

## Pioneer Gangsters

Through the figures of the stately minuet and the graceful steps of the Virginia reel danced the ladies and gentlemen of Bellevue, as was then the custom, on the night of January 8, 1840, in honor of the anniversary of General Jackson's victory at New Orleans. Suddenly there was a commotion at the door of the new hotel where the Jackson Day Ball was in progress, the fiddlers stopped playing, and a frightened, dishevelled girl ran into the room.

The disreputable James Thompson and some of his gang, she said, had pillaged the house of her relative, James C. Mitchell, and subjected her to indignities from which she had finally escaped. Mitchell borrowed a pistol and went out to find the man who had often threatened him and finally in drunken spite had perpetrated this offense. They met on the street. Both men raised their pistols and took deadly aim. A shot resounded through the still night and Thompson fell with a bullet in his heart.

For three years personal safety and security of property had been gradually diminishing in the vicinity of Bellevue. Horses and cattle were

stolen, counterfeit money circulated freely, a French fur trader was assaulted and robbed, and a settler was shot by a man suspected of stealing a yoke of oxen. Neighbors could not be trusted. Though men were caught with stolen property, they always escaped punishment. A murderer was acquitted on a plea of insanity. In spite of everything Sheriff William A. Warren could do, lawlessness spread in Jackson County and the surrounding territory. The boldness of the pioneer gangsters increased, particularly among the associates of the mannerly W. W. Brown who kept a tavern in Bellevue. In 1839 settlers in Jackson, Jones, Cedar, and Linn counties met at Linn Grove and formed a Citizens' Protective Association. But the depredations continued.

The shooting of Thompson, one of the most infamous of Brown's boarders, brought affairs to a crisis. Mitchell was arrested and, for lack of a jail, was guarded in his own home. A plot to blow up the house with a keg of gunpowder was frustrated in the nick of time. Other crimes were traced to Brown and his men. Sheriff Warren sought the help of other law enforcing officials and was advised by Judge Thomas S. Wilson to arrest the desperadoes on a charge of conspiracy to prevent them from testifying for each other. Brown agreed to surrender but the other men de-

fied arrest. Thereupon a posse of citizens from the surrounding country gathered in Bellevue to support the administration of justice.

At ten o'clock on the morning of April 1, 1840, Sheriff Warren went alone to Brown's hotel and read the warrant of arrest to Brown and twenty of his gang assembled there. They refused to surrender. Apparently force was the only language the desperadoes understood. After four hours of parley the posse, under the leadership of Sheriff Warren and Thomas Cox, rushed the house that sheltered the outlaws. Brown was shot and the battle began. Four members of the posse were killed and two bandits fell. Several on both sides were wounded. At last the citizens set fire to the hotel, which drove the besieged men out. Seven escaped but thirteen of the worst offenders were captured.

Many of the outraged citizens favored hanging the outlaws at once, but cooler counsel prevailed. The next morning a mass meeting was held to decide what the verdict should be. To hold the prisoners until the next term of court was hopeless. Death seemed to be the only penalty that would prevent rescue by their confederates and end the reign of lawlessness. A spokesman for the outlaws begged for mercy.

The district attorney from Dubuque urged the

people to impose no greater punishment than the law prescribed. At last they decided to dispose of the prisoners according to the will of a majority by secret ballot—white beans for hanging, red beans for whipping and banishment. When the vote was counted, the box contained three more red beans than white ones. And so a wholesale lynching was averted and the lucky culprits, smarting from the lashes on their backs, were glad to forego vengeance and promise never to return to Jackson County.

Excitement subsided at Bellevue, but news of the fight and trial by referendum alarmed law-abiding citizens in more peaceful communities. Political opponents of Warren and Cox deplored mob rule. Mrs. Brown aroused considerable sympathy in Dubuque, where her husband had a good reputation. On April 4th the public prosecutor at Dubuque reported the "disgraceful tragedy" at Bellevue to Governor Lucas.

"Dear Sir,

"I am under the painful necessity of informing you that Jackson County in this Territory is in a state of complete disorganization. The Sheriff Judge of Probate and the *celebrated Col Cox* on the first day of this month headed a mob at Bellevue and attacked a peaceable citizen of that place with a view of driving him out of town. The re-

sult was that a most disgraceful fight took place, and as a report says from six to nine lives lost and several wounded. It is currently reported at this place and very generally believed that Warren the Sheriff went about the county procuring the names of persons pledging themselves to support the mob several days previous to the day of the assembling of the most infamous mob that ever was assembled in this or any other country. The mob with their infamous leaders have since the killing been engaged in holding a *citizens* court as they call it and have tried and punished several individuals. It is also understood at this place that this triumvirate composed of Cox Warren and Moss are about to divide the property of Brown who happened to be the special object of their vengeance & who had considerable property Mitchell the man who committed the murder last winter and who has been held in *mock* confinement by this infamous Sheriff is now let loose rejoicing with the good and pious mob citizens at this freedom from all the restraints of regulated society, law and good order. A court as you must be aware of under the existing laws of this Territory is appointed to be held on the 13th instant at Bellview. Since I have set down to write this letter I learn from two gentlemen who have just returned from the seat of war that the mob boast that they had

all of the Grand Jury for the next court to act with them except Brown and that he was killed. It will be impossible if not impossible utterly useless to hold a court in a community composed of such brutish beasts, when blood and murder is the order of the day. In such a state of things you must be aware that those base and foul felons cannot be punished in their own county. I have therefore deemed it a duty of mine to acquaint you with the facts and if you have any powers vested in you as the Governor of this Territory to aid and assist the laws I hope you will exercise them in bringing to justice base and foul murderers and to wipe off the disgraceful stigma that has evidently been thrown upon the people of this Territory by this most disgraceful tradgedy.

Yours in haste

J V BERRY"

Two days later John King, the postmaster at Dubuque, described the "Bellevue War" and advised the Governor to put the leaders of the posse out of office.

"To His Excellency Robert Lucas

"Sir I regret to state to you, that a more disgraceful affair, has never been recorded in the annals of history, than that which I am about to relate. It occurred on the 1st ultimo at Bellview Jackson Co.

I. T. about seven miles below Galena A *mob* collected calling themselves the people — headed by — *Warren, the sheriff of the above named county, and Col. Cox (so called) member of the Legislature, Gen. McDonald, and James K. Moss.* The mob proceeded to the house of Mr. Brown (inn keeper) and informed him, through, Warren, that he must leave the Ter. immediately — Brown replied, that if he (Warren) had any *legal* demand against him, he was willing to go with him and be tried—but that a mob could not take him—However they were not satisfied with this, and made a rush to capture him — and in trying to effect their object, six persons were killed, and three wounded, one having since died!!! What the character of Mr. Brown was, I am unable to say — He was certainly hospitable, and obliging to strangers, and affectionate to his family, he was also industrious, which is certainly *one* good quality — His wife was of a reputable family and understood the duties of a hostess, well. Brown fell like a *brave man*, defending *his wife and child* from insults, and his property from the ravages of a reckless and lawless mob. Mrs. Brown was conducted to this place by a gentleman, at whose house she has, and will receive the most kind treatment.

“On Saturday evening last, the citizens of this place assembled at the Presbyterian Church, (tho’

large it could not contain near all) to express their deep abhorance of the *murderous* conduct of the mob at Bellview, by strong resolutions, which will be published in the papers of this Ter.

“The people at the meeting expressed their unanimous wish, that you would promptly *remove from office Warren & McDonald*.

“Our Legislators, will be instructed at the extra session, to expel from their body Col. Cox. And we will endeavor to have J. K. Moss removed forthwith, from the office of P. M. I have just learnt, that the latter gentleman (or rather the man) holds the office of Judge of Probate, if so he should be removed from that office also. I have just had a conversation with Mr. Petriken, who feels indignant at the outrage — and thinks those villains if possible should be arrested — and that there are two ways of having it done, first, that by removing Warren, and having a new sheriff appointed, they could then be arrested Secondly that your Excellency can command Gen. Lewis, to raise the militia, and arrest them, — others think Chief Justice Masson is authorized to act in this matter — but all agree, that your long experience in public business, gives you the advantage of us all, in knowing how to dispose of those persons, who have committed the most wilful and premeditated murders, and have brought a stigma and a

disgrace upon our young and beautiful Ter. that years cannot efface.

Your Obdt. Servt.

JOHN KING P. M."

Governor Lucas, however, calmly directed the prosecutor to do his duty. The court records show no evidence that Berry took any action. Nor were the leaders of the posse removed from their civil offices. To the perturbed prosecutor wrote the the Governor on April 7th:

"I received your letter on the 4th Int by Captain Smith of the Steam Boat Brazil — I regret extremely to hear of the transactions in Jackson County detailed in your letter. — It reflects a disgrace upon our Territory; and I trust, that the persons, who may be found guilty of so great a violation of the laws of the Territory may ultimately receive the punishment the law prescribes, — but this is a subject, that is entirely under the control of the Judicial Branch of the Gov[ern]-m[e]nt. The law gives to the Judiciary, the power to inforce obedience to its mandates, by fines and penalties — The Executive Branch has no such power, The Executive may issue his Proclamation, but he has no power to inforce it, he has neither funds, men, arms or am[m]unition under his control. The law vests the Civil Ministerial

office, with the power of the County and the Judiciary is vested with power to impose fines and penalties for disobedience to their command — However desirous I may be, to check such outrageous proceedings — yet I see no way in which an Executive interference could be of any benefit. The duty is devolved upon you, as District prosecutor, to bring the subject before the proper Judicial tribunal for investigation which I trust will be promptly and efficiently done — The account of the disgraceful affair, as published in the *Iowa Territorial Gazette of the 4th Inst* differs materially from the one given in your letter. How far these accounts may be correct, I do not pretend to decide but one thing is certain (*That is*) that a most disgraceful, outrage has been committed upon the laws of the County by some body, and it becomes your duty as the legitimate prosecuti[n]g officer to have the subject impartially and legitimately investigated — and to cause the guilty persons, whoever they may be, to be prosecuted and brought to Justice — This should be done without prejudice or favour to any one, but with a single eye to the maintenance of the Supremacy of the laws.

With sincere respect  
I am your obt st  
ROBERT LUCAS''

Meanwhile, rapacious men, taking advantage of frontier conditions, preyed upon defenceless settlers in other parts of the Territory. Scarcely had peace been restored in Jackson County, when a band of thieves raided the homes of several pioneers in Linn County. Attracted by the rumor that John Goudy had a hoard of \$9000, Henry E. Switzer, a member of the "Cedar River Buccaneers", sought to borrow some money. Goudy refused to lend, however, and the only information the gangster obtained was a view of the premises.

On the night of April 14, 1840, five desperadoes broke into the Goudy cabin. One of the robbers covered Goudy, another covered his son-in-law, Thomas McElheny, "and a third stopped the clock". They demanded money. When told there was no hoard of gold they angrily ransacked the house. In the confusion, Switzer was recognized. The thieves found only a few dollars but finally left the Goudy family "to reflect in sadness upon the ways of the wicked and the ungodly."

Frustrated in their acquisition of riches, the bandits sought other sources of plunder. Suspecting that the money might be concealed elsewhere, they searched the cabin of Goudy's son, Thomas, but with disappointing success. Thence they proceeded to the home of William F. Gilbert. There,

however, they encountered resistance by Gilbert and three guests. In the fight another bandit was recognized.

The three robberies aroused the entire neighborhood. Thomas Goudy raised a posse and started in pursuit. At Illinois City one of the thieves was captured. Switzer was arrested at his cabin. Four other outlaws, thought to belong to the same gang, were tried by "Judge Lynch" and horsewhipped. A fifth was later shot by a vigilant member of the Linn County vigilantes.

For a while, however, the outlaws continued to terrorize the country. In some instances the activities of the vigilantes were about as highhanded as the raids of the border ruffians. In May, 1840, a settler in Linn County appealed to Governor Lucas to restore peace.

"Honoured Sir. The case which I now lay before you is such, That the character and welfare of our Country are at Issue — This is a weighty matter and deserves an abler advocate than myself. But such materials as we have we must use — The duty I owe to my god and Country require me to use all my power to preserve her dignity —

"As an humble citizen of Lynn County (Iowa) I lay before you the distressed situation of the people of that vicinity, we are constantly allarmed by riotous bodies of armed men, without lawful au-

thority, without disciplin and I may add without principle, parading through our country and threatning violence to all who do not countenance their unlawful conduct, and threatning to remove many honest citizens who have toiled hard for an honest living, and have expended large amounts of money in improvements and for provisions during a long and hard winter —

“After enduring so many hardships it is hard for us to retreat, and leave our hard earnings behind without the expectation of ever receiving any benefit therefrom, and to leave so beautiful and fertile a Country without violating her laws to a lawless gang seems a hard case, we sometimes think of arming and defending ourselves, but we cannot be constant on our Guard and pursue our labour, and to arm against our citizens when we are under a civilized goverment and within reach of Justice is another hard case —

“To you the executive of Our Territory I appeal for the enforcement of her laws and cause the violators to be apprehended and brought to Justice. It is not unfrequent for a man to be taken up and without the formation of a trial to be tied to a tree and whiped almost to death without any evidence of Guilt —

“I will here state a case which I saw, Saturday evening the 23rd of may last I was called on by a

neighbor (Michael Greene to assist him in repairing a plow and on Sabbath morning 24th before I left his house a large posse of armed men came headed by two young ruffians who were Styled Captains of the banditt and summoned him instantly to surrender or they would blow him through, after some hesitation he surrendered and in a few hours they had his Goods and family placed on waggons and marched him off together with his large stock. During the time of packing he was often threatened if he resented they would blow him through after his goods were loaded and the posse had paraded, to pass some resolutions he was privileged to speak a few moments, during his speech he requested of all or any present to State for what violation of the law or what cause was his removal made and none present brought forward any but quit he must and should remove for the posse said so — and having no officer of the peace nearer than 20 miles the riotous band had to be allowed in their wanton crime —

“I will now state the manner those cruel crimes are conducted, two or more fix upon a desired victim, then forthwith notify a sufficient number of their cruel band to accomplish their desire, then meet around a whiskey barrel and gorge themselves with its madning contents, they are then prepared to sweep the country with the besom of

destruction — Since on my way to you I have been creditably informed that the skeleton of a human being has been found on the prairie but a small distance from where he was lynched

“Such is the manner in which many young men of promising appearance are ruining themselves and country.

“Such conduct I hope has not its parallel in the annals of time, and should it be allowed to continue armed posses will rise one against the other and murders of the grossest nature be committed, and I fear before this hour the dreaded blow has been struck —

“Such are the beginnings of our troubles — My pen and Language fails me to describe the distressed feelings of our citizens and such doings should they continue would cast a stain upon Iowa which I fear will not be easily erased out.

I am sir Respectfully

Yours

PERRY OLIPHANT”

Two of the thieves who had robbed Gilbert and the Goudys fell into the hands of the law instead of the vigilantes. Switzer was brought before Judge Joseph Williams at Tipton, on a change of venue from Linn County, at the October, 1841, term of the Territorial District Court. The presence of a muscular, two-hundred-and-forty-pound

ruffian failed to overawe witnesses who identified Switzer and connected him with the crime. In desperation the robber resorted to strategy. When the jury went out to deliberate, he asked the deputy sheriff to signal with his handkerchief if the verdict should be guilty. The officer refused.

For two days and nights the jury debated — eleven for conviction and one for acquittal according to rumor. The fact that the jurymen had gone home during the trial and one of them had stayed with friends of Switzer might explain the deadlock. Finally they decided to report that they could not agree upon a verdict. As the twelve “good men and true” returned to the courtroom, a handkerchief, inadvertently or purposely, dangled from the pocket of one of them. When the prisoner noticed the white sign he saw red. Suddenly he broke away from his captors, ran out of the building, leaped on a horse, and rode away. The law never caught up with him.

This was not the end of pioneer racketeers in the Cedar Valley. In July, 1842, the leaders of a gang of sixty counterfeiters and horse thieves were arrested in Linn County. The law-abiding citizens tried hard to rid the country of the “bogus party”, but it was hard to convict the gangsters in court. For several years the most effective method of maintaining peace and protecting property was

through the activities of vigilance committees. Their purpose and organization is well stated in the constitution of the Benton County association.

"This Society shall be called the Iowa Protection Company.

"ARTICLE 1. The object of this Society shall be to protect the property of the members of this company, and particularly their horses, from the depredations of robbers and thieves, and also to trace out the perpetrators of thefts, rescue and restore property stolen, and assist in a due and faithful administration of law and justice.

"ART. 2. The officers of this Society shall consist of a President, Secretary and Treasurer, to be chosen *viva voce* at any stated meeting, and to hold their offices during good behavior.

"ART. 3. It shall be the duty of the President to preside at all regular meetings of the Society, and, in his absence, the Society may chose a President *pro tem.*; and it shall be the duty of the Secretary to record all the proceedings of the Society, and preserve the same; and it shall be the duty of each member to pay to the Treasurer such sums of money from time to time as the Society shall dictate. He shall keep a correct book in which he shall enter the amount received and expended, and the purpose for which it was expended.

"ART. 4. The Society shall appoint such com-

mittees as may be necessary to carry out the objects of the Society.

“ART. 5. Each and every member shall sign the constitution and hold themselves subject to its provisions, and on revealing its proceedings in any respect, shall be excluded from its benefits.

“ART. 6. This Society shall be convened at any time by notice from the President.

“ART. 7. No person shall be entitled to vote unless a member of the Society.

“ART. 8. This constitution may be altered or amended at any regular meeting, by a two-thirds vote of the members present.

“ART. 9. No person shall be admitted a member of this Society who is under suspicion of horse stealing or any other theft, or for harboring thieves or robbers.

“ART. 10. The regular meeting of this Society shall be the Saturday before the full of the moon, at such place as may be designated.”

Gradually peace and security were established on the frontier. Through the energetic defense of their homes and summary punishment of thieves, counterfeiters, and claim jumpers, the honest pioneers shaped the character of the frontier. As settlement increased, the “due process of law” was substituted for spontaneous justice.

JOHN ELY BRIGGS