

“Hang Him
Decently
and in
Order”:

by

ZACHARY
DOWDLE

Order,
Politics, and
the 1853
Lynching
of Hiram,
a Slave

As the sun set on a wooded pasture in southern Boone County,

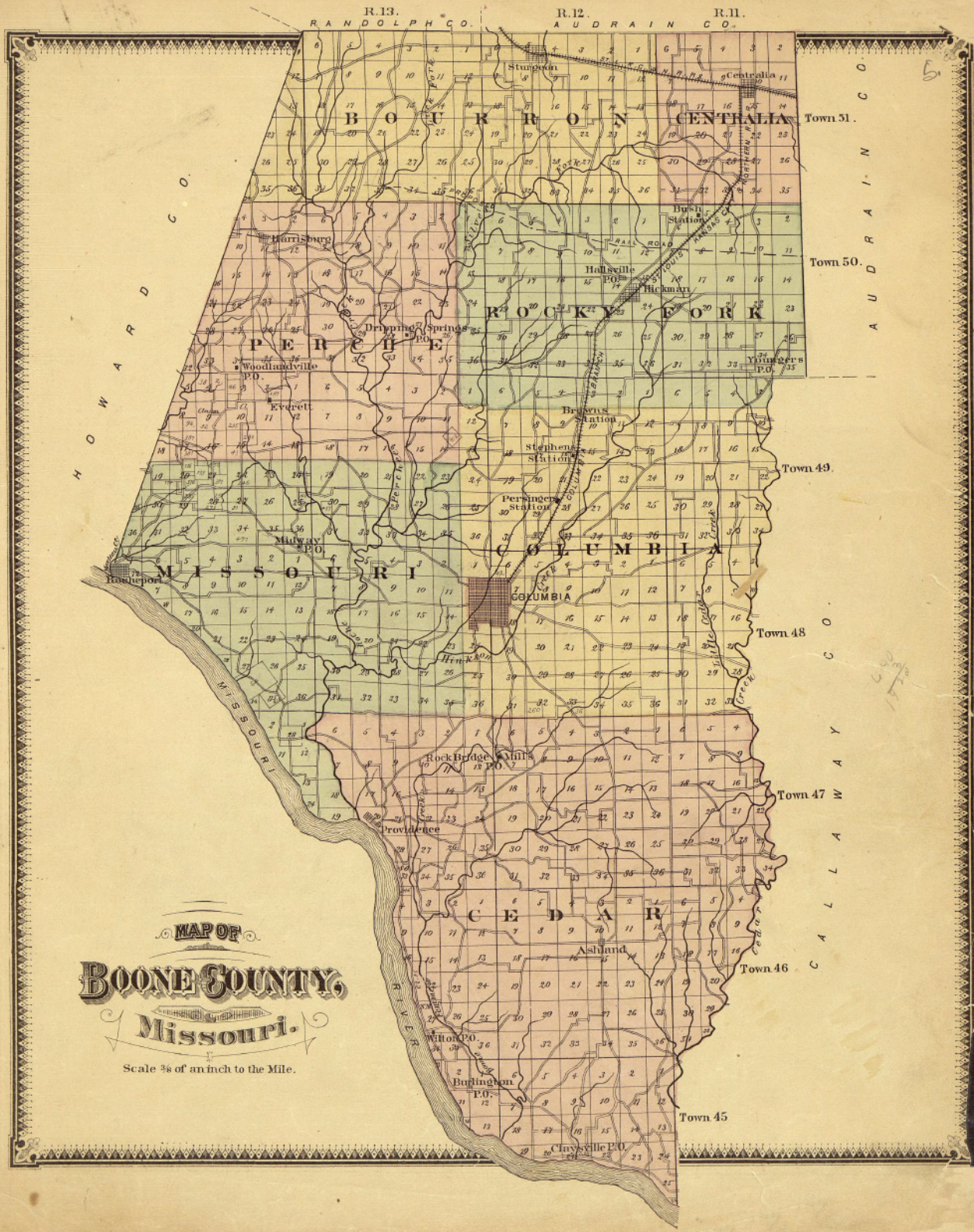
bringing the promise of reprieve from the oppressive August heat, 15-year-old Nancy Hubbard traveled home with her sister Mary Jacobs and Amanda, Jacobs' young daughter.

The three had attended the funeral service of Harrison Jacobs and hoped to make it home before the waning light disappeared. Arriving at a fence, Hubbard dismounted her horse to remove the bars. Jacobs and the young girl passed through the barrier and waited while Hubbard guided her horse through the gate and replaced the bars. From a nearby thicket, a man, completely nude except for some leaves stuck in his hair, allegedly seized the teenager and dragged her into the woods. The commotion startled Jacobs' horse, which threw her off,

seriously injuring her. The child, witnessing her mother in pain and unsure about her aunt's fate, ran toward the nearest home for help. Meanwhile, Hubbard, being "very stout and pluck to the backbone successfully resisted his assaults" with the assistance of her parasol.¹ Amanda soon returned to the scene with a nearby resident, Joseph Armstrong. The assailant managed to escape just before Armstrong's arrival. Hubbard, quite shaken from the traumatic experience, "preserved her person from tarnish, receiving no injury except on the face, throat and eyes" from the attack.²

While any attack of this sort on a young white woman would cause considerable disruption in an agrarian community, the fact that Hubbard identified her nude assailant as an enslaved man intensified the anxiety. As night settled on the region on August 12, 1853, a large number of black men were taken before an informal hearing held by Justices of the Peace

John Ellis and Walter C. Maupin to determine who might have committed the attempted rape. Many concerned citizens arrived at Edward Young's land, since Young claimed as property several black men. Following a physical examination of Young's enslaved people, the group determined that the likely perpetrator was a man named Hiram. The investigators returned to the justices with Hiram to conduct their impromptu trial. Upon hearing the evidence and testimony of several witnesses, Ellis and Maupin determined that there was insufficient evidence to hold Hiram and let the man return to Young's property. With the justices preventing further action, the collection of citizens dispersed, at least momentarily.

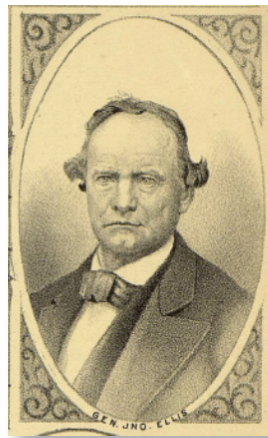


The crime of which Hiram was accused was in the southern part of the county, near the Missouri River. (Image: Historical Atlas of Boone County, Missouri, 1875, State Historical Society of Missouri)

Based on a “proper affidavit made by a brother of the young lady,” Justice Thomas Porter of Columbia issued a warrant for Hiram’s arrest.

As Diane Miller Sommerville points out in her book, *Rape and Race in the Nineteenth-Century South*, despite the outrage such a case would have inspired in a slaveholding community in the days before the Civil War, Southerners tended to allow legal processes to unfold. Antebellum lynchings of enslaved people were not entirely unheard of, but they were far rarer than those that occurred during the late-nineteenth and early twentieth centuries.³ Since the owners of enslaved people had a financial stake in the prosecution of their “property,” an element of class-based conflict sometimes arose when an enslaved person stood accused of a crime. Slave owners, in an attempt to retain the value of their human investment, would hire attorneys to defend the accused, while non-slaveholding whites opted at times to circumvent formal proceedings.⁴ As the sectional crisis heated up over the course of the 1850s, anxieties in slave societies, particularly those situated on the border of slave territory, manifested in a marked increase in the number of incidents of mob violence on enslaved people.⁵ This incident, taking place before the eruption of violence in the Kansas territory, at least initially conforms more with Sommerville’s depiction of legal proceedings for enslaved people in the antebellum South. Within a few days, however, public deference to the legal process deteriorated into a call for mob justice. This incident stands apart from other documented case studies in the community’s attempt to ensure the mob conduct itself in an orderly

manner. By creating the seeming paradox of an orderly mob, the citizens of Boone County enacted a compromise solution that appealed to the sensibilities of Democrats and Whigs—the former favoring popular justice and majoritarian rule with the latter appealing to law, order, and due process—to reinforce the racial order.⁶



John Ellis lived at a farm southeast of Columbia, Missouri, and was Justice of the Peace from 1844 to 1878. He was a fairly prominent citizen in Boone County, including as one of the first curators of the University of Missouri. (Image: Historical Atlas of Boone County, Missouri, 1875, State Historical Society of Missouri)

Still outraged by the incident and taking to heart the words of Justice of the Peace Ellis, who after freeing Hiram that night stated that he “hoped the matter would not stop here,” a group traveled thirteen miles north to the county’s seat, Columbia, to push for a continuation of the legal proceedings. On Tuesday, August 16, the concerned citizens got what they wanted. Based on a “proper affidavit made by a brother of the young lady,” Justice

Thomas Porter of Columbia issued a warrant for Hiram’s arrest. The sheriff, warrant in hand, proceeded to Edward Young’s property south of Columbia to retrieve the suspect that same night. Arriving at Young’s farm late in the evening, the sheriff was unable to locate Hiram. Young assured the sheriff that he would retrieve the man and deliver him to Columbia. Concerned about the well-being of his investment, Young appealed to the sheriff to ensure Hiram would have a fair trial. Young delivered on his promise, bringing Hiram to the Columbia jail before the sun rose Wednesday morning.⁷

With the prisoner secure in the county jail, court officials set his trial to take place just four days later on Saturday, August 20. In the meantime, Young visited the office of a Columbia lawyer named James S. Rollins and secured his services for the defense of the enslaved man. Rollins was a 40-year-old attorney who had, like many others in the region, been born and educated in the upper south state of Kentucky. Unlike the majority of lawyers in the middle of the nineteenth century, Rollins had attended school for formal legal training at Transylvania College in Lexington, Kentucky, in addition to reading law with the prominent Missouri lawyer Abiel Leonard. Rollins had practiced law in Columbia since 1836 when he was not serving in political office as a Whig in the state capital. Rollins also laid claim to more than two dozen enslaved men, women, and children who produced a variety of agricultural goods on his property on the southern edge of town.⁸



Defense attorney James S. Rollins (1812-1888) was, like the lawyer across from him in Hiram's trial, a Kentucky product and strong Unionist.

At the time of the trial, he was living in this house sketched by George Caleb Bingham the same year as the trial, and a year from serving another term in the Missouri legislature. He served two terms in the U.S. House of Representatives during the Civil War. (Images: State Historical Society of Missouri)



On the appointed day, law enforcement officials brought Hiram to the courtroom, where a third Justice of the Peace, David Gordon, would hear the case. Over the course of the week since the incident had occurred, excitement in the town and surrounding area had grown to a fever pitch. Spectators quickly filled the courtroom to capacity, with many more remaining outside the building in anticipation of the trial. As one in attendance observed, “a portion of [the crowd] were much excited by the daring atrocity of the crime charged and [had] a firm conviction of the negro’s guilt.”⁹ The county prosecutor, Odin Guitar, who had earned a degree from the University of Missouri and then studied law under the presiding judge, began to present the state’s case by calling numerous witnesses to the stand. By three o’clock that afternoon, Guitar had only worked his

way through around half of his declared witnesses—meaning Hiram’s defense had not yet begun—when a mob “entered the courtroom, in a tumultuous, menacing manner” and “overcoming the importunities and efforts of the court, sheriff, counsel, [etcetera] put a rope around the prisoner’s neck and forced him into the street.”¹⁰

Once the mob successfully removed Hiram from the shelter of the law, they stripped him of his clothing and forced him through the center of town toward a grove of trees beyond the bridge that crossed the Flat Branch Creek on the western edge of Columbia. In the excitement, a number of bloodthirsty citizens tied Hiram to the trunk of a tree with the idea of burning him alive. Some in the crowd protested to this gruesome mode of punishment, opting instead to hang the accused man. Throwing the rope over a conveniently located tree branch,

a group of men pulled the loose end of the rope until Hiram’s feet left the ground. Within just a matter of moments, the rope snapped, providing a brief reprieve for the enslaved man. As members of the mob worked to retie the murderous knot, a party of individuals, including Hiram’s attorney, Rollins, and the editors of both of Columbia’s Whig newspapers, William Switzler and E. Curtis Davis, arrived and appealed to the crowd to let the legal processes run their course. After considerable oratory effort by Rollins and others who opposed the lynching, order prevailed and Hiram was returned to the jail.¹¹

Traumatized by his recent brush with a violent mob that first wanted to brutally burn him but changed course and decided to try to hang him instead, Hiram spent Sunday in jail, ruminating on the past week’s events and waiting to

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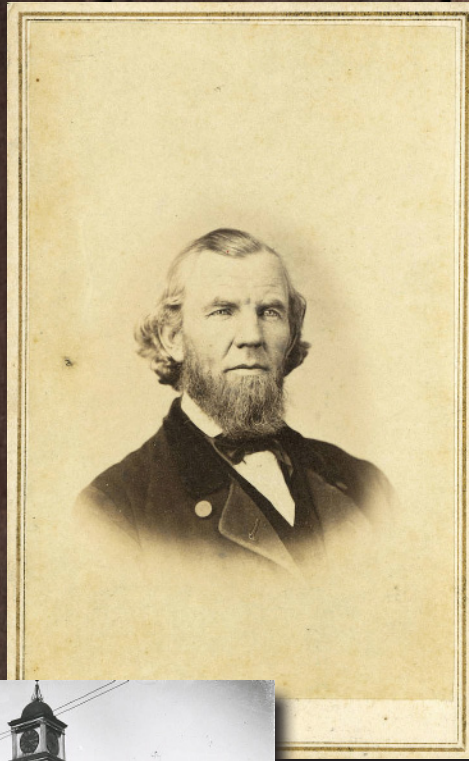
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"THE EAGLES NEST"
RESIDENCE OF GEN. OODON GUITAR, COLUMBIA, MISSOURI.



Kentucky-born Odon Guitar (1825-1908) left Boone County twice in the decade or so before prosecuting the case against Hiram, once to serve in the Mexican War (so that his degree from the University of Missouri was granted in absentia, the first one granted) and again to try to strike a fortune in the California Gold Rush. In the Civil War, he served in the Union army despite being a slaveholder. His home, pictured here from the 1875 Historical Atlas of Boone County, Missouri, speaks to his financial success. (Images: Missouri State Historical Society)



William Switzler (1819-1906) originally studied law under fellow Whig James Rollins before becoming a journalist, including his stint with the *Weekly Missourian*. Later in life he was appointed Chief of the Bureau of Statistics. (Image: Missouri State Historical Society)



Hiram was taken from imprisonment at the Boone County Courthouse, pictured here, for his “orderly” hanging. (Image: Missouri State Historical Society)

Sheriff Douglass warned the group of men that they were breaking the law and called for assistance from the crowd in the street.
No one answered...

Hiram had confessed.

However, the confession came only after a religious authority figure explained...his death was just a matter of time.

see what kind of horror the next day in court would bring. While he sat in his cell, a “minister of the Gospel” visited Hiram and explained to the prisoner that the angry people of Columbia “would not permit him to live but a few hours.” With the extreme anxiety of the past day’s events combined with the minister’s stark prediction, Hiram made a full confession to the attempted rape and even named other enslaved men whom he suggested had plans to commit similar acts on young white women in the area. In return for the information, Hiram pleaded with the man of the cloth to ensure he would have a few days to make preparations before his execution. News of the confession reached the court Monday morning, and Judge Gordon decided to move forward with the trial with the prisoner secured in jail for his well-being.¹²

For the second time in just three days, a “crowd of several hundred persons” gathered outside of the Boone County courthouse. Understanding that Hiram had made a full confession, albeit under severe duress, a number of people began to call for another attempt at summary justice. They believed, as did many white Americans in the antebellum South, that legal punishments available to enslaved men like Hiram were not sufficient.¹³ Missouri criminal code indicated that any white man who attempted to rape a woman would serve up to seven years in prison; however, if an enslaved man attempted the same crime, he would face castration.¹⁴ For the enraged crowd, castration was not enough. They needed

a more lethal resolution. Local planter Eli Bass, considered by contemporaries to be one of Boone County’s “most respectable men,” addressed the crowd and announced, “I have been a week about this thing and I now want to bring it to a close.”¹⁵ Bass called for the assembled group to form an orderly line so they could conduct their business. After settling in, the crowd appointed Bass the chairman of the mob.

Odon Guitar, the prosecuting attorney, along with Samuel Young, who had been assisting Rollins with Hiram’s defense, presented to the mob the alleged victim’s father’s desire that the enslaved man be hanged rather than burned. Guitar added, “if it was their determination to hang him, to go about it coolly and do it decently and in order, and not as demons.”¹⁶ With both sides expressing a unified call for hanging, Bass initiated a vote. The majority of those voting agreed to hanging, with around a half a dozen opting for incineration. With the method of lynching decided upon, the mob, under the direction of Bass, established a committee to carry out the “orderly” execution.¹⁷ A man named George N. King, assigned to head the committee, selected nine other men to assist in the committee’s tasks. First, they set out to procure the requisite tools for the grisly job—a cart to transport the accused, a coffin to bury him, and of course a rope to hang him. At the assigned time—the mob had agreed to proceed with the lynching at noon that day—the committee of ten, along with Bass and Jefferson Garth, entered the jail to retrieve

Hiram. Sheriff Douglass warned the group of men that they were breaking the law and called for assistance from the crowd in the street. No one answered, and Douglass, fearing for his life, left the jail so the committee could do its work. The dozen men forced open the two prison doors that protected the prisoner and dragged Hiram into the street. Placing the accused in the cart along with his coffin, the committee, “followed by a large number of persons, quietly proceeded” to a grove of trees northwest of town to hang and bury Hiram.¹⁸

Two factors contributed to the circumstances that allowed for a successful mob action the second time, both of which supported a narrative that the lynching was “orderly” and “just.” First, in the time between the failed attempt and the successful murder, Hiram had confessed. However, the confession came only after a religious authority figure explained to Hiram that his death was just a matter of time. Sensing the urgency of his impending demise, the prisoner believed that a confession would produce enough public sympathy to allow him sufficient time to say goodbye to his family and friends. Unfortunately for Hiram, the confession only motivated the mob. William Switzler, editor of the *Weekly Missourian*, one of Columbia’s Whig newspapers, expressed relief that Hiram’s full confession of guilt “reliev[ed] all doubts on that subject.” He further editorialized that “all now concede” that the men who protected the prisoner during the first attempt “were most wise and salutary, and all appear gratified

at the result.”¹⁹ For Switzler, Hiram’s confession provided sufficient justification to proceed with the extralegal action.

The second factor that made mob violence more palatable for adherents of both political parties was the manner in which it was conducted. Switzler’s tone shifted significantly when discussing the two incidents. With the first, he emphasized the chaos and lawlessness of the attempted killing. In fact, Switzler worked with Rollins (who was also a Whig politician) to prevent the mob from lynching Hiram on Saturday. In writing about the successful killing, Switzler stressed the “order” and “decency” of the crowd. Prosecutor Odon Guitar’s (Whig politician as well) language started the plea for order, and Switzler repeated the phrase again as well as stressing the “order” of the proceedings and the mob’s quiet procession. Thomas M. Allen, another Whig partisan and minister, suggested that “all was peace and tranquility” with the lynching, and though he was “opposed to mobocracy,” this case suited him sufficiently.²⁰ E. Curtis Davis, editor of Columbia’s other Whig newspaper, the *Missouri Weekly Sentinel*, regretted that the “supremacy of the law” had not prevailed but remarked that lynching had taken place “with nearly as much order as usually attend[ed] *legalized* executions of criminals.”²¹

Not everyone in Columbia supported the “orderly” and “decent” mob violence. Judge Warren Woodson penned a scathing letter expressing his opposition to the events surrounding Hiram’s death. Woodson could not see past the mob’s blatant disregard for legal processes. That said, he took no issue with murdering the enslaved

man. In two circumstances, according to Woodson, the lynching could have taken place without being an affront to the legal system. First, the offended family could have sought out the perpetrator and killed him immediately without involving the law. Because they went to the Justice of the Peace seeking a legal remedy, the victim’s family and the community needed to allow that process to proceed without interruption. The second circumstance was to let the trial run its course, but after its conclusion and the distribution of legally administered justice, the family and community could take up the matter. Woodson’s position did not appear to be popular. Only one man signed on in support to his public letter—the defense attorney Rollins—and the letter was never published in the newspaper.²²

Boone was one of the few counties in Missouri to have a majority of Whig citizens. The county’s Whig partisans took no issue with the institution of slavery. They saw Hiram as any other white citizen in a slaveholding society, as the property of another man. Many Whigs, however, did look to the institutions of government to impart order on society. At the core of this admiration of institutional order was the legal system. In a situation where questions of law and order came into conflict with the perpetuation of racial control within a slave society, the illusion of the former could help secure the latter. By creating a form of “mobocracy” that seemed to adhere to the tenets of order and peacefulness, all of the citizens of Boone County got what they truly wanted, a confirmation of white supremacy.

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ENDNOTES

¹ Columbia Weekly Statesman, August 19, 1853; Columbia Weekly Missouri Sentinel, August 25, 1853; Switzler, *History of Boone County*, 371; Thomas M. Allen to John Gano, August 11, 1853. The letter written by Allen to Gano is dated before the incident took place. Allen worked as a traveling minister, with the bulk of this letter describing his experiences in the countryside. Based on the dates included in his account, the actual date that he wrote this letter to Gano was likely September 11, 1853. Allen's account of the incident came secondhand since he was not home when it took place, but as a resident of the neighborhood he knew Nancy Hubbard and the others involved.

² Warren Woodson, "To the Public," August 1853, Rollins Papers, SHSMO.

³ Summerville, *Rape and Race in the Nineteenth-Century South*, 4-5.

⁴ *Ibid.*, 5-6; Bowman, "Appeals in Civil War Missouri," 351.

⁵ Thomas G. Dyer argues that a series of four lynchings within a week's time in Saline County, Missouri, resulted from residents' anxiety and insecurity in the region based in part on their proximity to the violent Kansas border. See Dyer, "A Most Unexampled Exhibition of Madness and Brutality: Judge Lynch in Saline County, Missouri, 1859."

⁶ For the use of mob violence in antebellum America see Daniel Walker Howe, *What Hath God Wrought*, 430-39; Adam I. P. Smith's chapter on the Astor Place Riot delineates the difference in partisan perspectives on mob violence, see Smith, *The Stormy Present: Conservatives and the Problem of Slavery in Northern Politics, 1846-1865*, 23-42.

⁷ Woodson, "To the public"; Switzler, *History of Boone County*, 372; Columbia Weekly Statesman, August 19, 1853; Columbia Weekly Missouri Sentinel, August 25, 1853.

⁸ James Madison Woods, Jr., "James Sidney Rollins of Missouri: A Political Biography," (Ph.D. diss., Stanford University, 1951), 5-13; John Vollmer Mering, "Political Transition of James S. Rollins," *Missouri Historical Review* 53, no. 3 (1959): 217; 1860 Boone County, Missouri, Slave Schedule, 47; Bowman, "Appeals in Civil War Missouri," 351.

⁹ Columbia Weekly Statesman, August 26, 1853; Columbia Weekly Missouri Sentinel, August 25, 1853.

¹⁰ Woodward, "To the public"; Columbia Weekly Statesman, August 26, 1853. One of the three contemporary accounts includes as a part of the story that Rollins cut the rope in the courtroom. Two were written by close friends of the attorney. Warren Woodson's account, which includes the rope-cutting, is by far more emotionally charged than the account printed in the newspaper by William Switzler, which claims to "publish the facts attending the whole proceeding." Interestingly, Switzler, in his *History of Boone County*, reproduced nearly verbatim the original newspaper account but included Woodson's assertion about the rope cutting. The third account, published in the Columbia Weekly Missouri Sentinel, also omits the rope cutting detail.

¹¹ Woodson, "To the public"; Columbia Weekly Statesman, August 26, 1853.

¹² Woodson, "To the public"; Columbia Weekly Statesman, August 26, 1853; Bowman points out that even in antebellum Missouri a forced confession made by an enslaved person was not admissible in court. One wonders, however, if the psychological pressure of the attempted lynching and words of the minister would be construed as forced in the nineteenth century. See Bowman, "Appeals in Civil War Missouri."

¹³ Dyer, in "Judge Lynch in Saline County," points out that one of the public defenders of the mob action in his case study argued that the criminal law for enslaved people was weak and not based on white public sentiment. see pp. 93-94.

¹⁴ *Laws of the State of Missouri: Revised and Digested by Authority of the General Assembly Volume 1*, (St. Louis: E. Charless, 1825), 283, 313. Summerville argues that castration of enslaved offenders, either for rape or attempted rape, allowed state and colonial governments to deter slave crime while also saving the state money since in many jurisdictions the slave's owner would be compensated for his financial loss. Missouri never adopted compensation legislation, however, making it more important for slave owners to provide the best legal defense they could to prevent losses.

¹⁵ Switzler, *History of Boone County*, 373; Allen to Gano, August 11, 1853; Woodson, "To the public."

¹⁶ Columbia Weekly Missourian, August 26, 1853.

¹⁷ *Ibid.*

¹⁸ Switzler, *History of Boone County*, 373-74; Columbia Weekly Missourian, August 26, 1853; Woodson, "To the public"; Switzler's history identifies the location of the lynching as the pasture of Mrs. Dr. Arnold, which was immediately west of R. H. Clinkscales's property. Looking at a contemporary (to the writing of Switzler's history) plat map of Columbia (from 1875), Arnold's property corresponds to a four-block area in modern Columbia bounded by Sexton to the north, Worley to the south, Mary Street to the west, and Providence to the east.

¹⁹ Columbia Weekly Missourian, August 26, 1853. It is important to note that Switzler stood next to James Rollins to prevent the hanging of Hiram on Saturday night. There is no indication in any of the sources that any resistance took place on Monday.

²⁰ Columbia Weekly Missourian, August 26, 1853; Allen to Gano, August 11, 1853.

²¹ Columbia Weekly Missouri Sentinel, August 25, 1853, emphasis in the original.

²² Woodson, "To the public."