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Author(s): Christine Arnold-Lourie

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## "A MADMAN'S DEED—A MANIAC'S HAND": GENDER AND JUSTICE IN THREE MARYLAND LYNCHINGS

By Christine Arnold-Lourie

College of Southern Maryland

In August 1893, Joseph Cocking, a farmer in Charles County, Maryland, completed the sale of his agricultural implements and moved his family from their land near Port Tobacco, the county seat, to their new home in Hill Top, a village some five miles away, to take up a career in general merchandise. The local paper, the *Port Tobacco Times*, announced that Cocking "has erected a neat dwelling and store house and will lay in a stock of goods by the first of September." The *Times* lauded the newly-minted storekeeper as bearing "the character of an industrious, upright and honest gentleman . . . while his leaving this neighborhood will be regretted by his many friends, we are sure they will all join us in wishing him success in his new vocation."<sup>1</sup>

Just three years later, farmer-turned-merchant Joseph Cocking, now described by the *Times* as an "alleged wife murderer," faced a mob of masked men who forcibly removed him from the Charles County jail, bound his hands and marched him away in full view of the jailer. Soon after, the jailer, Washington Burch, and Deputy Sheriff R. T. Barbour, following the direction taken by the mob, found Cocking's body swinging from a bridge over a nearby causeway.<sup>2</sup> What had occurred to transform Joseph Cocking from well-regarded member of a small community to the target of the wrath of a lynch mob? How had Cocking become the only man to be lynched in Charles County? Why had Cocking ended his life in the "tragedy on the little bridge at Port Tobacco that moon-lit night in June"?<sup>3</sup>

At a time when race often created fatal vulnerability for those accused of crime, both in Maryland and across the South, Joseph Cocking, a white man, faced violent death, despite his long residence in the county and his "many friends." Newspaper accounts of Joseph Cocking's murder described the event in terms consistent with the Southern tradition of "honor killing," and acquitted those who participated of any blame for the act which took Cocking's life. Instead, editors spoke of the nature of the crime of which Cocking stood accused—the violent deaths of two white women—and condemned, not those who had hanged their neighbor, but the dead man himself, for his failure to fulfill his role as protector of the "murdered ladies."<sup>4</sup> Cocking, thus, in the eyes of his community, had committed not only a crime against the State, but more seriously, a crime against his community's social norms and expectations, and this second crime merited the retribution his neighbors had meted out.

Joseph Cocking became the third and last white man to be lynched in Maryland. All three of the state's white-on-white lynchings occurred within a decade, between 1886 and 1896, a period which encompassed the peak year of lynching nationally—1892, when 230 lynchings occurred—and the years of greatest lynching activity in the state and nation.<sup>5</sup> According to the Tuskegee Institute,

lynchings claimed approximately 4,498 victims in the United States between 1882 and 1930. Blacks accounted for the majority of the victims of mob violence, with 3,315 dying in lynchings during the fifty-year period. Lynch mobs also claimed approximately 1,238 white victims.<sup>6</sup> Because the overwhelming majority of lynchings claimed black victims who died at the hands of whites, historians have generally constructed lynching as a phenomenon based on social divisions of race and caste.<sup>7</sup> Intra-racial lynchings have received less attention, certainly because such events occurred less frequently, but perhaps also because white-on-white violence challenged the assumption that race provided the most significant motivation for the brutal killings through which Americans frequently sought extra-legal punishment for criminal transgressions.

Most studies of lynching have agreed that victims of mob violence shared certain characteristics. According to historian Edward Ayers, lynching affected mostly "strange niggers," blacks without even other blacks to defend them.<sup>8</sup> Confirming Ayers' observation of mob victims as outsiders, W. Fitzhugh Brundage characterized whites who faced lynching as men who had "earned the enmity of their neighbors by being bullies, incorrigible adulterers, criminals, drunks, or opium addicts," in other words, "people the community viewed not only as criminals but also as incurable deviants"—individuals with a history of disruptive behavior.<sup>9</sup> Itinerant whites, too, men who, like "strange niggers" lacked friends or relations to protect them from the wrath of a mob, proved vulnerable to lynching. In Virginia and Georgia, a significant number of white lynching victims had been recent arrivals.<sup>10</sup>

While Ayers and Brundage stressed the vulnerability of strangers and deviants to mob violence, in Maryland other factors emerged as more significant in shaping community response to violent crime. Maryland's white lynchings, though few in number—twenty-eight of the state's incidents involved black victims—argue for a more nuanced consideration of the phenomena of lynching, and in particular of whites who met death through mob violence. In addressing lynching in Maryland, this essay does more than add the names of two previously-unrecorded lynchings, one white—Joseph Cocking, and one black—Jim Wilson, to state and national totals.<sup>11</sup> Philip Dray, in his study, *At the Hands of Persons Unknown: The Lynching of Black America* asserts that although lynchings required "tremendous organization," most "were spontaneous events."<sup>12</sup> Analysis of Maryland's lynchings challenges the notion of such incidents as spontaneous, and shows that lynchings constituted a ritualized response to transgressions against community codes. Maryland's white-on-white lynchings suggest, further, that lynchings, in order to be sanctioned by community members, had to occur within carefully prescribed, if not always readily apparent, norms. As the disparity between the number of white-on-black lynchings and incidents of white-on-white mob violence makes clear, whites more readily responded to perceptions of black misdeeds, and white violations of community codes required a higher burden of proof, a greater sense of outrage, before a community condoned lynching. Only when such unspoken standards received due deference could those who thwarted the judicial system hope for refuge behind the legal cloak created by an official finding that a lynching had been conducted by "person or persons unknown," the euphemism used to describe members of a mob.

Maryland's white lynchings illuminate the existence and strength of such tacit

rules concerning which accused or convicted perpetrators could be lynched, and which crimes deserved punishment through summary justice. The lynching deaths of two of Maryland's white victims reflected community outrage at the violation of a traditional Southern code of honor. Thus, honor, not race alone, provoked two of Maryland's lynch mobs, and in these cases, the community protected those who had committed extra-judicial murder. In one case of white-on-white violence, the crime did not reach the level demanded by community standards, and in this one single case, authorities brought indictments against mob leaders. A consideration of Maryland's three white lynchings can expand understanding of the motives of those who organized lynch mobs and those whose silence encouraged vigilante justice. While race certainly influenced mob violence, race alone cannot explain the history of lynching.

Most of the Maryland's lynchings, regardless of the race of the victim, occurred in counties with large black populations, in areas where slavery had been widespread, but mob actions took place in every region of the state.<sup>13</sup> The first instance of white lynching occurred in mostly-white Allegany County, in 1886, when a mob comprised largely of Irish and Irish-American workers lynched David Johnson, a "lunatic," as the local press called him. The state witnessed its second white lynching in 1895, in Caroline County, on the Eastern Shore, with the death of Marshall Price, just a year before Joseph Cocking was murdered in Charles County.

The state's first white lynching victim, David Johnson, had a history of mental imbalance, and remained a sympathetic figure, even after his act of random violence. In retaliation for perceived slights received at the hands of Allegany County's Irish population, Johnson fatally shot Edward White, an Irish-American employee of the Baltimore and Ohio railroad. Just hours after the murder, a mob descended upon the jail where Johnson had been incarcerated, battered the accused man to death in his cell, and hung his body from a nearby bridge.<sup>14</sup>

Reporting the event, the Cumberland *Daily Times* headlined a "Most Terrible Tragedy," in which "Murderer Johnson" had been "Taken from Jail and Killed." Extending sympathy to "The Victims and Their Families," the local paper condemned the lynching, calling it an "outrage." The *Daily Times* praised the character of Johnson's target, the thirty-eight-year-old White, who left "a wife who is about to be confined and six children." The local editor reserved blame for the double "tragedy" for the policeman who failed to adequately guard the prisoner, and attributed the lynching to the "Irish" whom Johnson had attacked. "The better class" of Allegany County's citizens, the *Daily Times* assured its readers, felt the "disgrace" of the murder and lynching "very keenly."<sup>15</sup>

After a preliminary hearing, the state brought charges against five men. During the trial that followed, the Cumberland paper reported in a relatively neutral tone, with headlines that provided information but eschewed passion. The paper referred to "Some Important Testimony," and "Interest Felt in the Trial," as the prosecution presented the case against the defendants.<sup>16</sup> Allegany authorities conducted a serious, and to all appearances, fair trial, and members of the jury dismissed charges they felt unsupported. In the end, the jury convicted only one defendant, Michael Malone, of manslaughter, finding the other defendants not guilty. A tone of regret about the deaths of both men ran through the trial

and through the reports of court proceedings, with Johnson and White portrayed equally as victims of unfortunate circumstances.

Although unusual, the circumstances surrounding the Johnson murder nonetheless offer insight into the phenomena of vigilantism. The citizens of Allegany County had no objection to the practice of lynching, as they made clear two decades later, in 1907, when a mob lynched a black man accused of murdering a policeman. Ten thousand spectators came to see the corpse of William Burns, and even students from the local Sunday school passed the “semi-naked body” as it lay at the undertaker’s. In this case, although the men who succeeded in dragging the suspected murderer from his cell appeared to be widely known, Allegany County Coroner George Marts said he had not been able “to secure the name of a single witness who could identify any of the lynchers.”<sup>17</sup> Allegany County’s two incidents of vigilantism do make clear, however, that community standards played a significant role in countenancing mob violence, and in shaping official response to lynching.

In Maryland’s two other incidents of white-on-white lynchings, which, unlike the Johnson case, remained unsolved, community standards again appear to be the critical factor in the development of citizen response to violent crime. In the cases which occurred in Caroline and Charles counties, several factors emerged, suggesting a pattern which may provide useful insights into other incidents of mob violence. Each of the victims in these lynchings, Marshall Price and Joseph Cocking, stood accused of the brutal murder of young white women. In each case as well, inflammatory press accounts stoked community anger at the crimes. Unlike the restraint with which the *Cumberland Daily Times* described White’s murder and Johnson’s lynching, newspapers in Caroline and Charles counties recounted with relish the smallest and most sensational details of the crimes. Further, local press articulated, and perhaps helped to create, feelings of betrayal when delays, in the form of legal appeal or request for change of venue, threatened to allow the accused to avoid what community residents perceived to be the accused murderer’s just punishment. Finally, both cases of unattributed lynching rested upon the complicity of local officials, who failed to anticipate, failed to thwart, and ultimately, failed to prosecute the incidents of summary execution. Official inaction, combined with the rhetoric of the press, suggests that in both the Caroline and Charles cases, a tacit definition of what crimes constituted an “outrage” worthy of lynching had been observed.

The crime of which Caroline County officials accused Marshall Price in 1895 shocked local residents. The “schoolgirl victim,” Sallie Dean, not yet fourteen years of age, met a violent death as she walked to school in Harmony, a small market village with a population of perhaps one hundred. Sallie’s assailant struck the girl in the head, then slashed her throat and covered her body with a few branches. The discovery of the victim’s lunch pail lying a few yards from her body made the scene more poignant. Sallie’s underclothes had been disarrayed, and while authorities asserted that sexual assault—“an outrage more terrible than death”—had been the likely intent, the local physician who examined the girl asserted “conclusively” that she had not been raped. Sallie had died pure.<sup>18</sup>

Both the local paper, the *Denton Journal*, and the *Baltimore Sun*, published extensive stories in which no detail proved too graphic or too gory for print, and in the earliest reports, the papers raised the likelihood that the perpetrator’s

case “will be tried by Judge Lynch, for it is the almost unanimous opinion in the neighborhood that he does not deserve any other trial,” suggesting that proper trials were reserved for less heinous crimes. News reports characterized Sallie as “a bright, pleasant-faced girl, rather large and well-developed for her age.” Her parents “both seemed heartbroken,” her father shattered from the sight of “his child cold in death. . . . strong men wept,” unmanned by the spectacle of the “lifeless body of the child, maimed and bloody.”<sup>19</sup>

Within a week of the crime, detectives arrested Marshall Price, a local man who had shown unusual interest in, and knowledge of, the murder. Price had assisted in the search for Sallie, had helped carry her body home, and after he claimed to have seen the crime scene in a dream, led detectives to the murder weapon, a knife hidden not far from where the body had been found.<sup>20</sup> Although Price enjoyed an “excellent reputation,” the residents of Caroline County met news of his arrest with no diminution of the “excitement” which had been “at fever heat” since the murder.<sup>21</sup> After an initial declaration of innocence, Price quickly confessed to the crime. Authorities removed him to Baltimore, since, as the *Sun* declared, the “excitement occasioned by his arrest might result . . . in his being lynched.”<sup>22</sup> The local paper confirmed the rumors of the threat of lynching, but called such fears “unfounded,” and residents expressed their belief that moving the accused to Baltimore indicated that the trial would also be moved, a possibility that further angered the community.<sup>23</sup>

In his defense, Price implicated another man, Grant Corkran, a young teacher, as the murderer.<sup>24</sup> Price asserted that “Grant Corkran was the one who put it into my head to do harm to Sallie Dean. Three weeks before the murder he came to me and said she had made advances to him, but that he had not taken advantage of them.” According to Price, Corkran had devised a plan to “take advantage” of Sallie’s forward behavior, and “told me he thought I might as well share in his luck.” Price admitted his complicity in the crime, but said that Corkran had slit Sallie’s throat, and declared that, “neither of us assaulted her in the way people think.”<sup>25</sup>

Community resentment swelled at Price’s suggestion that Sallie Dean had in some measure brought her fate upon herself. A detective investigating the murder had earlier established the victim’s character, declaring that, “The people all over the neighborhood . . . say there was nothing ‘fast’ about her.”<sup>26</sup> Further fuelling local anger, the *Sun* sketched a vivid picture of the victim. Described in earlier accounts as “well-developed for her age,” Sallie acquired a more bur-nished image as a young woman who had been “nursing an ambition that some day, by means of diligent study . . . she might become a school teacher.” “Her attractive face and . . . modest bearing had won for her rather unusual admiration, and she was often pointed out as one of the girls in the community in whom there was a promise of a life of usefulness.” Instead, “while going to school swinging her lunch basket and singing one of her favorite songs,” Sallie met her violent death.<sup>27</sup>

Price’s trial lasted only one day, and the accused’s situation worsened when the local physician, Dr. DuHadaway, who had first examined Sallie’s body, stated under oath that he could not say with certainty that the girl had not been “feloniously assaulted,” although he did not think she had been. After brief deliberation, the jury delivered a verdict of guilty, a decision which, according to the

*Sun*, "gave general satisfaction."<sup>28</sup> Community satisfaction vanished, however, when Price's attorneys announced their intention to file an appeal, asserting that Price had been mentally incompetent at the time of the crime. In addition, his attorneys disputed the validity of the conviction, since Price had been given a bench trial before two judges. Although Price had, according to the appeal, "begged for a jury trial," he had been denied one. Thus, his conviction was unconstitutional, and could not stand.<sup>29</sup>

The *Denton Journal*, in a news account earlier in Price's trial, had ominously reminded readers that "only two other men have met death in Caroline in punishment for crime, and they were lynched."<sup>30</sup> When, in response to the defense's appeal, the governor issued a stay of execution, the *Journal* reported that community resentment grew at the thought that Price might "cheat the gallows." On July 2, 1895, the day after the governor's action, a mob descended on the local jail, and after warning the sheriff and his two deputies not to interfere, removed Price and lynched him.<sup>31</sup>

Sheriff Berry of Caroline County challenged those who accused him of failing to protect a prisoner in such a highly-charge case, and asserted that he had done his best. "I certainly did not propose to be killed," Berry declared, nor did he intend to kill anyone, in defense of Marshall Price. Despite the conclusion of the local press that the lynching had been "managed with some skill," and the assumption that the mob included "avengers from the district in which the murdered little girl lived," a jury of inquest proved unable to identify any perpetrators.<sup>32</sup>

The circumstances surrounding the Price lynching closely resemble events in Charles County just a year later, when Joseph Cocking faced an angry mob of his neighbors. Like Price, Cocking could not have been called an outsider in closely connected, rural Southern Maryland. In fact, Cocking enjoyed social and familial ties to many of Charles County's leading families. As the details of his alleged crime emerged, however, Cocking's speedy execution became the community's mission, a commitment encouraged by the local press, which stirred residents' anger and set the scene for the accused's death at the hands of vigilantes.

Joseph Cocking had been born in England, and emigrated in 1871 with his father, John, and their family, in response to recruitment by county officials who hoped that the Cockings would be among the first of many white immigrants to take up land in the county. The *Port Tobacco Times* eagerly anticipated the arrival of John Cocking and his family, declaring that "... he is undoubtedly of that class of immigrants we need here."<sup>33</sup> Cocking added another industrious family to the county's outnumbered white population, and local leaders enthusiastically greeted his coming.

Soon after his arrival, John Cocking purchased a 400-acre farm, the Retreat, near Port Tobacco, settled into the county's agricultural community, and became a citizen in 1882.<sup>34</sup> At his death in 1890, an obituary in the *Times* praised him as "strictly honorable in all his dealings ... a good citizen and upright man."<sup>35</sup> John Cocking's children also found rapid acceptance among the county's younger generation. In 1883, Joseph married Fannie Millar, daughter of Dr. John Millar and granddaughter of Walter M. Millar, a former member of the State House of Delegates. Joseph became a naturalized citizen in 1882, and played an active role in his community, his rise advanced by familial ties. Joseph Cocking served as an

election judge in 1892 and 1893, and as a delegate to the county's Democratic convention.<sup>36</sup>

Socially, Joseph and his wife Fannie moved among a set drawn from the county's leading families and the community's small commercial class. Joseph Cocking inherited the Retreat, and he and his wife gave frequent parties for the younger members of the county's elite. In January 1893, Cocking "gave an entertainment to the young folk at his hospitable home." The gathering featured dancing until two in the morning, with a break at midnight for "an elegantly prepared supper . . . nothing was left undone" to ensure the pleasure of the guests.<sup>37</sup> Other gala evenings followed, as "the genial host and his estimable lady" presided over frequent and well-attended affairs.<sup>38</sup> But the couple's social life belied the true state of their marriage.

On the morning of April 24, 1896, an early customer to the store discovered Joseph Cocking in the cellar, scratched and bruised, his shirt blood-stained, his right sleeve blood-soaked. Cocking told his customer, "There is something wrong upstairs. Go up and see." As the customer entered the bedrooms of Fannie and her sister, Daisy, he found the women dead, "horribly hacked about the head," as the *Port Tobacco Times* reported, by a hatchet found on a shelf over the store's money drawer. The *Times* graphically described the sight of Fannie face down, her hands "clinched . . . in such a manner as to indicate that she might have made a slight effort to save herself." Eighteen-year-old Daisy lay on her back, "her hands crossed upon her breast and a gold ring shown upon her finger."<sup>39</sup>

Almost immediately, suspicion fell upon Joseph Cocking. His wounds proved, upon examination, superficial, his detached manner struck investigators as "unnatural," and his blood-soaked clothing seemed to mark him as the murderer. Cocking claimed he had heard a disturbance in the house during the night, went to investigate, sustained a blow to the head, and awoke to find himself trussed up, imprisoned in the cellar. Strong circumstantial evidence, however, combined with the violent and shocking nature of the crimes, and the anger of local residents, prompted the sheriff to take Cocking into custody. County officials announced their intent to transfer him to the Baltimore city jail, although State's Attorney Adrian Posey dismissed the rumors of violence. The transfer to the Baltimore jail, he asserted, would save the county expense. Furthermore, Posey explained, the county jail, located in Port Tobacco, "is unfit to keep a prisoner in. It is unsafe and the sanitary conditions are inadequate."<sup>40</sup>

The press lost no time in sensationalizing the crime. The *Port Tobacco Times* published an anonymous poem entitled "Daisy," which mourned the death of the younger woman, as it extolled her innocence: "Across her breast, her soft white hands are lying/As if in chaste and peaceful sleep she lay. . . ." The unknown poet called Daisy "a form all crushed, a smitten, murdered dove," her life ended by an "inhuman, vile, unnatural" act of violence—"A madman's deed—a maniac's hand the cause."<sup>41</sup> The *Baltimore Sun* exhibited a similar lack of restraint, with headlines reporting, "All Southern Maryland Excited Over the Crime," and suggesting that "Some of the Neighbors Suspect the Husband and Talk of Lynching Him."<sup>42</sup> The *La Plata Crescent*, voice of the residents of the county seat, declared the crime of which Cocking stood accused "heinous," and added, "when defenseless women are foully murdered while asleep language is too beg-



garly to describe the brutal fiendishness of such an action." Calling the murder a "despicable deed," the *Crescent* pointed the finger of accusation at Joseph Cocking, declaring that, "the horror has been increased . . . by the fact that circumstances seem to point almost conclusively to the husband and brother-in-law."<sup>43</sup>

Soon after the discovery of the bodies, members of the community began to turn from their earlier opinion of Cocking, as he became, in the eyes of his former friends and neighbors, a brutal murderer. Evidence increasingly pointed to Cocking as the perpetrator, and investigators found motive for the murders in the fact that the Cockings had adopted separate sleeping quarters.<sup>44</sup> Reflecting the frank assumption of guilt found in news accounts, Marshal Jacob Frey, who conducted an extensive interview with the suspect, declared that, "Cocking killed these two women as sure as the sun is to rise tomorrow." "The fact that he held a good reputation . . . is very little in his favor," Frey added.<sup>45</sup>

Cocking's very respectability was recast by the Marshal, who asserted that, "Lots of criminals lead exemplary lives until a certain point and then go wrong." One crime, however, the Marshal did not lay at Cocking's feet. Delicately alluding to another possible motive for the murders, Frey asserted that information from the post-mortem examinations of the victims prevented "any reflections being cast upon Miss Miller [sic]. . . . This would do away with the theory that Mrs. Cocking's jealousy of her sister and consequent trouble with her husband had anything to do with the murders."<sup>46</sup>

As Cocking's trial drew near, the actions of his attorney further outraged the citizens of Charles County. At the arraignment, the court granted attorney John Grason a change of venue, moving the trial to neighboring St. Mary's County, where the case would be heard nearly four months later. The editor of the *Times* cautioned against unnecessary delay on "purely technical points," warning that such maneuvers tended "to incite people to take the law in their own hands, which is so often done in communities where the citizens are not quite so law abiding as in the county."<sup>47</sup> The angry editorial affirmed the county's law-abiding tradition, but with a wink and a nod, suggested that the community's patience might soon, and properly, reach an end.

Charles County's commissioners authorized the sheriff to take "all necessary precautions" to ensure the prisoner's safekeeping until his trial, but when the mob arrived at the jail to remove Cocking, only one man stood between the accused and violent death—67-year old Washington Burch. Burch, born into slavery, owed his job to the county leaders who had appointed him.<sup>48</sup> Even had Burch been younger, he would not likely have attempted to deter a mob comprised of twenty-five or thirty white men determined to enter the jail.

In the aftermath of the lynching, local papers laid responsibility for Cocking's murder at the feet of the criminal justice system, rather than attributing the death to official negligence. The editor of the *La Plata Crescent* lamented that the lynching would "besmirch our reputation as a law-abiding community and blacken the fair fame of the county for years to come." The editor reserved his harshest criticism, however, for the failures of "the law itself . . . Instance has been piled upon instance where criminals have either been turned loose . . . or . . . had their punishment so long delayed . . . they might as well have gone unpunished." Although the *Crescent* called the lynching an affair of "cold-bloodedness," the editor declared that county residents' "deep-seated distrust of the

efficacy of legal justice . . . led to the lynching.”<sup>49</sup> In the eyes of the *Crescent's* editor, the men who had carried Joseph Cocking to his death had not broken faith with the law; the legal system itself had done so. The mob had not lynched Joe Cocking—lawyers and judges had.

Charles County State's Attorney Adrian Posey denied charges of neglect leveled at him by the Cocking family. Instead, Posey placed responsibility on rumors in the community that “Cocking and his friends were aiding and abetting the circulation of a report to influence public sentiment in his favor, in derogation of the character of his murdered wife, who was reputedly known to be a pure woman.”<sup>50</sup> Posey suggested that these falsehoods had fueled fears that Cocking might escape punishment. Just as Marshall Price had enraged Caroline County's residents by suggesting that Sallie Dean had behaved in a forward manner, Cocking had insulted the purity of a murdered woman. His violent death served to restore the honor of the woman whose reputation he had stained.

As in the state's other unsolved case of white lynching, the community of Charles County closed ranks. Officials absolved themselves of responsibility, and local papers supported them. In November 1896, however, a county Grand Jury indicted Sheriff Wade and Jailer Burch, criticizing them for neglecting to protect Cocking and failing to identify members of the lynching party. Wade and Burch quickly obtained as legal counsel Charles County Republican Sydney E. Mudd, Speaker of the state House of Delegates and close political associate of Governor Lowndes.<sup>51</sup> Protected by Mudd's statewide influence, Wade and Burch had little to fear. After two continuances, the State's Attorney requested a ruling of *nolle prosequi*, indicating that in the court's opinion, insufficient evidence existed to proceed with the case, or that the public interest would not be served by prosecution. The Circuit Court approved, ending legal proceedings.<sup>52</sup>

In a final effort to seek justice, the Cocking family filed a civil suit against Sheriff Wade. The suit charged that Wade had been derelict in his duty to “safely keep” Joseph Cocking” until discharged in due course of law.<sup>53</sup> Once again, however, the family found no satisfaction through the legal system. The Court of Appeals found for the defendant, Wade. While acknowledging that Wade had authority to remove the prisoner from the Port Tobacco jail to the newer facility at La Plata, the county seat, the court declared that the jail at Port Tobacco had been, at the time of Cocking's indictment, “the common jail of the county.” Even if Joseph Cocking had requested transfer to the more secure facility, the sheriff “cannot be made to answer civilly if he made an honest mistake.”<sup>54</sup> With the decision of the court, the murder of Joseph Cocking ceased to be of public concern to the people of Charles County. No court brought Cocking's murderers to justice, although, given the intimacies of a small community, the identities of the members of the Port Tobacco lynch mob likely remained an open secret.

The lynching deaths of Joseph Cocking and Marshall Price have much in common. Unlike David Johnson, of Allegany County, who shot an Irish workman, Cocking and Price had been accused of murdering white women. In the Cocking and Price cases, local law enforcement authorities and press accounts stoked residents' anger with inflammatory statements. In each case, furthermore, the community perceived that justice, in the form of prompt execution, might be delayed or denied. Price's lawyers filed an appeal and obtained a stay of execution, and Cocking's attorney requested and received a change of venue, thereby

delaying the trial. While these legal tactics inflamed community residents, outrage grew at the suggestion that the murder victims might have been sexually active, or possessed of a less-than-stainless character.

After the Price and Cocking lynchings, authorities and editors in Caroline and Charles counties, and even the Baltimore press, laid the blame for the mobs' actions on the nature of the crimes, the gender of the victims, and the inadequacies of the legal system. Newspaper reports deflected responsibility for the lynchings, shifting blame from mob leaders and complacent officials to the accused and their defenders. Freed, thus, from public censure, residents could express violent resentment of any delay in justice without fear of condemnation or prosecution. Infuriated citizens, encouraged in their dissatisfaction by community leaders and the press, need not wait for a slow and uncertain judicial process. The *Port Tobacco Times* pronounced its condemnation of Cocking even before he could be brought to trial, scathingly reminding readers that Cocking "above all others, should have been the protector of the murdered ladies even at the risk of his own life (emphasis added)."<sup>55</sup> Thus, the *Times* suggested, the very fact the murders occurred justified Cocking's condemnation—if Cocking would not protect the women in his care, the men of the county must do so. Nor did community members seem to have suffered second thoughts about the work of the mob in the aftermath of the lynchings. So little remorse did Marshall Price's neighbors evince that, "Even in death Price is in trouble," since the Denton cemetery association refused to bury his body.<sup>56</sup>

In an honor-based society, historians have suggested, the code of behavior developed for white men "required" them to "respond to challenges to their honor by acting outside of the law," if necessary.<sup>57</sup> Lynching demonstrated the determination of white men to protect their women, and "reaffirmed" the dependence of white women upon that protection.<sup>58</sup> Lynching, as historian Edward Ayers asserted, evolved from "apparently immutable features of the nineteenth century South," including "sexual fears, honor, intense moralism, and localistic republicanism."<sup>59</sup> Faced with bloody assaults upon the persons and reputations of white women, the "chivalrous" men of Charles County, like those of Caroline, defended their own manhood as well as the virtue of the victims, and by extension, the sexual purity of all white women. The unprovoked shooting of Edward White, called "tragic," by the *Cumberland Daily Times*, did not, in the eyes of local authorities and residents, merit summary justice. The deaths of three young white women, however, obviously did, as the fates of Cocking and Price, and community response to their murders, makes clear.

Other concerns seemed to have impelled lynch mobs—an impatience with due process and a profound skepticism about the ability of the legal system to deliver justice as defined by an outraged populace. And, as the nineteenth century waned, the rapid decline of white-on-white violence, coupled with the sharp increase in black lynchings, makes clear that impatience and skepticism directed at the judicial system became increasingly reserved for African Americans suspected of crimes committed against whites.

As the cases of Marshall Price and Joseph Cocking demonstrate, white Southerners at the end of the nineteenth century continued to exhibit their allegiance to earlier notions of honor and gender role expectations. Encouraged by hometown newspapers demanding the defense of white women and the right of free

men to punish the guilty, and protected by their communities' tacit complicity, lynch mobs, at least at times, murdered white men—even respected neighbors—as they did African American men. Maryland's cases of white-on-white violence, while few, raise questions about lynchings outside the old Confederacy, and about the standards applied in other incidents, the role of the press, and the connection between lynching and the perception of justice delayed. Further study may deepen understanding of the American tradition of lynching, and explain the emergence and persistence of a parallel system through which Americans in nearly every state sought a form of justice they did not trust their courts to provide.

## ENDNOTES

The author thanks R. Gordon Kelly for his close reading of several drafts of this article, and the staff of the Maryland State Archives, especially Alexander Lourie and Owen Lourie, for their research assistance.

1. *Port Tobacco (Maryland) Times*, August 11, 1893.
2. *Port Tobacco Times*, July 3, 1896.
3. *La Plata (Maryland) Crescent*, July 3, 1896.
4. *Port Tobacco Times*, May 30, 1896. Several historians have explored the connection between violence, slavery, gender, and honor in Southern history. Most studies of the South have emphasized the patriarchal nature of southern society, and characterized the antebellum South as eager to protect the *status quo* through laws that discouraged challenges to slavery, and through violent reprisal when challenges developed. Eugene Genovese, in *Roll, Jordan Roll: The World the Slaves Made* (New York, 1976), illuminated the tension between slave and master, and cited Frederick Douglass's assertion that "in the South everyone seemed to want the privilege of whipping someone else" (Genovese, 64). Bertram Wyatt-Brown, in his 1982 work, *Southern Honor: Ethics and Behavior in the Old South* (New York, 1982), described the structure of Southern society, focusing especially on the violence that characterized Southern life. This violence, Wyatt-Brown asserted, lay just beneath the surface of a culture that maintained its class structure by reserving power and wealth for the few, and relying upon violence to prevent or contain revolt. "Violence as an aspect of Southern life clearly distinguished the region . . . violence in the South . . . had its unique source in slavery and the strictures of black subordination." Wyatt-Brown concluded that in the South, "the use of physical force flourished at all levels of society" (Wyatt-Brown, 366, 368). Edward L. Ayers, in *Vengeance and Justice, Crime and Punishment in the Nineteenth Century American South* (New York, 1984), suggested that conceptions of honor and race, supported by an embrace of the necessity of violence to sustain an uneasy hierarchy, shaped Southern honor, and declared that, "[W]ithout honor, Southern violence remains inexplicable" (Ayers, 33). Traditional gender and racial expectations persisted beyond the Civil War, and C. Vann Woodward asserted that violence "was, if anything, more characteristic of the new society than of the old." C. Vann Woodward, *Origins of the New South, 1877–1913* (Baton Rouge, 1971), 157–158.
5. Source: *Lynchings: by State and Race, 1882–1968*, Statistics derived from data collected in the Archives and Museum of Tuskegee University and The Tuskegee University

National Center for Bioethics. Hereinafter Tuskegee Archives. Recorded lynchings totaled 230 in 1892, the peak year for lynching in the United States.

6. Tuskegee Archives. An additional 145 lynchings took place between 1930 and 1968.
7. According to E.M. Beck and Stewart E. Tolnay, the striking disproportion between the number of whites lynched and the number of black lynching victims has led historians, understandably, to focus on the phenomena of white-on-black lynching. Tolnay and Beck argue that both white and black lynchings follow a similar arc, peaking in the 1890s, with renewed outbreaks in the 1920s and 1930s. See Tolnay and Beck, "When Race Didn't Matter: Black and White Mob Violence Against Their Own Color," in *Under Sentence of Death: Lynching in the South*, ed. W. Fitzhugh Brundage (Chapel Hill, 1997), 133. W. Fitzhugh Brundage, in *Lynching in the New South: Georgia and Virginia, 1880–1930* (Chapel Hill, 1993), acknowledges the existence of extralegal violence throughout the United States, but argues that after the Civil War, lynching became primarily a Southern phenomena, with 82 percent of all American lynchings occurring in the South during the 1880s, and 95 percent of all lynchings in the nation in the 1920s taking place in the South (Brundage, 4). Brundage, too, sees lynching within the tradition of Southern honor killings, of a piece in a society that "venerated virtue, courage, and community standing" (Brundage, 3). One notable exception to the focus on race as the primary motive for lynching may be seen in the case of Leo Frank, accused of murdering a young white girl, Mary Phagan, and lynched in Georgia in 1915. Several studies have examined this notorious case. See, for example: Leonard Dinnerstein, *The Leo Frank Case* (Athens, Georgia, 1966, 1987); Robert Seitz Frey and Nancy C. Thompson, *The Silent and the Damned: The Murder of Mary Phagan and the Lynching of Leo Frank* (New York, 2002); Steve Oney, *And the Dead Shall Rise: The Murder of Mary Phagan and the Lynching of Leo Frank* (New York, 2003). William D. Carrigan and Clive Webb, in "The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928," *Journal of Social History* 37, no. 2 (Winter 2003): 411–38, criticize the "binary division" of Tuskegee's statistics, and argue that the list of victims classified as white includes Native Americans, immigrants, and others whose ethnicity made them vulnerable to lynching. Carrigan and Webb encourage the exploration of mob violence beyond the "traditional limitations of the black/white paradigm" (Webb and Carrigan, 413).
8. Edward Ayers, *The Promise of the New South: Life After Reconstruction* (New York, 1992), 156–57.
9. W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana and Chicago, 1993), 90. Brundage notes that newspaper accounts of the fifteen white men murdered by mobs in Virginia between 1880 and 1930 referred to seven of the lynching victims as outsiders or strangers. Of Georgia's nineteen white lynching victims, newspapers described eight as outsiders.
10. Brundage, *Lynching in the New South*, 90–91.
11. Neither the records of the Tuskegee Archives, nor the study conducted by the Maryland State Archives, *Judge Lynch's Court: Mobs and Violence in Maryland, 1860–1930s*, <http://msaweb/msa/stager/12159/161/00064/html>, include the deaths of Cocking or Wilson.
12. Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York, 2002), ix.

13. See *Judge Lynch's Court* for a listing of those lynched in Maryland..
14. *Cumberland Daily Times*, September 15, 1886.
15. *Cumberland Daily Times*, September 15, 1886.
16. *Cumberland Daily Times*, November 13, 1886.
17. *Baltimore Sun*, October 7, 1907.
18. *Baltimore Sun*, March 27, 1895; March 28, 1895; March 30, 1895. Newspaper reports of Sallie Dean's murder and Marshall Price's lynching accessed through *Archives of Maryland* (Biographical Series): Marshall Price, MSA SC 3520-13744, <http://www.mdarchives.state.md.us/megafile/msa/speccol/sc3500/sc3520/013700/013744/...7/12/2004>.
19. *Baltimore Sun*, March 27, 1895; March 28, 1895.
20. *Baltimore Sun*, April 5, 1895.
21. *Baltimore Sun*, April 5, 1895. The *Sun's* account made clear that the anger of the people of Caroline County ought not be discounted. Three decades earlier, a "colored man," Jim Wilson, accused of raping and murdering a young white girl, faced an outraged mob in Caroline County. Wilson admitted his crime, and was taken from jail and lynched. Afterwards, the mob riddled his body with bullets, then cut it down, and removed it to a "burning pile of wood, where small pieces of the dead man's body were at intervals thrown in the fire until the whole man had thus been cremated." Implying that the grim lesson had been learned, the *Sun* asserted that, "Since that time until now no murder of this character has darkened the history of the county." For a description of the rape and murder, and the subsequent lynching of Wilson, see the Cecil (Maryland) *Democrat*, November 8, 1862. Such ritualistic mutilation, according to Stewart Tolnay and E.M. Beck, sent a clear message that "some kinds of death are truly more horrible and frightening than others." See Tolnay and Beck, *A Festival of Violence: An Analysis of Southern Lynching, 1882-1930* (Urbana, 1995), 23.
22. *Baltimore Sun*, April 5, 1895; April 6, 1896.
23. *Denton (Maryland) Journal*, April 6, 1895; *Baltimore Sun*, April 6, 1895.
24. *Baltimore Sun*, April 8, 1895.
25. *Denton Journal*, April 20, 1895.
26. *Baltimore Sun*, April 8, 1895.
27. *Baltimore Sun*, April 30, 1895.
28. *Baltimore Sun*, May 2, 1895; May 3, 1895.
29. *Denton Journal*, June 22, 1895.
30. *Denton Journal*, July 6, 1895. In addition to the lynching of Jim Wilson, the *Journal* cited the lynching of "a negro, Thomas, who in 1854, killed Butler, a white man." The death of Thomas could not be confirmed through local news reports written at the time

of the incident. Copies of Eastern shore newspapers for the antebellum and Civil War years have been sporadically preserved.

31. *Baltimore Sun*, July 3, 1895; *Denton Journal*, July 6, 1895.
32. *Denton Journal*, July 6, 1895. On March 26, 1953, the *Caroline County (Maryland) Record* published a lengthy article discussing the Dean murder and its aftermath. This account, written by reporter William E. Darling, drew on the public record of the case, as well as "families of the area," and included reference to local tradition which held that "the tree on which Price was hung died a short time later and that all the known lynchers died some sort of hideous death such as drowning, fire and suicide." See William E. Darling, *The Murder of Sallie E. Dean* (Denton, Maryland, 1971. Reprint of article published in *Caroline County Record*, March 26, 1971).
33. *Port Tobacco Times*, June 30, 1871.
34. *Port Tobacco Times*, July 2, 1882; April 14, 1893. A 400-acre farm represented a substantial holding in the county. The 1900 Federal Census reported that 38% of all Charles County farmers occupied their land as tenants or sharecroppers. See *Census Reports: Volume V, Twelfth Census of the United States, taken in the year 1900, Agriculture, Part I, Farms, Livestock and Animal Products* (Washington, D.C., 1902), 90–91.
35. *Port Tobacco Times*, June 20, 1890.
36. *Port Tobacco Times*, April 29, 1892; September 22, 1893; August 2, 1895.
37. *Port Tobacco Times*, January 6, 1893.
38. *Port Tobacco Times*, February 3, 1893.
39. *Port Tobacco Times*, May 1, 1896.
40. *Port Tobacco Times*, May 1, 1896; *Baltimore Sun*, April 28, 1896.
41. *Port Tobacco Times*, May 8, 1896.
42. *Baltimore Sun*, April 25, 1896.
43. *La Plata Crescent*, May 1, 1896.
44. *Port Tobacco Times*, May 15, 1896
45. *Baltimore Sun*, April 28, 1896.
46. *Baltimore Sun*, April 28, 1896.
47. *Port Tobacco Times*, May 29, 1896.
48. *Port Tobacco Times*, May 29, 1896; Tenth Census of the United States, 1880 (Charles County, Maryland).
49. *La Plata Crescent*, July 3, 1896.
50. *Baltimore Sun*, July 6, 1896.

51. *Port Tobacco Times*, November 27, 1896. Two other attorneys joined Mudd in defending Wade and Burch. Like Mudd and Governor Lowndes, attorney L.A. Wilmer and the third lawyer, State's Attorney Adrian Posey, belonged to the state's Republican party, as did, presumably, Washington Burch, since the party in control of county government appointed the jailer. A prominent member of the party, Mudd, in his decision to defend Wade and Burch, may have caused some embarrassment for Governor Lowndes, elected just the year before on a reform ticket. Less than two weeks after Cocking's lynching, a mob in Rockville, Maryland, in Montgomery County, dragged Sidney Randolph, an African American accused of murdering a young white girl, from his cell and hanged him. In the wake of two such incidents, Lowndes condemned unlawful violence, and urged authorities in Charles and Montgomery counties to identify the perpetrators and punish them appropriately. "The State of Maryland," the Governor wrote, "has been trying to induce immigration . . . but the class of immigrants desired will shun a community where laws are violated . . . with impunity. They certainly would not run the risk of settling here . . ." See *Baltimore Sun*, July 6, July 7, 1896; Robert Brugger, *Maryland, A Middle Temperament 1634–1980* (Baltimore, 1988), 402–403. The *Port Tobacco Times*, November 8, 1895, discusses county election results.

52. Charles County Circuit Court (Docket), *State v. George A. Wade*, 1896, November Term, Case No. 13, pages 16–17, [MSA T399-122, 1/7/9/80]; Charles County Circuit Court (Docket), *State v. Washington Burch*, 1896, November Term, Case No. 13, pages 16–17, [MSA T399-122, 1/7/9/80].

53. *Port Tobacco Times*, July 24, 1896; June 25, 1897; November 19, 1897. Such suits were not uncommon in cases involving orphans who might become public charges. The \$25,000 represented the amount of the bond posted by Wade and his bondsmen to ensure that the Sheriff properly discharged his duties. See Court of Appeals of Maryland, (Records and Briefs), *State of Maryland, Use of Annie L. Cocking, Infant, vs. George A. Wade and others*, January Term, 1898, No. 32, MSA[T1733-118, 1/65/1/118].

54. Court of Appeals of Maryland, *State, to Use of Cocking et al., v. Wade, Sheriff, et al.*, April 1, 1898, 40 A. 106.

55. *Port Tobacco Times*, May 30, 1896.

56. *Baltimore Sun*, July 4, 1895.

57. W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia 1880–1930*, 5. As the mayor of Atlanta asserted in defense of the murder of Leo Frank, two decades after the Cocking lynching, "When it comes to a woman's honor, there is no limit we will not go (sic) to avenge and protect it." See Nancy MacLean, "The Leo Frank Case Revisited," in *Under Sentence of Death: Lynching in the South*, ed. W. Fitzhugh Brundage (Chapel Hill, 1997), 178. The mayor's justification echoed the sentiment of John M. Slaton, who, as outgoing governor of Georgia, had commuted Frank's death sentence. After a mob attacked him to express anger at his decision to save Frank from hanging, Slaton seemed to accept the actions of those who had sought to harm him. "In the South," Slaton declared, "we generally punish by lynching for one offense"—assaulting a white woman (Dinnerstein, 149).

58. Brundage, *Under Sentence of Death*, 11.

59. Quoted in Brundage, *Under Sentence of Death*, 11.