during the dry season. The cost of the reservoir and feeder is estimated at \$24,358.00 exclusive of damages for the land occupied, and making provision for clearing off 250 acres of the timber".<sup>2</sup>

The citizens of the County, especially those living in the vicinity of the proposed reservoir, were opposed to its construction. When the surveys were being made, the people threatened its destruction if it were built. This opposition came because of fears that it would jeopardize the health of the community, since stagnant water would breed malaria. All of the timber was not to be cleared off the area covered by water. The Chief Engineer had recommended that only two hundred fifty acres be cleared, while the area to be covered by water was almost one thousand acres.<sup>3</sup>

Among the most prominent opponents of the proposed reservoir was Jonathan T. Grimes of Saline City. A meeting was held at his home, and a resolution passed that, "in view of the known danger of these works (reservoirs), we have heard with much regret . . . that the Trustees contemplate the construction of a further Reservoir in the Valley of Birch Creek, in the immediate vicinity of our houses, covering a dense forest of many hundred acres, the timber of which is contemplated to be left standing to die and decay".<sup>4</sup> A letter was also written to Governor Joseph A. Wright protesting

<sup>2</sup> *Documentary Journal of Indiana*, 1852, Part I, Doc. 6. The "Cross-Cut" covered a distance of forty-nine miles, and its estimated cost was \$718,672.00. See William M. Cockrum, *Pioneer History of Indiana*, 588.

<sup>3</sup> *Ibid.*, 345.

<sup>4</sup> *Wabash Express* (Terre Haute), August 18, 1852.

against the action. The Governor notified Mr. James M. Hanna of Bowling Green and Mr. John P. Usher of Terre Haute to take the necessary legal steps to prevent the Trustees from injuring the health of the residents.<sup>5</sup>

The action of the Governor in authorizing Hanna and Usher to uphold the people was instrumental in arousing and sustaining opposition to the reservoir. Of course it was good political strategy to take such steps as the people of the county desired, but he failed to hold to this attitude and changed his policy after the election.

Meanwhile the attempt of Hanna and Usher to prevent the construction was fruitless. Work was started on the reservoir, though in the face of threats by the citizens of the County. It was finished early in 1852. No further action was taken by the State government until March, 1853, when an act was passed by the legislature authorizing the appointment of a commission of physicians to examine the reservoirs of Clay and Gibson counties and make a report to the Governor.

This report did not recognize the prevailing idea that such bodies of water were detrimental to the public health. That on the Splunge Creek Reservoir stated that, "the water is pure and clear, with the exception of that which surrounds the timber" and even it "can in no wise contribute to the production of malaria . . . It is the opinion of this Committee, that any body of fresh water receiving and discharging the same amount that this Reservoir does . . . could not alone, under the most adverse circumstances become a source of disease". Likewise, the Birch Creek Reservoir was pronounced harmless, and it was pointed out that since this area was swamp, "an infinitely worse state of things would follow, if the timber be cut away and the direct rays of the sun let in upon its surface."<sup>6</sup>

<sup>5</sup> Letter of J. M. Hanna in the *Terre Haute Daily American*, June 15, 1855. J. M. Hanna was a prominent lawyer of western Indiana and his integrity is unquestioned. He came to Bowling Green, Clay County, in 1837, and later served as prosecuting attorney, a member of the State legislature, and as private secretary to Governor Whitcomb. In 1854, he moved to Terre Haute and the following year was elected judge of the Vigo Circuit Court. He was appointed and afterwards elected to the bench of the State Supreme Court. He is credited with having written the national Democratic platform of 1864. Judge Hanna's letter was written at the time the Governor had ordered out the militia to Clay County. Although a Democrat, his letter bitterly condemns Governor Wright for this action.

<sup>6</sup> *Eel River Propeller* (Bowling Green), Sept. 10, 1853. It is true that the land was swampy, for at the present time, it has been found necessary to drain the land in order to cultivate it to any profit. The Commission of Physicians also inspected some of the artificial reservoirs in Ohio, which had been constructed from twelve to fifteen years. They reported that in the largest reservoir in Ohio, "much of the timber is yet standing, but all now freely acknowledge that it has been a decided advantage in point of health". See *Documentary Journal of Indiana*, 1853, Doc. 13.

The citizens of the county refused to believe such "tales" as those furnished by the commission. Were not many people suffering from chills, ague and fever? And what could cause it but the Reservoirs? A correspondent writing over the name of *Truth* claimed, "that we have some little confidence left in the office of governor; at least enough to cause us to hope that if he ever takes the trouble to read the report, he will see what a farce has been enacted".<sup>7</sup> The health conditions in the vicinity of the reservoirs was pictured very black by the local papers. "The land covered by water," ran an editorial, "is not the only loss to the county, but thousands of acres adjacent thereto remain uncultivated, and men are forced to abandon their farms in order to save their lives". According to one bitter but facetious correspondent, the fish in the Reservoir had no scales, having been "shaken off by the chills".<sup>8</sup>

Reports of disease in the vicinity of the reservoirs are clearly exaggerated. The papers do not show a larger number of deaths at this time than at any other period, and it is probable that the fear of cholera and malaria was a more potent force in arousing antagonism than the actual presence of the disease. Cholera was the terror that walked by day, and the fear that stalked by night, for it appeared in many parts of the country in this period. Moreover, the Irish workmen who had been employed in building the reservoirs, seemed especially susceptible to the disease. The Old Hill Cemetery in the southern part of the county, where many Irish laborers lie buried, bears evidence of this fact. In the spring of 1852, cholera broke out among the laborers on the Evansville division of the canal. Over one hundred deaths occurred during the summer, and work on the line was completely demoralized. The inhabitants had reason to fear the disease for a person contracting it would usually die within a short period of time. The people living in the vicinity of the reservoirs had what seemed to them excellent grounds for opposing the construction of a work which they believed to be so detrimental to health.<sup>9</sup>

In January, 1854, there arose renewed opposition to the reservoir. A public meeting was called, "without regard to party,

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<sup>7</sup> *El River Propeller*, September 21, 1853.

<sup>8</sup> *Ibid.*, September 10, 1853.

<sup>9</sup> *El River Propeller*, September 10, 1853; *Documentary Journal of Indiana*, 1852, Part I, Doc. 6.

to consult upon the interests involved in the erection and maintenance of reservoirs, dams and pools of water in this county", to convene in the Union Meeting House at Bowling Green on February 23, 1854.<sup>10</sup> This meeting showed the temper of the residents of the county. They opposed further work on the Birch Creek Reservoir until all the timber should be removed, but adopted a resolution that only legal means should be used in opposition to construction.

Legal means, however, did not prove satisfactory to some persons and at midnight of June 22, 1854, the embankment of the reservoir was cut away, and all the water drained out. This marks the beginning of many mob actions that continued for the next two years. Such action was bitterly condemned by the Terre Haute papers. The *Journal* complained that, "everything that was reasonable had been done to satisfy those living near the Reservoir . . . What is to be done to protect the public interest in the future against the lawless acts of midnight desperadoes?" Clay County residents replied that the citizens had duly requested the Trustees to remove the timber, but argued their requests had been disregarded and the reservoir constructed "in such a manner that it would depopulate the whole surrounding country." The Canal Company was branded as an "overgrown, soulless, grinding monopoly".<sup>12</sup>

The cutting of the bank of the reservoir paralyzed commerce between Terre Haute and Evansville, for the water was necessary to keep that part of the canal navigable. "If the State authorities have not the power to prevent and punish such lawless acts of outrage, it is time the public should know it", said the Terre Haute *Journal*.<sup>13</sup> But further acts were threatened unless the timber should be cleared out of the reservoir, for while "mob-ocracy" was deprecated, the Clay County citizens, "believed that a man has a right to defend his life and property."<sup>14</sup>

This renewed struggle on the part of the local residents caused Mr. Hanna to call a meeting of the citizens at Feeder Dam on July 28, 1854, "to consider the best means of arrang-

<sup>10</sup> *Clay County Advocate* (Bowling Green), January 25, 1854.

<sup>11</sup> *Ibid.*, March 8, 1854.

<sup>12</sup> Clipped in *Clay County Advocate*, July 5, 1854.

<sup>13</sup> *Ibid.*, July 1, 1854. The first boat to make a trip through the entire length of the canal was the *Pennsylvania*, in charge of Captain Sharra. It passed through Terre Haute, September 22, 1853. See *Documentary Journal of Indiana*, 1853, Doc. 13.

<sup>14</sup> *Ibid.*, July 5, 1854.

ing difficulties which exist in regard to the Reservoir". He inviting two Trustees of the Canal Company to be present.<sup>15</sup> This meeting resulted in a compromise by which the Trustees agreed to remove all of the timber from the Birch Creek Reservoir, and the citizens promised that no further outrages should be committed. The Trustees, true to their agreement, engaged men and began work to clear out the reservoir, at the same time repairing the cut in the embankment at a cost of over \$1,000. All went well for two more months, when on the night of September 9, 1854, the Feeder Dam across Eel River was burned down to the water's edge. Whether the fire was of incendiary origin or not has never been determined, but credit for the deed was given to the "Reservoir Regulators," as they now began to be called. Because of the outrages, the Resident Engineer estimated the loss in revenue to the Canal Company to be as much as \$20,000.00, besides "the loss of confidence [of shippers] in the stability of the canal".<sup>16</sup>

By the return of spring, in 1855, the canal was again filled with water, the reservoirs in shape, and in May several canal boats left Evansville for Terre Haute and towns above. Preparations were made for packets to commence regular trips between Terre Haute and Evansville.<sup>17</sup> It began to look as if trade could be resumed, but the year was to prove the stormiest one of all.

On May 8, a force of from one hundred fifty to two hundred men, with blackened faces and armed with guns and pistols, broke open the embankment of the Birch Creek Reservoir. Again the precious water escaped. It is said that the perpetrators waved the American flag over the breach, thus, according to the friends of the Canal, "disgracing the flag of our country". The Terre Haute *American* bemoaned the fact that the Trustees must, "go on building up and the mob tearing down."<sup>18</sup> On the other hand, local citizens claimed that the timber had not all been taken off; that the work had only been done in a half-hearted manner; and that they had, "repeatedly informed the Trustees that it [the reservoir] could not stand unless they were paid a reasonable price for their land or the

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<sup>15</sup> *Ibid.*, July 19, 1854.

<sup>16</sup> *Documentary Journal of Indiana*, 1855, Part I, Doc. 8.

<sup>17</sup> *Terre Haute Daily American*, May 4, 1855.

<sup>18</sup> *Ibid.*, May 12, 1855.

timber taken off . . . and other reasonable steps taken to preserve the health".<sup>19</sup>

This was by far the greatest outbreak that had yet occurred, and, on May 24, the Governor issued a proclamation offering a reward of \$5,000 for information, and hinted that he would employ force to keep inviolate "the sacred promises of the State of Indiana".<sup>20</sup> Governor Wright then made a personal visit to the scene of the outrage, and it is claimed that he was warned by posters not to employ men to attempt to repair the breach, and workmen were warned off when they did appear.<sup>21</sup> Fast on the heels of the outrage of May 8, came another. Early in June, the aqueduct which carried the water of the canal across Birch Creek was partially destroyed and the "Regulators" burned all the buildings that were used by workmen on the canal, together with their implements. Such acts drove most of the laborers away, and it became impossible to continue any repair work on the reservoir.<sup>22</sup>

The people living in the neighborhood disclaimed any knowledge of the attacks, but it naturally reflected on them. It was suspected by some that the "Regulators" came from a distance "either for the love of wrong-doing" or as agents for the railroad, the rival of the canal.<sup>23</sup>

In a letter to Lot Loving, Sheriff of Clay County, the Governor upbraided the local authorities for allowing such acts. Later he issued a second proclamation, calling out the militia under the command of General Dodd of Marion County and Colonel Nees of Clay County. About fifty men were sent to the Reservoir. In addition to this company of troops, the Governor called for volunteers, and sixty men, mostly from Evansville, enrolled, making the total number of militiamen in Clay County one hundred and ten.<sup>24</sup>

The soldiers had little to do, for no attempts were made to molest workmen while troops were present. They amused themselves in casting bullets, playing cards and doing guard duty.<sup>25</sup> By June 21, affairs had been settled, another public

<sup>19</sup> *Clay County Advocate*, May 16, 1855.

<sup>20</sup> *Daily American*, May 28, 1855.

<sup>21</sup> *Wabash Courier* (Terre Haute), June 2, 1855.

<sup>22</sup> *Daily American*, June 9, 1855.

<sup>23</sup> *Ibid.*, June 5, 1855. The Evansville and Illinois Railroad Co. was chartered in 1849 and was the pioneer railroad in the "Pocket". First designed to extend from Evansville to Princeton, it was later extended to Terre Haute, Rockville, and Crawfordsville. See Esarey, *History of Indiana*, II, 728.

<sup>24</sup> *Wabash Courier*, June 16, 1855. *Daily American*, June 9, 1855. Also see *Documentary Journal of Indiana*, 1856, Part II, Doc. 3.

<sup>25</sup> *Daily American*, June 14, 1855.

meeting having been held, at which the Trustees of the canal again promised to remove all of the timber as soon as possible. Seventeen arrests were made in the county and indictments were drawn up on the charge of Arson and Malicious Trespass, but all of the offenders were released after examination.<sup>26</sup> The troops were ordered away, and by August 1, an advertisement had appeared in the *Clay County Citizen* for hands to clear off the timber from the reservoir, It was "hoped that the work would be done in good faith", although the timber was to be removed without draining the water from the bed of the reservoir.<sup>27</sup>

Among the last outrages of the "Regulators" was an attempt to cut the bank of the Birch Creek Reservoir on the night of June 29, 1855, but the effort was unsuccessful.<sup>28</sup> Several other attempts were made, but none of them succeeded. In August, 1857, the aqueduct was again torn down. The opposition of the local population; the freshets and breaks in the canal; the competition of the railroad—all these spelled the doom of the "Cross-Cut" Canal. In the year 1860, two men by the names of Miller and Hedges attempted to keep open the "Cross-Cut" from the Eel River Dam to Terre Haute. The city of Terre Haute appropriated \$1,000 to aid them, but after a short period they abandoned the attempt.<sup>29</sup> No further efforts were made to keep open the Canal, mainly because the railroad was fast replacing water transportation.

The action of Governor Wright in calling out the militia seems to have been rather hasty. As has been shown, he was at first in sympathy with the citizens in opposing the construction of the Birch Creek Reservoir. He engaged Hanna and Usher to begin suit in the courts to prevent the erection of such a reservoir, if it could be found that it was detrimental to the public health. The citizens firmly believed the reservoir was a source of malaria and cholera; the report of the committee of physicians did not bear out this belief, but the residents had no faith in the report. When outbreaks occurred, the Governor ordered out the militia, without first resorting to the civil authorities. Mr. Hanna believed such action was unnecessary, that the civil authorities should have been notified and encour-

<sup>26</sup> *Ibid.*, June 22, 1855 and *Documentary Journal*, 1856, Part II, Doc. 3.

<sup>27</sup> *Clay County Citizen* (Bowling Green) August 18, 1855.

<sup>28</sup> *Daily American*, July 2, 1855 and *Documentary Journal*, 1856, Part II, Doc. 3.

<sup>29</sup> Esarey, *History of Indiana*, I, 444.

aged to do their duty, and perhaps the disagreeable action of calling on the militia might have been averted.<sup>80</sup> It must be remembered, however, that the local authorities did not prevent the outrages of which the Trustees of the Canal Com-  
plained.

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<sup>80</sup> Letter of J. M. Hanna in *Terre Haute Daily American*, June 15, 1855.