

Vigilante Justice, 1851

In many areas of the burgeoning West, the absence of established institutions of law and order led the local community to literally take the law into its own hands and dispense justice through Vigilante Committees.

In San Francisco, for example, the news of the discovery of gold to its north depleted its police force while simultaneously triggering an explosion in its population. ([see *The California Gold Rush, 1849*](#)) The resulting increase in crime and violence prompted the establishment of a Vigilante Committee to maintain law and order. The Committee was made up of 600 local volunteers, most of whom were prominent members of the business community. During its first year (1851), the Committee hanged four law breakers, whipped one, deported 20 and released 41 after trial. As a result, violent crime was reduced in the city. The Committee was disbanded within a year after its creation. It was revived five years later and disbanded the same year.

The remoteness of mining camps, often in politically unorganized territories, put them beyond the reach of the law. In this unruly environment, volunteers formed Committees of Vigilance that established basic rules of conduct and assured at least a minimum level of order. The community thus entrusted the Vigilante Committee with the combined responsibilities of judge, jury and executioner.

"They granted him a respite of three hours to prepare for his sudden entrance into eternity."

Mrs. Louise Clappe was the wife of a physician and lived in the mining area known as Indian Bar that bordered the Feather River in Northern California. In the period from 1851 to 1852 she wrote a number of letters to her sister in Massachusetts describing her experience. These letters were originally published in Pioneer Magazine (1854-55) and then as a book in 1922. A copy of this book resides in the Library of Congress.

The author of this account, Louise Clappe, and her husband moved to San Francisco where he set up his medical practice and she became a school teacher. She died in 1906.

In a letter written on December 14, 1851, Louise describes how the mining community established its own form of law and order:

"The facts in this sad case are as follows. Last fall, two men were arrested by their partners on suspicion of having stolen from them eighteen hundred dollars in gold-dust. The evidence was not sufficient to convict them, and they were acquitted. They were tried before a meeting of the miners, as at that time the law did not even pretend to wave its scepter over this place.

The prosecutors still believed them guilty, and fancied that the gold was hidden in a coyote-hole near the camp from which it had been taken. They therefore watched the place narrowly while the suspected men remained on the Bar. They made no discoveries, however, and soon after the trial the acquitted persons left the mountains for Marysville.

A few weeks ago, one of these men returned, and has spent most of the time since his arrival in loafing about the different barrooms upon the river. He is said to have been constantly intoxicated. As soon as the losers of the gold heard of his return, they bethought themselves of the coyote-hole, and placed about its entrance some brushwood and stones in such a manner that no one could go into it without disturbing the arrangement of them. In the mean while the thief settled at Rich Bar, and pretended that he was in search of some gravel-ground for mining purposes.

A few mornings ago he returned to his boarding-place, which he had left some hour earlier, with a spade in his hand, and, as he laid it down, carelessly observed that he had been out prospecting. The losers of the gold went, immediately after breakfast, as they had been in the habit of doing, to see if all was right at the coyote-hole. On this fatal day they saw that the entrance had been disturbed, and going in, they found upon the ground a money-belt which had apparently just been cut open. Armed with this evidence of guilt, they confronted the suspected person and sternly accused him of having the gold in his possession. Singularly enough, he did not attempt a denial, but said that if they would not bring him to a trial (which of course they promised) he would give it up immediately. He then informed them that they would find it beneath the blankets of his bunk, as those queer shelves on which miners sleep, ranged one above another somewhat like the berths of a ship, are generally called. There, sure enough, were six hundred dollars of the missing money, and the unfortunate wretch declared that his partner had taken the remainder to the States.

By this time the exciting news had spread all over the Bar. A meeting of the miners was immediately convened, the unhappy man taken into custody, a jury chosen, and a judge, lawyer, etc., appointed. Whether the men who had just regained a portion of their missing property made any objections to the proceedings which followed, I know not. If they had done so, however, it would have made no difference, as the people had taken the matter entirely out of their hands.

At one o'clock, so rapidly was the trial conducted, the judge charged the jury, and gently insinuated that they could do no less than to bring in with their verdict of guilty a sentence of death! Perhaps you know that when a trial is conducted without the majesty of the law, the jury are (sic) compelled to decide not only upon the guilt of the prisoner, but the mode of his punishment also. After a few minutes' absence, the twelve men, who had consented to burden their souls

with a responsibility so fearful, returned, and the foreman handed to the judge a paper, from which he read the will of the people, as follows: That William Brown, convicted of stealing, etc., should, in one hour from that time, be hung by the neck until he was dead. By the persuasions of some men more mildly disposed, they granted him a respite of three hours to prepare for his sudden entrance into eternity. He employed the time in writing, in his native language (he is a Swede), to some friends in Stockholm. God help them when that fatal post shall arrive, for, no doubt, he also, although a criminal, was fondly garnered in many a loving heart.

He had exhibited, during the trial, the utmost recklessness and nonchalance, had drank many times in the course of the day, and when the rope was placed about his neck, was evidently much intoxicated. All at once, however, he seemed startled into a consciousness of the awful reality of his position, and requested a few moments for prayer.

The execution was conducted by the jury, and was performed by throwing the cord, one end of which was attached to the neck of the prisoner, across the limb of a tree standing outside of the Rich Bar graveyard, when all who felt disposed to engage in so revolting a task lifted the poor wretch from the ground in the most awkward manner possible. The whole affair, indeed, was a piece of cruel butchery, though that was not intentional, but arose from the ignorance of those who made the preparations. In truth, life was only crushed out of him by hauling the writhing body up and down, several times in succession, by the rope, which was wound round a large bough of his green-leaved gallows. Almost everybody was surprised at the severity of the sentence, and many, with their hands on the cord, did not believe even then that it would be carried into effect, but thought that at the last moment the jury would release the prisoner and substitute a milder punishment.

It is said that the crowd generally seemed to feel the solemnity of the occasion, but many of the drunkards, who form a large part of the community on these bars, laughed and shouted as if it were a spectacle got up for their particular amusement. A disgusting specimen of intoxicated humanity, struck with one of those luminous ideas peculiar to his class, staggered up to the victim, who was praying at the moment, and, crowding a dirty rag into his almost unconscious hand, in a voice broken by a drunken hiccough, tearfully implored him to take his "hankercher," and if he were innocent (the man had not denied his guilt since first accused), to drop it as soon as he was drawn up into the air, but if guilty, not to let it fall on any account.

The body of the criminal was allowed to hang for some hours after the execution. It had commenced storming in the earlier part of the evening, and when those whose business it was to inter the remains arrived at the spot, they found them enwrapped in a soft white shroud of feathery snow-flakes, as if pitying nature had tried to hide

from the offended face of Heaven the cruel deed which her mountain-children had committed."

References:

Clappe, Louise Amelia Knapp Smith, *The Shirley Letters from California Mines in 1851-52*, ed. by Thomas C. Russell (1922); Davis, William C. and Joseph Rosa (eds.), *The West* (1994); Grafton, John, *The American West in the Nineteenth Century* (1992).

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