

# **An Incident in Ohio**

**The 1897 Urbana lynching and its aftermath**

**By  
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**Thursday, April 15, 1897**

John Chavers, colored, official turnkey of the Urbana city prison, discovered in the early morning that blood had been smeared across the front of the municipal building. It had not dried and was still dripping from above the door, forming tiny pools in the entranceway.

He and Joshua Kinna, the town marshal, followed a barely visible trail of blood up Main Street to the town square, where it turned west down Miami street, finally vanishing at a small bridge which crossed Dugan's Run.

They were never able to discover how the blood came to be there or whether it was animal or human. Chavers was obliged to spend the better part of his morning washing away all traces of the vandalism.

## Memorial Day

Sunday, May 30<sup>th</sup>, 1897, was a pleasant spring day in Urbana, Ohio, around 55 degrees and sunny. The roads were in generally good condition because there had been no significant rain for about a week so most of the mud holes had dried up and horses were able to gain traction and make better time moving between the surrounding towns and farms.

Sunday was Decoration Day. A.E. Renn, pastor of the Urbana Lutheran Church, delivered the traditional prayer and sermon in church that morning, asking God to mend the wounds inflicted during those “times of trouble.” After services, the customary parade made its way up north Main Street to Water Street to Oak Dale cemetery. There, the Honorable D.W. Davis, state representative from Sidney, Ohio, delivered the keynote speech before a small but enthusiastic crowd. Many of the men in the audience had carried arms in the conflict and were dressed for this occasion in Union blue.

The ceremonies were a relatively recent celebration because the war itself had ended only 32 years before. At the very first Decoration Day observance in Washington in 1868, Major General John A. Logan had asked the nation to place spring flowers at the graves of war dead: “Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic.” Some now argued that the day should be made a national holiday and renamed “Memorial Day,” although in some southern states bitterness still lingered, and there were certainly no observances to honor the Union dead.

To the south of Urbana, just beyond the northern city limits of Springfield, similar Sunday services were conducted at Ferncliff Cemetery, where celebrants were treated to a speech by the governor of Ohio, Asa S. Bushnell. Bushnell was a Springfield native who would be seeking re-election in the fall.

Sunday also marked the third consecutive day in the Urbana city prison for Charles W. Mitchell, Jr., whose nickname was “Click,” and who had been charged the previous Friday with attempted robbery at the home of Mrs. Thomas M. Gaumer. Mrs. Gaumer was owner and publisher of the Champaign Democrat, a weekly newspaper in Urbana, the county seat of Champaign County.

Under ordinary circumstances, the Mitchell boy, who was only 24, would have faced the charge against him in mayor’s court that Monday, but all cases had been postponed until Tuesday, the first of June. Decoration Day was officially celebrated on Sunday, the 30<sup>th</sup> of May, but state legislatures, including the one in Ohio, had ordered government offices closed anyhow on the following Monday, May 31<sup>st</sup>, and local governments did the same, at least in most parts of the country.

### **Monday, May 31, 1897**

The colored man was not doing anything bad, really, just generally loitering around the houses which stood on the west side of Urbana, on West Ward Street, about two blocks from the home of the publisher of the Champaign Democrat, Mrs. Thomas (Eliza) Gaumer. That Monday a neighbor, Dan Geiger, had gone out and chased him off, but he had merely dropped out of sight and then reappeared a little later at Bridget Sullivan's little house nearby, just hanging around the yard jabbering to himself and whistling.

Sullivan finally became concerned and sent word to Marshal Kinna, who had come up to Ward Street right away and found the man on the bridge where the street crossed over the railroad tracks. Kinna placed the man under arrest and put him in the same city prison where Click Mitchell had been held since the previous Friday.

It turned out the man's name was John Hart, and someone said he came from Lima, Ohio, 60 or so miles north of Urbana, and he was just a little bit crazy and there wasn't anything to really worry about from him.

### **Tuesday, June 1, 1897**

C.B. Heiserman, Common Pleas judge for Champaign County, was out of town most of the day Tuesday, hearing a civil case (Wilson vs. Whiteley) in nearby Springfield.

**Wednesday, June 2<sup>nd</sup>, 1897**

Charles Wesley Mitchell, Junior, woke up hungry.

He could hear muffled movement above his head. That, and his stomach, told him it was morning.

The woolen blanket he had covered himself with when he went to sleep was gone. He groped around in the darkness and found it on the floor, but movement was an effort because his whole body hurt. The pain stretched from midway between his shoulder blades down to his kidneys. It was cold in his cell, and it was damp, and he had been sleeping on bare board for five nights now.

He pushed himself to a sitting position and blinked his eyes, trying to see through the darkness, across the 12 feet which separated his cell wall from the heavy iron bars at the entrance to the narrow corridor. He had seen a light bulb on the wall above his door, but it did not work, had not come on once, in fact, since they had shoved him into the tiny room the Friday morning before. For \$882, the Urbana Bridge Works had constructed eight cells and the one corridor as the basement jail portion of the new city building seven years before. But the Urbana Electric Light and Power Company, which occupied two small rooms on the second floor, was still having problems consistently providing this relatively new kind of power to its customers.

There was one electric light bulb over the door of each of the seven jail cells in the city prison, one in the eighth room which was held aside, as a rule, for tramps and vagabonds, and there were two in the narrow corridor which ran down the center of the basement between the four rooms on each side. None of those bulbs gave light either, or at least none had in the time he had been in this place, and of the two in the corridor only one glowed faintly down towards the end of the hall, over 40 feet away, above the door where the turnkey always entered to feed the prisoners. The light from that bulb made it barely possible, once his eyes had adjusted, to find the outlines of things.

It was now Wednesday morning and it was quiet enough that he could hear the rats scurry.

But shortly, upstairs, he heard the thud of footsteps and every now and then what might have been a voice. The cells around him reeked of vomit and mold and urine and sweat, and for part of the night, before he drifted into sleep, he had heard someone in another cell down toward the hallway door, gagging, probably to overcome the effects of too much drinking.

After a few minutes the door at the end of the hall opened and another colored man entered, wearing dark pants and a white shirt with the sleeves rolled back and a light-colored cloth cap on his head. He made his way slowly toward the prisoner's cell, keys jingling at his belt, nodding to men in two of the other tiny cells as he passed.

John (Turnkey) Chavers was superintendent—janitor, really, and all-around paid flunkey—of the city building but also turnkey for the city prison, weigh master for the town council, and a very distant relation by marriage to Charles Wesley Mitchell, Junior,

who was sitting in his small room with bruises from that wooden plank bed all over his five foot, seven inch body.

John Chavers stopped in front of Mitchell's cell and looked inside. He reached for the keys at his waist, fumbled for the right one, stuck it in the hole of the door and pulled open the iron, beckoning with his head for the prisoner to come outside.

Mitchell lurched to his feet, steadied himself against the wall and walked over to the door. He had been in this place before and would, no doubt, be here again. There was no kinship whatever between the two men. Chavers had held his position since the new city building opened in 1891 and he had put Mitchell into the cells before and let him out before. He had no respect, no liking, and no feelings at all for the man. Both were colored. That was all, and it made little enough difference.

Chavers? Someone's voice filtered down the hall.

"Comin' John." Chavers boomed back down the corridor in his rich, baritone voice. He had traveled for several years in the 1880s with the colored glee clubs, singing in towns all over central and southern Ohio—Cincinnati, even—and he had no need to raise that voice to make himself heard or recognized, even in the muffled atmosphere of the city prison. He reached out and touched Mitchell by the left shoulder, at the same time telling him to stretch out his arms.

Mitchell put his hands out, wincing at the effort, and Chavers clamped a pair of iron cuffs across the wrists and locked them. The two men edged out into the hall toward the stairs, Chavers bringing up the rear after slamming shut the metal door. They made their way to where John Woolenham, the city policeman, white, was standing, one foot up on the step behind him in the open doorway.

Only two of the other cells were occupied, each by one man: a negro in a small room across the hallway from where Charles Mitchell had been sleeping, and a white man across the corridor near the entrance to the prison where John Woolenham was now standing. Both prisoners were awake, sitting on their wooden beds, backs against the wall, watching through the bars. The other cells were empty, cleared out now of the weekend drunks by an earlier session of the mayor's court.

Woolenham's brown mustache framed his mouth and cheeks, and a dirty gray hat tipped sideways on his head, nearly covering one ear and part of one of his bushy sideburns. He said something in a low voice and closed his fingers over the chain between the two handcuffs on Click Mitchell's wrists, tugging him sharply forward as he turned and started up the stairs. If John Chavers, behind the two men, heard what he had said, uttered not so much as an oath or an insult but rather as a common everyday greeting, he paid no mind.

They went upstairs, away from the basement prison to the main floor of the city building, which seemed busy for half past eight in the morning on a Wednesday. As Woolenham, Mitchell and Chavers walked across the entranceway toward the front door,

the dozen or so people there, some working, some just leaning against the walls, all turned their heads to look at the colored prisoner. The door to street superintendent Buckney's office and the door to the room used for both the mayor's office and the mayor's court were both closed, apparently locked. The auditor's office door was open, however, and two men inside stood watching as the three passed the tiny cubicle where the turnkey stored his things.

The door to the police department was open, too, and two or three men stood there, arms folded across their chests, watching. On the east side, behind the three men now as they neared the entranceway to the building, the broad wooden stairs rose toward the second floor where the town council members held forth in their chambers every week, not far down the hall from the opera house, rented by Colonel Henry H. Williams; the room rented to the Urbana Public Library for one hundred dollars a year; two smaller rooms used by the electric company; and an even smaller room, almost a storage area, in which the Central Ohio Scientific Association had specimens and artifacts on display. All these rooms were closed now, and there was no one on the second floor.

Mitchell did not yet know it, but Charles H. Ganson, in his 15<sup>th</sup> year as mayor of Urbana, would not hold court that morning, had instead postponed it until early afternoon in order to handle more pressing city business. The stocky colored man had been in the room on the Friday before, to answer to charges of assault with intent to commit robbery, and again on Tuesday following the Memorial Day holiday, where he entered a plea of not guilty to a more serious charge of assault with intent to kill. Bond had at that point been established at one thousand dollars, and there was no way in the world he could find anyone to raise that kind of money for him.

Not knowing what else to do but at least happy to be away from that 12 by 12 foot room for a few moments, Mitchell grinned at the people who were watching him and tried to throw his shoulders back slightly, although Woolenham still had that firm grip on his wrists. He followed without questioning toward the door which opened outside onto South Main Street. Just inside the doorway the three men halted and Woolenham let go his hold and walked over to the town marshal, Joshua Kinna, who was standing there talking to two other police officers—Bill Colwell and David Hill. Of all the people standing around watching, the only one Mitchell recognized was Isaac Waugh, council member from the second ward, where most of the colored people in Urbana had their homes. Waugh, like the nine other council members, was white, however, and the two men did not know each other personally.

Joshua Kinna was a broad-shouldered man, reflecting, perhaps, the years and years of work he had put in as a blacksmith in his shop at the end of Scioto Street. His hair was gray and his arms and legs were muscular, and he was just a shade taller than the other men around him. He had been either town marshal or a member of the police force for the past six years.

Kinna stepped forward and talked for a moment to Woolenham, and both men,

while they chatted, kept glancing over at their prisoner, who had great curiosity about the subject of their conversation—obviously himself—but could not hear what they were saying and tried not to let it be seen that he was trying to hear. Kinna finally stepped two paces to his left and clasped the prisoner by the left arm and guided him toward, through and out the front entrance of the city building, onto the concrete sidewalk, and toward a black carriage drawn by a single horse, which stood there in the street tethered to the hitching rail. Colwell came out the door behind the two men.

Kinna, not speaking, motioned with his head for the prisoner to climb inside, and then he followed him, swinging down into the seat beside him, taking up the reins in his right hand. Colwell stepped up onto the runner at the side and settled himself in the back seat, behind the two men, and then the horse slowly moved off up the street toward the town square at a leisurely pace, the dust from the as yet unsprinkled street curling up around its hooves and dissipating in the morning breeze.

They all had a nine o'clock appointment.

At about the same time, just before nine o'clock on the morning of the second of June, deputy sheriff Harry Kirby wiped the remainder of his breakfast away from his chin and mustache with a checkered napkin at Kimball's restaurant on North Main Street, plucked his hat from the rack near the door, and walked out into the warm morning sunlight. A black carriage containing a colored man and two white men turned west off Main Street a block away at about that same time. It headed down West Court Street past the court house and finally out of sight beyond the corner.

Kirby was close to six feet tall, the eldest of three brothers, Clifford, Bob and Harry. At the age of 28 he had not yet rounded out as he would in later years. He had brown hair, combed at an angle back and to the right, and he sported a rather thick, brown mustache.

Kirby's eyes were good and his hand was steady in 1897, and he was well respected by those who knew him or who came in contact with him, for his ability with the Springfield rifle or with the sporting models, or with a pistol. He was popular enough in Urbana, not overly liked nor intensely disliked by most people. He was almost always punctual, took pride in his ability to arrive where expected at exactly the time called for. He had been named a deputy under the former sheriff, Bob Miller, who had chosen not to run for the office again in 1896. And if, at age 28, Kirby had shown no perceivable talents in a particular field yet, it might be attributed to the money his parents had and to the fact that he preferred to spend his summers on their ranch in Kansas, working with the horses and spending his time out of doors.

He was just now emerging from the bad mood his boss, Sheriff McLain, had placed him in two months before when he had been forced to spend his birthday on a train—bringing Z.T. Lewis back to Urbana from Ann Arbor, Michigan, to face charges of forging bonds—as much as \$300,000 worth of school bonds, some people said, although the exact amount was in dispute. But Lewis had been an interesting enough traveling

companion, resigned to living out what remained of his life under a cloud in the bond forgery case. He had once owned the only daily paper in town—the Urbana Daily Citizen—and its sister weekly, the Citizen and Gazette, before selling them, in 1891 to Homer Snyder and Jonathan Burgess for \$16,000. He had a lot of stories, Lewis did, and so the train ride had been interesting enough and the curious crowds which greeted them at the Erie Depot when they returned on April 6<sup>th</sup>—three days after Kirby’s birthday—had been large enough to make Lewis, who was ill anyhow, think he was in some danger of being lynched.

Kirby’s boss, Louis H. McLain, 37 years old and in his first term as sheriff, had left the restaurant moments before Kirby and also stood there watching the carriage with three men in it as it lurched out of sight a half-block away behind the court house. The two men knew the carriage contained two policemen from the city and a colored prisoner, Click Mitchell, arrested the week before on a serious charge of burglary at a residence.

They strolled slowly down the walk in the direction of Court Street, nodding amiably at John Hance, who was still setting up his grocery stand for the day at 209 North Main. From inside his store came the odor of sour pickles and brine and the sound of buzzing flies, which were just starting to make their presence uncomfortable this spring. The sheriff and his deputy paused in front of the grocery to allow a carriage to pass by and then crossed Main Street, heading for the jail building where the sheriff lived.

McLain was quite unlike his deputy, Kirby, although he, too, was a tall man with a large girth, and he moved slowly and made decisions only after thorough study of the matter before him. He was qualified to be the sheriff of Champaign County by virtue only of his having been elected the previous November when Bob Miller had decided not to run again. The position required no license and candidates ran on whatever experience and knowledge they could convince voters they possessed.

He had held no elected office before, had, in fact, run only once before for an office of any kind—city street superintendent, for which he was also not especially qualified—and had lost that by a close vote in city council in 1893. He had won the nomination for sheriff through diligent campaigning, and possibly because his turn had come. Champaign County was overwhelmingly Republican in 1897, and most men who served in public office did so by working for the party in one capacity or another for several years and by seeking the dozens of low-paying, low-grade offices which brought no fame and little money: street superintendent and elections clerk, for instance. Finally, someone in office would die or retire and the next man on the list would move up—all very unofficially, of course—to a point where he could be tapped on the shoulder and told that, by and large, he was a likely candidate for the next vacant office. Bob Miller had cleared the way by not running again. Never had any sheriff in the county been elected more than twice to the two-year job of sheriff, although all who had been elected once had always been re-elected since well before the war.



Upon winning the election, McLain had promptly married—in January—Frank Beebe Stafford and moved with her into the sheriff's residence—which was attached to the jail across from the county court house.

McLain and Kirby passed through the gate in the iron fence surrounding the square that contained the court house and jail and walked up onto the portico which served as the front entrance to the sheriff's residence. There another man, Warren Long, also a deputy, red-haired and like the sheriff clean-shaven, was lounging against the doorway, chewing. McLain walked inside and went through the living room and down the southeast corridor toward the jail in back to check on the men held prisoner there.

Long and Kirby stood together on the porch, chatting about the weather and such, but both were thinking, really, about that carriage with Click Mitchell in it and what might happen in the next few hours. Kirby had no great respect for the sheriff but no dislike, either, and he had been glad enough to see him win the election over Levi Neer, the independent candidate, because it meant that he could continue on as a deputy. The Democrats had not even bothered to field a candidate, and so the election itself had been interesting only to see the margin of victory for the Republicans. Louis McLain, when the results were in, had won by about eleven hundred votes--not by as many as he would have liked.

On the whole, Kirby had preferred Bob Miller as sheriff and he had been glad to see that Miller agreed to stay on as a deputy. A lot of people liked McLain, and there were some, of course, who said he was a good man and competent enough and that the best thing was that he would listen to people who knew more than he did and that it was a good thing that Miller had stayed on.

The attitude most men seemed to take toward the sheriff was hard to put one's finger on. Most people were not hostile toward him at all but treated him, instead, as one might treat a child who needed guidance on any number of subjects. Almost any conversation at which the sheriff was present would be marked by men on either side gently trying to inform him, all the while allowing their eyes to drift past him to the person on his other shoulder, while those not talking would scrape their boots on the wooden floor and appear to be thinking about something else, or wishing the conversation would turn to a subject on which McLain's opinion or thoughts need not be solicited. There were a lot of men like that in local government in cities and towns like Urbana—not the most respected of citizens, perhaps, but willing to do the everyday chores and the paperwork and to put in the hours that their elected or appointed positions required for the small amount of pay that was usually involved.

As the sheriff made his way down the corridor toward the jail proper, he might well have longed for the days when he could simply work his mother's farm in Mad River Township and help keep up the eighty acres she owned there. But his father's death in April had changed everything, and she had moved to a house on Scioto Street in Urbana. The county jail was situated on the far west of the building, and it was 15 years

old, much newer than the court house itself. It contained two tiers of cells, including three which were set aside for women and children and one that was padded for the insane. Below was a general dungeon, and the building was heated with a hot water furnace that was the curse of McLain's existence, for it seldom worked properly and in winter it virtually cooked the prisoners confined to cells on the second, upstairs tier.

Miller was out of the building, uptown somewhere no doubt, and McLain simply wanted to check the prisoners to see who was still confined there. He very much expected company that afternoon. Z.T. Lewis, awaiting trial for bond forgery and embezzlement, was alone on the top floor, while below, lounging in separate cells were four others—Ben Coloshaw, Charles Lucas, Ed Ullery and a colored man, Robert Scott. Most had almost finished their sentences for a variety of minor offenses—assault and public drunkenness—committed out in the country, or at least outside the jurisdiction of Urbana's mayor. They would be released within a few days except for Lewis, who was unlikely to try to escape anyhow and was allowed to walk freely about the second floor. To reach the individual cells, it was first necessary to unlock the heavy iron door leading into the general jail area and then to unlock the individual cell doors. McLain had already mentally set one aside for Click Mitchell—a small room toward the back of the jail area on the lower tier, almost out of sight of the main doorway.

Satisfied there had been no additions to the motley crew of men in the jail, the sheriff made his way back along the corridor toward the front of the building where he lived, and sat down in his chair near the front window, looking outside at Main Street.

O'Brien's saloon, directly across the street, had not yet opened for business, but most of the other stores were open, if not overly busy just after nine o'clock in the morning. Both Kimball's restaurant and John McGraw's restaurant were doing a brisk morning business, and four groceries and Bill Hedges' meat market all had opened. Later on, toward noon, Hedges would put up the awning over his door to shade his store from the afternoon sun. Two or three drays had been backed up to the curb on the other side of the street, and horses which already looked tired were hanging their necks there, occasionally flicking up a tail to shoo away flies. Most of the refuse—paper, string, broken glass, had been casually swept out into the street that morning and littered the gutters. Now and then a passing horse kicked up cinders from the street, and a colored man, down on the corner near Court Street, was pushing a wooden pushcart slowly along, on up toward the court house, trying to earn a few cents picking up trash.

On up toward the other corner, where Main and Church Streets came together, McLain could make out two men talking—Dick Robson was one, standing outside his Candy Kitchen, arms pumping the air in animated conversation with Jesse Lewis, the lawyer. So Lewis was not down at the Gaumer House on West Court after all, but was standing there on Main Street, talking. He had probably just come out from talking to another lawyer, Joseph Flaughter, the man who was representing Click Mitchell.

Flaughter's office was located in the same building with the Candy Kitchen, and if Lewis had been inside talking to Flaughter it probably meant that he already knew what was happening down at the Gaumer house and had been discussing strategy with the colored man's lawyer.

McLain had suspected since Saturday that he was about to get into a big potential mess, but he was dead certain of it today. The entire Gaumer family was now involved. Charles N. Gaumer was also in town today, no doubt at the Gaumer home on West Court Street where the carriage had been headed a few moments before.

What Eliza Gaumer had to say today at her two-story white frame house at 209 West Court would determine just how much trouble Louis McLain was in for in the days ahead, Kirby might have thought as he stood on the porch watching the carriages and bicycles make their way along the dirt street outside the Champaign County court house that Wednesday morning. He did not see the carriage with its three men inside make its way back to the city building on South Main a little while later because Josh Kinna had guided it down Walnut Street, away from the square to avoid attracting curious eyes.

The scene Kinna had just witnessed inside that house had shaken him, at least slightly, because it had been, in the ferocity of the performance, more than he had expected, although, like a great many people in town, he had pretty well known what the outcome would be.

It was one thing to charge Click Mitchell, a colored man, with assaulting Mrs. Eliza Gaumer in order to commit robbery, as the charge had originally been lodged. It was quite another to formally charge him with committing the crime of rape on a prominent local white woman.

## **The Gaumer Family**

Mrs. Eliza Cone Gaumer was owner and publisher of the Champaign Democrat, and her son, Charles Edmund Gaumer, was manager of the paper, a weekly, which would appear on the streets tomorrow, Thursday. Charlie Gaumer had been manager of the paper since his graduation from high school in the spring of 1894, the year after his father's death. He would turn 21 years old in November.

Thomas Malancthon Gaumer, deceased, husband of Eliza Gaumer and a physician by trade, was born in Adamsville, Muskingum County, Ohio in February, 1848, the first of nine children born to his parents who owned a farm not far from Adamsville. After leaving high school shortly after the war, Gaumer had studied at nearby Denison University in Granville and eventually become a teacher, moving back to his parents' farm to cut down on his expenses. In 1875 he had entered the Ohio Medical College in Cincinnati, the same year he met, wooed and wed Eliza M. Cone. The following year he began practicing medicine, first in Wyandot County and then back in Adamsville, where Tom and Eliza lived until 1882 when his brother, Daniel, interested him in the newspaper business.

The two men purchased the Zanesville Signal in Muskingum County, and the Champaign Democrat in Urbana from James Newcomer. Thomas moved his family that year to a home on West Court Street and took the paper back down from a daily to a weekly publication. Doctor Gaumer's family had acquired a good deal of political influence within the Democratic Party all over the state. In Zanesville, his brother Daniel owned the Signal and had served in the Ohio House of Representatives for one term from 1888 to 1889 and then was elected to the Ohio Senate, representing the 15<sup>th</sup> and 16<sup>th</sup> districts. He had also served one term there, following which he was appointed postmaster in Zanesville in 1893.

Another brother, Charles N. Gaumer, owned the newspaper in Mansfield, Ohio and had twice been elected to the Ohio House from Richland County until 1894 when Republicans under Governor McKinley had swept a lot more statewide offices than they were used to having.

Newspapers of the day, especially in small towns and cities like Urbana, were notoriously partisan in their political views, and the Democrat was no exception. It traced its roots as far back as 1844 to the old "Western Dominion," a paper started by Judge John Taylor, an Andrew Jackson supporter. The paper underwent a series of owners and transformations and name changes until it emerged as the Ohio State Democrat in 1855. For the next 25 years it changed names and owners frequently, becoming the Urbana Free Press (just before the war when the term "Democrat" had become a liability in strongly

pro-Union Ohio), the Urbana Union, the Democratic Plain Dealer and finally, in 1875, the Urbana Union-Democrat.

That same year, Charles Haywood and W.H. Gulick acquired the Union-Democrat and also brought out Urbana's first daily newspaper, the Daily Union. In 1879 Newcomer purchased the papers and changed the name of his daily to the Champaign Democrat, the name it still retained when Gaumer purchased it in 1883.

Papers affiliated with the Democratic Party in small Ohio cities had their share of problems in the 1880s. For one thing, there was always competition—in this case from the well-established Urbana Citizen and Gazette, a weekly newspaper published by Charles T. Jamieson, who, in a series of moves in 1879 had acquired full ownership in the newspaper from its founder, Joshua Saxton, who had first brought out the paper in 1838.

Furthermore, the Citizen and Gazette was the county's Republican newspaper, and Republicans dominated—controlled—most elected offices at the time, often electing candidates who had no competition whatever from the Democratic party. The Republican paper, therefore, carried almost all the lucrative legal advertising on which so many newspapers depended for survival before the onset of display advertising and mass marketing.

Gaumer, meanwhile, sold his interest in the paper in 1883 and joined his brother in publishing the Signal in Zanesville. Four years later, in 1887, Thomas Gaumer acquired the Democrat again and continued publishing it as a weekly paper, appearing on the streets every Thursday morning. He apparently obtained the money to do so by selling his interest in the Signal, probably to his brother Daniel, who was elected state representative from Muskingum County the same year.

When Tom Gaumer died in 1893, his widow Eliza had stepped in and assumed control of the Democrat, establishing her eldest son, Charlie Gaumer, 20 years old, as manager after his graduation from high school. His younger brother, Frank Cone Gaumer, was only 15 at the time and would become manager in his brother's wake in 1898 when Charles left Urbana for Monticello, Illinois, where he had purchased his own paper, the Bulletin.

Slowly but surely through the 1890s the Gaumer family's investments began to appreciate in value and the Democrat, probably kept going mainly by its job printing activities, established a firm foothold in Urbana.

There was also competition on the Republican side. In 1891, H.H. Williams, Martin B. Saxbe and Howard Pennock brought out a competing daily, the Urbana Daily Times and another weekly, the Champion Republic. Both lasted until 1896 when the papers merged into the Urbana Publishing Company and left only one daily newspaper in the field—the Urbana Daily Times-Citizen, and the weekly Citizen and Gazette, both published from the second floor of the First National Bank building at 120-1/2 North Main Street, a half-block from the court house above the National Bank of Urbana offices..

The Democrat could be downright nasty at times, especially over politics. Eliza Gaumer, the owner, was a proud and handsome woman, a strong and resourceful soul, proud of her husband's name but equally as proud of her own heritage. Now 45, she claimed to be the daughter of Barton Cone, a son of Muskingum County's pioneer settler Jared Cone, and she was a descendent of Daniel Cone, whose family in Edinburgh, Scotland, dated back to the 17th century.

Her father's mother, Eliza Schoff Cone, was the daughter of Philip Schoff and Elizabeth Ramsey Schoff. Schoff had been a hero of three wars and one of the youngest soldiers to take part in the Revolution, carrying a gun at the age of nine to help defend a frontier settlement in Pennsylvania. Elizabeth Ramsey was a member of an ancient Scottish family dating back to the 12<sup>th</sup> century. The Philip Schoff chapter of the United States Daughters of the War of 1812 was located in Indianapolis and was named for Philip Schoff, who had, it was said, crossed the Delaware with General Washington and fought at Trenton and Princeton in 1776 and 1777 before being killed.

## June 2--Wednesday Hearing in Mayor's Court

The chairs were quickly filling up at a few minutes before one o'clock in the afternoon on Wednesday, June 2<sup>nd</sup> when Harry Kirby arrived at the city building in time for the session of mayor's court scheduled that day.

In 1897, mayor's courts in Ohio were under the complete control of the man who was titular head of the city in which they existed. Except in cases of a serious nature—felony charges in which a higher court would eventually have to become involved—a record of proceedings was kept only informally, if at all. The record was, in fact, more like the mayor's personal diary of what transpired under his jurisdiction. At the end of each year he would use it to compile his report to the town council and then file it away somewhere, or perhaps throw it out. It never occurred to most mayors to keep records of what went on during such proceedings.

Jesse M. Lewis, the lawyer, was in the mayor's "court" this afternoon, although only a spectator. His law partner John S. Leedom was handling the case for the state of Ohio along with George Waite, who was the law partner of Sherman S. Deaton, the county's prosecuting attorney. Deaton was not there. He was in Columbus working on another case and was not expected back until the next day. Joseph Wilson Flaughter was not in sight yet but was, perhaps, downstairs talking to the prisoner. H.H. Williams—Colonel Henry H. Williams—who ran the opera house on the second floor and who had been promoted to a position as postal inspector after more than six years as Urbana's postmaster, was seated there inside, talking to Martin Saxbe and George Talbott, two of the men who held controlling interest in the Republican papers in town. Next to them sat Homer Snyder, publisher of the Times-Citizen. The city clerk, William Berry, was there to make a record of the proceedings.

Joshua Kinna, the town marshal, was standing near the stairs at the top, and Kirby joined him. He asked Kinna how things had gone, a reference to the scene earlier that day at the Gaumer house. Kinna told Kirby it had been a very unpleasant, almost a violent scene and that the mayor, Charles Ganson, wanted the prisoner transferred to the county and out of the custody of the city of Urbana as quickly as possible. Ganson, at age 60, was in his 15<sup>th</sup> year as mayor, longer than anybody else, although his terms had not all been consecutive. But he had served as mayor now since 1890.

Kirby thought about the situation which was developing. There had been stories circulating that an attempt would be made to take the accused man out of the city prison and hang him that night, and the mayor was afraid the city building could not hold off a mob of determined men. But if the matter were turned over to the county, the prisoner could be transferred to the stronger county jail up the street. There, the sheriff's office could provide deputies to preserve the peace. It would even be possible to bring in members of the local militia company for greater protection.

Kirby told Kinna that stories were circulating that Eliza Gaumer had gone practically out of control when confronted by Mitchell, the man she accused. Kinna acknowledged the accuracy of the stories and confirmed that Eliza's brother-in-law, here from Mansfield, had physically restrained her from attacking the colored man.

The sheriff was thinking about asking for troops at the court house, Kirby said. Kinna nodded. The best thing for all concerned would be to get the prisoner out of Urbana to the penitentiary in Columbus—if only for his own safety. But that was not possible yet, Kirby thought. The law didn't work that way. After today's hearing, the county would have custody of the prisoner and the county judge would have to wait until the grand jury returned an indictment, and then he would have to wait some more for a trial to be held, assuming the prisoner continued to claim he was innocent. The grand jury usually met in May and October each year, and it had already had its spring meeting, returning an unusually high number of indictments—34—although all but one had been against Z.T. Lewis for forgery and the other had to do with a man accused of stealing a pig out in the country.

The judge could, of course, call for a special grand jury session, and with stories flying around the way they were, he very likely would do that once the county was officially in charge of the case. What a nightmare of a case, Kirby thought, although it had all started off so simply on a bright spring morning the week before, on Thursday, the 27<sup>th</sup> of May.

As the story had originally gone around, Eliza Gaumer had been at her home on West Court Street doing household chores. She had been alone in the house—her son Charles had gone on down town for breakfast—and had just come down the stairs and into the sitting room when she saw a colored man—Click Mitchell she said later—standing there, wearing a checkered coat and a derby hat. Before she even had a chance to ask who he was or what he was doing there or to even scream out, he had grabbed a shawl off a nearby table and hidden his face behind it, then reached out and grabbed her by the throat. He had thrown that shawl over her face and then tried to choke her.

The rest of what happened was not nearly as clear, Kirby thought. She had broken away from the man once, screaming, but he had grabbed her again and clamped his brawny hand over her mouth and ordered her to make him out a check for five hundred dollars, or at least that had been the original story and what the papers had published... for the attack had taken place on the morning of the same day, Thursday, that the weekly Champaign Democrat, owned by Eliza Gaumer and edited by her son Charles, had been published.

But the story about the check and the five hundred dollars had never made much sense to any one, Kirby thought. So the stories started flying that same day. What could a colored boy like Click Mitchell even do with a check for five hundred dollars? It was probably more than he had ever earned in all 23 years of his life, and even if she wrote the check where could he turn it into real money? What bank would honor such a check,



especially as it would have been made out to bearer? Nobody ever had said, even now, that Eliza Gaumer found out the name of the man who was in her house that day.

Anyhow, he never got the check because she struggled free again and ran next door to the Van Buren House, and she had somebody send for the police, while her attacker ran out the back door and through the stable and down an alley and perhaps jumped aboard one of the freight trains that was passing through Urbana. That was why, after Kinna got there and heard Eliza Gaumer's story he had sent word to Sheriff Louis McLain, and the sheriff had sent telegrams on ahead to all the depots in the county, asking that all the trains which had passed through Urbana be held up and searched for a colored man wearing a checkered jacket and a brown derby hat. Two boys even said they saw a man that looked like that jumping on east bound freight number 82, headed for Columbus. But when the train was stopped a few miles out of town, no colored man of any description was ever found.

Josh Kinna had questioned Eliza Gaumer in the Van Buren house, although she really was almost in a state of shock, and Charles Gaumer had come running home to help, and then he had gone back to her house with her son Charlie to look for clues. But all they found was a pencil on the floor. Her pocketbook had been taken, although it had no money in it, she said, only her keys. It was the pencil which had done Click Mitchell in, or seemed likely to, because it belonged to the Sowles Hotel downtown and Click Mitchell had worked at the Sowles.

Two facts worked, actually, to nail down the suspicion that Click Mitchell had been the one in that house that Thursday morning. One was the pencil, because when Josh Kinna got hold of Ralph Hunter, the day clerk at the hotel, he said he had given it, or one just like it, to Click Mitchell when he worked at the hotel. It was a lead pencil, Hunter said, white, and it had been shaved down one side.

The other was the fact that Eliza Gaumer had told the police that it was, or at least it might have been, the same man who came to her house sometimes to get cream and milk for the hotel—because the Gaumers also owned a farm outside of town, and they would have the milk sent in by cart once or twice or more each week to the house, and there she would sell it to whomever wanted it, usually the hotels or the groceries or the restaurants in town to serve to their customers—and Click Mitchell had been an all-around colored worker at the Sowles and had gone to Mrs. Eliza Gaumer's back screen door for milk whenever he was told to.

There were some other problems with the whole story, Kirby might have thought to himself as he stood there near the stairs waiting for the mayor to come up and begin court. But Kinna had been pretty tight-lipped about the whole thing and Kirby did not feel he would talk much about it now, since this morning, when he had seen Mrs. Gaumer go into hysterics in her bedroom.

They both turned and looked as suddenly John Woolenham and John Chavers started up the stairs toward the mayor's office and courtroom, with Click Mitchell walking between them, handcuffed, and a fourth man, Joseph Flaughter, bringing up the

rear. Flaughter, who had apparently volunteered to represent the prisoner in mayor's court, was somewhat of a maverick, both in his practice of the law and in his politics in usually conservative Urbana.

Flaughter, born in Illinois in 1856, had been brought to Urbana when he was nine years old by his mother right after his father was killed in the war. He had studied law, as lawyers usually did, under a practicing attorney—in this case Evan Middleton—also working on nearby farms to earn money, and had then gone to law school in Lebanon, Ohio. He had come back to Urbana in 1884 after two years out west—"Cowboy," they sometimes called him—to take up the practice of law and had served for a time as the city's solicitor, held the office in fact, when the new city building was put up in 1890, and his name was on the plaque outside the building along with Mayor Ganson's.

Ostensibly a Republican, he was not afraid to step outside the party to run for office or to take on either the city itself or the Republican bigwigs in the party. He had once refused, while solicitor, to prosecute the city's suit against the Western Electric Light Company over putting up light poles, and had even once called Middleton a "local politician," for which he had been officially reprimanded in the minutes of the town council.

Flaughter, nearing his forty-first birthday now, was a frail-looking man with hair turning prematurely gray, and he had a sharp, angular face. He looked neither to the right nor left as the four men reached the top of the stairs and went inside the courtroom. Luther Wean, who ran the cigar store on North Main, followed Flaughter up the steps and into the room and sat down as another spectator, interested in what would happen this sunny afternoon. Wean had taken Saxbe's place as council member from the fourth ward the year before after Saxbe had moved outside of town. With Wean, who was a Democrat, was Levi Neer, who sold and repaired sewing machines and had run against McLain for sheriff the previous November. There was already talk that Wean might be interested in running for sheriff in 1898. At least the Democrats talked as if they would have a candidate again the next time. Wean came as close as anybody the Democrats had in Urbana to being a perpetual candidate for office, in fact.

Kirby finally went inside the room and found a vacant seat to watch the proceedings. He was slightly puzzled by one thing about the arrest of Click Mitchell: if the stories that he had raped Eliza Gaumer were true, why had he hung around town until the next morning—last Friday—and finally turned himself in to Josh Kinna. Colored men were hung for a lot less than that these days. Indeed, on that Friday morning, May 28<sup>th</sup>, the day after the incident in Mrs. Gaumer's home, Mitchell had searched out Kinna at the city building and had allowed himself to be arrested, although he said he was not guilty of any crime.

The Democrat, distributed around town the morning of the so-called assault, had carried a short piece on page one under a headline which said simply "Cowardly Assault," and had described the assailant and the clothes he was wearing, told of the

check writing scheme and said, commenting on Mrs. Gaumer's condition, that she had "escaped with a few bad bruises on her face, and is nearly prostrated with nervousness."

The daily Times-Citizen had reported the incident as well, commenting that the prisoner, when he allowed himself to be arrested, "emphatically denied that he was guilty," and the Citizen and Gazette had printed a story to the effect that Mitchell had been at his aunt's house on Powell Avenue at half-past nine in the morning on Thursday when he heard that he was being sought as a suspect in the robbery and had then gone to the city building to turn himself in.

The paper had suggested that he could not possibly have heard of the incident so quickly after it happened, and had implied that this fact was perhaps enough in itself to secure his guilt. But nobody had, at that point, Kirby thought, mentioned the word rape, at least not out loud and certainly not in the newspapers, and assuredly not down in Possum town where the colored people mostly lived—and perhaps the Gazette was simply mistaken in believing that the colored man had said he heard on Thursday that he was wanted. Perhaps he had meant Friday, the morning of the day he turned himself in. But certainly, if he was guilty of any kind of crime, he was awfully brazen about it to turn himself in like that.

Mitchell—or any other colored man--would have to have been crazy to commit the crime which supposedly happened at the Gaumer household and then hang around town and turn himself into the law. Colored people never much ventured into that neighborhood unless it was to cook or clean someone's house or sweep out someone's chimney or haul away ashes or garbage or maybe build new holding tanks for someone's privy. The blacks and whites did not really segregate each other in Urbana, although the colored kids went to their own school on Market Street and never tried to go to the high school, but they did pretty much stay to themselves except for the brief contacts they had trading off goods or doing odd jobs.

The stories had started flying around town during the weekend—Decoration Day weekend—when more people than usual were in town from the country to hear the speeches and to go to the cemetery to decorate graves, and by Tuesday, when the hearing was supposed to have been held for Click Mitchell, everyone had just about fastened on the fact that he was guilty and had also pretty much come to believe that the real story about what had happened at the Gaumer house the Thursday before had not been told yet.

The stories had begun as early as Friday afternoon, the day Mayor Ganson was supposed to conduct a hearing on the charge that had been filed—assault to commit robbery. But that charge had been changed, at the request of Charles Gaumer, to assault to commit murder, which was much more serious. But the hearing on that charge had been postponed until Tuesday, and the only reason anybody could think of for that was to give Mrs. Gaumer more time to recover from her injuries. Because no matter that the Democrat—her own paper—had said she suffered only bruises and scratches, everybody else had come to know by now that there was a lot more involved than just scratches and

bruises. There was speculation that she was in some danger of never recovering, in fact, and the stories had begun to take on an ugly tone as the word “rape” came into the picture.

The periodicals published figures every month or so, and it was estimated that over one hundred colored men a year swung from trees in America for just that kind of crime, guilty or not, and over a hundred a year had been hanged for 15 straight years—sometimes two hundred a year. Maybe Click Mitchell, like his daddy, couldn’t read or write, but he knew better than to be locked in a white man’s jail charged with committing that kind of crime on a white woman in a small town.

Kirby looked up just as Mayor Ganson strode briskly into the courtroom, followed by Kinna, and took his seat behind the mahogany table from which he always conducted his court. It was just past one o’clock in the afternoon by the clock on the far wall, assuming John Chavers had remembered to use his key to wind it up that morning, and the look on the mayor’s face as he sat down ushered in a kind of formal silence among the people gathered in the room.

Most cases to come before the mayor involved infractions of relatively minor town ordinances passed by council to keep whatever peace was being violated at a particular time. Most of the defendants were drunks who either having no place to sleep or not wishing to return home at that particular moment, simply spread out along the sidewalks and in the alleys where, either that evening or the following morning, they were unceremoniously dumped into push carts and thrown into jail until the mayor decided he had enough bodies to warrant holding court again. Others were jailed for creating a nuisance or for fighting in public or for petty theft of some kind. A good many, especially during the hard, recessionary times of the past four years, were simply vagrants who pulled any trick they could think of to receive a free meal and a dry place to sleep for a couple of days.

Other cases, like the one involving Click Mitchell, were of a more serious nature and could not be disposed of by the mayor—only acted on in a preliminary way because they had occurred within the city limits. In essence, the mayor’s court hearings in such instances were formalities in which the city surrendered its authority to the “common pleas” court of the county.

Mayor Charles Ganson had been in command of this particular court for a very long time, indeed. He had, in fact, been mayor of Urbana longer than any other person—15 years. He did not know it yet, but this would be his last of eight non-consecutive two-year terms.

His parents had come to Urbana from Pennsylvania in the 1830s, just before he was born, where they took up farming. His father, who had been a carriage maker, opened his first livery stable down on Miami Street, west of the town square. When his father died in 1847, Ganson’s mother, the former Anulette Toxey, continued to operate the livery, taking in as a partner Major Thomas McConnell. The business had prospered.

At the age of 20, in 1856, Ganson courted and won an Illinois girl, Jane Rewalt, and he and his new bride took up farming on land owned by her parents in that state near Canton. There they remained until after the war, when they moved to Urbana so Charles could become a partner in the livery business with McConnell and his own brother, Benjamin Ganson.

Benjamin had made a good name for himself in Champaign County during this period. He was a veteran of the war and had served as sheriff—had held that office, in fact, when Ullery was lynched in 1875 for the rape of a young girl. When the Centennial celebration in 1876 brought about a nationwide revival of interest in military affairs and led to the organization of a permanent local militia company, Ben Ganson was chosen as its first captain.

Under the Gansons and Major McConnell, the livery business continued to thrive, eventually becoming two businesses: C.H. Ganson & Co. on Miami Street and McConnell & Co. on Court Street, about one-half block from the county court house. Charles Ganson also turned to his other interests, chief among which was agriculture. He would serve as president of the ‘Champaign County Agricultural Society for an unprecedented 34 years, and for many years he was president of the Miami-Mad River Fair Circuit, which had jurisdiction over 14 county fairs in Ohio.

A member of the somewhat eccentric and little-known Swedenborgian Church, which claimed Johnny Appleseed as a member, Ganson served as trustee for 14 years of the church-supported Urbana University and was treasurer for several years as well. He belonged to the Masons and to the Knights of Pythias. He was, in short, the kind of man who seeks service and who steps into the supposed gaps in leadership which always pop up in small communities. He also went into politics. Charles served on the Urbana town council for five years, including three years as president.

Joseph C. Brand—the Brand name was perhaps the most famous to ever come out of Champaign County except for Simon Kenton, the frontier scout—ran for mayor that year on a Republican ticket which included a plank to halt the liquor traffic. His opponent was the Democrat, Jeremiah Deuel, a perennial office-seeker, and Brand won by only 41 votes out of more than 1,000 cast. Ganson lost by eight votes in his council race.

The question of abolishing liquor had been around for years, but conspicuous drunkenness and the large number of taverns—Urbana had at least two dozen at the time—had led to a revival of prohibition sentiments across Ohio, fired by oratory from speakers for the Evangelical churches, the Anti-Saloon League and the Women’s Christian Temperance Union. The movement to outlaw liquor has always seemed to prosper best when times are worst, and the periods from 1873 to 1876 and again from 1893 to 1897 were no different.

Two years later—in 1876—Ganson ran for the mayor’s office and won what would prove to be the first of eight terms, although he did not hold the office for 16 straight years. Deuel became the city’s first Democratic mayor in history in 1878, easily defeating Ganson, and then himself lost again—to Brand again—in the 1880 elections.

In 1882 Ganson again wrested the Republican nomination away from Brand and went on to defeat Deuel in the mayoral race by better than a two-to-one margin. It was the first of three consecutive terms for the 46-year-old Ganson, a string broken only in 1888 when he lost two of the city's three wards (winning only his own, the first) and lost to W.R. McClelland by 68 votes out of more than 1,300 cast.

Ganson went on to three more terms, and to indicate the relative weakness of the Democrats in Urbana politics, his margin in 1894 was 885 to 387 over Dr. W.J. Sullivan, the prohibition candidate. The Democrat, Edemon Ward, received only 132 votes. The Citizen charged at the time that Ganson's nomination was tainted and opposed him, largely because he was against prohibition, but then, as now, newspaper endorsements either support the obvious candidate or risk embarrassment. Ganson won easily again in 1896, and once again his opposition to the liquor bill helped his cause.

Ganson also secured his fortune during the early 1890s when he became a major investor in the Urbana Electric Light and Power Company (UELP). For many years what light existed on Urbana's streets at night was provided by gasoline lamps turned on each evening at dusk by the colored lamplighters, who went from pole to pole. By the late 1880s, this began to change as artificial gas was discovered in fields not far from the city and then as Edison's discovery—how to harness electricity—led to the formation across the country of thousands of small electric and generating companies.

Bids to light the city's streets in 1889, for example, ranged from \$2,000 from the Urbana Gas Company to \$7,750 per year. The Western Electric Light Company submitted a bid as did the Central Thomson Houston Company. WEL was chosen, and the following year city council authorized the light committee to shut off all gas street lamps in areas now served by electric lighting.

By 1895, the same year Ganson was elected vice president of UELP, the company had entered the picture, actually leasing office space in the new city building and lighting the streets for \$85 per light per year under a five-year contract. The city was paying UELP \$600 per month to keep Urbana's 90 lights operating, and the company also agreed to furnish incandescent lights to consumers who wanted them. After he stepped down as mayor in 1898, Ganson, the company's major stockholder, would become superintendent of the light company.

But at this point in 1897 Ganson was mayor, and the noise in the crowded court room fell off to a hush as Kinna closed the door leading out into the corridor.

Flaughter stood and tapped Click Mitchell on the shoulder so he would stand, too, while over on the other side of the room, John Leedom and George Waite also stood. It was, in fact, a bit unusual for the state of Ohio to be represented in this manner at mayor's court, just as it was slightly unusual to have a defense lawyer present. Normally, the prisoner would just take his chances with the judge and the police officers and go

meekly back to the prison, if he were charged with a felony, and he would later be taken to the court house and the county jail and stand trial there with his lawyer.

The room was quiet as Mayor Ganson looked across the short space between his desk and the colored prisoner and said "Charles W. Mitchell, you were charged yesterday with assault upon Mrs. Eliza Gaumer with intent to kill and you pleaded not guilty. The case was continued until today. You were taken before Mrs. Gaumer and identified positively. Now another affidavit is filed against you."

He then read the first affidavit before him, signed by Charles E. Gaumer, which charged Mitchell with "unlawfully and violently making an assault upon Eliza Gaumer," and then he read the second affidavit, charging the prisoner with "then and there forcibly and against her will unlawfully ravishing and carnally knowing the said Eliza Gaumer." And there it was, for everyone in the crowded room to see and hear, said in public by an elected official for the first time, and Click Mitchell was in real trouble, only it was too late to hop that eastbound freight again, if indeed he ever really had or if that had been him at that white house on West Court last Thursday.

The transcript itself was typed to say the charges were "assault to rob" and "assault to rape." They were altered by pen and ink to read "assault to rape" and "rape."

Flaucher, standing there beside Mitchell, then formally announced that he would waive a preliminary examination, which he knew would do absolutely no good whatever and very likely would stir things up even more, and the mayor formally ordered the prisoner bound over to the custody of the sheriff to await action by the county grand jury on charges of assaulting Eliza Gaumer and, even worse, forcibly raping her.

Down came the gavel and the mayor stood up and court was over for the day. It was not even half past one in the afternoon as Kinna put his arm on Mitchell's shoulder and guided him toward the door out into the corridor again. The colored man had not said a word, and now Flaucher and Leedom and Waite went over to have a talk with Ganson, while the rest of the people stood up and slowly made their way out of the room and over to the stairway.

Ganson then asked Kirby to have Sheriff McLain step up to the city building and see him whenever the time was convenient. A prisoner was now waiting to be taken up the county jail, north of the square.

## Urbana

Urbana lies in the midst of rich farming country—corn and wheat and rye and a few potatoes—in west central Ohio, Champaign County. It is situated roughly equidistant from the metropolitan hubs of Dayton, forty miles to the southwest and Columbus, the state capital, forty miles to the southeast. The city of Springfield, with perhaps 40,000 people, is the closest neighbor of any consequence, nestling in the same Mad River Valley some 12 miles to the south.

The city is surrounded, at distances ranging from five to 15 miles, by villages and hamlets given names long ago by the first settlers to the area who pushed the Indians further west. There is Mutual, once known as Texas, Ohio, and Mechanicsburg, which served as one of the main Ohio depots of the underground railroad before the War Between the States. Both lie to the east along the unpaved east-west state road which rambles generally in the direction of Columbus. Woodstock and North Lewisburg lie to the northeast along the railroad tracks, and Saint Paris, the next largest community in Champaign County, is directly to the west, straddling both the railroad tracks and the state road.

A number of even smaller communities, some merely crossroads where the trains still pause on their way through, literally dot the countryside only ten or 15 minutes apart by horse and carriage or by bicycle, still retaining the random names they acquired from eccentric settlers on their way west toward the start of the 19<sup>th</sup> century: Crayon, Millerstown, Rosewood, Westville, Kings Creek, Hagenbuch, Mingo, Fountain Park, Cable and Powhatton, with Bowlusville straddling the county line to the south toward Springfield.

The primary means of cross-state transportation—the railroads—sweep in from two directions.

The Cleveland, Cincinnati, Chicago and St. Louis Railroad and the Erie Railroad grumble straight north from Springfield, side by side, cutting across the southeast portion of town to the central depot at the end of Miami Street, and then to the central switching point north of the town square, where they separate, one cutting north across Mad River and into Logan County with its load of grain and live stock and passengers on the two-hour trip to Sandusky on Lake Erie.

The Erie itself moves in a more northeasterly direction, passing into and through and beyond North Lewisburg and cutting across the heart of neighboring Union County toward Marysville, its sharp whistle echoing back on the morning breeze.

The third railroad, the Pittsburgh, Cincinnati, Chicago and St. Louis, called the PCC and St. Louis but more often just known as the Panhandle, ruts straight across the western part of the county through Saint Paris, then on to Urbana, where it crosses the same central switching point and heads in an easterly direction, paralleling the Erie for about ten miles before turning east into Woodstock and beyond through the southern part of Union County on its way to Columbus.



Urbana, in 1897, has been gaining about 30 new people per year since 1880, while nearby farming areas have lost the same number, many of them forced off their farms by the depression which began, they say, around 1893 and is just now beginning to abate somewhat. The city, home to just under 6,700 people now, about the same number of souls now interred in Oak Dale Cemetery, is well into its first decade of changes which will gradually transform it from what it had been in 1850 to what it will become in 1911 when the first street is paved to accommodate the growing number of automobiles.

It is an old-fashioned town laid out in old-fashioned ways, dominated by the town square on which the four principal thoroughfares converge and around which the central business district has evolved.

It has been called by its old name, Market Square, or, since the 1870s by another name, Monument Square, because it is dominated, in its very center, by a monument to the nearly 700 men from Champaign County who lost their lives in the war between North and South. The monument, which stands nearly 22 feet tall, consists of a stone base and pedestal surmounted by the figure of a dismounted cavalryman cast from a confiscated cannon used by the South during that war. Paid for largely by public subscription, it was dedicated in 1871. The cavalryman looks north up Main Street toward the county court house. It is a source of local amusement to ask relative newcomers to Urbana which way the cavalryman's horse faces because, obviously, there is no horse.

Clustered about the square are the grocery stores and barber shops and hotels and banks and restaurants and jewelry and dry goods shops and professional offices, stretching along either side of Main Street to the north, Scioto Street to the east (which leads toward the Scioto River near Columbus), and Miami Street to the west (which leads toward the Great Miami River). It is on the square, someplace in the exact center, that North Main becomes South Main and Miami Street becomes Scioto.

To the casual observer in 1897, things are much as they have always been, although there have been changes. The city has nearly 40,000 lineal feet of concrete sidewalks laid to grade now, double the amount seen in 1890. Many are of the old-fashioned kind, five feet in length and constructed of brick or sawed sandstone, rather than the more expensive concrete which costs as much as \$2.50 per foot. The streets are little more than dirt roads lined with gutters which have a tendency to turn to mud when the rains arrive. They have recently received a fresh load of gravel down near and around the square and have been rolled down to cut the dust.

On the eastern edge of the square sits the shop of tailor David McCarthy. Next door, the dentist George Cramer plies his trade in a two-story building which also houses, on the top floor, another dentist, a harness manufacturer and the John C. Steiner Business College. Next is Urbana's Racket Store (Edge and Company), a forerunner to what would one day be called a five and dime. Inside, a dime will buy a tin sprinkling can, a dozen

boxes of matches, sheet music for piano, mandolin, organ and guitar or assorted vegetable dishes, meat plates, cups or saucers. The Racket also sells egg beaters, croquet sets, cotton towels, hammocks, and 100-piece dinner sets at prices ranging from \$6.50 up to \$16.90. Next to the Racket is C.A. Harmstead and Company (Charles Harmstead and Edward Holding) in another two-story building, specializing in leather goods. The rooms upstairs have been rented out.

Next to the Harmstead building is the Wells Fargo and Company Express office, followed by Coon Brothers (Clinton and Clarence) who also handle Oxford ties for hot weather for between 50 cents and \$3.00. Next comes Houtz and McDonald's thriving grocery (Duncan B. McDonald and Jacob Houtz), which is filled with the fragrance of roasting coffee and the smell of brine and salted fish and sour pickles. In the same building is the Hovey Brothers grocery (Edgar and Frank) and the studio of photographer John R. Wickersham, and next to that, anchoring the south corner of the square is the building which, houses Hitt and Fuller's dry goods, carpets and cloaks (George Hitt and Elizabeth Fuller), selling ladies' suits for between \$5 and \$10 and men's yarn socks for two bits.

Across South Main Street is Samuel Bianchi's fruit store, at 22 Market Square; Fannie Wagner's grocery; the grocery of Sophos Greene; the millinery shop run by Maria C. Friedrich; and finally, where Miami Street enters the square, the imposing Weaver Hotel, which also houses the Western Union Telegraph Company (Moses Scott is the manager).

Across Miami Street toward the north, stands the shop of Judd Williams, the jeweler (three people board upstairs); Harry Putnam's men's furnishing and hat store; the druggist, Frank Valentine; Lane and Jennings' barber shop (James Lane and M.L. Jennings); and, in the angle of the square, Joseph Fisher and Company, clothiers (Joseph Fisher and William Brown), the "one-price clothiers," who sell men's spring suits of "tip top cassimere" for \$7.00 each.

The W. Warren Rock Furniture Store is next and then the store housing Rawlings and Couchman shoes and boots (W.J.W. Rawlings and George Couchman). Then comes Cooper and Cooper's Hardware store (Frank and Otway) and finally, on the corner where North Main touches the square, the McDonald and Rock Dry Goods store (Henry McDonald and John Rock) with a selection of fine cambrics, lisle thread grenadines, white brocade silk, French gingham and French organdies, and ladies' ribbed black and tan hosiery (for 12-1/2 cents and up). George Guy has his barber shop in the same building.

Across Main to the fourth corner, stands the Citizens National Bank, opened in Urbana right after the war, and Converse and Hunter's drug store (Louis Converse and James Hunter), on whose shelves stand bottles of Fletcher's Castoria and Lightning Hot Drops to cure colic, cramps and colds and to heal bites and bee stings. Next door is the building which houses Lee H. Todd, bookseller, stationer, newsdealer and wallpaper; the haberdasher, William Phelps; Shaul Brothers cigar store (Charles and George); and finally the C.R. Hazard and Company store (Clifton R. Hazard).

On a sunny spring morning, the square is tolerably busy. On the weekend, Saturday that is, the streets will be two or three times as busy as any other day as the

farmers have driven in from the country with whatever vegetables and fruits they have for sale early in the season, their drays hitched to tired-looking horses up and down Main Street north of the square. It is not easy to overlook the incessant flies, which buzz back and forth in annoying numbers from the bushel baskets of tomatoes and peaches and watermelons to the horse dung in the streets.

Up and down Main Street and Miami, dozens of colored men can be seen, loafing at their work—the handy men in Ganson's livery stable, the street sweepers cleaning up the gutters, and others shoving pushcarts in front filled with brushes they would like to use for housecleaning or sweeping chimneys.

The square remains the hub of business activity in town in 1897—along with the first block of North Main Street which leads toward the county court house and its attendant array of lawyers' offices up and down both sides of the street.

South Main, by contrast, contains irregularly paired brick and wooden buildings which cater to other business of the town—three restaurants, two saloons, another livery, the express company. In the middle of the block, on the west side, the Odd Fellows Hall reaches vertically toward the sky, a narrow brick building which leases space to the post office and to the Champaign Democrat, one of three newspapers in town and the only one to endorse mostly candidates from the Democratic party—when they can be found. It is published at 113-1/2 South Main, right next to Jacob Mehling's saloon (at 115) and the M.L. Smith saloon (at 119).

Across the first street south of the square stands the recently completed city building, finished and moved into in 1891 at the corner of South Main and Market, at a cost exceeding \$33,000. Behind the city building, toward the southeast, in this, the second voting ward, stand the thin, one-story frame and board houses of the colored district, their shingled roofs turned mossbrown from the weather, their window shutters slightly crooked.

Scioto Street also contains a few commercial buildings in the first block east of the square, including the Sowles Hotel and Sandy Silas' livery, but in the second block Scioto acquires a different look—a kind of stately dignity imparted there by the homes which line it along both sides—homes occupied by the wealthy and the well-off in Urbana, two-story houses of Gothic and Victorian and stone and brick and vintage age, built back away from the street and hidden from passing carriages by hedges and ancient oaks and clusters of juniper and weeping willow planted at the end of graveled driveways leading to whitewashed stables and brightly painted carriage houses.

In the other direction, Miami Street heads west from the square toward the railroad tracks and is liberally sprinkled with boarding houses, liveries, saloons and billiard parlors before it thins out, away from the residential and business areas, and becomes the prime loading area at the depot for shipping hogs and cattle north to Lake Erie. And on beyond the tracks lies one of the city's key industrial areas which includes the Barlow Kent and Company, lured here from Plain City eight years before by \$5,000 worth of buildings and lands following a fire which destroyed it on a cold November day in 1889. Barlow Kent & Co. burned again in March, 1891, but rebuilt itself and stayed in Urbana at the corner of Beach and Oakland Streets.

So the main business district in Urbana, aside from the square itself, is spread along both sides of one block of North Main Street between the square and the county courthouse, which stands on the corner of N. Main and Court Street. There stands the Champaign National Bank, oldest in the city, dating back to a different name when it was founded in 1851; the J.C. McCracken and Son queensware and stove store (John, George and Frank); Patrick's furniture store (Evan and William); the National Bank of Urbana, now five years old (above it is the office of the Citizen and Gazette, a weekly Republican-leaning newspaper, and the Times-Citizen and Gazette, a fairly new daily paper, both owned by the Urbana Publishing Company). At 122 North Main is the T.H. Berry's Son grocery; then Lou B. Berry, Inc., insurance office; the John and Charles Schiedt Brothers stoves and queensware store; the store of J.B. Hitt and Company (cigars) at 126; William Given, a merchant tailor; and upstairs offices occupied by lawyers Jesse M. Lewis and John Leedom.

The other side of the street is just as busy: Stone Brothers Hardware on the corner at the square (Ferdinand and Samuel); Dickinson and Johnson's shoe store (they just took over from Harry Loudenback); Charles F. Guyselman,, a jeweler ("the sign of the big watch"); D. O'Connor and Son grocers (Catherine and William H.); Fisher and Connor, druggists; William Hughes, pianos and organs, in the same building with Loudenback Fertilizer and another jeweler, George Leonard.

The Boal Brothers (Henry and William) have a shoe store at 121 and Charles Chowning, the photographer, boards upstairs. Then comes Champaign Clothing (Charles Scherer); several offices, mostly for lawyers, including William Warnock and George Eichelberger; and M. Stadler and Sons, clothiers, at 129 (Moses, Gabe and Harry).

Across Court Street, in the 200 block of Main, there are few buildings. On the west side is the old county courthouse, separated by a 25-foot wide alley from the jail and the sheriff's residence, and two other buildings—a boarding house at 220 and the Presbyterian Church. The other side has a few stores and offices, including the Home Loan Company, chartered 14 years ago which is part of the old Glessner building that stands straight across from the court house, and John and Mary McGraw's restaurant, at 205 near the corner.

John Hance's small grocery is there; so is John Rhodes' grocery, which took over the space formerly used by Lewis Kimball's bakery and ice cream store the previous April and is called the Yellow Front for obvious reasons. Next to that is Pat O'Brien's saloon at 213, then the H.M. Annat and Company dry goods store and a series of offices, used mostly by attorneys. Hersey Morgan has a grocery at 221 next to John and James Connell's grocery, which is next to Bill Hedges' meat market. Then comes the Joa Lee Laundry, more offices (attorney Joseph W. Flaughter practices alone at 237-1/2 over Richard Robson's Candy Kitchen); and finally harness manufacturing by Edwin Shyrigh.

Urbana, in 1897, has 29 lawyers, 21 doctors and physicians, 20 grocery stores and 14 saloons, although the four restaurants might be called saloons--and often are by the Women's Christian Temperance Union, which has been calling for the abolition of liquor for the past seven years without much success

## Transferred to the County

At seven o'clock in the evening on June 2<sup>nd</sup>, a Wednesday, as the springtime sun was beginning to set behind the court house and out beyond the Erie depot and the railroad tracks along Miami Street, the three men set off on foot, walking north from the city building toward the county jail, the burly colored man between them, his left arm secured by handcuffs, attached to Bill Colwell's right wrist. Sheriff McLain walked on the inside, away from the street.

McLain felt most uncomfortable doing it this way—on foot—when it would have been very little trouble for the mayor to send word over to his livery to send a coach over to the city building to transport the men to the court house and jail, but Charles Ganson had wanted it this way, had insisted they walk so that everyone in town could see that justice was being done, that the prisoner had been transferred to the custody of the county and would now be lodged in the county jail.

So McLain, grumbling, had ordered Click Mitchell handcuffed to the city policeman and had motioned with his head for the two men to leave the city building where the police station was located, and out they had come into the street. The trip certainly had to be made while there was still a semblance of daylight.

He could hardly believe the stories he had heard that afternoon following the hearing before Mayor Ganson. Bob Miller, the former sheriff, had pieced them pretty much together at dinner about what had really taken place at the Gaumer house earlier that morning. It was not a pretty story.

Charles N. Gaumer, the former Democratic legislator from Mansfield, Ohio, had been there, along with Charlie Gaumer, 20 years old, the manager of the Democrat, the family-owned, family-edited weekly newspaper. Tom Henderson, the family doctor, also a Democrat, was there, and so was Mayor Ganson himself when Joshua Kinna and John Woolenham had brought the accused man, Click Mitchell, up to the door at 209 West Court Street and had knocked to be admitted.

The gist of the story that Miller had been able to put together was that Kinna and Woolenham had brought the colored man up the stairway inside the house where Mayor Ganson met them at the bedroom door. They walked into the bedroom, where Eliza Cone Gaumer was in bed, partly covered by a blanket. Nearby, her brother-in-law and her son stood, arms crossed on their chests, glaring at the intruders.

And there she identified him. Passionately, fervently and positively she identified him because Ganson, after the shouting and the screaming and the near (but not quite) fainting was over, had asked her, for the official record, if that man, Charles W. Mitchell, Junior, was the man who had assaulted her on the Thursday morning before. And she had said "That's him! That's the man!" And then she had risen in her bed and made as though to leave it and pounce on Click Mitchell, and shouted, shrieked, at the top of her voice, the papers would later report: "Hang him! You brute, how dare you face me? Hang him!" And while her son tried to restrain her and to push her back onto the bed, she had shouted it again and again: "Hang him! Hang him! Hang him higher than Haman!" until she had fallen back, tired of the struggle, and Ganson had nodded at Kinna and Kinna had shoved

the colored man backward, through the doorway into the hall behind, where he stood waiting for the mayor to come out of the room, listening to the choking, sobbing, crying sounds coming from the woman inside.

There had been stories, Miller told McLain, of how the Gaumers had managed to obtain weapons—a shotgun and a handgun—from someone in town, probably Ferdinand and Sam Stone, who ran the hardware store down near the square and who were close family friends—and Democrats—with the intention of shooting the nigger right there in that bedroom in front of Eliza Gaumer, as if the sight of his blood and the sound of vengeance might somehow wipe away the stain that some people claimed now threatened to take away her very life. But Ganson had persuaded them not to take such a step, had pointed out that murder charges of one sort or another, no matter how easily they might be dispensed with by the courts, would at least have to be filed, and he had argued that the law should take its course—Ganson’s favorite term in such matters—and that punishment enough would soon follow in one way or another. The family had reluctantly put aside the weapons, although the mayor had watched them very carefully during the confrontation that morning to be certain they didn’t change their minds.

There were already other stories floating around the town by a number of men, who by now had chewed on the rape story and what happened afterward at the mayor’s court hearing all day long and could be considered, collectively, to be in a very ugly mood. As the stories went, Eliza Gaumer had actually identified Click Mitchell as the man who attacked her even before she saw him. But it could make very little difference anyhow, as Louis McLain saw it. Nobody had taken three or four colored men into that room and allowed Mrs. Gaumer her choice. Only one man had been brought in, and she had seen him before the morning of May 27<sup>th</sup>, and if it could, by any chance, have been some other nigger, which McLain thought unlikely, she had said herself that his face and then her face were covered by that shawl and the identification she had made would stand up anywhere. Mrs. Gaumer was positive, and Click Mitchell was in real trouble. And so was Louis McLain, and he knew it as he strode along the sidewalks of Urbana that early Wednesday evening, which is why he had sent word at dinnertime that he would appreciate it if Captain Leonard of the local militia could make himself available around half past seven at the jail. McLain wanted to talk about troops.

The sheriff and Colwell walked their prisoner up the east side of South Main toward the square, intending to cross, at the place where the street intersected with the square, over to the west—the court house side of the street, and he was relieved that the offices of the Democrat, at 113-1/2 South Main, were shut up tight and dark inside. But the sound of laughter and of glass clinking echoed out into the air as he passed the slew of saloons there just before reaching the square—Mehling’s, right next to the Democrat, Smith’s, right next to Mehling’s, and across the street patrons were just emerging from Henry Fulwilder’s restaurant and from Lehman’s restaurant, which also served liquor, and from Charles Millner’s restaurant, and they had not even reached the square yet, had not quite walked that first full block, when someone, from in back of them, shouted out “There he goes!” and almost immediately, the sound of feet running across the wooden walks and thumping up the dirt streets, stirring up a horse or two tethered there at the

curb, could be heard, and a small insistent knot of men—perhaps ten or so-- began to follow them, as they crossed Main Street and headed around the west side of the square in a clockwise direction, moving steadily north toward the county jail.

The colored man, not knowing quite what else to do, sandwiched as he was between two men, his arms gripped tight on either side, grinned again as he glanced backward, enjoying, perhaps, the plight of those escorting him—or at least that is the way the Democrat would interpret his expression later, describing him as what white people would call an “impudent, sassy nigger.”

Behind those three men walked Charles W. Mitchell, Sr., Click’s father. The Cincinnati papers would later report that he was carrying two guns and a large knife and was trying to find someone to help protect his son.

Slowly they made their way around the square, the crowd behind them growing faster, increasing in size and in noise as it picked up new members from doorways and alleyways, past Bianchi’s fruit and vegetable stand on the corner; past Fanny Wagner’s grocery, with its wooden awning sagging down on one side where one of the wooden posts which supported it had slipped off to one side; past the smell of pickled fish and pickled onions and grapes; past Maria Friedrich’s millinery shop, and finally around the corner of the square to Miami Street, where the Weaver House jutted out into the curbing, almost, and the sheriff could see, through the lighted windows on the eastern wall, that the Western Union office was still open. He had the feeling he might have need of it later that night.

They waited for two carriages to pass, headed for the square, and they then crossed Miami, hearing the hoots of the men behind them, conscious that they were gaining more and more people behind them, as they passed Judd Williams’ jewelry store; past Valentine’s drug store; past M.L. Jennings’ barber shop; past the Joseph Fisher and Company store which was selling cassimere spring suits for seven dollars (cash only); past Warren Rock’s furniture store and Couchman’s shoe store and Frank and Oattie Cooper’s hardware; until finally, hurrying now, they reached the corner where North Main intersected and stood there for a moment, just outside the dry goods store of Henry McDonald and John Rock.

Louis McLain moved a step away from his prisoner at this point and a step backward around the corner they had just passed, and without saying anything motioned with his hand for the men who were following him to be gone. The smell of beer was in the air and one man, lurching sideways, made an obscene gesture, while another spit in the direction of the colored man, until finally McLain said something like “Take it easy now boys, and let us alone.”

But standing there, he was simply drawing more attention, and he finally turned, and the three men resumed their walk up the one block remaining to the court house, past the Champaign National Bank not far from the corner; past McCracken and Sons, queensware and stoves; past Patrick’s furniture store; past the National Bank of Urbana at 120 and the offices of the daily Times-Citizen upstairs; past T.H. Berry’s Son, grocery; past the Schiedt Brothers queensware store; past J.B. Hitt and company, cigar manufacturers, at 126; and finally to the corner where a crowd of perhaps two hundred

persons was waiting, given advance notice by the talk around town and by the shouts and yells of the now as many as 50 people who had followed the party of three from the city building. But also waiting there were his deputies, Harry Kirby, Warren Long, Bob Miller and even Warren Rawlings, the traveling salesman who served on occasion as court constable for the common pleas judge.

Although there were obscenities uttered, and although a couple of men did shout words to the effect that “You’re gonna get yours quick, nigger,” McLain and Colwell passed through that crowd without incident, passed along the iron fence and through the gate and, moments later they had entered the relative—or so it seemed—safety of the jail and sheriff’s house. It was half past seven. Later estimates placed the size of the crowd around the jail when Mitchell was delivered there at about 250 people, not including those who had followed the three men up Main Street.

McLain asked where Leonard was, and Kirby said he was across the street at Kimball’s restaurant. George Leonard was the captain of Company D of the Urbana militia, the local unit of the Ohio National Guard. McLain had not yet made up his mind whether he wanted troopers at the jail tonight or not. First he wanted to talk to the judge.

McLain jerked Click Mitchell down the southeast corridor toward the jail, with Colwell following close behind, still handcuffed to the prisoner. Whatever else happened, this prisoner was not going to escape. He unlocked the outer door to the general cell area, while Colwell uncoupled the handcuffs, and then McLain pushed Mitchell roughly back toward the third cell on the first floor, conscious of the gazes of the other men in the jail. They were frightened, he knew, and they said not a word. He locked his new prisoner inside the small cell, checked to be certain the door was secured, and then rejoined Colwell, who was rubbing his wrist where the cuffs had bound. The two men left, McLain swinging the heavily barred door shut with a metallic slam, and he locked it, although very often he did not bother with that precaution.

Mitchell shouted at him from back in his cell, asking for cigarettes.

McLain told him to forget about a smoke. “You got tobacco. Chew on that awhile.”

Kirby and Long were waiting up toward the front of the house, and Kirby told the sheriff that Rawlings had gone to find the judge. McLain nodded, reached for and found and sat down in the easy chair near the open front window. He peered outside. It would be dark before long—90 minutes maybe—and the crowd outside had grown past what it had been when he arrived just moments before. It numbered a good 300 people, perhaps. Someone out there was trying to talk to the others in a hoarse, guttural voice—but generally speaking the men were milling, not clustering, which meant they were excited but were not taking time to formulate any kind of plans. The sheriff sighed and sat back in his easy chair, but he did not relax, as was normally the case.

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The judge of the court of common pleas of Champaign County was a trifle uneasy that evening.



C.B. Heiserman (his first name was Clarence, but his friends knew him as Benjamin, or Ben) sat now in his office at the old court house, just to the west of the trial room, as the court constable bid him good night and softly closed the door on his way out.

A schoolteacher, really, born in September, 1862 and now 34 years of age, the judge knew the procedures he would have to set in motion now, the way he would have to handle this awful thing involving the Gaumer family, and he wished that somehow he could begin right away, rather than waiting until morning. But it was far too late in the day for that, and the new problem would have to wait until the next day—Thursday, the third of June.

Clarence Benjamin Heiserman was a native of Urbana, and one of relative few persons in town, other than the lawyers and doctors, of course, who had actually attended and graduated from a university or college—his was Ohio Wesleyan in Delaware, Ohio,, 30 miles to the northeast. For two years after his graduation—until 1886—he had taught school in Urbana before deciding to study law with George Eichelberger, who had tutored so many of the town's attorneys as a way of earning money to supplement his own law practice.

In 1887 Heiserman had been admitted to the Bar of Champaign County and had joined the law firm of Eichelberger and E.E. Cheney, who was now probate judge. Three years later he married a South Charleston girl, Mary Brown, and was subsequently elected county prosecutor. He had run, at the age of 32, for the post of common pleas judge and had been elected, the youngest man it was said, ever to hold that prestigious position in the county. He succeeded Levi Geiger, who served as judge from 1889-1894. Geiger had been elected to replace William R. Warnock, who served as judge from 1879-1889, following H.H. Williams, who was judge from 1877-1879.

Heiserman felt in his bones that with such a good start at an early age, the best years of his career lay wide before him. But he would have to be careful in the way he handled this mess involving the Gaumers. He had researched the law and he knew the penalty called for upon conviction for rape—up to 20 years in the state penitentiary at Columbus. He was not at all certain that the Gaumers would consider that sufficient punishment for the crime allegedly committed upon one of their own.

The grand jury had already held its spring session early the month before and was not scheduled to be convened again until October. In fact, there were no cases now to be studied by the grand jury except for the Click Mitchell case. It would cost money, and it might draw more attention to the rape than would otherwise be desirable, but he supposed, sitting there in his chambers, that he might best order the sheriff to issue a special call for jurors and convene the grand jury in special, extraordinary session, to consider the charges lodged against the colored man.

Normally, he would just leave him in jail for three months until time for the grand jury, but he had heard the talk, too, and the stories about Eliza Gaumer's condition, and he wondered if the present excitement in the town would remain high or would cool down as the days passed. Perhaps he had better talk to the sheriff before making up his mind.

It was a peculiar case, Heiserman thought, despite the straightforward manner of the way the facts had been laid out in the affidavits sworn to by Charles Gaumer. Click Mitchell had gone to the Gaumer home, lurked inside in the sitting room, waiting his chance to spring on Mrs. Gaumer, had raped and attempted to strangle her, and had then fled, only turning himself in the following day when it became apparent that everyone knew who had committed the crime.

But there were details which did not quite fit—could not be pieced together well until after an open trial, because the judge was not about to go around questioning the prisoner and questioning the family to try to clear up some of the odd points at issue.

For instance: the time of day was certainly a peculiar problem. Half past eight in the morning was a most peculiar—if one could consider the events dispassionately—time of day to commit a rape upon a woman of the victim's stature in the town. Had she, through her newspaper or in her attitude toward colored people in general, insulted Click Mitchell or his family? But Heiserman rather doubted that. So far as he had ever heard, the Gaumer family was no more and no less anti-colored than any other white family in town.

The colored people were part of Urbana—had been, in fact, since shortly after the town was laid out in 1807. They went to their own school; they kept, as a rule, to themselves socially; they caused no more problems for the law or the courts than the poor whites did, and in fact they played a not unimportant role in the economic life of the city, because someone had to clean the chimneys and clean the cesspools and bury the dogs, cats and horses whose bodies would otherwise interminably litter the streets. Someone had to cook for the wealthy families, and do the washing, and shine the shoes, and cut hair and clean the privy vaults, and scrub up after the horses in the stables around town and sweep the gutters clean on Saturday nights before church. Mostly they lived in a section of town not far from the city building, which the whites referred to as Gooseville, or Possumtown.

There was not in Urbana, and never had been, any real animosity between the races, not on the surface at least. The whites and coloreds existed, if not side by side, at least neighborhood beside neighborhood, without questioning their place in life, as a rule. The Curry Institute, a training school for colored men and women was, in fact, planning to move from the village of Mechanicsburg into Urbana less than three months from now, and W.E.B. Curry was well respected by both blacks and whites—had even asked prominent white men in the community to serve on his newly constituted board of directors, and they had mostly agreed, feeling it less a privilege, perhaps, than a duty to the town.

Or perhaps Click Mitchell had simply been drunk. That would explain a lot of things away, if not all.

And the question of when he had last worked at the Sowles Hotel was another thing. One story had it that he had been fired the day before the crime, while another story had it that he had quit his job days, even weeks before May 27<sup>th</sup> because they had asked him to clean out the gutters on the roof, in addition to his other chores, and had not

offered him more than his two dollars a day and board. If that were true, then the pencil which had been a key factor in searching out and identifying Click Mitchell as a suspect in the case might be worthless, if it were worth anything anyhow.

The extent of Mrs. Gaumer's injuries, and the reasons behind the number of days which passed before Charles Gaumer signed that affidavit charging him with rape, not with assault to commit burglary, was also a bit puzzling. True enough, no woman, no matter how strong, no matter how self-assured and resourceful, would want to admit that such a despicable act such as rape by a colored man—a hanging offense if ever such a thing existed—had taken place. It would stain her reputation and that of her family for generations, bringing an unwelcome sense of shame whenever she was in the company of whites who knew what had happened.

She had, of course, been literally forced to file the charges, assuming, naturally, that they were true—after that awful Decoration Day weekend, when the farmers and rural workers had flocked to town for the festivities, the speeches, and the parade in greater numbers than they might have on a different weekend. She had been forced to file those affidavits because the stories had preceded them all over town and all over the county about what had really happened that Thursday morning before—the nigger had infected her with a dread disease by raping her; the nigger had brutally assaulted her, scratching and beating and biting her, had in fact, bitten off one of her nipples; the nigger had had her in his grasp for upwards of 30 minutes and was going to get away with it because she would not dare to tell the world what really happened.

Of course assuming for a moment, as the judge probably did that evening, that she had, indeed, been raped, that still did not mean Click Mitchell was the man who had done it—until she had positively and without hesitation or doubt of any kind, identified him face-to-face in her own home in the presence of her family and of the mayor and of the police. Click Mitchell, through his lawyer and by his own voice to Joshua Kinna, had denied committing any crime of any kind at the Gaumer home that Thursday morning, had denied, if the stories were true, that he had even been there

It made no sense either way. It made no sense for Eliza Gaumer to confess to being raped by a colored man if she had not been, and it made no sense for Click Mitchell to turn himself in if he had been the one who raped her, unless he had, and his daddy and his family had badly misjudged what might happen when those farmers came into town and got all liquored up, as some of them did a lot of Saturday nights. Because Click Mitchell's friends had told him he was being sought for the crime—only the crime then was assault to commit robbery—and if he had done the other thing, he had better get his colored ass out of the territory. But he had refused to run, had denied committing any crime, and had turned himself into Joshua Kinna. Maybe he just thought he could get away with the crime because Eliza Gaumer would never confess to such a thing having happened..

Heiserman finally stood up, tired of trying to puzzle out the clues and sort out the facts from the hearsay, turned off each of the three gas lamps which lit his office, and walked out of his office and out of the court house and out into the slowly gathering dusk

in the yard, heading slowly for the sheriff's home, across that 25 foot alley separating the two buildings.

There were quite a lot of people standing around talking for a Wednesday night.

Harry Kirby, outside on the portico of the sheriff's residence, greeted the judge as he walked up the steps and over toward the open window where the sheriff was sitting, looking out onto North Main Street. The three men exchanged pleasantries, and Heiserman asked McLain about the rumors of mob violence. "You heard the stories?" McLain asked, not surprised.

Heiserman had—had heard them immediately upon leaving the court house. One man, a "reputable citizen," he would later testify, informed him that he had overheard earlier a conversation between two men to the effect that an organization had been "perfected" for the purpose of lynching Mrs. Gaumer's assailant. He asked the judge to warn the men guarding the jail. "Have you added any deputies?" Heiserman now said to the sheriff.

McLain shook his head. Long was there, and Harry, and Miller would probably be back, and Rawlings said he would stay, the sheriff told the judge. But he had tried three or four times to get more men and they had all refused to serve. It will be a hard matter to persuade men to act as deputies under the circumstances, McLain said.

Heiserman nodded in agreement. "Would they really try?"

Break in and hang him? McLain honestly did not know. An Urbana mob had done it once before, and that was a white man. But it had been over 20 years since that. McLain just don't like all the talk he had been hearing, plus the town was now filled with people he don't even know. We had to cut our way through two hundred men just to get him inside the jail, he pointed out.

Heiserman looked out into the street, but he knew McLain was right about the activity in town. Some 30 men or so were lounging over at the southeast corner of the court house yard, near the big maple standing there, talking in hushed tones but looking up every so often toward the jail building. He asked if McLain had talked to Leonard yet.

No, said McLain. He planned to do so shortly. Leonard was at present over across the street. McLain had wanted to see the judge first. Did Heiserman plan to try the negro on Thursday?

Heiserman was not sure what he would do. There could be no trial without an indictment and that meant a special session of the grand jury.

McLain nodded again. He told the judge he could not bring himself to believe anybody would make a serious try at hanging him. He did expect someone to make a bluff or two at it, and that was about all. Still... Four or five men, after all, would not be enough to hold off very many people, if those people were goddamned sure they wanted to hang somebody. And it would be dark before long.

You have the authority to call on Leonard for help from the militia, Heiserman said. He advised McLain to speak quickly to the head of the local militia to see what he thought. Eight or ten men might be just enough to put down any trouble before it really started.

Bringing in outside troops could create a tricky situation if not handled properly, Heiserman said. McLain nodded, remembering the incident at Washington Court House three years before. That situation, also involving a white woman raped by a negro, had only been finally resolved last year, but even now resentment was very high. That city was located some 50 miles and four counties away, to the southeast of Urbana.

During that incident, troops had fired upon a crowd of would-be vigilantes, killing and wounding several people, and the resulting furor had created very hard feelings around the state and threatened to be a black mark on the administration of then governor William McKinley.

So bringing in troops from the local guard involved certain risks beyond those involved in simply guarding a prisoner, as both Heiserman and McClain were aware. And it was entirely likely that the current governor, Asa Bushnell, would be hard pressed to order additional guard troops into a similar situation one year into his first term of office.

The two men remained there talking for perhaps ten more minutes, McLain still seated inside that window and the judge occasionally stretching and arching his back to put the kinks away, while Kirby lounged nearby, trying to listen. Finally, tired, Heiserman said good night to McLain, nodded at Kirby, stepped off the porch, and walked out past the gate, then turned left and headed on up Main toward his home on East Church, smiling and talking to some of the people out there on the walk, many of whom had helped elect him to his office three years before.

A few minutes later, Captain George Leonard, commander of Company D of the Urbana militia, like McLain 37 years old, left Kimball's restaurant, crossed Main Street, and walked up onto the porch to speak to the sheriff.

Leonard had been born in Cincinnati, but as a child he had come to Urbana, during the war, to live with Henry Leonard, his grandfather. He got his first job in George Satterthwaite's jewelry store and picked up the business for his vocation, eventually opening his own jewelry business where it was located now, at 119 North Main, in the same building with William Hughes, Pianos and Organs, and in the same building where, upstairs, was located the Central Union Telephone Company and the only long distance telephone line reaching Urbana.

Leonard was well-liked in town, and his family's name had been around a very long time, dating back to the 1840s and 1850s. Even so, he had had to scramble to make a living at times, like many other people during the hard times of the 1890s, which even now had not completely disappeared, and he had worked, for a time, as a sanitary policeman for the city, and, in 1895, drawing forty five dollars a month for his work at the post office with H.H. Williams. He and his wife Eva, whom he had married in 1880, lived in the 300 block of Lafayette Avenue, some blocks north of the court house, and he was a good family man and a teacher in Sunday School. But his real love was the military.

Following the Civil War, the troops had come home and their outfits had disbanded, until in 1876 the Centennial celebration had rekindled an interest in things military, and a group of men in Urbana had gone together to form the Urbana guards, a

permanent militia company which drew mostly for its members on Urbana and on the towns and farms surrounding Urbana in Champaign County, Ohio. Company D, the Third Ohio Infantry, had never been called on to go to war yet, but its men took pride in their company and in the West Point gray uniforms they had originally selected, and which they had worn for years until adopting the blue they now wore. Benjamin F. Ganson, brother of the mayor and one of the first men from Urbana to enlist in the War Between the States, had been selected as the first captain back in 1876. Harry Williams, now Colonel H.H. Williams, now the postal inspector, had followed Ganson as captain, and then had come William Eccles and finally Leonard, who was appointed captain on September 9<sup>th</sup>, 1890, nearly seven years before. The guard held regular meetings and trained periodically in the armory, located along the north-south highway just north of the city limits.

In 1897, the Ohio National Guard that year was the third largest in the country, numbering over 6,000 men who enlisted for five year terms. Its purpose was to aid the civilian authority, prevent or suppress riots and to repel invasions. Units of the Guard could be called up by the governor, the sheriff of any county, the mayor of any municipal corporation or any state or federal judge whenever there was a threat of violence that could overwhelm the local authorities.

Under those circumstances, guard units were required to place themselves under the orders of civil officials. Regulations required all instructions to be in writing and stated that local officials were not to interfere with the tactical arrangement of troops.

The Ohio Guard consisted of eight 3-battalion infantry regiments of nine to 12 companies plus a negro battalion of three companies, a light artillery regiment of ten batteries, two troops of cavalry and a bicycle company for a total of more than 100 units stationed in 61 counties across the state. Units varied in size from 20 to 57 enlisted men. The governor appointed the adjutant general, quartermaster general and the state staff, and all other officers were elected by the men in each unit.

State subsidies for the Guard units were low and additional funds came from the guardsmen themselves or from the cities where units were located. Equipment in the 1890s was often old and in poor condition, and the infantry were armed with Model 1873 .45-70 caliber Springfield rifles. The state did provide money each year for equipment and for each county's armory plus one thousand rounds of small arms ammunition kept in each armory.

The militia conducted weekly drills at its armory and battalion regiment and extended order drill along with guard duty and rifle practice were conducted at summer encampments paid for by the state, usually lasting a week or less, although some regiments paid for additional training themselves.

Members of the Guard were mostly young, unmarried men under 25 years of age. About half were from outdoor occupations, such as farmers, laborers and mechanics, with the rest being teachers, clerks, accountants, and business and professional men. They underwent very little training, as a rule, in the disciplines of crowd control or the handling of riotous crowds.

If McLain had any doubts about whether he needed men in military uniform to help maintain the peace at the county jail that night, George Leonard had none whatever. It could be a fine show, he told the sheriff, and it would overawe anybody who might think of trying to attack the jail. The sight of the militia, Springfield rifles at the ready with fixed bayonets, would put an end to any prospect of hanging any niggers in Urbana this month. McLain, he would later say, at that point ordered him to report to the jail with ten men for purposes of standing guard.

Leonard had also heard those stories about a possible hanging and the streets were, as a matter of fact, bustling more than usual with some unfamiliar faces—faces attached to farmers and hired hands and people from nearby villages like Mechanicsburg and North Lewisburg and West Liberty, who might not normally be in Urbana on a Wednesday night, and who were even now in the saloons and porterhouses downing beer and ale and hard liquor and who didn't know and didn't give a damn about knowing Eliza Gaumer or Click Mitchell or Louis McLain or any of his deputies. But they would know the military when they saw it, and Leonard didn't think the sheriff should ask for eight or ten soldiers, as the judge had suggested.

Later, Leonard would say, he at this point "informed the sheriff that as a matter of precaution I could assemble my full strength and send them to him as fast as they arrived. To this he agreed." Leonard told McLain he could get the soldiers who live in town to the jail very quickly, while the rest would assemble at the armory and be prepared to march to the jail when called for.

So Leonard walked up to the telegram office on the first floor of the Weaver House on the square, where he dispatched the man with a telegram to his first lieutenant in the guards, Romeo Campbell, who was 25 years old and lived at 531 North Russell and worked during the day as a broom-sewer at White-Valentine's on Russell Street. "Organize the guards," Leonard said in that telegram, "and send the ones in town straight to the jail. Have those living in the country report to the armory in full uniform as soon as possible and bring them to the jail when they are ready."

The members of Company D who lived in town would report first, of course. The others, out in the country, would have to receive word, would have to put on their uniforms, would have to saddle their horses and would have to ride to town. It would take time, and the sooner they were started on their way, the sooner they could arrive. Many would not make it until Thursday morning, more than likely. A large number of the militiamen lived near Woodstock. They would be expected to assemble at the train depot there and take the earliest possible train to the armory.

Campbell was the first of the guardsmen to report to the jail, but within the next hour, by half-past nine o'clock in the evening, just as dark was settling in earnest and just as the man at the electric company threw the switch which turned on the electric street lights so that those which worked began to glow faintly in the dark, eight other militiamen, all of whom lived in Urbana, had checked in to the jail and reported to Leonard, who told them they would be under orders from the sheriff until otherwise notified.

The eight who reported first were Sergeant Daniel Henz, Don Filson, George Ziegler, Lewis Webster, Caleb Shattoo, Frank Castle, his brother Royal B. Castle, and Robert Wallace. But as quickly as the word had gone out to the members of Company D, it began to spread to their neighbors, and before long most of the town knew that the sheriff and the commander of Company D had called on the militia to help guard the accused man. And about the same time that the first members of the guard began arriving, the people on the streets began to form into little clusters, little knots of excited talkers and listeners, and as if pulled there by gravity or by some force they had no control over, they began to accumulate in numbers on both Main and Court Streets and in the court house yard, until it began to be difficult to walk down the sidewalks in the semi-darkness without bumping into somebody.

Which was when they arrested Click Mitchell's father.

Harry Kirby, helping get things organized inside the jail building as the first members of the militia began to arrive, saw part of it, but not the important part, for he was busy at the time and was not in a position to see why Charles W. Mitchell, Senior, had got himself arrested. The crowd had been growing at a fast pace, and several hundred people were rambling around outside in the yard and on the street in the night when Colwell and Woolenham, standing off to one side, had suddenly, together, walked into the middle of the crowd straight outside the gate and put their hands on the colored man who was standing there talking in an excited manner.

Later there would be two sides to this story, too, but the policemen told the papers the next morning, or at least the daily Times-Citizen reported it that way, that Charles Mitchell had been in that crowd of mostly white men and had been trying to stir up trouble and threatening to shoot any son of a bitch who tried to take his son out of the jail and hang him. Mitchell himself would say he had been standing there in that crowd, talking to his brother-in-law, Ben Church, when the police, who knew he had a pistol in his pocket that somebody had loaned him for his own safety, began to feel that the best thing they could do to stop any kind of problem, which could lead to all sorts of consequences, none of them pleasant, was to put the father, like the son, in jail.

Whatever the case, they walked into the crowd, made him hand over his pistol, and walked him briskly out of the crowd and away from the court house and on down toward the square and to the city building, where they put him in prison on a charge of disturbing the peace, which as almost everybody knew at the time, there wasn't much of anyhow. But they locked him up for the night and told him that Mayor Ganson would deal with him in court the next day, and that was that.

For about an hour and a half, until around 10 o'clock, Louis McLain sat in that chair of his, or stood up and walked around and looked at the guards, and looked out the window as more and more people continued to join the throng outside on the street, until finally, feeling that perhaps he ought to make a show of strength, he told the soldiers to leave the building and go outside into the yard and station themselves around the building and keep people as far away as possible. Leonard had already left the building, riding



north toward the armory to find out how many more men had reported that could be sent to the jail

McLain also went back to the jail at the rear of the building to check on his prisoners and to let them out to go to the privy. Mitchell asked McLain why the soldiers were there, and the sheriff told him there were stories an attempt might be made to forcibly take him and deliver a quick dose of rope justice.

“Thanks,” it was later reported the colored man had replied, as he went back into his cell, and the sheriff slammed the door behind him, locking it securely. “The fire is out.”

At around 10 o’clock that night, apprehensive about what might happen, McLain’s wife left the residence and went to the home of her mother-in-law. McLain’s mother lived at 445 Scioto Street. She had recently been widowed. McLain’s father James had passed away on April 4.

But McLain was not so sure, despite the ten uniformed guards now on duty, which McLain ordered to remain stationed inside the house, and for three hours, between 10 o’clock on the night of June 2<sup>nd</sup> and one o’clock on the morning of June 3<sup>rd</sup>, as the darkness darkened, the crowd did not lessen in size and did not retreat, but grew, instead, more boisterous, and, as the saloons were all closed, people began to drift from the streets through the gate and into and all around the court house yard, yelling, jeering, laughing, and drinking all the while. The rumor began to circulate that an attempt would be made to rush the jail at one o’clock. People who had clustered near Monument Square said a group of 150 men had gathered on a side street near the county fairgrounds. Some were masked. All were armed.

Around the court house, the crowd continued to grow more boisterous, and pushed in toward the jail, finally moving in from the sidewalk into the court house yard. Around one o’clock, a dozen men from the crowd, all without masks and some from outside of town, walked into the yard and took seats on the steps leading to the court house, across the 25-foot alley from the jail.

At this point, McLain, revolver in hand, left his residence and went down into the yard, with several armed militiamen trailing not far behind him, and told the men to leave. Grumbling, they slowly obeyed, and filed silently back into the streets. At the armory, Leonard, as McLain would testify later, heard that the mob had attacked the jail. He instantly ordered seven more soldiers to report there. The Times-Citizen reported the next day that the guards were “heavily armed” and “have orders to fire in case of attack. The several privates and officers stated that they would fire if the occasion demanded as they had their orders and it was a soldier’s duty to obey orders.” But from that time until about three o’clock in the morning, the only sign of real danger was a cannon firecracker, which exploded with a boom inside the jail yard.

McLain talked to Mitchell at least one more time that morning, informing him that the troops would be on duty at the jail all day. “Thank God for that,” Mitchell said. “You may be thankful that you are still kicking this morning, Mitchell,” McLain replied, according to newspaper stories published later. “I’m not kicking any,” the colored man replied.

Finally, more than eight hours after Click Mitchell had been locked up inside the county jail, the streets were cleared of people and were mostly empty, and McLain went upstairs and went to bed and tried without much success to sleep.

Early the next morning, Leonard walked down Main Street to the Western Union office, confident that his men had done their jobs and could continue to protect the prisoner. He sent the following telegram to Ohio's adjutant general in Columbus: "Company D under arms since 8:40 p.m. yesterday by order of Sheriff McLain. Attempt to lynch Mitchell. Quiet now. George W. Leonard, captain."

## Prelude to a Shooting

Charles H. Ganson, honorable mayor of Urbana, Ohio, was in a sour mood that Thursday morning.

The afternoon before he had, he thought, put an end to his involvement in the Click Mitchell matter—had washed his hands of the whole thing—very properly, of course, but gotten rid of it, just the same, put it behind him. And now, the very day after the outburst at the Gaumer residence, he was back in court with still another member of the Mitchell family to deal with.

The whole clan, Ganson felt, was no damned good anyhow—never had been as long as they had lived in Urbana. There were plenty of good, decent, hard-working negroes in the town—John Chavers, Ben Church, Bill Strawther, Harry Wright, Reverend Moss, Isaiah Curry, John Anderson, and Stillgess and Esprey, Adams, Waldron and the Mindenhalls, and Clint Pierson and Jonas Slaughter.

But this Mitchell was trying to mess up everything, and the Gaumers were damned sure going to make as much political hay of it as they could if he stepped out of line on this matter the least little bit. And what the hell was wrong with Ben Church anyway, getting messed up in this matter, even if it was a relative of his up there in the county jail? Didn't Ben Church know this damned case could very easily explode into something that wouldn't be good for anybody involved with it?

Charles W. Mitchell was well known to Mayor Charles Ganson. He had been in and out of trouble in Urbana most of his adult life. Mitchell was married to the former Louisa Church. Several families of Mitchells and Churches lived in or near town. Benjamin F. Church and his wife Delilah lived at 300 West Powell in the colored part of Urbana, and Edward Church and his wife Lavenia lived at 809 South Kenton. Benjamin was a sander and Edward a carpenter. Another Church, Elizabeth, boarded at 208 Dewey Avenue. The Mitchells included Anna, widow of John F. Mitchell, who lived at 218 West Market along with John T. Mitchell (a clerk) and Helen Mitchell (a teacher).

Why hadn't Charles Mitchell Senior, stayed clear back there in Possum town or Gooseville, or whatever they called it these days, instead of sauntering up town in the middle of what had almost been a crisis and flashing that goddamned pistol of his around and threatening the white folks up there? Charles Ganson had had a run-in with older Mitchell once before, about 13 years before, and the son of a bitch was just as arrogant then, and just as damned stubborn as he was now. Click's mother had died back in the 1870s, and damned if his daddy hadn't gone out and married a white woman—at least she had finally had the decency to take her two kids and leave him and move to Chicago, where she remarried.

Back in 1884 that had been, when Charles Ganson had had to deal with Click Mitchell's father the first time, in this very court, only in the old city building. Mitchell had been arrested for stealing rails from a farm owned by I.K. Davis in the south end of the city—a council member no less—along with three other men: Luther Jones, Anthony Vincent and Lafayette Hancock. It had all come out then—the white wife, her teenaged daughter by an earlier marriage—and the filth and squalor of all those people.

It beggared the mind. Sixteen people crammed into a five-room, two-story house in Gooseville, including seven kids. Jones, Vincent and Hancock had all admitted their parts in the theft and pleaded guilty. But not Charlie Mitchell—he said he didn't do it and said he wanted a jury trial before the mayor. Well he got it, and they found him guilty just like the others, and Mayor Ganson had fined everybody involved ten dollars because the offense was not, after all, that serious at that time.

It was time to dispose of this case, and Ganson opened the doorway from his office into the corridor of the city building. Get him in here, he told Joshua Kinna, and Kinna looked over the banister at the top of the stairway and motioned for John Woolenham to bring the prisoner up the stairs to the court room.

Mitchell stood there before the mayor and took a scorching lecture, according to newspaper stories published later. "Owing to the excitement in Urbana, you knew it was wrong to carry this pistol. You knew that one shot might have led to the death of a dozen innocent citizens," Ganson fired across the table separating the two men. "I have no doubt that you have raised up your son in the path he has gone. I hope he is innocent. I hope no human is guilty of such an act. You are guilty of every bad act he has committed. It is the raising and teaching of parents that makes a boy what he is. All the good people of your race feel the sting of this crime over which the town is excited almost as keenly as the ones immediately injured."

At one point, Mitchell attempted to respond, but the mayor quickly cut him off.

"Hush your mouth, sir," he said. "You have been in trouble before in this town, but I am going to stop this problem right now. You got away with the Eugene Brown thing 20 years ago, and you've gotten away with a lot more since, but there isn't anybody getting away with anything in this town this time, especially you!"

"I didn't kill Gene Brown in '77."

"I never said you killed Gene Brown, but it's always been the belief that you caused the trouble that led to Brown's death. Now that's enough. You are guilty of carrying a weapon downtown and of disturbing the peace of the city of Urbana. I hereby fine you twenty five dollars and court costs and order you confined for a period of twenty days in the county jail."

The mayor paused. "Because the county jail is under guard at this very moment protecting your son, I am going to have the marshal take you by the first available train to the workhouse in Dayton. Court adjourned." And Ganson rose quickly and stalked from the room, leaving Kinna to carry out the order and to make arrangements for Charles Mitchell, Senior, to be taken by train to the workhouse in Dayton that very same day. It would end up costing the county commissioners \$5.95 to pay Kinna to take Mitchell to Dayton and back. He would remain at the workhouse for 23 full days, at a cost of \$9.20, also paid by the county.

Up Main Street north of the square, Common Pleas Court Judge C. Benjamin Heiserman had come uptown around half past eight, and had been surprised to find a small band of the local guards standing watch around the court house. He had gone to Kimball's for coffee, as was his custom in the mornings, and he had shared stories about

the past day's events with members of the legal fraternity, even as members of the militia, some of whom, after all, lived in town, were allowed in pairs to leave their posts and go find breakfast at one of the restaurants across the street from the court house. Many had chosen John and Mary McGraw's place, at 205 North Main, straight across the street, and there they, too, swapped stories about the night before, and discussed the awful crime with their friends and neighbors, some of whom, they were told, would very certainly be in the crowd that would be back outside the jail that night.

Judge Heiserman had been advised by several persons, most notably George Eichelberger, his lawyer friend, that he should call for a special sitting of the grand jury to consider the facts in the Mitchell case and to quickly return an indictment against the colored man for rape, because until an indictment was brought and a trial was held, or at least a plea was allowed, no serious action could be contemplated which might get the prisoner safely out of town and ease the tension which was obviously building.

Others in the small coffee clique advised another tack, as well—Jesse Lewis among them—move those damned soldiers back up town to the armory, at least during the daytime. They are causing unnecessary tension and provoking excitement by standing out on the court house yard with weapons in full view. "At the very least, have them move back inside the jail," he was later quoted as having advised Heiserman.

Charles Ganson, there for coffee before convening the mayor's court to hear the case against Mitchell's father had said much the same thing. "The guards, under the circumstances, are a menace to the people and causing a good deal of comment."

But there was another side to that story that the judge heard a few minutes later in his chambers at the court house, almost before he had time to hang up his hat and remove his coat. George Leonard, captain of the company, returning from the telegram office, had followed him inside the building and explained why the troops had been called out the night before, and had told him that more were now assembling up north at the guard armory on North Main. "Let me bring them all in now," he had urged the judge, "as a matter of precaution. With more troops on duty it won't ever be necessary to fire on the crowd. It would be much better to overawe those people than to have to take lives."

Heiserman had said he would consult with the sheriff, whose judgment would prevail, no doubt, although the judge felt certain that Captain Leonard had already convinced Louis McLain that the remainder of the guards should be called in. Heiserman was not sure, even then, that a hanging attempt would really be made, despite the threats and confrontations which had apparently taken place the night before. He could not, he told Eichelberger, "believe that our people would have recourse to violent measures until the guilt of Mitchell has been positively proven in a legal way." But he had already decided to go ahead and settle all the legal issues by calling the grand jury back into session to consider the rape case.

There were certain steps, in order to do this, which had to be properly followed under Ohio law. Mayor Ganson had taken the first step the day before in his own court, when affidavits were filed by Charles Ganson charging the colored man with assault and with rape. The mayor at that time had owned jurisdiction over the case because the

alleged crime had been committed within the city limits, but the seriousness of the supposed offense—a felony—had allowed him to do only what he had done.

He had pronounced, after the prisoner's attorney had waived his rights to a full preliminary hearing, that enough evidence existed to show that the crime had been committed and that Click Mitchell had probably—although not definitely—committed it. Ganson had ordered the defendant turned over to the common pleas court, which was under jurisdiction of Champaign County. Ganson had established bond at one thousand dollars on each of the two charges, more than enough, certainly, to prevent his release until the matter was cleared up. Two thousand dollars, after all, was more than many men earned for a living in two years. Mitchell, therefore, had been transferred from custody of the city and the city jail over to Champaign County and the county jail three blocks north up Main Street, past the monument.

It would now be up to the county—up to Judge C. Benjamin Heiserman. First Heiserman would have to convene the grand jury, taking 15 men more or less directly off the street to serve, and he would have to officially instruct the county prosecutor, Sherman S. Deaton, who still had not returned from Columbus, to present the facts of the case and to call whatever witnesses he wished before that grand jury.

The jury would then mull over the charges and would do one of two things—either report a “no-bill,” that is find that no crime had taken place or at least that Click Mitchell had not been responsible, or return a “true bill,” believing that, indeed, Mrs. Gaumer had been assaulted and raped and that Click Mitchell had assaulted and raped her. It was a formality, of course, because Click Mitchell was guilty as hell, and everybody in town already pretty well knew that, but it was required by the law.

After that had all taken place, Click Mitchell's lawyer could plead him not guilty, which would require a jury trial and at least one and perhaps two or three more days, if Eliza Cone Gaumer could be persuaded to appear in court. Or his attorney could plead his client guilty as charged, and all that would remain would be for the judge to pronounce sentence, which in this case was fixed by the state law. Such a plea and such a sentence would allow the sheriff to get the defendant on the first train headed for Columbus and the penitentiary, in order to spare his life and avoid any mob action.

It was also true that Mitchell actually had no legal representation at the moment. Joseph Flaughner had represented him in Mayor's Court, however, and the judge felt he probably could convince Flaughner to continue as his lawyer, if only to help speed the county through whatever difficulties might lie ahead.

Speed might be critical, Judge Heiserman thought, but just the same he wanted Sherman Deaton in town, if that were possible. For that reason, he first went down to the sheriff's residence, where he found a tired Louis McLain, who had been unable to sleep very well the night before, and told McLain he wanted his deputies to go out onto the streets and find 15 men to serve as grand jurors. But they were not to report to the court house for service until noon. If Deaton had returned by then, Heiserman thought, well and good. If not, the judge was now prepared to appoint someone in his place to act as prosecutor.

Furthermore, Heiserman told McLain, “Why don't you move those guards back to

the armory, at least while it's daylight. They are causing a lot of talk, and just the sight of them out there might get some people mad enough to try and take their weapons away." If that happened, all hell might break loose.

McLain told the judge he had planned to do that all along but that Leonard felt the militiamen should be left in place near the jail. Leonard, indeed, had had McLain's ear most of the night and had predicted dire consequences if the guards were withdrawn. "That's been done before," he had told McLain, "and disaster resulted."

Leonard recounted the incident three years before at Washington Court House, Ohio, when the state militia had been ordered in to guard a colored man in just such a case as this one, and had opened fire when local townsmen attacked the jail in a lynching attempt. Several had been killed, and the incident had inflamed newspapers across Ohio for several months.

On October 16<sup>th</sup>, 1894, a large crowd of men surrounded the jail in there where a negro accused of raping a white woman was being held. The sheriff called out the local militia, and then, as the crowd grew, he asked for 60 additional soldiers from Columbus. Governor McKinley was out of the state making campaign appearances, but his office authorized two companies of the Fourteenth Regiment under Colonel A.B. Coit to report to the scene. At two o'clock that afternoon, the prisoner was rushed through the mob and across some 70 feet separating the jail from the court house. Several members of the mob managed to break through and knock down the sheriff and his prisoner, but there were enough guardsmen there to regain control.

Inside the court house, the prisoner pleaded guilty and was given the maximum allowed sentence under Ohio law—twenty years in the state penitentiary. Wary of the growing crowd outside the sheriff, rather than try to take the prisoner to the train for Columbus, instead called for even more troops. At 7:30 that night the mob, ignoring warnings that the soldiers would open fire if attacked, battered down a door at the jail. The militia did open fire, killing five people and wounding several others.

The mob then scattered amidst reports dynamite was being secured to bomb the court house and jail, but before anything happened, several additional companies of troops arrived and the members of the Fourteenth Regiment then took the prisoner safely to the penitentiary while the remaining troops kept guard until they were ordered home shortly before noon. But they had prevailed, in large part because so many soldiers had been called out.

Most newspapers across the state had editorialized in support of the militia, but the mayor of Washington Court House claimed the guard had knowingly fired into the crowd, and the local coroner ruled the shootings unjustified. Although Colonel Coit was absolved of wrong doing by a special board made up of officers of the national guard, he was indicted for manslaughter by a local grand jury and forced to undergo a jury trial the following year after his attorneys obtained a change of venue. He was found not guilty, and in April of 1896 the state legislature passed a bill granting him legal expenses and also passed a joint resolution instructing the attorney general to enter a "nolle prosequi" on two still unresolved indictments unless the county posted a \$50,000 bond for trial expenses. This eventually led to abandonment of efforts to punish those who had opened fire on the mob.

This Urbana case was slightly different, although perhaps not critically so. Those men in uniform on duty at the jail would have relatives and friends out there when those streets became crowded again later that night. It would be like defending the jail against family members. And there wasn't any doubt about it. There was going to be another crowd.

So the judge let it go, because his duty began and ended in the court house and did not cross that 25-foot alley to the jail, except in an advisory way, and besides he had enough on his mind that day without trying to figure out whether George Leonard was right or not. The guards would remain on duty outside in the jail and court house yard. And they would be conspicuous.

Judge Heiserman kept his word and waited until noon for the prosecutor to return. When Deaton did not, the judge called upon Deaton's law partner, George Waite, to act as prosecuting attorney, officially noting that Waite was "a disinterested member of the bar," with offices at 109-1/2 West Court Street, about a block from the Gaumer home and right across, to the south, from the court house.

Shortly after two o'clock in the afternoon of Thursday, the third of June, 15 men were sworn in as grand jurors to consider the case of the State of Ohio vs. Charles W. Mitchell, Jr., accused of assault to commit murder and also accused of rape. C. Fletcher Colwell, who lived at 306 Miami Street and was a member of his family's lumber company on West Court, was selected as foreman.

Others on the jury sworn in by Judge Heiserman were: Marcus H. Crane, owner of M.H. Crane and Company, stove manufacturers on Miami Street; Duncan Burt McDonald, partner or Jacob Houtz in Houtz and McDonald's grocery store on the square; Charles Harmstead, of the Harmstead and Holding harness manufacturing company on the square; George Couchman, of Wilson, Rawlings and Couchman Boots and Shoes on the square; Thomas Berry, owner of T.H. Berry's Son, a grocery at 122 North Main; Lee Pennock, a clerk with Fisher and Company, clothiers on the square; Leander Marmon, who lived on East Court Street; Hamilton J. Hedges, 530 North Main; Samuel O'Neal, 136 East Ward; Thomas Todd, 338 East Court; Charles Creager, a ticket broker with offices at 100 South Main; Albert Stevenson, 840 South Main; George Bancroft, 313 Scioto St.; and Noah Comer, 400 East Court. O'Neal was a wood turner, Stevenson a "gardener," Bancroft a bicycle fixer, and Comer a finisher in the woolen mills.

All were white men.

For an hour George Waite talked to the grand jury and presented his witnesses to demonstrate that yes, the crime had occurred and yes, Click Mitchell was guilty. Those witnesses were Doctor Bob Henderson, the Gaumer family physician; Charles Gaumer himself, the older son; Bruce Gaumer, the youngest son, still in high school; Mayor Ganson; and Ralph Hunter, a clerk at the Sowles Hotel who had identified the pencil found in Eliza Gaumer's home as the one given to Click Mitchell. The grand jury's purpose was to present a finding based solely on evidence presented by the state, or in this case the county, as to whether a crime had been committed and whether the person committing it had been found. Any defendant indicted, or accused, of a crime, would be given the opportunity to defend himself at a regular trial later.



At three o'clock the grand jurors retired to private chambers inside the court house to consider the evidence, while across the alley inside the jail, Click Mitchell asked one of his guards: "How long are you fellows going to be on duty?"

"All day," came the reply.

"Thank God for that," Mitchell said.

And while Click Mitchell was breathing that sigh of relief that the militia would be on guard at the jail all day, and while the grand jury was considering the evidence presented it by George Waite, a resident of Urbana walked up onto the grounds outside the jail to have a chat with First Lieutenant Romeo Campbell, who was growing a little weary now, having been on duty all night and all morning. The man was Colonel Henry H. Williams, second man ever to head Company D and now a postal inspector in town. "How many men have you?" he asked Campbell.

"Over forty, when they all report," Campbell said.

"How long can you shoot?"

But Campbell would not answer that question, was not certain, in fact, that he could answer it, and was growing a little uneasy in trying to avoid giving away his entire position to a man who was politically connected in Urbana, and well-liked, and one of its leading citizens. By nightfall, Campbell knew, there would be 28,000 rounds of ammunition jammed into the county jail.

"Have you blank cartridges?" Williams asked. Campbell was silent.

"Would you shoot into a mob if it came?" Williams persisted.

"We are under orders of the sheriff and the captain," Campbell said, wishing Leonard would suddenly appear.

"Be discreet in your commands today and tonight," Williams said, smiling as he turned away." After all, it's as easy to shoot over heads as it is to shoot to kill.

Campbell then spoke out plainly, having grown impatient and a bit disturbed, chopping off his words. "I'm not here to take orders from civilians," he said.

And Williams sauntered away, no longer a member of the guards, but the second captain it had ever had, calling back as he neared the gate: "They're coming, you know, after dark, tonight."

Shortly after three o'clock in the afternoon, the grand jurors filed back into the courtroom to deliver their report to the judge and to the acting prosecutor. They had indicted Click Mitchell for rape and ignored, as it would later be phrased, the assault charge, feeling, perhaps, that the rape charge was more than enough at this time. The grand jury, except under extraordinary circumstances, follows the suggestions of its prosecutor, who has, after all, laid out the evidence and the strategy, and the jury had chosen to decide, based on the evidence presented them, without rebuttal on the part of the accused man, that he had committed the rape of Eliza Gaumer, as sworn in Charles Gaumer's affidavit and testified to by Mrs. Gaumer herself in the privacy of her bedroom with the mayor and the accused man himself looking on.

Judge Heiserman now dismissed the grand jurors, thanking them for their service and telling them when and how to collect the money they had coming from the county, and he then conferred briefly with George Waite, as 12 of the jurors filed out of the court

room and went out into the streets to tell what had happened. Three others, deciding perhaps that they might, if they stayed around, see something else happen, chose instead to take seats in the courtroom.

The question in Judge Heiserman's mind now was what would the accused man do? What would Joseph Flaughter do? The judge could, if Mitchell would agree to plead guilty, order him removed from the jail and sent immediately to the penitentiary in Columbus by train. Sentencing him would be crisp and simple. Waite agreed, but would the man admit his guilt?

The two men left the courtroom, and Heiserman beckoned Rawlings, the constable, to follow him. Outside, in the hallway, he told Rawlings to go up the street to Flaughter's law office and see if he was there. "If not, find him and ask him to step over to the court house, Heiserman said. "Tell him his client has been indicted and we need a conference as soon as possible." Whatever else, it was much too late in the day to hold a formal jury trial. Such a proceeding as that would have to wait at least until tomorrow, which would be awfully fast anyhow.

Perhaps the judge, C. Benjamin Heiserman (he was 13 at the time), and the sheriff, Louis H. McLain, and George W. Leonard, captain of Company D of the Ohio guards, were too young to remember the details of Urbana's first recorded lynching, which took place only ten years after the war, but Mayor Charles H. Ganson remembered it—remembered it distinctly. His brother had been sheriff when it happened.

No troops to call out then, Ganson, in his office at the city building, might have mused...at least not local boys. The guard unit had not been organized until 1876, the year after that lynching. The sheriff, Benjamin H. Ganson, and the men he had called to duty, had all the responsibility for defending the man who had his neck stretched—a white man at that, and if a band of men had managed to outwit the sheriff, who was dead tired anyhow, the men who had done the hanging were all masked and had only to surprise the deputy at the jail. This time would be different. The jail was already occupied by nearly a dozen militiamen and more were coming in every hour. If there was to be a hanging this time, and Charles Ganson knew there would be at least one serious attempt, there would be no surprise involved. The guards would have to be overwhelmed and the jail taken by force—unless another way could be devised.

January 17<sup>th</sup>, 1875. The Urbana lynching. Benjamin and Charles Ganson were two of five children and the two who most made their marks in town, sons of William and Anulette F. (Toxey) Ganson, who had come originally from Pennsylvania. In 1856, Charles went to Illinois to farm at the age of 20, marrying Jane Rewalt of Canton, Illinois that same year. He came back to Urbana the year after the war ended. His younger brother, Ben, had been among the first to volunteer for duty when the war began in 1861. He was elected county sheriff in 1872, succeeding his close friend and partner in the livery business, Major Thomas McConnell, who had been sheriff from 1869 until January, 1873.

On the 12<sup>th</sup> of January that 1875, 11-year-old Emily Morgan, the daughter of J.B. Morgan of Urbana, was stopped by a young man outside Hitt, White and Mitchell's store

on the square as she was returning home from school. The man was a stranger, but he said he had money at his home that he owed her father. Enticing, coaxing and sometimes threatening her with her father's anger if the money was not returned, the story later went, the man took the girl north through town, out past the Edward Jennings residence and into the woods, about four miles from the city, where he built a fire in a hollow about a mile from the Saratoga mill, which is where he raped her. He then took her part way back into the city and took off.

After she got back to town and told her story, a witness of sorts was found. Luke Bryant, hunting in the woods that day, came upon tracks in the snow and followed them to that campfire, where he had seen the man building his fire, while the girl was sitting nearby on a log. The man told Bryant he was taking the girl, his niece, to Springfield from Bellefontaine, a city some 12 miles north of Urbana.

The city council offered a reward of five hundred dollars for the man's capture, an enormous sum in those days, and Sheriff Ganson and former sheriff McConnell organized a posse to track the man down. They finally found him over at the infirmary in Marysville in Union County, which was in the custom of providing shelter and sometimes food to vagrants, because those were brutally hard days just after the war, and there were tramps and vagabonds all around the country, scrounging as best they could for food and clothing.

The man, who was 20 years old, was named George Ullery, and he was from Buchanan, Michigan, and he told how he had been bumming around the country on his own for ten years, since the death of his parents the year the war ended. The men in the posse who brought Ullery back to town said later he had confessed, but they hadn't ever been too specific about just what he had confessed to, if it made any difference anyhow.

The mayor had set his bail at \$2,500 and sent him over to the county jail. At one thirty in the morning, a crowd of about one hundred men sledge-hammered the jail door open and seized the jailor—but Sheriff Ganson had appeared and ordered them out and warned that his men would fire on them if they remained. That had been enough, and the men had gone away.

But in those days, the new jail part of the county complex was still six years away and the sheriff had to live in his own house. After two straight nights of standing guard, Ben Ganson, dog-tired, had gone on down to his home on East Court Street and fallen asleep, fairly certain now that the lynching idea had died off. At four in the morning, on Sunday the 17<sup>th</sup> of January, a band of masked men, 35 to 40 strong, had formed near the Dugan Street bridge, formed up and marched down through the city to the court house, where they separated, one group going to the sheriff's house to stand guard in case he should wake up, and the others going to the jail where they rammed the door open again and seized Ullery, holding back the deputies with shotguns—if the deputies needed any holding off.

They dragged Ullery to a catalpa tree in the southeast corner of the court house yard, placed a rope around his neck, put him on a box, gave him two minutes to say his prayers, and then someone used the sledgehammer to knock the box out from under his

feet. The rope snapped his neck. Without saying another word, the vigilantes had then reformed and marched back up North Main to the bridge, after first picking up the contingent guarding the sheriff's residence. They then took roll and dispersed. No one in authority had ever heard any names called out, and the grand jury, ordered to investigate the hanging, was unable to hand down any indictments. George Satterthwaite, one of the members of that grand jury, was a jeweler by profession and had recently acquired an apprentice—George Leonard.

Papers across the state had generally applauded the lynching and had issued warnings and carried stories for several weeks afterward about the danger of vagabonds and tramps. There were still plenty of people in town who recalled that lynching, and Charles Ganson knew the names of at least three people who had taken part in it, and he had a pretty good idea who some of the others were, although many were now dead. But that had taken place in the old days, before the county had built the new jail and sheriff's residence, although they were by no means new anymore. And that had happened before the local guards were formed, whose members were now standing guard up there at the jail.

The Ohio Association of Ex-Prisoners of War was scheduled to meet in Urbana June 10-11, 1897 and B.F. Ganson was on the welcoming committee for the Grand Army of the Republic.

For the life of him, the mayor could see only one way that Click Mitchell was going to hang from any tree in Urbana this year—and that was if the guards were removed. There had been talk around town that morning that if attacked they might shoot blanks. But Ganson did not think George Leonard was going to be caught with his rifles not loaded with live ammunition. The question was not so much whether they would shoot or not but which ones would and which ones would not if the situation arose, and anyway he looked at the problem, if a rush were made on the jail somebody was likely to get shot.

About that time the town marshal, Josh Kinna stepped into the room and slapped down a copy of the Champaign Democrat, four pages in all, on the mayor's desk. It was Thursday, the day the Gaumer-owned newspaper was distributed. There, splattered at the top of the first page, an extraordinary two columns wide, was the Gaumer version of the past week's events—since the attack itself had been reported for the first time after the paper had published the week before.

## **A BRUTAL ASSAULT**

**One of Urbana's Prominent Ladies Assaulted**

**Mrs. T.M. Gaumer the Victim**

**Click Mitchell, a negro, and all  
Around Tough, Arrested and Bound  
Over to Court in the Sum of \$2,000**

“Last Thursday morning one of the most dastardly crimes that have ever blackened Urbana’s fair name and left a disgraceful blot upon her history’s page was committed by a shiftless, good-for-nothing, brutal negro. It is many a year since our fair city harbored such a degraded, base-born and hellish criminal, and the dead limb of the old maple tree in the Court House yard is a silent testimonial of his well merited fate.

“The brutal assailant was a burly negro bearing the name of “Click” Mitchell. He entered the home of Mrs. Gaumer while she was happily engaged in her household duties, and concealed himself until he found an opportunity to rush upon his victim. After he had covered his face with a shawl to avoid recognition, he seized her and, in his attempt to choke her into insensibility, viciously sank his nails into her face and after a terrible struggle she managed to escape to a neighbor’s house and give the alarm.

“After a sufficient description of the assailant was obtained, the police scoured the entire town and surrounding county for him, but in vain. Cards containing a description of him were sent to all the neighboring cities but to no avail.

“The negro made a bold move the next morning and, leaving his place of concealment, confronted the marshal and said he heard he (the marshal) was looking for him. He was immediately arrested and conveyed to the city prison where he remained until his hearing Wednesday afternoon by Mayor Ganson.

“His attorney, Mr. Flaughter, waived examination and he was bound over to the court in the sum of \$2,000 to await the action of the grand jury.

“Wednesday morning while Mrs. Gaumer was still confined to her bed, and suffering from the attack, her assailant was taken to her house by the mayor and marshal for identification. She readily and emphatically recognized him and he was returned to jail.

“Mrs. Gaumer is in a very precarious condition and great fears are entertained for her recovery, as she is becoming weaker daily.”

A second story was printed there on the front page as well:

## **ENRAGED CITIZENS**

### **Go Enmasse to the City Jail for Mitchell**

“The excitement last evening on the streets over the hellish crime of the negro Mitchell, was extremely intense. About seven o’clock, crowds of people began to congregate at different places in animated discussion until about ten o’clock, and the streets were crowded with both county and city people. Early in the evening the sheriff and police removed Mitchell to the county jail for safe-keeping, and they were well on their way before they were noticed by the crowd, which quickly followed them.

“Mitchell walked with a bold step and with a devilish grin, asked the officers if there was a circus in town.

“The militia was called out and placed on duty at the jail. But this did not deter the justly incensed and determined citizens (about 300 in number) from making an advance, which they did at two o’clock this morning.

“Sheriff McLain appeared at the door, backed by the militia, among whom were a large number of negroes, and warned the men that any violence to the prisoner would be resisted even to bloodshed. This subdued the cooler heads and the men were persuaded to withdraw with reluctance and leave the inhuman brute to the law’s course.”

And over on the left side of the page, Charles Gaumer proceeded to express his opinion on the matter even further:

“The dastardly outrage that was recently committed in our city cries to heaven for vengeance and unless the people of this city see to it that adequate punishment is meted out to the guilty wretch who perpetrated the crime there will be no safety for any woman or child in this community and from now henceforth.”

Ganson threw the paper down and looked up at Kinna, seated on a corner of the desk, his arms crossed. That ought to about do it, Kinna told the mayor, adding that there was already talk that certain individuals were going to take Mitchell out tonight no matter what. Have you been up there lately, he asked, meaning the court house. Ganson shook his head, no. But there were a lot of people out there, for a Thursday, worse than yesterday even. Lots of farmers. Buggies and horses all over the streets. Kinna told the mayor that strangers coming to Urbana today would be hard-pressed to find a spot in any livery in town to leave their animals.”

Ganson asked Kinna what he intended to do..

Not a whole lot we can do, he replied. McLain and Leonard must have about forty men up there with them. He assumed the mayor had heard that an indictment had been returned by the grand jury.

Ganson already knew that. He asked Kinna if the prisoner planned to enter a plea.

Kinna did not know. He told the mayor that Judge Heiserman wanted to talk to Flaughter to find out.”

Did Kinna know where the Gaumers were?

He did not, but he ventured a guess that they would be uptown outside the court house tonight. Charlie wants blood, and his uncle wants blood, too, Kinna told the mayor.

Could McLain get the colored man out of town?

Maybe now they could, maybe not, was Kinna’s opinion. He told the mayor what Ganson already knew: there had to be nearly a thousand people up there around the court house. There was hardly room to stand up on the sidewalks, the crowds were so big.

Ganson asked when Kinna had returned to Urbana. He earlier had taken Mitchell’s father south to Dayton to the workhouse there.

About an hour ago, Kinna told him. And the train depot was pretty tight with people, too. If they try to take him out, they’re going to have to find some place to put him on board other than there.

Had Kinna heard talk about the soldiers not shooting?

Yes he had. He heard that this morning before court. Ed Jennings had come over to McGraw's for breakfast and said he wasn't going to shoot anybody no matter who ordered him to. He said the other boys up there felt the same way, some of them. But he also said those farmers would shoot and would shoot to kill. Hell, he told the mayor--they don't know anybody much in town, and if that crowd does try to take the jail, they're going to be plenty scared.

Ganson did not feel there was much to add to that. And he did not feel there was much the judge could do so settle the situation. Flaughter was probably going to plead his man not guilty and that would put off any chance of avoiding a run-in tonight. After dark was when the trouble would really start. Thank God they had got the Mitchell boy out of the city jail when they did.

"I asked Holding and Jim Englehart to stay on tonight and tomorrow," Kinna said. "Not much they can do, though, except cart the bad drunks back here if there are any." He paused and got to his feet. I don't think we're going to have many drunks in prison tonight. Everybody's so damned excited out there they'll forget to fall down. Kinna left the room, probably to walk the short distance toward the court house. Ganson stood up and walked down the stairway toward the street. No sense in his staying around much longer, either. He glanced up at the clock. It was almost four in the afternoon.

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At six thirty that same evening the county prosecutor, Sherman Deaton, stepped off the Panhandle railway train at the depot on Miami Street and took one of Ganson's hacks uptown toward the square.

It was a sallow evening in Urbana, nearly 50 degrees with the sun lying dimly in the sky out beyond the railway tracks toward Saint Paris. He had been surprised at the number of people he had found at the depot when he left the train, and he was more surprised yet at the throngs of people uptown as the cab clip-clopped across the square and turned into the first block of North Main and suddenly stopped. It could go no further.

There were men and women all over the street, effectively blocking horses and cabs and drays of every description from getting through toward the court house. At least a thousand people, perhaps more, Deaton thought. He had never seen a crowd this size in Urbana, not for anything he could remember, certainly not concentrated in this one short two-block area of Main Street. Many of the shops which would normally have been shut down by now had remained open, and a large number of people had crowded into Fisher and Connor's drug store and were talking excitedly. Deaton had been kept informed of what was happening in town because George Waite had twice sent him telegrams, but the prosecutor had been totally unprepared for anything like the size of the immense crowd of white men he now looked directly into and was almost instantly surrounded by.

Like the judge, S.S. Deaton was originally a school teacher. Born in February, 1865 in rural Indiana he had taught school in Jackson Township after arriving in

Champaign County in 1887 at the age of 22, after taking classes at the Northwestern Ohio Normal University at Ada. He had switched to the study of law two years later under Evan Middleton. In December, 1893 he had opened his office for the practice of law in Saint Paris, and the following year had decided to seek the Republican nomination for prosecuting attorney.

It had been a hard, close race with five candidates entered, but Deaton, with 679 votes, won by more than 100 votes over the number two man, attorney George W. Poland. Three others, including Joseph Flaughter, had finished far behind. That November he had defeated the Democratic candidate, Charles Johnson, by better than a two-to-one margin. Two years later, as was traditional with Republican incumbents, he had won re-election without opposition, even from the Democrats.

Deaton swung down out of the cab and paid the driver, who in any event would have been unable to force his horse forward into the throngs of people there on North Main Street. The prosecutor had decided to walk the rest of the way to the court house. He wanted to see Judge Heiserman as quickly as possible.

Flaughter had already made his way through the shouting, tugging, pushing people outside the court house gate noting, as he did so, the uniformed soldiers on duty there in front of the court house and jail and in the alley separating the two buildings. So far, he could count over 20 of them and he knew there must be more inside the jail, along with whatever extra people the sheriff had been able to find who would serve as deputies that evening.

Inside the court house, in his office, Judge Heiserman was waiting when Flaughter entered. The two men sat down to talk. Flaughter was not especially pleased to again be appointed to represent Mitchell. Later the county commissioners would approve a payment of \$15 to the lawyer for his troubles.

You were handy, Joe, the judge told him. Heiserman had not thought Flaughter would object to going on the record with him. Besides, it shouldn't take long if things went right.

Flaughter said he did not like the size of the crowd outside. The judge nodded, agreeing. Someone had told him the Gaumers were out there."

Flaughter nodded again, adding that Charles Gaumer was out to draw somebody's blood tonight if he could. He was laying it on thick to anyone who would listen. A local lawyer, George Poland, was also making incendiary speeches to the crowd.

Heiserman sighed. If it weren't for lawyers, there probably would not be much excitement in the world. And not much crime, besides.

What did you want me to do? Flaughter asked.

Talk to Mitchell and see if he will plead.

Flaughter had already done that. Mitchell would plead guilty.

Was Flaughter sure?

He was sure. Flaughter had managed a good night's sleep at home last night, while Mitchell was in that county jail all the time. Flaughter had talked with him a few minutes ago and he was scared to death.

He ought to be, Heiserman commented.



Flaucher told the judge he would plead Mitchell guilty—to get him out of town. McLain had it set up already.

Was Flaucher certain?

The lawyer just smiled. Guilty or not, he would be dead tomorrow if he was still in Urbana.

Heiserman stood up and paced a little. Even now he found it hard to believe they would really try to take the prisoner out of the jail when the soldiers had been called in and were armed.

There are stories they won't shoot bullets—only blanks, Flaucher said.

Leonard was too smart to do that, the judge commented. He would be thrown out of the guards if he pulled a stunt like that.

I know that, and you know that, and Leonard knows that. But some of those boys in that outfit will not pull those triggers, Flaucher countered. Ed Jennings had two or three family members right outside the jail. He had already said he would not fire.”

If Leonard hears that, he'll have a real problem, Heiserman said.

What's the difference, judge? Mitchell is as good as dead right now if he stays where he is. They are going to rush that jail. They just don't think the guards will shoot. And Gaumer will speechify those men to death until those farmers won't care anyway.

Okay, Heiserman said. The plans had been laid for Mitchell to enter a plea. But first the judge wanted Flaucher to talk to Mitchell again. If he said he was not guilty then that is what he should say and he should stick by it. He would get his trial.

That's a bit much to promise right now, Flaucher responded. The judge could not make that promise and keep it.

The only other choice is a quick guilty plea, Heiserman said, pacing. But he wanted Flaucher to talk to the prisoner again anyhow. Then, if he was satisfied that Mitchell had committed the crime, and if Mitchell wanted to plead guilty to get out of town, it would be Flaucher's duty to plead him guilty.

Flaucher was exasperated at the perceived lecture. He had, after all, been practicing law longer than the man standing before him. I'm doing this for the good of the town, judge, he said, finally.

The judge told Flaucher they should not stand on formalities. He asked Flaucher if he heard those noises out the court house window. There were more people out there than he had ever seen in one place in his life in this town. The men outside were drinking and they were excited and it was going to get worse before morning—and it was bad enough last night.

Flaucher shrugged and stood up, telling the judge he would talk to Mitchell again. Would the judge still be here? Heiserman nodded, Flaucher opened the door and left.

Moments later the door opened again, and S.S. Deaton entered the room. Had Heiserman heard any of that? he said, excitedly, referring to the crowd noise, which had become steady and louder. He told the judge that Charlie Gaumer was practically daring them to go after that colored boy. If they don't go hang the nigger, nobody's mother in town is safe, Gaumer has been shouting to the crowds of people.

The two men stood there for a few moments, near the front window of the court house, looking out into the street. In less than two hours it would be, for all practical purposes, dark.

At about seven o'clock, Joseph Flaughner returned to the judge's chamber. Nothing, he told Heiserman and Deaton, had changed. Click Mitchell would plead guilty in court to rape.

All right, said Heiserman. They would put things in motion. He went back to the courtroom and told the constable, Warren Rawlings, to go for the sheriff. Tell McLain to get his prisoner ready and to get him over here through that crowd somehow. We're going to settle this thing right now. Rawlings had been chatting there in the courtroom with the three men from the grand jury who had remained in the court house since late afternoon. As he left, he glanced over his shoulder, and one of the men was following close upon his tracks toward the door. In a few moments, quite a few people would know that something was about to happen.

The reporters for the two newspapers who had lingered about the court house the entire day, now spoke nervously back and forth in a corner of the courtroom. They, too, were tired.

At the jail, McLain and Harry Kirby took Rawlings' news quietly. Kirby was not at all sure anything could be done to avoid a confrontation with the crowd, no matter what happened now. But McLain, with Leonard agreeing, thought he saw a way out. He told Rawlings to go on down to Ganson's livery stable on Miami Street, two blocks away, and to find somebody to bring a carriage around behind the court house at exactly nine o'clock.

I want him to come on down Walnut, McLain said, and turn in that alley and wait there for me. The alley was the same alley that ran behind the court house to the north. McLain would have to get his prisoner out of the jail and down the alley to where it intersected with Walnut Street. And while you're down there, go over to the telegraph office and tell Moses Scott to get a message to the fast mail train that comes through around ten, he added. I want the engineer to stop his train out at Hagenbaugh crossing east of town. The train would not normally stop there, not the fast mail, and if McLain could get Mitchell to that carriage, and if he could get that carriage out to Hagenbaugh safely, his prisoner would be out of town and in Columbus before anybody knew it.

At just past seven o'clock, the sheriff, Kirby and seven members of the militia, those who had been held back inside the jail, suddenly appeared at the southeast door. Two of the guards were colored, the others white. As quickly as possible they hurried out the door and down the steps, across the 25-foot alley to the court house, ignoring the growing shouts and threats and jeers and curses from the hundreds of people walking and running to and out on Main Street. They hurried up the front steps of the court house, slamming the heavy oaken double doors tightly shut behind them.

Inside the courtroom, as the men filed in singly, were the three members of that afternoon's grand jury, here now for four hours to see what would happen. Three newspaper reporters were there, as were Waite, Cheney, Flaughner and Judge Heiserman himself.

Two of the seven guardsmen had been left outside to guard the doors leading into the court house. The others were now posted at the north door through which they had just entered, and two more moved to the other side of the room to stand watch over the second door. The seventh soldier, colored, dressed in the uniform of the militia, with the hat still on his head and a cape slung over his shoulder, was unarmed. As McLain and Kirby moved toward the center of the room toward the bench where Heiserman was standing, this man, really the prisoner, Click Mitchell, moved over beside Flaughner and sat down. His lip was trembling and beads of perspiration dotted his forehead.

“Stand up,” Rawlings ordered. Mitchell rose to his feet, looking directly into Heiserman’s eyes.

“The court has appointed Mr. Flaughner to defend you,” Heiserman said. “He has talked to you?”

“Yes sir.”

“Mr. Flaughner—will you waive the reading of the indictment?”

“We will your honor.”

“You are willing and able to plead to the charge at this time?”

“We are, your honor,” Flaughner said.

“Charles W. Mitchell. You have been indicted by the grand jury just discharged of rape upon Eliza Gaumer. Are you guilty or not guilty?”

“Guilty,” Mitchell answered.

Heiserman looked down at the notes in front of him on the desk and then looked back at Mitchell. Outside, the noise of the crowd could clearly be heard, if slightly muffled, in the silence of the courtroom. “You having pled guilty to this offense, it is the duty of the court to at once sentence you,” the judge said. “The very serious consequences of the deed you have confessed to have committed are all around you. The court house and jail are surrounded by angry people and you have been protected only by the vigilance of the sheriff and those he had called to his assistance.” The judge paused, as if to draw breath. “In order that your life may be spared and the lives of innocent persons saved, this court at once will pronounce sentence upon you so that the sheriff may get you out of this town.”

Judge Heiserman felt he had no real choice in the sentence he passed in the case. But he could, at the least, give vent to his feelings at the precarious situation all in the room and adjoining jail had been placed. “The offense of which you are charged, and of which you have pled guilty, is a most grievous one. It is one perhaps which ought to call for the death penalty, but it is the duty of the court and its officers to administer the laws as they find them. The statute provides that whoever commits the crime of rape shall be committed to the penitentiary for a term not exceeding twenty years nor less than three years.”

And then he ended it. “It is the sentence of the court that you be confined in the Ohio Penitentiary for the full term of twenty years, no part of which shall be in solitary confinement. The sheriff will take you to the penitentiary tonight.”

He nodded toward the sheriff and McLain, with Kirby right beside him reached forward and seized Mitchell by the arm. The colored man offered no resistance, said nothing to anyone, not even his lawyer, and the three men turned back toward the entrance, the soldiers who had been on duty at the far door hurrying to close ranks. It was time to take the prisoner back to jail and then hope they could reach that carriage in the alley.

## The Night of Thursday, June 3<sup>rd</sup>

George Leonard's original plan had been for the troops who had not yet reached the jail by Wednesday to rendezvous at the armory, eight blocks north, as soon as possible. He had hoped at first that after the 30 or so soldiers who lived in the countryside had all, or at least mostly arrived, he could order them into tight formation and march them south on Main Street to the jail. Such a display of solidarity and of apparent numbers and determination would, he had felt, create a favorable impression in the eyes of the crowd gathering outside the jail—would, in fact, serve notice that the building was too well guarded for a lynching attempt.

That had all changed, however, when the crowd became so boisterous and so rowdy on the evening of the second—on Wednesday. For a time it had appeared that a serious attempt would, after all, be made to reach the prisoner that night after dark—actually early Thursday morning. So Leonard had altered his plan. When the first country boys began arriving sometime before midnight, he waited until they were paired and then sent them, two at a time, to the jail, except for the men from Woodstock, who had organized themselves in their own village and arrived by train together in the afternoon.

By seven o'clock that Thursday evening, a total of 42 men had reported and had been safely sent to the court house square, where they took up positions around the jail and the sheriff's residence on all sides, and also at the gate leading to the street in an effort to prevent most of the people from entering the yard itself.

Shortly after seven that night, before he took Mitchell across the alley to the court house where Judge Heiserman would pronounce sentence, McLain, still in command of all forces present up until that time, officially asked Leonard to take command of the men from Company D, which he did.

Between that time and nine, when Mitchell was safely returned to the jail from his hearing, Leonard and his first lieutenant Romeo Campbell were primarily occupied with positioning the men at all weak points to the building and with trying to plan out what they should do if the crowd did, indeed, make a serious attempt to rush the jail. As a last resort, Leonard was prepared to withdraw all the soldiers inside the jail and post them at the doors and windows, although he still felt that things could be kept in control. But, he cautioned his charges, let there be no mistake. If an attempt were to be made to seize the prisoner, he would not hesitate to order them to open fire. He also instructed the guardsmen to do all in their power to keep civilians away from the jail and out of the court house yard, using fixed bayonets with three or four soldiers abreast to do so, if necessary. "They must know that we will resist mob violence, even if it means bloodshed."

The average age of the soldiers on duty was just under 25 years, and many had not been in the company very long. None had seen service like this. Eight of the men—nearly one fifth—were from the village of Woodstock in Champaign County, and nine others were farmers who did not live in town, meaning that almost one-half the soldiers on duty were not familiar with many of the people in the crowd.

They included: W.H. Miller, 38, a farmer near Urbana; R.G. Wallace, 29, a

laundryman who worked in town; George Ullery, 22, another farmer; J.H.E. Johnson, an Urbana tailor; Royal B. Castle, 28, a mechanic in town; Jennings, age 23, Filson, age 28, a carpenter; George Ziegler, 23, also a carpenter in town; George Burkett, 22, a clothing clerk in Urbana; Melvin Shattoo, 28, a horse shoer in town; William Strawther, 26, colored, the company cook living in Urbana; and George Edinger, 24, a farmer two miles from town.

From Woodstock came Charles Bailey, 24, a laborer; Charles Cushman, 21, a laborer; Walter Gifford, 26, a school teacher; John Overfield, 21, laborer; Daniel Hicks Gifford, 32, a carpenter; Harvey Weatherhead, 23, a laborer; Guy Clark, 25, a carpenter; and George Gray, 26, a farmer living four miles west of Woodstock.

Others included Ralph Ayres, 21, a farmer living about seven miles east of town not far from Evan Vermillion, 30, also a farmer and J.W. Duncan, 24, a farmer as well. Charles Lyons, 27, a farmer from Reynolds, Ohio, was also stationed there.

Jennings, who had told people in town he would not shoot, would say later that the militiamen all had orders to shoot low if they must shoot. Every one of the soldiers, especially those who had been on duty all night, quickly became nervous and excited, fearing what might happen. And they were by no means sure they were doing the right thing. "Nearly all of them wanted to see Mitchell lynched," according to Jennings.

That night members of a Bible class many of the militiamen attended together knelt together upstairs and prayed and swore they would stand by each other and do their duty.

McLain, Kirby and the soldiers with them managed, right after Click Mitchell was sentenced, to slip the prisoner back across the alley and into the jail, but had they not moved very quickly, and had they not left the courtroom before anyone else, they might not have made it.

Heiserman, as he adjourned the court, warned those present to say nothing about what had taken place inside the court house—to tell no one that the colored man had pleaded guilty, that he had been given a 20 year sentence in the penitentiary, and especially to say nothing about the sheriff's plans to take him to Hagenbaugh station to catch the train that night for Columbus. The train would not be due to arrive at Hagenbaugh until a quarter past ten, and if the plan leaked out, it could jeopardize, might well in fact destroy the attempt altogether.

But within minutes the news had exploded around the street, and the clusters and knots of excited people, some of them drunk, many more of them exuding the odor of hard liquor, seemed to come together in a mob for the first time since the evening before, as if the streets were simply too small to contain them. In the six hours since the grand jury had returned the rape indictment, the crowd seemed to McLain to have doubled—increasing to well over one thousand people—closer, perhaps to two thousand. For the next six hours that crowd would never diminish by so much as one soul, would, in fact, continue to swell.

Here and there a fight broke out—always between white men, because no negroes could be seen anywhere now, as men fell to the ground and wrestled around in foolish grunting and straining, disputing possession of a club or a torch or a rock, or shouting that

“that nigger” should be taken out now and hung or that they should wait until the soldiers laid down their weapons, or arguing whether, if an attempt to seize the prisoner were made, the soldiers would really fire.

The plan worked out by Leonard and McLain was fairly simple, although they had not reckoned on the sudden burst of hostility which took place just after nine o’clock when all doubts as to the prisoner’s guilt had been silenced. McLain had already sent word to John Martin, the 33-year-old hostler who worked at Ganson and McConnell’s livery on Miami Street, to hitch up a carriage and drive it one-half block west to Walnut, then down Walnut one and one-half blocks to the alley which passed to the north of the jail, passing within one house of that home at 209 West Court where all the trouble had begun nearly a week before and where some members of the Gaumer family, including Eliza—those who had not gone on up to the court house—were huddled right now on the front porch and in the living room trying to see what was happening down on Main Street.

Martin was to wait, just inside the alley but off the street, for McLain and Kirby to arrive with Click Mitchell. There they would all head out Walnut toward the north end of town and then cut in an easterly direction out Dellinger, Clark and finally Jackson Hill roads toward the Hagenbaugh crossing, where the fast mail train, due in at a quarter past ten, had been ordered to make a special stop. In less than two hours, the prisoner would be inside the penitentiary at Columbus.

But the mob had begun to press inward upon the soldiers shortly after the word was spread that Mitchell had admitted his guilt, and some of the more inflamed farmers and townsmen were now darting to within inches of the steel bayonets fixed in position at the end of the militiamen’s Springfield rifles. The soldiers, reluctant at first to draw first blood, found themselves being forced backwards, a step at a time, as the sheer weight of the hooting, cursing, screaming men in the semi-darkness seemed about to spill over into the yard itself.

Furthermore, it was no longer a disorganized rabble of a mob, fed to the gills with liquor and anger. It had its leaders, and chief among them were two townspeople who, for the next five hours, would take turns climbing up on the iron gate and fence outside the jail, or jumping atop tomato crates on the sidewalks, yelling for the prisoner’s neck: Charlie Gaumer, manager of his mother’s newspaper and George William Poland, 49 years old and a Republican lawyer who had lost the election for county prosecutor to Sherman Deaton three years earlier. Both screamed for blood that night until the veins on their necks stood out and their voices grew hoarse.

At the same time McLain was having the prisoner changed back from a soldier’s uniform into his own clothes for the quick walk north to that waiting carriage, groups of men were sent scurrying toward every livery stable in town to stand watch and to prevent anyone from moving horses or coaches toward the jail to help the nigger get away.

Just before half-past nine, with less than an hour to reach the station out in the country, McLain stepped out into the alley in back of the jail and looked out over the crowd. The situation was hopeless. Before him, reaching in every direction he could see, a sea of people shouted, danced, laughed, swore and threatened violence to the men in

uniform standing guard there. The entire alley, stretching clear back toward Walnut where the waiting carriage was just out of sight, and reaching east north of the jail out of sight behind a corner, was jammed with angry men who, at the sight of the sheriff, as if knowing that an attempt was now being made to leave with the prisoner, surged forward a few more steps in the direction of the jail, almost knocking two of the guards down in surprise, holding off only because at least ten others moved in to their assistance, bayonets reaching out toward the leaning men, who jumped backward just out of reach then leaped forward again, as if playing some deadly game with the uniformed militia.

McLain turned and went back inside, barking orders to take the prisoner back to his cell, and then he stalked off toward the front of the building to talk again with Leonard. The time had come, he felt, to seek more help. He was a prisoner in his own jail.

Although McLain did not know it, did not find out until much later, it would have done him no good even had he been able to march Mitchell down the alley away from the jail. Because where that alley intersected with Walnut Street, a group of a dozen men or so had spotted the carriage after it had been there no longer than 60 seconds, and had surrounded it, drawing attention and therefore attracting even more angry men, pushing and jostling in around the carriage, never trying to pull John Martin off his precarious seat, but thoroughly frightening the man and his horse with their angry cries that he should turn around and go back. Which is what he finally did, clucking and flicking his reins until the men finally moved far enough away to allow him to direct the horse back down Walnut Street toward the livery stable and his own safety. By half-past nine that night, Click Mitchell was firmly back in his cell and his way out of town had been decisively blocked.

But by nine-thirty, as Kinna decided he would take his tired body home, and as Flaughter and Judge Heiserman left the court house, their duties performed, perhaps secure in the knowledge that possible tragedy had been avoided by the quick pleading and by McLain's plan to take the prisoner to the train, not everyone in the crowd was convinced that Jack Martin had been sent to the alley except as a ruse, and the word began to spread that McLain had, in some other manner, sneaked his prisoner out of the jail and was even now speeding toward Hagenbaugh. He had, after all, taken Mitchell to the court house and back without anyone being the wiser.

A group of 20 men immediately mounted horses and slid into carriages and headed for Hagenbaugh, four miles or so the northeast of Urbana, confident that when the train halted they could board it and remove the prisoner and his guards. Another group of men on bicycles went quickly to the depot on Miami Street to await the train when it stopped there, as it always did, to pick up mail.

At about the same time the men saw a wagon heading toward Hagenbaugh and they stopped and stretched a rope across the road so it could not pass. But it contained a family from Lewisburg, not the man they were looking for.

Just after ten o'clock the Panhandle ground to a stop at the depot and the men waiting there for it went immediately on board and began a systematic search of every



car, to be certain the sheriff had not fooled them and headed south, instead, to go on board before the train reached Urbana. They found nothing, and the conductor, questioned as to what he knew about the affair, said he knew nothing and that the train had no instructions to make a special stop just outside town.

The men chose, instead of leaving, to take up positions on the train and to ride with it through town, and as it neared Hagenbaugh, shortly before ten-fifteen, without any signal, it began to slow down and finally ground to a halt. The men inside jumped to the ground and were immediately surrounded by those who had gone directly to the crossing. Finally, after ten minutes, the conductor gave his signal, the squat smokestack on top bellowed forth clouds of white steam, the whistle sounded off into the night, and, chugging up clouds of smoke and cinders from beneath its iron wheels, the PCC and St. Louis Railroad slowly gathered momentum and pulled out toward the east, the trees beside the tracks tossing wildly in the breeze of the smokestack, and within two minutes it was gone, headed toward Woodstock and beyond that to Columbus.

Click Mitchell was still in Urbana, and his last chance to escape that night had vanished with the train. It would be up to the militia now.

At about the same time the Panhandle pulled away from Hagenbaugh toward Columbus, McLain and Leonard had agreed that word must be sent to the governor for more troops, and they worked over the wording for perhaps ten minutes. McLain, unwilling now to leave the jail, and uncertain that he could if he tried, wrote the message on a small piece of paper and handed it to Rawlings—two messages, really.

But Rawlings was the court constable, in the jail now by accident more than anything else, and unhappy about his predicament but afraid to refuse orders. He begged McLain that he not be required to try to deliver the message to the Western Union office in the face of that crowd outside. Kirby, distressed by their failure to remove the prisoner to the safety of the state penitentiary, was at least not afraid of the crowd, many of whose members he knew by name. He volunteered to send the telegraph messages.

Outside, the man at the electric plant had started the dynamo humming and the street lights were burning dimly in the night, which was warm but rather typically an Ohio June—certainly not hot weather, and as the morning approached the air would acquire a chill. The crowd was boisterous, and its members challenged those guarding the jail every single moment now. The men there were almost elbow to elbow along the street, but they had not yet been whipped to frenzy, although several persons were making speeches to anyone who would listen.

The saloons across the street were crowded with people, and the number of horses tethered the depth of Court Street toward both the east and west made it apparent to Kirby that a good number of country people were out there on the streets, trading stories and jokes and waiting for something to happen. He had no difficulty negotiating the block of Main Street to the square, nodding and saying hello to many of the men he knew there on the sidewalks, until he had finally reached the telegraph office at the Weaver House on the square.

There he dispatched his first telegram, addressed to the adjutant general in Columbus, Henry Axline: "Situation serious. Sheriff asks for two more companies.

Colonel Anthony has two companies ready to move when he receives orders from you or the Governor.”

The second telegram was addressed to the governor himself, Asa S. Bushnell, in Massillon far to the north of Urbana: “Situation serious. Sheriff calls for two more companies, companies at Springfield are ready to move if you will order.” Both were signed by George Leonard, Captain, Company D. At ten minutes past eleven o’clock the governor received his message at Massillon. It was, he would say later, the first he learned of possible trouble in Urbana that June day.

At half past eleven o’clock at night on the third of June, Ohio Governor Asa S. Bushnell ordered word sent to the man in charge of the long distance telephone in Massillon to ring up the sheriff of Urbana, Ohio, to talk directly with the governor, and then the paunchy official angrily threw some clothing on and, accompanied by two of his friends, made his way to the telephone office.

In Urbana the Western Union office, through which telegrams were delivered, was located in the Weaver House on the square. The offices of the Central Union Telephone Company were located at 119-1/2 North Main, midway between the square and the court house. The telephone system had been installed in 1884, but there was only one long distance line available. The instruments were used primarily in 1897 to connect the fire station with strategic points in the city as an alarm system. A telephone was located in the chief’s house and in his assistant’s house, and another was located in the main room at the water works building. In order to talk to someone in another town, it was necessary to first telegraph ahead so that the man being called could come to the long distance office.

As the hour began to near midnight, the sheriff left his home through the front door and made his way to the gate, where the crowd was growing noisier and more restless by the moment. Ignoring the taunts of cowardice and the threats against his life, McLain pushed through the unruly men gathered there and walked as quickly as he could down to the corner and then across Court street to the other side of Main. Nearly all the stores were lit inside and were filled with people who had not, as would customarily have been the case, gone home to bed hours before. Moses Stadler and one of his sons was standing near the door of his clothing store near the corner, and although the offices next door were shut, Charles Scherer was inside his Champaign Clothing store talking, and both Harry and Bill Boal were laughing and talking excitedly inside their shoe store next to the telephone office.

The building at 119 North Main, directly across the street from the National Bank of Urbana and the Urbana Publishing Company, housed a number of small rooms and offices upstairs above the Hughes piano store and George Leonard’s jewelry shop. Loudenback Fertilizer was there and two shoemakers had small rooms upstairs. Two other rooms were used for living quarters by Berry Bird and Aaron Dickerson, who worked in the mills in town. The other room was occupied by the telephone company, and John W. Parlett, its manager, was inside waiting for McLain. Also in the office were Ed Bennett, a grain dealer, and Ed Bosworth, who worked in grain, wool and coal. Parlett told McLain that everything was ready and that Bushnell was on the other end of the line,

so McLain stepped into the booth and said, as if nothing in the world exciting were going on, "Good evening, Governor."

The line crackled with static from Massillon as Governor Bushnell asked the sheriff of Champaign County to more fully explain the situation than he had in the earlier telegram.

"There are two thousand men outside the jail now," McLain said, "and it appears that their number is growing every hour."

The governor wanted to know why the prisoner had not been taken out of town. "I tried, but the stables in town are all guarded by armed men and no one would hitch up a horse and carriage for me," McLain replied. "I wanted him on the mail train two hours ago, and sent word for it to stop outside town. But I couldn't get to the station because of the men around the jail."

The governor asked why Leonard had requested more troops and if the local militia had not responded. "Yes sir," said McLain. "But we are only about forty men and we can't keep the crowd away if it makes its mind up to rush the building." Leonard, he explained, had talked to Colonel Anthony in Dayton earlier that evening. "He has two companies standing by and can move them to Urbana if you will order that done."

The governor thought McLain was acting prematurely in asking for more uniformed soldiers. Forty men with weapons should be able to keep off almost any sized crowd, he said. If McLain needed more men, he should put them under oath, pull some of the agitators in off the streets and either deputize them or jail them. "The crowd is not my worst enemy," McLain replied. "But public sentiment is dead against me."

"You have nothing to do with that," the governor retorted. "Protect your prisoner."

McLain hesitated, but how could he argue with the governor of the entire state? "Well governor," he finally sputtered, "We'll do the best we can, and I must get back to the jail. I bid you good night." He hung up the telephone. There would be no additional troops—that much seemed certain. Bushnell undoubtedly remembered the lynch attempt three years before when the state militia had opened fire into a crowd in Washington Court House. He wanted no such incident during his administration, especially with another election not far away.

McLain then walked back the block and a half to the jail, and he wondered, as he pushed his way through the dense throng outside the court house gate if perhaps he had misjudged the situation. Was the governor right? Could his small force coupled with Leonard's soldiers keep the crowd back, overawe them perhaps with the fear of bloodshed? Over on the other side of the street in front of McGraw's restaurant, he could see Charlie Gaumer almost dancing in fury, shouting to a small group of men. George Poland was with him, clapping and yelling encouragement, and a third man, whom McLain did not recognize, was joining in at every opportunity. "Think of your own mothers, then!" Gaumer yelled. "Think of your own mothers!"

Interviewed afterward by the Dayton Journal, Kirby said the mob began to get "pretty wild" around midnight and began to push the guards back and it looked as if it might be time to call the militia into the jail. But, he said, as the crowd crushed in on the

court house grounds there might have been time to move the prisoner. "At this moment a few organized men could have walked through the mob, for they were not prepared for action."

Kirby said he was at one point out "scouting," and he saw a lot "of my fellow citizens and fellows plotting and knew that something was up. Suddenly they all broke up and almost before I knew it they had me surrounded, and I ran up to the third story. After I got up there I surrendered, and when I got back to the street they turned me loose." He then went back to the jail. "Yes, the sheriff was pretty well rattled about that time. When I got back everybody was excited and speeches were being made by a number of people. Among the most incentive was one by C.N. Gaumer, ex-representative and ex-editor of the Mansfield Shield and Manner. Incidentally it may be mentioned that ex-Senator Dan Gaumer of Zanesville, owner of the Signal and present past master started the whole trouble. They are brothers in law of the victim of the brute."

Inside, McLain asked Kirby who the other man was. Kirby told him it was Charles N. Gaumer, the brother-in-law from Mansfield, Ohio, who at one time served as a representative in the Ohio legislature. McLain nodded and then told Kirby the news. They would get no more troops and the governor had suggested they go out into the crowd and deputize some of the ringleaders—jail them if necessary.

Leonard thought perhaps the governor had given McLain a good idea. Perhaps they should deputize the men in the crowd who were the loudest and most obnoxious, and then he could let his men go across the street and drink beer for a while in their place. It would not be a difficult thing to sell to the tired miliamen.

They stood there together watching through the window. But it became apparent, as the illuminated clock in the court house steeple above them turned past the hour and the night dropped into the fourth of June, Friday, that the Gaumers were having some effect on the crowd with their words. More and more often someone would run out of the mass of humanity and toss a firecracker toward the jail building, behind the guards, and that would be followed by a general cheering, and then would come a surge, as those in front of the crowd lunged, or were perhaps simply carried forward, almost into the bayonets the militiamen were pointing toward them, but not quite prepared to challenge that sharp steel, they would fall back a step. Forward two, backward one, and the guards on duty, both in front and in back, began to find themselves slowly moving backward toward the jail. In order to hold their positions they would have had to stab out at the flailing, jeering faces and bodies. "Bring Leonard out here, that goddamned son of a bitch," a voice shouted. "We'll hang him, too," and a roar went up from those in the crowd close enough to hear. Two more steps forward and one back. The game was being played by inches and the crowd was winning.

Minutes later another messenger made his way through the crowd from the rear and managed to fight his way into the court house yard, where he handed one of the soldiers a message. Delivered to the sheriff, it was a telegram from the adjutant general, Henry Axline, who at the moment was staying at the Boody House at Madison and St. Clair Streets in Toledo. McLain was wanted on the long distance telephone again.

Maybe the governor had changed his mind, McLain thought, and he put on his hat and went out the door and down into the yard again on his way to the telephone office. He had passed beyond the line of guardsmen and started out through the gate, when suddenly a rock, hurled from somewhere in the street, slammed into his stomach, doubled him up, and nearly dropped him to the ground. He went to one knee, grunting in pain, and reached for revolver in his pocket, when someone, with a shout, lunged forward and knocked him completely to the ground. For a second, the two men thrashed around on the walk, scraping knees and elbows, and then two more men leaped into the fight and the crowd surged around them, jumping back to avoid being kicked by the flailing bodies on the walk.

McLain might have had his night ended right there, taken prisoner by his own townspeople had not the guards directly behind him shouted and jumped forward towards him. The movement had a sudden effect, and the milling onlookers parted for a moment, and the three men wrestling on the ground scrambled for safety from those bayonets. McLain pushed himself heavily to his feet, clutching his stomach, and lumbered back toward the jail, through the gate and behind the rest of the militia. As he stumbled up the front steps and inside to his chair, the chanting and the screaming grew louder, and two or three stones bounded off the side of the building.

Leonard, hurrying into the room, told his guards to keep back the crowd, but the rescue of the sheriff had cost four or five more feet, and the mob was suddenly inside the iron fence, and men began to fan out down either side of it, surrounding the soldiers. To move them all back into the street, Leonard would have had to summon all forty of his men, which would have left the rear of the jail and a good portion of the alley unprotected and would probably not have worked anyhow. He slammed shut the front door.

McLain, groaning, rocked back and forth in an effort to stem the pain in his midsection. He yelled for Rawlings, who appeared hesitantly in the doorway, and instructed him to go to the telephone office in a hurry and find out what Axline wanted. Perhaps the governor had somehow changed his mind.

Rawlings glanced over at Kirby, but Kirby wasn't having any this time. He told Rawlings not to worry, that those people outside were not interested in him. They were angry at the men in uniform and at the sheriff. Not reassured, Rawlings went out the southeast door and into the alley, then made his way cautiously toward and finally into the screaming men in the yard and beyond into the street. Two or three men shouted obscenities at him, but Kirby had been right. They knew Rawlings out there, and he was not in charge of the jail and carried no weapons. He passed through the men in the street and vanished in a sea of faces and arms.

To the north of the jail where that alley led out toward Main Street, Walter Gifford would say later, it seemed to be a sea of people "entirely filled with persons." And slowly at first and then more rapidly and more often came the stones and bottles, following close upon the curses and hoots and shouts and the sounds of people spitting and the quick dull "snap" as a small firecracker landed behind the guard and popped into the air.

One militiaman, George Ullery, was slashed with a knife across his left wrist, a

cut two inches long which was hardly deep enough to draw blood, but it was certainly a sign of trouble, and he could do no more than draw closer to the men standing guard with him, and thrust his bayonet forward in an impersonal way, knowing that if he pulled the trigger of his rifle he would pay with his life right there. One of those men, Charles Bailey from Woodstock, shouted "I don't want to hurt any of you." He was fighting down the panic that he knew he must resist, and he raised his voice: "I am under orders and have to obey them!" But the crowd came back with taunts and jeers, and yelled at both men to go ahead, shoot.

John Overfield, still behind the jail in the alley, was struck on the foot by a brick, as about 25 people pressed in on him. Strawther was struck on the knee and Castle on the ankle, as if the men out there were testing the troops, not trying to really hurt anybody, and a bottle caromed off Bailey's chest and a stone struck him on the arm as slowly, bayonets pointed outward, the uniformed men found themselves slowly stepping backwards, back toward the perceived safety of that building, as if they did not mean to but could not help themselves.

At one point, soldiers stationed behind the jail near church property charged after one man who was ordered to halt and then asked what he was doing there. He identified himself as Clarence D. Loudenback and replied that he was on private property and had been slightly injured. Loudenback was a groom of only two weeks.

It was past one o'clock before Rawlings was able to make his way back from the telephone office to the jail, and the mood of the men in the crowd around the jail had shifted perceptibly in that period of time. They were tiring of the game and wanted the prisoner now. "Bring him out, you blue-coated son of a bitch," someone had shouted. Another pocket of men had pushed forward into the soldiers ringing the jail, toppling off-balance and bumping into J.H.E. Johnson, one of the militiamen in the rear of the building. The curses and jeers had turned into rocks and bricks.

One man beside Johnson was suddenly struck in the knees with a club, wielded by a brawny, red-faced man, and the pain almost made him drop his rifle as he bent to clutch the injured part of his leg. On the other side of Johnson a soldier was struck in the shoulder with a stone, and as the men on duty tried both to keep the crowd back and to tend to the two injured men, another surge forced them back and two rifles were suddenly yanked from the hands of the men on duty. Five more guardsmen, spread out closer to the jail, rushed forward and recaptured the rifles, driving some of the crowd backward. In this spot alone, Johnson estimated, more than four hundred men were around the guards. Up front closer to Main Street, there were even more.

Again Leonard appeared at the door and tried to order the crowd back into the street, but the boos and hisses and jeers and shouts and threats completely drowned him out, and he was forced merely to cup his hands and shout orders to his men, motioning with his arm where he wanted them positioned. He went back inside after about three minutes and asked McLain to give it a try. It probably would not work, but it was worth the effort.

McLain, still hurting, opened the door and went out onto the porch. "Get the sheriff, boys," a voice hollered out of the night, and another mass cheer went up,

followed by stones and bottles, flying toward the jail building. It was absolutely impossible now to make himself heard over that din and McLain, like Leonard, finally gave up, going back inside and slamming the door shut. Every few moments they could hear, amid the confusion, the husky voice of Charlie Gaumer again—"Isn't there enough men here who have courage to avenge this crime? Take it home to yourselves. Suppose it was your mother!" And then would come another throaty, raucous cheer from the crowd, and following that another surge of pushing, scrambling men toward the guards, who had now retreated backwards more than halfway across the yard. Directly behind them, no more than 20 feet now, was the relative safety of the inside of the jail building.

Strawther, in the alley behind the jail, was struck by a rock again, this time in the stomach, and Bailey was also hit a second time by a stone, tossed by the man with red cheeks and black hair and a booming voice. "Stand back there," Bailey shouted, mad now. "Stand back or I'll stick you," and he swung his rifle in the man's direction. But instead of moving backward this time, the man dodged to one side and swung a brawny fist toward Bailey. The guardsman ducked his head and stabbed outward, sticking the man in the arm with his bayonet, drawing perhaps the first blood of the night. The man shrieked out in pain and anger and jumped back, nearly falling over the feet of the men behind him, rubbing his arm. "I'll get a gun. Somebody get me a gun," he shouted. "I'll shoot you dead you son of a bitch." And another man suddenly rushed in at Bailey from the other side, and Bailey jabbed out twice, drawing blood both times, trying only to be careful not to badly injure anyone. A dead man there in the alley would really turn the crowd loose, he thought. The injured man, cursing, leaped back out of range, tried to spit on Bailey, and finally threw a rock at him, over his head.

Further on down the alley toward Main, the crowd was threatening to gain a foothold straight across from the southeast door, and Harry Howard, another guardsman, was struck in the side with a rock and his first lieutenant, Campbell, trying to rally his men, was staggered when someone tossed a sandbag out of the night and struck him in the chest before he could dodge out of the way.

As Rawlings fought his way back through the crowd around the jail, he could see it was nearly two o'clock in the morning, and he was dead tired and he knew the men in uniform were also dead tired. Up and down Main Street men ran in all directions now, blazing torches held high to cut the darkness. The liquor and beer and ale were beginning to have more effect, as some of the men had been drinking for more than eight straight hours. Another disquieting thought passed through his mind: he did not know a lot of those people. Where had they come from?

But there were familiar faces in the crowd, which had nearly captured three-fourths of the court house yard and a good portion of the alley as he squirmed and pushed his way toward the jail. He recognized Sherman Deaton, the prosecutor, there on the grounds, watching, and he saw the county coroner Warren Hewitt, a physician, also on the grounds watching. Harry Bell, one of Campbell's close friends was standing near the corner of the court house, towards the rear of perhaps two hundred people who had shoved and pushed their way into the alley and beyond toward the back, where still more men were shouting and crying out and taunting the guards.

A number of lawyers he also recognized, including Jesse Lewis. And Harry Williams was there, too, along with Bill and Charley Gumford, Lou Webster, Ray McClure, a worker at the strawboard plant, Sam Michael, and Rawlings' friend Frank McAdams, and Zack Wank, just back from Oklahoma.

Some of the men he knew even though they were from farms outside of town, while others lived and worked in Urbana. Edward Elliott, superintendent of the electric plant was there inside the court house yard, along with Harry Patrick, a grocery clerk; George Hohnstedt, an insurance salesman; Ralph McComb; Sam Reich; Melvin Shattoo, whose brother, Rawlings recalled, was one of the soldiers guarding the jail; a schoolteacher, Granville Deaton; Henry McCracken, also an insurance man; Wes Bowman, from Cable, who had ridden in earlier in the evening to see the fun; Harry Cook, another doctor practicing in Urbana; and the undertaker, Irving Armpriester.

In the weeks to follow this group of individuals would become faceless, nameless, apparently invisible to any who looked on their faces, some moving toward the jail building, others hanging back at the fringes, curious only: Bill Holding, a paper hanger hired as a deputy policeman by the mayor the same day; D.E. Lewis, an insurance peddler; Dennis Graney; Ray Dickerson; John McKeever, also a salesman; the barber Gus Weiser; another doctor, Charley Thompson of North Lewisburg; Sam Reich; another insurance salesman; Will Carey, a clerk at the post office; and Upton Baker, a farmer, married with four children.

Finally, as the clock in the steeple registered a minute or so past two, Rawlings made it to the line of guardsmen and shouldered his way through them and to the porch and inside, where Leonard and McLain and Kirby were standing, grim-faced, watching the mob through the window. Leonard looked at him expectantly.

It was no good, Rawlings told the men there. Axline had said there was nothing he could do if the governor refused to send more men. He would be at the Boody House in Toledo if someone needed to reach him by telephone later.

McLain, upset at the news but not surprised, cursed to himself, while outside, in the jumble of milling, shouting, impatient men, he watched as the guardsmen retreated a few more feet, their backs not far now from the jail building itself. The sound of firecrackers sprinkled the night air, sounding like small arms fire.

Leonard flung open the door and walked out onto the veranda again, over to the southeast side, where he could see just over the heads of his men, almost pressed in against the building itself now. "You are here for an unlawful purpose," he shouted at the top of his voice, momentarily creating a vacuum in the shouting of the crowd, which lurched in his direction to hear. "Disperse and retire to your homes. I will give you three minutes. You have three minutes to clear this yard," he hollered.

And from the crowd the response came swiftly, savagely. "Shoot! Shoot, goddamn you, shoot! That's what we want you to do. We'll shoot to kill, too!" followed by more rocks and bricks until Leonard, hoping somehow that his three minute warning would be heeded, was staggered back on his heels by a rock hurled from the crowd. Out in the street the lawyer, George Poland, was shouting at the crowd, urging the men to attack and get the nigger, and the mob, needing no further encouragement, shoved



forward at the guards, grabbing for the rifles, chanting “Shoot! Shoot! Shoot!” and fought to wrestle the bayonets aside, grab hold of the rifles. A few feet away from Leonard, another guard, Ralph Vermillion, was hit in the shoulder by another rock.

There was suddenly what seemed almost like a pause outside in the street, as a small band of men could be seen shouting and gesturing in excitement, and then the word came rocketing back through the crowd in a huge ripple of news: “She’s dead! Miss Gaumer died! Hang the son of a bitch now, goddamn it!”

The news staggered Leonard almost as much as the rock had. Dead? It couldn’t be! But the news had stirred the mob to even greater frenzy, and the howls and the shrieks from the street intensified, if that were possible, and it began to appear that the soldiers would have to open fire at once to hold what small territory inside the yard they had managed to keep. Leonard leaned over the railing, covering the bruise on his chest with his hand, and shouted at Campbell that he should move the men out of the alley and into the jail building. Then he turned and repeated the order to those in front, signaling them toward the doors because he knew they would not hear him over the roars of the crowd. He then stood aside as the militiamen backed as quickly as possible up the steps onto the porch and eased inside, one by one, until all had retreated into the jail where Kirby had already extinguished most of the lights to afford the men protection from any pistol shots from the outside. Up to this point the soldiers and the milling crowds had largely achieved a standoff. Although there had been stories that the militia would not fire real bullets, no one wanted to be in front to test that theory.

Now, emboldened by the retreat, the crowd surged forward, almost in the soldiers’ wake, pistols brandished toward the dark windows and doors of the jail building, as the last of the guardsmen struggled inside and stood or crouched, weapons pointing toward the outside. Looking outside, they could see, in the dim light of the electric street lights and in the light of torches and lanterns, a milling sea of humanity, faces silhouetted against the lights flickering in the stores across the street. But there was no mass movement to rush the jail—instead there was just confusion as the crowd surged all around every entranceway and window of the building.

Then, from near the entranceway to the court house yard, Upton Baker, a farmer, age 37, who lived on the Herr farm just north of the city, began trotting heavily through the crowd, holding in his hands a heavy sledge hammer he had brought with him in his farm wagon when he came to town. Behind him, close on his heels, were perhaps a dozen other men, shoving and wrestling their way through the crowd—Ray McClure and his brother Alex, George Hohnstedt, McAdams, Henry McCracken, Harry Patrick, Elmer Nagel, Lewis, Marsh Beck and two or three others.

It was half past two in the morning, and as the band of men cut their swath through the crowd, cheers of encouragement and more curses shoved them on toward the southeast corner of the jail, not the front entrance, but just into the alley and toward the three steps leading upward toward the wooden door there.

Baker led the charge, the sledge cradled in his arms, and the two McClure brothers were right beside him. Up the steps he went, then braced one foot on the top step, raised the sledge above his head, and brought it forward with all his strength, down and into the middle of the door, shattering the glass and splintering the wood and forcing the white curtains on the other side to fly up and inward.

As the door buckled with a sharp crack like the sound of a rifle, and as the wood flew into the hallway, George Leonard, some ten feet away toward the front of the building, looked down the hall leading to that door from near the front parlor where he was standing, and as the curtain shot up into the air from the force of that sledge, he yelled, at the top of his 37-year-old voice a single, succinct command: "Fire!"

## Shots Are Fired

Whatever Leonard meant by that command—whether he intended it as a general command to begin firing or whether he meant only that the small band of eight men at the southeast door should shoot—the confusion was too great, the quarters too small and crowded, the darkness too overwhelming, the shrieks and howls of the mob too loud, the sound of that splintering wood too close for men to interpret a tone of voice or to hesitate, for fear their end of the building would not hold.

Baker was wielding that sledge hammer, clumsily pulling it back from the door, and struggling to yank it back up over his shoulder to propel it at the door again. Ray McClure and Alex McClure were almost beside him, each with one foot on the top step, struggling to keep from toppling sideways off the approach and down into the alley, while Henry McCracken, Harry Patrick, Elmer Lewis, Marsh Beck, Randy McAdams and Elmer Nagle were also crowded, jammed around the steps, waiting for that door to be crunched aside, confident there would be no bullets flying when and if the rifles inside began to flash in the darkness.

Hundreds of others, as many as could worm their way there, had jammed inside the iron fence and were shoulder to shoulder around the jail and the sheriff's home, ten and 15 deep, all around the court house, straining to see the first party of men surge inside when the door would give way.

Leonard himself, terrified by what had just happened to him and by what would now most certainly take place, later described his feelings in those awful seconds after the last of his men had backed inside that building: "A rush was made to the south door followed by blows upon the door with some heavy instrument. A second blow was struck which smashed the door in. At this time I heard pistol shots from the mob and breaking glass and frightful howling noises. I then said 'Fire!'"

Walter Gifford, one of those militiamen crouching inside that southeast hallway leading from the east side of the sheriff's home to the west end of the jail behind the building, also described the scene as the curtain flew upward and inward from the force of Upton Baker's sledge hammer, as if blown up by some gigantic wind: "We were in total darkness with the exception of one gas jet in the room next to the hall leading to the south entrance."

John Overfield saw the glass in the door splinter into the hallway in the dim light of torches outside—felt, rather than saw it, perhaps, and he heard four or five pistol shots fired outside without knowing where—or if—they had struck a target. He dropped to the floor and rolled into a nearby room to his left, afraid of being in the line of fire from both inside and out. Behind him, crouching in the darkness, were Gifford, Ayres, Charles Bailey, J.H.E. (Eldon) Johnson, Don Filson, Don Burkett and Royal Castle. Gifford would later describe what happened next: "About ten seconds after the first dash against the door, someone from outside struck the glass portion of the door with a club or stick or other things, breaking through. Within a very few moments after, a rifle shot was fired from inside which was answered by many pistol shots from outside, but none seeming to take effect. Then from inside, a volley was fired from perhaps four other soldiers through

the door, and each man seemed to continue rapid firing until I heard the captain command 'cease firing,' which I repeated, running towards the front of the building, as there were still scatter-shots from the front."

Bailey, hearing the command to fire, dropped his gun a little below the level of his shoulder and aimed to shoot below the glass, hoping merely to hit the legs and feet of those outside. But they were coming upwards, as well as forward, up those steps. Johnson said later he never heard the command to fire but he did so because men on either side of him had cut loose with their rifles, and further on down the hall, towards Main Street, other guards had opened fire through the windows toward the crowd, some aiming toward what they believed to be the ground, and others pointing their weapons over the heads of those scattered about the court house yard.

Ralph Ayres said later that he and the other guards had "begged the crowd to go back and then one of the crowd shot, and the ball went past my head and then the order was given on the inside to fire and one rifle was shot." He and his first sergeant immediately "forced our way from the steps to the front of the jail and had not got quite to the steps when other shots were fired through the door. I was ahead and I started to get on the steps; when I heard the last shots fired, some one remarked in the crowd 'Go on boys—they are using blank cartridges.' I stepped on the porch and one of the non-commissioned officers said we have had orders to fire." How did Ayres respond to the order? "I stuck my gun over the banister and fired into the ground. I walked inside the house and threw the shell from the gun and threw the cam latch down and put my gun safety notch and the first lieutenant gave orders to cease firing, which was done. I went and leaned against the stairway by Sheriff McLain's side, and in about two minutes walked in the corridor and up the stairs."

J.H.E. Johnson, stationed at the end of the rear hall in the door to the kitchen, later swore the mob fired first. The kitchen door was open, he testified, and "I saw them shooting in the alley and they said they would shoot again as quick as lightning." He admitted firing twice although he said he did not hear Leonard give the command to do so.

Burkett fired as well, perhaps three to four times, and Castle also pulled the trigger on his Springfield rifle from that dark hallway toward the smashed door. He later claimed he fired only once and aimed very high, over the court house portico, probably through the window. John Cooper fired through the hall door as well, above the cross piece. Bill Strawther, age 26, normally a hostler, colored, was armed although he was only the company cook. He was on his way from the kitchen to the northeast room downstairs when the shooting began. He did not shoot. "I was too scared to go to the window."

Overfield, still clutching at the floor to the side of those who had opened fire in the hallway, did not shoot. "I expected to get killed or seriously injured," he would understate later. John Cooper, normally a farmer who lived at Hagenbuch, was stationed in the hallway by the kitchen door in full view of that southeast door on which the assault was being made. He fired twice through the door above the crosspiece with his rifle, he would later testify. Very likely it was his bullet which killed Upton Baker.

The other militiamen and deputies were scattered in small knots throughout the building. McLain, feeling the darkness close in around him as that front door slammed shut and the last of the guards retreated inside, tried to push his way into the southeast corridor to be certain the door there would be guarded. He could not get through, but he made out the forms of militiamen crouched there, rifles pointing toward the door for that few seconds before the assault began. He halted near the stairway. Leonard was about two feet away when he gave the order to fire. Rawlings, the constable, was nearby and so were Campbell, the first lieutenant, and Daniel Hicks Gifford. Other soldiers were toward the front of the building, guarding the front entrance and windows, while still others were stationed toward the north side to secure it from the expected assault.

Jennings, the soldier who had confidently predicted that real bullets would not be used, was in the front room, in the sheriff's wardrobe, clutching his head in the darkness, when the first shots rang out, perhaps four of them, followed by a brief pause inside, and then a continual, sustained volley, as those men who had not heard Leonard's order heard and saw the first shots and themselves began to fire.

Baker, wielding that heavy, clumsy sledge, was hit immediately, as one bullet slammed into his left shoulder, spinning him around, while the second, fatal bullet ripped into his chest less than an inch from his right nipple and lodged in his body. He dropped on the spot and began to slide, on his back, down the steps headfirst; his feet pointed awkwardly upward towards the now bullet-splintered door, while his head bounced off the steps and came to rest on the alley, tilted at right angles from his shoulder. The sledge dropped off to one side.

Ray McClure, standing almost beside Baker, was struck in the right arm between the elbow and shoulder, numbing it. He tried to jump sideways, stricken simultaneously with surprise and panic, but he tripped over Baker's limp arm and fell over the railing, as the rifle slugs popped through the window door and screamed off into the night.

Harry Bell, the 22-year-old Sunday School classmate and friend of Romeo Campbell, who worked with Campbell at White-Valentine's broom factory, was standing across that 25-foot alley, away from the jail, his back nearly pressed against the outer wall of the court house, when a bullet slammed into the middle of his forehead, tearing away the right part of his skull and most of the flesh, and spattering his brains across a section of the building. His body fell across a watering trough.

Wesley Bowman, the young farmer from Cable, Ohio, standing not far from Bell, was struck in the pelvis. The impact both staggered him backward and doubled him over with pain, and he fell beside the savagely bleeding Bell. Ralph McComb, watching from not far away, was hit in the arm as he tried to find shelter, and near him, Zack (John) Wank was struck in the left hip and fell to the ground. As he attempted to push himself up and hunker over toward the court house steps behind him out of the direct line of fire, another bullet sliced into his right leg and bounced off the concrete behind him.

He would later claim a soldier took deliberate aim at him as he lay across the steps trying to stop the blood flowing from his first wound.

John McKeever, a salesman, age 45, standing at the northeast corner of the court house steps not far from Bowman, was hit in the arm, and as he spun or ducked around for cover, a second bullet glanced off the monkey wrench he was carrying in his hip pocket, leaving a painful bruise. Ray Dickerson was hit in the shoulder. A half-block away, Dennis Graney, a part-time city employee, standing in front of Hitt's Cigar Store at 126 North Main, suddenly felt excruciating pain in his leg and bent over, falling to the sidewalk. A bullet had torn into his flesh just above the ankle.

Others were also wounded, some narrowly missing death, as rifle balls whined past them, nicking parts of bodies or ricocheting off the concrete or the court house wall. Dr. Charles Thompson, in town from his home in North Lewisburg, was among that crowd inside the fence, and a bullet narrowly missed him, brushing his forehead and prompting him to drop to the ground, bleeding. Edward Elliott, superintendent of the light company, was also in that crowd and received a nasty cut on the chin. The county prosecuting attorney, Sherman S. Deaton, another onlooker, felt a bullet, possibly spent, strike him in the leg, glancing off the keys he always carried in his pocket. He received only a bruise. Gus Weiser, a barber, also received a face wound, not serious.

Across the street at Kimball's Restaurant, Truman Gest, a farmer and cattle dealer, was watching through the front window when a bullet shattered it, spraying him with slivers of glass and embedding itself in the far wall. He began to bleed from his scratches.

One volley meant 30 bullets, and although George Leonard commanded "cease firing" almost immediately after the first shots were fired, his voice was drowned out in the noise and confusion of the rifle shots inside and of the yells and screams from outside. And suddenly the men in the court house yard sensed that real bullets were flying everywhere and broke for cover. Two more half-hearted volleys followed on top of the first, bullets pouring through the windows and doorways before that "cease firing" order, repeated over and over by Campbell and Gifford and McLain himself, could be heard throughout the darkness of that county jail amid the noise, the confusion, the smoke and the smell of gunpowder.

For a brief moment or two, the two thousand people outside were still capable of believing that the men of Company D were firing blanks, but as men began falling to the ground a general panic set in. Dr. Thompson, his head bleeding, dropped into the gutter to escape further injury. Dr. Warren Hewitt, the county coroner from North Lewisburg, dropped there beside him, hands covering his head. They squirmed toward the culvert near the water fountain, but a third doctor, Tom Henderson, the Gaumer family physician, was already there.

Bill Holding, a 43-year-old paperhanger, pressed into service as an extra policeman by the city for two days at two dollars per day, felt two bullets zip past his head as he stood out front, to the east of the court house, near the iron fence. He turned and ran across the alley to the north as a third bullet spewed up dirt at his feet.

Those within the direct line of fire in the court house yard and those jammed together outside the iron railing and scattered along North Main Street, turned and surged

east, down Court Street, and ducked into the few stores still open due to the excitement in town that night. Others fired back at the court house with pistols, and lobbed firecrackers at the jail, but no damage resulted. The shrieks and howls of those shouting for the prisoner's neck but seconds before, had turned to screams of outrage and of fear, and if the jail was, for the moment, secure from attack, the size of the crowds outside had not diminished—only shifted slightly to be out of the line of fire.

Those closest to the southeast door, except for Upton Baker, dying on the alley, and Ray McClure, lying beside him bleeding from his shoulder wound, were untouched by death or injury: Melvin Shattoo, the horseshoer, whose brother was inside guarding the jail; John Brennan, a clothing store clerk and member of the city council; George Hohnstedt, an insurance salesman; W.H. Miller; Elmer Lewis.

Dr. Harry Cook, 24 years old, standing to the west of the steps, heard the rifles crack and said later "I then dug out." Bill Wear, the new postmaster, was standing three blocks away, on the other side of Monument Square not far from the city building, when he heard that first shot, which he felt certain, he would say later, "is from a Springfield rifle." Dr. Harry Pierce was there with him, and bullets from what they took to be the second volley passed within a few feet of them at that intersection near Market and South Main Streets.

Bill Colwell, age 45, another city policeman on duty that night, was at Humphreys funeral place, just north of the jail when the shooting began. He ran back toward the court house and later said he saw three men, whom he believed to be members of Company D, come out of the court house yard near the iron gate leading to the street, and fire at least six times south toward the monument. Someone from the crowd grabbed him by the arm and asked him to take charge of the body lying over there by the court house. It was Harry Bell's body. Irving Armpriester, an undertaker looking on from the north end of the court house veranda when the shooting began, also saw men he believed to be guardsmen leave the yard and shoot toward the square. He went into the yard to assist Colwell with Harry Bell's body.

McLain, standing inside the residence not far from Leonard and Walter Gifford, muttered "My God, this is awful!" He rushed toward the front of the building, screaming out Leonard's command to halt the firing. As the noise of the rifles tapered away to irregular bursts of fire and then stopped, he could hear the shouts and screams and occasionally a revolver shot from outside, and he asked if any one knew of anybody outside being injured. Harry Kirby answered from the front window upstairs: two bodies have been carried away. It was Wank and Baker that he saw.

As the shooting subsided, Alex McClure crawled over to Baker, who was moaning and still lying at that grotesque angle, his legs pointing toward the southeast door. Harry Patrick crawled over with him, and they asked the man's name. "Higgins," Baker gasped. McClure waved for help and two or three other men, including Harry Patrick, moved cautiously in beside him, and together they carried Baker across Main and into McGraw's restaurant, where they laid him on the wooden floor beside Wank, who was badly wounded and crying for help.

It had happened in less than two minutes, and it had left two men immediately dead, two others, Wank and Bowman, seriously injured, and five others nursing wounds

of one kind of another. Bowman was taken down to Scioto Street and carried to a room in the Sowles Hotel, while someone tried to send word to his family in Cable. Dickerson, who lived six miles east of town, was taken to Tom Henderson's office across from the hotel so he could be treated. The downtown streets, dimly lit by the feeble white balls atop the electric poles, were a mass of confusion, with men running in every direction.

John Brennan, a clothing store clerk, saw the crowd surge toward Main Street, away from the firing and turn east on Court Street, and he flowed with them. When the shooting stopped, he made his way back to Main and saw two men carried inside McGraw's. He went inside, where Baker, dead, was lying on the floor beside Wank, who was crying for help.

Inside the jail, as the shooting stopped, the soldiers drew quiet. Subdued, most were more frightened than ever at what they had done, as it began to sink in that they had killed two or three of those in the crowd, and that they were still right where they were—inside the jail guarding their prisoner. They could hear the commotion outside, and from the darkness inside they could see the confusion in the light of the street lights and torches and a few gas lights in the buildings across the street. And they could hear the curses and the screams of hatred, which began now to bounce off the jail building as the disjointed crowd began quickly to come back together into a mob. There were no threats now to get Click Mitchell. Rather, the men out there were threatening to blow up the jail and everyone inside.

Kirby managed to leave the jail and slip south to the square, where he sent the following telegram dated 2:45 a.m.: "Mob attacked jail. Opened fire on them, killed three. My force inadequate. Send me assistance." The telegram, which would go to the governor, was signed by the sheriff, Louis B. McLain.

From inside the jail, Leonard sent a small force of men back to the southeast door to try to make it secure from attack and ordered the guards outside onto the grounds and told them not to allow anyone back into the small square containing the jail. The throngs of men would not leave the street, however, as if undecided as to what course they must pursue next, but as the minutes passed toward dawn, several approached the soldiers there, brandishing sticks of dynamite. As Walter Gifford would testify later: "From that time until daylight, every man was watchful because of threats from the mob."

The troops were all exhausted. They had been without sleep or rest, most of them, for 36 straight hours, and it would be another three hours until daylight. It would be a very long three hours.

Rawlings, only 26 years old but older, at that, than most of the soldiers still guarding the jail, went to the rear of the building, climbed out a window and ran home.

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Shortly after three o'clock in the morning, a telegram was received at the jail signed by Colonel Charles Anthony, in Dayton, commander of the Third Regiment of the Ohio National Guard, informing McLain that he was sending Company A to Urbana to help Captain Leonard's men guard the county jail. McLain and Leonard went to the verge of hysteria. Company A was composed, Leonard said, of colored troops.



McLain immediately ordered Kirby to the telephone office on North Main Street to place a long distance call to Colonel Anthony begging him, whatever he did, not to send a colored unit into Urbana. Anthony replied that “he would take care of that part of it.”

The governor would later be blamed for ordering colored troops to Urbana, a charge he vehemently denied. “I ordered no colored troops to Urbana,” he told the world. “I acted as promptly as it was possible for anyone to do after I received his (the sheriff’s) request for assistance.” He had, in fact, sent the following telegram to Captain William H. Bradbury in Springfield who, like Captain Leonard, commanded a company under Colonel Anthony’s jurisdiction: “Report with your company as soon as possible for service in repelling mob.” Captain Bradbury was in charge of Company B, white men.

The governor also sent a telegram to McLain, informing him that additional troops were on their way. In Springfield, 15 miles to the south, Bradbury began to assemble the 36 men of Company B at the railway depot to board the train for Urbana as soon as possible.

Shortly before four o’clock that morning, more than an hour after the shootings, a familiar figure around the court house appeared from the semi-darkness outside and made his way past the militiamen and walked up onto the veranda outside the sheriff’s residence. It was Jesse M. Lewis, age 38, a lawyer and a familiar figure to almost everyone in Urbana. He leaned inside the window where McLain was now sitting down and suggested a conference about the situation. After hesitating for a moment, McLain invited Lewis inside to talk. Lewis responded: “I will get some of your friends and come in...I think you need them now.”

He returned a few moments later from Main Street and, with four other persons, passed through the guard line again, walked up onto the veranda and went inside. The other four men were Duncan McDonald, Colonel Henry Williams, Byron Hawley and the county prosecutor, Sherman Deaton, still feeling that bruise on his leg from his brush with death 90 minutes before.

Hawley was a well-known livestock judge, 41 years old, who raised Shorthorn and Rolled Angus cattle, Norman horses and Poland China Hogs. He operated Pleasant Run Farm two miles south of Urbana and was, like the other men, a force in the town’s Republican politics.

McDonald, 52 years old, was a prosperous farmer as well, and was co-owner of the Houtz and McDonald grocery store on the square. A veteran of the Civil War, he had twice been elected treasurer of Champaign County.

Williams, age 46, was a former printer, grocer and fire chief in Urbana who had been appointed postmaster for Urbana in 1890 by President Harrison. Earlier in the year he had also been promoted to chief postal inspector for the post office district which included his home town.

But despite the presence of 32-year-old prosecutor Deaton, it was Lewis who commanded most of the attention and led the conversation in the direction it would take. The only Democrat among the five, at 38 years old, he had missed by very few votes

being elected state attorney general eight years before. He had been a member of the bar since 1883, and he had learned the practice of law from George Eichelberger.

McLain would later say that Lewis had tears in his eyes as the men sat down to talk “and begged me and entreated and finally threatened me that unless I would assure him that there would be no more shooting that I would be hanged by the mob. He assured me that they had dynamite and were prepared to blow up the jail.”

McLain had already gone to the jail to check on the prisoners there and had found Click Mitchell sitting on his bed, visibly shaken from the events of the past few hours, while the other five prisoners were no less uneasy. McLain had hoped to be able, during the confusion immediately after the guards had ceased firing, to get Mitchell away from town, somehow, get him out of that jail and away from Urbana. But the stables were still under heavy guard and the crowd, intimidated at first by the sight of the dead and wounded being carried away, had quickly rallied and surrounded the jail and court house, again blocking any chance of exit.

For two hours, through the darkest portion of the night and into the early morning hours, Williams, Hawley, McDonald, Deaton and Lewis sat there with McLain, at turns trying to reason with him, compel him with their logic, frighten him with the again increasing sound of the crowd outside: dynamite had been procured and the mob will blow up the jail; a party of men had gone to the water works for the cannon there and would return with it and blow the side of the building away; more men than just the prisoner would be hanged if those men can get inside the jail; no force on God’s earth could prevent Mitchell from being hung. They asked the sheriff—told the sheriff—that the men of Company D must agree to stack their arms and stop threatening the civilians outside. “We did not represent any people of the crowd or mob,” Jesse Lewis would say later, “but were then his friends. No one of us interfered with him, threatened or abused him.”

Warren Long, the deputy to whom McLain had entrusted the keys to the jail door while he made his earlier attempt to reach the telephone office, handed the keys back to the sheriff around this time. McLain placed them in a closet, in one of his wife’s shoes. He then sent word for the judge Clarence Benjamin Heiserman, to come to the jail. The judge failed, in those early morning hours, to respond at all.

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As the night wore down toward dawn, during those soft hours between four and six o’clock, the crowd, reinforced by people who were not present during those fatal minutes around 2:30, began once again to grow in size, congregating outside the jail and talking and muttering and questioning and recounting the events which took place.

One militiaman, Jennings, sent a friend up to the armory for his civilian clothes, and around 5 a.m. he changed and left the jail.

At 35 minutes past six, as Joshua Kinna dressed and came from his home on Scioto Street to the jail, Captain William Bradbury and his 36 men were boarding the

train in Springfield for the short journey north to Urbana. Louis McLain was notified by telegram ten minutes later.

Deputy Harry Kirby met Kinna in front of the jail, where Kinna suggested that Kirby try to move the crowd away from the jail. Kirby looked around uncertainly. He had been there all night, had seen what happened at 2:30, while Kinna, who took Click Mitchell's father to the workhouse in Dayton by train yesterday had been asleep. So Kinna walked up on the steps and told the crowd to move away, and most of them fell back a few steps. Kinna then walked over to the southeast jail steps, where blood and brains and bullet fragments and pieces of clothing littered the alley and the court house wall and the steps themselves, and he told the people there to go away, and they moved backward, as well.

A few moments later Charles Ganson, the mayor, 60 years old with white hair and a white beard, left his home on West Reynolds Street and walked uptown, remarking to himself how quiet things appeared to be. Several people met him on the street and told him that "a number of citizens had been killed and wounded up there by the militia." As he walked past the city building toward the square, he met Kinna, who said to him: "Come to the jail. They will blow it up. There have been a lot of people killed and wounded there by the militia." He told Ganson that he had dispersed the crowd but that many angry ones were still on the street.

At around seven o'clock Ganson and Kinna walked together to the jail and through the crowds of people and into the jail and up the stairs to the second floor, where they found McLain "prostrated on a bed, and the militia is all upstairs, frightened."

The enormity of what had happened by now became clear to Ganson. Two men were dead and two more might die, he was told, while several others were nursing wounds received when the Urbana guardsmen opened fire on their own people to prevent the lynching of someone who deserved it anyhow. McLain would say later that Ganson now ordered him to remove the troops because there was no longer any danger of a lynching; and that if there were "there must not be any more of our people killed."

When McLain refused, perhaps knowing he could not do such a thing, Ganson, he testified later, turned to the guards and told them they must not shoot any more. "Boys," Cushman heard him tell the troops there, "I came here not to give you orders nor to give your officers orders. But for God's sake spare us your shooting. You are liable to kill me or some of your own friends or your relatives. Don't shoot any more if it can possibly be helped."

Would it have been prudent for the militia to attempt to defend the jail, now that daylight had set in, Daniel Hicks Gifford was asked later. "No, I do not think it would," he replied. And Charles Ganson then went outside to the jail and stopped on the porch to talk to the crowd, which had again pressed in tightly around the building, and he cautioned them, he testified later, against violence. He estimated the crowd at that point at around 3,500 people, and it was almost impossible to walk on North Main Street.

Ganson said later he never attempted to claim authority from Louis McLain or from anyone else. "It is hard to tell what is best, but I would shed no more innocent

blood. You have done your duty and more. I will do anything I can to preserve the peace, but not at the cost of the lives of our people at this late hour,” he said later, at the coroner’s inquest.

With McLain and the militia inside the jail now were Ganson, McDonald, Lewis and Hawley and perhaps Deaton, when suddenly there was a loud commotion from downstairs and outside, a horrible, shouting and cursing, and the crowd outside that building seemed to have been ignited. Captain William Bradbury, age 34, had arrived by train at the Erie depot on Miami Street and had marched his men in formation through the town and up the alley beside the county jail, that very same alley that was blocked the night before when Click Mitchell could not be taken to Columbus. And Ganson ran downstairs to the outer door just in time to see the Springfield militiamen turn into the alley north of the jail yard.

### **7:30 a.m. June 4, 1897--Bradbury's men arrive**

What took place in the next few minutes--between 7:30 and 8 o'clock in the morning-- would be the topic of conflicting testimony and by lawsuits which would rise from the dust of that court house alley and spread across Ohio in the weeks to come.

Captain William Bradbury and the 36 men from Company B of the Springfield militia—the Champion City Guard—traveled the 12 miles to Urbana on a train consisting only of an engine and two coaches. Several reporters were aboard as well, and the train halted well short of Urbana's Erie depot, stopping instead, near Urbana University shortly after seven o'clock that morning. Bradbury, who was 34 years old and worked as a machinist in Springfield, had orders from Colonel Charles Anthony in Dayton, which were clear, if not too specific. He was to assist Sheriff Louis B. McLain in defending a prisoner against a mob that had gathered around the court house and jail in Urbana and who were incensed because several of their own had been shot down by the local militia company just hours before.

Bradbury marched his men in close formation from the tracks past the waterworks and down Miami Street in sight of Ganson's livery, then up Walnut to the alley which intersected the court house and jail, the same alley which had refused to yield up the sheriff and his prisoner a few hours earlier. A large crowd was present and everyone, Bradbury would later testify, was yelling at the soldiers under his command to go back. "Don't go in there," one man shouted, and the crowd took up the chant, and Bradbury and his men found themselves suddenly in a very tight place as they tried to make their way through the narrow alley leading to the back end, the west end of the jail and toward the south side door where blood and brains and spent cartridges still littered the ground.

Ganson himself said later that the crowd went absolutely wild at this point, and as the mayor walked outside the jail, dozens of people were there begging him to "send them away to save the lives of the people." He stepped back to the foot of the stairs and yelled upstairs to McLain that "the company ought not to stop here. The people are so incensed that there will be further bloodshed."

Leonard, his men exhausted by 44 consecutive hours of duty and strain and lack of sleep, had intended all along, he would say later, to move his company upstairs into the sheriff's residence and to allow Captain Bradbury's men from Company B to occupy the downstairs room, and hearing that the Springfield reinforcement had arrived, he at this point ordered his men to move to the upstairs bedroom, in single file, not quite wanting to remove them all until the new soldiers had taken their positions, but too tired, at that point, to wait any longer.

Bradbury himself, the closest thing to a neutral participant in what would follow in the next few minutes, held his men under tight control. He would, in fact, be praised in the days to follow for the way his men now acted, even by the Champaign Democrat. Romeo Campbell would claim later that Company B was stoned as it arrived, but the new soldiers turned into the alley and halted on an even line with the jail, where Bradbury ordered his men "about face," and they turned as a unit toward their rear and charged bayonets, an act which had the effect of both temporarily intimidating the huge crowd,

but at the same time driving it to even greater frenzy, especially among those men who were now hard on top of the soldiers and who still vividly remembered six hours before, when the local company used its bayonets to hold them off.

For whatever doubt there might have been earlier about loaded rifles and soldiers shooting over the heads of the crowd, there could be no doubt now, none whatsoever, that these men, who did not live in Urbana and would not have to try to keep their businesses open after the incident had ended—there was no doubt that these soldiers would, indeed, shoot right into that crowd if they were so ordered.

Bradbury, his men somewhat edgily facing the crowd with steel bayonets at the ready, walked up the stair and into the jail, accompanied by three of his men, and immediately was confronted by “a man with a white beard and large, and I think grey, hair (who) exclaimed from across the room and hall ‘For God’s sake tell them to go back; they are not wanted here!’” and another man, who would later be identified as the lawyer Jesse Lewis, who identified himself to Bradbury as a deputy sheriff, who said “Go home; you are not wanted here.”

Another newspaper reported the conversation went like this:

Lewis: “We don’t want you now.”

Bradbury: “Who are you?”

Lewis: “Deputy sheriff. There is the sheriff.” He pointed at Ganson, who also told Bradbury to leave.

Later, Ganson claimed he now stepped back into the back end of the jail and from the foot of the stairs said to the local guards, now clustered on the second floor, “If I was you I would shed no more innocent blood if possible to do without it,” and many of the guards, who had not been happy guarding this particular prisoner anyhow, clapped their hands and said “We won’t mayor.” And Ganson then said (according to testimony he would give later) “Boys, I did not mean to talk to you. You are under orders from the captain and sheriff and must do as they say. I mean to advise your superiors.” And he walked outside, where a man close by then yelled “Tell them they won’t shoot,” and the mayor, who had not been present at half past two, replied “I won’t do it because I know they will if you attempt to break in the jail.”

According to McLain, however, as Bradbury entered the room and was told by Ganson to leave, Bradbury replied: “I was ordered to report to the sheriff. I take no orders from anybody but him.” But Lewis the lawyer would later testify “I opened the kitchen door and met Bradbury, who was entering, and says here is the sheriff, McLain, and he and McLain talked in my presence about the situation. McLain told him he had better move away a square until he decided what to do, something was said about their breakfast and McLain asked me to attend to that and get them away.”

“Under the sheriff’s orders,” deputy Kirby later testified, “the mayor, Ganson, ordered them to return to their cars and if needed they would be called. [I] then went out on the front porch with the mayor where he made (a) speech and partially succeeded in quieting [the crowd].”

Ganson then turned to the sheriff again: “The Company ought not to stop here.

The people are so incensed that there will be further bloodshed.” And McLain, Ganson would later say, replied “All right—send them away.”

And what did McLain actually say? The crowd was right behind him, smothering the alley, the court house yard, the steps, and even the hall and some of the lower rooms inside now, saying “God damn you McLain; you tell that captain to move on or we will hang you.” And McLain would say later, “I realized then that I was in the hands of the mob and that the captain had no power to prevent my capture....” Indeed, Bradbury, asked later of his chances to hold off that many men, said “If an attempt had been made, a great many lives would have been lost.”

McLain, by his own admission:” Captain, you had better move on.”

“Is that your orders?” McLain nodded his head, and Bradbury turned and marched out with his three men as quickly as possible. McLain would later say he followed him out the door, “and when I got to where he was I called to him. He came back and I said to him, ‘Captain, I lied to you in the house. I want you here and want you bad. Can you handle this mob?’”

And Bradbury answered, according to McLain, “I couldn’t handle this mob with less than 500 troops.”

“Then go on up the street,” McLain said, resigned to the situation.

Afterwards, interviewed by the Dayton Journal, McLain said he was upstairs, resting, when the Springfield militia arrived. He went down to let the troops in, leaving Leonard on the court house side of the jail with his company on guard and went to the other side of the living part of the house that runs along the alley. The house is so arranged that this left a number of doors between McLain and Leonard, but the sheriff said he understood that Bradbury’s men were marching up to the front door.

At this point, Leonard moved his men upstairs, leaving the doors and windows unguarded, and the mob saw this and jumped into the jail and seized McLain, the sheriff told the Journal “and told him they were going to hang him if he resisted any longer, and there were a number of shouts to kill him anyway.”

McLain: “I saw the jig was up, and it was my neck or the nigger’s, and probably both. Even if I had resisted and the nigger was saved, my neck was gone, and I cared a good deal about my neck about that time. The Springfield company could not get to me in time and the boys upstairs, even if they had driven the mob out could not have freed me. The mob would have taken me along with it as it retired and hung me to the first tree. If the guard had not been removed I would have held on to the prisoner, gotten the Springfield troops inside and we would probably not have had to give up.”

Leonard, upstairs, heard “a voice introducing someone as the sheriff.” But Bradbury had not been instructed to report to Leonard, captain of Company D, and Bradbury did not do so. “And I did not know he had returned to his car,” Leonard later testified, “until I was told that he had probably gone the one and a half or two squares from the jail, as I was busy with my own exhausted men.”

Jesse Lewis, who had been watching the events inside along with Duncan McDonald and Byron Hawley, now went outside and showed Bradbury’s men “a route down the alley to the Erie Depot restaurant.” And Bradbury’s men then queued up and

marched, still in tight formation but breathing a bit easier now, up the alley and toward the depot, where they planned to eat breakfast before reboarding their train and heading south again toward Springfield.

“All I know about the deputy sheriff business,” Lewis would say later, “is that several parties in the rear asked me if I was deputy sheriff and I said I was for the present or anything else to save a clash between the crowd and troops and prevent further bloodshed. I was in fact acting for L.H. McLain at his request at that moment and was there to do anything in my power that he requested. I represented no one from outside.”

Bradbury’s men had now vanished from the scene and Company D was upstairs, where its members had stacked arms at Leonard’s orders. There, Campbell testified later, the men heard the mayor ordering the mob away and talking to Company B, but he was not aware that the company from Springfield had been ordered back to its train. Leonard at some point told him to “bring all the men upstairs, and be in readiness for immediate action. The men had hardly gotten up stairs when we heard an assault being made upon the south entrance. Then we knew that we had been trapped and that Company B had been ordered away.”

But Leonard had done more than order those men upstairs to stand in readiness for immediate action. He had also issued instructions, Campbell said, “that not a shot was to be fired and to conceal themselves and let the mob takes its course.”

Harry Kirby: “The mayor talked to the crowd awhile but they had been assured there would be no more shooting. We could not restrain the crowd.” And at this point, Ganson “turned to me and said, ‘Come on Harry, we will go down the street.’ We walked out the front gate of the jail yard—crossed the street and went to the square—separated. He went toward his office. I went home.”

And that was all there was to the Click Mitchell story, for as Kirby and Ganson reached Stone Brothers Hardware at 107 North Main, they heard a crash, and Harry said “They are breaking in the jail.”

And they were, for as Campbell described it later, that big wooden door was broken in again and “next we heard...heavy pounding on the big iron door...” leading into the cell block. “In a few moments two men unknown to me came to the room where we were quartered and demanded the keys to the jail which he (McLain) gave up without exchange of words.” Campbell would acknowledge later that he was mistaken on this point.

Besides the double outer cell room doors, which were heavily bolted, an inner door was locked by a lever which also locked all the separate doors to each cell. According to the Commercial-Tribune report published later, the mob was trying to break through the doors when a bunch of keys was dropped from the upper hall of the jail. Hawley said the arm which dropped them was encased in a military sleeve. “When the mob finally made the rush on the jail an official of the county pleaded with the sheriff to deliver up the keys. He deplored the loss of life and did not want to see the county property destroyed.”

It seemed, said Leonard “but a moment till I was told the mob had the prisoner and I saw them dragging him across the yard.”



The Globe, published in Utica, New York, described the scene this way: "Brawny arms gripped him. He fought like a wildcat. He bit his captors viciously; he clawed, kicked, and fought every inch of the way. A rope, long ago provided, was produced and the loop in it was soon about his neck and a dozen men jerked him along. The negro kept his fingers between the rope and his throat, but strangely enough he made no appeals for mercy." In being yanked down those steps at the southeast door, the rope slipped off, and Mitchell went down, kicked and stomped and hammered with fists and whatever else men could find to strike him with.

George Waite, the lawyer, was watching from a fence at the southeast corner of the court house, not far from that maple tree, where the rope was tossed over a sturdy branch, 15 to 20 feet from the ground, and Mitchell, hanging by the neck, was drawn up "by a great number of persons holding the rope." He was continuously drawn up and down, and each time he went up, his head and face struck the limb and a loud cheer was shouted forth from voices in the crowd. As the Urbana Citizen and Gazette said in its next edition that same day: "Not a dissenting voice to the action taken by the populace in thus disposing of this inhuman monster was to be heard even from public teachers, Sunday school superintendents and the clergy."

In the jail from which Mitchell had just been liberated, four other prisoners, all serving time for minor offenses and for assault, had fled: Robert Scott, Ben Coloshaw, Ed Ullery and Charles Lucas. The Democrat would later report that when the mob broke into the jail Scott, also a negro, yelled out "For de lawd's sake, don't make no mistake and take de wrong nigger." Z.T. Lewis, who would die within three years anyhow and who was charged with forgery, watched from the second floor of the jail, along with the guardsmen and their captain, George Leonard. It was over within 20 minutes, by eight o'clock that morning.

Ganson and Kirby, hearing the shouts and the cheers and the commotion from that huge crowd of more than 2,000 people (in later years, newspaper reports of the crowd would increase it in size to 9,000, more than the town's population), walked back up north Main Street opposite the court house, and they saw Mitchell hanging there, suspended by the neck and swaying in the breeze, the rope wrapped tightly now around the trunk of that maple tree. "He had been kicked, knocked down, struck with a sledge, and presented a most revolting sight," the Democrat reported the following Thursday in its weekly issue.

Nobody, in the weeks to come, would know who lynched Click Mitchell. Not Charles Ganson; not Harry Kirby; not George Leonard; not Romeo Campbell, who did not even recognize the men who came for the keys; and not even George Waite, the lawyer turned spectator, who was standing right at the southeast corner, but somehow failed to see who was doing the pulling on that rope because, as he would later say, he was watching Click Mitchell. "It was simply a case of a mob hanging."

At five minutes past eight o'clock that morning, the adjutant general for Ohio, Henry A. Axline, at the Boody House in Toledo at the corner of Madison and St. Clair Streets, received the following telegram from Captain William Bradbury, as Click

Mitchell was hanging by his neck from that tree: "Company B, 36 strong, left for Urbana at six thirty five."

Upstairs, in the sheriff's residence, the remaining members of Company D, the local guards, sat silent and subdued, while downstairs, out in the street, the crowd was slowly beginning to dissipate into the shops and stores and breakfast places around town, the excitement apparently over, although new faces began to appear, women and children who were skipping school or who did not have school to begin with because it was class day at Urbana High School for the seniors of the class of 1897 who had class day exercises scheduled tonight on the square. There were so few children in class at the elementary schools in town and at the high school, that teachers finally dismissed their classes and went up town to see the sight waiting there.

A few minutes past eight o'clock, Mayor Ganson walked one block further north to the Humphreys Funeral Home and asked George Humphreys to have the body cut down from the tree on the square, and about nine o'clock, a man from the funeral home made his way through the crowd there, and another man followed with a pine coffin in a wagon, and they took a knife and cut the rope and hauled Click Mitchell, or what used to be Click Mitchell, down from the limb and draped him on his back in the pine box. And then, because nobody cared what happened to him now, and because they had no better instructions, they left the box there in the court house yard so all the people who missed the lynching could file past and have a look at the dead man, and pretty soon people began snipping pieces of the rope and pieces of clothing off his body with scissors, and shaving pieces of bark off the maple tree, which was only a few feet from Ullery's 1875 tree.

Down at the Western Union office on the square, Moses Scott and Mrs. Coddington had brought in four more operators to send over the wire details of the lynching requested by newspapers all over the country. On Sunday they would send out over 60,000 words as news of the incident began to spread.

That same morning after the hanging, the Dayton Journal sent a reporter over to the workhouse to talk to Charles W. Mitchell, Senior. The superintendent allowed the interview to proceed, but he refused to allow Mitchell to be informed that his son had earlier been hanged in Urbana. The father, 54 years old, talked freely.

"I was arrested for carrying concealed weapons, a revolver," he said. "It was the first time in my life, since the war, that I ever carried a firearm. I was only arrested once before in my life and that was 14 years ago. I was not really arrested then, but was only notified to appear before a squire on a minor charge, of which I was acquitted.

"I am a cook, painter and paper hanger, and barber and generally always had something to do. My boy was nicknamed 'Click.' His full name is Charles Wesley Mitchell. He is 23 years old. His mother died some time ago, but I married a second time; my present wife and two little daughters I had by her, now reside in Chicago." He was referring to Daisy Mitchell Payne and his two daughters, 11 and nine years old.

"My boy had no brothers or sisters. He used to be a good boy, but recently had been in trouble several times. He worked at a hotel for \$2 a week and his board. He had

to wait on the table and act as porter, and in addition they wanted him to clean gutters, and he quit because they would not give him more money.

“I asked him about the crime the same night it happened—there was a great deal of talk at Urbana about the matter, and suspicion was directed at my boy. He said to me, as true as I live, ‘I did not do that.’ I wanted him to give himself up to the authorities, and if he was innocent, he would be acquitted. The next day he was arrested.”

The revolver, he told the reporter, was given him by a friend to defend himself in case he was attacked downtown in the heat of that charged evening. “I was standing quietly talking to my brother-in-law and niece when I was arrested. I gave no trouble at all. The officers knew I had the revolver and arrested me for carrying it.”

Mitchell had still not been told that his son was dead. “He is intelligent, quiet and well-behaved, and made quite a favorable impression,” the reporter wrote in his story.

Back in Urbana, Leonard had somehow procured civilian clothes for all his men, and between ten o’clock in the morning and one o’clock that afternoon, when Romeo Campbell finally made his way out of the court house and toward his home, all the local militiamen began to sneak away.

At fifteen minutes to ten, the adjutant general received another telegram from William Bradbury: “Reported to Sheriff McLain as ordered. He directed me to return home. Shall I dismiss company?”

And finally, under order of the county commissioners, J.R. McClellan walked out into the court house yard and stood guard over the tree so that all the bark would not be picked off and the maple itself killed. He received one dollar for his time.

Judge Heiserman, at work again, ordered Mitchell’s body removed from the court house yard that afternoon, allowing, thereby, J.R. McClellan to go home earlier than he otherwise might have. The body was to be turned over to Dr. C.F. Meyers, surgeon at a medical college in Columbus.

But the Champaign Democrat, in its edition the following Thursday, would claim that the college was closed for the season. Relatives were not interested in the body, the Democrat reported. The normally competitive Citizen-Times reported on Monday that Dr. Meyers, who lectures at an “itinerant embalming school,” would have taken the body had he been asked 24 hours earlier. That morning (June 7), the paper reported, the body was at Humphreys where it was taken Sunday afternoon after being removed from the court house yard. “The face presented a horrible appearance and the marks of the rope were to be seen on the neck, the skin being colored a dark blue where the rope had tightened about the neck of the fiend.”

The paper said relatives had decided to take charge of the body and see to its burial, but the father was the closest relative, and he still languished in the workhouse at Dayton. The Dayton Journal reported that Click Mitchell’s “friends” interfered “and demanded that they be allowed to bury it.” Even this almost failed, for there was talk that the body would be taken two miles east of town and burned in a timber land there.

Finally a friend of Benjamin Church and Charles Mitchell, 45-year-old Joshua Gales, a colored teamster by trade, claimed the body, and that afternoon it was loaded into his rickety wagon and taken to Oak Dale Cemetery south of town and buried without

a marker in the colored section just outside the city limits...that "potter's field," as it was called, which was reserved for those who could not offer any more in death than they could in life to care for themselves.

At the same time, the men of Company D were piling out of town in civilian clothing and heading for their homes or for places where they could feel safe, for there was at this point a lot of talk around Urbana about getting even with the fellows who shot down two men who were about to become two of the county's best-loved former citizens. Dr. Warren C. Hewitt, of North Lewisburg, the Champaign County coroner, called for a special inquest the afternoon of the fourth of June to inquire into the death of Charles Wesley Mitchell, Junior. It would be held at 2 p.m. in the law offices of Waite and Deaton.

## ***CORONER'S INQUEST***

***June 16-17, 1897 inquest into the deaths of Upton Baker and Harry Bell***

**Irving Armpriester, being duly sworn, stated that his name is Irving Armpriester, age 27 years, occupation undertaker, residence Urbana, Ohio**

Q. Were you a member of the crowd that surrounded the Urbana on the night of June 3<sup>rd</sup>? A. Yes sir.

Q. What were you doing there? A. Looking on.

Q. How were you located? A. I was standing on the north end of the court veranda.

Q. Could you see between the jail and the court house at the south door? A. Yes sir.

Q. How many shots did you hear in the crowd before the guards fired? A. None

Q. Would you have seen them in the location mentioned if they had been fired?  
A. Yes sir.

Q. Who did you hear fire first? A. The military.

Q. Where? A. Out [of] the jail. The first shots were pistol shots from upstairs on the veranda.

Q. Could you see the person that fired these shots? A. I could see someone but did not know whom.

Q. What did you do? A. I went outside on the sidewalk.

Q. Did you hear or see Lew McLain shoot a revolver? A. I did not.

Q. Did you see any guards run down to the front gate and shoot toward the monument? A. I see them run into the yard and within a few feet of the gate.

Q. Did you hear any one state that the guards would do no firing? A. Yes sir.

Q. Whom? A. Don't know who, yet heard many say so.

Q. What bodies did you care for? A. Harry Bell and Upton Baker.

Q. Did you hear any guards say they would not shoot? A. One did.

Q. What is his name?

[No answer was recorded]

--signed, Irving Armpriester

**John M. Cooper, 21, farmer, residence: Hagenbaugh**

Q. Are you member of the Ohio National Guard? A. Yes sir.

Q. Were you on guard on the night of June 3<sup>rd</sup> at the Urbana jail? A. Yes sir.

Q. Where were you just prior to firing? A. I was called in from the alley at rear of the jail and stationed in hallway by kitchen door.

Q. Did you hear the first firing? A. Yes sir.

Q. Where was it? A. In the hallway.

Q. Did you hear any firing from the mob before this? A. Before the guard was forced back to the wall one revolver was fired in front of the court house.

Q. How many shots did you fire? A. About two.

Q. Where did you shoot them? A. Through the hall door to the south.

Q. How high did you shoot? A. I shot above the cross piece in the door.  
Q. How many guards were in this hall? A. About seven.  
Q. How many of them shot? A. I think five.  
Q. Who gave the command to fire? A. The captain.  
Q. What was the command? A. Fire, boys.  
Q. Who said cease firing? A. I don't know.  
Q. Did you say to anyone that the militia would not shoot? A. No sir.  
Q. Did you hear it talked over by the militia as to whether they would refuse to shoot if the command were given? A. I heard none.  
Q. Did the captain give command as to how to shoot? A. He said to shoot low.  
Q. Did you have a revolver? A. Yes sir. A .38 caliber and loaded.  
Q. Did you shoot it? A. No sir.  
Q. How many revolvers do you know were among the militia? A. Three.  
Q. Were they loaded? A. I know two were.  
Q. After firing, what orders were you given by the captain? A. No orders of any kind.  
Q. Were you ordered upstairs? A. No sir.  
Q. If a shot had been fired by the crowd through door glass would you have seen or heard it? A. Yes sir.  
Q. Was one fired through the glass? A. I heard none.  
Q. Did the militia open fire before or after the glass in the door was broken? A. After. I heard two licks from an instrument that broke glass, then the captain ordered fire.  
Q. Where was the captain when he gave orders to fire? A. In the hall by the front stairway.  
Q. Was he in citizen's clothes or uniform? A. Citizen's clothes.  
Q. Did he wear his uniform at any time Thursday night or Friday morning? No sir.  
Q. Did any member of the militia leave the jail during the firing and advance into the jail yard? A. I don't know.  
Q. Did any say they did? A. No sir.  
Q. What members were stationed at the east end of the jail? (no answer recorded)  
Q. Were the guards much frightened before or immediately after firing? A. Not very much.

**Charles E. Lyons, 27, farmer, Reynolds, Ohio**

Q. Are you a member of the Ohio National Guard? A. Yes sir, a non-commissioned officer.  
Q. Where were you stationed on the night of June 3<sup>rd</sup>, 1897? A. For part of the night in the alley at the rear of the jail. We were later removed to the corner of the court house and jail yard in the rear of the jail.  
Q. Did you have any trouble with the mob? A. Nothing serious. We charged them once and drove them back. They called us all kind of names.  
Q. Where were you stationed before the firing? A. In the north room in the front of the jail building.

Q. Who fired the first shots? A. I am unable to tell.  
Q. Did you hear the orders to fire? A. I did not.  
Q. How many shots did you fire? A. One into the ground in front of the window.  
Q. Did you see Sheriff McLain struck with a rock? A. No sir.  
Q. Did you see any guard run down the walk to Main Street and shoot toward the square? A. No sir.  
Q. Would you have seen them if they had done so? A. Rather doubtful.  
Q. What are your feelings as to the safety of the guards? A. I was rather uneasy and thought some would get killed or hurt.

**John A. Overfield, 21, laborer, Woodstock, Ohio**

Q. Were you engaged in defending the Urbana jail June 3<sup>rd</sup> and 4<sup>th</sup>? A. Yes sir. I went with Lieutenant Gifford from Woodstock on the Number 7.  
Q. Where were you stationed during the early part of the evening? A. Back of the jail.  
Q. How did the crowd treat you? A. Roughly, called us sons of bitches and threw stones and bricks at us. I was struck on the foot by a stone or brick—also two of my companions were struck but not much hurt.  
Q. Did the mob try to take your gun? A. No sir.  
Q. How many were there in the mob at the place you were stationed? A. I should judge 20 or more.  
Q. What time were you called in? A. About 2:30 a.m.  
Q. Where were you then stationed? A. In the hall next to the jail at the south door.  
Q. Who were with you? A. Sgt. Collins, I think.  
Q. How long was it before you were disturbed? A. About five minutes.  
Q. What was done by the mob? A. The door glass was broken and four or five shots were fired in.  
Q. What did you then do? A. I dropped on the floor and rolled into the room to the left.  
Q. How many men were then in this hall? A. Five of us put in.  
Q. How many shots were fired from this hall? A. About ten.  
Q. What made you or [the others] fire? A. I understand the captain said fire, but not hearing him myself I refrained from doing so.  
Q. How long did the firing last? A. About one minute.  
Q. What was your opinion as to your own personal safety? A. I expected to get killed or seriously injured.

**Edwin M. Bennett, 36, grain dealer, Urbana, Ohio**

Q. Did you hear a conversation between Governor Bushnell and Sheriff McLain in the telephone office over the telephone? A. Yes sir. I supposed it was between them as Lew McLain called the person governor.  
Q. Relate the conversation. A. The first thing said “Is that you, Governor?” Then, “Good evening, Governor.” Says there is a large crowd gathering around the jail and I would like to have more troops as I don’t believe we will be able to keep the crowd back

with the present force. He says we have 40 men and didn't think that was enough but would do the best he could. The crowd was getting very threatening and though they should have another company or two. Mr. McLain says "Well, Governor, we will do the best we can and I must get back to the jail and I will bid you good night." The exchange boy then called up to see if the he (the governor) was through and the operator told Mr. McLain that the governor was through.

Q. What did the sheriff say when he came out? A. (response scratched over, questions ended)

**M.J. Scott, manager, Western Union Tel. Co., age 39, resident of Urbana**

Message filed 2:42 a.m. June 4<sup>th</sup> addressed "Asa S. Bushnell, Wooster, O. Mob attacked jail. I opened fire. Three killed—my force inadequate. Send assistance at once. Louis McLain, Sheriff."

Other messages filed, according to testimony by Scott:

- (1) Message filed 7:15 a.m. June 3<sup>rd</sup>, addressed "The Adjutant General, Columbus Ohio: Company D under arms since 8:40 p.m. yesterday by order of Sheriff McLain. Attempt to lynch Mitchell. Quiet now. (signed) Geo. W. Leonard, Capt."
- (2) Message filed 10:48 p.m. addressed "General H.A. Axline, Columbus, O. Situation serious. Sheriff asks for two more companies. Col. Anthony has two companies ready to move when he receives orders from you or the Governor." (signed) Geo. W. Leonard, Captain, Co. D, 3<sup>rd</sup> Infantry."
- (3) Message filed 10:48 p.m. addressed "Governor A.S. Bushnell, Massillon, O. Situation serious. Sheriff calls for two more companies, companies at Springfield are ready to move if you will order. (signed) Geo. W. Leonard, Captain Co. D 3<sup>rd</sup> Infantry."

**Daniel H. Gifford, 32, carpenter, Woodstock, Ohio**

Q. State briefly what you know about the causes relating to the death of Harry Bell.

A. I was with Company D guarding the county jail at Urbana on the night of June 3<sup>rd</sup> against an infuriated mob, who were trying to take a prisoner from the custody of the sheriff. I was a private in the company and was stationed at the rear of the jail until called into the house which was something near 2 a.m. A few minutes later, I being stationed in the hall leading front door to rear, about a [position-?] of sliding doors I heard the door broke open followed by five shots on the outside of the jail which we supposed were fired through the door at the guards, then the guards returned fire from inside of the hall leading to the side door, followed in several seconds by general firing from the house. In the intervals of firing on the inside, many shots could be heard on the outside. The shooting I should think lasted a minute and all became quiet on the inside and some noise and cursing against the soldiers on the outside. We kept a careful watch until daylight where I was relieved that I might get some rest.



Q. Where was Sheriff McLain when the shooting commenced? A. He stood by my right side a little the front and close to the foot of the stairs.

Q. What was he doing or saying and what did he subsequently do? A. He was standing leaning on a gun and either during the interval of shots or immediately after the shooting I heard him exclaim “My God, this is awful.”

Q. Could he have had time to have returned upstairs and fired five or six shots into the crowd? A. He could not.

Q. How many shots would you think were shot? A. At least 20.

Q. What was your opinion as to your safety before and after the firing? A. I was in no dangerous position before the firing but then thought the shooting would have to be universal to save our lives and later, hearing from several sources that dynamite was to be used on the jail and soldiers, I thought that we were in a very warm situation.

Q. Did you hear the order given to fire before any shots from inside were fired? A. I did not.

Q. Would you have heard the order to fire if one had been given? A. I do not know whether I would or not, as the confusion outside was so great.

Q. Do you think that it would have been prudent to have made farther defense of the jail after daylight? A. No I do not think it would.

Q. Did you observe many indications of drunkenness in the mob? A. The actions of many would indicate that they had been drinking.

Q. How many shots did you fire? A. I did not fire any as I was in a position in the hall so that I could fire in no direction.

### **C.B. Heiserman, 35, Common Pleas Judge, Urbana, Ohio**

Q. State all you know about the causes relating to the death of Harry Bell.

A. “On Wednesday evening June 2<sup>nd</sup> at about 7:30 p.m. when coming out of the court house yard, I was accosted by a reputable citizen of Urbana, who informed me that he had overheard that evening a conversation between two men to the effect that an organization had been perfected for the purpose of lynching the assailant of Mrs. Gaumer—this information he asked me to convey to the sheriff.

“At that moment the sheriff was sitting in the parlor of his residence and I at once repaired to the portico of the jail residence and talked with the sheriff through the open window—I communicated to him the information just received and asked him what arrangements he had made for the protection of his prisoner. He replied that he had arranged to have two or three deputies remain with him at the jail during the night, and when I suggested that he could easily secure additional deputies, he said that it would be a hard matter to persuade men to act as deputies under the circumstances.

“I then informed him that he had authority to ask for members of the local militia company and I suggested that if danger appeared imminent during the night he would better make requisition upon Captain Leonard for a detail of eight or ten men. The sheriff said he would do so if necessary, though he thought then that the occasion would not arise for such assistance. I then went to my home and knew nothing about the calling out of the militia until the next morning when upon my arrival at the court house I saw the guard in front of the jail.

“Several prominent and conservative citizens told me that it would be unwise to keep the guards on duty during the day, and as I myself minimized the danger to be apprehended, not believing that our people would have recourse to violent measures until the guilt of Mitchell had been positively proven in a legal way, I consulted the sheriff and asked him whether it would not be best to dispense with the guards during the day.

“He said that he had intended to discharge them but had been dissuaded by Captain Leonard who had told him of several instances where such a course had been pursued and disaster resulted—I told him that he of course must be the judge of what measures would better be taken. After inquiring into the full details of the alleged crime and seeing the gravity of the situation I determined to call a new grand jury. This was at once done, and the jury retired to examine the case about two o’clock in the afternoon.

“Going upon the street I heard many expressions from our citizens and residents of the county questioning the wisdom of having such a parade of the military. Great crowds had assembled, and mingling among them I was impelled to believe that there was no danger to be feared from that crowd so far as the prisoner was concerned. I thought that if the soldiers were ordered to the armory, the crowds would disperse. Accordingly, I sought the sheriff and advised the withdrawal of the guards saying that they could be sent to the armory and summoned easily if needed. He replied that he thought it best to let the men remain where they were, as he believed that there would be trouble if they were withdrawn.

“I had no conversation further with the sheriff until after the prisoner was sentenced and then he told me he expected to take the man to Columbus that night.

“I saw the sheriff no more until after the lynching of Mitchell and knew nothing of the frightful occurrences of the night except as learned from others.”

### **Samuel Reich**

On the evening of June 3<sup>rd</sup> I was at the courthouse yard and stayed there until about 3 o’clock a.m. June 4<sup>th</sup>. I heard a great many people say they were trying to get Mitchell. The people were crowding up to the jail door on the south side, about 2 o’clock Friday morning June 4<sup>th</sup>. As they got close to the door, the militia fired on the crowd, and I heard glass breaking and the crowd began to run in every direction. There was no less than one hundred shots fired by the militia, the crowd fired one pistol shot after the militia fired on the crowd.

After the firing I saw John Wank lying on the steps of the courthouse. He had been shot and he asked me to pick him up as he was bleeding to death. I picked him up and held him until others gathered around to help me, and he was then carried across the street, while standing there holding Wank about half a dozen persons carried Harry Bell past me. He was dead, was shot through the head. I also saw them carry Upton Baker across the street. I next saw Upton Baker at Mr. Humphreys’ undertaking establishment at about 3 o’clock in the morning of June 4th. He was dead, shot through the body. I did not see anyone use a sledge hammer or any cudgel on the door of the jail.

**Randolph McAdams, 24, farmer, Urbana, Ohio**

Q. Were you among the crowd who surrounded the jail on the night of June 3<sup>rd</sup>?

A. Yes sir.

Q. Where were you located just preceding the firing by guards? A. I was standing at the bottom of the steps leading into the south door of the jail.

Q. Who did the first shooting, guards or the crowd? A. Guards.

Q. If any shots had been fired by the crowd could you have failed in the excitement to have seen or heard them? A. I could not as I was not excited.

Q. Did you see any one shot? A. Yes sir.

Q. Whom? A. Upton Baker.

Q. Where was he standing? A. On the top step.

Q. What doing? A. Trying to break in.

Q. How many shots were fired from the hall leading to this door? A. Six or eight.

Q. Who were near you at the time of the shooting? A. Henry McCracken, Harry Patrick, Nagle, Elmer Lewis, Marsh Beck.

Q. What were you doing at the south door? A. Waiting for the door to be opened.

Q. Did you expect the soldiers to shoot? A. No sir.

Q. Why did you not expect them to shoot? A. I was told there would be no shooting.

Q. By whom? A. By a member of the company who said "why don't you take part of these fellows and go around behind and get him. We are not going to hurt anyone; we are doing this for a bluff." I say is that straight and he says yes. He afterward said to me we had talked it over among ourselves and there was to be no shooting done.

Q. Did you hear any shooting on the outside after firing by the guards? A. Yes sir.

Q. Where? A. On the walk leading to probate court.

Q. Where was the shooting directed? A. Down the walk in the opposite direction toward the street.

Q. By whom? A. One of the crowd.

**Ralph L. Ayres, 21, farmer, 7-1/2 miles east of Urbana, Ohio**

Q. Are you a member of the Ohio National Guard? A. Yes sir.

Q. Were you on duty at the jail in Urbana on June 3<sup>rd</sup>? A. Yes sir.

Q. Where were you stationed?

A. "Through the day on the walk south of the jail from the tree at the corner to the steps on the south side of the jail. In the evening I was on the steps until about 9 o'clock in front of the jail. Then [I was] placed on the west side at the extreme right. Then [at] 11 o'clock I was placed in the alley to guard the door. Then I was taken to the place at the extreme right again. Then I was placed on the north side on the door steps guarding the alley. Then I came around at about two o'clock and was placed on the extreme right in front next the court house. About 2:30 the crowd broke in on our guard line and we were forced back and I [was] with the first sergeant. [We] held the steps at the south side of the

jail about 15 minutes. Then we guarded and begged the crowd to go back; then one of the crowd shot and the ball went past my head and then the order was given on the inside to fire and one rifle was shot.

“The first sergeant and I then forced our way from the steps to the front of the jail and had not got quite to the steps when other shots were fired through the door. I was ahead and I started to get on the steps when I heard the last shots fired; some one remarked in the crowd “Go on boys, they are using blank cartridges.” I stepped on the porch and one of the non-commissioned officers said we have had orders to fire. I stuck my gun over the banister and fired in the ground. I walked inside the house and threw the shell from the gun and threw the cam (?) latch down and put my gun safety notch and the first lieutenant gave orders to cease firing, which was done. I went and leaned against the stairway by Sheriff McLain’s side and in about two minutes walked in the corridor and up the stairs.”

Q. Where was the person standing who fired this first shot? A. Against the court house wall and I immediately heard the breaking of glass.

Q. Did you see the flash of the revolver? A. Yes sir.

Q. Whom did you tell that there would be no shooting among the guards? A. I told nobody.

Q. Did you see any guards leave the steps and fire down the street? A. No sir.

Q. Would you have seen them if they had? A. Yes sir.

Q. How were you treated by the mob? A. When I first stepped in the guard line about two o’clock, the first words said to me were “I’ve got you spotted you God damned black hearted son of a bitch of a coward.” I says “All right, gentlemen.” They threw stones, bottles, cursed and jeered at us.

**William Holding, 43, paper hanger, Urbana, Ohio.**

Q. Were you in the crowd surrounding the court house the night of June 3<sup>rd</sup>, 1897? A. I was at the fence at the court house gate.

Q. Were you in position to command a good view of the jail steps? A. Yes sir.

Q. Who fired the first shots? A. The first shot I heard fired was from upstairs at the window near the south side entrance—then I moved to Patrick’s alley and there were three shots fired from the north window downstairs. Then the next shots were directly across the street and I heard one strike the tree. Then three or four shots fired from front lower level.

Q. Did you see any guards run out the front door to the Main Street sidewalk and shoot? A. Yes sir. There were two run out and came within six or eight feet of the fence and fired three or four shots toward the monument.

Q. Would you have heard any shots at the entrance of the jail door if they had been fired? A. Yes sir.

Q. How many did you hear? A. Eight or nine from inside.

Q. What was the first shot fired? A. A pistol shot, then I heard firing from muskets.

Q. Did you hear any conversation with guards as to shooting? A. I heard one say at the supper table that he would not shoot.

Q. When was this that he said this? A. Thursday evening.

Q. Did anyone shoot at you? A. I would not say, yet three balls struck near me.

**Charles Bailey, 24, laborer, Woodstock, Ohio**

Q. Are you a member of the Ohio National Guard? A. Yes sir.

Q. Were you with the company on the night of June 3<sup>rd</sup>? A. Yes sir.

Q. Where were you stationed? A. In the hall next to the jail.

Q. Did you talk to any of the crowd? A. Yes sir.

Q. What did you tell them? A. Told them I did not want to hurt any of them unless I had to. I was under orders and had to obey them.

Q. Did you tell anyone there would be no shooting? A. No sir.

Q. Were the mob ugly toward the soldiers? A. Yes sir.

Q. Who were with you in this hall? A. John Overfield (?), Milt Cooper, Ralph Ayers, William Barket (?) and myself.

Q. Did you hear any firing on the outside of the jail prior to firing of the guards?  
A. They fired the first shot from outside.

Q. How do you know it was on the outside? A. It sounded to me like they fired through glass and then struck it with a club.

Q. How many shots? A. I should think four or five.

Q. Are you sure shots struck glass before the glass was struck by the club? A. Yes sir.

Q. Were you frightened? A. No, not frightened, but expected to be killed if we did not defend ourselves.

Q. Did you hear orders to fire? A. Yes sir.

Q. Who from? A. Captain Leonard.

Q. How many shots did you fire? A. Three.

Q. Did the other boys fire? A. Ayers fired once; Barket fired but could not tell how many times. Cooper shot but I could [not] say how many times.

Q. How did you shoot? A. I dropped my gun a little below the level of [my] shoulder and aimed to shoot below the glass.

Q. Why did Overfield not shoot? A. He was in front of two boys and was afraid of being shot and dropped.

Q. Were you injured that night? A. Yes, I was struck twice with stones, once in the left breast and once on the left ankle while standing guard outside the corner of the court house northeast corner.

Q. Did the mob threaten you? A. Yes. They called us cowards, sons of bitches, tin soldiers—and said ‘we will hang you with the nigger.’

Q. Did any of the crowd push in on you? A. Yes sir. A man with a hard [illegible]. I told him to stand back or I would have to stick him, and he crowded me, and I stuck him in the arm and he went into the crowd to get a revolver and swore he shoot the son of a bitch. I also stuck another who kept crowding me after having warned him to keep off. I stuck this large fellow with red cheeks and black hair and a loud voice twice.

**W.R. McClure, 24, Ohio Strawboard, Urbana, Ohio**

Q. Were you in the crowd around the court house and jail on the night of June 3<sup>rd</sup>?

A. Yes sir.

Q. What were you doing? A. I was with the crowd, an active member.

Q. What was the temper of the crowd? A. They were determined to hang Click Mitchell and were angry.

Q. Did the crowd have any feeling toward the soldiers? A. No sir.

Q. Did they curse the soldiers? A. Not that I heard.

Q. Did you hear incendiary speeches and by whom? A. Yes, by Charles Gaumer and others.

Q. How near the south jail door were you when the shooting commenced? A. Standing on the third step.

Q. Who did the first firing? A. The crowd inside of the jail.

Q. Did you not see or hear shots from the crowd outside when the glass was broken? A. No sir.

Q. Would you have heard them if they had been fired? A. Yes sir.

Q. How many shots were fired from inside? A. Three or four [were] fired, then I was struck by a ball in the right arm between the elbow and shoulder. I went to step sideways and fell over the banister, tripping on a man's arm whom I suppose was Baker. I then went down around the jail and as I was going, some one fired and I heard a bullet pass and strike the side walk or church.

Q. Did any of the guards tell you anything about not shooting? A. Yes sir. He told me they were standing there for a bluff—to go around and get the nigger. He said there would be no shooting and if there were they would be blanks. He wanted me to take his gun and every time he would step back. He would tell me to follow him and in a few moments we got to the door and the shooting began.

Q. Would you have been in the position you were in if you knew shooting would occur? A. No sir, I would not.

Q. Were you and Webster (writing completely illegible) good friends? A. Good friends.

Q. Do you think he would have fooled you? A. I did not.

Q. Who did you say told this guard that there would be no shooting? A. Captain Leonard.

**George L. Hohnstedt, 30, occupation insurance, Urbana, Ohio**

Q. Were you in the crowd around the jail on the night of June 3<sup>rd</sup>? A. Yes sir.

Q. What were you doing? A. I was a witness.

Q. Where were you just prior to the firing? A. With one foot on the steps leading to the side door of the jail.

Q. Who fired the first shots? A. A shot from inside the jail.

Q. Would you have heard a shot from outside? Yes sir as I was not excited.

Q. Did you hear anything against the guard and what? A. Yes. Paper soldiers, cowards, sons of bitches.

Q. Did you hear soldiers say anything about firing? A. No sir, I did not.

Q. How many shots were fired through the door from inside? A. About 15 to 20.

Q. Did you see or hear any shots fired from outside? A. Yes sir. I saw one man fire three shots from a revolver which could not have struck the door from his position, he being at an angle of the court house near the first window east of the angle. These were fired after a space had been cleared.

Q. From what windows of the jail did you see firing? A. Only through the door.

**Walter C. Gifford, 26, school teacher, Woodstock, Ohio**

Q. State what you know about the death of Harry Bell. A. Nothing.

Q. Do you belong to the Ohio National Guard? A. Yes sir.

Q. What office do you hold? A. Second Lieutenant.

Q. What are the duties of a second lieutenant? A. To see that the men obey properly, repeat commands of the commanding officer of the company.

Q. Were you engaged in defending the jail at Urbana on the night of June 3d, 1897?

A. Yes sir.

Q. Will you relate the circumstances connected with said defense in detail?

A. "I received a telegram about 9 a.m. Thursday, June 3<sup>rd</sup>, to report at the armory on Train No. 7 that day with all men within the immediate vicinity. Upon arriving at Urbana we took supper at a restaurant after reporting to Captain Leonard and then marched to the jail for service. On arriving at the jail I found the rest of the company there and on duty and was at once told that the guards had to be properly placed and that no person should be allowed to approach or enter the building unless it was through the orders of the sheriff or captain. I then made a detour of the jail building and adjacent grounds to make myself familiar with all entrances, all rooms and halls, etc. of the premises. I then returned to the front parlor, it being nearly dark, and was in consultation with Captain Leonard and Lieutenant Campbell to talk over means and ways of properly protecting a certain prisoner who was there incarcerated.

"After that it was my duty to make the rounds of the guard lines to counsel with non-commissioned officers and to see that they were making a strong defense against any intrusion upon the grounds or jail. Crowds of men or a mob commenced gathering at about dark and gradually increased in numbers until the street in front of the jail seemed crowded full of excited persons, and Court Street south of the court house and jail was also filled similar to Main Street, and the alley coming from the west and passing to Main Street on the north side of the jail seemed to be entirely filled with persons, and that from all sides much jeering, cursing, incendiary speeches, both against the said prisoner and the guards were continually indulged in from these persons so assembled, and at times there were stones, dirt and bottles hurled at the guards on duty and that the crowd seemed to increase in size, fury and determination to put the guards aside and forcibly take the prisoner from the jail and that by eleven o'clock the situation became so alarming after several pistol shots had been fired in the rear, that Captain Leonard and myself determined that it was the duty of the sheriff to demand more troops.

“While thus talking the sheriff came to us alarmed and asked if it would not be wise to send for the two companies who were said to be assembled in the Springfield armory by Colonel Charles Anthony.

“We then made him acquainted with the conclusions we had arrived at as above related. The sheriff immediately sent a telegram to the governor. After some delay the governor telegraphed him to come to the telephone office, that he wished to talk with him. This the sheriff did. About midnight the sheriff returned, telling us that the governor refused to send more troops explaining that 40 men well armed should be able to control a mob of 2,000. Before this at about 9 p.m. after the prisoner had been sentenced the sheriff made an attempt to take the prisoner from the jail to the Pan Handle Railroad to convey him to the penitentiary, but on arriving on the front porch of the jail building, the mob in front of the building looked so threatening that the prisoner was returned to his cell.

“At about 12:30 a.m. the mob in front of the court house entered the yard and pressed down upon the line of sentinels, who by persistence and pluck held back a throng which numbered, I should judge, 400 persons with the points of their bayonets. During this time the sheriff took a commanding position near the front entrance to talk to the mob, who only jeered and refused to listen. After this, Captain Leonard from near the south east corner of the jail addressed the mob and held their attention for a few minutes, during which time he told them to disperse, that he was there to protect the prisoner, and that if they did not leave within three minutes he should order the troops to fire. At this point in his remarks he was interrupted by the hooting and hissing of the mob and he was unable to gain their attention, many yelling for him to shoot, others daring him to do so, and others saying that they were as well armed as the troops and that they would not hesitate to shoot if they were fired upon.

“Many others at this time talked calmly and tried to persuade Captain Leonard not to fire upon his own townspeople. But at last the confusion grew so great that Leonard had to flee within the building, ordering the outlying troops to also come under shelter the hour being about 2:30 a.m. After all of the troops in front were safely in, those in the rear having been brought in a few minutes previous by myself under orders from the captain, the mob rushed to the side entrance next to the court house and flung themselves against the door, the same being locked [and] the confusion being so great that it was impossible for the guards stationed inside to warn them back.

“About 15 seconds after the first dash against the door, someone from outside struck the glass portion of the door with a club or stick or other thing, breaking same through. Within a very few moments after, a rifle shot was fired from inside which was answered by many pistol reports from outside but none seeming to take effect. Then from inside a volley was fired from perhaps four other soldiers through the door, and each man seemed to continue rapid firing until I heard Captain Leonard command ‘Cease firing,’ which I repeated running toward the front of the building, as there were still scattering shots fired from the front.



“After firing, the soldiers were all cautioned to guard every part of the grounds which were now clear and allow no person to enter the same. From that time until daylight every man was watchful because of threats from the mob of dynamiting, commandeering, firing, etc. As far as killing or wounding any person we were unable to see, as the jail and adjacent grounds were in total darkness with the exception of one gas jet in the room next to the hall leading to the south entrance near the court house. No person was seen at or near the door where the shooting occurred.”

Q. Where were you stationed just prior to the shooting? A. In the central hall leading east and west.

Q. What orders had you regarding firing? A. None but instructions to the men were not to fire unless commanded so to do by an officer and then to fire at the feet of the persons fired at.

Q. Who had charge of the men in the hall guarding the rear door to the south? A. I think Sergeant Collins.

Q. Were any orders given the men in the hall just mentioned to fire? A. Not that I heard.

Q. Would you have heard such an order if one had been given? A. Being unable to locate my exact position in relation to that of Captain Leonard, I could not say that I would have heard the order if one had been given.

Q. What were the orders to the guards in front of the house? A. I do not know as I was not near them.

Q. How many shots were fired by the guards? A. I have no idea.

Q. How long did the firing continue? A. Perhaps one-half minute.

Q. Had you anxiety as to your own safety? A. No.

Q. Where was Sheriff McLain? A. During the action past he was in the lower hall.

**Romeo C. Campbell, 25, broom-maker, Urbana, Ohio**

Q. State what you know about the cause of the death of Upton Baker.

A. “Sheriff McLain gave written order to Captain Leonard for ten men to report at the jail at once. We were posted as sentinels. No trouble excepting jeers and curses. During the second night the guard was strengthened and continued to be strengthened until we had about 42 men up to 7 p.m. on the 3<sup>rd</sup>. The guard was then completely around the jail and were fired at seven times in the rear of the jail between 10 and 11 o’clock. The mob showed no violence until about 12:30 when they surged slowly through the gate pressing the guard back, cursing, jeering, throwing of stones and use of sandbags, [I] being struck on the head myself, until the guard was forced to retreat inside of the jail. I was in command the first night and second day. Captain Leonard took command about 7 p.m. The guards then took positions at all entrances of the jail with instructions from Captain Leonard not to fire without command. I with about eight men was posted in the front parlor. My duties [were] to repeat commands.

“Shortly after the guard was posted, the mob made an attempt to enter the south side entrance to the jail. The mob first smashed the glass out of the door followed by several pistol shots through the door. At once I heard the report of two rifles distantly. It was taken up on the front steps and parlor. I heard no command to fire and not being in command supposed that in the noise I had failed to hear the command, and said nothing until I heard the command—‘Stop that firing’—from Leonard which I repeated to the men. The mob was dispersed in a very short time and the men left on guard until about daylight. One attempt was made to run a battering ram through the front entrance but [they] were halted by men on the front steps.

“No further trouble was had until about 7:30 o’clock a.m. Company B of Springfield came up [in] front of the jail and were stoned by the mob and turned to the left into the alley. The crowd was getting too lively and Captain Bradbury halted his company even with the jail, faced to the rear and charged bayonets. Mayor Ganson came out and notified the company that they were not needed and to move back to the railroad and return to Springfield. At that time the mob made another rush for the south side entrance of the jail. I took all the men of our company upstairs with instructions that not a shot was to be fired and to conceal themselves and let the mob take its course. Governor Bushnell had been wired at Wooster, Ohio, that more troops were needed before Company D came.

“They broke through the side door and the next we heard was heavy pounding on the big iron door. In a few moments two men, unknown to me, came to the room where we were quartered and demanded the keys to the jail which he (the sheriff) gave up without [any] exchange of words. The next we heard was that Mitchell was hung. The company remained in the rooms until nearly noon when the boys gradually left. I left the jail, the last one, at about 1:30 p.m.

“The men were instructed to fire at feet.

--R.C. Campbell, First Lieutenant”

**Louis McLain, 37, sheriff, Urbana, Ohio**

Q. State in detail the incidents connected with the death of Upton Baker.

A. “Shortly after I received the prisoner, Click Mitchell, parties came to me and said that there was an organized body coming to take Mitchell out and hang him. I talked or consulted with Judge Heiserman as to the course to pursue. He advised me to get additional deputies, which I attempted to do [but] all persons that I called on refused to aid me. Later in the evening the judge came to my house and we talked the situation over again; he told me of the reports he had heard and thought I had better call on the militia for the protection needed.

“I immediately made requisition on Captain Leonard for [a] force of ten men under the law. I stationed them inside of the house and left them there during the first part of the night. The mob kept congregating until at last it took possession of the court house yard and court house steps. I then went out and ordered them away. After a time I succeeded in driving them all from the yard. There was a report sent to Captain Leonard at the armory by person or persons unknown to me that the mob had attacked the jail, and he immediately sent reinforcements of seven men. During the first occupancy and at the time I drove the mob from the court house, stones were thrown at me and also cannon fire crackers. There were one or two attempts that night again to get to the jail and the crowd was driven back by the guards. On the following morning I called for the balance of Company D, who were on guard by reliefs during the entire day.

“At about half past nine o’clock I attempted to take the prisoner to the penitentiary. I found every avenue of escape blocked by the mob. I made two additional attempts during the night to get the prisoner away. Immediately after the first failure to get the prisoner away, I telegraphed Governor Bushnell for additional troops through Captain Leonard. At 11 o’clock Governor Bushnell called me up by telephone. He asked me if I had authorized any one to ask for more troops. I told him I had authorized Captain Leonard. He then asked me the condition of affairs here. I told him at the time that there was a mob of not less than 2,000 people surrounding the jail. He asked me how many troops I had. I told him I had from 40 to 50 besides five deputies. He said to me ‘It looks to me with that many troops you ought to be able to hold a jail without any trouble.’ I said to him, ‘Governor you don’t know the condition of our people,’ and I said, ‘We may possibly be able to hold the jail and prevent a lynching but that it will be at the expense of the loss of life and if you will give me two extra companies I can hold the crowd in awe and there will be no loss of life.’

“I further told him that Colonel Anthony had two companies in the armory at Springfield and that he had [a] special train already fired and could land the troops in Urbana in 20 minutes from the time he got orders to move. He says ‘I will give you no troops until you have exhausted all the force you have at hand.’ He rang me off without giving me a chance to reply to his last sentence. I then came back to the jail and told the boys what had happened.

“At about 11:30 there came a call from Toledo. I answered it and found General Axline at the telephone. He wanted to know the condition of affairs. I told him of the mob and the quantity and also of the amount of guards. He asked me if I had asked for more troops. I told him that I had; that I had just finished talking with Governor Bushnell over the telephone. I told him in substance what I had said to Bushnell and his final reply. He says, ‘If that is the case and he has refused, I can do no more for you.’ He said in case it proves more serious, telephone me at the Boody house, Toledo, Ohio.

“I then returned to the jail and was there until just 12 o’clock when there was a call for me from Columbus. I attempted to go out and answer it and was met at the gate by the mob where some one hit me in the stomach with a rock. The guards came to my rescue, I being down, and I got back into the jail.

“I sent Rawlings, the appointed court constable, to the telephone where he talked with the adjutant-general’s office in Columbus. He reported that he had told them that the situation was growing more serious all the time and that something should be done to relieve the guards. They said they would see what could be done.

“The mob kept crowding onto the guards and driving them back inch by inch for the next two hours. At about one o’clock I went out and addressed the mob and ordered them in the name of the state of Ohio to disperse; that if they did not do so within five minutes that I would turn the command over to the captain of the militia. They paid no attention to me except to jeer and curse me. At the end of five minutes I turned the command over to Captain Leonard. He then went out and made an address to the mob who listened to him, and I thought that he had quieted them so that there would be no further trouble.

“At that point incendiary speeches were made by (as I was informed at the time) C.N. Gaumer, Charles Gaumer, Bruce Gaumer and George W. Poland, which simply drove the mob frantic. They made a rush at the guards again, grabbing at their guns. I then was on the inside of the house and I found the guards from outer posts had been brought in and were being stationed over the house at all points of advantage. When Captain Leonard found that the guards in front were being overpowered and liable to lose their guns, he ordered the guards to come into the house.

“I was standing there at the foot of the stairs in the front hall of the residence and I saw the mob through the south window rushing towards the side door of the jail. I immediately rushed to the rear hall to see if the guards were stationed there. As I looked into the hall I saw that it was properly guarded. At that moment there was two shots fired through the door by the mob. The curtain which was down flew up; then came a crash of the sledge on the door and then three shots more were fired. Captain Leonard gave the order to shoot. It was a short space of time (probably ten seconds) until the order was given to cease firing. I rushed into the lower front room and repeated the order, and the firing ceased at once. I immediately asked if any one knew of any one being hurt. The answer was made, ‘they had seen two bodies carried away.’

“About that time I was called to the north window, that some party desired to speak to me. I found a prominent citizen there. He said to me, ‘Sheriff, there must be no more shooting here. Won’t you say to me there will be no more shooting?’ I said ‘You go to hell; we will shoot as long as we have got a ball.’

“I was afterwards waited on by a committee of five prominent citizens who insisted that I must order the guards away; that if I didn’t that the mob would hang me. I refused to do it and they left.

“After this committee left me, I sent for Judge Heiserman, who failed to respond.

“In about an hour the first mentioned prominent citizen came back and with tears in his eyes begged of me and entreated and finally threatened me that unless I would assure him that there would be no more shooting that I would be hanged by the mob. He assured me that they had dynamite and were prepared to blow up the jail. I told him that I would not order the guards away.

“At about this time I received a telegram from Governor Bushnell, in response to the one I had sent immediately after the shooting, say that he had ordered Company A of Springfield to my assistance. I found from Captain Leonard that Company A was colored troops, and I immediately sent Robert Kirby to telephone Colonel Anthony to say to him ‘For God’s sake don’t send any colored troops here.’ The word came back from Colonel Anthony that he would take care of that part of it. I realized that under the condition of the mob was such that the bringing of colored troops would mean worse disaster. The next was a telegram saying that Company B had left at 6:35 a.m.

“Shortly after receiving this telegram, Mayor Ganson appeared on the scene and advised and ordered me to remove the troops; that there now was no danger of any lynching; that if there was there must not be any more of our people killed. I said to him that I would not remove the troops. He then turned and addressed the guards, telling them that they must not shoot any more. After addressing the guards, he went out and made a speech to the crowd. At that time the Springfield company came up. I was upstairs and saw them out of the window, start to turn into the front gate. I heard Ganson tell them to move on; that they weren’t needed here. I got downstairs as quickly as possible and found a crowd in the back hall, and the front hall nearly full.

“Captain Bradbury had gone into the alley and came with three of his troops into the dining room. As I reached there, Ganson came in the front door. He said I told you to move on with your troops, that we didn’t need you here. Captain Bradbury says ‘I was ordered to report to the sheriff. I take no orders from any body but him.’ I stepped up and said I am the sheriff. At that time the crowd followed right at my back and was saying, ‘God dam you McLain, you tell that captain to move on or we will hang you.’

“I realized then that I was in the hands of the mob and that the captain had no power to prevent my capture. I said to him ‘Captain, you had better move on.’ He says ‘Is that your order?’ I nodded my head. He turned and marched out and as quickly as possible I followed him. When I got out to where he was I called to him. He came back and I said to him, ‘Captain, I lied to you in the house; I want you here and want you bad. Can you handle this mob?’ He answered, ‘I couldn’t handle this mob with less than 500 troops.’ I said then go on to the depot. I immediately rushed upstairs and before I had set down I heard the blow of the sledge hammer on the lock of the jail. Some body came in and asked me for the keys. I told them I didn’t have them. I was not out of the house after this until I left for Springfield.”

Q. How many shots did you fire? A. None.

Q. Were you upstairs immediately after or during the firing? A. [I] was not upstairs during the firing nor for one half hour afterwards.

Q. Did you telegraph the adjutant general before the shooting? A. I telegraphed the adjutant general about 15 minutes after sending the one to the governor.

**George W. Leonard, 38, Captain, Co. D, 3<sup>rd</sup> Infantry**  
**Occupation jeweler, Urbana, Ohio**

Q. State your connection in the matter relating to the death of Harry Bell.

A. "On the night of June 2<sup>nd</sup>, Sheriff McLain ordered me to report with ten men at the jail to guard the same. I immediately ordered Lieutenant Campbell to take ten men, go to the jail and place the men in such positions as to safely guard it. I also informed the sheriff that as a matter of precaution I could assemble my full strength and send them to him as fast as they arrived. To this he agreed.

"On June 3<sup>rd</sup> at 10:30 a.m. I advised Judge Heiserman that it seemed to me that as a matter of precaution it would be well that a sufficient number of troops be ordered here and in time to make it unnecessary to fire upon the mob, as it would be better to overawe them than to take life. The judge said that he would counsel with the sheriff in a few minutes and let me know before noon what conclusion they had arrived at. I also told the same thing to the sheriff at 11 a.m. He agreed with me."

Q. What time did you take full command in person on June 3<sup>rd</sup> at the jail? A. About 9 p.m.

Q. How many men had you? A. About 37.

Q. How did you station them? A. They were placed in the yard of the jail outside of the front and rear.

Q. What were your orders to them? A. Allow no one to pass the lines without the consent of sheriff, sheriff's deputies, judge and mayor.

Q. What time did the first trouble commence? A. About midnight June 3<sup>rd</sup>.

Q. What was the number of the mob? A. There was a dense throng and I could not estimate the numbers.

Q. What was the temper of the mob?

A. "They were clamoring for the prisoner, demanding that they be allowed to get him, sandbagged and struck the soldiers, fired pistols, cursed, jeered and attempted to take their rifles from them and crowded onto the men and forced them back. The mob called for Captain Leonard 'The God damn son of a bitch, we will hang him too.' Others were howling for the sheriff, that they would hang him also. Called different members of my company by name and threatened their lives.

"I called the sheriff and asked him to address the mob and request them to disperse. This he did from the front steps of the jail residence and at the time I stood at the southeast corner of the jail. They would not allow him to speak, drowning him with curses and jeers and at the same time threatening to take his life. A few moments later, standing in the position just mentioned, I addressed the mob in a loud tone of voice. I warned them that they were assembled for an unlawful purpose and I further warned them that they must disperse and retire to their homes, and I gave them three minutes to get out of the yard.

"They said 'Shoot God damn you, that's what we want you to do. We are armed equally as well as you are and will shoot to kill, too.' From that time on until 2:30 a.m. our line was gradually forced back to the wall of the jail residence when it was impossible to hold this position any longer without great loss of life to the mob.

“I then ordered the men withdrawn to the interior of the jail and stationed at all the openings to prevent entrance of the mob. We had hardly got inside when a rush was made to the south side door followed by blows upon the door with some heavy instrument. A second blow was struck which smashed the door in. At this time I heard pistol shots from the mob and breaking glass and frightful howling noises. I then said ‘Fire.’”

Q. Were certain portions of the guards in the front halls and rooms commanded not to fire except a special order was given them to fire? A. No sir. The firing was general, the mob being on all sides excepting the alley on the north and west. During the firing I heard over 50 pistol shots from outside on the south and east sides of the jail. After firing the first volley, I gave command ‘cease firing,’ which was repeated by the lieutenants and squad leaders, all of my men not yet having fired, not having had time to get located after coming from outside of the building. The mob fled from the yard immediately.

Q. Did the sheriff make any attempt to move the prisoner from the jail? A. He made two to my knowledge.

Q. Why did he fail? A. He considered every avenue of escape blocked; also the liveryman failed to bring the carriage as ordered.

Q. Did the sheriff instruct you to ask for two companies for him from the governor? A. We talked the matter of more troops over and he agreed that we wire the governor and that both our names be signed to the telegram. A deputy was sent out with the dispatch and with positive instructions to sign both our names to the telegram. I have since received that telegram sent the governor and my name was the only one signed to it.

Q. Who was this deputy? A. J. Warren Rawlings.

Q. Did the sheriff personally ask for more troops? A. He left the jail to talk to the governor and returned saying ‘he could not get more troops.’

Q. Did the sheriff leave the jail after 12 o’clock? A. Don’t think he was away.

Q. Who were in the jail residence when Captain Bradbury reported? A. Charles Ganson, D.B. McDonald, Jesse Lewis, Byron Hawley, Louis McLain and the company and perhaps one or two others.

**Joshua Kinna, 49, city marshal, Urbana, Ohio**

Q. State what you know about the causes of the death of Harry Bell and the incidents connected with it.

A. “On the night of June 3<sup>rd</sup> there were a great many people on the streets, most of whom were discussing the rumors of a possible hanging of Click Mitchell. At half past nine o’clock I heard talk of the prisoner having been taken away from the city, and as I expected no active demonstrations from the crowd, having seen many go home as I supposed, in ----- [two words, both illegible].

“I, after talking the matter over with Holt, went home together with him at about 12:30 o’clock. I heard no shooting and found that there had been trouble when my brother came over to his shop the next morning when he told me ‘there had been shooting done by the military and eight had been wounded and two killed.’

“I dressed and came at once to the jail and met deputy Kirby in front of the jail. I says ‘Harry, why don’t you get this crowd off the steps and away from the jail.’ Don’t know that he made reply.

“I told the crowd to disperse and go away from there, which they did, this being about 6:30 a.m. I then walked over to where the shooting had taken place between the jail and court house, and quite a crowd had gathered there. I spoke to that crowd and told them to disperse, and I think all left and went in outside. I then went to the square and met Mayor Ganson and told him what had happened and that I had dispersed a crowd and there were many angry ones there yet on the street. We started to the jail together and went in and inquired for the sheriff, having been told he was prostrated and we were told he was upstairs, and we went up to see him. He was lying down on a cot and he got up and went into a room there, and the deputy was with us.

“The mayor and sheriff had a conversation. The sheriff said ‘I have done all I can do.’ Then we, the mayor and I, went downstairs and about this time the Springfield military company marched up front of the jail. They marched straight into the alley on the north side of the jail and I went out and got over the fence at the corner of the jail between the militia and this crowd to try to clear the alley and keep the mob back from crowding on the guards. I remained there until the guards marched away.”

Q. What did Mayor Ganson say to the militia or Captain Bradbury? A. He said withdraw from the jail a square, but they did not do it at that time.

**Harry Kirby, 28, deputy sheriff, residence Urbana, Ohio**

Q. State what you know about the death of Harry Bell.

A. “The sheriff, fearing that the mob could not be handled by deputies, called on the militia. About ten men detailed the first night. These were reinforced until about 2 a.m. on the 3<sup>rd</sup> when we had about 22 men. No very serious demonstrations the first night. Once a small party came in on the court house steps but was easily driven off. With the exception of yelling, it was quiet the remainder of the night. [The next] morning we had information that a determined effort would be made to lynch Mitchell. Colonel Anthony of Springfield was telephoned for two companies. [He] refused to send [them] without order from the governor, who was wired at Massillon, and Adjutant Axline at Columbus. ‘Condition serious. Sheriff calls for two more companies.’ Afterward the sheriff [was] called to the phone by the governor. The sheriff told the governor that he feared that with the small force at hand the mob could not be handled and asked for more troops. Governor refused to order out more troops, thought the sheriff unduly excited. (this last sentence was stricken from the record).

“[There was a] large mob in front of the court house jail and it was comparatively [quiet] until about 12:30 a.m. when the mob began pushing the guard toward the jail. The mob then went to the side door and broke glass. [I] heard no command to fire. I was just behind the sheriff, who stood at the foot of the front stairs. The first shot I heard was from a rifle from inside followed by shots from outside and several more rifles from inside. Quiet for a few seconds. Then a continuous volley inside and out. [I] heard the command to cease firing. Went to a front window upstairs and saw the mob going across the street. Saw one man being carried.”



Q. Where was the sheriff during the firing? A. “Don’t know. About 3 a.m. had message from Colonel Anthony saying that he was sending company of colored militia. Telephoned not to send them but send white if any. About 6:45 notified that special train had left Springfield at 6:35 with a company.

“The company reached the jail about 7:15, marched down the alley and started to enter the jail. But acting under the sheriff’s orders, Mayor Ganson ordered them to return to their cars and if needed they would be called. Then went out on the front porch with the mayor where he made speech and partially succeeded in quieting them.

“We then went to the south end of the porch so as to see the side of the jail to see if [an] attempt would be made to gain entrance.

“The mayor talked to the crowd awhile but they had been assured there would be no more shooting. Could not restrain the crowd. He turned to me and said, ‘Come on Harry, we will go down the street.’

“We walked out the front gate of the jail yard—crossed the street and went to the square. Separated. He went toward his office. I went home.”

**William H. Bradbury, 34, machinist, Springfield, Ohio**

Q. Were you and your company in Urbana on the morning of June 4, 1897? A. Yes sir.

Q. Who ordered you to go? A. Governor Bushnell.

Q. What time did you arrive in Urbana? A. About 7 a.m.

Q. What did you do on your arrival in Urbana? A. Got off the train by the water works, marched up through the town to the county jail. I went into the jail and reported to Louis McLain, telling that the governor ordered me to report to him. He says ‘Well, captain. Take your company back to the depot until you are called for.’ About this time I was called by my first lieutenant, as the situation in the alley was becoming threatening. I went out and cautioned the men to be careful, told the crowd that they must stand back from the troops or someone would be hurt. I returned into the jail and met McLain again and asked him if he meant that, and there a man whom McLain said was Jesse Lewis told him to tell me to go home as we were not needed there. McLain told me to go to the depot and might as well go home. I went out, ordered my men to fall in and march back to the depot, which we did.

Q. Did you see Mayor Ganson and what did he say, if you did? A. Just as I came into the room on entering the jail buildings, a man with a white beard and large and I think grey hair exclaimed from across the room and hall ‘For God’s sake tell them to go back; they are not wanted here.’ This man I was afterward told was Mayor Ganson. At this time the man said to be Jesse Lewis says ‘Go home; you are not wanted here’ and there was great confusion in the jail and also in the alley.

Q. Did anyone tell you to go back before you entered the alley? A. Everyone was yelling go back, but as we started down the alley, some man yelled out ‘Don’t go in there,’ which was repeated.

Q. Did Jesse Lewis introduce you to Mayor Ganson, calling him the sheriff? A. No sir, he did not.

Q. What was your opinion as the ability of two companies to control the mob? A. If an attempt had been made a great many lives would have been lost.

Q. Did this man called Jesse Lewis say he was deputy sheriff? A. Yes sir.

**Charles H. Ganson, 60, Mayor, Urbana, Ohio**

Q. State your connection with the matter relating to the death of Upton Baker and the management of the State Troops, your advice to the sheriff, etc.

A. "I turned one Click Mitchell over to the sheriff about 7 p.m. June 2<sup>nd</sup>—Wednesday evening—I had no talk with the sheriff that evening regarding the safety of the prisoner. I had a talk the next day about noon with the sheriff and told him I did not think it wise to keep the guards so few in number out in front of the jail as it was a menace to the people and was causing a good deal of comment. The sheriff said to me that there had been a man taken out at ----- and hung and that he was going to effectually guard him with the militia and that if more troops were needed the governor would furnish them.

"I had no further talk with the sheriff until the morning of the lynching. I ordered the marshal and police to do all they could toward keeping order and quiet, which they did as far as [they were] able. I know nothing of what transpired either in the evening or at night from any personal knowledge.

"Friday morning of the 4<sup>th</sup> I came up about 7 o'clock, citizens to quiet. A number met me and walked one and wanted me to go up to the jail, as a number of citizens had been killed and wounded up there by the militia. While we were talking in the public square, the city marshal came to me and says 'Hurry up—come to the jail—they will blow it up; there has been a lot of people killed and wounded up there by the militia. I have just come down from there; the sheriff [is] upstairs on the bed prostrated, and the militia [are] all upstairs frightened.' I went with the marshal to the jail. I stopped on the porch a moment and cautioned the people against violence and the shedding of blood. I suppose the people I was addressing numbered about 3,500 men, women and children

"After talking to the people a moment, I accompanied the marshal upstairs and found the sheriff on the bed or cot, prostrated...found the militia upstairs. The sheriff said he had done all he could do with the force he had. 'What would you do?' I remarked it is hard to tell what is best, but I would shed no more innocent blood. You have done your duty and more. I said I will do anything I can in the preservation of peace, but not at the cost of the lives of our people at this late hour.

"While talking I heard a terrible commotion, howling and yelling downstairs. I ran downstairs to the door. The company of militia from Springfield was just turning into the alley north of the jail yard and the population was wile over their arrival, begging me to send them away to save the lives of the people. I stepped back to the foot of the stairs and said to the sheriff [that] the company ought not to stop here; the people are so incensed that there will be further bloodshed. I understood the sheriff to say 'All right—send them away.'

“I stepped to the door and asked the Springfield Company to move a square away as the house was now full of militia and their appearance only menaced the people and would cause great slaughter if they remained. The company moved. I understand the captain came back and saw the sheriff, and I understand he, the sheriff, ordered them to the depot. I do not remember of seeing the company then the company all being together. I stood on the porch after the company moved and talked to them awhile and begged them to listen to reason and they seemed to be calm and quieted down.

“I stepped into the back end of the jail and from the foot of the stairs, the guards, unlike the sheriff and deputy being upstairs, I said—‘If I was you I would shed no more innocent blood; if possible to do without it.’ Many of the guards clapped their hands and said ‘We won’t, Mayor.’ I said ‘Boys, I did not mean to talk to you; you are under orders from the captain and sheriff and must do as they say. I mean to advise your superiors.’ I turned and came out on the steps and talked a moment again and the populace seemed to quiet down. A party says tell them they won’t shoot—I says ‘I won’t do it because I know they will if you attempt to break in the jail.’

“I then with Harry Kirby walked out the front gate, across the street and down as far as Stone’s Store. We heard a crash and Harry said they are breaking in the jail. We stopped a moment and we heard someone say they have got him. We walked back opposite the court house and they had hanged the criminal to a tree. Seeing so many hundred women and children on the ground, I went at once to Humphreys and asked him to cut the body down, which after a time he did. I did not know the Springfield Company were coming; neither did I meet the company at any point until they arrived at the jail. I did not impersonate the sheriff and what I did was what I believed then to be right—and I am still firmer of the opinion now.

“I believe my arrival at the scene prevented further bloodshed and I do not believe at that time two companies of militia could have saved the criminal. The sheriff did not advise with me at any time until after the killing when I went to him.”

**Jesse M. Lewis, 38, lawyer, Urbana, Ohio**

Q. Were you in Columbus on June 14? A. Yes sir.

Q. Were you at the governor’s office? A. Yes.

Q. Did you have conversation with the governor’s private secretary, J.L. Rodgers?

A. Yes sir.

Q. Did you accuse the coroner of Champaign County of having been a member of the mob himself to Private Secretary J. Lynn Rodgers? A. I made no accusations against him or anyone. I did say however that by reason of the sweeping provisions of the statute, any person in sight of that occurrence were liable the same as any others actively engaged; that this would include the coroner as well as all of us who were taking no part whatever in the effort to enter the jail or molest the guards.

Q. Did you see the coroner at the time of the shooting? A. No. I was not there within two hours before the shooting and did not arrive until sometime after the shooting.

Q. Did you see the coroner at the time of the hanging of Mitchell by the people?

A. I did not, as I was in the jail with Sheriff McLain from the time I arrived until after the people had hung the man.

Q. Did you interfere with Sheriff McLain in the discharge of his duty? A. One time after the shooting I called to McLain from the north window, Sherman Thompson being with me. And he asked me to come in and I said I will get some of your friends and come in, as I think you need them now. I found D.B. McDonald, H.H. Williams, S.S. Deaton and Byron Hawley and said to them 'Let's go in and see Lew.' We went in and remained during the time. We all advised him as best we could under the circumstances and acted with and for him. We did not represent any people of the crowd or mob but were then his friends. No one of us interfered with him, threatened or abused him.

Q. Did you have any conversations with him relative to defense of the jail before the shooting? A. None whatever.

Q. Who introduced Captain Bradbury to Lew McLain? A. There was no formal introduction; I opened the kitchen door and met Bradbury, who was entering and says here is the sheriff, McLain, and he and McLain talked in my presence about the situation. McLain told him he had better move away a square until he decided what to do; something was said about their breakfast, and McLain asked me to attend to that and get them away. I went out and showed them a route down the alley to the Erie Depot Restaurant. All I know about the deputy sheriff business is that several parties in the rear asked me if I was deputy sheriff and I said I was for the present or anything else to save a crash between the crown and the troops and prevent further bloodshed. I was acting in fact for L.H. McLain at his request at that moment and was there to do anything in my power that he requested. I represented no one from the outside.

Q. Did you tell Sheriff McLain to tell the troops to go back—they were not wanted? A. Mr. McLain consulted me on this point and I advised him to get those troops away a square or two at once as I thought it would quiet the crowd until something better could be done.

Q. Did he ask you to do anything else? A. Yes, he asked me if we could not go out and get that crowd back. I told him that all Hell could not get them back since that shooting.

Q. How many of the crowd at the time of Captain Bradbury's arrival were in the jail residence? A. At the time of the arrival of Captain Bradbury in the jail and up to the time he left there was no one in the jail other than the sheriff and guards, Mayor Ganson, D.B. McDonald, Byron Hawley and probably one or two others.

**Upton Baker:** 5-9, mustache, brown eyes, black hair. Died of bullet wound 3-4 of inch outside right nipple, extended inwards and slightly backwards. Also a bullet wound at lower angle of left scapula. 37 years old. Not identified until shortly before noon when his brother found him. He came to look because Baker had not returned home. Survived by a wife and four children, his funeral is held on the family residence in Salem Township about three miles north of Urbana toward West Liberty, and he is buried in Pleasant Hill Cemetery in Clark County.

Examined 29 witnesses, including 8 members of militia.

Civilians testifying, in addition to the depositions taken in Columbus: Irving Armpriester, John Overfield, Eva Leonard (wife of George Leonard), Harry Patrick, George Leonard, Louis McLain, D.E. Lewis, Edward Bennett, Harry Cook, Edward Bosworth, Frank McAdams, George L. Honstedt, William Holding, Charles Placker, W.R. McClure, Alexander L. McClure, Jesse Lewis and Charlie Pearce.

Coroner's fees: \$45.15; Constable's fees: \$46.40

**Harry Bell:** light hair, light eyes. Right side of head shot off, ball striking him in middle for forehead and passing back and to the right, tearing away all of skull and most of flesh from upper right side of head. 19 years old and the only son of Smith Bell, 811 N. Main. He was an employee of White, Valentine and Co. as a broom sewer and was engaged to Mamie King, Springfield. Bell died from a wound in the head produced by a rifle ball fired by a member of Co. D, 3<sup>rd</sup> Regiment, Ohio National Guard, acting under orders of the captain of the company, while attempting to defend the jail. "I fail to find from the testimony...any failure or neglect on the part of Governor Asa S. Bushnell...and I do not find...any failure on the part of Sheriff Louis McLain, to use all means at his hand...."

Examined 44 witnesses, including 17 members of militia.

Civilians testifying: W.R. Scott, Henry McCracken, William P. Carey (delivery clerk), Samuel Michael, W.H. Miller, Randolph McAdams, Samuel Rich, Charles Ganson, Louis McLain, Joshua Kinna, Frank Kirby, John Wollenham, G.M. Deaton, W.V. Colwell, William T. Wear, James Swisher, J.W. Rawlings, John Fenton, John Martin, D.M. Bunnell, William H. Bradbury, George Leonard, Mrs. Maria Patrick, Milton Shatto, John McKeever, C.B. Heiserman and Harry Kirby.

Inquest cost: \$50.20.

## After the Lynching

On Friday afternoon, June 4<sup>th</sup>, Sheriff McLain went to his mother's house on Scioto Street, and the next morning he took the earliest train out of town south, toward Springfield. George Leonard was on the same train, and the afternoon Daily Times-Citizen speculated in its Saturday edition that both were headed for Springfield.

But in Springfield they separated, McLain going to the home of his brother-in-law, A.J. Weaver, on Linden Avenue in Dayton, while Leonard remained on the train bound for Cincinnati. In the streets of Urbana, where emotions still ran high, rumors began to circulate that McLain would have to resign the office of sheriff and that if he did, he should do so quickly so the Republican county commissioners could appoint a replacement from his own party. In McLain's absence, Deputy Harry Kirby and former sheriff Robert Miller assumed responsibility for running the sheriff's office and the jail.

Fifteen men of Company D were driven in Ganson's big wagon to Springfield that Friday. Charles N. Gaumer and Daniel H. Gaumer were both in town. Afterwards, Bruce told his mother of the hanging and said "Mama, you can continue to live now. They have hanged the negro." He also told her that the mob had been disorganized again shortly before the jail was stormed but that Charley had stirred the men up again.

The Cincinnati Enquirer reported that the adjutant general arrived in Springfield on Saturday, June 5<sup>th</sup> to meet with Colonel Anthony at militia headquarters. "It is not known what took place at the conference as Colonel Anthony, acting under military orders, refuses to admit or deny that General Axline was here, but he was seen to board a Big Four train at 5:20 this evening, and his destination is said to be Urbana. A wild story was at once started that Urbana would be placed under martial law. An officer, who ranks high in the National Guard, said: 'Today 20 officers of the guard throughout the state tendered Governor Bushnell their resignations. More will follow unless something is done. If the state doesn't uphold and protect Leonard and his soldiers in the discharge of their duty then the whole National Guard of the state will go out of existence.'"

The paper continued: "It was to size up the sentiment in Urbana and confer with Mayor Ganson and other authorities that General Axline went to Urbana tonight. It is a fight now for the vindication of the militia of the state. Governor Bushnell is both severely criticized and highly praised, according to the sentiments of the person expressing himself.

"When asked as to the foundation for the rumor that Champaign County might be placed under martial law, [Governor Bushnell] said 'It is now 11:15, and I have heard from there—from General Axline—in the last hour, and he tells me that everything is perfectly quiet and satisfactory. Captain Leonard has no charges preferred against him. Until charges are preferred, if there are to be any, we have no reason to believe that the militia did not do its whole duty. I do not know what charges could be preferred under the circumstances.'" Bushnell also denied the rumors that 20 officers of the militia had resigned.

The Times-Citizen: "Great indignation spread over the city this morning [Monday, June 7<sup>th</sup>] when the report was received that the Adjutant General was preparing

to place the city under martial law. The trouble is over as far as the citizens of Urbana are concerned but if troops are sent here there is no telling what the excitement incident to the bringing of militia into the city may result in.”

The paper also announced proof of Mitchell’s guilt in the crime for which he was accused. “Indubitable (sic) proof of Mitchell’s guilt was furnished a Times Citizen reporter this morning. Judge Heiserman said that on Thursday night Attorney Joe Flaughner said to him that Mitchell had sent for him. The attorney went to Mitchell’s cell and found him scared almost to death. Flaughner told the judge that he believed he would advise Mitchell to plead guilty in order to get him out of town.” Heiserman replied that because Mitchell was indigent he would appoint Flaughner to represent him in court and advised him to first consult with the prisoner and to plead him guilty if that were appropriate.

The Times-Citizen identified a score or more of “visiting newspaper men” in the city following the hanging: C.G. Bickham of the Dayton Journal; A.E. Beach, Columbus representative of the Commercial Tribune; W.B. Woodbery, of the Columbus Press; A.V. Evans, Columbus Dispatch; Francis B. Gessner, New York World; John A. Reed, Springfield Democrat; and John M. Maxwell, Chicago Tribune.

Coroner Warren Hewitt scheduled inquest hearings into the deaths of Upton Baker and Harry Bell to begin in Urbana June 16, and that Saturday, the 5<sup>th</sup>, he made arrangements to go to Columbus in nine days to take depositions from the governor and the adjutant general in an attempt to make sense of the conflicting stories about the order sending reinforcements to the city during the crisis.

That same Saturday, in the afternoon, Hewitt conducted a brief hearing into the cause of Click Mitchell’s death. The body, his report would say, was five feet, seven inches tall. It had no shoes or socks or coat but was dressed in a white shirt and blue pants. There was a cut on the deceased man’s upper right lip. There were large contusions on the right cheek and over the right eye, and another around the left eye. The body contained numerous bruises. And there was a crease around the neck three-eighths of one inch deep.

Hewitt then issued his ruling as to the cause of death. Charles Mitchell, Junior, he said, came to his death by “hanging in the court house yard of Champaign County at the hands of an infuriated mob, whose names are to me unknown.” He had examined only three witnesses at that Saturday hearing: the lawyer, George Waite, who watched everything from the court yard fence near the maple tree; the schoolteacher, Pearl L. Clark, who had strolled uptown at the last moment to see the excitement; and his honor the mayor, Charles Ganson, who by his own admission had not seen Click Mitchell hanged because he was walking down the street away from the jail, sickened by the events which had taken place the night before.

Hewitt had conducted his hearing so quickly—barely 30 hours after the hanging—that there had scarcely been time for reaction to the events of the previous day to appear in print. Stories and rumors, however, were spreading wildly. The Enquirer also

reported that Wank and Bell were both shot with a .38 caliber ball, supposedly proving that soldiers had not fired the shots because the militia used .45 caliber shells.

On Sunday, June 6<sup>th</sup>, a group of local colored men met with Mayor Ganson, according to later reports in the Times-Citizen and the Democrat, and presented him with copies of a resolution the group had passed which condemned the dead man for the crime he had committed.

An association of Urbana women, (400 of them, according to reports) met at the opera house on June 7<sup>th</sup> and passed several resolutions, including one which asked the Ohio General Assembly to pass legislation providing for the death penalty for rape and a quick trial in such cases to prevent lynchings. Mrs. H.R. Snyder, Mrs. J.C. McCracken and Mrs. J.K. Cheetham were appointed as a committee to raise funds to help the wounded.

The telegraph office was extremely busy. One newspaper reported that for three nights Scott and his assistant, Mrs. Coddington, worked until three to four o'clock in the morning at Western Union and on June 6, over 60,000 words were sent over the wires to other newspapers. It was so busy that four more operators were called in.

The Dayton Journal, in its Saturday edition, reported very briefly on the second interview its reporter conducted with Charles Mitchell, Senior, at the workhouse on Saturday, the day after the hanging. By this time, Mitchell had been told of his son's death and the manner in which he had died. "He manifested but little sorrow," the newspaper reported. But the reporter added that Mitchell intended to sue Champaign County "for his son's death," and the reporter added that earlier (and as he had more or less reported in the edition of Friday, June 4<sup>th</sup>) Mitchell concluded that "if he did what they say he did, he deserved what he got."

But there were other things to be done. On Sunday, Upton Baker was laid to rest. Harry Bell would be buried the following day.

The Times-Citizen of Friday, the only local paper to appear, had so much to do in describing the shootings and the hanging and the events of the night and morning that it had little time or space to give to introspection over whatever deeper meaning might be found in mob law. But on Monday it outdid itself, and it had the advantage over Mrs. Gaumer's newspaper, the Democrat, which would not appear again until Thursday, almost a full week after the event.

In its Monday edition, the Times-Citizen began its main story this way: "Sunday was indeed a day of rest. After the exciting events of the past week the Sabbath was a restful day for all. It was an ideal June day and hundreds of visitors thronged the city to view the scenes of Friday's tragic deeds. Wheelmen from all parts of the state made this city the objective point of their tours, and bicycles occupied every inch of space in front of the court house and jail."

The paper also commented that George Leonard, still somewhere out of town, had little to fear in returning home, despite the admitted threats whispered against him and against the sheriff. "They do not come from sources that warrant their being given credence," the paper said.

The Enquirer reported that Axline and Anthony together called on Leonard's wife



on Saturday and gave her assurances that her husband was “as well as might be expected.” They left Urbana at 10 o’clock that night by train and went to Cincinnati to see Leonard. Axline and Anthony agreed, the paper reported, “that none of the Urbana soldiers should return until at least 48 hours after the funerals of the men who were shot.” The story also said Leonard had made a list of the names of the leaders of the mob “and gave it into the possession of his lieutenant, Dick [Romeo] Campbell.” The list will be included, the paper said, in the official report to the Attorney General.

Upton Baker’s body was buried at Pleasant Hill Cemetery just south of Urbana in Clark County, before the eyes of his widow and her four grieving children. Her husband’s funeral services were held at the farm of David Herr, where the family lived and worked in Salem Township, about four miles north of the state road—and then came the long trip through Urbana on the way to Pleasant Hill, with hundreds and hundreds looking on, most of them strangers. (She would soon enough have more reason to grieve. Just 36 days after her husband’s funeral, her 12-year-old son would die in a farming accident near King’s Creek.)

The same day, Harry Bell’s mother sent for Ed Jennings, who had been inside the jail when the shots were fired that killed her son. The two boys had been good friends, and Jennings lived only four doors north of the Bell home. Both broke into tears.

Bell was laid to rest at Oak Dale Cemetery in Urbana on Monday, following funeral services held by class number eight of the First Baptist Church. First Lieutenant Romeo Campbell was a member of this class, as was George Leonard, but neither attended the services. Employees of White Valentine and Company’s broom shop, at the corner of Russell and Gwynne Streets where Bell and Campbell both worked, all attended the services.

On Monday, the day of Bell’s funeral, the Times-Citizen described the services for Upton Baker the day before and confirmed in print the fact that Click Mitchell had confessed his guilt to Joseph Flaucher in those early evening hours of the third of June. The paper discussed the states of health of those others who had been injured in the first attack on the jail and contained a statement from the victim of the dastardly crime: Mrs. T.M. Gaumer, publisher of the rival Democrat. “With a sorely hastened hand and mind I desire to take this means of showing to our friends our heartfelt appreciation of the many kindly words and deeds shown us during the fiery trials of our recent affliction,” Mrs. Gaumer said. “Not only are we thankful for the personal calls of sympathy at our door, for the flowers and cards from our neighbors, but for sympathetic messages from a distance. Almost from beyond the ocean have come to us loving words of sympathy.

“My cross is heavy on this Sabbath day. God bless our noble men and women of Urbana, who rallied to our assistance, who have held up my hands that I may once more take on the cares and burden of life. The race surely is not long; then when it is done will come ‘Rest, sweet rest.’ It is true it took hard praying for strength to reveal the whole truth of this most revolting outrage. Death seemed preferable.”

And Mrs. Gaumer prayed, through the Times-Citizen, for those people who had sustained her and her family. “God bless our noble men and women of this Christian land of ours, our governor and adjutant general, our mayor and our city and county officials

and citizens of every walk of life, who not only so nobly gave sympathy but faced the bayonets that the foulest stain upon our city's most sacred page might be blotted out, that their homes, their loved ones, may be shielded from the fate of that of a fair name that must throughout life feel even a deeper shadow of sorrow than that of the parting of loved ones."

But not all were heroes, Mrs. Gaumer noted. "May all Christian hearts throughout the length and breadth of this free land of ours go out in sympathy to the sorrowing homes in our midst, made desolate by misguided minds. Never did soldiers on many battlefields die for a more holy and righteous cause than these brave boys for the purity of their homes, for mother, daughter and sisters. They should be looked upon as heroes or soldiers willing to spill their blood for the holiest of all and any cause."

Pastor J.B. Helwig, of Urbana's First Presbyterian Church, also released a statement which the New York World had printed the day before and which the Times-Citizen reprinted in its Monday edition: "There comes a time on the part of both individuals and nations when from the increase of crime there will be felt the need of the violent enforcement of what may be called the unwritten law of justice—in order that there may be enacted a written law that will protect the helpless against the brutal violence and crime such as was perpetrated in our city a few days ago.

"When within the year past one hundred and seventy-seven similar cases have occurred in our country—the best public sentiment of every community is beginning to say that in the language of the divine code, they that commit such an abomination shall be cut off from among the people. And the divine law may always be regarded as a safe basis upon which to establish a civil statute. If the death penalty had been affixed by the laws of Ohio to the crime committed in our community as it has been by other states, then the unfortunate affair would never had occurred among our usually conservative, quiet and orderly people.

"From this time forward nothing short of the death penalty for such crimes will afford a sufficient protection to pure womanhood against such lustful brute violence whether on the part of those who are white or black. Our women who feel the indignity of the crime of the negro the most keenly are taking measures to bring before our legislature the imperative necessity of additional legislation for their protection against similar violence and disgrace and crime."

John Whitehead, pastor of the Swedenborgian Church in Urbana, called for the same penalty for rape in his Sunday sermon. He quoted Deuteronomy to support his call for action.

But other newspapers began to comment on the incident, as well. The Dayton Journal, in an editorial on Friday, the same day as the hanging and in the same issue which carried the initial interview with the dead man's father, said this: "If there be not swift and effective punishment of the men who were guilty of the Urbana lynching, this state will reap a bloody harvest of mobs and riots."

The Columbus Dispatch reported that Mrs. Gaumer was in the victim's clutches for 30 minutes, but the Journal contradicted that: "Mrs. Gaumer is better. The story that

her chest was lacerated is untrue.” The Cincinnati Commercial-Tribune reported in its Saturday editions that “On the authority of the statement of Dr. Henderson, Mrs. Gaumer’s physician, to an intimate friend, it can be said that part of this story was exaggerated.”

In Cleveland, the newspaper published by Harry Smith, a negro Ohio legislator who had authored the state’s anti-lynch legislation in 1896, proudly proclaimed (in a story datelined Urbana, Ohio and signed by H.C.W.) that Click Mitchell was innocent of the crimes attributed to him: “If it had not been the desire of Mrs. Gaumer and family that Mitchell be lynched he would never have been. In order to establish beyond a doubt the alleged assault of Mitchell,” the writer wrote, “I understand that Mayor Ganson told a party of colored men that Mitchell confessed his guilt to her when he was taken before her. This was stoutly denied by some of those who were present. It is said that Mitchell never opened his mouth. It is said by one who was there that he did not think that Mrs. Gaumer saw Mitchell at all but that the minute she heard him enter the door she began to yell ‘You brute, how dare you face me! Hang him!’ The same person says judging from her position that it was almost impossible for her to have seen him.”

The Times-Citizen rebutted this at once following an interview with Judge Heiserman, who outlined the circumstances under which Mitchell had been sentenced: “I told Mr. Flaughter...that it was his duty as attorney for the prisoner to know whether he was guilty or not before advising him to plead guilty, and if the man insisted that he was innocent and wanted a trial he should be advised not to plead guilty, and I promised him a fair, impartial trial. I further told Mr. Flaughter that if, after talking with Mitchell, he admitted his guilt and the attorney felt satisfied that he was the man that committed the offense charged, that it was his duty to advise him to plead guilty. Mr. Flaughter then went to the jail and had a talk with the prisoner and he confessed his guilt....”

But the Reverend Joshua H. Jones, preaching June 27 at St. Paul’s Church (colored) in Columbus, would not agree with those calling for enactment of the death penalty as punishment for rape. He quoted records of the Ohio penitentiary showing that the governor had pardoned three white men convicted of rape in two years, and he, too, threw doubt on the guilt of Click Mitchell.

The last week in May, Jones said, Mitchell was charged with trying to burglarize Mrs. Gaumer and to force concessions of money; but four days later the charge was changed to assault with intent to kill. “When was Mrs. Gaumer right? What are we to conclude? No court could declare which statement was correct.” Jones went on to charge Mayor Ganson with being the organizer and leader of the mob and thundered from his pulpit that the judge and Mitchell’s attorney had violated their oaths of office. In the past ten years, Jones claimed, 272 men had been convicted of rape, all but 51 of them white. “Who are the rapists?” he asked.

But for the moment at least, most opinion, at least in Urbana, was on the side of Mrs. Gaumer, perhaps best typified by the lead editorial of the June 5<sup>th</sup> Times-Citizen:

“The worst has happened. Innocent people suffer for the guilty. Two families are plunged in mourning, one head of the house, with a family dependent on his labors.

Others are crippled for life, and still others, some of them innocent spectators, suffer from ugly wounds....What kind of reason is there in this? What justice is there in it? At whose doors is to be placed the blame? As long as the people are humane they will become indignant at the crime of rape. The community which would not rise up at the commission of such a crime would not be worth saving.

“As to the calling out of the guards and shooting down citizens it is certainly a horrible mistake. The system is certainly an inhuman butchery and the ignorance which contrived it is simply outrageous. The law seems defective in that no suitable punishment is provided for this crime. And then too there was added an entirely too ready inclination of the officers to shoot. It is no little thing to shoot down innocent men and to make widows and orphans. The work of this day casts a pall over families that two decades will not remove.

“Our people are as law abiding citizens as there are on earth but they were a unit that the penitentiary was no place for that inhuman monster. Nothing but his blood would satisfy the outraged feeling and indignation of this community and it would have been infinitely better had not the guards been called out.

“Law is a good thing; order is greatly to be desired. But the holy rights of humanity and God’s eternal justice are above both law and order. On the whole it is a bad day for Urbana and we will postpone further judgments upon the participators of this unhappy day’s work.”

On June 17, the Champaign Democrat would praise the Times-Citizen for possessing “true grit” for its stand on the lynching.

On Saturday, June 5<sup>th</sup>, State Adjutant General Henry Axline rode the train from Columbus to Urbana and rumors began to circulate that he might order the city placed under martial law and disband the local militia. But Axline denied this in public and said the militia would be kept on as a local outfit of the National Guard. He told reporters he had received a telephone call from Mayor Ganson the day before, shortly after the hanging, and that the mayor had absolved the governor and the militia from any blame for what had happened. “If there is anyone to blame it is myself and the sheriff and as far as I am concerned I am willing to take my share of the blame,” Axline quoted Ganson as saying. Ganson also said, according to Axline’s statement to reporters, that there was ample provocation for the militia to fire and that he did not blame the troops. But McLain, Ganson told Axline, “did not manage things right and did not seem to appreciate the gravity of the situation until it was too late to avoid the lynching without an awful slaughter of human life.”

But others were not so sure. Adjutant Charles F. Startzman of the Third Regular Ohio National Guard was quoted in the Dayton Journal that charges would be filed against Ganson and probably against the county prosecutor, Sherman Deaton, as well. Ganson, Startzman said, “was the leader of the mob,” and Deaton’s position when shot would show that he was with the mob. Startzman also implied that some action might be taken against men who were deputized before the hanging but refused to serve.

Dr. C.G. Rogers, with the Afro-Americans of Dayton, issued a statement saying that Gonococcus Bacillus, the loathsome disease Click Mitchell supposedly passed on to

Mrs. Gaumer, could not be identified by the naked eye, especially within 36 hours. Rogers said he had read of no tests being made by any physician. His group strongly condemned the lynching and said it would not have taken place if Mitchell had been white. This reference to disease would be virtually the only mention of a reported infection to ever appear in print.

On June 17, the Democrat reported: "In reply to the many inquiries that reach us every day concerning the recent critical condition of Mrs. Gaumer, her legion of friends will be glad to learn that while still suffering great nervousness is able to be up a large part of the time."

Captain Leonard, in the meanwhile, had been ordered to return to Urbana via Columbus, and additional companies of guardsmen were placed on alert in Dayton, Springfield and nearby Delaware, Ohio, ready to move to Urbana should they be needed. They were not.

On Monday, three days after the lynching, Romeo Campbell told constable Robert Simpson that he had taken off his sword and would never buckle it on again. Soon thereafter he left Urbana and never returned.

In Columbus, George Leonard was found by reporters and he told them he still feared for his life. "My business is ruined and my family broken up. I do not think I shall ever go back to Urbana. I dream of terrible occurrences and I awake with a start at night with the din of that howling mob in my ears. I am fearful that my 17-year-old boy will come to harm and I have been told that I will be shot on sight." Back in town his pregnant wife, Eva, had received threats to the effect that her husband would be hanged if he returned home. According to reports, she lapsed into hysteria.

That same evening, Monday, June 7<sup>th</sup>, both Leonard and McLain slipped quietly back into Urbana. McLain returned to work without difficulty, but rumors persisted in town that Leonard would dispose of his jewelry store and move to Columbus. He did not.

In the weeks to follow there were many stories circulated that turned out to be untrue. Gus Glessner, a member of the militia who lived on West Ward Street had reportedly gone for safety to the nearby community of Woodstock after the shooting. A sergeant, Glessner was ordered out of Woodstock, the Times-Citizen reported. The story was later retracted and the incident, Glessner said, never happened.

Wesley Bowen, originally reported to have been killed in the shooting, according to the Utica New York Saturday Globe, was still in serious condition with the wound to his pelvis. On Monday, June 7<sup>th</sup>, he was taken in a hack from the Sowles Hotel to the depot, where a Pennsylvania Railroad car carried him home to nearby Cable. Doctor Thompson, at his home in North Lewisburg, had a discolored face and blood poisoning from the scalp wound he had received.

Shortly after the hanging, on Friday afternoon, the Times-Citizen reported in its Monday editions, a telegram was received from John G. Monroe, of Columbus, state agent of the Newark Underwriter's Insurance Company, starting a fund for the families "bereaved by the recent troubles here." The telegram said: "Accept congratulations on work of so-called mob. Women must be protected at all hazards. Something should be done for families of those killed. Put me down for ten dollars."

Former state legislator Charles N. Gaumer, back home in Mansfield, sent a telegram to Charlie Gaumer that same week: “My dear Charlie—please put me down for \$100 for the Upton Baker fund. Enclosed find check for the same, which you can endorse to the proper party to receive it. God bless those brave men who gave up their lives in the noblest cause for which men can fight. We must honor their memories and aid their families. Yours as ever, C.N. Gaumer.”

On June 9<sup>th</sup>, the Champaign County commissioners authorized payment of \$1.00 to J.R. McClellan for guarding a tree in the court house yard, by order of the coroner. And on June 21<sup>st</sup>, they authorized payment of \$7.45 to W.B. Jackson for repairs to the court house and jail.

On Thursday, the 10<sup>th</sup> of June, nearly a week after the “crisis,” the Champaign Democrat brought out its weekly edition and began with a series of headlines on the front page accompanied by a story typeset two columns in width, an unheard of treatment for a local story.

## **VENGEANCE!**

### **Terrible and Swift Came**

### **Foulest Crime in Urbana’s History Avenged**

### **The Vile Perpetrator Hanged by a Mob**

Nine other headlines followed over the one story—a total of 13 headlines in all. “The whole population of Champaign County arose as one man and swore that the crime should be avenged by the only punishment that can be devised as anything near adequate to the offense,” the newspaper reported. “The monster had to die and in the most horrible manner that could be contrived.

“But the deplorable part of the affair is that justice was meted out at a fearful cost. Innocent lives were lost and many persons maimed in the vain and foolhardy efforts of the sheriff and local military to protect the brute from the death he so richly deserved.”

In its Thursday edition the Democrat savaged Click Mitchell nearly as much as the mob had, calling him the beastly hellhound, the vile wretch, the brute, the monster, the fiend, the guilty wretch, the black devil. Ridiculing stories that members of the crowd fired shots before the jail was stormed, the paper said that Sheriff McLain “preferred to sacrifice of the lives of two noble and promising young men rather than yield to the opinions of others, whose discretion and good sense told them what the inevitable result must be.”

The editor, Charles Gaumer, took on newspapers in other parts of the state, some of which had condemned the hanging, especially the Dayton Herald and the Cleveland Leader. “The people of Urbana and Champaign County have no apology to make for the

lynching of the negro brute last Friday.” Two lawyers, the paper reported, had offered their services to the bench to help prosecute Mitchell. But “Judge Lynch had the case and he never has much use for lawyers.”

“Instead of keeping the mob off with their bayonets as they might have done,” the Democrat continued, the guards “slunk inside the jail, closed the door and then at the command of the sheriff they opened a deadly fire on the crowd. Some of the soldiers claim that the mob fired first. This is not true. It may be that, as stated, the door was broken open by a sledge before the soldiers fired, but we doubt whether this is true.”

On Monday, June 14<sup>th</sup>, Coroner Hewitt took the train to Columbus to obtain depositions from Governor Bushnell and Attorney General Frank Monnett, in preparation for his upcoming inquest into the deaths of Harry Bell and Upton Baker. The situation was becoming more complicated by the day, and Hewitt knew it. On the previous Friday there had been the first of a number of demonstrations held in cities around the state to protest the lynching...by colored groups in Toledo and Xenia.

When he arrived in Columbus, Hewitt discovered that the lawyer, Jesse Lewis, had spoken to the governor’s private secretary J.L. Rodgers that same morning and had, Hewitt was told, hinted that the coroner himself had been among those in the crowd outside the jail at the time of the hanging. Later, at the inquest, Hewitt would ask Lewis about this allegation directly, asking if he had accused the coroner of having been a member of the mob.

If Hewitt, who had not participated in the hanging, was angry at such a charge, Lewis, who had been inside the sheriff’s residence and had been very much involved in sending away the reinforcements that morning, might well have been apprehensive...worried about how his role in that brief controversy would tie him to the lynching itself. It had by no means been decided, several days after the event, just who, if anyone, would be held responsible for what. “I made no accusations against him or anyone,” Lewis replied at the inquest. “I did say however that by reason of the sweeping provisions of the statute (he was referring to the anti-lynch law passed by the state legislature just the year before), any person in sight of that occurrence were liable same as any other actively engaged. That this would include the coroner as well as all of us who were taking no part whatever in the effort to enter the jail or molest the guards.” If the entire town was to blame, Lewis’s argument went, how could any individuals be held responsible?

**Deposition taken June 14. Asa S. Bushnell, being duly sworn,  
Stated that his name is Asa S. Bushnell, age 62 years; occupation  
Governor of Ohio; residences, Springfield and Columbus, Ohio.**

Q. What do you know about the causes relating to the death of Upton Baker, of Urbana, Ohio, and state your connection with the affair.

A. I know nothing of the causes relating to the death of Upton Baker except by hearsay, and the only connection I had with the affair is as follows:

At 11:10 Thursday night, June 3<sup>rd</sup>, at Wooster, Ohio, I received the following telegraph message from Captain Leonard, dated Urbana, Ohio:

“Situation serious. Sheriff asks for two more companies. Springfield Companies ready to come if you order.”

This was the first information I had had of any disturbance at Urbana, though I have since learned the people had been gathering the whole day, and notwithstanding this fact and the further fact that the sheriff deemed it advisable to call and did call ten of the National Guard to his assistance the night of the 2<sup>nd</sup>, he did not advise the governor or the adjutant general of any anticipated trouble.

And the first information I had of the situation was the dispatch from Captain Leonard, and immediately on its receipt, not wishing to take the time necessary to telegraph and receive a reply, I sent to the house of the man in charge of the long distance telephone, got him out of bed and to his office as soon as possible, and had him call up Urbana and Sheriff McLain, asking the operator how soon he could get the sheriff to the phone. He said in ten minutes. In about 15 minutes, I was called (this was about 11:45 p.m.) and conversed with a person calling himself the sheriff. I do not know positively who the person was.

I asked; “Is that you, Sheriff?” The reply was: “Yes.” I said “What is your trouble?” He answered: “There is a crowd about the jail trying to get a prisoner out.” “How many persons are there in the crowd?” I asked. He answered: “About two thousand, I think.” “How many soldiers have you?” I next asked. “Forty,” he answered. “Where are they?” I asked. “Outside or in?” His answer was “Outside.” “Keep them out,” I said, adding: “Do you not think with the forty soldiers and the authority you have for swearing in deputies you can protect your prisoner and property?” His answer was “I think I can,” adding “the crowd is not my worst trouble but it is that public sentiment is dead against me.” I answered: “You have nothing to do with that; protect your prisoner.”

At no time in the conversation did the person who said he was the sheriff ask for more troops or say anything about bloodshed or loss of life. He seemed greatly excited and talked in a low tone of voice. During the conversation, he informed me the person had been indicted, pled guilty and sentenced that evening. I said “How unfortunate you did not take him out of the county.” He answered “I endeavored to do so but could get no one to hitch up a horse and carriage for me.”

Until the day following, I did not know the name of the person or the crime for which he was indicted, pled guilty and was sentenced. I did not ring off the telephone until the sheriff, or the person representing himself to be the sheriff, said “Good night,” and then the operator rang off. I then returned to the hotel and conversed with friends until about 1 a.m. and hearing nothing further from Urbana, concluded that the sheriff was controlling the crowd and that as soon as daylight came, it would disperse. I then retired. At 3 a.m. the railroad telegraph operator rapped at my door in the hotel, and on my opening it, handed me the following message, dated Urbana, June 4, 1897:

“Asa S. Bushnell, Governor, Wooster, Ohio. Mob attacked jail. Opened fire on them; killed three. My force inadequate; send me assistance.  
Louis McLain, Sheriff.”



The next instant I telegraphed Captain Bradbury as follows:

“Captain W.H. Bradbury, Springfield, Ohio. Report with your company as soon as possible to Louis McLain, Sheriff, Urbana, for service in repelling mob. Asa S. Bushnell, Governor.”

And as follows, to Sheriff McLain:

“Louis McLain, Sheriff, Urbana, Ohio. Have ordered Company A from Springfield to your assistance. Asa S. Bushnell, Governor.”

I ordered no colored troops to Urbana.

I have as yet no official report from Captain Bradbury, but learned, from his published testimony, that he took his command to Urbana and reported his presence there to the sheriff in ample time for service, and was directed by the sheriff to take his company to the depot and return home. I received no telegraph message from Sheriff McLain other than the one above stated, and no message came to me via Massillon nor from him at any time prior to 3 a.m. June 4<sup>th</sup>. I acted as promptly as it was possible for anyone to do after I received his request for assistance.

Nothing was said in the conversation with Sheriff McLain, or the person representing himself to be the sheriff, about Colonel Anthony or the Springfield companies, and I used no such language as “I will give you no troops until you have exhausted all the force you have at command.” The whole conversation did not occupy more than five minutes.

While in Columbus, Hewitt, it was later reported, turned over to the governor a list containing the names of as many as 200 men who were in the crowd around the jail when Click Mitchell was lynched. That list would never surface.

On June 16<sup>th</sup> Hewitt convened his coroner’s inquest. He interviewed 42 persons at the hearing into Bell’s death and 29 at Baker’s, often simply placing into the Baker file testimony taken at Bell’s hearing in order to save time. In all, 24 guardsmen were interviewed. Their average age was 24 years.

Mayor Ganson told the coroner “I did not impersonate the sheriff and what I did was what I believed then to be right—and I am still firmer of the opinion now. I believe my arrival at the scene prevented further bloodshed and I do not believe at that time two companies of militia could have saved the criminal. The sheriff did not advise with me at any time until after the killing when I went to him.”

Despite a plea in the June 10<sup>th</sup> edition of the Times-Citizen by its proprietor Charles T. Jamieson for understanding by the town toward the guardsmen who, he pointed out, were under orders to their superiors, three members of Company D told Hewitt at the inquests that they had lost their jobs because of the shooting. Hewitt refused to release their names until he could talk to their employers. He did ask a farmer, W.H. Miller, if he would “refuse to employ a member of the guards after serving the state as they did on the night of June 3<sup>rd</sup>.” Miller replied “I would not refuse on account of such connections with the guards of affairs of June 3<sup>rd</sup>.”

Coroner Hewitt’s separate inquests into the death of Mitchell, conducted shortly after the hanging, and the deaths of the shooting victims Baker and Bell, conducted June 16-17, were studies in contrast.

### **Inquest into the death of Charles W. Mitchell, Jr.**

He questioned three witnesses in the inquest into the death of Mitchell: George Waite, Charles Ganson, and P.L. Clark.

--George Waite, 35, attorney, partner of Sherman S. Deaton, the county prosecuting attorney: The [tree] limb was 15 or 20 feet from the ground and he was drawn up by a great number of persons holding the rope—he was continuously drawn up and down, and each time he went up his head and face struck the limb. He was left up until he died. Waite didn't know who the people were—he was watching Mitchell. "It was simply a case of a mob hanging." He watched from the fence at the southeast corner of the court house.

--C.H. Ganson, 61, mayor: Mitchell was taken from the county jail around 7:45 a.m. this morning. He did not see the lynching but saw Mitchell hanging there afterward. There were a great many people there. The mayor tried unsuccessfully to disperse them. He did not know who lynched Mitchell.

--Pearl L. Clark, 27, schoolteacher, residing at 213 W. Ward St.: He arose at 4:30 a.m. and came down N. Main. He stayed at the jail about one hour, and then went home for breakfast. He came back and talked with the guards and saw several bullets picked up in the yard. Around 7 a.m. another body of guards came marching up N. Main and marched down the alley just north of the jail and rested arms. They soon moved away. Then "a body of men rushed around to the south entrance of the jail and battered down the door, rushed into the jail, secured the keys" and hanged him.

Hewitt's official ruling: He came to his death by "hanging in the courthouse yard of Champaign County at the hands of an infuriated mob, whose names are to me unknown."

Description of the body: 5 feet, 7 inches tall, no shoes or socks, blue pants, white shirt. Right upper lip cut, large contusion on right cheek and one over right eye. One around left eye. A crease around the neck 3-8 of an inch deep. Numerous bruises over the body.

Cost of the inquest: \$1.40.

### **Inquest into the deaths of Upton Baker and Harry Bell**

Hewitt's final report said this of Upton Baker: five feet, nine inches tall, mustache, brown eyes, black hair. Died of bullet wound three-fourths of inch outside right nipple, extended inwards and slightly backwards. Also a bullet wound at lower angle of left scapula. 37 years old. Examined 29 witnesses, including 8 members of the militia.

Coroner's fees: \$45.15; Constable's fees: \$46.40.

And of Harry Bell: light hair, light eyes. Right side of head shot off, ball striking him in middle of forehead and passing back and to the right, tearing away all of skull and most of flesh from upper right side of head. 19 years old. Examined 44 witnesses, including 17 members of the militia.

Inquest cost: \$50.20.

Hewitt never called Charles Gaumer or Bruce Gaumer or Eliza Gaumer or any other person named Gaumer to testify.

His findings—that the men were killed “by a rifle ball fired by a member of Co. D, 3<sup>rd</sup> Reg. ONG acting under orders from the captain of said Co. and while attempting to defend the county jail of Champaign Co. Ohio and prevent a crowd of people there assembled from doing violence to a prisoner Charles Mitchell Jr. confined therein charged and convicted of rape, on the morning of June 4 1897. I fail to find from the testimony of the witness’s examined by me any failure or neglect on the part of Gov. Asa S. Bushnell to promptly respond to any request made to him by the Sheriff Louis McLain for troops to assist him in defending said jail or protecting said prisoner. And I do not find from the testimony so taken by me, any failure on the part of Sheriff Louis McLain to use all means at his hands for the protection of said jail or said prisoner.

“I further find that Mayor C.H. Ganson directed the police force of the city to do all in their power to preserve order; and that he did not in any way attempt to usurp the power of the Sheriff or in any manner claim to represent him in discharging his duty, but that he as the mayor of the city advised the crowd there assembled not to attempt any violence to the prisoner Charles Mitchell Jr., and that his conduct on that occasion was wholly directed toward preventing any violence being done to the prisoner by the persons there assembled and any further killing of the people by the militia.”

So who had been responsible? Griffith Ellis, former county treasurer and clerk of courts and a resident of Urbana for all of his 53 years, would later say “If you were to ask me, I couldn’t tell you who they were. I never thought of the people that were holding the rope. I was looking at the nigger.”

## Quo Warranto

On the 26<sup>th</sup> of June, 1897, Charles W. Mitchell, Senior, returned to his home in Urbana from Dayton, Ohio, where he had been sentenced to the workhouse by Mayor Ganson three weeks before. His return intensified rumors that a suit against the Champaign County commissioners was possible under Harry Smith's anti-lynching act, passed by the Ohio legislature in 1896.

Mitchell did not go to the baseball game played on Monday, two days later.

If officials in either the city or the county were concerned that they might face court action or any other inappropriate kinds of retribution for the events of the third and fourth of June, the official record shows no trace of it.

The week after the hanging members of city council challenged the county commissioners to a baseball game, with all proceeds brought in to go to the aid of Dennis Graney, who had been severely wounded by a bullet, presumably fired by a member of Company D hours before the hanging. Fifth ward council member John Brennan was named manager of the team, and Mayor Ganson was appointed treasurer, with instructions to levy fines of one dollar for the benefit fund against any council member who failed to take his position the day of the game.

The game was played on Monday, June 28<sup>th</sup> at the North End Park. It took three hours to finish, and the city defeated the team fielded by the county, 38 to 16. Brennan took the catcher's position and Ganson played second. Others on the team included Democratic councilman Luther Wean, who had perhaps already made up his mind to run for sheriff in 1898. Josh Kinna was listed as a substitute. Players for the county team included Judge Heiserman at first, auditor McDonald at second and prosecutor Deaton at third. Harry Kirby and constable Rawlings were on the bench. Sheriff Louis McLain did not attend.

Eliza Cone Gaumer had already shown marked improvement from the injuries her paper said she had sustained in May, as the Democrat pointed out: "In reply to many inquiries that reach us every day concerning the recent critical condition of Mrs. Gaumer, her legion of friends will be glad to learn that while still suffering great nervousness [she] is able to be up a large part of the time."

But all through June, July and August, the rumors and stories and editorial comments continued across the state, fueled in part by questions raised by Smith's Gazette, the most influential and the oldest colored newspaper in Ohio. Over and over again the Gazette proclaimed Mitchell innocent of any crime. Mrs. Gaumer, the paper said, had described her assailant as a "thick-lipped colored man who wore a checked coat and a brown derby hat." But the paper claimed, through a correspondent who had been in Urbana, that on the day of the alleged assault, Mitchell had left home wearing a cap, and his "lips were not at all thick and the newspaper cuts of him were simply horrible, to say the least."

When Mitchell was taken before Mrs. Gaumer at her home on the second of June, the Gazette said, she had already been informed that he was coming, and the implication was obvious—she was prepared to identify the man who walked through the door of her bedroom. With her at that time, Smith’s correspondent reported, “were present the members of the family (I think two brothers-in-law) and one or two others.”

Just before the shooting, around two in the morning, the Gazette said, it was reported that Mrs. Gaumer had died, and Doctor Tom Henderson “went up and down the streets wringing his hands and saying ‘Oh, my, isn’t it awful. Just think of it,’ and giving vent to like expressions of grief. This capped the climax, and the crowd, swelled to thousands of men, women and children from the surrounding county, began to cry for the prisoner’s blood.”

The Gazette insisted that Mayor Ganson had told a group of colored men in Urbana that Mitchell had confessed that morning. The paper’s correspondent vehemently denied that Mitchell had even opened his mouth, and continued with an attack upon the Gaumers: “If it had not been the desire of Mrs. Gaumer and family that Mitchell be lynched he would never have been.” Furthermore, the paper said, Mitchell had not been in the neighborhood for a month, Mrs. Gaumer’s neighbors heard no commotion, and “she is reported to have said that if she had made a mistake in her identification, it was only a ‘nigger’ less anyhow.” And the article concluded with an assault upon the governor: “Gov. ‘Urbana’ Bushnell had plenty of time and troops at his command to have saved his [Mitchell’s] life. Why didn’t he do it?”

Bushnell had defeated his Democratic opponent, former Governor James Campbell, by nearly 93,000 votes in the 1895 election, but his two years in office had not been marked by aggressive legislation (excepting for the anti-lynching law), and his ties to Marcus Hanna and the incident at Urbana now combined to bring into question his ability to win another term.

Two questions were raised across Ohio, if not in Urbana: was Click Mitchell guilty of any crime, especially rape? And had the governor failed to act promptly to save Mitchell’s life by sending state troops into the city when asked to do so by Captain Leonard and the sheriff? Three years before, then-governor-now President William McKinley’s administration had done just that in Washington Court House, and in that case the soldiers had opened fire and prevented the same kind of lynching for the same kind of crime.

In addition, the Gazette reprinted quotes from other newspapers and publications attacking Bushnell. The Chicago Conservator said “Gov. Bushnell is having a serious time with his campaign in Ohio. Last week an A.M.E. convention in that state unanimously censured the governor for his neglect of duty in allowing a colored man to be killed by a mob. The revolt is spreading.”

And newspapers and periodicals around the country weighed in on the event in Urbana, and many of their editorials were reprinted in the Literary Digest that same month.

From the Odd Fellows’ Journal in Philadelphia: “It seems...that Gov. Bushnell

was not anxious to send military aid, as he had to be requested to do so repeatedly before he sent the meager and inefficient force. In his interview after the occurrence he gave lynching a quasi endorsement and promised to investigate the failure of the militia to protect the criminal. There has been no investigation and it does not appear that there will be one.”

From the New Orleans Times-Democrat: “The ease with which they (the state troops) allowed themselves to be persuaded to retire from the vicinity of the jail after they had arrived there and taken in the situation was superb. They had no thought to go shooting down their fellow citizens to protect a black brute like that....There will be no arrests and no trial. Human nature is pretty much alike both in North and South, when crimes like the one of which ‘Click’ Mitchell was guilty are in question; and it is questionable whether the very strictest administration of justice will ever be able to dispense with the rough-and-ready services of Justice Lynch in cases in which Caucasian women are assaulted by ruffian Senegambians. The Ohioans of Urbana are not law abiding enough to allow a brute like ‘Click’ Mitchell to escape the noose, court or no court.”

From the Chicago Chronicle: “The negro was killed irregularly but justifiably. He committed an offense far more heinous than simple murder....The community at Urbana would be less than human, indeed it would be lily-livered and lacking in gall, were it to allow this ravisher to live....

“The State can do nothing to those persons who informally executed the negro at Urbana. It has not the power; it derives such power as it has from the people, and the people determined in other tribunal than that which the law creates that for his heinous offense the negro should suffer. Sympathy with the negro, condemnation of what may be called a mob will be lost. There can be no punishment of those people. The thing is impossible. Their sole offense consists in having done the right thing in the wrong way. Any brute, negro or other, who violates a woman ought to be shot down or hanged up, as may be most convenient.”

The New York Times was not quite so certain: “What has followed is even worse, because it is more deliberate. The commander of the militia, who had done merely his duty in protecting the prisoner and in firing upon the mob, was compelled to leave the place by threats of violence, and it is said that it will be impossible for him to get his living in Urbana hereafter, so much ‘public opinion’ resents his discharge of his duty...The whole story would be disgraceful if it were told of a mining-camp. But it is told of an old and settled town, fully equipped with schools and churches, which fairly represents the civilization of the Middle West of the United States. In that point of view it is extremely discouraging.”

And the Columbus Dispatch: “The shame of the thing is in violated law and the discreditable role which the national guardsmen were forced to play because of weak and unwise leadership. The authorities have been defied and make a mockery. Lawlessness has been covered with a fictitious glory. A condition has been created that is full of false lessons for the thoughtless. The means to law and order, the protection to the honest and

the punishment of the criminal have been temporarily overturned and derided. Urbana will recover from this serious blow, but the evil influence of the triumph of disorder will long be felt, not only there but in other parts of the State.”

The Reverend Jones began a series of weekly sermons in mid-June at the Second African Methodist Episcopal Church in the Columbus area denouncing the governor, calling for a public investigation, and suggesting a negro revolt at the polls should Bushnell fail to act. The Gazette carried the sermons and repeated them throughout the summer, even after Bushnell was easily renominated by the Republicans for a second term.

Jones said Mitchell was first charged with trying to burglarize Mrs. Gaumer and to force confessions of money; four days later the charge was changed to assault with intent to kill. “When was Mrs. Gaumer right? What are we to conclude? No court could declare which statement was correct.” Jones went over what he called the “mock trial” given Mitchell: “You can’t beat that record in the irregularity of judicial proceedings in the jungles of Africa.” He charged Ganson with “being the organizer and leader of the mob,” and said that the judge and Mitchell’s attorney had violated their oaths of office, “thus making the whole affair the most disgraceful proceeding in the history of the state. If the people of Ohio will allow such proceedings the state will go down into oblivion...Up to five o’clock the sheriff did honor to himself and the state, but through coercion and faintheartedness he threw open the jail—to his everlasting disgrace. Why won’t Gov. Bushnell institute the promised court of inquiry?”

Petitions, meanwhile, were being circulated in Columbus as early as June, the same month as the hanging of Click Mitchell, urging the governor to oust McLain as sheriff, and possibly to remove Ganson as mayor. They claimed that McLain allowed acts to be committed that “totally unfit him to hold further public office,” and said he did not attempt to disperse the mob and did not call on the commander of any military organization for assistance in guarding the prisoner. The Cincinnati Commercial Tribune reported at that time that the attorney general, Frank S. Monnett, had advised the governor that the county prosecutor, Sherman S. Deaton, was the person responsible for instituting proceedings to oust local officials in Champaign County.

But on July 13, Monnett urged the committee to obtain the evidence necessary to begin “quo warranto” proceedings to oust the sheriff and the mayor of Urbana. By August it had become apparent that Sherman Deaton had no intention of doing anything, so Monnett and Bushnell, already under political attack by negroes in their own party, now urged the local coroner to prosecute, “as he admitted he had ample evidence. The coroner gave an implied promise when in Columbus (on June 14) that he would. He never did, however.” Hewitt had supposedly turned over a list of perhaps 200 or even 300 persons who had been in the mob the morning of June 4<sup>th</sup>.

When it became obvious that neither Deaton nor Hewitt, the local officials with authority to begin ouster proceedings, would take such action, the colored citizens committee again pressured Bushnell, who in turned asked Monnett for an official opinion. The gist of Monnett’s opinion now was that the governor “had power to begin Quo Warranto proceedings to oust the officials of Champaign County and the City of Urbana, upon proper affidavits.”

The Commercial Tribune reported on August 1<sup>st</sup> that a committee of colored Columbus men, appointed at a mass meeting in June to be representatives to the governor, had urged Bushnell to have the rioters prosecuted by the state. The men claimed the governor had asked them to procure affidavits on which to base a prosecution against McLain.

By July 13<sup>th</sup>, when Monnett urged the committee to obtain the necessary affidavits for the state to act, Wilbur F. King had been designated its representative. He went to Urbana, and the Commercial-Tribune reported in its August 3<sup>rd</sup> edition that a colored group in Urbana was also at work trying to find evidence for the suit. The Columbus committee included King, Joshua H. Jones, Edward Triplett, Marcus Mills, Dr. James A. Tyler, J.J. Lee and J.M. Reynolds. Jones served as chairman. Walter H. Thomas, secretary of the Afro-American State League in Columbus, also went to Urbana on August 3<sup>rd</sup> seeking evidence for such a proceeding.

The Urbana Times-Citizen deplored this move, commenting: "In view of the fact that the law holds spectators at a lynching equally guilty with the participants, the question arises can the attorney general compel those who witnessed the hanging of Mitchell to testify. As persons so testifying would in reality be giving evidence incriminating themselves, to the lay mind it would seem that such parties need not testify unless they feel so inclined."

Monnett, commenting on reports published about the pending quo warranto suits, was quoted as saying "We have never yet been called upon in courts of justice in my part of the state to put a 'white label' upon an honest man's testimony. Colored men's eyes and ears can furnish as reliable an account...as some of the white law violators, whose hearts belied their skins when they dragged a helpless victim through the courtyard by the neck."

Startzman, of the Third Regular Ohio National Guard, was interviewed by the Dayton Journal, which had called for an investigation of and punishment of the members of the mob. Startzman charged in the newspaper article that Ganson was the leader of the mob and he implied that charges would be filed against both the mayor and the prosecutor, Deaton, whose position when shot would show he was with the mob. Startzman had also hinted, in an earlier June interview, that there was some question as to pressing charges against men who had been deputized the day before the lynching but had refused to serve.

The Times-Citizen also covered the quo warranto proceedings at length and carried reports about the grounds on which they had been based. The paper quoted from Monnett's opinion to the governor as to the legality of instituting the legal actions.

In its edition of August 3<sup>rd</sup>, the paper said "The announcement that Governor Bushnell had instructed Attorney General Monnett to bring proceedings in quo warranto to oust Mayor Ganson and Sheriff McLain from their offices because of alleged misconduct in connection with the lynching of Click Mitchell came as a surprise to the people of Urbana this morning. While such a procedure had been frequently hinted at, it was the general opinion that the governor would let the matter drop."



The paper went on: "The governor who has been ill at his home in Springfield for several days, came to Columbus yesterday [August 2<sup>nd</sup>] when certain evidence was submitted to him by Wilbur E. King, a leader among the colored people of Columbus, who came to this city several days ago at the request of the governor to obtain what evidence he could in the premises.

"Several days ago a statement made by the committee of colored citizens which had interested itself in the matter implied that King had not secured any evidence. But he returned yesterday and submitted a report to the attorney general, including certain affidavits and names. In addition, it is given out by the attorney general that considerable evidence has been volunteered by citizens of this county and that a committee of colored citizens is at present at work in this county in the effort to procure further witnesses.

"The evidence claimed to have been secured against Mayor Ganson relates to his actions on the morning of the lynching and at the time of the arrival of the Springfield militia. Some of the statements said to have been made by the Mayor according to certain witnesses whose testimony has been secured by the Attorney General are entirely without foundation in fact. As for example one witness, it is said, will testify that when the news of the arrival of the Springfield troops was brought to the Mayor, he said 'The jig is up, unless we can stop them.' Also, that he said to a new arrival upon the scene: 'I have taken charge of this thing,' and pointed to the body of Mitchell hanging from the tree in the court house yard."

The article went on to state that the mayor was unavailable to comment because he was in Mansfield that day to act as a starter at the races. "It can be stated authoritatively, however, that these statements credited to him by so-called witnesses are purely imaginative. The people of Urbana are the best judges of the actions of Mayor Ganson on that eventful morning. It is the general opinion that but for the arrival of Mayor Ganson on the scene there certainly would have been an appalling loss of life. The people were frenzied over the killing of citizens by the home guards and an attack would surely have been made upon the Springfield troops had they remained in the vicinity of the court house. The troops would naturally have fired into the crowd and the loss of life would have been frightful among the vast multitudes that surrounded the court house. It was the general expression this morning that should Mayor Ganson be ousted he would be re-elected by the largest majority that he ever received."

And the paper carried the matter one step further: "The people of Urbana are likely to take a hand at the quo warranto business, and the proceedings will probably be directed against none other than Governor Bushnell himself." The Times-Citizen went on: "Yesterday afternoon several prominent citizens met and discussed the advisability of instituting a suit to oust the governor. The grounds on which such an action would be based would be the failure of the governor to send sufficient troops to protect the prisoner." E.M. Bennett, Ed Bosworth, Frank Kirby and the city editor of the Springfield Sun were among the several people in the Urbana telephone office when Bushnell was heard to reject McLain's request for more troops.

The Time-Citizen concluded that "In case proceedings are instituted against the governor it is likely that the charges of desertion will be preferred against Captain

Leonard and his company. It is claimed that he and his men lay down their arms and refused to longer defend the prisoner, and that they are amenable under the military code. An effort will also be made to prevent their collecting pay from the state for a longer period than the time they were on duty at the jail.”

The Champaign Democrat also commented on the depositions in its editions of August 5<sup>th</sup> and August 12<sup>th</sup>: “A ‘yaller’ dude from the big city of Columbus blew into this poor defenseless village on Tuesday and proceeded, between drinks, to investigate the recent lynching of one of his fellow countrymen in this city. Everyone wondered what the yaller coon from Columbus was going to do about it, but it is reported that he and some other Columbus coons are going to have Mayor Ganson and Sheriff McLain removed from office....”

On August 5<sup>th</sup>, the quo warranto suits were finally filed on behalf of the governor before the Ohio Supreme Court in Columbus, seeking to remove both Ganson and McLain from office.

The court’s ruling would certainly set precedent. Ohio law provided that any sheriff who failed to perform his duties could be charged with a felony and fined up to \$500 and imprisoned for up to 30 days. A misdemeanor conviction would bring almost as much—a fine of up to \$500 and perhaps 20 days in prison. And the section provided that “an officer convicted under this section may be removed from office by order of the court.”

But that was the hedge, the out, perhaps—because no sheriff in Champaign County had been or likely would be convicted by any local jury for an act related to that mob violence. Too many names, too many faces now hidden from public view might come out and be exposed.

The question of the mayor’s supposed dereliction of duty was not nearly so clear. It might even happen that the court would hold that the mayor must be dismissed from the proceedings and the sheriff left to stand alone, because these were separate suits. But the sheriff, at least at the onset of the problem, had tried to do his duty, had tried to hold off that mass of people, had remained within the jail, had himself been injured by objects thrown at him by the mob, before some of the most prominent white men in Urbana, the mayor included, had gone into the house and talked the sheriff into stepping aside and not concerning himself any more with the fate of his prisoner.

On August 10<sup>th</sup>, Monnett himself traveled to Urbana to obtain depositions from McLain, who was represented by the law firm of Johnson and Warnock, and from Ganson, who was represented by Middleton and by city solicitor Horace Crow.

Monnett attempted to take the depositions in secret, but McLain’s attorneys objected and the hearings were then opened to the public. They were conducted at the office of Henry F. McCracken, a notary. Lieutenant Campbell, Corporal George Burkett, Corporal Johnson and Leonard all testified, as well. McCracken took the depositions for Monnett but refused later to part with them until his costs were paid, one newspaper reported.

Smith’s Gazette had this to say on August 21<sup>st</sup>: “The truth as to the recent ‘inquiry’ conducted [in Urbana] by Attorney General Monnett has not been told by the

daily papers, either democratic or republican. Strange, but true. The fact is, it was conducted in the office of Henry McCracken, who was one of the three first to enter the jail to lynch Click Mitchell. The people here would not testify to the truth and nothing developed that amounted to anything.”

Reporting on the depositions, the Gazette said Leonard mainly repeated his testimony from the coroner’s inquest but added certain details. “It was his opinion that it would have required the services of a battalion of 200 soldiers to have protected the jail and the prisoner against the mob just preceding the time when Mitchell was hung,” the paper said. “When it was too late Bushnell sent a company of about 30, mostly boys. He also said that the sheriff did everything within his power with the force at his command to protect the prisoner.”

According to the newspaper, Leonard also testified that “upon the arrival of the Springfield company, the members of Co. D who had been on duty (called by the sheriff) nearly 40 hours, were to retire to the upstairs of the jail to make room for the Springfield company. While Co. D were upstairs and before the Springfield company took position in the jail, as they were expected to, the mob broke into the jail and secured the prisoner.” This newspaper article was signed by Willis Madden.

Campbell also gave a deposition to Monnett, Madden’s story continued, “modifying” his previous statement in which he had said the sheriff surrendered keys to the jail without saying a word. “The lieutenant explained that he was mistaken when he made the first statement. He likewise gave it as his opinion that Sheriff McLain did everything within his power to protect the prisoner (and would have done so if properly and promptly supported by the governor with the troops he asked for).”

The mayor, in his deposition, repeated what he had testified to earlier during the coroner’s inquest. “He made a flat denial of each and every charge made against him,” the paper said, “and gave evidence in his own peculiar way which impressed the attorney general that he did things about to suit himself.” Commenting for the Democrat, Ganson was quoted as saying “No affidavits of reputable citizens could be secured here relative to any alleged misconduct of mine. There is no truth in any of the sensational stories going the rounds with references to statements said to have been made by me on the morning of the lynching. I am not worrying any over the matter and I feel that I have violated no law, either statutory or moral.” He added that nine-tenths of the white people in Urbana backed him up and over half the colored people.

The Commercial-Tribune reported that Ganson said “If I were put out of office I could be re-elected mayor the next day by the citizens of Urbana.” He also told the newspaper “The colored people of this city, in the main, are orderly; at least three-fourths of them are not in sympathy with this prosecution. Some of these fellows sent over here from Columbus, ostensibly to secure evidence, but in reality to stir up trouble, are not very creditable representatives of their race. They failed to secure the affidavits of any reputable citizen of this city, because such citizens will not disprove my action. It was an unwise move to send unscrupulous agitators to this city to stir up strife. The white people of Urbana have not drawn the color line, and it is better for those in the minority that it should not be drawn.”

B.F. Hawley, who had been accused of obtaining the jail keys from McLain, “testified that that story originated from the fact that he had been requested by the sheriff, after the crowd had broken into the jail, to buy some new locks and keys for the jail. A bunch of keys was thrown at him while he was talking to the sheriff, but was quickly picked up by a man wearing a blue coat.”

The Champaign Democrat reported that only two new names emerged during the taking of testimony: those of Fred Bratton, a drays man living on Boyce Street, and M.N. Branson. The Democrat afterward quoted Bratton as saying he was on his dray and had nothing to do with the hanging of Mitchell.

“Nobody,” the Democrat editorialized, “is going to be removed from office in this city or county, and nobody is going to be hurt for lynching the black brute. Urbana and Champaign County will continue to do business at the old stand and in the same way, lynching included.” The coon, the newspaper said, was the laughing stock of Urbana. “The facts are that every white man, woman and child in Urbana aided in the recent lynching, either by actively partaking or encouraging the righteous deed and the whole county was in sympathy with the lynchers....

“The good people of the south continue to thin out the brutes,” the Democrat continued. “Three more were lynched last Friday and Saturday, one in Kentucky and two in Alabama. This will make more business for the Columbus coons, but let the good work of extermination go on.”

Madden, again writing for the Gazette, wrote that no grand jury had been convened since the hanging, and therefore no arrests “have yet been made of the mob leaders.” He reported that the taking of depositions was, at 9 o’clock Tuesday, “adjourned indefinitely. This is regarded, in view of developments of the day, as the first step towards letting the case down easily. Bushnell’s suits are only bluff.”

The Gazette went on to comment, in an article signed “W.M.” that “It is clearer now than ever to our people that the governor’s suits against these two individuals are but bluffs, pure and simple. People here hold the following persons principally responsible for the Urbana mob and lynching, in the order they are named, viz: Ganson, McLain and Bushnell.

“The pastor of the Baptist Church (Rev. Viney), an Afro-American, has resigned his position owing to differences between him and his congregation arising from an article he published in a local paper and the position he maintained in a large measure favorable to the mob and Bushnell. There was talk in his congregation of rotten-egging him out of town—so a prominent member of the race [in Urbana] tells me.

“People here laugh at that alleged meeting of self-constituted ‘leaders’ and ‘prominent’ ‘colored’ men at Columbus Monday. The ‘color line’ barber at the head of it, was enough to ruin any effect it might have had. Bushnell will find out ere long that it is not money for a few unprincipled ‘Negroes’ that we are clamoring for, but that we want justice; we want the majesty of Ohio law vindicated and we want persons responsible for the death of innocent persons as a result of the infamous Urbana mob punished according to law and decency and civilization. W.M.”

The suits themselves, when filed in early August that year, raised the controversy

to a different plane, drawing charges of hypocrisy down upon Bushnell's head. The Reverend W.H. Coston, pastor of the North Street A.M.E. Church in Springfield, for example, denounced them as "useless and harmful to our people."

Quoted again in the Gazette, Coston said "the alleged ground of the quo warranto suits (the satisfying of Ohio Negroes) implies that you have investigated this case and have found no reason for legal action, and that we, the complaining Negroes, are alone the cause of this suit. If it be true that after a careful investigation you have found that there was no violation of the state law, no assault upon the chief magistracy of this commonwealth, no assault upon public morals, no prostitution of citizenship, no debasement of Christian consciousness; if in fine no wrong was committed at Urbana in the killing of this man, I respectfully urge that there can hardly be found any reason in our complaints that will justify and vindicate your action to the intelligence of the state."

And, in a letter to Bushnell, Coston charged that the suits were "conceived in insincerity and born of political exigency."

In reaching his decision that the governor had authority to initiate quo warranto proceedings to remove the sheriff and mayor from office, Monnett had cited section 202 of the Ohio Revised Code, which allowed the attorney general to represent the state in any court where the state is directly interested, and if asked in writing by the governor, can prosecute—no, must prosecute—any person who has been indicted for a crime. Section 204, the attorney general also reported, provided that he, Monnett, must prosecute any Quo Warranto proceedings "in the supreme court of the state, the circuit court of Franklin County, or the circuit court of any county where the officer and officers, person and persons, made defendants, reside or may be found."

Monnett quoted two other sections of Ohio law—6760 and 6752—but his conclusion was relatively simple. Upon written request of the governor, he was empowered to begin quo warranto proceedings before the state's highest tribunal to remove local officials from office who had deliberately allowed an illegal act to be performed. Civil proceedings, not criminal proceedings, were involved.

And he also quoted section 1744 of the Ohio Code: "When three or more persons are unlawfully or riotously assembled it shall be the duty of all judges, justices of the peace, sheriffs and all other ministerial officers immediately upon view, or as soon as may be on information, to make proclamation in the name of the state of Ohio, to disperse and depart...to call upon all persons near, and if necessary, throughout the county, to aid and assist in dispersing and taking into custody all persons assembled...and every person called...who refuses to render immediate assistance shall be fined not more than \$50."

Criminal proceedings against local officials could be prosecuted by the attorney general only after those officials had been indicted by a grand jury in their own county. The Champaign County grand jury was scheduled to meet again in October, but it took very little study to suppose that indictments were extremely unlikely when it did convene. The grand jury, after all, would normally be instructed in its deliberations by the county prosecuting attorney, Sherman Deaton, who himself had been slightly injured when the militia had opened fire in the dark hours of that June morning two months before. Members of the mob itself might, in fact, be sitting as some of the grand jurors.

Criminal action could only be brought in the courts where the supposed crime—the illegal lynching—had occurred, Monnett’s opinion had informed the governor. But King, who worked as a lawyer in Columbus and had gone to Urbana to take depositions, knew by this time that no one would be removed from office, in any event, until after the November election.

Six days after the quo warranto suits were filed to oust the sheriff and the mayor, attorneys in Urbana representing Ganson and McLain had placed a demurrer on file before the state supreme court, arguing the very section of law on which Monnett’s opinion was based—arguing, in fact, that the state had no power to remove the two local officials until they had been indicted or convicted of a crime in Champaign County, where the lynching had taken place.

Any further attempts to remove Ganson and McLain from office would now have to wait for the Supreme Court to rule on the demurrer, which would not come until 1898, after the upcoming gubernatorial election.

Meanwhile, Sheriff McLain faced another potential mob situation that summer. In late July, two women were assaulted not far from the village of St. Paris in Champaign County. As the story was published at the time, two men had called upon Myrtle Losh and Eva Richeson of St. Paris and driven them into the countryside in a buggy, then attempted to assault them not far from a farm owned by a family named Swigart.

Losh managed to shove one of the men into a barbed wire fence and ran to the nearby farm house. Swigart, owner of the farm, seized a shotgun and fired it off, which startled the two men, who drove away. They returned to the “country villa” owned by one of the men’s parents at nearby Addison (later renamed Christiansburg), where they had been staying. The police at St. Paris, however, surrounded the house and took the men into custody, shoving them into the prison at St. Paris.

A large crowd gathered the night of July 31<sup>st</sup>, and talk of a lynching began to spread, as a number of angry men went from Addison to St. Paris, where they threw a rope over the limb of a tree in front of the prison.

To avoid having the prisoners hanged, the mayor of St. Paris ordered the men removed from their cells and driven to Urbana, where they were placed in McLain’s custody. The sheriff, understandably unwilling to face another mob just a few weeks after his earlier problem, promptly ordered them taken to Springfield until tempers cooled.

That October, Judge Clarence Heiserman ordered the regular term of the Champaign County grand jury to convene, one of its functions to be an investigation into the hanging of Click Mitchell. It met for the first time on October 4<sup>th</sup>, and the Democrat commented that the sheriff, Louis McLain, was forced to fill a vacancy on the jury and passed over several persons to pick a negro “to vindicate him for his part in the lynching.”

## The Suit For Damages

Writing in the Cleveland Gazette on June 19, 1897, Harry Smith called for a lawsuit to be filed by the surviving relatives of Click Mitchell:

“Let Mitchell’s relatives begin proceedings at once under the law against Champaign county (Urbana, O.) for \$5,000. Afro-Americans in all parts of the country have sent the editor of The Gazette very many letters since the Urbana lynching. To one and all we say: We did our duty when we secured the enactment into law of our Ohio mob violence bill. We can do no more. Now let our people use it.”

On September 18<sup>th</sup>, 1897, Click Mitchell’s surviving relatives sued the county commissioners for \$5,000. Officially, the case was B.F. Church et al vs. Champaign County.

The litigation actually began two weeks earlier, in the Probate Court, when Benjamin F. Church, claiming to be the hanged man’s half-brother, filed an application for letters of administration to Click Mitchell’s estate, admitting that the deceased had no personal property and no real estate and that the purpose of the application was “for the bringing of an action against Champaign County, Ohio for the benefit of said estate.” Edward Church, 36, was also listed as a half-brother and Daisy Mitchell, age 11, as a half-sister and Lillie Mitchell, age 9, as a half-sister.

Representing Church, who was later declared official administrator of the estate, were George M. Eichelberger, an Urbana attorney, and Charles H. Bosler, a Dayton lawyer then also serving as speaker pro tem of the Ohio House of Representatives.

The suit itself followed on the 18th, seeking \$5,000 from the county under provisions of Harry Smith’s 1896 anti-lynching law.

The Columbus Dispatch, commenting on the suit, said “the case is destined to reach the supreme court, because the commissioners will resist payment to the end and for the reason that it is well understood that some of the Afro-American organizations of the state are back of the case and are pushing it.” Church, the Dispatch went on, “fears personal violence because he brought suit, but it is the general opinion that he is unduly alarmed.”

The Champaign Democrat commented only briefly—and derisively—on the suit, editorializing that it would lose quickly because the law itself was “clearly unconstitutional.”

Benjamin Church and Edward Church were brothers, both born just prior to the start of the Civil War. Benjamin was born in Virginia in 1859, the son of Mr. and Mrs. Jefferson Church, who moved to Xenia, Ohio shortly afterward. His younger brother, Edward, was born in 1861 and lived on East Market in Urbana with his wife Venia, formerly Lavenia Jackson.

Edward was a carpenter and active in the colored lodges and the Baptist Church in Urbana. Benjamin had married Delilah Chavers, sister of John Chavers, the city building superintendent, on August 3<sup>rd</sup>, 1880, and together they had 14 children, including one born stillborn and another which died at the age of six months. The family lived at 300 West Powell Avenue toward the south end of town not far from the county fairgrounds.

Benjamin was active in colored Republican politics and had worked at a variety of jobs in the city to keep himself alive and to support his family as best he could during the lean depression years of the early '90s. The city contracted with him at one point to haul all dirt away from the cess pool at the city building, and he once secured the exclusive right to bury dead animals found along city streets, with a low bid of 25 cents for dogs (about half the prevailing rate), 15 cents for cats and \$1.50 for horses.

Lillie and Daily Mitchell, the dead man's half-sisters, were born to Charles Mitchell Senior's second wife before she left him and took the girls to Chicago, where she remarried.

All had now joined hands in suing the county commissioners of Champaign County under provisions of the yet untested Smith Act of 1896.

The fairly new Ohio law had been a long time coming to the Buckeye state. It had its roots in the lynching of a colored teenager in Adams County who, in 1894, had been accused of murdering an elderly white couple.

The law was the result of collaboration between two men who shared the same views on race relations: Judge Albion W. Tourgee, a 56-year-old white man from North Carolina, and Harry C. Smith, then 33 years old, who was editor and publisher of the Cleveland Gazette and was one of three "Afro-Americans" serving in the Ohio House of Representatives.

Tourgee, a Carpetbagger in every sense of the word, had been born in Williamsfield, Ohio in 1838. He studied at the University of Rochester and fought in the Civil War with Company G, the 105<sup>th</sup> Ohio Infantry, from 1861 to 1863. He suffered serious injuries in the war and was held in a Confederate prison for four months, eventually returning to Ohio where he was admitted to the Bar.

When the war ended, Tourgee had sensed business opportunities in the south and moved to Greensboro, where he became active in business and politics. He spent 14 years there writing newspaper and magazine articles and eventually novels. Allied with radical Republicans during Reconstruction and passionately in favor of racial equality, Tourgee was chosen as a delegate to the convention which drafted North Carolina's state constitution in 1868, and that same year he was elected judge of superior court, where he served for six years.

Tourgee's judicial district was a hotbed of Ku Klux Klan activity and he was threatened several times until he left the state in 1879 and moved to New York where he continued his writing and correspondence. That same year his first novel, "Figs and Thistles" and "A Fool's Errand," dealing with race relations and the condition of the south during Reconstruction were published. Several similar novels followed.

In 1885 he founded a weekly literary newspaper in Philadelphia, and wrote articles on a number of topics for magazines, including the North American Review and the Chicago Inter-Ocean Bystander. In 1890 he founded a National Citizens' Equal Rights League for the purpose of uniting as many organizations as possible on behalf of negro rights.

Tourgee had long advocated without success a federal anti-lynching law and claimed lynchings "never take place except in a community whose citizens favor and



approve such outrage.” Between 1882, when the Tuskegee Institute began keeping records, and 1896, more than 2,300 lynchings had been recorded nationwide, including 123 in 1896 alone. Although most were in the south, the Midwest had its share as well, and increasingly larger numbers of the victims were colored, rather than white. Tourgee argued that an entire community should be held financially responsible for a mob lynching.

Harry C. Smith was born in Clarksburg, West Virginia in 1863 and was taken by his widowed mother to Cleveland, Ohio, where, with her help and the help of relatives, he obtained a high school education. While in school he played the coronet and after graduating in 1882, he at first attempted a musical career, composing music and directing bands and vocal groups.

He and three other men—John Lightfoot, John Holmes and James H. Jackson—together founded the Gazette, a weekly newspaper, in 1883, and within a few years Smith bought out his partners and became sole owner and editor. From the beginning he opposed any color line and took strong anti-lynching positions in his paper.

Active in Republican politics, Smith endorsed Joseph Foraker’s successful campaign for Ohio governor, and he was later rewarded with a variety of patronage positions (such as deputy oil inspector for the state in 1894). Foraker served two terms as governor from 1886 to 1890 and was elected to the “U.S. Senate in 1896. Smith, in 1894, was elected to the first of three non-consecutive terms as a state legislator, and during his first term he helped pass a state civil rights bill.

In 1895, an armed mob took a group of negroes from the custody of a sheriff in Tennessee, killed one and severely beat the others. Responding to a suit filed after the incident, the United States Supreme Court had held that no violation of negroes’ rights had taken place under the equal protection clause of the 14<sup>th</sup> amendment to the Constitution. That amendment said no state could deprive a citizen of equal protection under the laws, and the court said no state had done that. A mob had.

The year before, in January of 1894, a negro teenager was arrested for taking part in the murder of a farm couple living in a rural area of Adams County, Ohio. When lynching talk arose, officials moved him to the jail in an adjoining county and then brought him back for trial. Before he could face jurors, a mob seized and lynched him. No indictments were returned because most local people, including members of the grand jury, were in sympathy with the mob, according to published reports at the time.

Shortly after that event, the state’s three negro legislators, Smith and William H. Clifford, both of Cleveland, and Samuel B. Hill of Cincinnati, met with Governor William McKinley to persuade him to pressure county officials to take legal action against the mob. They also demanded an investigation into circumstances of the lynching. Hill later introduced a resolution denouncing the lack of action taken by the county and appealed, in vain, for citizens living there to identify members of the mob.

McKinley made a strong anti-lynching statement, but there was no precedent for the state legislature to intervene into local affairs and nothing more happened. Tourgee at this point had been completely unsuccessful in pushing for federal anti-lynch legislation, and following the Adams County event turned his efforts toward passage of such legislation in Ohio.

In a letter to the governor, he outlined a plan for an Ohio anti-lynching law, arguing that the best way to check mob violence was to make an entire community responsible for the violence committed there. He proposed doing this by establishing financial responsibility by the entire community, similar to the way railroads were required to make financial restitution to people harmed by individual operators. He suggested that relatives of lynching victims be able to sue the county in which the violence took place for \$10,000 and that actual victims, if they were merely injured, should be able to sue for \$200 up to \$1,000, with the money to be raised by adding onto that county's annual tax levy.

A second lynching took place in Ohio in 1894 when a negro was accused of raping an 80-year-old woman in Rushsylvania in Logan County, which borders on Champaign County. Again, the local grand jury refused to indict members of the mob.

Clifford introduced his own anti-lynch bill that year and it defined as a participant every person present at the scene of mob violence and provided for sentences of five to 25 years in prison for each person, whether he was a participant or a witness. The bill went nowhere.

Smith's bill, introduced a short time later, revised Tourgee's original proposal and reduced the amount paid to lynching victims to \$5,000. But the legislature normally did not act on matters of race until negroes had resolved differences among themselves, so the only anti-lynch measure then passed was one introduced by Samuel Hill condemning the Adams County lynching. The legislature also had voted to begin meeting only every other year, rather than annually, so no action was possible until 1896.

The events at Washington Court House took place after that adjournment, and following that incident, threats of lynching were also made in other communities. In 1895 a New Richmond negro was lynched, and two more men were killed in a lynching attempt at Tiffin, this one involving a white man.

Late in the legislative session of 1896, Smith's bill finally passed by a 21-2 vote in the state senate and 61-22 in the house, with almost all southern Ohio legislators opposed to it. It was the most comprehensive of its kind yet seen and only the third in the country. Georgia had passed a measure in 1893 which punished sheriffs for negligence under misdemeanor statutes, and North Carolina's law made counties liable for costs in investigating and prosecuting mob members.

As enacted, Smith's bill provided for suits to recover \$500 to \$1,000 for lynching and other mob violence to any victims who survived, and \$5,000 for next of kin if the victim died. The money was to be raised through county taxes, and the law provided that the county could recover its money by suing those members of the mob who could be prosecuted for homicide or assault. By the time of the Click Mitchell hanging, the law had not met a judicial test of its constitutionality.

At the same time that Mitchell's relatives were preparing to sue Champaign County, a judge in Cleveland ruled the same law unconstitutional in an injury case. This ruling prompted the Champaign Democrat, on September 16, 1897, to comment that attorneys were treating Church's suit "as a grand joke. The statute on the subject is clearly unconstitutional."

That case involved a man dragged from jail and injured—but not killed—by a mob. The presiding judge at the later suit for damages held the statute to be unconstitutional because it allowed no discriminatory power to the judge or the jury in the matter of the amount of actual damages awarded. The Cleveland man had been struck by an object thrown by the mob and also shot through the leg.

In the suit by Click Mitchell's relatives, Deaton, as prosecuting attorney, would be the official lawyer of record on behalf of the county commissioners which, should they lose the suit, would be forced to pay \$5,000 from general operating expenses and then cover that payment by placing a special tax levy on the duplicate for the following year. And as the Dispatch had suggested, the county intended to fight back with all the means in its possession, employing two other local attorneys to assist Deaton—Thomas J. Frank and Evan P. Middleton, who had already involved himself in the case by representing participants in the quo warranto suits before the Supreme Court.

Whatever the case here, the grand jury convened in secret for three days under the guidance of the county prosecutor and, on October 7<sup>th</sup>, its foreman, Albert Fromme announced its decision. Fromme, partner in the Fromme and Nixon Funeral Home in St. Paris, told Judge Heiserman that the jury had returned true bills, or indictments, against two men charged with assault with intent to commit rape, and two secret indictments for horse stealing. It had ignored two cases involving robberies.

As to the lynching, Fromme reported, the grand jury had examined 21 persons in connection with the case and “after a thorough and searching examination have been unable to ascertain such evidence as would warrant us returning an indictment against any person or persons...we have examined the County jail and find that the rules and regulations prescribed by the court for the care of prisoners to have been carefully observed.” Prisoners in the Champaign County jail were being cared for properly according to the court's instructions, the grand jury had concluded.

On October 16<sup>th</sup>, less than a month after Bosler and Eichelberger brought their suit against Champaign County, the county's legal team filed a demurrer before presiding Judge Charles W. Dustin, of Dayton, asking that it be dismissed on grounds that the law under which it had been brought was unconstitutional and an encroachment upon the legislative and judicial branches of government. The law would, if enforced, deprive Champaign County of the right to trial by jury, the attorneys argued, and would subject taxpayers, including those who had lynched Click Mitchell, those who had merely watched, and those who had not even been around, to the loss of property (money) without due course of law.

That same month, Ralph Meyers brought out his first edition of the Republican Vindicator in Cleveland shortly before the election in an attempt to defend Bushnell on behalf of negro voters.

As early as June, Bushnell had written Meyers, thanking him for his support and agreeing to recommend him as a member of the Republican State Executive Committee. “There are a few persons...who are endeavoring to place certain responsibilities upon me in connection with the Urbana affair that do not belong to me. I only ask fair treatment

and am glad to hear that you and other friends are endeavoring to see that justice is done me. Regardless of votes or anything of that kind, I do want the good will and good opinion of the people whom I have always stood by from my boyhood up.”

At the same time, Smith’s Gazette published a letter by Charles F. Armistead, fiercely attacking both the governor and the Vindicator:

“Is the governor of Ohio a republican or democrat?”

“Is Sheriff McLain a republican or democrat?”

“Is Mayor Ganson a republican or democrat?”

“Is the majority of the voters in Champaign county republicans or democrats?”

“Was the majority of the mob republicans or democrats?”

“Were the white men shot by the militia republicans or democrats?”

“Were the men who dragged Mitchell from the jail republicans or democrats?”

“Were the men who struck him with clubs and stamped on his body before and after death republicans or democrats?”

“Were the men who pulled on the rope until Mitchell’s brain was burst out by the limbs above his head republicans or democrats?”

As the year drew to a close that fall and early winter of 1897, all lawsuits connected to the hanging lay dormant, awaiting rulings from various courts, and the defendants had denied, categorically, any blame for the events of early June.

George Leonard had by now become recruiting officer for the third regiment of the Ohio National Guard, spending most of his time in Springfield, leaving someone else to open and close his jewelry store on North Main Street every day.

Just prior to the November election, Smith commented in his Gazette that about 2,500 Afro-American voters resided in Cuyahoga County, almost all of them Republicans. But he predicted that, while they would remain within the party at the election, nine out of ten would not vote for Bushnell:

“They will scratch his name from the ticket just so surely as election day comes. They will not as a rule substitute the democratic candidate’s name, either, because they are republicans. Some few will support the Afro-American candidates for state offices and others may vote for other candidates for governor than Bushnell. One thing sure, not only here but all over Ohio, Afro-Americans who love and are jealous of their rights as citizens to protection under the law and are true to the race, and regard their own, their families’ and the race’s interests and future as paramount to party allegiance or party success, will be found crossing Bushnell’s name from the republican ticket on Tuesday next.”

That November, with his quo warranto suits still awaiting a ruling by the supreme court, Asa Bushnell easily won re-election to a second term as governor. The Republicans retained control over both houses of the legislature, although their majority was reduced to just five votes, and Bushnell’s own majority dropped to 28,000 votes this time. The infighting over Marcus Hanna and over Click Mitchell had taken its toll, sharply reducing the number of negroes who went to the polls on election day. Harry Smith lost his seat in the legislature. Bushnell carried Champaign County, 3,751 votes to 2,889.

In December, Adjutant General Henry A. Axline presented his annual report to the governor for the fiscal year ending November 15<sup>th</sup>. Of the Urbana lynching he said this: "The ordering away of the reinforcements by the sheriff, supported by the mayor of Urbana, was most deplorable." His comments were not widely reprinted. He concluded his report on the events of June 4<sup>th</sup> by urging that when troops are called in under such circumstances in the future that the governor perhaps be the one empowered to command them and that "other than local organizations be placed on active duty...." It is never justified, Axline said, in allowing a citizen to pass into the hands of a mob, and under such circumstances "any officer of the guard is justified in disregarding the orders of the civil authorities."

The following month, January, 1898, the county won its fight against the suit for damages filed by Benjamin Church. Judge Dustin, sitting by assignment, upheld the demurrer filed by the county's attorneys and ruled that the Smith anti-lynch law was unconstitutional. He summarily dismissed the suit, agreed with the county that the \$5,000 mandated by the law represented a tax upon the people without their consent, and assessed court costs to Mitchell's relatives.

The commissioners immediately authorized payment of \$150 to each of the three attorneys who had won the fight for them and had obtained the verdict they expected all along. Eichelberger and Bosler, however, immediately appealed Judge Dustin's ruling to the Circuit Court.

The anti-lynch law had all along been a target of those in the Ohio legislature who wanted it repealed, even without a court decision. On Feb. 5<sup>th</sup>, 1898, the Gazette commented on both the efforts to repeal the bill and the court rulings against awarding compensation to victims of mob law:

In 1896, the paper said, a strike took place in Cleveland against the Brown Hoisting and Conveying Machine Co., in which violence erupted. A worker named White was killed and several strikers were injured. The dead man's parents sued in Cuyahoga county common pleas court for \$5,000, but the judge (named Dissette) ruled the law invalid because it named a specific sum the county would have to pay and gave the court no option in assessing damages. This was the same kind of argument Judge Dustin had accepted in Champaign County.

"Hon. W.R. Stewart introduced last week a bill amending the law, and eliminating from it the features which the courts declared unconstitutional," the Gazette reported. This action was necessary because of the so-called "Wiley bill," which had been introduced into the Ohio house by "Gen. Wiley," a democrat, in an attempt to completely repeal the Smith anti-lynching act.

Smith urged Afro-Americans "throughout the state" to demand of their legislators that they support the Stewart proposal and vote against the repeal bill. "Until the anti-lynching law was attacked in the courts not a lynching occurred since its enactment into law two years ago."

In March, McLain, running for re-election against the advice of some of his friends and to the consternation of the local executive committee, was narrowly

renominated for a second term as sheriff, drawing 1,764 votes to 1,545 for Warren Rock. Daniel Bunnell won 422 votes and a fourth candidate drew only 92, helping McLain squeak into the Republican nomination. "The Democrats were jubilant," Mrs. Gaumer's paper on South Main Street reported, and predicted an easy victory in November for its party's candidate, city councilman Luther Wean, the cigar seller.

The Democrat also said "One by one the colored brethren are hustled off the Republican flotilla. Roberts made a noble and honorable fight (for Infirmary Director) but his colors were crushed down by a storm of votes cast by his pale-faced brothers. Anderson, the great Fred. Douglas? Of the second ward was unceremoniously bounced, and next in order will come Buckney, Chavers and Hill. The G.O.P. has but little use for the colored folks only at the ballot box."

Ganson himself failed in his bid to be renominated for the office of mayor, losing to James B. Johnson, 606 to 284 votes in the same Monday primary. The Gazette commented: "The city was wild Monday night, and the streets full of shouting and jubilant anti-mob people. Early in the day Mayor Ganson gave up the fight and conceded the nomination of his opponent. Thus is mob violence and lynching in Ohio given a blow square in the eye. Just think of it—and at Urbana, too. There is hope."

The following April 16<sup>th</sup>, Harry Smith's Gazette rang down the curtain on the so-called quo warranto suits: "According to dispatches from Columbus on Thursday, the legislature passed a bill providing for an appropriation (something less than \$3,000) to pay for the institution of those 'quo warranto' suits which Gov. 'Urbana' Bushnell instructed the attorney general to commence against (ostensibly to oust from office) Mayor Ganson and Sheriff McLean [sic] of Urbana. In plain words the state will be made to 'foot' the bill made by the governor during his campaign last fall in his effort to hoodwink Ohio Afro-American voters. We warned our people at that time that the suits were instituted solely for the purpose of misleading them; that they (the suits) were bluffs pure and simple, and that nothing further would be done with the cases. How correct we were, all can now see."

Three days later, on April 19<sup>th</sup>, the Ohio Supreme Court, with Justice Marshall J. Williams writing the opinion, ruled that the State of Ohio had no power to institute such actions or to inquire into the matter, sustained the demurrer and dismissed the quo warranto petitions against both local officials.

The sheriff, Judge Williams noted, was accused of forfeiting his right to office by allowing a mob to rescue from him and to lynch a prisoner, and by his failure to make proper proclamation to disperse the mob, arrest its members and use military force to protect his prisoner.

The mayor was charged with failing to order the mob to disperse and to take measures to suppress it. The suit claimed that Ganson "actively encouraged and incited it in its contemplated purpose, and resorted to subterfuge and misrepresentations to prevent the military force then present from interfering with the designs of the mob and affording protection to the prisoner."

The charges against the two men, Judge Williams noted, "constitute the most flagrant violations of official duty which cannot be too severely condemned. Their truth

is admitted by the demurrers and the only question raised is whether Quo Warranto is the appropriate action in such cases.”

That was the question all along, and Judge Williams proceeded now to attack that problem. Section six, Article ten of the Ohio Constitution, he wrote, provided that “Justices of the peace and county and town officers may be removed in such manner and for such cause as shall be prescribed by law.” Although the General Assembly had provided the means of removing local officials, and although quo warranto was one of those methods, “It becomes necessary...to inquire whether the offenses charged against the defendants come within that category.”

In the sheriff’s case, the judge said, only section 6917 came close, providing that he “shall be punished by fine and imprisonment, and, on conviction, may be removed from office by order of the court.” It followed then, the court had found, that “...his removal from office...can only follow after conviction...complaint may be filed in the probate court by an elector of the corporation, and a trial thereon be had in that court, by jury, if demanded, followed, if the complaint be sustained, by judgment of removal.” The court had, in effect, ruled that a resident of Champaign County, perhaps only of Urbana itself, must first bring action against Mayor Ganson and Sheriff McLain in the local courts.

The Supreme Court of Ohio had ruled that the actions attributed to McLain and Ganson were not only well-founded, but admitted to. But remedy to remove either man was available only in the local courts.

But Bosler and Eichelberger were not done yet in their suit for damages and in June, a year after the hanging, the county commissioners were forced to pay their three lawyers more money to carry on the defense. They approved a resolution on June 27, 1898 to pay them \$150 to defend the suit in Common Pleas Court, should that prove necessary, and \$100 to defend it before the Circuit Court. They also agreed to pay them for arguing the case before the state Supreme Court, if necessary: \$100 if the county should lose and \$500 if the county should win.

On August 28, Charles Gaumer severed his connections with Urbana and with the Champaign Democrat and left for Monticello, Illinois, where he had just purchased the Monticello Bulletin. Ten days later, at the age of 21, he married 19-year-old Effie Aletta Landis there.

Not until October, 16 months after the hanging, did Click Mitchell finally win a round. On October 20<sup>th</sup>, 1898, the Circuit Court said that Judge Dustin should not, after all, have ruled the anti-lynch law unconstitutional, and the court sent the case back to Champaign County Common Pleas Court for trial, also commanding that Benjamin Church and his lawyers be given back the court costs they had been ordered to pay by Judge Dustin.

In November, 1898, shortly after that court ruling, Sheriff Louis McLain lost his bid for re-election to Luther Wean, the Democrat, 3,195 votes to 3,113 in an election in which the Champaign Democrat claimed the Republicans had tried to rig the second, largely colored voting ward in Urbana, where the results showed McLain received 264

votes to Wean's 88. The incumbent sheriff carried three of the city's five wards, Woodstock, Mingo, Mechanicsburg and North Lewisburg easily. Many members of the Guard had been called for service from those areas. A third candidate, William Beatty, drew 132 votes, possibly enough to have just made a difference in the outcome. McLain had first won election in 1896 without Democratic opposition, whipping an independent candidate, 4,270 votes to 3,171.

Ganson, of course, had failed to win nomination for another term as mayor and decided to devote his time to agriculture and to his liveries, and to being superintendent of the Urbana Electric Light Company. His appointment was made that same month as the election. Sherman Deaton, running without opposition for re-election as prosecuting attorney, had no difficulty retaining office and the following month he married Mabel West, daughter of a prominent Jackson Township family who lived near Saint Paris. The newlyweds took up residence at 330 Lafayette Avenue, not far from George Leonard's home.

McLain's tenure as sheriff, however, did not end peacefully. January 1<sup>st</sup> was a Sunday, normally the first day in office for the new sheriff. But two things complicated the turnover of the office to his victorious opponent, Wean. For one thing, a prisoner known only by an alias, Harry Cameron, awaiting trial on burglary charges filed at Mechanicsburg, locked the sheriff in a jail cell and escaped that same day. He had clung to the bars over his cell door in the near darkness, and when McLain could not see him and opened the cell door to investigate, Cameron dropped behind him and slammed down the lever, locking the sheriff in jail, and made his escape. The Democrat enjoyed the humiliating incident, commenting on page one, that "the people of this county are looking forward to two years during which the county prisoners will be safe." McLain's wife finally released him.

The other problem was caused by the legislature, which had passed a measure that year which redefined the terms of many elected officials, including the sheriff, and mandated that their terms would begin in September after the election, rather than in January.

When Democrat Luther Wean, on that first Monday in January, the 2<sup>nd</sup>, went to the office of Charles F. Organ, county clerk of courts, to have his oath of office administered, Organ, like McLain a Republican, refused, citing the problems caused by the new law. Accompanied by his attorney, none other than Jesse M. Lewis, Wean then went to Probate Judge E. Erwood Cheney, who administered the oath of office and swore Wean in as sheriff. Wean and Lewis then went across that same alley to the sheriff's residence and demanded the keys to the jail and the residence. McLain, in turn, demanded to see Wean's bond and Lewis refused. McLain then refused to surrender his office, and the same day the three county commissioners, all Republicans, appointed McLain to fill the "interim" post of sheriff until the following September.

Finally, still in January, the Supreme Court of Ohio ruled that the new terms set forth by the legislature were not valid, and at half past nine in the morning on Thursday, the 19<sup>th</sup> of January, McLain hung up his star and left the jail and sheriff's residence where he had lived for more than two years, and moved to his mother-in-law's house on North Main Street. Luther Wean moved in as sheriff.



And on January 23<sup>rd</sup>, 1899, five days later, Benjamin Church's suit against the county for the hanging of Click Mitchell, finally came to trial, with Judge Heiserman presiding this time, in the first month of the last year of the old century. But it proved troublesome, even now, to find citizens who could or would serve on the jury.

Eight members of the first group of people sworn in to sit on the panel were excused for a variety of reasons. They included David Herr, on whose farm the Upton Baker family had lived, who was excused for sickness, as were others, and when it was over, only 11 men were left unchallenged, and Judge Heiserman had to order the sheriff, Luther Wean, to summon people off the streets for a special venire. Six more were found, including Julius Weber, Charles Shaul and Samuel L.P. Stone, of the hardware store, but again more jurors, seven in all this time, were either dismissed for cause or successfully challenged by one side or the other.

A second special call for jurors was issued and this time the effort was successful. The 12 men finally sworn in as jurors late that Monday afternoon were C.V. Blose, John H. Snarr, John Haerr, George Leathley, A.F. Neese, M.N. Johnson, M.L. Jennings, Clifton Hazard, A.M. Glessner, Achory Smith, George Couchman and John Cooney, who was named talisman. Judge Heiserman overruled a motion by Bosler and Eichelberger for a summary judgment in their favor and ordered the trial to proceed.

The Democrat had some page one comments about the trial. The action, it reported, "is the outgrowth of the lynching of 'Click' Mitchell on the glorious June 4<sup>th</sup>, 1897, the day when the people of this city did a righteous act... Mitchell was lynched, but not by a mob. It was simply the deliberate action of the whole community and was directed and participated in by the leading and very best classes of people."

For three days, more than 40 witnesses were examined and cross-examined until finally, at half past two on January 27<sup>th</sup>, both sides rested and it was time for the judge to issue instructions to the jury. The county's lawyers had argued exactly what the Democrat had proclaimed in its January 26<sup>th</sup> issue—that no mob had hanged Click Mitchell, but rather that a collection of individuals had come together and later decided to punish the colored man for his awful crime. They petitioned the judge to include that assertion in his statement to the jury.

Judge Heiserman issued a general charge regarding the law and the circumstances of the hanging, and he also issued several special charges for the jurors to consider, among them number five, in which he said this:

"...If you...find from the evidence that said collection of individuals did not assemble for any unlawful purpose, and did not intend to do damage or injury to any one, and did not pretend to exercise correctional power over other persons by violence, and without authority of law, at the time of the assembly, but was, or were attracted and induced through motives of curiosity...and afterwards committed the act of violence resulting in the death...then the plaintiff...cannot recover, and your verdict should be for the defendant." The defendant, of course, was Champaign County.

The jury retired to consider its verdict at fifteen minutes until three, appointing Clifton Hazard as foreman. Among those who had testified were James Hill, Clinton Peirson, John W. Anderson, Henry McCracken, Charles Lyons, Joshua Kinna, Joseph

Flaughter, Henry Deyo, Frank Gaumer, Byron Hawley, Leonard, Lewis, Charles Mitchell Senior, Edward Brown, John Woolenham, Frank McAdams, Mrs. Homer Snyder, Mrs. Duncan McDonald and Mrs. E.J. Weaver.

The jury deliberated for one hour, but Judge Clarence Heiserman, in his special charge, had carried the verdict. The first ballot was eleven to one in favor of the county. On the second ballot, two men switched their votes, leaving the results the same. On the third ballot, it became unanimous, and shortly before three o'clock in the afternoon, the jury unanimously found in favor of Champaign County. Church had lost.

The Democrat blared the results on its front page in the next edition: "The effort to make Champaign County pay \$5,000 for the God-given privilege of meting out even and exact justice to the guilty scoundrels who violate the laws of God and man has again met with failure as it always will," the paper said. "Any other verdict than that which was given by the jury in the recent trial was and is impossible in Champaign County." And on an inside page the paper said the law was "absurd, illogical, unconstitutional, an outrage on the people and a dead letter." Church, said the paper, would appeal to the state Supreme Court "where it will end forever."

But Eichelberger and Bosler, whom the Democrat accused of authoring the anti-lynch law, were not to be put off. They quickly appealed the verdict to the Circuit Court again, arguing that Judge Heiserman had gone beyond his authority in his charge to the jury and specifically challenging special charge number five. The Circuit Court acted quickly, and on May 4<sup>th</sup>, 1899, just 14 weeks after the verdict and 23 months to the day after the hanging, the verdict was overturned. The court ordered the suit retried n Champaign County Common Please Court.

This time the three lawyers for the county petitioned the state Supreme Court to overturn the Circuit Court's ruling and to allow the jury decision to stand. They argued that the Smith law was unconstitutional and that Judge Heiserman had not erred in his charge to the jurors. Furthermore, they said, the anti-lynch statute was the only law ever enacted in Ohio prescribing a minimum amount of damages, and "no court in America, except the Circuit Court of Champaign County, Ohio has ever held such a statute to be constitutional or valid."

But it took time for the highest court in Ohio to render decisions in cases filed before it. In June, 1899, two years after the hanging, Frank Cone Gaumer became manager of the Champaign Democrat in place of his older brother. The following November, Clarence Benjamin Heiserman was re-elected common pleas judge for Champaign County.

All through the remainder of the final days of the old century (although there were many who claimed that 1901, not 1900 would begin the new twentieth century) and the early days of the new, the two sides traveled back and forth by train to Columbus, the state capital, filing briefs in the case, until finally, in April, 1900, the Supreme Court rendered its verdict.

The case was paired before the court with another act of mob violence, this one involving a man named J.W. Caldwell, who had sued the commissioners of Cuyahoga County for \$1,000 after he was shot in the leg by members of a mob. Justice William Z.

Davis, of Belmont County, Ohio, was assigned to write the court's opinion. He had been a member of the tribunal for only four months, appointed in January by the new governor, George Nash. Like Nash, he was a Republican. This is what he wrote:

“In the ardor of attack, it seems to have been overlooked that the Constitution extends its protection over individuals, as well as counties and municipal corporations...even a criminal has some rights which cannot be forfeited...Every person who is accused of crime is guaranteed a fair trial; and he cannot be deprived of life or liberty without due process of law. The faith of the body politic is pledged to make good the constitutional guarantees of the individual. To the counties and municipal corporations are delegated, in large measure, the duties of local administration. Within their jurisdiction they stand in the place of the state, in enforcing the laws, and in protecting the life, liberty and the property of the citizens. If a large number of the people of any county become imbued with the lynching spirit or negligent and indifferent to the due and orderly enforcement of the laws, so that lawless men may act with impunity, then there is no course for the state to take, other than to intervene and directly protect the individual, as well as to enforce upon the community the observance of good order....”

Judge Davis continued by noting that the legislation passed in 1896 did not attempt to compensate victims of mob violence in direct proportion to the amount of injury they had suffered. It was not a law to recover damages, and the fixing of an exact amount of money to be awarded violated no constitutional rights. And then, addressing himself to Judge Heiserman's special instructions to the jury, Judge Davis said:

“The charge...seems, very plainly, to have told the jury that if the crowd came together with an innocent purpose, and afterwards lynched Mitchell, they would not be a mob unless they had specifically agreed to be a mob after they assembled. This charge is not merely seriously misleading. It is erroneous. It is an ancient doctrine in the criminal law, as old as Hale's Pleas of the Crown, at least, that although the assembly was **lawful**, the persons assembled might unite in unlawful conduct and thus become rioters.”

The Supreme Court had upheld the Circuit Court's ruling and now ordered the case sent back to Champaign County for a second jury trial. J.W. Caldwell, who had won his damage suit against Cuyahoga County only to have the Circuit Court in his district overturn the \$1,000 damage award, became the first person to collect damages under the anti-lynch act of 1896 after its constitutionality had finally been tested before the Supreme Court of Ohio.

That court had exposed Judge Heiserman's instructions to the jury as flimflammy—it had upheld the constitutionality of the law and of Benjamin Church's right to seek damages under it for the hanging of his half-brother. But he would now have to go back to Urbana and argue his case again before a jury of local people.

Writing again in the Gazette that month, Smith noted that the legislature had adjourned on April 16<sup>th</sup> without passing his two most important bills, one of which would have amended Ohio's anti-lynching law, and the other would have strengthened the state's civil rights law. “From 1893 to 1896,” Smith wrote, “I fought a continuous battle for the enactment of the law. From 1896 to to-day, 1900, we have been kept busy defending its constitutionality which was attacked in all the courts of the state—from the lowest to the highest.

“It is, therefore, with a gratification that it is impossible to indicate in words that I announce that the supreme court of the state has at last declared constitutional our famous mob violence or anti-lynching law. Ohio was the first and is practically the only state in the union to enact and maintain an effective law against the greatest shame of this country, and we feel sure that all of our people of the state join with us in rejoicing over the great victory, the result of nearly seven years continuous labor.”

One week after the decision, the Champaign Democrat carried a small article on an inside page about the decision: “The Supreme Court of Ohio has held to be constitutional the law under which the relatives of a person lynched can recover money damages from the county. The case in this city will therefore have to be tried over again. The money sought to be obtained in this case will go principally to the lawyers for the plaintiff, which was no doubt the chief purpose of the enactment of such a law.”

On May 31, 1900, a brief notice in the Democrat announced that Jonathan Burgess and Homer R. Snyder had sold controlling interest in the Republican Times-Citizen to two other local men: county Treasurer George Talbott and Common Pleas Judge Clarence Benjamin Heiserman. The following day, the second trial of Benjamin Church vs. the Champaign County commissioners began. Before the jurors were selected, however, Eichelberger and Bosler, more confident now, with the constitutionality of the Smith law upheld, and with a new judge presiding this time—Alvin W. Kumler of Dayton, assigned to the case—met with the three county commissioners and offered to settle out of court and avoid the long trail of litigation which might still lie ahead, no matter who might win the second trial. They offered to take \$4,100 and end the whole matter once and for all.

The commissioners, all Republicans still—Charles H. Espy, Isaac Happersett and John Harlan—discussed the offer and proposed, instead, to pay \$3,000 in damages. Eichelberger and Bosler said no, and when the commissioners voted on the \$4,100 offer they decided that they would not pay but would continue to resist through the courts. The vote was two to one, with Harlan voting to accept the offer. It was the closest the county had come in three years to acknowledging some slight responsibility for those events which had taken place in 1897. But it was not close enough, and the trial began.

This time the jurors were selected without much difficulty: Thomas Martin, Joseph Sheen, Benjamin Comer, S.S. Burgess, Samuel Roberts, Otis Johnson, James L. Pond, George Ward, A.T. Corbett, Thomas E. Hunter, A.H. Miller and Harmon Harlan. Hunter would be named foreman.

More than four dozen subpoenas were again issued for people to testify in the trial, but testimony concentrated on what McLain, Leonard, Joseph Flaughner and Griffith Ellis had to say. Eichelberger did the questioning and Flaughner took the stand, saying he had left for home around half past nine in the evening the day the prisoner was sentenced to the penitentiary. He returned, he said, to the court house in the morning prior to the hanging but after the Springfield militia had returned to the Erie depot. About two thousand people, he estimated, were around the jail.

Q. "He (Ganson) was making a speech?"

A. "Yes."

Q. "What response did the crowd make with reference to that speech?"

A. "Well, I heard Mayor Ganson say to them that there would be no more shooting, and to let the law take its course; I thought probably he didn't speak over two minutes after I heard him, until he got down and said to Harry Kirby, who was deputy sheriff at that time, 'Come on, we have no more business here, and we will go down the street.' Well, he had hardly got outside the jail yard until they commenced hammering on the jail door."

Flaughter, responding to Eichelberger's questioning, said that he heard hammering first on a wooden, and then on a metal door, but he saw no hammer and he saw no rope until the hanging itself. "In a very short time after that I saw the crowd, or the mob, bring Mitchell out of this south door of the jail, and they had a rope around his neck. Some were kicking him and some were dragging him, and they half dragged him and half carried him around to this south part of the court house yard, and he was there hanged to a tree."

Flaughter, the attorney who had represented the hanged man, said the rope was about thirty feet long and that as many people had grabbed it as could get hold of it.

The county's attorneys did not cross-examine him, and Bosler and Eichelberger at this point were fairly well convinced they need only prove that a mob had been present on that June day so long ago and that members of that mob had hanged Click Mitchell. Eichelberger next called former Sheriff McLain, now living in nearby Delaware, Ohio and selling insurance, to the stand.

McLain, responding to questions, recounted the moments prior to the shooting. The crowd, he said, was yelling "Hang him. Kill him. Hang the nigger son of a bitch." McLain said his plan had been to take his prisoner to Hagenbaugh, four or five miles northeast of Urbana to the train, but that men were guarding every stable in town. Up until midnight, he had gone with a deputy to the telephone office several times, speaking with the governor at Wooster and the adjutant general at Toledo. The adjutant general's office, McLain testified, had called him twice from Columbus.

At midnight, McLain told Eichelberger from the stand, he started to leave for the telephone office again, trying to make his way through a crowd he estimated at three thousand strong, but he was struck in the stomach by a rock. "The crowd was on top of me; I attempted to pull my revolver from my pocket, but couldn't get at it." The guards, he said, apparently started forward to help him and the crowd broke and ran.

Around two forty-five or three, McLain told Eichelberger, he asked Captain Leonard to clear the crowd from the yard, where four men were speaking in favor of lynching. "When he (Leonard) started out, the crowd all of a sudden seemed to make a rush, and he called for me to give the order for the guards to fall back into the house; and before they got in, all of them, they was pounding on the side door—south door of the jail, and I rushed through to see whether that entrance was guarded or not, and couldn't get in; I found there were five guards in that hallway (between the residence and the jail)."

McLain said that after the shooting he again tried to take Mitchell out of town but the crowd was as large as ever and had never dispersed. When Ganson came to visit him that morning, after daylight, he was lying on his bed, suffering from the injury he received when struck by the rock eight hours before. When Bradbury arrived, McLain said, he at first believed the crowd members had returned from the water works with the cannon stored down there.

Leonard, called to the stand, largely repeated the testimony he had given four years before during the coroner's inquest and the quo warranto proceedings.

Griffith Ellis, former county treasurer and clerk of courts, was then called to the stand. He testified that he had been sick all night, but had eaten breakfast the morning of the hanging with his wife at the Exchange, near the Sowles Hotel. Afraid for her safety due to the size of the crowds, he had taken her back home and then had come back downtown in time to witness the lynching from very near the tree.

Q. "Of course these persons that hung him—were they individuals?"

A. "Yes."

Q. "Human beings, were they?"

A. "Yes, I believe they were."

Q. "How?"

A. "Yes."

Q. "They were not little children?"

A. "No."

Q. "They were grown men, were they?"

A. "Grown people, generally."

Q. "How?"

A. "Grown people."

Q. "I didn't ask any names. That is all."

A. "If you were—"

Q. "It is suggested that we go no further, by counsel on the other side."

In his charge to the jury, which proved so crucial to the outcome of the earlier trial, Judge Kumler did it quite differently than Clarence Heiserman had two years before.

"In the first place you must find from the evidence in the case that there was on June 3 and 4, 1897, a collection of individuals assembled for an unlawful purpose. The unlawful purpose must be proven like any other fact in the case, but it need not be proved by direct evidence. It may be inferred by the facts and circumstances proven in the case.

"It must, in the next place, be proven to you that the collection of individuals intended to do damage or injury to someone or pretended to exercise correctional power over other persons by violence, and without authority of law.

"Upon the question of intent, the court instructs the jury that the law presumes men to intend the reasonable and natural consequences of any act by them intentionally done, and it is the law that the hanging of Charles W. Mitchell raises the presumption that the persons who did it intended to damage or injury, and the fact that Charles W. Mitchell was lynched by a collection of individuals on June 4, 1897, in Champaign County, Ohio, is evidence that the individuals who lynched him intended to lynch him."

Judge Kumler then concluded: “You have nothing to do with the constitutionality of the law; neither have you anything to do with the policy of the law. The simple questions for you to determine are whether or not there was a mob assembled in Urbana on the fourth day of June, 1897, and whether said Charles W. Mitchell suffered death at the hands of said mob.” If so, Judge Kumler told the jurors, the verdict must be for “the full sum of \$5,000.” Neither more nor less.

It was now the second of June, a Saturday, and shortly afterward the jury was allowed to go home for the weekend.

On Monday, June 4<sup>th</sup>, 1900, three years to the day since Click Mitchell had died in that same court house yard, the 12 men on the jury returned with a verdict in favor of Benjamin F. Church, et al, and they awarded the plaintiffs the \$5,000 mandated by Smith’s anti-lynch law against the county. Plus court costs. Judge Kumler immediately overruled the county’s motion for a new trial.

The Democrat commented one more time, again only briefly, and again on an inside page under a headline which said “Infamous Verdict.” The jury, the newspaper said, in the case of Benjamin Church vs. the Commissioners of Champaign County “returned a verdict against the county for \$5,000. This result was to be expected since the Supreme Court of Ohio had made such a decision of the case that it was impossible for the county to make any defense. The commissioners, however, will not accept this verdict as final but will fight the case up to the Supreme Court of the United States. The commissioners are to be commended for protecting the interests of the county so earnestly.”

The county immediately appealed the jury verdict, but on November 1<sup>st</sup>, 1900, the Circuit Court, ruling on the case for a third time, dismissed the appeal and assessed all costs to Champaign County. On December 17<sup>th</sup>, six weeks after Evan P. Middleton was elected to a seat in the Ohio Senate, the county petitioned the state Supreme Court to overturn both the Circuit Court and the jury verdict. Again, it was a time of waiting.

On May 2<sup>nd</sup>, 1901, Charles W. Mitchell, the father of Click Mitchell, died from consumption. He had seen the county ordered to pay for the violence committed upon his son, but he died before the outcome had been truly decided. He died a pauper, and four days later the commissioners, as required by law, paid thirty five dollars to Seward and Sons to bury the father in the colored part of Oak Dale Cemetery.

In June, without having ruled yet on the county’s appeal, the state Supreme Court ordered that Benjamin Church could recover his costs in pursuing his action for damages, from the county commissioners, and on September 6<sup>th</sup>, Clarence B. Heiserman stepped down from his position as Common Pleas judge to accept a position with the Pennsylvania Railroad lines. Evan Middleton was named to succeed him by Governor Nash.

Six days later Benjamin Church, perhaps weary of the struggle, or out of money, or having struck an agreement with the lawyers, asked the Probate Court in Champaign County to allow him to withdraw as administrator of the estate of Click Mitchell and to

appoint George Eichelberger, instead. All interests in the estate, if it should ever be paid, were transferred to the attorney, Charles Bosler. Enoch J. Price, guardian of the estate of Lillie and Daisy, the two Mitchell girls, now 13 and 15 years old, and Mrs. Daisy Mitchell Payne, also sold their interests in the suit to Bosler with the approval of the courts in Cook County, Illinois. Edward Church also sold his interest in the suit.

Not until November 23<sup>rd</sup>, 1901, nearly a year and a half after the favorable jury verdict, did the Ohio Supreme Court again rule on the lawsuit, upholding the Circuit Court decision without comment and ordering the commissioners of Champaign County to pay the \$5,000 judgment plus \$400 in interest and \$600 in court costs.

George Eichelberger had warned the county, as early as September 28<sup>th</sup>, before this latest court order, that he would seek a writ of mandamus requiring that a tax levy be placed on the county's tax duplicate to satisfy the judgment, and this he proceeded to do. Sheriff Luther Wean, by now in his second term, was ordered to seek property in Champaign County owned by the county in order to satisfy the judgment of \$5,000 and an additional \$410.40 in costs. On February 6<sup>th</sup>, 1902, he reported "No goods or chattels lands or tenements found whereon to levy this writ. Returned wholly unsatisfied."

On May 5<sup>th</sup>, 1902, Eichelberger filed another petition before the Circuit Court, asking again that a writ of mandamus be issued ordering the commissioners to place the \$5,000 judgment amount on the next tax levy because they had refused to comply with the courts' orders. He brought the petition to the Circuit Court because Middleton, now Common Pleas judge in Champaign County, had previously represented the county in the litigation. On November 17<sup>th</sup>, the court granted a peremptory writ of mandamus, ordering that amount placed on the next levy, including an increase in the court costs to \$614.

Finally, on March 3<sup>rd</sup>, 1903, nearly six years after the lynching of Click Mitchell, the commissioners reluctantly approved payment of \$5,500 to the dead man's estate, and on June 2<sup>nd</sup> they placed 0.35 mills on the tax levy for 1904 to pay for costs and judgment in the Mitchell case, raising the total county tax levy for the following year to 4.15 mills from 3.80 mills. Every property owner in Champaign County, white and colored alike, would now pay for the hanging of Click Mitchell:

Judicial fund	.30 mills
Infirmary	.60 mills
Children's Home	.20 mills
Building	.05 mills
Soldier's relief	.10 mills
Bridge	1.15 mills
County	1.40 mills
County fund, judgment and costs in the Click Mitchell case	.35 mills
Total	4.15 mills



Where did the money finally go? To the lawyers.

The Probate Court received \$19.75 for its costs; Bosler received \$256.85 for expenses and \$1,295.85 for fees; Eichelberger received \$40 for expenses and \$1,295.85 for fees.

The remaining \$2,591.68 went to Bosler: four shares each worth \$647.92 for Benjamin and Edward Church and for Lillie and Daisy Mitchell. Still owed and apparently never paid was an additional \$230 due as the administrator's commission and another \$4.98 due Eichelberger for fees.

## Afterword

Former Governor Asa S. Bushnell, still heavily involved with his manufacturing interests and his trolley lines in Springfield, Ohio, collapsed at the railway station in Columbus. He was there to attend the inauguration of Governor Myron T. Herrick. He died four days later, on January 15<sup>th</sup>, 1904, at the age of 69.

George M. Eichelberger, the lawyer who helped press the suit for damages against his own county and who had defended many colored people in local courts during his lifetime, died in January, 1906, at the age of 62.

Charles H. Ganson, the mayor of Urbana for 16 years, longer than anyone before or since, died at his home on West Reynolds Street from a diabetic condition on October 9<sup>th</sup>, 1916, ten days short of his eightieth birthday.

Frank Gaumer died in Grant Hospital, Columbus, Ohio, on September 27<sup>th</sup>, 1924 at the age of 44. He had contracted pneumonia after a 2-week battle with the flu.

On May 4<sup>th</sup>, 1926, Captain George Leonard died after undergoing surgery for appendicitis at the age of 66. His wife, Eva, survived him by three years and never moved away from Urbana.

Eliza Cone Gaumer, the 47-year-old newspaper owner attacked in her home and reported to be near death in 1897, survived that incident by 32 years and died on April 29<sup>th</sup>, 1929 at her West Market Street home, where she had lived quietly since the death of her son, Frank, five years before.

Joseph Wilson Flaughter, the defense attorney for Click Mitchell, known in his final days as "Squire," died on the first day of March, 1931, in his fourth term as magistrate of Urbana Township.

Charlie Gaumer died just over a year later, on the first day of May, 1932, at the age of 55, following surgery in a hospital in Florida. He had managed, during his lifetime, to acquire the Urbana News Company which published the Urbana Daily Citizen, and had, for a time, published both that daily paper and the Democratic daily, the Urbana Daily Democrat, which the Gaumer Publishing Company began in 1913.

Jesse Lewis, going blind, and his deputy, Harry Kirby, both died in 1935, the same year the Champaign Democrat ceased publication forever.

Sheriff Louis H. McLain, who never won another office, went to his final reward on June 10<sup>th</sup>, 1936, after a long battle with heart disease. He died in Salisbury, Connecticut, where he spent most of year, although he often spent his summers in Urbana. The Urbana Citizen carried his obituary, neglecting to mention that he had served for a time as sheriff of Champaign County.

Clarence B. Heiserman spent many years working as general counsel for the Pennsylvania Railroad, resigning that position and another as vice president in 1932 but retaining a position as special counsel. He died on November 23<sup>rd</sup>, 1946 in Bryn Mawr, Pennsylvania.

## Bibliography

Most of the information in this story was culled from newspaper reports at the time, especially the weekly Champaign Democrat, owned by the Gamers, and the daily Urbana Citizen and Gazette. Those newspapers were available on microfilm at the Champaign County Library.

In addition, a lot of material came from courthouse records and documents, especially those pertaining to the grand jury, to the trials to determine damages filed against Champaign County, and testimony taken by the county coroner looking into the circumstances surrounding the shootings and the subsequent lynching.

Other sources were invaluable as well, including documents on file on line from "Ohio History—The Scholarly Journal of the Ohio Historical Society." These included:

--Charles A. Peckham, "The Ohio National Guard and Its Police Duties, 1894," from the Journal, Volume 83.

--David A. Gerber, "Lynching and Law and Order: Origins and Passage of the Ohio Anti-Lynching Law of 1896," from the Journal, Volume 83.

--"The African-American Experience in Ohio 1850-1920," from Ohiohistory.org, including microfilm from the Cleveland Gazette, rolls 4427-4433 from Aug. 25, 1883 to May 30, 1945.

--David A. Gerber, "Black Ohio and the Color Line, 1860-1915." University of Illinois Press, Chicago, 1976. Part of "Blacks in the New World," August Meier, series editor.

--E.P. Middleton, "History of Champaign County, Ohio." Indianapolis, Bowen & Co., 1917, two volumes.

--Helen Hoover Santmyer, "Our Town." Ohio State University Press. Columbus, Ohio, 1962. First Harper & Row edition 1984: Harper & Row, Publisher, 10 East 53<sup>rd</sup> St., New York 10022.