

# Whitcapping trial end 'the final echo' of dark days

**B**loomington attorney Robert Miers received high praise for his performance in pleading the innocence of his clients in the 1907-08 whitcapping case of eight Monroe County men. He represented four of the group in the trial held in Bartholomew County court because the crime was alleged to have taken place in South Bethany.

Commented the *Columbus Democrat*, "In the opinion of the great majority of those who have heard hundreds of arguments made in the court room here, the speech of Judge Robert W. Miers on Saturday last was the greatest speech ever delivered in this county, from the standpoint of superior finish in both argument and delivery."

Despite the fact that only two of the eight had been convicted, the *Indianapolis News* took an optimistic view of the proceedings. "But the result of the recent trial will be to encourage the law officers to do their duty and also to rouse the people everywhere to a sense of their responsibility." (The *News* was quoted in the Jan. 8, 1908, edition of the *Daily Telephone*.)

From Miers' standpoint, two of his clients stood convicted of whitcapping (hailed out



## LOOKING BACK

By Rose McIlveen

of bed in the middle of the night and thrashed). Miers didn't miss a beat and pointed out to the court that the state law stipulated that a conspiracy constituted three or more persons. The jury had convicted only two.

The judge indicated that Miers had a valid point and compromised by granting a new trial for the two men. He projected the trial would begin in the May term of court.

May, 1908, was nearly over when the Bloomington *Telephone* reported that the trial had been postponed. The new date was the September term of court. (Cox and Kirk, by the way, were not languishing in the Bartholomew County jail, but out on bail.)

Presumably, attorney Miers and the defendants got themselves psyched up for the trial. Nothing happened regarding the case in September, and the judge rescheduled it for Nov. 17, because the state attorney general,

Bartholomew County prosecutor and a Columbus attorney — all involved in the case — were candidates for election.

Additional postponements were duly reported in the *Telephone*. Meanwhile, whitcapping was still alive and well in other parts of the state. The Bloomington *Evening World* informed its readers that a wealthy farmer who lived near Rushville was beaten with a board that had nails protruding from it. He was found tied to a tree and covered with tar. His alleged girlfriend was warned to move out of the county when she was confronted by 18 whitcappers.

In its Sept. 16, 1909, issue, the *Telephone* indicated that the re-trial of Cox and Kirk was to be on Dec. 20. That was unlikely, since it was so close to Christmas.

Finally, the *Telephone* of June 7, 1910 — three years after the incident of whitcapping — carried a little article under the headline "THE FINAL ECHO." It said, "A Columbus dispatch of yesterday says: 'Robert W. Miers, of Bloomington, came here and filed a motion asking for the remission of the cost in the case against David Fox and Jacob King, of Monroe County. They were convicted of whitcapping Thomas Vanest, a South Bethany blacksmith,

after which they received a new trial. Before the case was called for trial a second time, however, they pleaded guilty and each obtained a suspended sentence. Judge Hacker over-ruled the motion of Mr. Miers on the theory that a judge of the circuit court has no right to remit costs.'"

The South Bethany wasn't the last time whitcapping was an issue in Monroe County. On May 4, 1911, Harvey McFarland of Salt Creek Township was whipped by a mob of men, some of whom he recognized. He came to Bloomington dressed in, among other things, a gun belt and two revolvers.

He had two errands — to inform the sheriff about his night time visitors and to make a phone call to Governor Thomas Marshall, demanding justice. The latter sent a detective to Monroe County to look into the matter. Predictably, by June 24 the grand jury had not indicted anyone in the case, despite the fact that the detective had rounded up some witnesses.

Eventually, two men were sent to the state prison at Michigan City. McFarland lived in fear of being shot for three long years. Then he moved to Michigan, where he was arrested and fined for carrying his two pistols.

H-T 12/2/96