
River Pirates of Southern Illinois: 1795-1830

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This story begins with Samuel Mason, a veteran of the Revolutionary War, who in hopes of plundering innocent travelers along the Ohio River, became an outlaw. Samuel Mason met his fate in 1803, after surviving a gunshot to the head, only to be later decapitated by his followers. His head, wrapped in clay for preservation, was then borne in triumph for a reward to Washington,

Mason's story is part of a larger tale of how Southern Illinois and the Ohio River were controlled, used, and plundered by the outlaws of Cave-In-Rock. It also shows us how laws factored into the situation, and how settlers started to migrate away from local lands, and into new, possibly dangerous territories.

Cave-In-Rock is located in Hardin County, IL, along one of the southern bends in the Ohio River, and it is quite literally, just a cave that juts into the rock face along the river. It sits in a high bluff, with beautiful hills surrounding it. Its history compared to its beauty is almost a paradox; its infamy came into play early when the first settlers were coming down the Ohio River in the late 1700's. The earliest known record of the cave is found in *The History of New France* by Charlevoix, published in 1744. An explorer from France by the name of M. de Lery came down the Ohio in 1729 and charted the area. He mapped the cave and the area around it, naming the cave "Caverne dans le Roc."¹ Since 1800, however, Cave-In-Rock has been the popular name of the site. Most of recorded history tells us that Cave-In-Rock has almost forever been known as a hideout for gangs, outlaws, pirates, and wrongdoers in general. Its location was perfect for pirating crews along the Ohio to take advantage of ferries and lonesome travelers, making their way through the Northwest Territory. There were almost no protections for settlers at this time, since Illinois was not even a state yet. People traveling this direction were completely at the mercy of their own survival skills and the wilds. Under such circumstances, outlaws could, quite easily, take advantage of their victims via theft, deceitfulness, and murder.



Cave-In-Rock

“Base of Operations”

In as early as 1797, Samuel Mason converted the cave at Cave-In-Rock into an inn. He coined it “Cave-Inn-Rock,” which is where the name stems from today. The inn was secretly a decoy, of course, luring weary travelers in with its beautiful location along the rocky shelves of the river's edge. From the cave, outlaws could see boats coming far upriver, long before the travelers were aware of the cave. Some of these first vehicles traveling the river were simple canoes, clumsily paddled downstream. As more settlements grew along the river however, larger, more load-bearing

¹ Rothert, *Outlaws*, 18.

crafts arrived, including flatboats, whose importance covered a quarter of a century from 1795-1820, known as the “Golden Age of Flatboating.”² This was the era in which river piracy would also reach its height. Small, silent boats such as canoes, skiffs, pirogues, and bateau were used at night by Samuel and his men for quick grab-and-go style missions from the flatboats. Starting in the late 1780’s and going through the 1810’s, pirating grew as a problem until the age of steamboats arrived. Once flatboats and smaller boats made way for the steamboats, and once the population of the area increased, standard river piracy started to give way to more “diplomatic” river pirates, or professional gamblers. This point will be expanded upon later. However, the people in our story are of the standard river pirating era, using simple methods and even some counterfeiting to take advantage of unknowing travelers. Most flatboaters seemed fairly brave individuals, entering unknown areas, sometimes nearly alone. Most understood the challenges they faced. Hence there developed a transition from an economy based on trust, to one based on the credentials of others. First, we will look at the outlaws and people, and then we will look at laws at the time, to see why it was difficult to quell the violence in the area.

“The Outlaws and People”

There is not an overwhelming amount of primary sources regarding the outlaws, in particular the careers of Samuel Mason and the Harpe Brothers, who were all part of a riverboat gang. This lack of sources, however, is due to the fact that there was very little in the way of newspapers or other public documentation; quite a few people at this time were illiterate. Most of the accounts were word of mouth and stories told over time. These challenges require that historians make inferences about what happened from the few sources available. Among the limited newspaper evidence of Samuel Mason is a small column that mentions the escape of Mason and others from an officer that was conducting them to New Orleans. The newspaper report claims they killed the officer, a Captain McCoy, and escaped north along the Natchez Trace.³ However, another source claims McCoy died in 1840 and was not hurt by Mason in any way.⁴ Whatever the case, of all the outlaws and highway robbers in the region, the Harpes appear by far the cruelest, and Mason the shrewdest. Mason was born in Virginia in 1750 and was a veteran of the Revolutionary War, more specifically an officer in the Continental Army. After his service, he moved into outlawry, robbing travelers along the rivers and roads solely for money. The more brutal Harpes were known to kill their victims out of simple cruelty. Mason was born into a great military family, and his brothers served under George Rodgers Clark on his expedition to Vincennes. Mason was also connected by blood to the distinguished Mason family of Virginia, which has led some to guess at his relation to George Mason, one of the original signers of the Declaration of Independence. It is not clear from the history, however, exactly how Mason went from being a respectable veteran, to a highwayman, in such a time of peace in the early United States.⁵

The Harpes have a much different background story. The two Harpe brothers’ crimes at the end of the eighteenth century in Kentucky, Tennessee, and southern Illinois, have hardly been equaled in historical records. This includes crimes in times of peace and war. The reasons for which they became so malicious and apathetic so quickly are unknown, as their pasts are also not well documented.

² Otto A. Rothert, *The Outlaws of Cave-in-Rock; Historical Accounts of the Famous Highwaymen and River Pirates who operated in Pioneer Days upon the Ohio and Mississippi Rivers and over the Old Natchez Trace* (Cleveland: Arthur H. Clark Co., 1924), 38.

³ “Natchez,” *Kentucky Gazette* (Lexington, KY), May 3, 1803.

⁴ Louis Houck, *A History of Missouri from the Earliest Explorations and Settlements until the Admission of the State into the Union*, vol. 2 (Chicago: R. R. Donnelley & Sons Company, 1908), 140.

⁵ Rothert, *Outlaws*, 157-161.

The Harpes's string of terror started in 1798 near Knoxville, and it rapidly spread west to the borders of the Mississippi and north to the Ohio River and southern Illinois. The most well-known of their crimes has been written about by other historians, such as Clare Toohey's *Revolutionary Killers: Harpe Brothers, Serial or Spree?*⁶ One example Toohey gives in this article is that of the brothers simply killing a homesteading neighbor for "looking at their wives too hard." To this day there are stories told about "The Harpes" and "Harpe's Head" in southwestern Kentucky, southern Illinois, and eastern Tennessee. The Harpes themselves were believed to be brothers and natives of North Carolina. Micajah, who was also referred to as Big Harpe, was born somewhere around 1768, while Wiley, or Little Harpe, was born around 1770. Wiley Harpe also went by the alias of "John Sutton/Setton." Their father was said to have sided with the British in the war, thus fighting the colonists. After the war, however, British loyalists were looked down upon, and many were warned to move west.⁷ One might speculate then, that from the moment they were born, basically the Harpe brothers were hated by neighbors and members of the community because of their father's loyalist views. This would have definitely added fuel to the fire, so to speak, for them to act out later in life. In around the year 1795, the Harpes, accompanied by Betsey Roberts and Susan Roberts, left North Carolina and headed for Tennessee. Susan made legal claims that she was Big Harpe's wife, and that Betsey simply posed as his wife. In fact, though, Big Harpe claimed them both as his wives. The four of them roamed around Tennessee for the better part of a couple years, mainly spending time with stray members of the Creek and Cherokee Native Americans. They, of course, gave demonstrations of their brutality to the natives. Probably the only account of any mercy shown by the brothers is when they robbed a man by the name of William Lambuth. They took his possessions, and after looking through his bible for any currency, they discovered the name "William Lambuth" and "George Washington." They both agreed Washington was a good man, and the articles of William's they found convinced them he was a preacher. After the discovery, they allegedly returned all of his belongings, and rode away shouting "We are the Harpes."⁸ This rare act of mercy could be due to the fact that the men believed that every man's life, good or bad, was predestined.⁹ They thought that the "All Wise" had "preordained" all men to be good, or to be hateful and have a career of crime. They seem to have thought they were chosen to be bad, except on this one instance for some reason.

The last of the outlaws is a man named Peter Alston. Alston was born the son of a notorious counterfeiter; his father's brother also being known for counterfeiting. As far as sources tell us, the Alston family probably has its roots in the British Royal colony of the Province of South Carolina. As to where and when Peter was born, however, there is little evidence. A good guess would be North or South Carolina, Virginia, or Tennessee. Throughout his life, Alston went by many aliases. His most common alias was "James May," but he also went by "Samuel May," and "Isaac May" on occasion.¹⁰ In the summer of 1799, Alston reunited with his father in the Cave-In-Rock area to continue casting counterfeit silver coins.¹¹ At some point, Alston and his father met up with the Harpes and Mason and began their mutual crimes at the cave.

Most people coming into the area around this time were probably also affected by the outlaws, either directly or indirectly. Settlers coming into Illinois at the time were already pretty brave and expected to face danger. The trek to Illinois was often a one-way trip. There were no

⁶ Clare Toohey, "Revolutionary Killers: Harpe Brothers, Serial or Spree?," *criminalelement.com* (blog), November 25, 2011.

⁷ Rothert, *Outlaws*, 60.

⁸ Rothert, *Outlaws*, 158-161.

⁹ Rothert, *Outlaws*, 60.

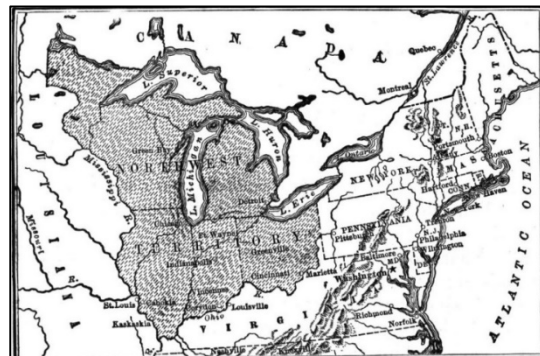
¹⁰ Alex C. Finley, *The History of Russellville and Logan County, Ky.* (Reprint: Russellville, Ky.: A. B. Willhite, 1876, Reprint c. 2000), 42.

¹¹ Rothert, *Outlaws*, 272.

steamboats, trains, telegraphs to communicate with family, and no safety insurance. Leaving home and heading to Illinois often resulted in permanent separation from family, and this deterred quite a few people. Most of the first settlers were soldiers that had served in Illinois and came back later on their own, or flatboaters that loved the scenery. A lot of settlers stuck to the woodlands, for many people were wary of the prairies. They would not cross the grasslands for fear of prairie fires.¹² According to one study, “[a]lthough the likes of Micajah and Wiley Harpe, murderous brothers who infested Cave-In-Rock on the Ohio River, were eradicated by 1799, occasional atrocities still horrified residents. Certain problems retarding settlements budged only with population growth and the weight of numbers.”¹³ As the population of Illinois started to grow, the outlaws’ influence became less problematic.

Laws

As previously mentioned, Illinois was only a territory at the point in time that most of the river pirating was occurring. Illinois was added, with what would become other states, into the United States by the Northwest Ordinance, July 13, 1787. The Northwest Ordinance was a decree, written by Thomas Jefferson and others, that added the future states of Illinois, Indiana, Ohio, Wisconsin, Michigan, and part of Minnesota, into the Union. The fact that Illinois was only a territory, along with the other states to-be in the Ordinance, meant that the government had almost no jurisdiction to establish itself. This frontier was highly contested, basically wild. It took a while to get a foothold on the area in a legal sense, since it was so vast, and many people were trying to settle there at once. Some excerpts that I have found from the first written laws of Illinois do more to prove this point. This is an excerpt from the introduction of the laws:



The Northwest Territory

The very small number of statutes passed to modify the substantive law, in proportion to those relating to the courts, their auxiliary officers, practice and procedure—approximately one to five—shows very well that there was general satisfaction with the law but great dissatisfaction with the machinery for administering it. Justification for dissatisfaction with both the law and its administration was almost certainly greatest in the early years of the Northwest Territory and lessened as time passed. On the other hand, tinkering with the judicial system, evidencing dissatisfaction with it, steadily increased. This was certainly not because the service it rendered deteriorated; far from it. It was because appreciation of the courts was growing, because more was expected of them, and because certain changes in them which territorial opinion looked upon as betterments could not be thoroughly affected without altering fundamentally the whole judicial system set up by the Ordinance. Many things marked a tendency in that direction over a score of years. The change came to a climax in the Illinois statutes which will be particularly considered.¹⁴

¹² James E. Davis, *Frontier Illinois* (Bloomington & Indianapolis: Indiana University Press, 1998), 124.

¹³ Davis, *Frontier Illinois*, 113-114.

¹⁴ “Laws of the Illinois Territory 1809-1818”

http://livinghistoryofillinois.com/pdf_files/Laws%20of%20the%20Illinois%20Territory%201809-1818.pdf, accessed April 5th, 2017.

From this quote, it is evident that officials were trying to assert their power. However, it is also very evident from the quote that the jurisdiction was greatly short-handed. They were working a skeleton crew and trying to keep up with the population moving into the Northwest. People were starting to respect the courts more, therefore expecting more from them. Another excerpt also shows us just how few and far between the court systems were at this time.

The Ordinance provided for the whole of the Old Northwest a single General Court of three judges. True, there was no population in great portions of this region and so no need for law; but there was need for courts in various scattered settlements over an area about nine hundred by three hundred miles. In some way the three judges were expected to supply the needs of this area for regularly administered justice.¹⁵

This statement mentions how there was “no need for law” because the location was not highly settled yet. However, we can see that there was definitely a need for more jurisprudence along the rivers. In Samuel Mason’s case, the way in which he got away with most of his crimes was simply *because* there were no laws yet, and people did not know what to expect when they were traveling down river. Counterfeiting was common because there was not a set currency for the entire U.S. government yet, thus travelers were easily swindled into accepting false currency. People traveling up and down the Ohio River were not necessarily “settled” since they were taking goods back and forth. This may have made it seem as though there was not as much crime among the “settlers” of the Northwest. Always being on the move and not keeping track of traveling merchants would have made it seem like less crime was occurring, since a lot of it most likely went on behind closed doors. One of the laws passed by the *First General Assembly of the State of Illinois* at its second session, which was held in Kaskaskia, states something interesting. An excerpt reads:

any person charged with or convicted of treason, murder, or other capital crime shall brake prison escape or flee from justice and abscond or secrete himself, it shall be lawful for the governor for the time being to offer any reward not exceeding two hundred dollars for apprehending and delivering any such person into the custody of such jailer as he may direct.¹⁶

This is significant because here is a good chance that this law directly stems from Samuel Mason’s and others’ escape from McCoy’s custody on the way to New Orleans, as mentioned above. I think it is in direct correlation with past events that transpired, and that it shows the state of Illinois realizing that this was a law that needed to be enacted. I believe this to be the case with many of Illinois’ first laws regarding crime. In any case, it was hard for anyone to know, law or not, what all was going on in the Northwest at this time.

Another interesting point worth making is that illegal gambling kept things in line as the river piracy era was ending. As I mentioned before, once steamboats became more common after flatboats, the river piracy started to decline. I think, personally, this led to a rise in gambling in the region. For example, just north-east of Cave-In-Rock and the Ohio River is the town of French Lick, Indiana. French Lick is home to two very large casinos that were built in the 1840’s and 1850’s, right around the time steamboats were becoming common, and they are still there today. Since

¹⁵ “Laws,” http://livinghistoryofillinois.com/pdf_files/Laws%20of%20the%20Illinois%20Territory%201809-1818.pdf, accessed April 5th, 2017.

¹⁶ “Laws of the State of Illinois Enacted by the General Assembly,” https://books.google.com/books?id=22E3AQAAMAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q=murder&f=false, accessed April 26th, 2017.

policing was weak in the area, the structure of the mob coming down from Chicago to gamble helped govern the area, even if it was illegally.¹⁷

“How it Reflects on a National Level”

All this information boils down to a few simple things. The crimes committed by the outlaws and other river pirates impacted growing Illinois more than the court systems, and the national government as a whole, saw coming. The national government, even Thomas Jefferson himself, failed to understand how much of a load they were taking on when they added the territories through the Northwest Ordinance. The Illinois River Pirates are only a small piece of a larger story. There were doubtless hundreds more crimes and scandals throughout the Northwest Territory. The reason I chose to elaborate on this, however, is because I believe that some of the laws of early Illinois were directly influenced by the happenings along the Ohio River, and the crimes committed there. No doubt similar developments occurred across the country. The people of the early United States did not know what to expect when they were ever-pushing west through Manifest Destiny. People wanted land and freedom, and they did what they had to do to get it, honest or criminal.



West Baden Springs Hotel, French Lick, IN

¹⁷ Photograph of West Baden Springs Hotel. Kathy Jonas, *A Fairytale Getaway Not so Far, Far Away at French Lick Resort*, <http://www.lifeandspaces.com/articles/view/A-Fairy-Tale-Getaway-Not-So-Far-Far-Away-at-French-Lick-Resort>, accessed May 3rd, 2017.