

The Vigilance Committees

The vigilance committees in Iowa grew out of two peculiarities quite typical of all frontier life in the Mississippi Valley. One was the considerable number of desperadoes who found the frontier a safe refuge from the punishing arm of the law; the other was the tendency of the early settlers to provide for themselves that protection which the government did not give them. Thus, we find the miners of Dubuque in 1830, four years before Iowa was placed under the jurisdiction of the Territory of Michigan, making their own regulations by which they were governed; the squatters forming claim associations to secure their land; and when the law failed to control the great number of "border banditti" the vigilance committees came into existence to protect the settler's life and property.

Many were the offenses of the outlaws, but the most prominent were murder, counterfeiting, and horse stealing, particularly the latter. Horses were always marketable. They not only served as the "power in front of the plow" but also as the "means of transportation." Being scarce and very useful in this new country they brought as much as one hundred or one hundred and fifty dollars a head — an enormous sum in those days of low prices. In addition to this, the thief could make his escape on

his stolen goods, which made more profitable and possible the stealing of horses.

And horse stealing was not only remunerative — it was romantic. It had much of the same attraction for some men that stealing watermelons has for boys. The extreme danger — death was the penalty if caught, and often if suspected — made the risk a thrilling experience; or perhaps the “knightly air” associated with the horse bred in some weak-willed men an overwhelming desire to have a “steed” of their own. Be that as it may, the daring feat of “raising” a horse overnight attracted many of the most adventurous of the desperadoes.

Several men usually banded together for this operation. One of them would steal the horse from an unsuspecting neighbor, and the others would relay it on to another community over river-timbered routes well provided with friendly taverns and farm homes affording shelter and secrecy. The stolen horse was usually transported to Missouri on the south, or to Wisconsin and Illinois on the east, while horses from those States were often brought to Iowa in the same way.

The most notorious of these gangs were the Brodys in Benton and Linn counties, and the “Bellevue gang” with headquarters in Jackson County. The leader of the gang at Bellevue was W. W. Brown, a tavern keeper of “intelligence and engaging manners”. His confederates operated “through portions of Wisconsin, northern Illinois

and extending down the Mississippi River into Missouri. The large body of timber in Jackson County, known as the 'Big Woods', made an almost secure place for secreting stolen property. There were stations extending through Jones, Cedar, Johnson, Mahaska, Scott, Louisa and Lee counties Among the desperadoes who belonged to the gang were William Fox, Aaron and John Long, Richard Baxter, Granville Young and Mr. Birch, all of whom were afterward concerned in the robbery and murder of Colonel George Davenport."

With such well organized gangs operating in the State the owner of a stolen horse could seldom afford time or money to recover his property. If he were sufficiently determined and correspondingly lucky to trace the thieves he could not always prove his claim to the horse, or even identify it, for clever thieves often had the horse "remodeled". For instance, Garrett Thompson and his accomplices of Monroe County concealed the identity of dark-colored animals by burning the foreheads with nitric acid, thus producing white spots which made a star-face or bald-face out of an otherwise solid brown or black. If the owner did find, identify, and prove his claim to the horse he was not always sure of the coöperation of the local officials and the trouble of getting a horse thief extradited made the problem of recovering his property almost an impossibility for the individual owner.

But what the early settlers could not do individ-

ually they could do collectively. Consequently in many localities they took the law, the practical administration of it at least, into their own hands. Many times when some extraordinary outrage would fire their sense of justice they would gather as a mob and hunt, seize, and punish their victim, and then disband never to meet again. In that manner the notorious "Comequick" (J. W. Thomas) of Polk County was hanged in 1857 when it was discovered that he had murdered a young man and his wife and stolen the money which they had brought to Iowa to buy a farm. Such action was moblike but effective and had the sanction of the entire community. Usually, however, the settlers took time to create a more permanent form of extra-legal organization with a constitution, by-laws, and rather orderly course of action.

The names of these organizations varied in different communities. Often they were called some form of protective association, as the Iowa Protection Company of Benton County or the Mutual Protective Association of Linn County. Again there was the Anti-Horse Thief Association, while many localities achieved a certain community pride with distinctive names, such as the Wapsie Rangers. However, the name most generally applied to all was the Regulators or the Vigilance Committee — embodying "the sentiment of watchfulness with those of circumspection, care, and protection."

These vigilance committees existed in practically

all sections of the State during the forties and fifties but were most active in the eastern part, centering around the Des Moines, Cedar, and Iowa rivers. The dense timber land, with its excellent hiding places, was an ideal rendezvous for an uncommon number of thieves, and as this part of the State was settled before the young government was strong enough to give much protection the settlers had to rely upon themselves. The headquarters of the main body of vigilantes of this section, which drew members from the counties of Jackson, Jones, Clinton, Scott, Cedar, and Johnson, was at Big Rock in Scott County.

Although it is said that "not less than seven hundred citizens" were members of the above organization the ordinary vigilance committee had only from fifty to one hundred members, depending upon the size of the community. The prerequisites for membership were few but strict. The candidates at Emeline in Jackson County had to be of age and to swear on oath "that they had not at any time previous, been in any way connected with counterfeiting gangs, thieving, or any other unlawful pursuits." The penalty for perjury was death "and all spies" shared "the same fate". The members were commonly the most influential citizens in a community and were, as a local historian records, usually "church members". Farmers made up the predominant part of all committees, for they were the ones most sinned against in horse stealing.

The organization of a vigilance committee as provided for in the constitution of the Iowa Protection Company (the only constitution of a vigilance committee known to be in existence) consisted "of a President, Secretary and Treasurer, to be chosen *viva voce* at any stated meeting, and to hold their offices during good behavior." These officers had the usual powers pertaining to such positions, and in addition the president acted as "judge" when an offender was being tried and had power to convene the committee at any time. It is interesting to note that the first president of the Iowa Protection Company, John S. Forsyth, was later one of the most prominent judges of Benton County, and that the president of the committee at Emeline was an eminent minister, the Reverend Eldad Cooly.

The regular meetings of any well organized vigilance committee were provided for in the constitution. The constitution of the Iowa Protection Company stated that the regular meetings "shall be the Saturday before the full of the moon, at such place as may be designated." The meetings were secret and any member "on revealing its proceedings in any respect" was excluded from the benefits of the committee. At the regular meetings usually only routine business was transacted, such as hearing committee reports. When one of the sub-committees, or any individual member, had something of vital importance to report to the vigilantes a special meeting was called and there it was that the

main and more exciting business of the vigilance committee was conducted.

The most important work for which the vigilance committees were organized was to catch, or to aid the civil officers in catching, violators of the law, especially horse thieves, and with their thorough-going organization they were very efficient in their detective services. Occasionally a thief would be caught red-handed in the overt act. At other times he would be tracked and apprehended by a band of vigilantes who were willing to stake their cunning against desperadoes. The suspicions of the regulators were usually aroused by seeing a stranger with a neighbor's team, or by seeing a neighbor with a strange team. Invariably either was questioned, and if a satisfactory answer could not be given the accused was immediately taken into custody by the committee.

Other means of detection were employed, many of them unique. Once a retired sea captain, R. A. Lyons of Clinton County, while sweeping the wild prairies with his marine telescope, detected some thieves endeavoring to lasso a valuable horse he had brought from Mexico. The vigilance committee acted upon his information and aided in bringing the would-be thieves to justice.

But after the vigilantes caught an offender they were not always sure that he would be punished. The officers of the law were often "friendly with or afraid of the criminals and many judges were weak

and easily intimidated." The thieves "employed the best lawyers because they had the most money with which to pay them." Refuge was sought in legal technicalities and "changes of venue were easily obtained. Witnesses against criminals found it convenient to be away or not to tell the whole truth."

Such conditions as these resulted in long delays and frequent acquittals. Consequently the vigilance committees, thoroughly disgusted with the administration of justice, took upon themselves not only the work of catching offenders but also the conviction and punishment of them in "courts" of their own. In the words of the Jackson County Vigilance Committee, they had decided to enforce the criminal laws of the State "to the very letter", but would only be "governed by the penal laws of the State so far as it is convenient." In the fourteen years from 1846 to 1860 some seventy victims in Iowa were punished by the vigilantes.

Various rules of procedure obtained in the courts of the vigilantes. If the prisoner had been caught in the overt act or if he had resisted capture, the case was merely a matter of punishment. This was the fate of such men as Peter Conklin, "who had committed many crimes in Johnson County". A band of regulators "was scouring the country near Yankee Run, in Cedar County, on the 27th of June, 1857, and came upon Conklin in the woods on horseback. He fled, was pursued, overtaken, shot down

and instantly killed. There was little doubt that he was a desperado of a very dangerous character."

But where the evidence was not quite so obvious the prisoner was accorded a trial. The "court" of the vigilantes was usually held at night, although several, such as the one that tried Garrett Thompson of Monroe County, were held in broad daylight and the public was invited to attend. The "bar of justice" was usually a wagon placed under a tree — the tree is significant. The president of the committee mounted the wagon and acted as judge. Twelve jurors were impaneled, the accused often having the right to object to any of them. Sometimes a man would be designated to defend the prisoner, but more often the "judge" both interrogated and defended.

With the preliminaries hastily performed the prisoner was brought before the "court"—judge and jurors standing throughout the trial. Witnesses for the plaintiff were called. No attempt was made to secure witnesses for the defense. Men were afraid they would be implicated should they stand up for an accused horse thief. "After a thorough examination"—usually to secure a confession or enough evidence for further convictions—"the jury retired" and prepared their verdict. It was invariably guilty. The assembly then decided what the penalty would be. Motions were made and acted upon as to whether the prisoner would be banished, tarred and feathered, whipped, or hanged. It was usually the latter. A majority vote, determined by

the yeas passing on one side and the nays on the other, was necessary for action. As stated in the case of Garrett Thompson the motion prevailed that "Garrett Thompson be hanged by the neck until he is dead."

The condemned was then prepared for his execution. He was placed on the wagon. One end of a rope was tied to the limb of the tree under which the court was held, the other end to his neck. Prayer was offered, tobacco "chaws" were discarded, the fated man was asked for further confessions, the wagon was pulled away, and the deed was done.

Seldom was any attempt made to bring participants of these affairs into the courts to account for their action. Civil officers were warned that "they must not commence proceedings" against members of the committees, and the "unjust death" of any member would be avenged. If any action was brought against the vigilantes the witnesses were made drunk or spirited away, or a court room full of armed men usually convinced the jury that no one was guilty. As the vigilantes themselves or their friends often sat on the juries there was seldom any danger of a "miscarriage of justice". Sometimes the family of a victim would sue for damages but the sum awarded, if any, was insignificant. Probably the largest amount ever given was in the case of Charles Brandon of Mahaska County. On September 21, 1868, he was hanged for horse stealing. Thereupon his friends sued for ten thousand dollars

and received eight hundred. It is noteworthy that the defendants were not tried for murder.

Like most institutions the vigilance committees were occasionally manipulated by scoundrels. Men who wished revenge joined in order to destroy their enemies. In this way innocent men were punished. An example of this is the case of Alonzo Page who is said to have been an honest and "intelligent young man who lived on a farm near the eastern line of Cedar County, southeast of the present town of Lowden." He had incurred the hatred of a man named Corry who joined the regulators and spread the report that Page had connections with a gang of horse thieves. Believing the report, a body of regulators rode up to his cabin in June, 1857, and warned him to get out of the country. Conscious of his own innocence he refused to obey them. Sometime afterward, Page heard the tramp of horses one night. He looked out of the window and saw that his cabin was surrounded. The regulators knocked at the door, but he refused to open it. In vain he declared his innocence and told them that his wife was very sick. They broke down the barricaded door, shot him, and rode away, leaving the sick wife with her dying husband. Upon the testimony of participants in the raid, "Corry was the man who did the shooting."

Such misguided action aided in bringing the day of the vigilance committees to a close. Men like Canada McCullough of Cedar County openly de-

nounced their actions and supported his denunciations with a house full of loaded rifles. Intimidations failed to shake him and men like him, and the vigilance committees somewhat reluctantly gave up their powers to the rapidly developing State government. Apace with the development of the State the majority of the desperadoes moved farther west to new fields of endeavor so that there was little for either vigilantes or civil officers to do. Although a few vigilance committees still survived in western Iowa as late as the seventies, they were for the most part of a social or reminiscent nature.

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