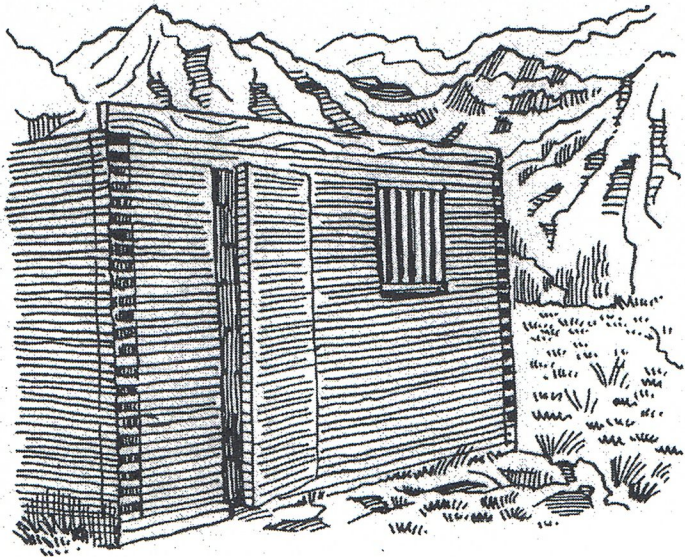


FRONTIER JUSTICE: NOT ALWAYS BY THE BOOK

As western towns grew, residents needed ways to keep some order in their communities. There were clearly some in town who wanted to make it into a wild place where anything went. These catered to the untamed cowboys and miners who liked to shoot it up while they were in town. But there were also the merchants and farmers and their wives who wanted to make "this town a fit place for a decent person to live." In mining camps, rules had been drawn up and approved by majority vote; when someone disobeyed the rules, the camp sat in judgment and voted its punishment.



Jails were made of a variety of materials. This one was a sturdy wooden construction.

JAILS. Since many frontier communities did not have jails, they had a problem holding prisoners. Most jails were poorly built, and it was easy to escape. Many were log cabins; the jail at Deadwood was so crowded that prisoners took turns sleeping on the floor. Some law officers used imagination to find a secure place to hold prisoners: boats; cisterns; iron cages; or chaining them to trees, windmills, stable stalls, or telegraph poles.

COURTHOUSES. In the first stages of government, a courthouse was often a crude log cabin or adobe building, but eventually, pride caused them to find a building more suitable for a permanent home for the county government. Two-story brick buildings with bell towers and columns added status to the county seat. There, trials could be held with proper dignity.

JUDGES on the frontier did not always go by the letter of the law. Some were illiterate, many were eccentric, but the people of the frontier often preferred good sense to legal knowledge anyway. Judges often fined defendants a certain number of chickens or steers as their penalties. A Texas justice of the peace bound a mail order catalog in sheepskin. Whenever the defendants were found guilty (and they always were), he turned in his catalog and set the fines by whatever was on the page. One man was fined \$4.88 and started to protest, but his lawyer told him to keep quiet. He warned that the judge might have turned to the page selling pianos instead of the pants page.

Judge Roy Bean, the "law west of the Pecos" was the best known of these justices of the peace. He knew a few legal terms and kept a copy of the "statoots [sic] of Texas" by the bar where he dispensed drinks and law. At first he operated without any legal approval, but Texas Rangers began taking prisoners to him rather than to the nearest court 200 miles away. If the person had any money, they were fined. Once a corpse was brought in, Bean found a gun and \$40 in the man's pocket. He fined the dead man \$40 for carrying a concealed weapon.

Federal judges operated differently. The best-known was Isaac Parker, whose district covered Indian Territory. Of the first 18 defendants in his court found guilty of murder, he

hanged six—all at the same time. During his years as a judge, he sentenced 172 to be hanged and established his reputation as the “hanging judge.” His trials were always fair, however, and if a person did not understand English, he brought in an interpreter.

VIGILANCE COMMITTEES formed in towns where the respectable citizens feared that the troublemakers were becoming too powerful and law officers could not control them. These “vigilantes” were different from lynch mobs. Lynchings were not organized, but resulted from a sudden urge to punish a wrongdoer. Vigilance committees were well organized and often had a written constitution. Setting a few examples let trouble-makers know they meant business.

San Francisco merchants decided in 1851 that the sheriff could not control the city's Australian gang, the Sydney Coves, and formed a vigilance committee (members were called vigilantes). The night they wrote a constitution, they caught their first criminal; he was quickly tried, found guilty, and hanged. After that dramatic beginning, the committee published its constitution and membership role. After they hanged their second criminal, many rushed to join the committee. A judge protested their actions, but could not get the jury to convict vigilantes for the hangings. After two other Coves were taken from the police and hanged, the Coves left town, the vigilantes went out of business, and the police took over.

Many other towns in the West used vigilantes. Virginia City, Nevada, had the “601” to stop a wave of murders and robberies. Wearing masks and carrying muskets with bayonets, they surrounded the jail and demanded that a man accused of murder be turned over to them. They overcame the guards, took the man, and hanged him. When he died, a cannon fired and the masked men disappeared. Their second victim was advised to leave town, but was caught in town after the deadline; he was hanged and again the cannon fired. After that, when someone was told to leave, they wasted no time in leaving town and never returned.

Bannack, Montana, chose Henry Plummer as its sheriff, but soon found he led the bandits who were attacking miners in the hills. A vigilance committee was formed among the leading citizens of the community, and they hanged members of the sheriff's gang, one or two at a time. Eventually, they took Plummer's life. In all, the Bannack vigilantes killed about 30 outlaws.

The decent folks on the frontier wanted order more than laws, and they were willing to do whatever it took to rid themselves of dangerous troublemakers. Sometimes townspeople found they had created monsters, and those who brought order were as bad or worse than the groups they chased out.

Activity:

As a class, create a scenario for a trial, perhaps with a cardboard cutout for the one accused of cattle rustling. Stage the trial as it might have taken place on the frontier, then as it would take place in a modern court.

Name _____ Date _____

POINTS TO PONDER

1. What is the problem with allowing judges who do not understand the law to hold court? How might some see that as an advantage?

2. Indian Territory had many outlaws in it. As a person living at that time, would you have approved or disapproved of Parker's approach to justice? Why?

3. What was good about vigilance committees?

4. What dangers were there in allowing vigilantes to punish troublemakers?

Name _____ Date _____

CHALLENGES

1. What kind of people wanted the frontier town straightened up?

2. What were some places other than jails that held prisoners?

3. What kind of buildings served as courthouses in the first stages of government?

4. Why did they build imposing-looking courthouses?

5. Why did the lawyer advise his client to accept the \$4.88 fine?

6. What nickname did Roy Bean give himself?

7. What nickname was pinned on Judge Isaac Parker?

8. What was the difference between vigilantes and a lynch mob?

9. Why did the Sydney Coves leave San Francisco?

10. What made Henry Plummer's gang different from other outlaws?
