

The Boyd Wilkinson Case

“On Tuesday evening, May the 11th, [1858] the whole community was shocked by the news that Boyd Wilkinson had been lynched, two or three miles from Iowa City, and was drowned in the Iowa River, and that a posse of Citizens, from the usual orderly and law-abiding County of Johnson, were the guilty participants in the terrible tragedy.” In these words the *Iowa Weekly Republican* heralded the notorious Boyd Wilkinson case, which was one of the most sensational events in the whole history of Johnson County.

In order to understand this affair it is necessary to turn back the pages of time to the spring of 1850, when Philip Clark, who had been the first white settler in Johnson County, contracted the “gold fever”. Before his departure for California, he granted to his brother-in-law, F. H. Lee, the power of attorney, with authority to rent, lease, mortgage, or sell his land, amounting to over seven hundred acres. For seven years thereafter no news of Clark was received in Iowa City.

Meanwhile, several transactions had taken place at home that vitally affected the gold seeker. In April, 1855, F. H. Lee sold nearly five hundred acres of the land to his sister, Mrs. Clark, for \$2000. Later he disposed of sixty acres to Patrick Smith

for \$850, and another tract of eighty acres went to M. Z. Lee for \$550. In June, 1856, Mrs. Clark secured a divorce on the ground of desertion, and became what was currently called a "California widow".

One afternoon in the fall of 1857 two travel-worn horsemen rode into Iowa City from the west. Straight to the law office of J. D. Templin and S. H. Fairall they went. News of the arrival of the strangers spread, and the unusual trappings of the horses attracted attention. It was soon learned that the old pioneer, Philip Clark, had returned from California. With him came Joseph Studor who had lived with the Clarks before the gold rush.

In the course of time news of his divorce and the sale of his land had reached Clark in Sacramento. Since he had received no compensation for his land, he determined to return to Iowa and regain possession of his property. He immediately consulted a lawyer — the same one who had obtained his wife's divorce — and took steps to regain his land. Realizing the value of actual possession, in the eyes of the law, he built and proceeded to occupy a cabin on a tract that had been sold by his brother-in-law.

Those interested in obtaining the land were determined to defeat his purpose, so they employed a notorious character by the name of Boyd Wilkinson who, with his family, was settled in a cabin on another part of the farm. The character of this individual is indicated by the fact that he had been

arrested for stealing a roll of carpet from the Park House in Iowa City, but had been released on bail through the efforts of his attorney, William Penn Clarke. It was commonly supposed that Wilkinson's business was to harass the old settler so that he would be willing to vacate the land.

In the rôle of a bully Wilkinson seems to have been eminently successful, for he certainly made life miserable for Philip Clark. His most serious offense was in waylaying his victim on the night of March 27, 1858, and beating him so badly about the head that the services of a physician were required. For this assault Clark had Wilkinson arrested; but again the scoundrel was released through the efforts of Attorney Clarke.

Aroused by such treatment of their old pioneer friend, a group of men held a meeting at the courthouse on April 24, 1858. Henry Felkner was chosen president of the meeting and Samuel H. McCrory secretary. Resolutions were drawn up to the effect that if the law did not protect a citizen, the men at the meeting would. A committee of one hundred was appointed to carry out the spirit of the resolutions — by legal means if possible, or by force if necessary. This committee gave notice to Wilkinson to leave, but he disregarded the warning after consulting his attorney, Mr. Clarke.

Popular resentment rose to a higher pitch when, on the night of May 10, 1858, Philip Clark's barn was burned. Suspicion was at once fastened upon

Wilkinson as the incendiary, and on the next day certain citizens determined to put an end to his activities. Accordingly, more than thirty men gathered at the Mansion House in Iowa City and after indulging in drinks and listening to speeches they proceeded to the Wilkinson abode south of the city. Some of the men were armed, and they took along a hack and at least one wagon.

Having reached their destination, the object of the visit could not be found. Henry Gray, who had been chosen captain of the mob, assured Mrs. Wilkinson that her husband would not be harmed, as their only purpose was to take him back to the city for trial. Thus reassured, Mrs. Wilkinson revealed his hiding place.

After the mob had Wilkinson in their power, an attempt was made to secure from him a confession that he had committed the offenses of which he was suspected. Their efforts failed, but in the course of the ordeal some of the men threatened the prisoner with hanging. The upshot of the matter was that Wilkinson was securely bound with his arms tied behind him and placed in the hack which was driven along the Iowa River toward the timber.

Just what followed is not certainly known. All that can be said is that when the hack passed near the bank of the river, Wilkinson either jumped or was thrown into the stream and drowned. At all events no attempt was made to rescue him, and it was not until ten days later, on May 21, 1858, that

his body was found about four miles below Iowa City. A post-mortem examination was conducted but no marks of external violence were discovered. On the same day a jury, summoned by Coroner Charles C. McGovern, returned a verdict that Wilkinson had come to his death by drowning, "caused by the felonious acts" of about thirty-five persons, of whom twelve were named — F. M. Irish, Henry Gray, Philip Clark, Alfred Curtis, Samuel Shellady, Daniel Marshall, Charles Dow, G. W. Rawson, Charles Brown, James Taylor, John McGuire, and Peter Conboy.

Meanwhile, Irish, Curtis, Dow, Shellady, Brown, Marshall, Rawson, Michael Freeman, and Philip Clark had been arrested. On May 16th they were given a preliminary hearing before the county judge, George W. McCleary, who ordered them to be taken to Davenport for protection and safe keeping. They returned to Iowa City early in June, and on the fifteenth the grand jury presented an indictment in the district court charging the men under arrest and James Taylor, Henry Gray, Patrick McCraith, Peter Conboy, John McGuire, and Dennis Hogan with the murder of Boyd Wilkinson. A week later the men in custody appeared before the court, were admitted to bail varying in amounts from \$500 to \$5000, and released to await trial at a special session of the district court in August.

During the three weeks that the trial continued — from August 9th to September 1st — it monopolized

the thought and conversation of the community. The Iowa City newspapers — the *Iowa Weekly Republican* and *The Weekly State Reporter* — each employed a special reporter and devoted almost their entire issues to accounts of the trial. Such enterprise was unprecedented in Iowa journalism. Never before or since has Iowa City witnessed a murder trial which aroused such wide-spread interest.

Of the fifteen men indicted, three — James Taylor, Henry Gray, and Patrick McCraith — were never taken into custody, and four — F. M. Irish, Samuel Shellady, Alfred Curtis, and Peter Conboy — demanded separate trials. Only five — Philip Clark, Michael Freeman, Daniel Marshall, George W. Rawson, and Charles Dow — were made defendants in the first case. Before the trial had proceeded very far, however, three more who had been indicted — Dennis Hogan, John McGuire, and Charles Brown — appeared in court and were allowed to join the other defendants.

Four days were occupied in impanelling a jury, which was not accomplished until eighty-four names on the list of one hundred and fifty men summoned had been exhausted. The difficulty was to find twelve men who did not have an opinion on the case. On the fifth day the actual trial began. Levi Robinson, the prosecuting attorney, opened the case for the State, and J. D. Templin for the defense. During the trial, which was held before Judge Isaac Cook,

the burden of the prosecution was borne by William Penn Clarke, while Joseph Knox of Rock Island and William Smyth of Linn County, assisted Templin in the defense. Reports of the trial show that Clarke and Knox were the chief attorneys on their respective sides. They frequently clashed, much to the interest and entertainment of the spectators who crowded the court room.

Examination of the forty-six witnesses for the State required twelve days, so it was not until August 25th that witnesses for the defense began to testify. John P. Irish, the fifteen-year-old son of F. M. Irish, proved to be one of the star witnesses in the trial. He had gone with the mob as driver of his father's wagon, and declared that he had seen Wilkinson jump from the hack into the river. His testimony was corroborated by others.

The taking of evidence closed on Saturday afternoon, August 28th. When court was opened on the following Monday, the attorneys agreed to submit the case to the jury without argument. Each side, however, presented written statements of the law to Judge Cook lest he should err in charging the jury. Attorney Clarke, for the State, offered twenty-two points of law, several of which the judge refused to consider. The State sought to show that "malice aforethought" existed on the part of the defendants, that they intended violence, and that, therefore, they were guilty of murder irrespective of whether they had thrown Wilkinson in the river or whether he

had jumped in to escape violence. Their failure to attempt to rescue Wilkinson was sufficient demonstration of malicious intent.

Attorney Knox, for the defense, offered seventeen points of law, all of which were accepted. He contended that the mob had merely intended to bring Wilkinson to justice and to protect the property of Philip Clark. The defendants, he asserted, could not be held guilty unless it was proved beyond doubt that Wilkinson had jumped in the river because he apprehended harm. Judge Cook delivered his charge to the jury on Monday evening, and it was not until Wednesday morning, September 1, 1858, that the verdict of "not guilty" was brought in. Thus the first Wilkinson trial came to an end.

F. M. Irish, Samuel Shellady, Alfred Curtis, and Peter Conboy were still held for trial. The case of Irish came up in the January, 1859, term of the District Court of Johnson County, but he immediately secured a change of venue to Scott County. His trial was held at Davenport the following spring before Judge John F. Dillon and occupied about a week and a half. The prosecution was conducted by William Penn Clarke of Iowa City and District Attorney Henry O'Connor of Muscatine, while Joseph Knox of Rock Island and James Lindley of Davenport appeared for the defense. Irish was declared not guilty on May 14, 1859.

The acquittal of Captain Irish, who had been regarded as a leader in the expedition against Wilkin-

son, was hailed with delight by his many friends in Iowa City. The *Weekly State Reporter*, the Democratic organ in the city, was especially warm in its congratulations and bitter in its denunciations of the prosecution. The verdict, said this paper, "is a result, all the more grateful, from the fact that it has been attained in face of combined influences, envenomed and unscrupulous, such as may find few parallels if any, in the criminal annals of our country."

Samuel Shellady, who elected to stand trial in Johnson County, did not fare so well, for on January 22, 1859, he was found guilty of murder in the second degree and shortly afterward was sentenced to ten years in the penitentiary. An appeal was taken to the Supreme Court which, in a majority decision handed down on June 11, 1859, affirmed the judgment of the lower court. Considerable sympathy had been aroused for Shellady, however, because he was an old man and was generally thought to be the least guilty of the mob. Petitions were sent to the Governor and influence was brought to bear with the result that he had no sooner reached the penitentiary than he was pardoned by Governor Ralph P. Lowe. Upon returning to Iowa City on June 25th, he was given a reception at the Mansion House, speeches were made, and congratulatory resolutions were published in the newspapers.

Meanwhile, on May 24, 1859, the charges against Alfred Curtis and Peter Conboy had been dismissed

on the motion of the district attorney, and the court docket was cleared of the last of the Wilkinson cases. After more than a year, marked by fruitless efforts to avenge Wilkinson's untimely death, the excitement over the Wilkinson case was allowed to subside. In due time Philip Clark regained complete and unchallenged possession of his many acres on the east side of the Iowa River where the old town of Napoleon was once located.

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