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**“HORSE-STEALING AND MAN-HANGING”: AN EXAMINATION OF  
VIGILANTISM IN THE MISSOURI OZARKS**

A Masters Thesis

Presented to

The Graduate College of  
Missouri State University

In Partial Fulfillment

Of the Requirements for the Degree

Master of Arts, History

By

Connie S. Yen

July 2015

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**“HORSE-STEALING AND MAN-HANGING”: AN EXAMINATION OF  
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History

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Master of Arts

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**ABSTRACT**

The purpose of this thesis is to determine what factors did or did not have an impact on the formation of the Slickers, the Regulators, and the Sons of Honor, three vigilante organizations that formed in the Missouri Ozarks during the nineteenth century. Primary source documents indicate that vigilante organizations formed in Missouri, and throughout the United States, for a variety of reasons. This study disproves the theory that vigilante violence in the Missouri Ozarks was based on any social or political struggle between an old or new order. This study contributes to our understanding of Ozarks history, as well as the history of Missouri and the study of vigilante violence in the United States.

**KEYWORDS:** Missouri, Ozarks, vigilante, Civil War, lynching, Greene County, Regulators, Slicker War, Sons of Honor, popular sovereignty.

This abstract is approved as to form and content

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Brooks Blevins, PhD  
Chairperson, Advisory Committee  
Missouri State University

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## INTRODUCTION

In Ripley County, Missouri, in 1876, a group of “disguised men” kidnapped a local doctor, William Proctor, and took him to a saloon where they publicly whipped him. Proctor, afraid for his life, wrote to Governor Charles Henry Hardin asking for arms and ammunition so that he and Ripley County citizens could protect themselves from the vigilante organization known as the Ku Klux Klan.<sup>1</sup> This group of vigilantes had allegedly murdered a school teacher, whipped several people with hickory switches, including a woman and her young son, and had ordered numerous citizens to leave the county. The vigilantes accused their victims of various crimes, but according to county prosecuting attorney Thomas Mabrey none of them had any pending criminal charges against them. In fact, Mabrey informed Hardin that some of the county’s “best citizens” were being forced to leave.<sup>2</sup> Hardin did not send weapons as Proctor requested, but he did send the adjutant general and later the attorney general to investigate Klan activity in Ripley County.<sup>3</sup>

No record exists of what precipitated the formation of the Ku Klux Klan in Ripley County, nor do we know why the vigilantes allegedly murdered the school teacher, W.L. Williams. The few extant documents tell us that the vigilantes claimed to be working in

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<sup>1</sup> William Proctor to Charles H. Hardin, August 11, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/10515/rec/17> (accessed April 13, 2015).

<sup>2</sup> Thomas Mabrey to Charles H. Hardin, August 13, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9209/rec/6> (accessed April 13, 2015).

<sup>3</sup> Thomas Mabrey to Charles H. Hardin, September 3, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage,  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9230/rec/14> (accessed April 13, 2015).



the interest of law and order, an assertion common to all such organizations. The documents also illustrate the effect of vigilante violence on Ripley County which, according to Proctor, was in a state of “anarchy and confusion;” this was also common in communities that experienced vigilante violence.<sup>4</sup> By the end of 1876, there were still no convictions against any of the vigilantes, and Mabrey was again asking Governor Hardin for help. The men arrested for the schoolteacher’s murder had broken out of jail, and the county could not afford to search for them. Even had the escapees been apprehended, it was unlikely that the case would have gone to trial, according to Mabrey, due to divided public opinion.<sup>5</sup>

Vigilantism was not a trend that was exceptional to the Ozarks. Vigilante organizations in the Ozarks, such as the one in Ripley County, echoed a tradition of extralegal violence in America that began before the Revolutionary war. Historian William C. Culberson calls vigilantism a “great beast,” which affords people “the capability for outraged, uncontrolled, bitter, and bloody violence.”<sup>6</sup> This was often manifested in short-lived, but usually violent, vigilante organizations. Culberson defines vigilantism as “a communal desire and willingness to enforce existing law or to precipitate” such new laws as they deem necessary to restore social order.<sup>7</sup> Similarly, historian Richard Maxwell Brown defines vigilantism as “organized, extralegal

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<sup>4</sup> William Proctor to Charles H. Hardin, August 11, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage, <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/10515/rec/17> (accessed April 13, 2015).

<sup>5</sup> Thomas Mabrey to Charles H. Hardin, November 12, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage, <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9196/rec/13> (accessed April 13, 2015).

<sup>6</sup> William C. Culberson, *Vigilantism: Political History of Private Power in America* (New York: Praeger Publishers, 1990), 2.

<sup>7</sup> *Ibid.*, 6.

movements, the members of which take the law into their own hands.”<sup>8</sup> Cornell University Law School has a straightforward definition of a vigilante as “someone who personally claims to enforce law and order, but lacks legal authority to do so...[and] is often motivated by a desire to avenge a perceived harm or injustice.”<sup>9</sup>

Brown also defines vigilantism as “socially conservative” in nature and describes it as a tool for “preserving the status quo.” He argues that the extralegal activities of vigilante organizations were a defense mechanism against socially-disruptive criminal activities.<sup>10</sup> Historian David Thelen presented a similar thesis when, using the Taney County Bald Knobbers as an example, he wrote that vigilantism was a “clash between the old and new orders” where “traditional hill people” chose vigilantism as a means of preventing change in the aftermath of war.<sup>11</sup> His interpretation, like Brown’s, contends that vigilantism was largely a conservative movement. However, recent historiography reveals that while the Taney County Bald Knobbers claimed to have organized to promote law and order, their primary motives were the establishment of conditions that would enable economic growth and effect political change.<sup>12</sup> Their goal was not to maintain the “old order” or to preserve the status quo. Historian Lynn Morrow came to a similar conclusion, referring to the Bald Knobbers as “progressives” who saw vigilantism as their only recourse to effecting change in Taney County.<sup>13</sup>

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<sup>8</sup> Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 95-96.

<sup>9</sup> Legal Information Institute, *Vigilante*, Cornell University Law School. <https://www.law.cornell.edu/wex/vigilante> (accessed March 17, 2015).

<sup>10</sup> Brown, *Strain of Violence*, vii.

<sup>11</sup> David Thelen, *Paths of Resistance: Tradition and Dignity in Industrializing Missouri* (New York: Oxford University Press, 1986), 86-87.

<sup>12</sup> Matthew J. Hernando, *Faces Like Devils: The Bald Knobber Vigilantes in the Ozarks* (Columbia: University of Missouri Press, 2015), 16.

<sup>13</sup> Lynn Morrow, “Where Did All the Money Go?: War and the Economics of Vigilantism in Southern Missouri,” 34, no. 2, *White River Valley Historical Quarterly* (Fall 1994): 82.

Current historiography not only disputes the view that vigilantism was a battle between conservatives and progressives, but also shows the diverse character of vigilantism, even while acknowledging the similarities. By their very nature, “vigilante movements were diverse, and had diverse motives, [and] sought diverse ends.”<sup>14</sup> Social conservatism occasionally played a role in vigilantism, such as with the Bald Knobbers of Christian and Douglas counties in Missouri that were against the economic and social changes wrought by the advent of the railroad.<sup>15</sup> However, the differing nature of the two Bald Knobber organizations serves to illustrate that there were typically various issues, including in-migration, crime, politics, economics, and personal vendettas that led to the formation of vigilante organizations in the nineteenth-century, and those that formed in the Ozarks were no exception. Certainly, the traditional social conservatism interpretation of vigilantism is not convincing when applied to the Taney County Bald Knobbers or to any of the three vigilante organizations that are the focus of this study. As will be demonstrated in this thesis, vigilantism in the Ozarks had diverse causes, but one of them was not the struggle between the old order and the new.

In his study of vigilante violence, Brown posits the thesis that Americans have a “propensity of violence” which “our history has produced and reinforced,” beginning even before the American Revolution.<sup>16</sup> He believes that the revolution demonstrated to the new American nation that violence could produce the desired results and was not confined only to those who were “criminal and disorderly” but could in fact be “honorable.” In other words, Brown suggests, the Revolution demonstrated to Americans

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<sup>14</sup> Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993), 183.

<sup>15</sup> Hernando, *Faces Like Devils*, 111.

<sup>16</sup> Brown, *Strain of Violence*, vii.

that violence was an acceptable and successful means of solving social problems and effecting change. After the war “popular sovereignty emerged as a powerful rationale for extralegal violence against those who were considered enemies of the public good.” It was the development of the “concept of popular sovereignty by the majority” that opened the door to the existence of vigilante organizations of various incarnations, such as regulators and slickers, throughout the country.<sup>17</sup>

Pre-revolutionary South Carolina saw the formation of the original Regulators, a vigilante organization that operated from 1767 through 1769. Brown states that it was the lack of “local courts and sheriffs” that led to the formation of this group. During the two-year span of their extralegal activities, the Regulators were successful in reducing crime and in ending the random violence that plagued parts of the Carolinas since the Cherokee War. However, the Regulators themselves became so violent that another regulator group, called the Moderators, formed to oppose their excesses.<sup>18</sup>

Lynching was a method frequently used by many vigilante organizations and had its origins in late Revolutionary Virginia. This American term for mob violence drew its name from Colonel Charles Lynch of Virginia, the leader of a vigilante organization that presided over extralegal trials and punishments.<sup>19</sup> Lynching is usually defined as punishment administered “without due process of law.” The term did not necessarily refer to hanging until the mid-nineteenth century. Lynch mobs came together briefly to accomplish a specific purpose, while a vigilante organization or committee was typically more organized and permanent.

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<sup>17</sup> Brown, *Strain of Violence*, 56 (first quotation), 39 (second quotation), 56 (third quotation).

<sup>18</sup> *Ibid.*, 73.

<sup>19</sup> *Ibid.*, 59.

Two nineteenth-century examples of mob violence illustrate the suddenness and impermanence of lynch mobs. A mob formed in Barry County in southwest Missouri in 1869 in response to the double murder of a young couple in Flat Creek, Jack Carney and his wife, Cordelia. A group of about 100 citizens arrived at the county jail at around noon in Cassville; they overpowered the sheriff and within a few minutes left George Moore “dangling [in] the air, suspended to a rope.”<sup>20</sup> Local attitudes regarding the incident were summed up in a Springfield, Missouri, newspaper: “The taking of the law out of the hands of those legally authorized to execute it, is always to be regretted, and is a dangerous practice; but in a case like this we can easily excuse the anger and indignation which hurried this impious wretch to a swift and merited vengeance.”<sup>21</sup>

Similarly, when George Graham was charged with the murder of his wife, Sarah, in Springfield in 1886, he was forcibly taken from his jail cell by a “thoroughly organized” group of “regulators.” Graham was later found “suspended to one of the limbs [of a tree] with his feet almost touching the ground.” Attached to the back of Graham’s coat was a note left by the impromptu regulators. It read, in part: “It is a matter of right to the community and justice to humanity that we... ignore the law in this instance. We recognize that our criminal statues are not equal to all occasions, therefore we have resolved to remove from our midst the worst criminal who has ever infested our country before he gets the “benefit of clergy,” that we may hereafter and forever live and be without his presence and vicious influence.”<sup>22</sup> In neither of these mob lynchings were names of the vigilantes ever mentioned publicly, and no criminal charges were filed.

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<sup>20</sup> Emory Melton, “Double Murder and Lynching in White River Valley,” *White River Valley Historical Quarterly* 4, no. 4 (1971): 1, <http://thelibrary.org/lochist/periodicals/wrv/v4/n4/s71b.htm> (accessed March 18, 2015).

<sup>21</sup> *Missouri Patriot*, December 16, 1869.

<sup>22</sup> *Springfield Daily Review*, April 29, 1886.

Both groups formed quickly and existed only briefly to accomplish the purpose of swiftly divesting their respective communities of violent criminals.

A few of the more well-organized and permanent vigilante organizations, such as the one led by Colonel Lynch, held mock trials for their victims, but most did not bother with formalities. Most vigilante organizations practiced “instant vigilantism,” where guilt was predetermined and punishment was immediate. This process was true for permanent vigilante organizations as well as impromptu lynch mobs. Many people were frustrated with the lack of convictions in local courts and distressed by the high costs of the judicial system for taxpayers. It was simply quicker and more inexpensive to practice instant vigilantism than to wait for a possibly sluggish and certainly costly trial when the verdict might be displeasing to community leaders and to crime victims. The local elites who usually made up the majority of vigilante organizations were motivated to keep expenses down since they paid the majority of the taxes. In short, “vigilante justice was cheaper.”<sup>23</sup>

It was the involvement of local elites, such as businessmen, politicians, and occasionally even law enforcement officials, that often enabled vigilante organizations to enjoy popular support. It was the local elites who had the most to lose in terms of status and economics when crime was on the rise. Brown points to the “collusion of public officials” in aiding the extralegal activities of vigilantes and contends that there was a “pattern of involvement of public officials or former public officials” in extralegal activities.<sup>24</sup> His contention that vigilante organizations were usually controlled by local elites often proved true in the Ozarks. The Regulators of 1866 were made up of prominent Springfield and Greene County citizens who proudly and publicly boasted of

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<sup>23</sup> Brown, *Strain of Violence*, 103 (first quotation), 113, 117 (second quotation).

<sup>24</sup> *Ibid.*, viii (first quotation), 94 (second quotation).

their membership in the organization and the criminals they had dispatched. In 1875, the Sons of Honor in Stone County involved leading citizens both for and against the vigilante organization. The membership of prominent citizens is likely why there was seldom any negative stigma attached to being a member of these extralegal organizations.

Many of the well-organized vigilante organizations also had a written constitution and bylaws. This may have enhanced their legitimacy, at least in their own minds, and helped provide justification for their activities. Such groups were rarely diffident about publicly sharing their bylaws and often had them published in local newspapers, possibly as a warning to the criminal element. It also likely gave more credibility to vigilante organizations and enhanced their public standing to provide written proof that they had organized for the public good.

However, despite their publicly-stated purpose of combating crime, vigilante organizations often deviated from their initial intention and, rather than maintaining law and order, descended into violence. This was particularly true of the Slickers of Benton and Polk Counties in Missouri in the early 1840s. Their initial stated purpose was to combat the very real problems of horse theft and counterfeiting. Both crimes, according to Brown, were apparently quite common prior to the Civil War, “especially in frontier areas.”<sup>25</sup> However, the Slicker War ultimately descended into what was largely a series of revenge killings between two local factions. Rather than establishing law and order, the Slickers ultimately caused more crime than they prevented. This was a common theme for many vigilante organizations, whose involvement in extralegal activities frequently led to more rather than less violence and an increase in social instability. Even

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<sup>25</sup>Brown, *Strain of Violence*, 16.

Brown admits that not all vigilante organizations aided in the establishment of social stability but rather caused “increasing disorder and anarchy” within their communities.<sup>26</sup>

Similarly, in Stone County, Missouri, in 1875, the brief presence of the Sons of Honor was so disruptive that local public officials wrote to Governor Hardin asking for help. In Benton County in 1842, as trials were underway against those involved in the Slicker War violence, the state militia was called to Warsaw to prevent further violence.<sup>27</sup> In both of these instances, vigilante behavior was so socially disruptive that outside help was required. Also in both of these cases, local law enforcement was present and functioning, but largely ineffective. Historian Christian G. Fritz observes that vigilantism “denies the validity of the existing legal system.”<sup>28</sup> Likely it was not a denial of the system’s validity or authority but was instead a response to its perceived ineffectiveness. Though a legal system was firmly established in each locale, the available law enforcement often proved to be inefficient and ineffective due to lack of funds, lack of training, or to lack of manpower. In other instances, law enforcement officials were simply unwilling to pursue the vigilantes or to file charges against them. Some vigilante organizations, such as the Regulators of Greene County, enjoyed public support, even from law enforcement, to the extent that no charges were pursued, even in the face of vigilante murder.

Brown contends that it was the lack of effective law enforcement in frontier America that led to the utilization of lynch law.<sup>29</sup> It is a common perception that

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<sup>26</sup> Brown, *Strain of Violence*, 23.

<sup>27</sup> James H. Lay, *A Sketch of the History of Benton County* (Hannibal, MO: The Winchell and Ebert Printing and Lithographic Company, 1876), 58.

<sup>28</sup> Christian G. Fritz, “Popular Sovereignty, Vigilantism, and the Constitutional Right of Revolution,” 63, no. 1, *Pacific Historical Review* (February 1994): 39.

<sup>29</sup> Brown, *Strain of Violence*, 22.



American frontiers were lawless and violence-prone. Historian Waddy W. Moore states that after moving west, “the physical wilderness and savagery of the frontier setting ...took its toll on civilized man.”<sup>30</sup> He also suggests that it was often “difficult to detect, arrest, hold and convict wrongdoers.” Though technically none of the vigilante activity examined here took place during a frontier period (with frontier defined as an area with less than two persons per square mile), Benton County and the county seat of Warsaw were relatively nascent communities and were still in the process of being settled.<sup>31</sup> Continued in-migration likely gave the area what Pfeifer calls an “unstable social order,” making conditions favorable for the formation of a vigilante organization.<sup>32</sup>

By and large, however, law and order came with the immigrants to the Ozarks. The region was never without law enforcement officials and an established court system; the issue was one of the ineffectiveness and inefficiency of the legal system, or the perception thereof. Greene County was hardly a frontier area at the time of the Regulators; the county organized in 1833 and held its first circuit court session that year. By 1834 the new county had built its first jail. Likewise, Stone County was established in 1851 and had also passed the frontier stage of development by the advent of the Sons of Honor. However, early law enforcement was usually located at the county seat; not every town had a constable, sheriff, or police force. Both counties had a court system and sheriffs, but larger territory and rugged terrain may have made consistent law enforcement problematic and may have led to an ineffective judicial system.<sup>33</sup>

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<sup>30</sup> Waddy W. Moore, “Some Aspects of Crime and Punishment on the Arkansas Frontier,” *Arkansas Historical Quarterly* 23 (Spring 1964): 60.

<sup>31</sup> John Whitehead, “How Have American Historians Viewed the Frontier?,” Meeting of Frontiers, Library of Congress, <http://www.loc.gov/rr/european/mofc/whitehead.html> (accessed April 14, 2015).

<sup>32</sup> Michael Pfeifer, *The Roots of Rough Justice: Origins of American Lynching* (Chicago: University of Illinois Press, 2011), 15.

<sup>33</sup> Brown, *Strain of Violence*, 112.

After the Revolutionary War, the Civil War was the most violent period in American history. Violence in the Ozarks was exacerbated by its position on the border between the United States and the Confederacy, with jayhawkers and bushwhackers fighting for territorial and political control and with any number of guerrillas and civilians carrying out personal vendettas and revenge attacks. This extreme postwar violence led to the formation of several vigilante organizations in the Ozarks, including the Sons of Honor in Stone County and, most famously, the Bald Knobbers from 1885-1889. The Greene County Regulators also formed during the post-Civil War conflict in the Ozarks, where animosity toward Confederate sympathizers, especially among Radical Republicans, was still high when the Regulators organized in 1866.

Kimberly Harper, in *White Man's Heaven*, describes the nineteenth-century Ozarks as “tumultuous and violence-prone,” with a “history of vigilantism and a culture of violence” that was due to the southern roots of its citizens.<sup>34</sup> She calls the Ozarks a “place where crime...was not tolerated and [was] dealt [with] harshly with little regard for the legal system.”<sup>35</sup>

Harper is not alone in her assessment of violence in the Ozarks. According to Thomas M. Spencer, the Civil War created a “culture of violence” in Taney County. He does not believe that the violence was necessarily a matter of southern and northern rivalry, but a remnant of a habit of violence precipitated by the war in what had once been a relatively peaceful area.<sup>36</sup> Morrow describes the “widespread civil unrest” that

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<sup>34</sup> Kimberly Harper, *White Man's Heaven: The Lynching and Expulsion of Blacks in the Southern Ozarks* (Fayetteville: University of Arkansas Press, 2010), xxi.

<sup>35</sup> *Ibid.* xxii.

<sup>36</sup> Thomas M. Spencer, ed., *The Other Missouri History: Populist, Prostitutes, and Regular Folk* (Columbia: University of Missouri Press, 2004), 34-35.

was the legacy of the Civil War in the Ozarks and which frequently led to violence.<sup>37</sup> As historian Matthew Hernando pointed out, “war spawned a surge in criminal activity, as well as an increased cultural acceptance of vigilantism and violence as a means of solving problems and deterring crime.”<sup>38</sup>

The Ku Klux Klan in Ripley County was only one of several vigilante organizations in the Ozarks to use fear, intimidation, and violence in pursuit of extralegal ‘justice’ in the nineteenth-century. The KKK, the Bald Knobbers, and other less documented vigilante organization shared similarities, including a purported desire for law and order and a mixture of public opinions in regards to their activities. Additionally, vigilantes were seldom convicted for crimes associated with vigilantism, despite the fact that murders were committed. If ineffective law enforcement precipitated the formation of vigilante organizations, it also often thwarted legal efforts to prevent vigilante activity.

Chapter one will examine one of the earliest examples of organized vigilantism in the Ozarks, the Slickers. Beginning with the precipitating events in early 1840 through the denouement of the “war” in 1845, this thesis will show how the Slicker War was not caused by a struggle between an old order and a new order. Instead it was caused, at least in part, by in-migration and the subsequent lack of social unity. Further, the problems of horse theft and counterfeiting exacerbated already strained community relationships. As we saw with the South Carolina Regulators and Moderators, occasionally vigilante organizations became so offensive that their extralegal activities spawned the creation of an opposing faction. Such was the case with the Slickers in Benton and Polk counties,

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<sup>37</sup> Lynn Morrow, “George Caleb Bingham’s Ride Into the Ozarks: Confronting the Sons of Honor,” *White River Valley Historical Quarterly* 36, no. 1 (1996): 3.

<sup>38</sup> Hernando, *Faces Like Devils*, 15.

whose opponents fought, for the most part, through extensive court cases rather than through violence.

Chapter two will discuss the Regulators of Greene County, a vigilante organization that formed following the Civil War. Springfield and Greene County, like much of Missouri, was border territory during the Civil War. The post-war years left a legacy of violence and crime throughout the Ozarks. Horse theft and robbery were common during the Civil War years in the Ozarks, and the problem persisted into the postwar years. Just as the Slicker War could claim its origins, at least nominally, due to an increase in horse theft, so too could the Regulators. For the Regulators, it was a matter of post-war crime, not a conflict based on an older or new order.

Chapter three will examine the Stone County Sons of Honor, another vigilante organization whose formation was caused by the upheaval of post-Civil War society. That the Sons of Honor have been largely overlooked by scholars is likely due to the scarcity of information relating to the brief activity of this organization. Few documents remain that tell the story of the Sons of Honor, but this thesis will nonetheless show that their brief reign in Stone was not based on conflict between old or new orders, but was based chiefly on postwar social instability and political squabbles.

The Ozarks in general has received comparatively little scholarly attention, and the history of vigilantism in the Ozarks is no exception. The Bald Knobbers, however, have been covered extensively, particularly in the recent monograph by historian Matthew J. Hernando. Due to his careful scrutiny of both Bald Knobber factions, this thesis does not focus on this most famous Ozarks vigilante organization. This thesis will, instead, focus on the so-called Slicker War, the Regulators of Greene County, and Stone

County's Sons of Honor, vigilante stories that remain understudied. As we will see, the formation of each of the vigilante organizations examined in this study share commonalities, but each one also has distinctive designs based on local politics and sociocultural matters. It is the differences that illustrate the "multifaceted nature of vigilantism."<sup>39</sup> Despite the different nature of each of these vigilante organizations, one commonality is that none of these groups were organized due to what Thelen called "traditional people" or "primitive rebels" struggling against progress or a new order.<sup>40</sup>

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<sup>39</sup> Hernando, *Faces Like Devils*, 17.

<sup>40</sup> Thelen, *Paths of Resistance*, 4 (first quotation), 65 (second quotation).

## “A DEADLY FEUD”: THE SLICKER WAR

On the night of January 28, 1842, a group of men led by Thomas J. Turk left Quincy, Missouri, and headed northeast in Benton County. The men were part of a recently-formed vigilante organization and were looking for Andrew Jones and Thomas Meadows, both accused of horse theft. The Joneses were well known locally for enjoying horse racing and gambling. Jones could not be located, but Meadows was found at his home that evening. He was “tied to a tree and brutally slicked” (whipped with hickory branches that have had the bark removed), the first victim of the “Slicker war.”<sup>41</sup>

The Slickers were the earliest known vigilante organization to form in the Ozarks, with the first one organized in 1836. Also known as “Captain Slick’s Company,” vigilante organizations called Slickers were first known in Alabama and northern Mississippi in the 1830s and were imitations of the South Carolina Regulators.<sup>42</sup> Slickers were also active in northern Georgia in the 1830s.

Historian Michael Pfeifer contends that slicker violence was often instigated by “significant in-migration” which led to the formation of nascent communities and subsequent conflicts for “social leadership.”<sup>43</sup> Similarly, historian Randolph Roth states that the cause of violence on the frontier was “political instability and the absence of unity among settlers.”<sup>44</sup> Benton County was established in January 1835 and was formed from portions of Pettis and Greene counties. Typical of much of the Ozarks, the early

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<sup>41</sup> Clarke Thomas and Jack Glendenning, *The Slicker War* (Aldrich, Missouri: Bona Publishing Company, 1984), 26.

<sup>42</sup> Michael Pfeifer, *The Roots of Rough Justice: Origins of American Lynching* (Chicago: University of Illinois Press, 2011), 15-16; Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 304 and 312.

<sup>43</sup> Pfeifer, *The Roots of Rough Justice*, 16.

<sup>44</sup> Randolph Roth, *American Homicide* (Cambridge: Harvard University Press, 2009), 37.

settlers of the county were from Kentucky, Tennessee, Virginia, and the Carolinas, with many of them arriving in the early 1830s. Early circuit court was held at a home near Bledsoe's ferry, on the Osage River, until the town of Warsaw was chosen as the county seat in 1838.<sup>45</sup> Due to its advantageous location on the Osage River, Benton County was not geographically isolated, even in the early days of settlement. Indeed, Warsaw became a destination for both merchants and settlers, with the first steamboat arriving in 1837. Numerous ferries took citizens and cargo across the Osage and the Pomme de Terre rivers. Quincy, the vantage point of the early Slicker War mayhem, was first settled in 1833 and was originally known as Judy's Gap.<sup>46</sup> Immigration was a constant in Missouri since before statehood, and the 1830s and 1840s saw a significant influx of new settlers into the Ozarks. According to geographer Russel L. Gerlach, much of the western Ozarks was settled "from 1830 to 1860." However, segments of the western Ozarks could boast settlers as early as 1819.<sup>47</sup> Though most of the immigrants to the Ozarks came from similar upland south backgrounds, there nonetheless seems to have been a marked lack of unity among the settlers living in the community around Warsaw. Additionally, land was still plentiful in western Missouri, but there still appears to have been a period of competition for land and prestige in the new and transforming settlements of Benton County. It is likely that at least a portion of the Slicker war violence, at least initially, can be attributed to in-migration and the inability of law enforcement officials to adequately police the county. There is no indication that Slicker violence was instigated by conflict between an old or new order.

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<sup>45</sup> R. A. Campbell, ed., *Campbell's Gazetteer of Missouri* (St. Louis: R. A. Campbell, 1875), 59.

<sup>46</sup> F. Marion Wilson, *Wilson's History of Hickory County* (Hermitage, MO: Wilson Brothers, 1909), 68.

<sup>47</sup> Russel L. Gerlach, *Immigrants in the Ozarks: A Study in Ethnic Geography* (Columbia: University of Missouri Press, 1976), 25.

The Slicker war in the Ozarks took place during what historian Richard Maxwell Brown calls the “second wave” of vigilantism in the United States, which was in the 1840s.<sup>48</sup> The majority of those involved in the Slicker War were farmers who lived away from the nearest town and county seat, which was Warsaw. As will be demonstrated in the narrative of the Slicker War, these conflicts sometimes resulted in “nocturnal informal violence,” as well as excessive “civil and criminal court proceedings.”<sup>49</sup> The war involved established settlers and recent immigrants, respectable citizens and the disreputable, and was typified by conflict, violence, and numerous trials that nearly bankrupted one Missouri county and led to near anarchy in two.

The first record of Slickers in the Ozarks occurred in 1836 in Camden County, Missouri.<sup>50</sup> A band of horse thieves and counterfeiters had an operation near the Bank Branch of the Niangua River. The band was reputed to have produced large quantities of counterfeit bills which were circulated throughout the surrounding counties. A group of Slickers killed some of the counterfeiters but apparently “carried their warfare to extremes,” leading to the formation of a group of Anti-Slickers and a local factional war.<sup>51</sup> A similar outbreak of internecine violence would occur a few years later in Benton and Polk Counties, Missouri, where the more well-known Slicker War officially began in 1842. The origins of that war can be traced, at least in part, to the problem of horse theft, as well as to counterfeit banknotes that may have originated with the Camden County band of counterfeiters.

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<sup>48</sup> Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 100.

<sup>49</sup> Pfeifer, *The Roots of Rough Justice*, 16.

<sup>50</sup> In 1836, the future Camden County was still part of Benton and Pulaski Counties.

<sup>51</sup> *History of Laclède, Camden, Dallas, Webster, Wright, Texas, Pulaski, Phelps, and Dent Counties, Missouri* (Chicago: Goodspeed, 1889), 326-327.



Tom Turk was the founder and leader of the Slickers, and was one of four sons of Hiram Kerr Turk who arrived in Benton County with his family in 1839. Hiram Turk had been a prosperous businessman and land owner in Tennessee prior to his move to Missouri. In 1830, Hiram and his family lived in Monroe County, Tennessee, and owned six slaves.<sup>52</sup> Hiram was appointed postmaster of Mt. Vernon in Monroe County in 1834.<sup>53</sup> Also in 1834, a merchant filed a lawsuit against Hiram for the recovery of several thousand dollars worth of goods he had bought and not paid for. Hiram consistently refused to pay, and in 1839, he left his land and most of his possessions behind and moved to Missouri in order to avoid further civil or criminal action.<sup>54</sup> Hiram, close to fifty years old at the time, brought his wife and four sons with him to Benton County.<sup>55</sup> They settled near the town of Quincy and opened a store and tavern. Hiram's sons, James and Tom, were between the ages of twenty and twenty-five. The two younger boys, Nathan and Robert, were between fifteen and twenty years old. It was not uncommon for immigrants from the eastern United States to move west to escape legal or financial difficulties. It appears that Hiram Turk was one such immigrant.

Hiram Turk and his sons were described as well-dressed, intelligent, and usually courteous. However, they were not in the Ozarks long before gaining a reputation for being “quarrelsome, violent, and overbearing men.”<sup>56</sup> Shortly after arriving in the

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<sup>52</sup> 1830 U.S. Census, Monroe County, Tennessee, Regiment 98, p. 141 (penned), line 3, Hiram K. Turk; NARA microfilm publication M19, roll 175.

<sup>53</sup> Record of Appointment of Postmasters, 1832-1971, Mount Vernon, Monroe County, Tennessee, NARA M841, Record Group 28.

<sup>54</sup> Thomas and Glendenning, *The Slicker War*, 3.

<sup>55</sup> Hiram Turk's date of birth has not been confirmed. Various sources place his year of birth anywhere from 1785-1800. Taking the middle ground at 1790 would have him 49 years old when he arrived in Missouri.

<sup>56</sup> James H. Lay, *A Sketch of the History of Benton County* (Hannibal, MO: The Winchell and Ebert Printing and Lithographic Company, 1876), 46.

Ozarks, James Turk was arrested and charged with gambling.<sup>57</sup> The following year he assaulted John Graham, another early settler in the area, and then resisted arrest.<sup>58</sup> By the advent of the Slicker War, James Turk had already established his reputation for violence. Turk epitomized what Roth describes as “aggressive young men who were accustomed to violence and knew no other way to command respect” in newly settled regions.<sup>59</sup> Turk was a recent immigrant to Benton County; Graham, on the other hand, was also an immigrant but had been in the county for several years prior to the arrival of the Turk clan. Graham was already established in the community and was apparently well-respected. Turk, however, was attempting to gain respect based on his criminal and violence-prone behavior.

Though the Camden county counterfeiters had been dispersed in 1836, counterfeiting continued to be a problem in the Ozarks, particularly after the Panic of 1837. With every bank having the right to produce banknotes, counterfeiting was easy and profitable.<sup>60</sup> Historian Stephen Mihm calls the first half of the nineteenth century the “golden age of counterfeiting.” With thousands of varieties of paper currency in circulation and few people that could determine if their bank notes were real or counterfeit, the production of counterfeit money became a worthwhile pursuit for criminals, particularly in frontier or remote locales.<sup>61</sup> The precipitating, though seemingly minor, event in the Slicker War was a dispute over a potentially counterfeit twenty-dollar bank note.

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<sup>57</sup> *State of Missouri v. James Turk and Jacob Young*, Polk County (Mo.) Circuit Court, Folder 26, Box 1, Polk County Genealogical Society, Bolivar, Mo.

<sup>58</sup> Lay, *History of Benton County*, 46.

<sup>59</sup> Roth, *American Homicide*, 45.

<sup>60</sup> 1837: The Hard Times, Harvard Business School Historical Collections, <http://www.library.hbs.edu/hc/crises/1837.html> (accessed February 9, 2014).

<sup>61</sup> Stephen Minh, “A Nation of Counterfeiters,” no. 90, *Financial History* (Spring 2008): 20.

John Graham had settled in Benton County at least by 1833 and by 1838 was elected county assessor.<sup>62</sup> In November 1839, Graham and a friend placed a bet on a horse race. The stake was a twenty-dollar banknote that Graham allegedly admitted was counterfeit. Hiram Turk may have been at the race that day; he later testified that Graham told him that it did not matter that the note was counterfeit because he was going to win the bet, which he did. Graham's admission that the note was counterfeit is questionable; in January 1840, Graham allegedly gave the same twenty-dollar banknote to Hiram Turk as payment for a debt. For reasons known only to Hiram Turk, he waited until late February to file a complaint against Graham who was subsequently arrested for forgery.<sup>63</sup>

A dispute between Turk's son, James, and John Graham on February 14, 1840, may have been what led to Hiram's subsequent complaint against Graham. That day, Graham and James Turk met by chance while travelling on a road near Judy's Gap. Turk dismounted his horse, then picked up a club and approached Graham. Graham later testified that while he was still on his horse, Turk came at him with a bowie knife. Graham jumped from his horse and ran, finally placing enough distance between them to stop and draw his pistol on James. He threatened to kill James if he did not stop the attack. James continued to advance and Graham fired at him, but his pistol misfired. Graham turned to run again, but James followed him and hit him with a club. The arrival of Andy Ripetoe likely saved the life of John Graham. Ripetoe held James back, allowing Graham to escape. Rather than mount his horse and leave the scene for good, Graham went to the Ripetoes' nearby home and obtained another gun. Upon his return, Graham later testified, James Turk threatened to return with his father and brother and kill

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<sup>62</sup> Thomas and Glendenning, *The Slicker War*, 6.

<sup>63</sup> *State of Missouri v. John Graham*, Benton County, (Mo.) Circuit Court, Folder 4418, Case File 107, Benton County Courthouse, Warsaw, Mo.

Graham. Both men finally retreated, but the truce was only temporary.<sup>64</sup> There is no record as to the cause of this affray, though it was possibly James's revenge against Graham for giving a counterfeit note to his father, Hiram.

After spending the night at the Ripetoe home, an unnerved Graham wrote a note to justice of the peace James M. Wisdom, informing him that he had been assaulted by James Turk and was in need of legal assistance.<sup>65</sup> James Turk was arrested on February 19, 1840, but, inexplicably, the sheriff failed to disarm him. The hearing was to be held at Graham's home, which both James Turk and Graham refused to enter, James Turk likely out of belligerence and Graham because he realized that Turk was still armed. Justice of the peace Wisdom attempted to disarm him, but Hiram Turk shoved him away while his other son, Thomas, held the sheriff and his posse at gunpoint. The Turks then went home but surrendered the next day to Sheriff James W. Smith. Though this early conflict was between an established Benton County resident and a newcomer, the Turks would soon change the dynamic of the conflict by drawing additional old and new settlers into their circle of enemies.

The outcome of the Turk-Graham affray was that Hiram and Tom were charged with aiding in the escape of a prisoner, while James was charged with assault.<sup>66</sup> Hiram accused Wisdom of "malicious prosecution"; in response, Wisdom held Hiram in contempt of court and fined him twenty dollars. Hiram quickly filed a "writ of prohibition," which voided the contempt of court charge and meant that he never had to pay the fine. Wisdom also placed the Turks under a "\$600 peace bond," which the circuit court later cancelled. James was never prosecuted for the assault charge, nor was Thomas

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<sup>64</sup>Lay, *History of Benton County*, 47.

<sup>65</sup>Ibid., 46.

<sup>66</sup>Benton County Circuit Court, File Book A, p. 189 and p. 190, Benton County Courthouse, Warsaw, Mo.

for helping him escape. Hiram was found not guilty on the escape charge. In April 1840, Graham was indicted for forgery, though was later found not guilty.<sup>67</sup>

Thus far, throughout the series of mostly unresolved court cases, the charges against the Turks never resulted in a trial. What became of the twenty-dollar banknote that precipitated these events and its questionable provenance is not known, but that disputed piece of paper served as the catalyst for the Slicker War. The Turks established their reputation for violence and demonstrated a decided lack of respect for the authority of law. They had no qualms about evading a legal warrant or about assaulting legal officials. In spite of their contempt for law and order, the system seemed to work in their favor, at least initially. The failure of the legal system to convict Hiram and James Turk proved to them that their pattern of violent behavior was successful and that law enforcement was inefficient.

The Turks did not limit their belligerent behavior to established local citizens. Just a couple of months after the incident with Graham, Hiram inexplicably attacked another newcomer to the area, Archibald Cock. The forty-year-old Cock and his family were from Virginia and had settled in Benton County around the same time as the Turks, but there the similarities ended. Hiram Turk had once been relatively affluent when he lived in Tennessee, but when he came to Missouri he left much of his wealth, mostly in land, behind. He had enough capital to open a store and tavern, but he was much less prosperous than the most recent immigrant, Archibald Cock. Cock came to Missouri with ten children and owned eight slaves.<sup>68</sup> It is not known what caused the dispute between

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<sup>67</sup> *State of Missouri v. John Graham*, Benton County, (Mo.) Circuit Court, Folder 4418, Case File 107; File Book A, p. 232, Benton County Courthouse, Warsaw, Mo.

<sup>68</sup> 1840 U.S. census, Benton County, Missouri, Alexander, p. 61 (front), line 14, Archibald Cox: NARA microfilm publication M704, roll 220.

Hiram and Archibald Cock, but, as was typical with the Turks, the disagreement became violent. In early April 1840, Hiram broke into Cock's home and threatened to kill him. His son Thomas apparently prevented him from following through on the threat.<sup>69</sup> Cock filed a complaint against Turk for trespassing and slander; Turk pled not guilty to the charges and never went to trial for the assault on his neighbor.<sup>70</sup> Again, a member of the Turk family demonstrated a propensity for violence, this time against another recent immigrant, and somehow managed to avoid legal repercussions.

In August the Turks were involved in yet another violent altercation with members of their new community. It was election-day, which was frequently used as an opportunity for residents to gather for visiting and drinking. Voting was held at Turk's tavern; Hiram was on the ballot for justice of the peace. James Turk and Andrew Jones argued about a horse race on which they had bet. The Jones family had been in the area since around 1831; they had moved to Missouri from Tennessee and settled on Breshears prairie, near the Pomme de Terre River. Andrew was a known gambler, a suspected horse thief, and widely considered an all around ne'er do well. The argument about the bet descended into a brawl when James attacked Jones with a rock. Hiram and the remaining Turks jumped in to help him.<sup>71</sup> Friends of Jones, Josiah and James Keaton, also joined the fight. Jones and his friends lost the fight, and Jones filed a complaint against the Turks for assault. Later that month, during the circuit court term, Hiram and James Turk were indicted for felonious assault. At the December court term, Thomas, along with the two younger Turk brothers, Nathan, and Robert, was fined \$100 for rioting. Their fines were later remitted and the charges against Hiram and James Turk were postponed until

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<sup>69</sup> Lay, *History of Benton County*, 50.

<sup>70</sup> Benton County Circuit Court, File Book A, p. 250, Benton County Courthouse, Warsaw, Mo.

<sup>71</sup> Lay, *History of Benton County*, 48.

the April 1841 court term.<sup>72</sup> Ironically, on the day of the fight, Hiram was elected justice of the peace.<sup>73</sup>

Hiram Turk's new position as justice of the peace was his successful attempt to gain a traditional form of respectability within his new community, even as his and his son's behavior continued to be violent and outside the law. Because of their violent behavior toward both established residents and recent immigrants, their list of enemies was mounting: John Graham and Archibald Cock; Andrew Jones and his three brothers; the two Keaton brothers. Factions were already being formed, and the opposing sides would include both recent members of the community and those who had lived in Benton County from its inception and even earlier.

Abraham Nowell had the misfortune to witness the election-day brawl at Turk's store. Nowell was born in Virginia in 1801 and had settled in Pike County, Missouri, by the early 1820s. By 1840, he lived in Benton County with his wife and eight children. Land records indicate that Nowell had likely been a resident of Benton County for only a year or two longer than the Turks. He was married in Pike County, Missouri in 1823, and bought land in that county as late as 1835.<sup>74</sup> He had been in Benton County long enough to become a prosperous, respectable member of the community and had no incidents of conflict with his neighbors. It is possible that Nowell was already on bad terms with the Turks because he served on the grand jury that indicted James Turk for assaulting John Graham earlier that year.<sup>75</sup>

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<sup>72</sup> *State of Missouri v. Hiram Turk and James Turk*, Benton County Circuit Court, Folder 5400, Case File 105, Benton County Courthouse, Warsaw, Mo.

<sup>73</sup> Lay, *History of Benton County*, 48.

<sup>74</sup> Missouri Marriages to 1850, Abraham C. Nowell and Gladis White; 17 January 1823, Pike County, Missouri, Ancestry.com; U.S. Bureau of Land Management, General Land Office Records, 1796-1907, 13 October 1835, Pike County, Missouri. (accessed February 9, 2015).

<sup>75</sup> Thomas and Glendenning, *The Slicker War*, 12.

Nowell was on his way to Warsaw, Missouri, on April 3, 1841, to testify against Hiram and Thomas Turk regarding the August 1840 election-day brawl. Julius Sutliff, a neighbor of the Turks, and a man named James Addington accompanied Nowell on his journey. As they were passing near the land owned by Archibald Cock, James Turk ambushed the men by a creek where they had stopped to allow their horses to drink.<sup>76</sup> Sutliff later testified that he saw James Turk and another man ride up and speak to Nowell. Turk reached into his pocket and pulled out his pistol; he then got off his horse and started walking towards Nowell, who told him to stop. Turk continued to advance towards Nowell, who then asked Sutliff to surrender his gun. As Turk continued to advance, Sutliff handed his pistol to Nowell, who pointed it at James and again told him to stop. Sutliff testified that Turk refused to stop and Nowell shot him in the chest, killing him instantly.<sup>77</sup>

In his deposition, Sutliff summarized James Turk's reputation with the statement that his "general character was that of a fighting man." In contrast, Nowell, according to Sutliff, had "the reputation of being a peaceable man" who got along with everyone. Another witness, John Prince, testified that he had heard James Turk tell someone that Nowell would never make it to Warsaw to testify against him and that if the case should be transferred to Springfield, he would see to it that Nowell would never arrive there either. Aaron Finch was one of three men to arrive at the scene just moments after the shooting. He was the first to reach the body and later testified that he found a pistol lying near Turk's right hand. Though there was little doubt that Nowell acted in self-defense,

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<sup>76</sup> *State of Missouri v. Abraham Nowell*, Benton County Circuit Court, Folder 5065, Case File 182, Benton County Courthouse, Warsaw, Mo.

<sup>77</sup> *Ibid.*



he was arrested and his trial set for the August 1841 circuit court term.<sup>78</sup>

This latest act of aggression by James Turk was the penultimate in a series of conflicts that the Turks had with their neighbors since immigrating to the Ozarks. This most recent conflict arose, in part, from James Turk's typically aggressive behavior and his desire to prevent Nowell from testifying against him. Nowell correctly feared that the Turks would seek revenge for the death of James, so he immediately left for Texas. Though Nowell was gone, the April court term was already in session in Warsaw and the grand jury indicted him for murder. Nowell returned on his own the following September and reported his arrival to the sheriff, who arrested him and then released him on bail.<sup>79</sup>

In the interim, the remaining Turks found another person they could blame for James' death—Andrew Jones. It was Jones who had fought with James on election-day the previous year and had subsequently filed a complaint against the Turks for assault. It was that charge that put Nowell on the road to Warsaw the following April to testify against James. Since Nowell was currently unattainable, the Turks moved against Jones via a family member. James Morton was an early settler in Benton County and one of its first constables. Morton was also related by marriage to the large Jones clan and was the brother-in-law of George Alexander, another early settler and a Benton County judge. Morton was born in Virginia but had previously lived in Bellefonte, Alabama, where he had been indicted for murder ten years earlier.<sup>80</sup> Like Hiram, Morton likely moved to Missouri to evade his legal problems. Unlike Hiram, however, Morton had established himself as a prominent and respectable member of the community without violence and

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<sup>78</sup> *State of Missouri v. Abraham Nowell*, Benton County Circuit Court, Folder 5065, Case File 182, Benton County Courthouse, Warsaw, Mo.

<sup>79</sup> *Ibid.*

<sup>80</sup> Alexander also lived in Bellefonte, Alabama, which is where he met Morton. The two men married sisters.

without alienating his neighbors. Morton's attempt to begin a new life was successful until the Turks arrival.

When two men from Alabama, John McReynolds and Augustus Gunter, arrived in Quincy in May 1841, with a warrant to arrest Morton, the Benton County sheriff refused to act on the ten-year-old warrant. Hiram, however, was glad to help arrest a friend of the Joneses. The two men, along with Hiram and Thomas Turk, caught Morton on the twenty-first; McReynolds and Gunter took him to Alabama for trial, where he was acquitted. Hiram and Thomas, on the other hand, were indicted for kidnapping Morton and were ordered to appear at the July court term. According to Lay's history of Benton County, the kidnapping of Morton was the final incident that "warmed the already bad blood of the Joneses to murderous heat" against the Turks.<sup>81</sup>

The Jones family was not the only ones angry with the Turks. Archibald Cock had apparently never gotten over being assaulted by Hiram and in early July 1841, he allowed a group of local men to meet at his home and plan the murder of Hiram Turk. It is unclear if the meeting was instigated by Cock; the unofficial leader of this group was Andrew Jones, so the meeting may have been held at his request. It was Jones's relative who had recently been taken to Alabama for trial with the assistance of Hiram Turk, so if Jones was the instigator, it was likely out of anger on behalf of Morton. At least a dozen men attended the meeting and signed a document, written by attendee Henry Hodge, agreeing to murder Hiram and to "kill any of them that divulged the plot." The group included William Brookshire, Jabez Harrison, Milton Hume, James Keaton, Josiah Keaton, Thomas Meadows, Nicholas Suden, John Whittaker, John Williams, and Archibald Cock. On July 17, Hiram Turk was ambushed and shot. Two weeks later, on August 10, he

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<sup>81</sup>Lay, *History of Benton County*, 50.

died. Though the ‘slickings’ had not yet begun, Hiram was nonetheless the first casualty of the Slicker War.<sup>82</sup>

Someone in attendance at the meeting at Cock’s home must have talked, because Andrew Jones was arrested on August 12 and indicted for murder at the court term already in session. Additional members—Jabez Harrison, Henry Hodge, Milton Hume, and John Whittaker—were charged with conspiracy to commit murder. Jones was released on bail on the condition that he reside with justice of the peace Nathan Huff until his trial. George Dixon, the circuit attorney, was apparently so concerned about potential repercussions from the already violent Turk family that he ordered a special circuit court term to be held in October. Thomas Turk requested a continuance pending the appearance of a witness he believed could help convict Jones; the judge granted the continuance and the trial was rescheduled. The Warsaw court was filled with spectators at the December 1841 trial. The defense called thirty witnesses and the state almost double that amount. Defended by Littleberry Hendricks, William Otter, and a Mr. Ridgely, the attorneys who had previously defended Hiram Turk on the kidnapping charges, Andrew Jones was acquitted due to insufficient evidence. Hume’s case had not yet gone to trial; Hodge, Whittaker, and Harrison left the state to avoid prosecution. If there were any eyewitnesses to the murder, they had yet to come forward. The failure to receive justice for their fathers’ murder likely left Hiram Turk’s sons frustrated and angry.<sup>83</sup>

Adding to Thomas Turk’s legal frustration was that Isaac Weaver, a friend of the Jones group who had helped with their bail on the murder and conspiracy charges, filed a complaint accusing Turk of stealing one of his horses in order to expedite James

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<sup>82</sup>Lay, *History of Benton County*, 52.

<sup>83</sup> *State of Missouri v. Andrew Jones*, Benton County Circuit Court, Folder 4770, Case File 244; File book A, page 275-76; Benton County Courthouse, Warsaw, Mo.; Lay, *History of Benton County*, 53.

Morton's return to Alabama. Turk denied the charge and responded by suing Weaver for slander on the grounds that his reputation was being ruined and his neighbors were refusing "to have any transaction, acquaintance, or discourse" with him.<sup>84</sup> Thomas Turk seems to not have had legal problems except in the defense of his family. Left to his own devices he may well have avoided the violent life that led to the death of his father and older brother. But their deaths left Thomas to fight the battles that Hiram and James had started.

The Turk family had had repeated conflicts with their neighbors and with law enforcement since arriving in Benton County. The justice system had consistently failed to curb their behavior and even with the death of the two most aggressive members of their family, the violence originating from the Turk faction would soon escalate. It could be argued that the group formed by Jones at Archibald Cock's house was itself a vigilante organization, formed on the basis of popular sovereignty to do what the justice system had failed to do—stop Hiram Turk. However, rather than a vigilante organization, the Jones group would more accurately be classified as a lynch mob, which by definition was a violent, but short-lived entity. Though they did have a written purpose statement, which was atypical of a lynch mob, their purpose was still to kill Hiram Turk, not crime prevention in general. Perhaps they thought that by eliminating the head of the family they could neutralize the entire family. Instead, the murder of Hiram Turk, and the subsequent acquittal of his alleged killer, only served to increase the aggressive behavior of the younger Turks.

While the Turk family was grieving, Andrew Jones was celebrating his acquittal

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<sup>84</sup> *Thomas J. Turk v. Isaac Weaver*, Benton County Circuit Court, Folder 3459, Case File 252, Benton County Courthouse, Warsaw, Mo.

and victory over the Turks; around Christmas, he allegedly stole a bull from neighbor John Wood, which he then roasted and served at a party he held for his friends.<sup>85</sup> But while the Jones faction was celebrating, the Turks were planning revenge. In January 1842, Thomas Turk organized a group of friends to help him find Hiram Turk's murderer. Though Jones had been acquitted, Thomas was convinced that Jones was guilty. There had long been rumors that Jones was a horse thief; at the very least, he allegedly consorted with other suspected horse thieves. In any case, those suspicions were sufficient justification, at least to Thomas Turk, for the formation of a vigilante organization in order to rid the county of horse thieves and counterfeiters, even if the actual purpose of the group was the search for the murderer of his father.<sup>86</sup>

Thomas Turk had some respectable community members on his side, including Judge Joseph C. Montgomery and James Rankin, a mill owner. He was also supported by less respectable citizens, such as the Hobbs brothers, John, Jeff, and Isham. The Hobbs family had moved to Missouri from Tennessee, where they had been friends of the Turks. Not only were the Hobbses good friends of the Turks, but they were also just as violent.<sup>87</sup> The Hobbs family settled in Elkton, a town that was then in Polk County, where Isham spent much of his time fighting. In 1840 he was arrested for assault with intent to kill.<sup>88</sup> Isham continued this pattern of violence during the Slicker War as he helped his friend, friend, Thomas Turk, with his search for information about his father's death.

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<sup>85</sup> *State of Missouri v. Andrew Jones*, Benton County, Folder 4770 and 4697, Benton County Courthouse, Warsaw, Mo.

<sup>86</sup> *State of Missouri v. Morgan Trahan, et al.*, Benton County Circuit Court, Folder 5372, Case File 332, Benton County Courthouse, Warsaw, Mo.; Lay, *History of Benton County*, 53-54.

<sup>87</sup> Lay, *History of Benton County*, 54; 1830 U.S. census, Monroe County, Tennessee, Regiment 67, p. 85 (penned), line 17, Henry Hobbs; Nara microfilm publication M19, roll 175.

<sup>88</sup> *State of Missouri v. Isham Hobbs*, Polk County (Mo.) Circuit Court, Folder 32, Box 2, Polk County Genealogical Society, Bolivar, Mo.

The Slickers began as a typical vigilante organization, with a written purpose statement which each member was compelled to sign. Members included Charles S. Brent, Samuel Brown, Anslem Jackson, and Ben Miller. James Mackey was appointed the official bugler for the group.<sup>89</sup> The private purpose of the organization was the apprehension of Hiram's murderer; they intended to force a murder confession from Andrew Jones or one of his friends. The public purpose that they used to legitimize the organization was the eradication of "horse thieves, counterfeiters and murderers."<sup>90</sup>

During their short time in the Ozarks, the Turks had already lost two family members to violence. Though the court system had filed numerous criminal charges against members of both sides at various times, no one ever received anything more than a fine which was later remitted. The Turks were angry that the Benton County justice system had not convicted anyone for the murder of James or Hiram. Apparently not considering the role their own behavior had played in events, or the times they had avoided prosecution for their own crimes, they chose to react with still more violence. A dispute over a counterfeit banknote and a brawl over a horse race that happened eighteen months earlier had ultimately led to two murders. Those two murders led to the formation of a vigilante organization that would eventually be called the Slickers.

The Slicker War officially began in January 1842 with the formation of the vigilante organization led by Thomas Turk. The vigilantes started with the Jones family, particularly Andrew, and his friend Thomas Meadows. Though Andrew Jones had never been charged with horse theft, he was nonetheless suspected of being a horse thief and had friends who had been charged with the crime. They were also convinced that Jones

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<sup>89</sup> Lay, *History of Benton County*, 54.

<sup>90</sup> *Ibid.*, 53.

had killed Hiram Turk, which was likely the primary reason he was singled out by the Slickers. Jones and Meadows had recently been accused of stealing horses from a couple of Johnson County, Missouri, men. This accusation later turned out to be false, but it proved a convenient vantage point from which the Slickers' could begin their extralegal activities.<sup>91</sup>

The first confrontation occurred on Friday evening, January 28. The Turk group rode to Andrew Jones's home, but encountered his brother John and another friend, Berry Chapman, instead. Turk accused Chapman of being a horse thief and counterfeiter and threatened to whip him.<sup>92</sup> Chapman said that he was not slicked, but was nonetheless assaulted by Turk, Hobbs, and three other men and stated in his complaint that they tied him to a tree and "beat, bruise[d] and ill treat[ed]" him.<sup>93</sup> The group continued on to the home of Meadows, who became the first victim of the Slicker War to be 'slicked.' He was tied to a tree and slicked "unmercifully," during which he admitted to stealing horses with Jones, though not from Johnson County. Reports vary as to his fate; some said he died from his wounds, while other accounts suggest that he moved away.<sup>94</sup>

After leaving Meadows, the next visit was to William Brookshire. Brookshire was a friend of Jones and had been charged along with him with grand larceny for stealing and killing a bull.<sup>95</sup> He was also suspected of being friendly to horse thieves and had attended the meeting at Archibald Cock's home, all of which made him an enemy of the Turks. Brookshire was whipped "severely," which is likely how Tom Turk reportedly

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<sup>91</sup> Lay, *History of Benton County*, 53.

<sup>92</sup> *Ibid.*, 55.

<sup>93</sup> *State of Missouri v. Thomas J. Turk*, et al., Benton County Circuit Court, Folder 5403, Case File 344, Benton County Courthouse, Warsaw, Mo.

<sup>94</sup> Lay, *History of Benton County*, 55.

<sup>95</sup> *State of Missouri v. Andrew Jones*, Benton County, Folder 4697, Benton County Courthouse, Warsaw, Mo.

obtained the confession for which he was searching. The veracity of a confession given under duress is highly questionable, but it nonetheless gave the Slickers what they wanted—names. After his confession, Brookshire was released and told to leave the county.<sup>96</sup>

The group was quiet the next day, preferring to keep their extralegal activities nocturnal. The next evening they continued the search for Andrew Jones, first trying the home of his brother, Samuel. No one was there, so they continued on to the home of James Blakemore, the county surveyor.<sup>97</sup> Apparently fearing for his safety because of his relationship to Andrew, his brother, Isaac Jones was found hiding at Blakemore's. They released both men unharmed and moved on to the home of Luther White.<sup>98</sup>

In his deposition later given to the justice of the peace, White named fourteen men that came to his house that night “armed with guns and pistols,” including the three remaining Turk brothers and their friends, the three Hobbs brothers. One of the Slickers, Thomas Cox, accused White of hiding Andrew Jones and threatened to break down his door if he did not let them in to search for him. He allowed Cox to search the house, and, after the unsuccessful search, White testified that Cox sat down and began bragging about the slickings they had administered the previous evening. Cox then let in Tom Turk and the rest of the gang, who dragged White outside and tied him up, then “roasted hickory withes saying they were for [his] old back.” Lay's *History of Benton County* contains White's description of the slicking:

They then took me near half a mile on the State road...and there stripped me of my clothes and tied me to a tree, and whipped me. Robert Turk struck me the first four or

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<sup>96</sup> Lay, *History of Benton County*, 54-56.

<sup>97</sup> Blakemore was on the jury that found John Graham not guilty of giving Hiram Turk a counterfeit banknote.

<sup>98</sup> Lay, *History of Benton County*, 56.



five licks, then a one eyed man that I did not know commenced, and struck twelve or fifteen licks with a switch. He then stopped about five minutes. The others told him that was not the way to do, and the one eyed man then commenced on me again. I think he struck me about twelve or fifteen licks with the switch and stopped. Thomas J. Turk then said, “let’s kill the damned old son of a bitch,” and said that he wanted to blow my brains out. The one eyed man struck me four or five licks more and then they turned me loose, and told me to go home.”<sup>99</sup>

White said that he was warned to not befriend the Jones family and was advised to leave the county within ten days. He also testified that the Slickers told him that Brookshire had named Henry Hodge, Milton Hume, and Andrew Jones as the killers of Hiram Turk.<sup>100</sup>

After spending Saturday night with Joseph Montgomery, the group continued their search for Jones on Sunday. They went first to see John Whittaker, one of the attendees at Archibald Cock’s meeting some six months earlier. Thomas Turk promised not to hurt him if he would allow them to search his house for Jones. He consented, but Turk wanted to slick him anyway. The rest of the group overruled him because they did not want to break their promise. Whittaker was not so lucky a few days later, when a few members of the group returned and “gave him about thirty lashes.” Like White, he was advised to leave the county.<sup>101</sup>

A few days later the Turk group administered their final slicking. Jabez Harrison was apprehended at a store near present-day Wheatland, then taken away and given a “cruel lashing.” Harrison allegedly confessed to the plot to kill Hiram Turk and admitted that he had been present when Hiram was shot. Likely fearing for his life, he promised the Slickers that he would testify against his friends. The Turks did not find Andrew Jones that weekend, but the slickings were successful in giving them the confession they

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<sup>99</sup> Lay, *History of Benton County*, 56.

<sup>100</sup> *Ibid.*, 57.

<sup>101</sup> *Ibid.*, 57.

were hoping for, including the names of the conspirators against Hiram.<sup>102</sup>

Of course, as the leader of the anti-Turk faction and enemy of the Turk family, Andrew Jones was the logical person to accuse of murder. The other men named during the forced confessions were Jones's friends and associates and therefore accusations against them would have been equally plausible. Though it is possible that the confessions were true, it is just as possible that the victims were saying what they knew their captors wanted to hear.

Within just a few days, five men were slicked and most of them ordered out of the area. None of the victims, at that time, were accused of any crime; they had not been arrested or indicted for any potentially questionable activities. Only one man, Thomas Meadows, was questioned about his involvement in horse theft, and that was only because of his association with Andrew Jones. Certainly, counterfeiting was not uncommon in the Benton County area, but the search for counterfeiters and horse thieves was only secondary for Slicker leader Thomas Turk. Turk had over twenty followers, all joining the Slickers for their own reasons. Whatever their motives, the primary concern for Thomas Turk was the whereabouts of Jones and the names of those involved in the death of his father. Even with the aid of an organized vigilante organization, Turk was able to achieve only part of his goal during the long weekend of slickings.

Jones had likely heard from friends that the Turks had formed a vigilante organization and that he was their primary target. For a time he remained well-hidden, but his luck would not hold out indefinitely. While Jones was hiding, complaints against members of both sides of the Slicker war began to fill the courts. Luther White, the third victim of the Slickers, filed an assault complaint against them, as did Berry Chapman,

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<sup>102</sup> Lay, *History of Benton County*, 57.

who had been assaulted but not slicked with hickory withes.<sup>103</sup> Jones was finally charged with stealing and killing the bull that had been the center of his Christmastime celebration against the Turks back in December 1841.<sup>104</sup> With the slickings over, the Slicker war became a “war of criminal prosecutions.”<sup>105</sup> The slicking-induced confession of Jabez Harrison led to his arrest, along with Milton Hume, on a charge of conspiracy to commit murder.<sup>106</sup> Harrison’s confession also led to the arrest of Archibald Cock and the Keaton brothers for the murder of Hiram Turk.<sup>107</sup>

With all the Slicker violence, the subsequent complaints filed and arrest warrants issued, and as the frenzied search for Jones continued, county officials apparently realized they were overwhelmed and decided in March to ask the state militia to help. The commander, Captain John Holloway, pursued Andrew Jones across Twenty-five Mile Prairie in Benton County just to serve an arrest warrant for grand larceny. Jones had already been acquitted of Hiram Turk’s murder and therefore could not be charged with the same crime, but he could still be arrested for stealing the bull. Alexander Cox, a friend of the Turks, found Jones hiding in the home of his friend, Horace Dark. Jones was arrested, though he did manage to shoot at Cox before surrendering. The militia made numerous arrests which served to move the mayhem out of the surrounding county and into Warsaw.<sup>108</sup>

The April term of circuit court was a busy one in Warsaw. Tom Turk accused Jones of trying to kill him, and then there was also the charge for killing the bull and

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<sup>103</sup> *State v. Thomas Turk, et. al.*, Benton County Circuit Court, Folder 5403, Case File 344, Benton County Courthouse, Warsaw, Mo.; Lay, *History of Benton County*, 56-57.

<sup>104</sup> *State of Missouri v. Andrew Jones*, Benton County Circuit Court, Folder 4770 and 4697, Benton County Courthouse, Warsaw, Mo.

<sup>105</sup> Lay, *History of Benton County*, 58.

<sup>106</sup> Benton County Circuit Court, File Book A, p. 275 and 276, Benton County Courthouse, Warsaw, Mo.

<sup>107</sup> Lay, *History of Benton County*, 58.

<sup>108</sup> *Ibid.*, 58.

assault charge for shooting at Alexander Cox. Jones was indicted for all three crimes.<sup>109</sup> Five members of the Slickers were arrested and charged with rioting and assault— Thomas Turk, Isham Hobbs, Thomas Draffin, Nathaniel Hamilton, and William Norton, along with “other persons to the jurors unknown.” These charges were based on the complaint of Berry Chapman, who was assaulted during one of the Slickers’ nocturnal ventures.<sup>110</sup> Men from both factions poured into town as both witnesses and spectators. Brawls between the two groups were common, but surprisingly nothing more serious occurred.<sup>111</sup>

Another case scheduled for April was the charge against Abraham Nowell for the murder of James Turk. Hume and Harrison were indicted for conspiracy to commit murder, as were Archibald Cock and the Keaton brothers.<sup>112</sup> Apparently, no one was indicted for the murder of Hiram Turk. Despite Jones’s acquittal for that murder, surviving accounts of the story indicate that most people in the community believed that Jones had fired the shot that killed Turk.

In addition to the other cases in court that month, Thomas Turk faced charges for kidnapping, charges that had also been leveled against his late father, Hiram. Also in April, Thomas sued Valentine C. Hammond and Isaac Weaver for slander and asked for \$10,000 and \$2,000, respectively, in damages. Turk claimed that Hammond accused him of stealing his corn, fodder, and a blanket; Weaver allegedly accused him of stealing one of his horses to use to help capture James Morton. In his deposition Turk accused both

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<sup>109</sup> *State of Missouri v. Andrew Jones*, Benton County Circuit Court, Folder 4697, Case File 333 and Folder 4770, Case File 337, Benton County Courthouse, Warsaw, Mo.

<sup>110</sup> *State of Missouri v. Thomas J. Turk, et al.*, Benton County Circuit Court, Folder 5403, Case File 344; File Book A, p 355, Benton County Courthouse, Warsaw, Mo.

<sup>111</sup> Lay, *History of Benton County*, 59.

<sup>112</sup> Benton County Circuit Court, File book A, p275 and 276, Benton County Courthouse, Warsaw, Mo.; Lay, *History of Benton County*, 58.

men of trying to ruin his good name and “to bring him into public scandal, infamy, and disgrace” with his neighbors. Hammond pled not guilty, but Turk eventually won the case after a change of venue; the amount awarded to Turk is not known, but it is unlikely to have been the \$10,000 that he requested. Weaver also pled not guilty, but the outcome of that case is unknown.<sup>113</sup> Turk’s reputation was damaged due to the kidnapping indictment, and the complaints from Weaver and Hammond were both related to the kidnapping of James Morton. Now he had the assault charges to contend with as well. Turk was desperately trying to restore his tarnished reputation and establish a semblance of respectability in the community.

Once again, the Turks were disappointed with the outcome of a court case involving their family. Abraham Nowell was found not guilty in the murder of James Turk.<sup>114</sup> Unlike Turk, Nowell had a good reputation in the county, and he also had enough witnesses to prove that he had shot James in self-defense. Archibald Cock was acquitted of the conspiracy charge, as was Milton Hume, though his case would take another year to resolve. Shortly after their indictments for conspiracy, Andrew Jones, Jabez Harrison, and the Keatons left town. Thus far, the Turks’ enemies had either been acquitted or had left the area. Two of the Turks’ primary targets, Archibald Cock and Abraham Nowell, remained in Benton County, their good reputations intact.

It all proved too much for the surviving Turks. A month after the trials in Warsaw ended, what was left of the Turk family moved to Polk County, where they had bought land in late 1841. Benton County was almost bankrupted by the expenses involved in

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<sup>113</sup> *Thomas J. Turk v. Valentine C. Hammond*, Benton County Circuit Court, Folder 3457, Case File 349; *Thomas J. Turk v. Isaac Weaver*, Folder 3459, Case File 252, Benton County Courthouse, Warsaw, Mo.

<sup>114</sup> *State of Missouri v. Abraham Nowell*, Benton County Circuit Court, Folder 5065, Case File 182, Benton County Courthouse, Warsaw, Mo.

pursuing so many criminal cases, but for the time being, at least, there would have be a reprieve from the violence.<sup>115</sup> The Turks already had friends in Polk County, including the Hobbs brothers, and had already spent enough time there for James to have been arrested at least once before his problems in Benton County began. Thomas Turk may have been hoping for a somewhat more peaceful existence in Polk County, but his friends and family had different ideas.

The summer of 1842 appears to have been quiet and violence free, at least in regards to the Slickers, except for a report that Robert Turk had assaulted Archibald Cock.<sup>116</sup> The peace and quiet ended in October, when Tom Turk and Isham Hobbs, along with friends Alexander Blue and Alston Gregory, returned to Benton County to visit a friend, Joseph Montgomery. The group was target shooting during the late afternoon, but Blue left and returned home about an hour and a half before sunset. Later that night, Turk, Hobbs, and Gregory snuck to a farm neighboring that of Abraham Nowell. The next morning they travelled on to Nowell's farm where they hid behind a blind near his house and waited for him to appear. When he stepped out of his front door, Tom Turk fired a shot at him. He missed; Isham Hobbs fired next and shot Nowell in the chest. Nowell's wife, Gladis, came out of the house when she heard the shots. She saw the men running away and found her husband, right outside the front door, bleeding to death.<sup>117</sup>

The murder of Abraham Nowell does not fit the behavioral model for a vigilante organization or for a lynch mob. Both require a group of people, whether formally or spontaneously organized. Possibly Turk and Hobbs did not visit Benton County with the

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<sup>115</sup> Thomas and Glendenning, *The Slicker War*, 33.

<sup>116</sup> Lay, *History of Benton County*, 59.

<sup>117</sup> *State v. Isham Hobbs*, Polk County (Mo.) Circuit Court, Folder 69, Box 9, Polk County Genealogical Society, Bolivar, Mo.

intention of murdering Nowell. The former Slickers may have made the decision while visiting Montgomery. Though Turk may have viewed killing Nowell as an act of justice or revenge, something he needed to complete before he could establish a new life in Polk County, the murder led to bitterness and discord between the Turks and Hobbses and ultimately to his own death.<sup>118</sup>

The next wave of violence began in Polk County the following year. Thomas Draffin, a member of the Slickers, was found murdered. The Turks buried him quietly and told everyone that he had committed suicide. In his *History of Benton County*, Henry Lay reported that Draffin had recently promised Gladis Nowell that he would reveal the identity of her husband's killer and surmised that he had been shot by one of the Slickers in order to prevent such an occurrence.<sup>119</sup> Though this is only hearsay, the subsequent murder of Jacob Dobkins is not. Lay reported that the Turks threatened to assault a man named Metcalf. Dobkins was apparently visiting Metcalf at the time and when a shot was fired into the house, presumably targeting Metcalf, Dobkins was hit.<sup>120</sup>

Dobkins died on March 8, just one day after he was shot. Two day later, the state militia was called in to help search for his killer, and the unit commander was Polk County justice of the peace James Human's son-in-law, Nathan Rains. This was the second time during the Slicker war that civil authorities moved, en masse, to capture the leaders of the vigilante group. One of the men apprehended was Andrew Turk.<sup>121</sup> The militia also captured Nathan Turk and Archibald Blue, as well as John and Isham

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<sup>118</sup> *State v. Isham Hobbs*, Polk County (Mo.) Circuit Court, Folder 69, Box 9, Polk County Genealogical Society, Bolivar, Mo.

<sup>119</sup> Lay, *History of Benton County*, 60.

<sup>120</sup> Lay, *History of Benton County*, 50; *State of Missouri v. Robert Turk*, Polk County (Mo.) Circuit Court, Folder 67, Box 9, Polk County Genealogical Society, Bolivar, Mo.

<sup>121</sup> *Andrew Turk v. James Human, Leander Wilson, and William King*, Polk County (Mo.) Circuit Court, Folder 69, Box 8, Polk County Genealogical Society, Bolivar, Mo.

Hobbs and Richard Cruce. Turk, John and Isham Hobbs, and Cruce were taken into custody.<sup>122</sup>

The prisoners were taken to the Polk County jail in Bolivar. Most were released within a couple of days due to lack of evidence; Isham Hobbs was held on a previous assault charge and spent twenty days in jail. In April, he filed a complaint against Human and two of the other men who captured him, Leander Wilson and William King, for having “kept and detained him in prison there without any reasonable or probable cause whatsoever...”<sup>123</sup> Andrew Turk was also held for twenty days and filed a complaint against the same three men for false arrest and assault.<sup>124</sup> Major Nathan Rains was court martialled that spring for illegally forming a militia.<sup>125</sup> Polk County experienced the common result of vigilante violence, just as Benton County had previously; it was a period of violence followed by an excess of court cases.

Though the slickings had long since ended and the Turks had moved to Polk County, discord among former Slickers perpetuated the violence. If the vigilantes had not eventually turned on each other, particularly the Turks and Hobbses, the Slicker War violence would likely have ended when the Turks moved to Polk County. However, with the killing of Abraham Nowell and the resultant friction between Thomas Turk and Isham Hobbs, the battle against counterfeiters and horse thieves, whether real or pretended, was over. The war then became more of a bitter struggle between former friends and allies.

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<sup>122</sup> Thomas and Glendenning, *The Slicker War*, 44-46.

<sup>123</sup> *Ibid.*, 48; *Isham Hobbs v. James Human, Leander Wilson, and William King*, Polk County (Mo.) Circuit Court, Folder 72, Box 9, Polk County Genealogical Society, Bolivar, Mo.

<sup>124</sup> *Andrew Turk v. James Human, Leander Wilson, and William King*, Polk County (Mo.) Circuit Court, Folder 69, Box 8, Polk County Genealogical Society, Bolivar, Mo.

<sup>125</sup> Warren, Carmack, and Associates, Martha Hoffman Rising Collection, “Rains, Raines,” <http://www.warrencarmack.com/MarshaRising/Ozarks%20Families/Raines.htm> (accessed April 23, 2015).



There were vague reports that Andrew Jones had returned to Benton County in the autumn of 1843. The rumor led to the issuance of an arrest warrant and renewed efforts to locate him. Lay records that another slicking occurred by the Turk faction in order to force a confession as to Jones's location. Over a dozen men were indicted for assault, including the Turk brothers. The charges against all the men were eventually dismissed. Andrew Jones is not known to have returned to Missouri after he jumped bail in 1842. In 1844, he and two of his friends, Harvey White and Loudrich Ray, were hanged in Texas for horse theft.<sup>126</sup>

Isham Hobbs spent the summer in his usual manner, by dealing with arrest warrants and assault charges, though none of his arrests ever seemed to keep him out of trouble. He apparently spent part of his summer publicly speculating as to how Abraham Nowell was killed and who might have killed him. He eventually took his public speculations too far and someone turned him in for murder.<sup>127</sup> Then in September 1843, Hobbs shot one of his former friends, Archibald Blue, which led to a November 1844 indictment for assault with intent to kill.<sup>128</sup>

The bitterness between Isham Hobbs and his former friend, Thomas Turk, was about to escalate. Since the murder of Nowell, Isham had accused Thomas of being a coward. Hobbs said that "he did not think that Tom Turk had nerve enough to shoot a man." Thomas fired the first shot at Nowell but Isham accused him of deliberately missing his target, leaving Isham to fire the fatal shot.<sup>129</sup> In early August 1844, Isham

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<sup>126</sup> Lay, *History of Benton County*, 60-61.

<sup>127</sup> *State of Missouri v. Isham Hobbs*, Polk County (Mo.) Circuit Court, Folder 69, Box 9, Polk County Genealogical Society, Bolivar, Mo.

<sup>128</sup> *State of Missouri v. Isham Hobbs*, Polk County (Mo.) Circuit Court, Folder 36, Box 2, Polk County Genealogical Society, Bolivar, Mo.

<sup>129</sup> *State of Missouri v. Isham Hobbs*, Polk County (Mo.) Circuit Court, Folder 69, Box 9, Polk County Genealogical Society, Bolivar, Mo.

ambushed and murdered his former friend, Thomas Turk. The *Boon's Lick Times* in Fayette, Missouri, reported that Tom was "shot from his horse...and instantly killed." His mother found his body lying in some brush in the middle of a prairie. The newspaper reported that that his death was the result of "a deadly feud [that] has existed for several years" in Benton and Polk Counties. Isham Hobbs was arrested for the murder, even though at one time he was a "friend and ardent supporter" of the Turk family.<sup>130</sup>

Robert Turk continued the feud that his brother Thomas had started with the Hobbses. After learning that the primary witnesses against him in the Dobkins murder were the Hobbs brothers, Thomas Jefferson (Jeff) and Isham, he decided to kill them. On August 30, Robert shot Jeff from behind a blind he constructed. Jeff died two days later, not knowing who had shot him. On September 1, Robert was arrested for the murder of both Dobkins and Jeff Isham and was held in the Polk County jail. Alexander Blue was arrested for aiding and abetting the murder of Hobbs. There were no witnesses to Thomas J. Hobbs's murder and the only witness to the Dobkins murder had disappeared. Benton County had almost gone broke with the 1842 trials and Polk County was facing the same prospect. The following spring, likely due to the potential costliness of a trial, a grand jury declined to indict Robert for either murder.<sup>131</sup>

In September 1845, Isham Hobbs was finally indicted for the murder of Abraham Nowell. The indictment took place in the recently formed Hickory County, but was moved to Polk County on a change of venue.<sup>132</sup> He disappeared after his arrest for the

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<sup>130</sup> *Boon's Lick Times*, August 24, 1844. <http://chroniclingamerica.loc.gov/lccn/sn83016957/1844-08-24/ed-1/>; image 2.

<sup>131</sup> *State of Missouri v. Robert Turk*, Polk County (Mo.) Circuit Court, Folder 14, Box 4, Polk County Genealogical Society, Bolivar, Mo.

<sup>132</sup> Nowell's murder had taken place in a portion of Benton County that had recently become part of the newly formed Hickory County.

murder of Nowell, but was finally located in southeastern Missouri. The ever resourceful Hobbs escaped again in February 1846. He made his way to Mississippi where he got into more legal trouble for assault and was killed while resisting arrest. The last primary antagonist in the Slicker war was dead.

The Turks had many friends on their side in the Slicker war, but they had just as many, if not more, against them. The acquittal of Nowell in the death of James led to an “open and relentless war” between the Slickers and the anti-Slickers. But the murder of Nowell, a man who was well-respected in the community, turned many against the Slickers. It also turned prominent Slickers against each other and led to the end of the vigilante organization. What started with a counterfeit bank note and gambling brawl between new and established settlers in a semi-frontier area of the Ozarks descended into a bitter vendetta between former friends.

The area that was home to the Slicker War was mostly settled by 1840 but had what Culberson calls a “crude democracy,” a legal system that was available but inadequate to meet the needs of a growing populace.<sup>133</sup> They were not lacking law and order, but they were lacking a strong and effective legal system. Additionally, the regular stream of new settlers into the area led to “contests for social leadership.”<sup>134</sup> It was not a matter of a new order attempting to force change on an established culture, nor was it an established community trying to maintain local control. Even if the struggle between an old and new order were an accurate thesis for vigilantism in Missouri, the area had not been settled long enough for it to apply. It was a matter of a nascent community which had not yet had time for the population to form socially cohesive bonds with their

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<sup>133</sup> Culberson, *Vigilantism*, 4.

<sup>134</sup> Pfeifer, *Roots of Rough Justice*, 16.

neighbors due to a steady influx of immigrants. The Turk's violent behavior upon arriving in Benton County was not a conflict between an old and new order; it was a battle to establish power, respectability, and social control by any means, legal or criminal.

Members of the Turk Faction:<sup>135</sup>

1. Hiram K. Turk
2. James Turk
3. Thomas J. Turk
4. Robert M. Turk
5. Nathan Turk
6. Charles S. Brent
7. Alexander Brown
8. Robert Brown
9. Alexander D. Cox
10. James Cox
11. Thomas Cox
12. Thomas Draffin
13. William Evans
14. William Y. Evans
15. Alston Gregory
16. Nathaniel Hamilton
17. John Hobaugh
18. Isham Hobbs
19. John Hobbs
20. Thomas Jefferson Hobbs
21. James Jackson
22. Anslem Jackson
23. Ephraim Jamison
24. James Mackey
25. Benjamin Miller
26. Joseph C. Montgomery
27. James Morton
28. William Norton

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<sup>135</sup> Lay, *History of Benton County*, 54.

Members of the Jones Faction:<sup>136</sup>

1. Andrew Jones
2. Samuel Jones
3. John Jones
4. Isaac Jones
5. James Blakemore
6. Lee T. Blakemore
7. William Brookshire
8. Berry Chapman
9. John W. Chapman
10. Archibald Cock
11. Jabez L. Harrison
12. Henry Hodge
13. Milton Hume
14. Thomas Meadows
15. Loudrich Ray
16. Nicholas Suden
17. Julius Sutliff
18. John Thomas
19. John A. Whittaker
20. Harvey White
21. Luther White
22. John Williams

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<sup>136</sup> Lay, *History of Benton County*, 54-55.

## “REGULATORS IN THE SOUTHWEST”

On the morning of May 23, 1866, Green B. Phillips left his house near Cave Spring in Greene County, Missouri, and walked to his corncrib. Phillips began husking corn to feed his pigs, but after a few minutes he looked up and saw three masked men, all pointing revolvers at him. Two of the men led Phillips toward some nearby woods, but he broke free and ran. He did not get far, soon tripping over one of his pigs. It was a deadly fall; as he rose to his feet, he was shot by two of the “Regulators” and died with three bullet holes in his body.<sup>137</sup>

This was the first of four murders committed by the “Honest Men’s League,” a band of vigilantes otherwise known as the Regulators. Just two days later they went to Walnut Grove and lynched Charles Gorsuch and John Rush, men the Regulators claimed were part of a group of criminals who had “long terrorized the country.” Just the day before, Gorsuch and Rush had been in Walnut Grove and were overheard denouncing the killing of Phillips, calling the Regulators “assassins.”<sup>138</sup>

No charges were filed against any of the Regulators for the three murders. Indeed, in addition to their extralegal activities, they cooperated with Deputy Sheriff Isaac Jones in arresting and jailing several accused thieves in the Walnut Grove area. When some of the men were released on bail, the Regulators published a purpose statement:

We, the Regulators, organized to assist in the enforcement of the civil law, and to put down an extensive thieving organization, known to exist in our midst, having succeeded in arresting and committing to jail a number of persons charged with grand larceny, robbing and general lawlessness, whom we believe to be bad men; and finding several of them have been bailed out, thereby extending to them an opportunity of again

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<sup>137</sup> R.I. Holcombe, *History of Greene County, Missouri 1883* (St. Louis: Western Historical Company, 1883), 498-99.

<sup>138</sup> *Ibid.*, 499.

putting into execution their diabolical purposed of robbing, plundering and murdering their neighbors: Therefore, we hereby give notice, that all persons bailing such parties out of jail will be regarded as in sympathy if not in full cooperation with such, and will be held strictly responsible for the conduct and personal appearance at court for trial, of all persons thus bailed out of jail.<sup>139</sup>

The Honest Men's League of Greene County was one of two such groups to organize in Missouri in 1866, the other one found in the town of Marshall in Saline County. Both groups claim to have organized for the same purpose, which was the suppression of post-Civil War crime that they believed local law enforcement had failed to control.<sup>140</sup> Though the official name of the Greene County Regulators was the "Honest Men's League," the "terms regulator and vigilante were synonymous" in the nineteenth century. Thus, the organization was commonly referred to as the "Regulators."<sup>141</sup> Typical of most vigilante organizations, the era of the Regulators was relatively brief but violent. Contemporary critics accused the Regulators of partisanship, a charge that was likely accurate. However, the Regulators were not simply about postwar sectionalism; the organization formed due to the problem of postwar crime. What followed their extralegal activities was a public debate on the merits of vigilante justice which combined typical vigilante rhetoric with postwar politics. If the Regulators were indeed nonpartisan as they claimed, the public debate did not reflect their neutrality.

Historian Richard Maxwell Brown states that the Civil War era was a period of "pervasive violence" that left a lasting impact on the nation for years afterward.<sup>142</sup>

Similarly, historian Lynn Morrow points out that vigilante organizations in the Ozarks

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<sup>139</sup> *Missouri Patriot*, June 21, 1866.

<sup>140</sup> Brown, *Strain of Violence*, 313; Michael Dickey, "Saline County, Missouri, and the Civil War," Arrow Rock State Historic Site, <http://friendsofarrowrock.org/wp-content/uploads/2013/09/civilwarsarline.pdf> (accessed May 7, 2015).

<sup>141</sup> Brown, *Strain of Violence*, 58.

<sup>142</sup> *Ibid.*, 7.



were not uncommon after the Civil War due to what he termed “border troubles,” the remnants of violence and postwar economic conditions.<sup>143</sup> Historian Thomas Spencer agrees with Morrow’s conclusion, stating that the Civil War created a “culture of violence in southwest Missouri for the remainder of the nineteenth century.”<sup>144</sup> Even Thelen agrees that the Civil War led to an “epidemic” of violence, but his contention that the subsequent vigilante violence was a manifestation of “primitive resistance” against an erosion of localized control in the wake of war is not applicable to the Greene County Regulators.<sup>145</sup> Though postwar animosities were prevalent in much of Missouri, the formation of the Honest Men’s League was primarily in response to postwar crime and lawlessness in the Ozark borderlands. However, postwar bitterness and politics soon became evident when two organizations chose differing methods to eradicate crime.

In June 1865, Missouri’s new Drake Constitution was passed by only a small majority, though former Confederates and southern sympathizers were not permitted to take part in the statewide referendum. In September of that year, the loyalty oath, also known as the ironclad oath, became law and was a requirement for all voters. Taking the loyalty oath meant that you had always been loyal to the Union; therefore former Confederate soldiers and southern sympathizers were disenfranchised. Certain professions, including attorneys, teachers, and ministers, had to take the oath in order to hold those positions. At war’s end, many Democrats, particularly those who has been part of the Confederacy, were ousted and their appointments granted to Radical

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<sup>143</sup> Lynn Morrow, “Where Did All the Money Go?: War and the Economics of Vigilantism in Southern Missouri,” 34, no. 2, *White River Valley Historical Quarterly* (Fall 1994): 3.

<sup>144</sup> Thomas M. Spencer, ed., *The Other Missouri History: Populist, Prostitutes, and Regular Folk* (Columbia: University of Missouri Press, 2004), 46.

<sup>145</sup> David Thelen, *Paths of Resistance: Tradition and Dignity in Industrializing Missouri* (New York: Oxford University Press, 1986), 60 (first quotation), 65 (second quotation).

Republicans.<sup>146</sup> Officially, the fighting was over but bands of bushwhackers and guerillas perpetuated the violence.<sup>147</sup> Crime was rampant in Springfield in spite of, or possibly due to, the continued presence of soldiers. In the summer of 1865, a temperance revival was held in hopes of combating drunkenness, while “gamblers, thieves, bullies, and prostitutes infested” the city.<sup>148</sup> Some of the crime was blamed on the continued presence of soldiers; the last of the federal troops did not leave Greene County until September 1865.<sup>149</sup> Crime was also blamed on the “great many hard characters” in Springfield following the Civil War.<sup>150</sup> Crime seemed to be unchecked and wartime animosities still burned strong, even a year after the end of the war. The postwar rise in crime, particularly violent crimes and horse theft, strained the legal system and occasionally led to extralegal methods of combating crime.

Interestingly, a few months prior to the violent activities of the Regulators, an editorial appeared in a Springfield newspaper condemning the behavior of the local police force as “too rough.” The editorial stated that the police force had no right to shoot at or to hit those they were attempting to arrest. Otherwise, the police force was commended for doing a good job of “protecting...citizens from thieves” and overall crime prevention.<sup>151</sup> Less than a month after that editorial, a Springfield police officer shot and killed an unarmed citizen while attempting to arrest him. A group of prominent Springfieldians quickly held a meeting and agreed to ask the city to “dismiss” the entire police force and file charges against the officer involved in the shooting. It was resolved

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<sup>146</sup> William E. Parrish, *Missouri Under Radical Rule: 1865-1870* (Columbia: University of Missouri Press, 1965), 29.

<sup>147</sup> Holcombe, *History of Greene County*, 485.

<sup>148</sup> *Ibid.*, 490.

<sup>149</sup> *Ibid.*, 493.

<sup>150</sup> *Ibid.*, 490.

<sup>151</sup> *Missouri Patriot*, January 18, 1866.

at the meeting that law officers should be held accountable for their actions and be “tried and judged by the law” just as any other citizen.<sup>152</sup> Yet no such complaint was published in regards to the “rough justice” of the Regulators after the extralegal execution of four Greene County residents by vigilantes. Though the Springfield police were praised for doing a decent job of preventing local crime, the attitude about law enforcement in the county was apparently quite different. At the time Springfield police were accused of being too forceful in performing their job, county citizens held a meeting and resolved to offer their assistance in apprehending an organized band of “thieves, barn burners, and robbers.”<sup>153</sup>

Cass Township in Greene County was organized in 1846; it included the hamlet of Cave Spring. It was here on March 24, 1866, that a group of “law-abiding citizens” first gathered to hold a “law and order meeting” so that they could discuss “their feelings in regard to the lawless depredations” recently occurring in the area. It is unclear who called the meeting, but the committee quickly nominated one of Greene County’s most prominent citizens, Stephen H. Julian, as president. M.W. Ackerson was chosen as secretary.<sup>154</sup> Most of the attendees lived in Cass Township, but a few also lived in Boone Township, both of which were located in northwestern Greene County.

West of Cass Township was Boone Township, home to the “bustling little village” of Walnut Grove. The hamlet was described as being on the cusp of significant “growth and prosperity,” but it was also allegedly home to a band of thieves.<sup>155</sup> The Walnut Grove area was home to white settlers as early as the 1830s, though the town was

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<sup>152</sup> *Missouri Patriot*, February 1, 1866.

<sup>153</sup> *Missouri Patriot*, April 12, 1866.

<sup>154</sup> *Ibid.*

<sup>155</sup> *Missouri Patriot*, December 21, 1865.

incorporated only in 1866. The growing community had several churches, stores, and a Masonic Hall which was formed in 1866. The first officers of the lodge included T.W. Coltrane, A.C. Sloan, Hartwell Ivey, and William C. Wadlow.<sup>156</sup> In the southern portion of Boone Township, near what would be the town of Ash Grove, early settlers included John McElhannon and John Rush.<sup>157</sup> John Rush, one of four men killed by the Regulators, was one of the founding members of the Ash Grove Baptist Church in 1859.<sup>158</sup>

Stephen H. Julian, president of the law and order committee at Cave Spring, was born in Tennessee in 1822 and arrived in what would later be Cass Township with his father, Isaac, in 1837.<sup>159</sup> By 1850 he was a farmer in Boone Township, living adjacent to his father.<sup>160</sup> Julian was a rather prosperous farmer and also held several public offices in his lifetime, including that of justice of the peace for Cass Township.<sup>161</sup> His farm was bordered by that of his brother, I.P. Julian, and by that of his friend, Greenberry Phillips.<sup>162</sup>

In 1861, the pro-Union Julian joined the Greene County Home Guard as a private, serving under Daniel Love Mallicoat.<sup>163</sup> Julian was already acquainted with Mallicoat, who was a carpenter and a farmer who lived near the Julian farm. By 1863, Julian was a captain in the Missouri State Militia cavalry and spent part of his time pursuing

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<sup>156</sup> Holcombe, *History of Greene County*, 613.

<sup>157</sup> *Ibid.*, 624.

<sup>158</sup> *Ibid.*, 627.

<sup>159</sup> *Ibid.*, 711.

<sup>160</sup> 1850 U.S. Census, Greene County, Missouri, Boone, p. 321A (stamped) line 3, Stephen Julian; NARA microfilm publication M432\_400.

<sup>161</sup> List of Greene County Office Holders, Springfield Greene County Archives and Records Center, Springfield, Missouri.

<sup>162</sup> Phillips was known as both G.B. Phillips and Greenberry Phillips.

<sup>163</sup> The short-lived Home Guard was created by Nathaniel Lyon, who was the commander of Union troops in Missouri, and was used primarily for local defense. As the war progressed, a more regulated militia was required and the Home Guard was disbanded in December 1861.

bushwhackers and guerillas.<sup>164</sup> The next year, he was in charge of Battery I, Second Missouri Light Artillery, and fought in several battles near Nashville, Tennessee.<sup>165</sup> According to Holcombe, Julian was a Democrat before the war, but joined the Greenback Party in the 1870s. However, a Springfield *Missouri Patriot* article referred to him as a Radical. Indeed, in 1872 Julian won the Republican ticket to become public administrator for Greene County.<sup>166</sup>

At the March meeting in Walnut Grove, Julian appointed a committee of ten to adopt “resolutions” in private. In the absence of the committee of ten, Julian spoke to the remaining attendees, as did Daniel L. Mallicoat, J. W. Wadlow, T.W. Coltrane, and Major John Small. When the committee returned to the meeting, they read the following resolutions:

Whereas, we law-abiding citizens, assembled at Cave Spring, Greene County, Mo., do, as much as we may deplore it, feel constrained to acknowledge that we believe our section of country is infested with an organized band of thieves, barn-burners, and robbers; therefore, in order to suppress and overthrow the band, we cordially adopt the following resolutions:

Resolved, 1<sup>st</sup>, That in order that the honest people may live in the enjoyment of their inalienable rights and privileges, it is our several duties, when necessary, to assist the civil officers in enforcing the laws.

2. That we believe it to be the duty of all good citizens to cooperate in this laudable purpose, for there can be no neutral or intermediate grounds between honesty and dishonesty.

3. That notwithstanding the secrecy with which these miscreants endeavor to act, we are not entirely unapprised of how and with whom they operate.

4. That our civil officers ought to be good men, with moral courage enough to do their whole duty.

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<sup>164</sup> Holcombe, *History of Greene County*, 712.

<sup>165</sup> *Miscellaneous Documents of the House of Representatives*, 53d Cong., 2d sess., 1895 (Washington, DC: Government Printing Office: 1895), 471-72.

<sup>166</sup> Holcombe, *History of Greene County*, 600; *Missouri Patriot*, September 18, 1866.

5. That the law must and shall be enforced, peaceably if possibly, forcibly if necessary.
6. That we mutually agree that all honest men are entitled to our aid and assistance.
7. That transgressors of our laws must and shall be made odious and transgressors punished.
8. That the way of the transgressor should be made a hard road to travel.
9. That we hold it to be the duty of all good citizens of this community to enforce and sustain the foregoing resolutions.
10. That the Springfield papers be requested to publish these proceedings.

The document was signed by the ten-member committee, consisting of A.C.C.

McElhannon, Absolom C. Sloan, S.G. Appleby, John R. Lee, Isaac P. Julian, Albert Combs, H. Blankenship, M.W. Cook, E. Dorsey, and Thomas K. Perryman, followed by the signature of President S.H. Julian. As requested, Springfield newspapers published the resolutions on April 12, 1866.<sup>167</sup>

The men at Cave Spring were neighbors and likely knew each other well. Ackerson had served with Major Small in the Union army during the Civil War. Coltrane was a school teacher in Greene County in 1859; by 1866 he was a doctor and was practicing medicine in Walnut Grove. In November of that year he was elected Superintendent of Common Schools for the county. Absolom C. Sloan was also a doctor from Walnut Grove and had helped train Coltrane. Both men, as well as Samuel G. Appleby, were members of the same lodge. J.W. Wadlow was currently serving as justice of the peace for Cass Township. Cook and Combs served together in the Union army during the Civil War. Daniel L. Mallicoat, also from Cass Township, was a captain in the Greene County Home Guard, serving under John S. Phelps. Isaac Julian, Stephen H.

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<sup>167</sup> *Missouri Patriot*, April 12, 1866.

Julian, and John Lee briefly served under him in the Home Guard. After the war, Mallicoat served as justice of the peace for Cass Township for several years.

The members of the law and order committee were farmers, friends, and neighbors; most had served together in the Union army and a few were also fellow lodge members. As Brown pointed out, membership in a masonic lodge frequently coincided with membership in a vigilante organization. Brown contends that the desire to join a fraternal organization is founded on the desire to be a community leader and it was also common for vigilante organizations to be formed of prominent members of the community.<sup>168</sup> So far as can be determined, none of these men were poor; most were fairly prosperous and many had been in the Ozarks for at least ten years. Only a few, such as Coltrane, were more recent arrivals. Many were community leaders, whether recent immigrants or original settlers, who were searching for a way to bring an end to an excess of post-Civil War crime. However, despite long-standing community bonds, not all of the members of the law and order meeting agreed on methods of crime control. A few men chose a more violent solution and soon joined the Honest Men's League, or Regulators. This led to accusations of political partisanship and a public war of words between the two organizations.

One county history claims that the Regulators were bipartisan and could boast of former Union soldiers and former Confederates as members. Though the allegiance of most of the 280 members is uncertain, approximately half of the men named are identifiable as former Union soldiers. Only one of the known members has been identified as a former Confederate soldier. Though postwar sectional animosities may have played a role in dividing the membership of the initial law and order group, it is

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<sup>168</sup> Brown, *Strain of Violence*, 105.

likely that postwar politics had a larger impact. The political persuasion of the majority of participants is not known—a few can be identified as Democrats and a few as Republicans. The primary division, however, seems to have been between Republicans and Radical Republicans, a divide that was often bitter during the postwar years.

Certainly, being pro-Union was no guarantee of safety from the Regulators. As was previously noted, the first victim of the Regulators was Green B. Phillips, a former captain in the Union army. Prior to the Civil War, Phillips was a prominent Greene County citizen and served as constable of Boone Township from 1850-54. During the war, he was a Unionist and served with the 74<sup>th</sup> Enrolled Missouri Militia, Company C. Stephen Julian's brother, Isaac, served under Phillips in Company C, as did one of the victims of the Regulators, Charles Gorsuch. Phillips fought in the Battle of Springfield on January 8, 1863, and, according to Holcombe, "did valiant and valuable service" in rebuffing the Confederates. Phillips ran for state representative in 1864, but was unsuccessful.<sup>169</sup>

Despite his history of public service and his exemplary Civil War record, Phillips had managed to make a few enemies along the way, a fact illustrated by several court cases against him for failure to pay his debts. In January 1861, Mary Sloan sued Phillips and another man for \$75.25 that she claimed they owed to her. Phillips appealed and, along with friend Stephen H. Julian, signed a \$200 bond pending the outcome of the case which is, unfortunately, unknown.<sup>170</sup>

Phillips was sued again in March 1861, and Julian, who was then the justice of the peace, issued a summons against him for nonpayment of a \$76.20 debt that was owed to

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<sup>169</sup> Holcombe, *History of Greene County*, 498.

<sup>170</sup> *Mary Sloan v. Barney Ford and G.B. Phillips*, Greene County (Mo.) Circuit Court, Folder 2419, Springfield Greene County Archives and Records Center, Springfield, Mo.



the estate of Peyton Matherly. Phillips failed to appear and was in default, but the advent of war apparently put the case on hold.<sup>171</sup>

In May 1861 Phillips was sued again, and lost, this time for a debt of \$88.<sup>172</sup> Then in September 1864, a new justice of the peace and future Regulator, John Wadlow, issued another summons for Phillips in regards to his debt to the Matherly estate. Phillips still refused to pay the debt, and the sheriff reported that Phillips had “no goods or chattels” for him to garnishee and cover the debt.<sup>173</sup> In August 1865, R. K. Boyd filed a case against Phillips for failure to pay a promissory note for \$75.93. Boyd eventually won the case but was still unable to collect on the note. Sheriff John A. Patterson was dispatched to Phillip’s home to garnishee whatever he could find that would pay off the debt, but he reported that “he could find no property in Greene County, Missouri belonging to...G. B. Phillips upon which to levy the within execution.”<sup>174</sup> The last civil case against Phillips was closed in 1868, when another justice of the peace, Daniel L. Mallicoat, was working on the Matherly estate case, but by then Phillips was dead. Julian, the administrator of Phillips’ estate, filed a successful motion to dismiss the case.<sup>175</sup> Phillips had apparently been in debt to several people over a period of years and earned a reputation for not paying what he owed, a reputation of which several future Regulators were aware.

Phillips’s legal troubles went beyond the nonpayment of his debts; in January 1865, a warrant was issued for his arrest on a charge of grand larceny. On February 4,

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<sup>171</sup> *Elisha Headlee v. G.B. Phillips*, Greene County (Mo.) Circuit Court, Folder 2042, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>172</sup> *Jonathan Johnson v. Greenberry Phillips*, Greene County (Mo.) Circuit Court, Folder 6577, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>173</sup> *Elisha Headlee v. G.B. Phillips*, Greene County (Mo.) Circuit Court, Folder 2042, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>174</sup> *R.K. Boyd v. G. B. Phillips*, Greene County (Mo.) Circuit Court, Folder 4076, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>175</sup> *Elisha Headlee v. G.B. Phillips*, Greene County (Mo.) Circuit Court, Folder 2042, Springfield Greene County Archives and Records Center, Springfield, Mo.

Sheriff Patterson's return stated that he was unable to locate Phillips.<sup>176</sup> It may be that he did not try particularly hard; Phillips was still in the county in May 1865, when Bloomfield Logan sued him for the return of a six-year-old bay mare that he claimed Phillips had stolen. Phillips was ordered to turn the horse over to Sheriff Patterson, but he refused to do so. In the July term of circuit court, Logan insisted that he was the rightful owner of the horse and that Phillips had stolen it from him in May 1864.<sup>177</sup> Logan either wanted his horse or \$250 in compensation. At some point, the horse must have been returned to Logan, because extant documents show that Logan posted bond for the return of the horse to Phillips in the event that Phillips later won the case. Two of the cosigners for Logan's bond were attendees at the law and order meeting held at Cave Spring: T.W. Coltrane and A.C.C. McElhannon.<sup>178</sup>

Though there is no certainty that the charge of grand larceny was based on the dispute over ownership of the horse, there is likely a connection. Phillips never went to trial for the charge and the case with Logan was ultimately dismissed. The Regulators could not prove that Phillips was a criminal, but they knew that he consistently failed to pay his debts, and at least two of them were friends with the man who accused him of horse theft. They also may have known of Phillips's involvement in securing bond, along with a dozen other men, for the release of George W. Cooper, who was charged with manslaughter in July 1865. However, Thomas K. Perryman, a future attendee at the law and order meeting, also helped with Cooper's bond but, unlike Phillips, Perryman was

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<sup>176</sup> *State of Missouri v. Greene B. Phillips*, Greene County (Mo.) Circuit Court, Folder 6818, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>177</sup> This disagreement may have been Civil War related; Phillips was still in the Union Army at the time. Citizens frequently complained that the military took livestock for their own use without remuneration.

<sup>178</sup> *Bloomfield Logan v. G.B. Phillips*, Greene County (Mo.) Circuit Court, Folder 5698, Springfield Greene County Archives and Records Center, Springfield, Mo.

never targeted by the Regulators. Possibly it was primarily the accusation of horse theft that caused the Regulators to target Phillips or perhaps other issues altogether that led to Phillips's death and spared Perryman.<sup>179</sup> Whatever the reasons, the Regulators believed they had legitimate cause to accuse him of being a "sympathizer with and an aider [sic] and abettor of crime and criminals."<sup>180</sup>

After the lynching of Phillips, the Regulators were quick to claim their next victims. On May 25, they captured the two men who were allegedly the "ringleaders" of a band of thieves headquartered near Walnut Grove: John Rush and Charles Gorsuch. In the tradition of Colonel Lynch, they conducted a mock trial complete with a twelve-man jury before hanging both of them.<sup>181</sup> The lynching of Rush and Gorsuch may have its source from a case of alleged hog theft earlier in the year. In January, John Rush, Charles Gorsuch, and Samuel Gorsuch were arrested for stealing and killing a hog belonging to Alexander Leeper. Leeper brought a complaint before justice of the peace Lindsey Nichols, who questioned the three men and three witnesses. Leeper told Nichols that on January 21, he found his hog "laying dead or nearly dead near his feeding ground." Leeper left to enlist the aid of two friends, John Culbertson and C.F. Coram, to move the dead animal but when they returned they "found that the hog had been drug off." They followed the trail to the home of John Rush. Leeper asked to see the hog, but Rush said it was already "salted down." He then refused Leeper's request to see the ears; Leeper obtained the ears anyway and found that they did have his "mark," establishing his ownership of the animal. Rush called Leeper a liar and stated that the hog was his and

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<sup>179</sup> *State of Missouri v. George Cooper*, Greene County (Mo.) Circuit Court Abstract, Docket Book G, Page 94, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>180</sup> Holcombe, *History of Greene County*, 498.

<sup>181</sup> *Missouri Patriot*, May 31, 1866.

that the cuts on the ears were made by his children using a knife. He then “became very angry with Mr. Leeper and...drew his revolver and told him to get out of his yard or he would shoot his damned rebel brains out...” Culbertson also said that Rush told Leeper that no “damned rebel should claim his property after them tearing me up as they have done.”<sup>182</sup>

Leeper, apparently, was a former Confederate or at least a rebel sympathizer, and was obviously not well-liked by John Rush and Charles Gorsuch, both of whom had been in the Union army. Rush and Gorsuch had served in the 74<sup>th</sup> Enrolled Missouri Militia (EMM), Rush serving in Company H with John Small and Gorsuch in Company C with Phillips.<sup>183</sup> The EMM was known for its harsh treatment of rebel citizens and for forcing them to work for the military, leading to complaints of abuse. In this case, however, it appears that Rush, a former Union soldier, was bitter about the destruction of his property by rebels, which likely occurred while he was away from home with the EMM.

The testimony continued, with witness John Balay testifying that Gorsuch had asked him to help “put up” a hog, a request that Balay declined because he was suspicious as to the hog’s origin. When questioned about the character of the three accused men, Coram admitted that he did not know anything negative about the three men. Balay, however, stated that he had “heard several say they believed Mr. Rush took property that did not belong to him” and he believed that Rush had a bad reputation within the community.<sup>184</sup>

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<sup>182</sup> *State of Missouri v. Rush, Rush, and Gorsuch*, Greene County (Mo.) Circuit Court, Folder 6313, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>183</sup> John Rush, Charles A. Gorsuch, G.B. Phillips, and John Small, *Soldiers’ Records: War of 1812-World War I*, Missouri Digital Heritage. <http://s1.sos.mo.gov/records/archives/archivesdb/soldiers/> (accessed June 12, 2015).

<sup>184</sup> *State of Missouri v. Rush, Rush, and Gorsuch*, Greene County (Mo.) Circuit Court, Folder 6313, Springfield Greene County Archives and Records Center, Springfield, Mo.

After undergoing questioning by the justice of the peace, the three prisoners admitted to killing the hog but denied that it belonged to Leeper. They were released and the case was referred to the July 1866 session of the grand jury.<sup>185</sup> Of course, John Rush and Charles Gorsuch were dead by then. What became of Samuel Gorsuch is not known. The men apparently already had bad reputations and with the alleged theft of the hog, they made an enemy of a wealthy and prominent citizen. They likely made matters worse for themselves by publicly denouncing the Regulators and their lynching of Phillips.

Though the local response to their extralegal activities appears to have been mixed, the Regulators enjoyed enough popularity that on June 1, a group of 280 of them dared to ride into Springfield and hold an open meeting on the public square in front of the courthouse, with no apparent fear of arrest. Vigilante organizations typically need to justify their actions, not just to themselves, but also to the public. They need to maintain a level of popular support that will not only enable their actions to continue, but also to prevent legal repercussions. Their intent in riding to Springfield en masse was to “make a display of their force and an open defense of their actions.” The Regulators knew they could not legally justify their actions. They could, however, claim to be acting in the public good and in the “common interest,” a right afforded them by the tradition of popular sovereignty.<sup>186</sup>

Several prominent Springfield citizens, including ministers and politicians, made speeches in favor of “Honest Men’s League,” as the Regulators were called by the *Patriot*, a Radical Springfield newspaper. J.M. Brown, a minister from a Cave Spring

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<sup>185</sup> *State of Missouri v. Rush, Rush, and Gorsuch*, Greene County (Mo.) Circuit Court, Folder 6313, Springfield Greene County Archives and Records Center, Springfield, Mo.

<sup>186</sup> *Missouri Patriot*, October 2, 1866.

church where several Regulators were members,<sup>187</sup> spoke in defense of his fellow vigilantes and justified their actions on the basis of “necessity and self-defense.” Brown said they all preferred to work within the law, but were also not averse to handling things “in their own way.” Levi Downing and J.A. Mack spoke as well, both citing the same justification for vigilantism. Only two men were recorded as speaking against the group, the Honorable John M. Richardson and Colonel John S. Phelps.<sup>188</sup> Both men condemned the extralegal methods of the Regulators and decried their methods of “taking upon themselves the province of court, jury, and executioner.” John S. Phelps believed that the crime wave could and should be handled within the court system. On the other hand, he “hoped that what had been done would be a warning and terror to evil doers in the future” and that no further vigilante action would be necessary. Phelps’s words did not sway the Regulators or public opinion, which was firmly on the side of the vigilantes. Despite the three deaths attributed to the Regulators, no one was either charged or arrested for murder that day, or at any time thereafter.<sup>189</sup>

In reporting the Regulators’ meeting on the public square, the *Patriot* noted that among the organization’s membership they saw “many of the best citizens of the county” as well as a representation of “all political parties...and different churches.” However, the newspaper report did not list any of the names of the Regulators, so the assertion of bipartisanship cannot be verified.<sup>190</sup>

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<sup>187</sup> E. E. Stringfield, *Presbyterianism in the Ozarks: A History of the Work of the Various Branches 1834-1907*, (Presbytery of Ozarks: 1909), 122. Reverend Brown was the newest pastor of the Mount Zion Cumberland Presbyterian Church at Cave Spring.

<sup>188</sup> John M. Richardson was a Democrat and served as Missouri’s Secretary of State from 1853-1857. John S. Phelps was a Missouri politician, Union veteran, and a war Democrat. He served as Missouri’s governor from 1877-1881.

<sup>189</sup> *Missouri Patriot*, May 31, 1866.

<sup>190</sup> *Ibid.*

According to historian Richard Maxwell Brown, almost half of all vigilante organizations killed no more than four people.<sup>191</sup> The Regulators were no exception, claiming their fourth, and final, victim in Christian County in June 1866. There they apprehended James Edwards, a man wanted for theft in Greene County. Just as they had done with Rush and Gorsuch, the Regulators held a mock trial and “found him guilty and hung him to a large oak tree at the side of the road.”<sup>192</sup> With that act, the reign of the Regulators ended as suddenly as it began. However, the public debate as to the legitimacy of their extralegal activities continued. Though the Regulators were allegedly non-partisan, there were still disputes about politics, particularly between Radical Republicans and Conservatives, as well as publicized disputes as to the legitimacy of the methods used by the Regulators to control crime.

Though they do not appear to have been involved in any further violent extralegal activities, the Regulators continued to hold meetings. The first known record of one of their meetings was after their extralegal activities had ended. It was held on July 28, 1866, in Cave Spring. A total of five attendees from the March law and order meeting were now listed members of the Regulators. Absolom C. Sloan was chosen as president of the organization; E. Dorsey was appointed as one of the vice presidents and Thomas W. Coltrane was one of two secretaries. John Small and Samuel G. Appleby were also now member so the Regulators.<sup>193</sup>

Reverend Brown, who had spoken for the Regulators when they met on the Springfield public square the previous June, was also in attendance and was part of

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<sup>191</sup> Brown, *Strain of Violence*, 110.

<sup>192</sup> Jonathan Fairbanks and Clyde Edwin Tuck, *Past and Present of Greene County, Missouri* (Indianapolis: A.W. Bowen and Company, 1915), 226.

<sup>193</sup> *Missouri Patriot*, August 9, 1866.

the committee that helped draft the organization's new resolutions:

Whereas, there has, for the past few months, existed in the counties of Greene, Dade, Polk and the adjoining counties, an organized band of thieves and robbers whose numerous and bold depredations in stealing horses and farming implements, in burning barns, robbing dwellings and stores, had made the property and lives of honest men and peaceable citizens entirely unsafe; and

Whereas, These thieves and robbers, through the forms of law intended for the protection of honest citizens, and by the most unblushing perjury have made it impossible for the civil officers, acting thro' the forms of law, to bring them to justice; and

Resolved, 1<sup>st</sup>, That we are determined to break up this band of thieves and robbers, and bring lawless men to justice, through the forms of law, if we can, but without the forms of law, if we must.

2<sup>nd</sup>, That the very great benefit to the community in the form of increased safety to life and property, resulting from the hanging of certain notorious thieves, encourages us to hope that the continued and prompt enforcement of such penalties for great crimes will soon entirely rid the country of these lawless men.

3<sup>rd</sup>, That it is with the deepest regret, and only under the pressure of stern necessity that we use such means to protect our lives and homes.

4<sup>th</sup>, That we will most gladly leave the enforcement of law and execution of justice to the civil authorities, when they can afford us protection by bringing criminals to justice.

5<sup>th</sup>, That the civil authorities, with but few exceptions, have manifested a commendable zeal in their efforts to enforce the laws.

6<sup>th</sup>, That those officers of justice, who while they make little or no efforts to bring great criminals to justice, yet they use extralegal means to bring vexation suits against those citizens who are honestly and earnestly striving to rid the community of thieves and robbers, place themselves upon a level with the criminals they serve, and merit their fate.

7<sup>th</sup>, That those would-be-political-leaders, who under the disguise of a pretended regard for law and love for the Radical Union party, secretly encourage thieves in their war upon the honest citizens, merit reprobation of all good men, and deserve and ought to receive the same punishment as their chosen companions, *the thieves*.

8<sup>th</sup>, That we will not as individuals, or through any organization having for its object the enforcement of law, endeavor to shield any of our number from the penalties due the crimes they may commit.



9<sup>th</sup>, That in the meeting, and in any and all organizations acting in concert with it, we have but one object, and that is the breaking up of the band of thieves above named, regardless of their political connections.

10<sup>th</sup>, That the bearing of deadly weapons, and the free expression of threats against the lives of peaceable citizens by those charged with, and awaiting trial for great crimes, is dangerous to the peace of the community and ought not to be permitted.

11<sup>th</sup>, Appealing to the great Judge of the universe, as to the justice of our cause, and the purity of our motives, without malice or revenge, asking no favors, and fearing no threats from bad men, earnestly desiring to exercise that wisdom, that calmness, and that courage which become brave men and good citizens, we are determined to go forward until the cause in which we are engaged is completely successful, and peace, security and law are firmly reestablished.

13<sup>th</sup>, That the Springfield papers be requested to publish the proceedings of this meeting.

Attendees at this meeting were from Dade, Polk, Greene, Christian, and Jasper counties.

The wording of the resolutions suggests that some of the vigilantes may have experienced legal repercussions for their extralegal activities, but no documentation has as yet been found that indicates any criminal charges were filed against the men. The resolutions also indicate the political divisions that may have separated the Regulators from those who held the law and order meeting at Cave Spring in March.<sup>194</sup>

Perhaps in response to the meeting of the Regulators and the subsequent publication of their resolutions, the law and order group met once again in Cave Spring. The *Patriot* reported that the “Radical Union men” held a “mass convention” of citizens who were concerned about the “deplorable condition” of the country and of southwest Missouri. Stephen H. Julian opened the meeting and Daniel L. Mallicoat, who had attended the March meeting, was appointed president. The attendees, though few were listed, composed and adopted an entirely new set of resolutions in response to the

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<sup>194</sup> *Missouri Patriot*, August 9, 1866.

violence of the Regulators:

Whereas, There exists in our midst an organized mob, band or organization calling themselves Regulators, who are chiefly composed of returned rebels and rebel sympathizers, and who feeling the fire to be too hot, have enlisted a few Radicals to use as [cat's paws]; to enable them to carry out the program enunciated by the rebel leaders, when they were forced to lay down their arms (which was to subvert or destroy the Government by every means in their power) and who have carried their high-handed acts to such extremes as to inflict capital punishment on several Radicals and threaten others whom we know to be innocent and that their course has brought into our midst confusion, strife, bloodshed, and anarchy and;

Whereas, There is a great crisis upon our country, by the division between our President and loyal Congress upon the policy of reconstruction, and as we deem the course of the President to be calculated to widen the breach instead of healing it, and as there never was a time in the history of our Nation that demanded in stronger terms the most untiring energy and eternal vigilance, and that every loyal mans should speak out his real sentiments than now. Therefore, be it

Resolved 1<sup>st</sup>, that we denounce in the most bitter terms, and condemn with the most solemn condemnation, all mobs, or mobocracy, or mobcrats, let them come in whatever guise or whatever garb they may, as the fruits thereof are confusion, strife, bloodshed, and anarchy and no remedy for evils existing, or assistance to civil law, but a violation of both, as their crimes are known to be higher against civil law than those they presume to punish;

2<sup>nd</sup>, that we denounce those resolutions passed by the so-called Regulators on the 28<sup>th</sup> July, 1866, as an insult to all civil officers of this state and county and to all peaceable citizens of this country. Nevertheless, if any officer so degrade himself as to favor the so-called Regulators, we respectfully ask them to resign so their placed may be filled by true men.

3<sup>rd</sup>, that the so-called Regulators are banded together for the subversion of civil law, and are chiefly disloyal and all radicals acting with them are acting under a misapprehension of their duties as citizens, and we ask them to stand by law and its forms as the only hope of safety.

4<sup>th</sup>, that it is very suspicious to see men calling themselves radicals, meeting in secret conclave, and at the midnight hour laying plans to subvert the radical party and assassinate its members, and as radicals they must expect the opprobrium attached to all rebels, or forsake the unholy combination.

5<sup>th</sup>, that we believe that all redress for wrongs can be had through our civil authorities and that we have entire confidence in our civil officers from Governor down to Constable, and we here pledge ourselves, our lives and honor to assist the

civil officers and all good citizens in their duty, in executing the civil laws of our state or United States, and to protect each other from all mobs or mob violence, come in whatever shape it may.

6<sup>th</sup>, that the right of free speech and a trial by jury, for all criminals or persons accused of crime, we hold to be sacred and the birthright of every American citizen, and we denounce in the bitterest terms any organization that would deny the same to any man, or try to intimidate by threats or otherwise.

7<sup>th</sup>, the right to bear arms in defense of our person and property, we hold to be sacred and should not be trampled upon by any, so long as it is the law of the land.

8<sup>th</sup>, that we heartily endorse the loyal Congress in all its acts, the President to the contrary notwithstanding, and request our Legislature as soon as convened, to ratify the amendments to the Constitution of the United States, as proposed and adopted by Congress.

9<sup>th</sup>, that we recommend that the radicals of every township in Greene County, meet and take into consideration the condition of our county, and the substance of these resolutions.

10<sup>th</sup>, that the *Journal and Patriot* be requested to publish the foregoing resolutions.<sup>195</sup>

The resolutions were published in the *Patriot* on September 18, 1866, and though the vigilante violence precipitated by the Regulators had ended, the public war of words continued. Both organizations accused the other of being Radical and being responsible for the prevalence of crime in and around Greene County.

Although the resolutions of the Regulators appeared to portray them as anti-Radical, in August, a St. Louis newspaper, the conservative-leaning *Daily Missouri Republican*, printed a scathing editorial accusing the Regulators of being devoted to the Radical cause and blaming Radicalism for crime in southwest Missouri. The editorial was a response to the Springfield *Missouri Patriot*, a Radical newspaper, having recently published the resolutions adopted at the July 28 meeting of the Regulators. Because of

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<sup>195</sup> *Missouri Patriot*, September 18, 1866.

that publication, with no accompanying commentary, the *Republican* accused the *Patriot* of tacitly endorsing the Regulators.<sup>196</sup> The accusation was not entirely unjust; when reporting on the mass gathering of Regulators on the square in May, the *Patriot* stopped short of condemnation when it lamented that the “league did not make an effort to punish those who were hung” by legal methods. Postwar conditions in southwest Missouri “required an extraordinary effort on the part of the honest portion of the community...to punish those guilty of crime.”<sup>197</sup>

Surprisingly, the *Patriot* later issued a warning to the Regulators. After previously spending a considerable amount of space defending the vigilantes, an August 23 editorial called for them to “disband” and stated that they had no authority to pass sentence on criminals or to punish them. Despite the apparent widespread public support enjoyed by the Regulators, the editorial told them that “any act of violence by them is itself a crime.” Typically, vigilantes did not consider their behavior criminal, nor did they believe that subjecting their victims to the death penalty was an act of murder on their part.<sup>198</sup> The July 28 resolutions of the Regulators indicate that in no way did they believe they had acted inappropriately or illegally when they convicted and killed four men.

However, Stephen H. Julian was strongly against the extralegal behavior that was sanctioned by the Regulators. The same August 23 issue of the *Patriot* published a letter from Julian that he wrote in response to the Regulators’ extralegal methods of justice. Julian compared the Regulators to rebels when he stated that he believed not everyone had learned the lesson of war, in that some men were still in rebellion against the law and “taking [the] law in their own hands and meeting out justice to crime” as they saw fit.

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<sup>196</sup> *Missouri Republican*, August 16, 1866.

<sup>197</sup> *Missouri Patriot*, May 31, 1866.

<sup>198</sup> *Missouri Patriot*, August 23, 1866.

Julian agreed with the consensus that the Regulators were bipartisan, and that it was made up of “rebels, copperheads, conservatives, radicals, and preachers of the Gospel.” Julian went on to criticize each group individually, though he was especially critical of the Union men who had been former soldiers and had previously fought to preserve law and the Union, but had now joined the “rebels and conservatives” in “shooting down Union men” on the pretext that they were thieves. He then pointed out the constitutional right of a trial and that, in any case, hanging was not the typical punishment for theft. Julian believed that the Union membership of the Regulators were nothing more than “cat’s paw[s]” and were being used by the other partisans in order to “stir up strife and confusion amongst the Radical party.” Julian, a Radical Republican, signed his letter with the moniker “would-be politician,” likely referring to the Regulators’ resolution number seven, which accused “would-be-political-leaders” of the Radical party of being the friends of thieves.<sup>199</sup>

Julian was correct in that the death penalty was not the usual punishment for theft, nor was theft a crime which usually merited lynching by vigilantes. Horse theft frequently caught the attention of vigilantes and often resulted in extralegal hanging, but more often it was violent crimes that prompted the formation of vigilance organization and frequently led to lynching. All four of the men killed by the Regulators were accused of being thieves, but none of them had a history of violence. However, in their resolutions, the Regulators spoke of the problem of “thieves and robbers,” but did not mention a prevalence of violence in southwest Missouri. The beginning of their resolutions also spoke of frustration with laws that made it easy for criminals to avoid

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<sup>199</sup> *Missouri Patriot*, August 23, 1866.

prosecution. It was not uncommon for vigilance committees to organize and to lynch their victims based on a lack of patience with the legal process.

The *Patriot* was not the only Springfield newspaper to support the Regulators. A *Southwest Union Press* editorial, printed in the *Patriot*, wrote a glowing article about the “Regulators in the Southwest,” a group of men who had “organized...for the purpose of protecting themselves against an organized band of horse thieves, harness thieves, [and] plow thieves...” Three months earlier, the article noted, theft in Greene County was so prevalent and unimpeded that “honest citizens” had to take action. Contrary to Thelen’s assertion that citizens chose vigilantism because they considered the local law enforcement “illegitimate,” the Regulators did not propose to resist the rule of law.<sup>200</sup> They may have considered it ineffective, but not illegitimate, and wanted to “assist officers of the law.” The editorial applauded the general honesty of the “Regulators” and described them as the “bone and sinew of this country.” Since the organization was reportedly comprised of both parties, it was considered nonpartisan. It was simply a matter of “self-protection,” one of the primary justifications for vigilantism. According to the *Patriot*, the Regulators were simply “honest, peaceful citizens” who were forced to form the organization due to rampant crime in the area following the Civil War. Though the *Southwest Union Press* declined to “endorse mob violence,” that is nonetheless what it did.<sup>201</sup>

The debate over Radicalism and the Regulators continued in print when, in September, 1866, the conservative *Missouri Republican* of St. Louis published an editorial about the Regulators, stating that the vigilantes had taken control of Greene

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<sup>200</sup> Thelen, *Paths of Resistance*, 60.

<sup>201</sup> *Missouri Patriot*, September 14, 1866.

County as well as neighboring counties. The editor of the *Patriot* was angered by the article and published two rebuttal editorials on the twentieth. Initially, the *Patriot* seemed to deny that the Regulators had hung anyone and confirmed the denial that the group was comprised entirely of Radical Republicans. The *Patriot* even boasted that it was “Southwest Missouri that crammed this new [Drake] constitution down the throats of the rebels, Copperheads, and Conservatives, and intend[ed] to keep it there and enforce it in spite of them.”<sup>202</sup>

That same day, another editorial in the *Patriot* accused the *Republican* of being an “apologist for horse-thieves and robbers,” and again complained about the Regulators being accused of being comprised only of Radicals. The *Republican*, said the editorial, was advocating a “disregard for law” and wanted to allow “criminals” to “vote and hold office.” Likely the *Patriot* was referring to the advocacy of allowing former rebels to take part in Missouri politics. The third editorial in that edition of the *Patriot* was taken from another Springfield paper, the *Southwest Union Press*. That article also defended the Regulators, calling them “honest men” who were both bipartisan and apolitical, and placed the blame for lack of criminal convictions squarely on local law enforcement, stating that “by their negligence and want of energy, the terrible necessity...of taking the matter into their own hands was forced upon them.”<sup>203</sup>

In a letter published in the *Patriot* in early October, Levi P. Downing, a former Union soldier and a member of the Regulators, agreed with the precept that lax law enforcement had allowed crime to go unchecked and therefore “honest” citizens had no choice but to “save themselves.” Downing’s statement was part of his acerbic response to

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<sup>202</sup> *Missouri Patriot*, September 20, 1866.

<sup>203</sup> *Missouri Patriot*, September 20, 1866.

Julian's recently published letter which was critical of the Regulators. Downing accused Julian of playing politics; Julian had lost his bid for nomination to the state legislature earlier that year, and Downing claimed that the August meeting at Cave Spring was simply a ploy for a measure of local political control.

Downing's accusation is unprovable, but there is no doubt that Julian did seek public office. He had previously served as a justice of the peace, and he later served as Greene County public administrator for several years. Membership in a vigilante organization was usually no hindrance for a future in politics, though Julian did eschew the violent Regulators for the peaceful law and order committee. If it was nothing more than a political move on Julian's part, it was a safe one. Or, as he stated in his published letter, he had experienced enough violence and rebellion during the war and preferred a legitimate method of crime control.

Though the *Patriot* had recently referred to the Cave Spring group as Radicals, which indeed Julian was, Downing claimed that the Regulators were also proud "Radical Union men." In their defense he cited the support of the *Patriot*, as well as the membership of "leading men" from the community. He further accused the Cave Spring group of organizing for the purpose of "ingratiating themselves with the populace." Though Downing had to agree with Julian's charge that only Union men had been killed, he denied that it was a method of obtaining political power. Downing believed that the men were "horse thieves and desperadoes" who had to be stopped and that Julian was simply a "sorehead" because he had lost his chance for political power.<sup>204</sup>

With that final volley from Downing, the war of words between the two groups was largely over. Just over a year after the initial Cave Spring law and order meeting, the

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<sup>204</sup> *Missouri Patriot*, October 2, 1866.



Regulators held their penultimate meeting in the hamlet. Though by now, twenty members of the Regulators were defendants in three separate civil cases with the surviving spouses of three of their victims, none of the men had been arrested and they appeared to have no regrets over the deaths of four men. Indeed, the apparent purpose of this meeting was to adopt a set of resolutions that justified their extralegal actions based on their success. The meeting was chaired by the president of the Regulators, former Union major John Small, and Thomas W. Coltrane, the new secretary.<sup>205</sup>

Small appointed a committee of twelve to draft a new statement: Levi P. Downing, Samuel G. Appleby, John R. Earnest, John Evans, James Boston, R.C. Julian, Wesley Wadlow, S. Mason, Thomas Yeakley, James Collison, George W. Sloan, and Jacob Longcrier. The committee proposed the following resolutions:

Whereas, for over two years Greene County and other portions of our state have been infested by horse thieves and persons living only by plunder, and; Whereas, such change has taken place recently as to encourage farmers and the laboring classes to believe and rejoice that the number of such disturbers of the public peace is rapidly decreasing and that they may now open their farms and pursue avocations of industry, hoping, God supplying the shower, to reap abundant harvests and enjoy the fruits of their labors; therefore be it:

Resolved, 1<sup>st</sup>, that we regard the operations of the so-called Regulators in Southwest Missouri as having already effected an important object in favor of the honest community, and that now, as heretofore, we are resolved to resort to the first law of nature only in cases of extreme necessity.

Resolved, 2<sup>nd</sup>, that the civil officers of our country, having shown a determination on their part to bring criminals to justice and rid the country of thieves, we pledge ourselves to aid them in the good work, and we believe that very soon the civil authority will give all men everywhere reason to rejoice in the great moral reform which is being wrought in our midst.

Resolved, 3<sup>rd</sup>, that the Springfield *Patriot* and also the *Leader* be requested to publish the proceedings of this meeting.<sup>206</sup>

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<sup>205</sup> *Missouri Patriot*, April 18, 1867.

<sup>206</sup> *Missouri Patriot*, April 18, 1867.

With these resolutions, the Regulators publicly proclaimed the success of their extralegal venture. Their use of the term “first law of nature” is indicative of their belief in the right of self-protection and popular sovereignty. If law enforcement could not protect their property, they had the right to do it themselves. Their success justified the use of extralegal justice, thus proving to themselves and to the public that “violence in a good cause pays.”<sup>207</sup>

Both Small and Coltrane, in addition to Samuel G. Appleby, who also attended the meeting, had been with the original “law and order” group that met at Cave Spring the previous March. By the time of the first known meeting of the Regulators in July 1866, the three men had left the law and order group and joined the Regulators. Possibly it was political differences that led them to switch their allegiance, or it could have been a difference of opinion as to how to stop the crime wave. The majority of the men known to have attended the law and order meeting apparently did not join the Regulators and one, Stephen H. Julian, openly criticized the violent methods of the organization. Though Julian was accused of political motivations for his condemnation of the Regulators, he may also have had personal reasons, in that their first victim, Green B. Phillips, had been his friend.

Just as most of the Cave Spring law and order committee members were prominent Greene County citizens, so were the Regulators. Thomas Yeakley was a wealthy farmer and landowner. His father donated land for a church and a cemetery in Greene County, both of which still bear the Yeakley name.<sup>208</sup> R.C. Julian was

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<sup>207</sup> Brown, *Strain of Violence*, 42.

<sup>208</sup> Alan Schmitt, “I Will Build My Church...”: A History of Yeakley Chapel United Methodist Church,” 8, no. 11, *White River Valley Historical Quarterly* (Spring 1985): 10.

remembered as a “prominent citizen of the county.”<sup>209</sup> Jacob Longcrier was a farmer and an elder at the Cumberland Presbyterian Church. He served in the Home Guard during the Civil War.<sup>210</sup> John Earnest was constable in Cass Township in 1850 and then justice of the peace in 1855.<sup>211</sup> He was also a member of the Cumberland Presbyterian Church.<sup>212</sup> The members of the law and order committee and the Regulators were all acquainted with each other and were likely familiar with each other’s politics. Coltrane, along with the Sloans and Wadlows, were members of the same masonic lodge. Several of the men attended the same churches together. Many of them had been early settlers in Greene County and southwest Missouri, though a few had settled in the area shortly before the Civil War. Most of them, if not all, had fought for the Union during the Civil War. Nothing about either group indicates a conflict between an old and new order, nor does there seem to have been a socioeconomic divide. Most of the men were farmers and landowners, as were their victims. Postwar crime and politics appear to have been the factors that led to the formation of both the law and order group and the Regulators, and both issues may have led to the lynching of the four victims of the Regulators.

The Regulators are known to have met one last time, in Ash Grove in May 1868. Only a handful of attendees were listed in the *Patriot*. It appears that the meeting was held in response to continued criticism that the organization was partisan and political:

Whereas, Certain persons unfriendly to the order of regulators, have been, and are now trying to bring politics into the ranks of said organization; therefore be it

Resolved, That the organization generally known as Regulators, never has been, is not now, and we are fully determined never shall be a political organization, and

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<sup>209</sup> Holcombe, *History of Greene County*, 720.

<sup>210</sup> *Ibid.*, 617.

<sup>211</sup> List of Greene County Office Holders, Springfield Greene County Archives and Records Center, Springfield, Missouri.

<sup>212</sup> Holcombe, *History of Greene County*, 612.

therefore we are unanimously determined that no political questions or measures shall in the least degree influence our actions.

Resolved, That the Springfield *Patriot*, and the Leader are requested to publish these resolutions.

The Cave Spring group was not even a true vigilante organization, but simply a group of citizens expressing concern about crime and the need for effective law enforcement. The Regulators had the same concerns, but they were convinced that the “extreme necessity” of postwar circumstances could only be solved by extralegal measures. However, the violence of the Regulators was short-lived; it was the “heavy political undertones” that continued publicly in newspapers for another year after they first organized.<sup>213</sup> The Regulators formed due to postwar criminal theft and violence but, typical of vigilante organizations, they eventually transformed into something different. Longer lasting vigilante organizations tended to cause an increase in violent crime, but the Regulators were active only for one season. Whether or not they had really managed to decrease crime in the Ozarks and caused the spread of a “great moral reform” is debatable. What is certain is that they were not part of an old order attempting to maintain the status quo, nor were they part of a new order trying to promote progress. The Regulators were simply responding to postwar crime, violence, and politics.

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<sup>213</sup> Parrish, *Missouri Under Radical Rule*, 91.

Attendees at the Law and Order Meeting Held on March 24, 1866, at Cave Spring:<sup>214</sup>

- |                               |                                       |
|-------------------------------|---------------------------------------|
| 1. M.W. Ackerson – Union      | 9. Stephen H. Julian – Union, Radical |
| 2. Samuel G. Appleby – Union  | 10. J. R. Lee – Union                 |
| 3. Hiram Blankenship – Union  | 11. Daniel Love Mallicoat – Union     |
| 4. Thomas W. Coltrane – Union | 12. A.C.C. McElhannon – Union         |
| 5. Albert Combs – Union       | 13. Thomas K. Perryman                |
| 6. M.W. Cook                  | 14. A.C. Sloan                        |
| 7. E. Dorsey                  | 15. John Small – Union                |
| 8. Isaac P. Julian – Union    | 16. J. W. Wadlow                      |

Attendees at the Regulators Meeting Held on July 28, 1866, at Cave Spring:<sup>215</sup>

- |                               |                           |
|-------------------------------|---------------------------|
| 1. James Appleby – Union      | 11. J. R. Earnest – Union |
| 2. Samuel G. Appleby – Union  | 12. John Evans – Union    |
| 3. Lieutenant Ball            | 13. Hartwell Ivey – Union |
| 4. Lieutenant Brown           | 14. R.C. Julian           |
| 5. Reverend Brown             | 15. L. C. Kirby – Union   |
| 6. James Boston               | 16. Absolom C. Sloan      |
| 7. Josiah Burney              | 17. John Small – Union    |
| 8. Thomas W. Coltrane – Union | 18. A.G. Taylor           |
| 9. E. Dorsey                  | 19. Madison Ward          |
| 10. Levi P. Downing – Union   | 20. Reverend Winton       |

Attendees at the Law and Order Meeting Held on August 17, 1866, at Cave Spring:<sup>216</sup>

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| 1. Stephen H. Julian – Union, Radical | 3. Daniel Love Mallicoat – Union |
| 2. Reverend Long                      | 4. Thomas Nichols                |

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<sup>214</sup> *Missouri Patriot*, April 12, 1866.

<sup>215</sup> *Missouri Patriot*, August 9, 1866.

<sup>216</sup> *Missouri Patriot*, September 18, 1866.

Attendees at the Regulators Meeting Held on April 5, 1867, at Cave Spring:<sup>217</sup>

- |                               |                            |
|-------------------------------|----------------------------|
| 1. Samuel G. Appleby – Union  | 8. R. C. Julian            |
| 2. James Boston               | 9. Jacob Longcrier – Union |
| 3. James Collison – Union     | 10. S. Mason               |
| 4. Thomas W. Coltrane – Union | 11. George W. Sloan        |
| 5. Levi P. Downing – Union    | 12. John Small – Union     |
| 6. John R. Earnest – Union    | 13. Wesley Wadlow          |
| 7. John Evans – Union         | 14. Thomas Yeakley – Union |

Attendees at the Regulators Meeting Held on May 2, 1868, at Ash Grove:<sup>218</sup>

- |                              |                       |
|------------------------------|-----------------------|
| 1. Samuel G. Appleby – Union | 5. D.E.H. Moore       |
| 2. Reverend J.M. Brown       | 6. A.C. Morrison      |
| 3. Levi P. Downing – Union   | 7. John Small – Union |
| 4. M. McCulloch              |                       |

Members of the Regulators Charged in a Civil Case filed by Caroline Gorsuch in Greene County on November 23, 1866:<sup>219</sup>

- |                                    |                               |
|------------------------------------|-------------------------------|
| 1. Samuel G. Appleby – Union       | 11. Hartwell Ivey – Union     |
| 2. Thomas W. Coltrane - Union      | 12. Barrett Lemmons           |
| 3. William Cook, Jr.               | 13. John McElhannon – Union   |
| 4. G. Davenport                    | 14. James McKinley            |
| 5. John Denney – Union             | 15. Franklin Say – Union      |
| 6. Levi Downing – Union            | 16. Absolom C. Sloan          |
| 7. John R. Earnest – Union         | 17. George W. Sloan           |
| 8. Stephen A. Edmonson–Confederate | 18. John Small – Union        |
| 9. John Evans – Union              | 19. A. P. Taylor              |
| 10. Henry Hay – Union              | 20. William C. Wadlow – Union |

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<sup>217</sup> *Missouri Patriot*, April 18, 1867.

<sup>218</sup> *Missouri Patriot*, May 7, 1868.

<sup>219</sup> *Caroline Gorsuch v. John Small, et al*, Greene County (Mo.) Circuit Court, Folder 2641, Springfield Greene County Archives and Records Center, Springfield, Mo. G.B. Phillips wife, Clotilla, and John Rush's wife, Mary, also filed civil cases against the same men.

## **“THIS SECRET ORDER”: THE STONE COUNTY SONS OF HONOR**

On March 25, 1875, circuit court Judge Samuel Farmer of Stone County wrote to Missouri Governor Charles H. Hardin to inform him of “the condition of affairs in this county...” Farmer told Hardin that “on Sunday evening, the twenty-first, a little while after sunset, a band of armed ruffians (five in number) attacked one of our citizens at his residence near this town, and nearly murdered him. They fired upon him with guns and revolvers, badly wounding him, and when they supposed they had killed him, they fled to the woods.”<sup>220</sup>

Because of the “bright moonlight” that evening, the victim, John M. Williams, was able to identify two of the men who shot him: Jasper N. McKinney and John Butler. Farmer told Hardin that both men were “known to belong to a secret organization, whose members recently whipped a man nearly to death, and who boast that they will control the grand jury, and manage affairs as they please.” The members of that “secret organization” called themselves the Sons of Honor.

On March 22, the day after Williams was shot, he filed a report with justice of the peace John Kindall. Williams recounted how “Jasper N. McKinney and John Butler in the company of others” came to his house and shot him several times in the chest. Kindall issued an arrest warrant for both men. On March 24, Sheriff John Cloud arrested both men without incident and put them behind bars in Galena, the county seat. At around 2 a.m. the following morning, about a “dozen of their confederates, members of this secret

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<sup>220</sup> Samuel Farmer to Charles H. Hardin, March 25, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9252/rec/28> (accessed April 13, 2015).

order, came into town well armed and with the openly avowed purpose of liberating the prisoners or having them discharged on such slight bail as they should demand.” When the preliminary examination was held later that day, the men entered the courtroom “with their weapons and so intimidated the justice [John Kindall] that he lessened the bail from \$5000 each to \$1000.” McKinney was able to post bond that day with help from several prominent citizens, including William F. Webster, a former Stone County sheriff, as well as Jacob Yoakum and a Mr. Gentry. On April 12, 1875, a warrant was issued for the arrest of William Phillips, who had also been indicted for the assault on Williams. Webster and Gentry also posted bond for Butler, but not until April 19. All three men were ordered to appear at the October term of circuit court.<sup>221</sup>

McKinney and Jasper were released and left with their friends. On their way out of town, the men “fired several rounds with guns and pistols in a triumphant, threatening manner.” Farmer told Hardin that Williams was afraid for his life and that local law enforcement officials were unable to manage the situation; the county desperately needed the governor’s help in preventing additional violence by the “secret organization.”<sup>222</sup> It seemed that McKinney’s boast that he would manage the county as he saw fit had proved correct. Vigilantism frequently led to social anarchy and an increase in violent crime rather than the crime prevention that was its reason for existence. Fearing that the violence of the Sons of Honor would lead to a recurrence of the “social disorder” reminiscent of the Civil War and postwar years, and realizing that local law enforcement

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<sup>221</sup> *State of Missouri v. William Phillips, Jasper N. McKinney, and John Butler*, Stone County, (Mo.) Circuit Court, Folder 18, Box 3, Text-fiche, Stone County Library, Galena, Mo.

<sup>222</sup> Samuel Farmer to Charles H. Hardin, March 25, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9252/rec/28> (accessed April 13, 2015).



would be unable to effectively prevent such an occurrence, Judge Farmer chose to ask state government for help.<sup>223</sup>

Stone County was formed from Taney County in 1851, but the area was first inhabited by settlers, primarily from Tennessee and Kentucky, in the 1830s. The county seat of Galena, originally called Jamestown, was platted in 1852. Despite the steep terrain, the majority of Stone County residents were farmers growing corn and wheat and raising livestock. Stone County was sparsely populated; the pre-Civil War 1860 census enumerated a total of only 2,400 residents. Ten years later the population had increased to 3,253 inhabitants, but Stone was still one of the most sparsely-populated counties in the state.<sup>224</sup> There were few slaves in Stone County (only sixteen were recorded on the 1860 census)<sup>225</sup> and most residents sided with the Union, many of them joining the Stone County Home Guard.<sup>226</sup>

Stone County experienced its share of Civil War violence. Like Greene County, Stone County was part of the “border troubles” as suggested by Morrow, where violence and social conflict, as well as political disputes, continued long after the war ended.<sup>227</sup> And like the Greene County Regulators, the Stone County Sons of Honor was a vigilante organization that existed due to a legacy of Civil War violence throughout the Ozarks. As historian David Thelen correctly observes, the war “legitimated violence as the most

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<sup>223</sup> Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874-1947* (Chicago: University of Illinois Press, 2004), 132.

<sup>224</sup> University of Virginia Library: *Historical Census Browser*. <http://mapserver.lib.virginia.edu/index.html> (accessed March 9, 2014).

<sup>225</sup> *Ibid.*

<sup>226</sup> Springfield-Greene County Library District: *Community and Conflict: The Impact of the Civil War in the Ozarks*. “Stone County, Missouri.” <http://www.ozarkscivilwar.org/regions/stone-mo> (accessed March 13, 2014).

<sup>227</sup> Lynn Morrow, “Where Did All the Money Go?: War and the Economics of Vigilantism in Southern Missouri,” 34, no. 2, *White River Valley Historical Quarterly* (Fall 1994): 3.

effective means to resolve conflicts.”<sup>228</sup> The concept was not a new one; Richard Maxwell Brown proposes the same thesis about the American Revolution. However, Thelen’s contention that citizens formed vigilante organizations in order to “settle the war” between “the old and new orders” does not accurately represent the Sons of Honor or vigilantism in the Ozarks in general.<sup>229</sup> Similar to the Regulators, the formation of the Sons of Honor was likely caused by postwar crime, violence, and politics. A legacy of violence from the Civil War, combined with ineffective law enforcement and a political dispute as to who would control county law enforcement, particularly the office of prosecuting attorney, were all factors in Stone County vigilantism. Though it was a small organization and has received scant historical attention, the Sons of Honor is worth noting because of its significance in the overall study of postwar violence and vigilantism in the Ozarks.

The assault on John M. Williams is the only confirmed record of violence by the newly formed and short-lived vigilante organization called the Sons of Honor. Jasper McKinney was the leader and “mogul of the secret order” and had been arrested several times prior to the assault on Williams.<sup>230</sup> In July 1874, Sheriff Cloud arrested McKinney for carrying a concealed weapon, an act that had been outlawed earlier that year.<sup>231</sup> Later that year, in October, he was again arrested, this time for disturbing the peace after forcibly entering a woman’s home and subjecting her to verbal abuse.<sup>232</sup> McKinney was a

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<sup>228</sup> David Thelen, *Paths of Resistance: Tradition and Dignity in Industrializing Missouri* (New York: Oxford University Press, 1986), 59.

<sup>229</sup> Thelen, *Paths of Resistance*, 86.

<sup>230</sup> *Hermann Advertiser*, April 24, 1875.

<sup>231</sup> In March 1874, the Missouri General Assembly approved a law that made it a misdemeanor for anyone other than law enforcement officials or military personnel to carry a concealed weapon. Penalties included a fine of between \$10 and \$100 or up to six months in jail.

<sup>232</sup> Lynn Morrow, “George Caleb Bingham’s Ride Into the Ozarks: Confronting the Sons of Honor,” *White River Valley Historical Quarterly* 36, no. 1 (1996): 4.

young man, only 27 years old, and was a former Union soldier in Illinois.<sup>233</sup> By 1870 he lived in Swan Township, Stone County, with his wife Emily and in 1873, he apparently enjoyed enough community esteem to be appointed postmaster at Bald Knob in Taney County.<sup>234</sup>

Williams, whose assault prompted Governor Hardin to send Adjutant General George Caleb Bingham to Stone County, had been the county sheriff for a few months in 1872 and was also appointed prosecuting attorney that year, a job he held only briefly. Williams's political affiliation is unknown, but during the Civil War he was a Union soldier and a member of the Stone County Home Guard. By 1874, Williams had provoked the ire of county residents because he had been arrested numerous times. At the time of his assault, Williams was under indictment though the documentation against him was missing due to a recent theft at the courthouse.

In his report to Governor Hardin, Bingham hinted that the event that precipitated the formation of the Sons of Honor was the burglary at the courthouse in mid-March. Thieves had absconded with criminal indictments against several Stone County residents for "serious offences," including the one against John M. Williams. The documents were found a few days later, hidden "under [a] heap of rubbish" near the home of James H. Cox. Cox was charged with burglary for the theft and released on \$1000 bail.

Cox was himself the subject of one of the stolen indictments, having been arrested

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<sup>233</sup> Jasper McKinney, Soldiers and Sailors Database, Civil War, National Park Service. <http://www.nps.gov/civilwar/search-soldiers.htm?submitted=1&firstName=jasper&lastName=mckinney&warSideCode=U&battleUnitName=#results> (accessed June 19, 2015).

<sup>234</sup> Record of Appointment of Postmasters, 1832-1971, Bald Knob, Taney County, Tennessee, 1873, NARA microfilm publication M841, Ancestry.com (accessed March 1, 2015).

that spring by Sheriff Cloud for assault with intent to kill.<sup>235</sup> Cox had hit Elijah Kelly with a “heavy glass decanter” during an argument. Cox claimed that Kelly had caused the disagreement and that he was simply defending himself.<sup>236</sup> Interestingly, when the stolen documents were recovered from Cox’s farm, the original indictment against him was missing.<sup>237</sup> Nonetheless, the case against Cox proceeded, though it was not resolved until 1877, when he was found not guilty.<sup>238</sup>

It was not long after the stolen documents were discovered and returned to the courthouse that “five armed men” rode to Williams’s home, “concealed themselves behind the picket fence and created some disturbance” to lure Williams out of his house. Their plan worked, but Williams was suspicious and came out carrying a shotgun and a revolver. His assailants were only about thirty feet from his house, and as soon as he stepped outside he was shot several times. The shots were not fatal and Williams managed to return fire, but, his attackers escaped unscathed.<sup>239</sup>

Governor Hardin reacted quickly to Judge Farmer’s request for help. Adjutant General Bingham arrived in Galena on the afternoon of March 30, and, after an interview with county clerk Uel M. Fisk, he sent a brief report to Hardin, concluding conditions in

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<sup>235</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

<sup>236</sup> *State of Missouri v. James H. Cox*, Stone County, (Mo.) Circuit Court, Folder 14, Box 3, Text-fiche, Stone County Library, Galena, Mo.

<sup>237</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

<sup>238</sup> *State of Missouri v. James H. Cox*, Stone County, (Mo.) Circuit Court, Folder 14, Box 3, Text-fiche, Stone County Library, Galena, Mo.

<sup>239</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

Stone County were indeed “quite as deplorable as represented” by Farmer. The spring term of circuit court was scheduled to meet the following Monday, April 5, and Bingham feared that the court would “be interrupted by violence.” Hoping to prevent such an occurrence, Bingham promised to remain in Galena while court was in session in the hope of “maintaining the authority of law.”<sup>240</sup>

Bingham also asked for further instructions and requested information about using an 1874 law against carrying concealed weapons in public places against McKinney and Butler. Additionally, Bingham hoped to utilize another new law against the Sons of Honor, one meant to prevent “outlawry.” The act authorized Bingham to organize a group of no more than twenty-five men in order to apprehend “highway robbers, marauders, or other outlaws” in cases where local law enforcement was overwhelmed and ineffective.<sup>241</sup>

Bingham did not have to organize such a group; the threat of such an occurrence may have had a calming effect on the community. County clerk Fisk reported to Hardin that the “turbulent element” in the county was “quite overawed” and that they had “the quietest time during the late session of the circuit court” that he could remember. Fisk believed that Bingham’s presence had a “salutary influence” on the community that kept the town peaceful, but it was likely Bingham’s threat of “military force” that prevented violence from the Sons of Honor while court was in session. Not only had Bingham

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<sup>240</sup> George C. Bingham to Charles H. Hardin, March 30, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9249/rec/19> (accessed April 13, 2015).

<sup>241</sup> Laws of Missouri, General and Local Laws Passed at the Adjourned Session of the 35<sup>th</sup> General Assembly, January 7, 1874, <https://books.google.com/books?id=xslGAQAAMAAJ&pg=PA5&dq=missouri+law+1874+outlawry&hl=en&sa=X&ei=WQ5WVfrqBIGANtHQgfAB&ved=0CB4Q6AEwAA#v=onepage&q&f=false> (accessed April 13, 2015), 5.

threatened to call in the state militia to keep the peace, but he promised that the Stone County taxpayers would pay all of the associated expenses. Fisk claimed to have firsthand knowledge that this threat caused the Sons of Honor members to reconsider the advisability of trying “to control the affairs of the county by...violence and murder.” Their plan suddenly proved to be “a more costly pastime than they supposed,” and Fisk told Hardin that the group was already losing members because of the potential cost to county taxpayers.<sup>242</sup>

Upon arriving in Galena, in addition to interviewing the county clerk, Bingham interviewed the sheriff, the deputy sheriff, the circuit court judge, and “other prominent citizens” of the county. Based on these interviews, Bingham concluded that for a “considerable period” of time the laws of the county had been “rather feebly enforced.” Bingham believed that it was a matter of ignorance on the part of public officials, in that they were “not fully informed of their duties and powers” and were therefore “afraid of transcending the limits of their authority.” He did not believe it was a matter of being unwilling or unable to do their jobs, but rather a lack of knowledge about their jobs that had made them ineffective.<sup>243</sup> It was that lack of effective law enforcement that Bingham believed caused “a number of citizens to think that the laws as administered did not afford them adequate protection and thus prepared them to resort...to measures of redress

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<sup>242</sup> U.M. Fisk to Charles H. Hardin, April 13, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9304/rec/29> (accessed April 13, 2015).

<sup>243</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

outside of the statutes.”<sup>244</sup> It was the ineffectiveness as well as the criminal behavior of local law enforcement that led Judge Farmer to write to Governor Hardin for help. The “outlawry” of the vigilantes was “beyond the power of the ordinary officers...to arrest and bring the members of such band to justice.”<sup>245</sup>

It was only while interviewing a local citizen that Bingham first learned that the men who attacked Williams belonged to a “secret order” who called themselves the Sons of Honor. Either local officials had not yet learned of their existence or did not realize who the members were. Bingham also learned that the founder and leader of the group was Jasper McKinney, whom Bingham said was “pretending to act under the authority” of Governor Hardin. It was likely McKinney’s friends and fellow members of the vigilante organization who had intimidated the justice of the peace into reducing bail for the three men.

Bingham’s local informant, who remained nameless, had once been a member of the Sons of Honor. According to him, the organization’s stated purpose, similar to that of all vigilante organizations, was “to secure the enforcement of law and to bring criminals to justice.” Frustration with ineffective law enforcement and lack of prosecutions were frequent causes of the formation of vigilante organizations and extralegal violence.

After joining the Sons of Honor, Bingham’s informant apparently had second thoughts. After taking the oath he “became sensible of the imposition which was being practiced upon him. This oath bound the members of the order to defend each other under all circumstances both with their lives and fortunes and also bound them to keep the

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<sup>244</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

<sup>245</sup> Laws of Missouri, 35<sup>th</sup> General Assembly, 5.

secrets of the order under penalty of death.” Realizing that the Sons of Honor were more likely to commit crimes than to prevent them, the informant soon left the organization and had since lived in hiding due to the fear of being murdered by his former comrades.<sup>246</sup>

Despite the fears of local officials, the April term of court was peaceful. Circuit Judge Washington F. Geiger arrived from Springfield, swore in a grand and petit jury of “good citizens,” and warned them against being swayed by those “pretending to take the law in their own hands.” Geiger called the extralegal organization “treasonable in their nature and meriting the reprehension of all good citizens.” Though the stated purpose of the Sons of Honor was the enforcement of law and order, they had convinced no one of their good intentions.<sup>247</sup>

Bingham left the next day, after staying in town long enough to be sure there would be no violence while court was in session. He wrote to Hardin that “perfect order and quiet prevailed in the courthouse and the vicinity” and he had no qualms about returning to his Kansas City home. He was satisfied that Judge Geiger, along with the threat of military action and its subsequent monetary consequences, were sufficient to keep the peace in Stone County.<sup>248</sup> Typically, vigilantes found that it was more cost effective to utilize extralegal measures rather than to allow for the time and expense of

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<sup>246</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

<sup>247</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).

<sup>248</sup> George C. Bingham to Charles H. Hardin, April 14, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/9258/rec/20> (accessed April 13, 2015).



the legal system to provide justice. Bingham had already annulled whatever advantage that might have afforded the Sons of Honor when he threatened to force Stone County residents to pay for summoning the militia, if that need should arise. Whatever public support the Sons of Honor may have had, if any, would have disintegrated. Continued vigilantism would have been costly and local citizens, including the Sons of Honor, did not want to pay the price.

Bingham was successful in preventing further violence on the part of the vigilantes and restoring peace to Stone County. However, the source of the problem remained and that was the lack of an effective prosecuting attorney and the public battle for that office. Prior to the attempt on Williams's life, he served a brief and troubled term as prosecuting attorney. He was replaced by Francis Gideon who was elected in November 1874. Gideon was born in Tennessee and was living in Taney County, Missouri, by 1850.<sup>249</sup> He eventually became a relatively prosperous farmer in Christian County<sup>250</sup> and later a farmer and lawyer in Stone County.<sup>251</sup> He was also a former Union soldier and, according to historian Lynn Morrow, a Radical Republican.<sup>252</sup> It was Gideon who was charged with prosecuting McKinney, Butler, and Williams in 1875.

However, sometime during the summer or early fall of 1875, Jasper McKinney, the leader of the Sons of Honor, was murdered.<sup>253</sup> Unfortunately, no evidence survives

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<sup>249</sup> 1850 U.S. census, Taney County, Missouri, Prairie, p. 376A (stamped) line 16, F.M. Gideon: NARA microfilm publication M432, roll 420.

<sup>250</sup> 1870 U.S. census, Christian County, Missouri, Galloway, p. 404A (stamped) line 33, Francis M. Gideon: NARA microfilm publication M593, roll 769.

<sup>251</sup> 1880 U.S. census, Stone County, Missouri, Galena, enumeration district 121, p. 23A (stamped) line 1, F. M. Gideon: NARA microfilm publication roll 738.

<sup>252</sup> Morrow, "Where Did All the Money Go?", 6.

<sup>253</sup> F. M. Carr to Charles H. Hardin, November 23, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.

<http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3936/rec/1> (accessed April 13, 2015).

that indicates the identity of his killer or killers. The two other men charged with shooting Williams were awaiting trial. The vigilante organization that McKinney supposedly started for the good of the county was no more. All that remained was the struggle for the right to prosecute criminals in Stone County. This position was central to the stability of the county. It was the lack of an effective, even law-abiding, prosecutor that led to the outbreak of vigilante violence. The successful appointment of this office was vital, not only for crime prevention, but also for the social stability of Stone County.

Though Gideon had won the nomination for county prosecutor, local authorities apparently had little confidence in his ability, and a Christian County attorney, James Vaughn, was asked to assist him, as was Springfield attorney and former Confederate soldier, Ewing Y. Mitchell.<sup>254</sup> Gideon also had competition for the office of prosecuting attorney; Frank B. Eaton desperately wanted to be Gideon's replacement but had difficulty obtaining the nomination due to his involvement in a recent court case. Eaton had been indicted for obtaining goods under false pretenses after taking a cow from the Blalock family. The Blalocks were apparently responsible for Jasper McKinney's property until his estate was settled.<sup>255</sup> Shortly before Thanksgiving in 1875, Eaton won a case filed against him by F.M. Carr, the administrator of McKinney's estate, and was exonerated. He took his oath as attorney before county clerk Fisk in December 1875.<sup>256</sup>

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<sup>254</sup> Mitchell had petitioned Governor Hardin for the position of adjutant general which was ultimately awarded to George C. Bingham.

<sup>255</sup> F. M. Carr to Charles H. Hardin, November 23, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3936/rec/1> (accessed April 13, 2015).

<sup>256</sup> U.M. Fisk to Charles H. Hardin, December, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3934/rec/4> (accessed April 13, 2015).

The oath was certified by Judge Geiger on February 1876.<sup>257</sup> Eaton believed he was free to pursue the office of prosecuting attorney.

By January 1876, something led to Gideon's resignation as prosecuting attorney. Christian County attorney James R. Vaughn, who had temporarily assisted Gideon, was not allowed to retain the position after Gideon's resignation because he lived in a different county. Although Stone County was without a prosecutor, it appears that no one was bemoaning the loss of Gideon. Though Judge Geiger was a Republican, he probably was not a Radical; he wrote to Governor Hardin, expressing "pleasure" at hearing of Gideon's recent resignation. Despite the legal void in the county, Geiger requested that the position not be filled because there were only two practicing attorneys in the county and one of them had been "indicted for obtaining goods under false pretenses." The attorney Geiger was referring to was F.B. Eaton; Geiger apparently did not know that Eaton had been cleared of the charges and had also won the civil case filed against him by the McKinney estate. On the other hand, if Geiger did know that Eaton had been acquitted, he might have nonetheless been hesitant to appoint another prosecuting attorney who had even a hint of legal difficulties which could potentially cause additional political disturbances in the county.

The identity of the second attorney is unclear, but Geiger was not certain of his credentials and believed he may have been an attorney "by reputation" only. Geiger complained that he had "always been obliged to appoint an attorney to prosecute" cases since the previous one, Gideon, "was not competent either to draw an indictment or try a case." He feared a similar result if either of the two local attorneys were appointed to the

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<sup>257</sup> U.M. Fisk to Charles H. Hardin, February 17, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3934/rec/4> (accessed April 13, 2015).

vacancy. In any case, Geiger said he “would prefer to have neither party in the way to complicate matters and get up trouble in the county.” He told Hardin that “he had no confidence in the honesty” of either man and apparently was also concerned about a renewal of violence in Stone County if either man were appointed as prosecuting attorney.<sup>258</sup> It was the incompetence and criminal activities of the previous prosecutor, John M. Williams, which led to the outburst of vigilante violence the previous spring. Geiger seemed to believe that having no prosecutor was less dangerous for the county than was a corrupt prosecutor.

Governor Hardin was soon drawn into the dispute; Gideon appears to have sent Hardin a copy of his resignation, along with a warning that Eaton, despite having been recommended for the job, was not fit to hold the office of prosecuting attorney because he had obtained “a cow through fraud.” To prove his point, Gideon sent Hardin “a certified copy of the indictment.” Unfortunately, Eaton’s political persuasion is unknown, but the feud between him and Gideon, whether political or personal, was now obvious and likely one reason that Geiger feared appointing anyone in Stone County to the office. Despite the letters going back and forth from Stone County to Jefferson City, few key people seemed to be aware that Eaton had been cleared of fraud. However, someone had recommended Eaton, which would explain Hardin’s somewhat sarcastic tone when he wrote “How about this: I am unwilling to appoint any one to office who is under indictment for so grave an offence.” Hardin then asked Patrick C. Berry’s opinion about one H.C. Kelly, who had been recommended to him, as had Vaughn and Springfield

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<sup>258</sup> W.F Geiger to Charles H. Hardin, January 11, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/4892/rec/30> (accessed April 13, 2015).

attorney Mitchell. Berry was a prominent Stone County citizen, a Union Democrat, and had been a state representative from 1862-1864. Governor Hardin, also a Democrat, wanted to appoint someone who was not only qualified but also had a good reputation within Stone County.<sup>259</sup> He realized that another inappropriate appointment would likely lead to more violence and would also reflect poorly on his administration.

When Eaton discovered that a copy of his indictment had been sent to Hardin, he was quick to defend his position and prove his innocence. He acknowledged that he had been indicted for fraud, but pointed out that he had been to court and won, something Gideon neglected to mention. Eaton explained that he was McKinney's defense attorney on the assault charge in April 1875 and that McKinney had promised to pay him with a cow. However, he pointed out that he did not take possession of the cow until after "some unknown parties had killed McKinney." As previously noted, Eaton was cleared of the charges against him and was granted ownership of the cow. It was at this point, claimed Eaton, that Gideon "found out the legality of his [own] position was called in question and he was ready to charge me with his misfortune. And he endeavored to ruin me in order that he might be perpetuated in his position." To prove his suitability for the job, Eaton sent a "certified transcript" of his case as proof to Governor Hardin.<sup>260</sup>

Though Gideon was highly unpopular, Eaton also had his detractors. Patrick C. Berry expressed uncertainty as to Eaton's guilt or innocence, but did "not recommend him under the circumstances." Again, no one admitted to knowing about Eaton's

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<sup>259</sup> Charles H. Hardin to P.C. Berry, January 13, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/10819/rec/9> (accessed April 13, 2015).

<sup>260</sup> F.B. Eaton to Charles H. Hardin, February 4, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/4901/rec/14> (accessed April 13, 2015).

innocence except Eaton. Berry, demonstrating his Democratic partisanship, said he also would not recommend H.C. Kelly, whom he described as a “rank Republican and a man of no character as a lawyer.” Furthermore, Berry did not believe Kelly had ever “been admitted to the bar” and suggested that he was “looked upon as a worthless character.”

Echoing Geiger’s sentiments, Berry claimed that there was no one “in Stone County that has been admitted to the bar who is fit for prosecuting attorney; therefore I would suggest that no appointment be made until a petition is sent up signed by the best citizens of Stone County recommending some person for said office and not then without the endorsement of Judge Geiger and John S. Phelps who are well acquainted with our citizens. If appointments are made on the recommendation of any one or two persons we are liable to be imposed upon by someone who is not qualified or is not honest, all of which has been the case heretofore.” Like Geiger, Berry feared renewed violence if an ineffective prosecuting attorney, such as Williams or Gideon, were appointed to the office.<sup>261</sup>

By the end of February, Berry had somewhat changed his mind about Eaton. After investigating the indictment and the lawsuit against Eaton, he decided that the charges were political in nature and “were gotten up by F.M. Gideon for the purpose solely of defeating Eaton in the appointment.” However, though Gideon had officially resigned as prosecuting attorney, he had somehow managed to obtain a temporary reappointment. He wanted to keep the job and was willing to ruin Eaton’s reputation to do so. Most people believed Gideon was unfit for the job and preferred the appointment

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<sup>261</sup> P.C. Berry to Charles H. Hardin, February 5, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/10835/rec/26> (accessed April 13, 2015).

of Eaton, if for no other reason than to remove Gideon from the office. To further prove Eaton's current popularity, Berry informed Hardin that he had heard of a petition "in favor of Eaton's appointment" being signed "by a majority of the leading citizens, including grand jurors and prosecuting witnesses against him..." Berry thought it looked good for Eaton that even those who had once testified against him at trial were now on his side. It could also have been an indication of how unpopular Gideon had become.<sup>262</sup>

In order to promote Eaton's appointment as prosecuting attorney, Berry apparently encouraged a local letter-writing campaign to Governor Hardin in February. John H. Story, the justice of the peace who oversaw the fraud case against Eaton, wrote "that it is a settled fact in the minds of those who are acquainted with the circumstances that it was a put up job by Gideon for the sole purpose of defeating Eaton" as prosecuting attorney.<sup>263</sup> The county treasurer, U.K. Davenport, believed that it was the preference of the county to not have a prosecuting attorney appointed at all, but he nonetheless favored Eaton over Gideon. In light of Gideon's temporary position, Davenport was in "favor of the appointment of F.B. Eaton" and was inclined to believe that the indictment was nothing but a "malicious piece of business" against Eaton.<sup>264</sup>

M. V. Massey, a former Stone County clerk and former Union soldier, also

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<sup>262</sup> P.C. Berry to Charles H. Hardin, February 22, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.

<http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/4898/rec/27> (accessed April 13, 2015).

<sup>263</sup> John H. Story to Charles H. Hardin, February 22, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.  
<http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3928/rec/22> (accessed April 13, 2015).

<sup>264</sup> U.K. Davenport to Charles H. Hardin, February 22, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage.

believed that the “prosecution of Mr. Eaton was malicious and fraudulent.”<sup>265</sup> Massey believed that county residents were extremely unhappy with the temporary appointment of Gideon and the county would be best served if he were replaced by Eaton. Law enforcement was so poorly regarded in Stone County that citizens did not want a prosecuting attorney. But if they had to have one, they would choose the one who, at least thus far, had not been proved ineffective in prosecuting criminals. However, even with the public support for Eaton, Governor Hardin still refused to endorse his appointment.

The war of words continued as Gideon began his own public campaign to defend his character by, once again, attempting to assassinate Eaton’s. He claimed that Eaton was “troublesome” and accused him of being the true “leader of a band of bad men in [Stone] County who attempted one year ago to assassinate J.M. Williams.” Gideon had learned of a petition currently circulating in the county to have Eaton appointed prosecuting attorney, but insisted that not everyone was pro-Eaton. He claimed that Judge Farmer, Sheriff Cloud and other prominent county citizens had expressed the desire for Hardin to postpone action on the pro-Eaton petition until such time as they could produce a formal protest against his appointment. Gideon gave his opinion that, should Eaton be appointed to office the county would descend into similar violence that it experienced the previous year. Not surprisingly, Gideon did not mention that the previous violence by the Sons of Honor had occurred during his term as prosecuting attorney.

The fear of renewed vigilante violence was a recurring theme in the battle for the office of prosecuting attorney. Gideon attempted to use that fear to his advantage,

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<sup>265</sup> M.V. Massey to Charles H. Hardin, February 22, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3929/rec/25> (accessed April 13, 2015).



even warning Hardin that if Eaton were appointed as prosecutor he would not prosecute the Sons of Honor members who had already been indicted; instead, they “would be turned loose” and more violence would be the result. Gideon even claimed that it was primarily the Sons of Honor who were helping to put Eaton in office so that their friends would be released. In addition to Judges Farmer and Geiger, Gideon claimed to have the support of John O’Day, James Waddell, and James Patterson, all prominent Springfield attorneys. Though he had repeatedly accused Eaton of being a criminal, he nonetheless claimed to harbor no “ill feelings” toward Eaton and insisted that he was simply acting for the good of the county so that he could prevent a recurrence of the previous “troubel [sic].”<sup>266</sup>

Gideon’s inflammatory self-promotion notwithstanding, he was correct in that not everyone was on board with the possibility of Eaton’s appointment. For unknown reasons, county clerk Uel M. Fisk abruptly withdrew his support of Eaton in early March. Though he had signed the February petition, he said that “subsequent developments” had forced him to rescind his recommendation.<sup>267</sup>

The pro-Eaton petition that circulated in February contained almost one hundred names, many of them prominent citizens and public officials, but it was not enough. The feud between Eaton and Gideon came to an end on March 7, 1876, when Hardin informed Berry of his final decision, stating that he “declined to appoint Eaton as long as

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<sup>266</sup> F.M. Gideon to Charles H. Hardin, February 25, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/msamerge/id/4918/rec/15> (accessed April 13, 2015).

<sup>267</sup> U.M. Fisk to Charles H. Hardin, March 3, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3930/rec/24> (accessed April 13, 2015).

a charge stood against him and also because Judge Geiger said he was not qualified.”<sup>268</sup> Hardin apparently chose to ignore the documentation that proved Eaton’s innocence. He also ignored the proof that Fisk had administered the oath to Eaton in December 1875 and that Geiger had actually certified it the following February.<sup>269</sup> Perhaps there was a new indictment against Eaton, which would at least partially explain Hardin’s decision, as well as Fisk’s withdrawal of support. If there was such an indictment or some other problem, no record remains that explains why Eaton was unable to obtain the nomination for prosecuting attorney.

In the end, neither Gideon nor Eaton received the appointment; instead, the office remained vacant until November 1876 when John P. Ellis was appointed to the position. The lack of effective leadership from the prosecuting attorney’s office that precipitated the formation of the Sons of Honor took more than a year to resolve. County residents got their wish; no one was appointed to the office of prosecuting attorney until someone less divisive was found. In scarcely two years, Stone County residents had witnessed the sudden emergence of a brief, but violent, vigilante organization and watched it die just as rapidly. That the organization existed so briefly and was responsible for only one death is likely why few people, even Stone County residents, remember the Sons of Honor.

The formation of the vigilante organization in Stone County was not based on a lack of existing law enforcement officials, but on a lack of effective law enforcement.

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<sup>268</sup> Charles Henry Hardin to P.C. Berry, March 7, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3927/rec/34> (accessed April 13, 2015).

<sup>269</sup> F.M. Carr to Charles H. Hardin, November 23, 1875, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3936/rec/1> (accessed April 13, 2015); U.M. Fisk to Charles H. Hardin, February 17, 1876, Missouri Governors Records, 1837-1897, Missouri Digital Heritage. <http://cdm16795.contentdm.oclc.org/cdm/singleitem/collection/msamerge/id/3934/rec/4> (accessed April 13, 2015).

The county had a sheriff, a deputy sheriff, justice of the peace, judges, and a circuit court judge who regularly came to Galena to hold court sessions. But as Michael Pfeifer points out in *Rough Justice: Lynching and American Society*, “post bellum mobs did not respond to an absence of law” but responded to a legal system that was slow and unpredictable.<sup>270</sup> The necessary law enforcement personnel were already in place; the problem, as in many locales, was one of ineffective prosecution, or the perception thereof.

According to the *St. Louis Republican*, the April 1875 court term was the first time since the Civil War in which there were criminal convictions in Stone County.<sup>271</sup> That report is likely inaccurate; it would mean that Stone County had experienced a ten year drought of effective law enforcement during a time that was marked by postwar crime. There had obviously been indictments, such as the ones stolen from the courthouse earlier that year, but possibly no prosecutor had been able to obtain sufficient convictions. John M. Williams, the only known victim of the Sons of Honor, was an ineffective and corrupt prosecutor. Gideon was widely disliked, partly because he was ineffective and possibly because the popularity of Radical Republican politics in Missouri was on the decline by 1876. Eaton, though not without a significant amount of support, apparently had even more detractors. Additionally, the conflict between him and Gideon became too public and divisive. Stone County residents, and Governor Hardin, feared more vigilante violence if the wrong person became prosecutor.

Most vigilante organizations needed public approval in order to assure their survival, and many actively courted public support. There is no indication that the public

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<sup>270</sup> Michael J. Pfeifer, *Rough Justice: Lynching and American Society 1874-1847* (Chicago: University of Illinois Press, 2004), 3.

<sup>271</sup> *St. Louis Republican*, April 17, 1875.

gave their support to the Sons of Honor, nor did the vigilantes make any attempt to attain popular support. Most vigilante organizations use their bylaws to give the public an indication of their goals, such as the ones the Greene County Regulators had published in local newspapers to prove to the public their good intentions. The Sons of Honor also had bylaws, a copy of which was allegedly obtained by Bingham, most likely from his local informant. However, the bylaws of the Sons of Honor were kept secret rather than being published.<sup>272</sup> It is unclear whether Stone County residents had any indications of what the Sons of Honor intended to do beyond ridding the county of a corrupt prosecutor. Fear of additional violence and a culture of postwar violence in the Ozarks is likely what prompted locals to ask for outside help.

Just as Ripley County citizens would do later in 1876, Stone County leaders asked state government for help in containing vigilante violence. Crippled with ineffective law enforcement, they believed they had no other recourse than to write to Governor Hardin for assistance. Thelen contends that “original settlers resisted” the idea of “formal law” in the Ozarks out of fear that it would ruin their way of life. However, Stone and Ripley counties disprove that thesis. Both counties were willing to ask for help from the government because vigilante violence had caused chaos. They had no fear of “formal law” and, in fact, they sought it.<sup>273</sup> The Sons of Honor claimed to have organized as a response to a decided lack of formal law. However, as with many vigilante organizations, their actions led to more crime and social disorder than they prevented.

Unfortunately, a dearth of extant documentation, particularly in regards to the political affiliation of many of the key people, leaves their motivation uncertain. Most of

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<sup>272</sup> *St. Louis Republican*, April 17, 1875. The bylaws were reportedly so poorly written and illegible that Bingham had the document sent to “experts for translation and copying.”

<sup>273</sup> Thelen, *Paths of Resistance*, 87.

the men mentioned here were former Union soldiers; some were known Republicans, but at least one, Patrick C. Berry, was a Democrat. In any case, despite the lack of available records, it is clear that the predominant issues in Stone County were not about a struggle between old and new orders, but were instead a matter of postwar violence and politics and an absence of effective law enforcement. Both issues led to what appears to have been a political struggle between Francis M. Gideon, a Radical, and F. B. Eaton, whose political affiliation unfortunately remains in question. Progress in regards to law enforcement was sought by the vigilantes as well as those who preferred legitimate law enforcement rather than extralegal measures. The actions of the Sons of Honor led to state intervention in Stone County legal affairs, not only in regards to the suppression of vigilante violence, but also in view of the necessity for a qualified prosecuting attorney. Despite their professed intentions, the Sons of Honor produced more crime than they prevented, which was a typical result of the extralegal actions of many vigilante organizations. The actions of the Sons of Honor highlighted the need for a stronger law enforcement presence in Stone County. Their presence was also indicative of the crime, violence, and political struggles that sometimes plagued the Ozarks, and much of Missouri, during the post-Civil War years.

## CONCLUSION

In May 1877, the *Doniphan Prospect*, a Ripley County, Missouri, newspaper reported that “a band of lawless cowards” and “midnight assassins” known as the Ku Klux Klan continued to terrorize county citizens. Though the Ku Klux Klan was a vigilante organization of sorts, the *Prospect* editorial seemed to promote the formation of a counter organization, stating that though “all men should submit to the proper authority and be law abiding citizens, if our laws are to be thus outraged and set at naught, our County is destined to be a waste-howling wilderness. All good men should turn their faces against such crimes, and lend a helping hand in ridding the country of such hurtful and dangerous pests.”<sup>274</sup>

A similar attitude towards vigilante organizations could be found throughout the Ozarks. In June 1869, a *Springfield Weekly Leader* editorial stated, “We are opposed to regulators on principle, but if the authorities can’t or don’t suppress [crime] they must remember that self-protection is the first law of nature.”<sup>275</sup> Almost two years later, the *Bolivar Free Press* irreverently reported the story of “horse-stealing and man-hanging operations” taking place in Cedar County, Missouri. The news from Stockton told of a horse thief who was chased as far as Texas and returned to Cedar County for trial. The thief was subsequently taken by a “party of between fifty and one hundred armed men” and was never seen again.<sup>276</sup> That same year, the *Neosho Times* reported that while “lynch law [is] a dangerous law...self-protection requires that the country be rid of

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<sup>274</sup> *Doniphan Prospect*, May 25, 1877.

<sup>275</sup> *Springfield Weekly Leader*, June 3, 1869.

<sup>276</sup> *Bolivar Free Press*, April 20, 1871.

desperadoes and vagabonds.”<sup>277</sup>

That ambivalent, albeit lenient, attitude towards vigilantism was common among newspapers. Newspaper editorials rarely reported that a crime had been committed, or that vigilantes broke the law, and only occasionally did they hint at the illegality of vigilante justice. Not only was vigilantism often tolerated, but communities frequently welcomed extralegal justice. The typical vigilante’s public image was usually not that of a criminal and vigilantes seldom saw themselves as criminals, nor did they usually experience any significant legal consequences for their actions. Vigilantes, and the public they purported to serve, saw themselves as exercising the natural law of preservation. It was only when vigilante organizations became too violent or became what they were supposed to prevent, that they lost public support and respectability.

Historian William C. Culberson posits that vigilante violence did not become criminal, at least in the public consciousness, until it became personal, such as for personal power or other personal motives.<sup>278</sup> The Slicker War vigilantes, for instance, ostensibly organized in order to eradicate horse thieves and counterfeiters. However, even if that was true in the beginning, it nonetheless quickly degenerated into a personal vendetta between two families and their neighbors. The Slickers failed to achieve their purported goal because they failed to achieve sufficient public support and because their supposed mission became too personal.

Though the Slickers appear to have had some public support, they had just as many adversaries. As immigrants continued to arrive in Benton County, communal bonds had not yet had time to coalesce. The nature of some of the newcomers also had an

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<sup>277</sup> *Neosho Times*, December 21, 1871.

<sup>278</sup> William C. Culberson, *Vigilantism: Political History of Private Power in America* (New York: Praeger Publishers, 1990), 11.

impact on the development of Slicker vigilantism; it has been demonstrated that both the Turks and the Joneses were prone to violence and crime. As we saw in the study of the Slicker War, vigilantism in Benton and Polk Counties was not a struggle between an old and new order, but rather a competition for local power and public respectability between settlers, some who were established and some whose arrival was more recent. Historian Patrick B. Nolan points out that vigilantism sometimes provided a “vehicle for the consolidation and solidifying of community structure in new settlements.”<sup>279</sup> However, Nolan’s thesis does not fit the Slicker War model. Due to continued in-migration, their community was frequently changing, leading to a continued lack of social cohesion which the Slicker War violence and subsequent court cases only served to exacerbate.

On the other hand, as historian Richard Maxwell Brown posits, extralegal violence succeeded when it was perceived as legitimate and necessary and when the vigilantes had “extensive popular support.”<sup>280</sup> Unlike the Slickers, the Greene County Regulators enjoyed a considerable amount of public approval when they organized in 1866. Vigilantes were more likely to attain popular support when crime rates were high and civil authorities were perceived as having broken their “social contract” to prevent crime and protect citizens and their property.<sup>281</sup> Historian Dick Steward states that the legacy of the Civil War in the Ozarks was “lawlessness, murder, and mayhem.”<sup>282</sup> Such was the case in Greene County during the post-Civil War years when local law enforcement was accused of failing to prevent an excess of postwar crime. Though it was

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<sup>279</sup> Patrick B. Nolan, “Vigilantes on the Middle Border: A Study of Self-Appointed Law Enforcement in the States of the Upper Mississippi from 1840-1880” (PhD diss., University of Minnesota, 1971), 17.

<sup>280</sup> Richard Maxwell Brown, ed. *American Violence*, (Englewood Cliffs, NJ: Prentice-Hall, 1970), 170-71.

<sup>281</sup> Culberson, *Vigilantism*, 9.

<sup>282</sup> Dick Steward, *Duels and the Roots of Violence in Missouri* (Columbia: University of Missouri Press, 2000), 199.



murder that was “most likely to provoke a lynch mob” or lead to the formation of a vigilante organization, robbery and horse theft was the chief complaint among Greene County citizens and was the alleged crime of the Regulators’ four victims.<sup>283</sup> The involvement of prominent citizens contributed to public approval of their activities and helped prevent criminal convictions against those who participated in vigilante murder. The Regulators claimed that it was the failure of law enforcement to adequately prosecute and convict criminals that precipitated their formation. Though the public persona of the Regulators was mostly positive, they had their share of detractors and their reign in the Ozarks was marked by partisan politics which was publicly displayed in local newspapers. There is no indication, however, that the formation of the Regulators was anything other than a response to postwar crime in southwest Missouri.

The “vagaries of due process law” or its perceived sluggishness led to frustration with the legal system in Stone County as well.<sup>284</sup> Allegedly, there had been no criminal convictions in Stone County for several years after the Civil War and the prosecuting attorney was himself currently under indictment. Postwar crime and a lack of competent law enforcement made the formation of the Sons of Honor possible. The precipitating factor, aside from an overall lack of law enforcement, appears to have been the robbery of the courthouse and the subsequent disappearance of criminal indictments.

Though little documentation remains in reference to the Sons of Honor, the few extant documents do indicate the overall ineffectiveness of Stone County law enforcement. Moreover, at the time the Sons of Honor organized, the county was plagued with crime and a corrupt prosecutor. The Sons of Honor shot the offensive prosecutor and

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<sup>283</sup> Michael J. Pfeifer, “Midnight Justice”: Lynching and Law in the Pacific Northwest,” *Pacific Northwest Quarterly*, 94, no. 2 (Spring, 2003): 84

<sup>284</sup> *Ibid.*, 86.

the county was then left with no prosecutor at all. The ensuing battle for who would become the new Stone County prosecutor appears to have been about post-Civil War power and politics, with no indication of a struggle between an old or new order.

Historian David Thelen asserts that the Civil War shook people's confidence in the government's ability to protect the citizenry and that lack of trust in government led to the formation of vigilante organizations.<sup>285</sup> However, it was to the government that people often went for help when vigilante organizations became more of a problem than were the criminals, both before and after the war. Prior to the Civil War, in the semi-frontier area of Benton and Polk Counties, the state militia was twice asked to help apprehend members of the Turk faction. During the Sons of Honor period, Governor Hardin was asked for help in preventing more violence, help that he provided in the form of the adjutant general. Ozarkers were not afraid of formal law, nor were they afraid to avail themselves of state government when necessary. Greene County residents, however, did not avail themselves of governmental help during the time of the Regulators. Likely this was because the Regulators, their criminal behavior notwithstanding, ceased executing extralegal justice before chaos ensued.

Additionally, Thelen's assertion that "Missourians became vigilantes at those times and places where the new order first and most profoundly challenged old ways," does not accurately represent the three vigilante organizations that are the study of this thesis.<sup>286</sup> Each of the vigilante organizations examined here formed during different periods of Missouri history and shared as many differences and they did similarities. All three organizations were frustrated with what they perceived as deficiencies in local law

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<sup>285</sup> David Thelen, *Paths of Resistance: Tradition and Dignity in Industrializing Missouri* (New York: Oxford University Press, 1986), 59.

<sup>286</sup> *Ibid.*, 86.

enforcement; all three also justified their crimes by claiming to promote law and order. Furthermore, all three groups organized during periods of change; for the Slickers and their adversaries it was change and disunity caused by in-migration that led to conflicts for community control. For the Regulators and the Sons of Honor it was changes to their communities wrought by the unresolved violence, as well as the social and political upheaval that were the remnants of the Civil War. However, conflict wrought by change does not imply a contest between an old and new order as Thelen suggests. As we have seen, vigilante organizations formed for a myriad of reasons, including the presumptive purpose of crime control, but also for social, political, and economic reasons. What did not precipitate the formation of any of the vigilante organizations in this study was a struggle between an old or new order based on the exceptionalist concept of the “primitive bonds” of “hill people.”<sup>287</sup>

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<sup>287</sup> Thelen, *Paths of Resistance*, 92 (first quotation); 89 (second quotation).

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