

Against the Peace and Government of the United States: The Criminal Docket of 1835

By James H. Johnston

As President Andrew Jackson was attending a funeral in the Capitol on January 30, 1835, Richard Lawrence stepped toward him and fired two pistols at the President. The first misfired, and so did the second. Not one to be intimidated by a mere would-be assassin, the enraged President started beating Lawrence with a cane. According to one version of the incident, the sixty-seven-year-old “Old Hickory” would have killed his younger assailant if aides had not intervened. The deed earned Lawrence the infamy of being the first person to attempt to assassinate a president.

Dockets moved with lightening speed in those days. Two months after the attempt, Lawrence went to trial. The prosecutor was Francis Scott Key, the author of the National Anthem. However, since Lawrence was nutty as a fruitcake, his lawyer offered an insanity defense. The jury acquitted by reason of insanity, thus landing Lawrence another first in the history books as the first successful insanity defense in the District of Columbia.

I found the record in the case, *United States v. Richard Lawrence*, at the National Archives years ago in the Old Military and Civil Branch. Robert Ellis was the archivist for the records then and had compiled an index of notable cases, built up over time from researchers reporting their findings to him.

An attack on the president didn't generate the volume of paper in 1835 that later ones did. There are only three pages on the Lawrence case: one page of trial court minutes, a one-page grand jury presentment, and a one-page verdict, which reads, “We (the Jury) being of the opinion that he was under the influence of Insanity at the time the act was committed.” The skimpy file compares with the estimated 4.5 million pages the Archives hold on President John Kennedy's assassination and the sixteen rolls of microfilm on the investigation and trial in the assassination of President Abraham Lincoln.

But reading the Lawrence case whetted my appetite for more. It was Appearance #119 in the 1835 docket, and so I decided to sample others.

Some of the crimes seem trivial, but life was hard then and so, apparently, was justice. William Wallace was convicted of stealing one pair of pantaloons that belonged to Thomas Rogither. They were expensive though. Valued at \$15 in 1835, they would be worth \$375 in today's dollars. Still, it's hard to believe such a theft would merit trial today. D. Foose, yeoman – presentments commonly used the word “yeoman” to describe a male defendant – stole a \$4 shirt from Jacob Niecly. Henry Johnson purloined a pair of shoes worth 75 cents, “a middling of bacon” worth \$1.50, a 75-cent pair of drawers, a 50-cent neck ribbon, and a “parcel of hog's lard” valued at 75 cents from Andrew King. Eating hog's lard seems as much of a crime as stealing it today.

There were violent crimes. Rezin Banker took “with force and arm” the saddle, bridle, and martingale of Joseph Kuhn.” They were valued at \$15. There is no record of why Banker didn't take the horse too. Thomas Turner assaulted Robert L. Didenhoover. Peter Murphy “did make an assault on William Thursby [and] did then and there beat, and ill treat” and commit other wrongs to his person.

And there were nuisance crimes. John Brooks, John Brown, and Charles Montgomery were charged with disturbing the peace by “cursing, swearing, making a noise and other indecent language.” They were convicted. The fact that the crime happened on December 25, 1834, seemed to add to its seriousness since more godly residents of the District were surely attending Christmas services at the church.

Women, too, ran afoul of the criminal justice system, and for the oldest of reasons. Richard Bell, yeoman, and Martha Nailor, spinster, were indicted for “whoredom and fornication whereby divers unlawful assemblies, riots, routs, affrays, disturbances, and violations of the peace ... and dreadful, filthy, and lewd offence.” Prostitution was such a common problem that the colorful, quoted language was preprinted on the presentment form. The defendant seemed to have a good lawyer. Bell and Nailor were convicted only of the more euphemistic crime of “keeping a house of ill game.”

A woman was the victim in the only murder case I read. It was a gruesome attack. On March 23, 1835, Richard Egan did “not have the fear of God before his eyes, but being moved at and by the instigation of the Devil, with force and arms” attacked Ann Connor. He “feloniously, willfully, and of his malice afore ... with his feet and hands did then and there kick, beat, choke, and cast [her] down... and with brick bat of the value of one cent which in his right hand he then and there had held and threw at the said Ann Connor, did then and there strike and beat” her. The fatal wound was two inches wide and four inches deep. The indictment continues: “And so the Jurors aforesaid upon their oath aforesaid do say that Richard Egan ... in the manner and form aforesaid, feloniously, willfully, and of his malice aforethought did kill and murder against the peace and government of the United States.”

Reading the old criminal docket makes you feel like a time-traveler. You can almost see tough Richard Egan standing before a grand jury that was horrified by the violence of his crime. You wonder if there were faint smiles on the faces of yeoman Bell’s and spinster Nailor’s jury, and if, perhaps, some of the jurors might have had a prior acquaintance with the house of ill game. Then there is poor Henry Johnson who was so hungry that he swiped some bacon and hog’s lard to eat while making off with clothes from Andrew King’s house.

Of course, these criminal files are only a fraction of the records the National Archives has on proceedings in the courts for the District of Columbia over the years. Court records are uniquely important for historians because they show what life was like in the past as citizens turned to the courts for probate, naturalization, orphanage, guardianship, and divorce; for apprenticeship, habeas corpus, manumission, emancipation, and fugitive slave; for liens, debtors, and bankruptcy; for admiralty, copyright, and equity; and for criminal and civil litigation.