

this summary proceeding without being heard in their defense, and resisted the enforcement of the law. Judicial proceedings were commenced, and the right of the legislature to repeal the charter and close up the business of the bank was resisted till the question was decided by the supreme court.

The act creating the bank had a provision, "that if said corporation should fail to go into operation, or should abuse or misuse this charter, it should be in the power of the legislature of the territory at any time to annul, vacate, and make void this charter." The bank contended that in thus disposing of its charter, it had not had any chance to defend itself, and that, before the charter could be taken away or repealed, it should be decided by some judicial tribunal, after due investigation, that it had abused or misused its privileges guaranteed to it by the charter; but the supreme court decided the act of the legislature repealing the charter to be a valid act, and the institution was closed up.

[TO BE CONTINUED.]

LYNCH LAW AT THE DUBUQUE MINES.

BY ELIPHALET PRICE.

IN executing the laws of Judge Lynch at the Dubuque mines in the spring and summer of 1834, not only much good was accomplished, but wrong was often done. It was an easy matter, in those days, to raise a hue and cry against a person, particularly if he was a stranger, and friendless; and the mob once let loose upon him, seldom paused for evidences of guilt beyond the report in circulation.

A number of instances of this kind came under our personal observation, but none made so lasting an impression upon our mind as the whipping of William Hoffman, a discharged sol-

dier, the particulars of which we will relate, as a specimen of the jurisprudence of Judge Lynch, when administered by an exasperated crowd convened at the lead mines in those days, for the purpose of inflicting punishment, without proper inquiry as to the certainty of guilt.

It was in the month of July, 1834, as we were returning to the village of Dubuque, from our mining labors in the country, our attention was arrested by a large concourse of people assembled in the vicinity of the log blacksmith shop owned by Thomas Brasher, which occupied the present site of the Catholic church.

As we drew near to the crowd, we discovered that Judge Lynch was about to convene his court, for the purpose of trying an offender, who, it was said, had appropriated to his use a bank note of the denomination of \$20, the property of another person. The prisoner had the appearance of being about fifty years of age, and was appareled in the fatigue dress of a United States soldier. Time had begun to whiten the locks which wantoned beneath, and fringed the glazed border of, his military cap. He had assumed an erect military attitude, his arms folded upon his breast, while his eye sought with calm indifference the circle of spectators which surrounded him, who were indulging in a boisterous debate, as to whether he ought to receive one hundred lashes or be tarred and feathered. The impanelling of a jury was at length suggested, with powers delegated to them to hear the facts alleged against the prisoner, and to make such decision as to them might seem just and right. Accordingly, a jury was impanelled, and a presiding judge elected from their number, when the complainant was called, who came forward in the character of a native of the Emerald Isle, who, like the prisoner, wore the undress uniform of a United States soldier.

Judge (addressing complainant).—"You will state what you know about the prisoner robbing you of \$20."

Complainant.—"May it plase yer onerable worships, it's meself that got an onerable discharge last wake from the sar-

vice at Fort Crawford, whin says I te meself, Mither McMurdy, ye'd better be degin yer fortin in the mines than to be sogerin away yer preshus life in doing niver a thing, barrin' the killin' of a murtherin' Ingin now and thin; an' with that, be dad, I tipped me cap to the aremy, shouldered me kit, an', with yer 'oner's leave, I arrived in the mines yestherday, and who should I mate but me ould comrad that's standin' up before the coort marshul. Willy, says I, an' will yees be afther takin' a drap, and wid that he said he wud; well thin, it's a drap we tuk here and there, an' it was meself that tuk a drap too much, when, says I, Willy, ye's out of the sarvice longer nor meself, an' bether acquainted with the treeks of the world, do yees be takin' me mooney, an' kape it till I gits sober; an' wid that he tuk it, an' now a divil a bit will he giv it me at all; and yer 'onerable worship knows that its meself am sober as an ordily on duty, and that's all I know about it."

The court now asked the prisoner if he had any defense to make, to which he replied:—

"I admit that he gave me the money, and at his request I returned it to him soon after; this is true, gentlemen. I have nothing more to say."

Court.—"This will not do, old fellow; you can't come the 'old soger' here; you must give up the money or take fifty lashes."

Crowd.—"Give him a hundred. Tar and feather him."

Court.—"Will you give up the money or take the lashes?"

Prisoner.—"I have not the money. I returned it to him. I am not guilty of any wrong, gentlemen. I am innocent of the charge."

Crowd.—"Strip him. Give it to him raw, if he does not fork over."

Here a rush was made at the prisoner. His coat, vest, and shirt were stripped from his body, his cravat girted around the waistband of his pantaloons, and himself dragged forward to a rise of ground, where his hands were lashed each to the hind wheel of a wagon.

A person was selected from the crowd to fling the raw-hide upon his body fifty times in ten divisions of five successive strokes. The executioner was a powerful man, displaying an arm of great muscular strength as he coolly laid aside his coat and rolled up his shirt sleeves for the task. A shudder seemed to creep over the limbs of the prisoner as he eyed the physical powers of his executioner, and in the most beseeching manner begged that he would not mark him with heavy blows, to which the man of the whip replied:—

“I know my duty; and it is to rid the town of such as you.”

“Give him the lash,” shouted the crowd.

The executioner having taken his position, asked him if he would give up the money, to which he replied as before:—

“I have not the money, gentlemen; do not whip me.”

The raw-hide was now swung in the air, and descended in five successive blows of measured time. The screams, the agony of the prisoner, seemed only to awaken a general shout of satisfaction from the crowd. The blood trickled from the deep furrows of the lash, when again the bloody raw-hide swept the air and counted ten. For a moment an ashy paleness diffused itself over the countenance of the prisoner; his head lowered upon his breast, as he staggered under the prop that bound him to the wheels. “Score home another five,” shouted the infuriated crowd, when again the lash resumed its strokes, cutting its way through the quivering mass of coagulated blood that gathered in the channels of the deep-cut wounds, bespattering with gory blotches the apparel of the executioner. The deadened and lifeless flesh that hung from his back in quivering festoons no longer felt the painful keenness of the lash, which being observed by the crowd, a fiendish yell arose from their midst, demanding that he should be cut upon the sides. As the shout fell upon the ear of the prisoner, he started as from a dream, while the agonizing thought that his sides too were to be lacerated seemed to render him frantic with despair, and, gathering all his physical powers, he made an herculean effort to burst the bands that

bound him. Finding himself unequal to the task, he paused for a moment, and gazed around him upon the assembled multitude; then straightening himself to his full height, he burst upon the crowd with an appeal, the energy and language of which can never be erased from our mind. Commencing in a clear, calm tone of voice, and ending with a ringing, stentorian shout, he exclaimed:—

“Do not kill me, my countrymen. I am an old man. I beat the drum at Talapoosa and Tallahassee, and on my breast I carry scars from Bad Axe. I am an American soldier. I am a native of Kentucky.”

The delivery of this appeal seemed to strike the surrounding crowd with mute astonishment, and for a few moments a solemn stillness reigned throughout the dense circle of spectators, when we noticed an undulating swaying of the crowd upon the opposite side of the circle, as a person forced his way through it, and strode out upon the vacant area. He was a tall, raw-boned, athletic man, somewhat round-shouldered, and wore a white slouched hat turned up in front, which, together with his buckskin over-shirt, bespoke him a miner. An old-fashioned flint-lock pistol was belted to his right side, while from his left swung a scabbard that contained his sheath-knife. Munching from a piece of tobacco that he held in his left hand, he advanced towards the prisoner with a slow but firm and measured stride, occasionally glancing his eye to the right or left upon the crowd. There was a spasmodic twitching of the lips, accompanied with a fiendish smile, that occasionally lit up the scowling aspect of his visage, while his eye seemed to flash a deadly defiance upon the crowd that surrounded him. Approaching the prisoner, he observed:—

“I say stranger — I mean you with the whip — suppose you stay your hand till we get better acquainted;” then, seizing the handle of his knife with his right hand, while with the left he grasped the sheath that contained it, he exclaimed: “I say, if there is any man in this crowd from old Kentuck, and 'aint ashamed to say so, let him show his hand;” at the same time snatching his knife from its scabbard, he flourished

it above his head, then, pausing for a moment with uplifted knife, he continued: "If there is none here it makes no difference; I am from those parts, and that's sufficient;" then, wheeling upon his heel, he cut the lashings that bound the prisoner. "See here, stranger," addressing the prisoner, "you say that you are from old Kentuck; perhaps you are, and perhaps you are not. But there is no time now to consider that; it's enough for me to know that old Kentuck has been called, and I am here to answer for her. Now, if you've been guilty of a mean act, acknowledge the corn, and trail from these parts; and if you can show that you are not guilty, I'll furnish you the tools, and back you up through the tallest fight there's ever been in these diggin's."

Here he was interrupted by the complainant, who came rushing up, exclaiming: "Och, be the powers that made me, Willy, its innocent ye are; do yees be batin' him no more, for sure its a drunken baste that I am, not to be rememberin' that he gave it back to me, and its a drunken fool that I was to be pokin' the money under the office of 'Squire Williams; sure and do yees bate him no more, till I brings the money, and show yees that its not the likes o' Willy that would be sarvin' me a dirty trick."

This announcement came upon the crowd like the stupefying shafts of a thunder-clap, and silence reigned for a time, while they waited for the return of Mr. McMurty, but he was never after seen or heard of. That night Kentucky swaggered through the streets of Dubuque by the gleaming light of her bowie-knives, and there were none to cast a stain upon the fair escutcheon of the state.

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