



SEPTEMBER 1962

LOS ANGELES CORRAL

NUMBER 62

WILLIAM L. WRIGHT  
September 3, 1962

## Haya Con Dios

FRED VAILE  
September 22, 1962



WILLIAM LAWTON WRIGHT

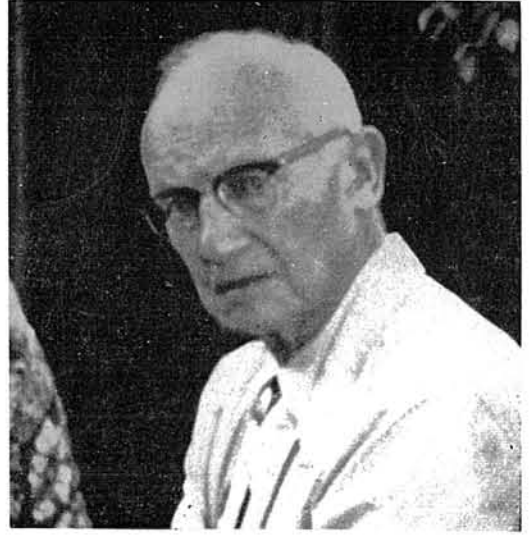
Omaha, Nebraska, March 23, 1902  
Glendale, California, September 3, 1962

*A tribute by Ex-Sheriff PAUL GALLEHER*

"Remembered hearsay is not knowledge. It is a chain that weakens and kinks with every added link, or generation. In a few decades, the legendry of a region is only its most stubborn opinions, right or wrong. The truth may have been crushed by accumulated errors. The only remedy is a thorough search of contemporary writings where the original truth (if it can be found) has prevailed unchanged."

These are the words of our good friend and fellow-Westerner, Bill Wright in his last writing for the Westerners Brand Book

*(Continued on Next Page)*



FRED VAILE

Martinez, California, July 31, 1887  
Alhambra, California, September 22, 1962

As this issue of the *Branding Iron* goes to press comes word of the sudden death of Westerner Fred Vaile. A quiet, friendly man, generous of his time and cooperation in every endeavor of the Los Angeles Corral, he will be sorely missed. It is hoped that in a future issue of this publication the eulogium, denied herein by space and time, will be written to his memory.

His own candid statement of his life and views, as given in his petition to membership in Los Angeles Corral indicates the philosophy and humble attitude found

*(Continued on Next Page)*

## THE BRANDING IRON

OF THE LOS ANGELES CORRAL OF

### THE WESTERNERS

*Published Quarterly in*  
March, June, September, December

#### OFFICERS—1962

JAMES ALGAR	Sheriff
5247 Vantage, North Hollywood, Calif.	
JOHN H. KEMBLE	Deputy Sheriff
Pomona College, Claremont, Calif.	
CHARLES N. RUDKIN	Registrar of Marks & Brands
1490 Lorain Road, San Marino 9, Calif.	
SID PLATFORM	Assistant Registrar
152 West Duarte Road, Arcadia, Calif.	
WILLIAM L. WRIGHT	Roundup Foreman
1410 Graynold Ave., Glendale 2, Calif.	
ERVIN STRONG	Assistant Roundup Foreman
2915 Mesa Drive, West Covina, Calif.	
BERT OLSON	Keeper of the Chips
619 North Rexford Dr., Beverly Hills, Calif.	
CARROLL FRISWOLD	Librarian
519 W. Foothill Blvd., Altadena, Calif.	
LONNIE HULL	Daguerreotype Wrangler
FRED VAILE	Representative
2608 Birch St., Alhambra, Calif.	
IRON EYES CODY	Chief of Smoke Signals
DUDLEY GORDON, RUSS LEADABRAND, AUGUST SCHATRA	Wranglers

Address for Exchanges  
and Material Submitted for Publication:

The Roundup Foreman  
SID PLATFORM

152 W. Duarte Road, Arcadia, Calif.

THE BRANDING IRON plans to publish more original articles, up to 3,000 words in length, dealing with every phase of the Old West. Contributions are solicited from active members, CM's, and friends.

## Fred Vaile

(Continued from Page 1)

only in men of great caliber.

"My desire to take part in the pioneer days of the southwest caused me to move to Ojai in 1889 and to Los Angeles in 1892. Educated, using the term in a broad sense, in the Los Angeles County public schools and Pomona College. College career interrupted in order to take part in the Nevada mining boom. Spent ten years prospecting and mining in southern Nevada and eastern California. Gave up mining in order to help make the world safe for democracy. Disillusioned by the results of the war, became an accountant, somewhat like entering a convent. Specialized in oil and mining taxation. President of Petroleum Accountants Society 1931-32. Now semi-retired . . ."

These are Fred's own words.

Page Two . . .

## William Lawton Wright

(Continued from Page 1)

of the Los Angeles Corral. His fine monograph on the Butterfield Stage Station at Warner's Ranch in San Diego County is evidence of his interest in preserving the truth. His painstaking research and publication of his findings more than justify his position stated above.

Two-thirds of Bill's life was spent in his adopted state of California where his love for things western brought him in close contact with groups interested in perpetuating and preserving the truth of history as it should be recorded. Bill headed magazine publicity for the San Francisco Fair, then spent a few years doing free lance reporting for national magazines, including the *Saturday Evening Post*. He "ghosted" a revised edition of *Pop Warner's Book for Boys* and co-authored with Frank Taylor a book on the wartime accomplishments of the Western Aircraft Industry for the Aircraft War Production Board. As a columnist for the *San Diego Union* during the '30s, he took great interest in the history of that section and was largely responsible for the discovery of the long-forgotten location of the Butterfield Vallecito station.

This past year, Bill agreed, in spite of physical handicaps, to accept the office of Round-Up Foreman, and to edit the *Branding Iron*. His writing experience over the years when he was a newspaperman gave him an invaluable background. Many times he told me of his love for the Westerner Group, and felt it to be his most highly-prized membership among a number which he held. Here then is the kind of man the Westerners seek to membership.

His last written words to me, less than a week before he passed away were, "Best of luck to all the Westerners always, and let's let it go at that." Isn't that Bill all over? It proves my point—his heart and effort and best interests were for the organization he so loved. Bill's infectious smile and ready wit are going to be sorely missed too, and as we bid him farewell, we also extend our sincere thanks and appreciation for all he did help maintain Westerner tradition.

The Westerners are grateful to Bill's family too for permitting us to share with them—his widow Katherine, his daughter Ann up in Mill Valley, and his two sons, William of San Francisco and Thomas of Fullerton, and his ten grandchildren.



Our Host Ervin Strong (left) discussing with Dr. James C. Findley (center) the Speaker of the evening, aided and abetted by Ex-Sheriff Art Clark.  
—Iron Eyes Cody Photo.

## THE CORRAL'S SUMMER MEETING SERIES

The July 28 meeting was held at the home of Ex-Sheriff Henry Clifford. Horace M. Albright spoke on "The National Park Service and the Location and Restoration of Historic Sites and Structures." Among those attending were John W. Hawgood, of the English Society, working at Huntington Library; M. S. DePillis, Member New York Posse, Dept. of History, Univ. of Massachusetts, Amherst, Mass.; George B. Eckhart, Tucson Corral; and H. D. Campbell; Robert W. Lewis; Ted Grivas, Fresno; C. W. Henning; Ernest Sloman; Peter Sloman.

The entertainment of Indian Songs and Ceremonial Dances, which was to have been provided by Iron Eyes Cody and his two sons, Iron Eyes, Jr. and Little Eagle, was unavoidably cancelled out by reason of an automobile accident in which the family were incapacitated at Sonora, requiring hospitalization for a day.

The August meeting of the L. A. Corral was held at the home of Ervin Strong in Covina on August 18. A very interesting talk was given by James C. Findley, of the History faculty of Mount San Antonio College, who spoke very entertainingly on

"The Boom of the Twenties in Southern California." His tales of the wild fluctuations of the real estate values and the even wilder doings of C. C. Julian and Atascadero Lewis, as well as many less well-known financial artists brought back vivid, though sometimes painful, memories of many of the members present. Among the guests present were James Findley, Darrell Nicklin, Price Walker, and Al Wesson.

On September 22, 1962 the Los Angeles Corral of Westerners were guests of the Los Angeles Harbor Commission and given a de luxe two hour tour of the Harbor, to which we are indebted to our CM Everett Hager for making the arrangements. After the trip we adjourned to Cigo's Restaurant with Deputy Sheriff John H. Kemble addressing the members and guests. After the dinner our guest speaker, Duke Decker, Chief Dispatcher of the Red Stack Tug Boat Line gave an interesting talk on the development of the Harbor. He recalled as late as 1919 when he counted 28 sailing ships and only three steamships, at which time they were mostly lumber ships. During World War II he saw as many as 41 U.S. Navy ships in the harbor at one time.

# "COLONEL LANKERSHIM'S NOTE"

By DONALD W. HAMBLIN

This is the third in a trilogy of accounts of wealthy old rakes and their lady-friends who wanted to share their wealth. The hard fought lawsuits against the estates of Senators William Sharon and James Graham Fair in San Francisco, which I have recounted, found a later counterpart in Los Angeles in the litigation over a note left behind by Colonel James B. Lankershim.

Colonel Lankershim was an early-day capitalist in Los Angeles and the San Fernando Valley. He was born in Missouri in 1850; when he was four, he was brought across the plains to San Francisco by his father, Isaac Lankershim. At about the time James was completing his education in the San Francisco public schools, his farmer father turned his eyes southward, and soon James gained experience by managing grazing lands bought by his father in Fresno and San Diego Counties.

In 1869, Isaac Lankershim and I. N. Van Nuys (later to become James' brother-in-law), headed a syndicate which made an interesting purchase from Pio Pico, last Mexican governor of California. They bought most of the southern half of the San Fernando Valley, comprising nearly 60,000 acres, for \$115,000.00!

When James moved permanently to Los Angeles in 1872, he became one of the operators of the huge rancho. Cattle and sheep were raised successfully for a few years. Later, wheat was grown in substantial quantities, and milled and marketed by the operators in Los Angeles, then a growing metropolis of 11,000.

At about the height of the land boom of the 1880's, the eastern 12,000 acres of the rancho were sold and subdivided, chiefly into 40 acre farms at an average price of \$65.00 an acre. Part of the area just mentioned will be remembered by some as the town of Lankershim; later glamour took precedence, and it has long been North Hollywood.

In 1910 the corporation of which Colonel Lankershim was a principal stockholder sold another 47,000 acres of the rancho for \$2,500,000 to a syndicate which included General Harrison Gray Otis, and his enterprising son-in-law, Harry Chandler.

The title "Colonel" of which J. B. Lankershim was so proud stemmed from the fact that he was once a Lieutenant Colonel in the California National Guard. Colonel

Lankershim (as he was commonly known for so many years) was interested in many enterprises, both financial and social. He was twice a bank president, and the first president of the Los Angeles Athletic Club. He owned part of the Bullocks Downtown corner and various outlying properties between 6th and 7th Streets on Grand, Hope and Flower. He thought that these were out of the direction of business development, which he expected to be east from Main Street. There are still existing monuments to his name: he built the Lankershim Building at 3rd and Spring in 1890, the Lankershim Hotel at 7th and Broadway in 1905, and the San Fernando Building at 4th and Main in 1908.

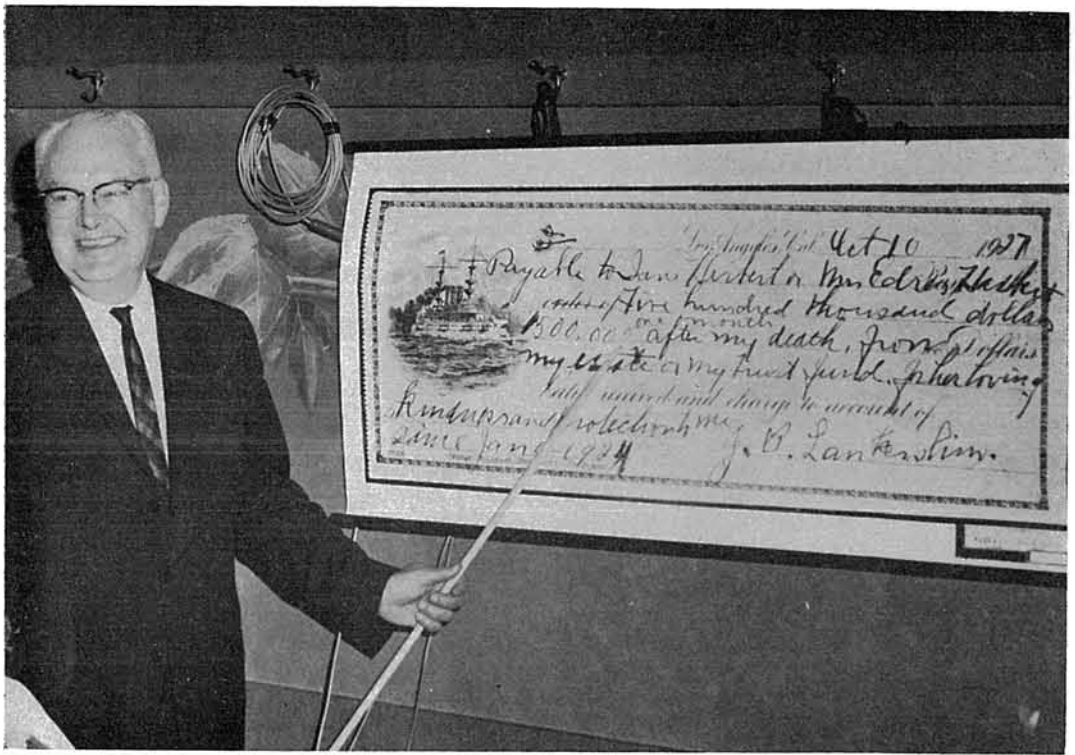
Some years before the execution of the note, Colonel and Mrs. Lankershim made a property agreement, and Mrs. Lankershim with their daughter Doria moved permanently to Paris in 1919. From 1924 on the Colonel regularly spent four to seven months of the year in Europe, including a long stay with his wife and daughter, who remained his friends. At other times, the Colonel was upholding his reputation as a hedonist, and there is no doubt that he enjoyed the company of some rather earthy women.

In January, 1924, when the Colonel met Mrs. Irene Herbert, the woman in the case, he was seventy-four and she was a petite, attractive grass widow of thirty-five. The Colonel was physically infirm and somewhat senile; his eyesight was steadily deteriorating from cataracts so that he made no attempt to read, and he normally needed guidance in signing his name. Here was a set-up made to order for an adventuress and her friends. Mrs. Herbert became his regular companion when he was in Los Angeles, rendered innumerable personal attentions to the Colonel for parts of four years, including preparing favorite dishes for him, and accompanied him on trips to Palm Springs, New York and Vancouver, all at his expense.

Colonel Lankershim died in October, 1931. Even in the depths of the depression, his estate was appraised at \$6,215,000. A 1929 will which was finally admitted to probate (after a later will forged by his male masseur had been thrown out) left the bulk of his estate to his two children, and

*(Continued on Next Page)*





Author Donald W. Hamblin and Blowup of the questionable Lankershim Note.

—Lonnie Hull Photo.

made no mention of Mrs. Herbert.

However, a month after his death, Mrs. Herbert appeared at the office of J. Wiseman Macdonald, the Colonel's attorney and one of the executors, and exhibited a document signed by the Colonel directing payment to Mrs. Herbert of five hundred thousand dollars one month after his death for her loving kindness and protection. Mr. Macdonald was a well-known lawyer, notable also for his stiff collar and white goatee. The record of the case does not reveal Mr. Macdonald's reaction to this startling disclosure, but one of the ironic highlights of the later trial occurred when Adele Blood, an actress friend of the Colonel and Mrs. Herbert, testified that the Colonel, in discussing the note with her, said "One of the real regrets of my life is that I will not be here to see Mr. Macdonald's face when he sees the note."

Mrs. Herbert's formal claim against the estate was rejected, she filed suit for payment of the \$500,000 with interest, and the battle lines were drawn. The case was tried to a jury in Los Angeles with Judge Douglas L. Edmonds presiding. The trial opened on October 23, 1933, and a month later the jury returned its verdict. This was the case presented to the jury, briefly summarized.

From the time he met Mrs. Herbert until September 1, 1927, Colonel Lankershim lived in an apartment at the Biltmore. This was the locale of many of the dinner parties enjoyed by Mrs. Herbert and her friends, and the point of departure for many evenings at fine restaurants, theatres and other places of amusement. Mrs. Herbert had lived in Long Beach, but in the middle of August, 1927, she rented an apartment in the Engstrum (just west of the Edison Building), and shortly afterward the Colonel was persuaded to leave the Biltmore and take an apartment just across the hall from her. Miss Stella McKee, a longtime friend of Mrs. Herbert, was the only eyewitness to the circumstances surrounding the execution of the note. Miss McKee testified that she had dinner with the Colonel and Mrs. Herbert in the latter's room on October 9, 1927, remained overnight, and the next morning the three had breakfast prepared by Mrs. Herbert in the Colonel's apartment. Since Mrs. Herbert was prevented by a well-known rule of law from testifying to events which occurred before the Colonel's death, Miss McKee's

(Continued on Next Page)

*(Continued from Previous Page)*

remarkable story was the core of the plaintiff's case.

According to Miss McKee, after lavish praise of Mrs. Herbert's breakfast and of her kindness and attention to him, the Colonel said, "Now I am going to make good the promise I made to you; I am going to pay you well for your services." He got up from his couch, went to the dresser, took out a piece of paper and said to Mrs. Herbert, "I want you to write what I am going to dictate." He brought the ink and pen and the paper over to the table, lay down again, and dictated to Mrs. Herbert, who was sitting in a rocking chair by a table. When the dictation was concluded, Mrs. Herbert read the note to the Colonel, and said, "I forgot to put in the 'one month'." The Colonel said, "Insert it after the \$500,000." The Colonel then looked at the note, got up again, took a pen from Mrs. Herbert, and went over to his dresser and signed the note. He told her to take it to his attorney, Mr. Macdonald, after his death, and Mr. Macdonald would see that it was paid. It may be noted that the printed document is in form a bank draft, not a note. According to Miss McKee, the Colonel gave no instructions regarding the crossing out or leaving in of the original printed matter. The defense laid much emphasis on the improbability that the Colonel, an experienced banker, would use such an inappropriate form without giving any instructions concerning adaptation of the printed matter.

Miss McKee went on to testify that she did not see Mrs. Herbert use a blotter and she saw no blotter; she noticed only one pen and one bottle of ink. After signing, the Colonel handed the note to Mrs. Herbert, who up to that time had displayed no sign of emotion or elation at the Colonel's munificence. Upon receiving the note, Mrs. Herbert demurely said, "Colonel Lankershim, I thank you", and permitted Miss McKee to read it.

The late Roland Swaffield, a well-known Long Beach attorney, who tried the case for Mrs. Herbert, presented a good deal of supporting evidence, consisting principally of so-called admissions against interest by Colonel Lankershim. Several witnesses testified concerning the Colonel's expressions of appreciation for Mrs. Herbert's loyalty, kindness and consideration, her efforts to fend off other applicants for monetary favors, and the Colonel's declarations of his intention to pay Mrs. Herbert well for

her services. Two witnesses who were close friends of Mrs. Herbert testified that the Colonel had disclosed to them that he had given Mrs. Herbert a note for half a million dollars payable one month after his death. Two witnesses also testified to statements by the Colonel that he intended to leave Mrs. Herbert something, and there was evidence that Mrs. Herbert's friends tried to influence the Colonel to make provision by will for Mrs. Herbert. One witness testified to a conversation in which he suggested to Mrs. Herbert that the Colonel should go to his attorney and make a will in favor of Mrs. Herbert. Mrs. Herbert replied, "That is the idea, but I cannot get the old devil to do it."

The defense placed great emphasis upon the inherent improbability of the transaction as related by Miss McKee, particularly in the light of the expert testimony respecting the note. Albert S. Osborn and Clark Sellers, both nationally known experts in the field of questioned documents testified at length. Two other experts were appointed by the court. All of the experts agreed that the signature "J. B. Lankershim", although genuine, was written before parts of the body of the instrument was written, and with different ink. One of the court-appointed experts, on the basis of infra-red photography and microscopic examination, testified that the final zero in \$500,000 was written with a different ink than the other ciphers. Many other points made by the experts in support of their opinions were consistent with observations which a non-expert can make with the naked eye. The most crucial of these relate to the figures \$500,000. It was the defense's contention that the figure was originally \$500.00. As can be seen, the "dot" after the second zero is quite clearly a decimal, not a comma. The fifth cipher in \$500,000 is different in size, width of pen stroke and design. It is out of alignment with the others and much fainter because it was blotted. Also, the words "one month" were blotted. Clark Sellers testified that these words could not have been inserted almost immediately after the rest of the document was written, as Miss McKee had testified, because the blotting of the "h" in month absorbed no ink from the word "hundred" above it, particularly in the "e" of hundred. The critical word "thousand" in the line above bears examination. It occupies proportionately much more space but is less vertical than most words on the

*(Continued on Next Page)*

*(Continued from Previous Page)*

line, and it has a pronounced uphill slant, although the other words on the line have a distinct downhill slant. The phrase "for her loving kindness and protection to me" follows a fairly apparent period, and this entire part had been blotted, but the word "fund" had not. It may be noticed also that the last line of the phrase is crowded and the words "to me" slant rather sharply upward. If they had not, they would have run into the "J" of the signature. Mr. Sellers testified that in his opinion the whole phrase was written after the signature.

Did the jury accept the physical evidence that the note was a rather clumsy piece of patchwork, built up from a draft or receipt for \$500? Were they convinced by the weight of the testimony of nationally recognized experts in questioned documents? If they had, probably this story would never have been written. After a few hours deliberation, the jury returned a verdict for Mrs. Herbert for five hundred thousand dollars, plus interest at seven per cent from November 16, 1931, the date the note was payable according to its terms.

What were some of the factors which brought about this verdict? Having the chance, in the midst of the great depression, to distribute a part of the Colonel's wealth to an appealing underdog must have been a great temptation to the jury. Although evidence of the value of the Colonel's estate was excluded, Roland Swaffield lost no opportunity to show that the Colonel was a man of wealth. He offered to prove that when the note was executed, the book value of the Colonel's properties was \$7,000,000, and it is a safe bet that the jurors got the idea, although at the end of the case this testimony was stricken. Reams of newspaper copy in connection with the earlier will contest, and before and during the trial over the note, regularly referred to the value of the Colonel's estate at \$7,000,000 minimum up to \$9,000,000. Mrs. Herbert gave an interview to a newspaper feature writer just after she filed suit in which she said the Colonel was worth \$120,000,000 at the time she was his companion. The opening sentence of this feature article may give a clue to the prevailing spirit: "\$500,000 may seem a huge sum of money to most people, but as compensation for cooking 'non-wrinkled' prunes and special muffins containing 'dynamite' cereal for a millionaire with a tricky stomach, it is only fair pay."

Secondly, it must be conceded that Mr.

Swaffield, in his closing argument, did a masterly and clever job of explaining away the discrepancies in the note. Finally, the defense claimed that Judge Edmonds had ruled so erroneously an objection as to deny them a fair trial.

Judge Edmonds denied motions for judgment notwithstanding the verdict and for a new trial. An appeal was taken, and Irving Walker and Herman Selvin (neither of whom had participated in the trial) became the principal collaborators with Mr. Macdonald in writing briefs. The District Court of Appeal affirmed the judgment in late 1935, and the final chance for the estate involved the truly awesome task of getting a hearing and a reversal in the Supreme Court.

They were faced, of course, with the fundamental rules on appeal that an appellate court will not interfere with the implied findings of a jury, if there is substantial conflict in the evidence and any substantial evidence to support these findings, and that the evidence must be considered in the light most favorable to the prevailing party. Thus, the Supreme Court was necessarily asked to overthrow the jury's determination that the note was genuine and Miss McKee's story of its execution was credible. To add to the troubles of the brief-writers, Judge Edmonds himself was appointed to the Supreme Court while the case was pending, although he disqualified himself from consideration of the appeal and from participation in the decision. However, the brief writers were miraculously successful, the Supreme Court granted a hearing, and the executors of the estate won their first partial victory.

The case was argued to the Supreme Court in April, 1936; thereafter the suspense became more and more unendurable. More than a year later, the court indicated that a majority had not yet concurred in a decision. One judge died and another resigned, so that four of five available members of the court had to concur in the result. In the meantime, interest on the judgment was mounting at the rate of nearly three thousand dollars a month; by the time the decision was announced, the judgment, including the interest, amounted to a little more than \$700,000.

Finally, in August, 1937, sixteen months after the argument, the court unanimously reversed the judgment and ordered a new trial.

Judge Emmet Seawell, for the court, took  
*(Continued on Next Page)*

(Continued from Previous Page)

sixty-eight long pages to explain the Court's reasoning. In brief, the Court held that Judge Edmonds' instructions to the jurors had been deficient, and that he had not allowed sufficient latitude to the estate in introducing evidence and urging legal defenses. In short, the Supreme Court prevented what it thought was a miscarriage of justice, without changing the applicable rules on appeal.

The case was never retried. To the executors and their counsel the risk, as well as the expense, of a retrial was such that they settled the case by payment of one hundred thousand dollars. Mrs. Herbert no doubt enjoyed some of the fruits of partial victory, but she committed suicide in 1939.

Some speculation as to how "Colonel Lankershim's Note" came into being may be of interest to the reader. Colonel Lankershim was accustomed to obtaining cash in amounts of \$200.00 to \$500.00 from the Biltmore or elsewhere, against his receipt and charged to his account. When he signed the document he probably was told and thought he was signing a receipt to the Biltmore for \$500. It is not unlikely that Mrs. Herbert filled in both the words and figures \$500 at his direction or with his approval. Mrs. Herbert may well have concluded by late 1927 that she would never be successful in getting the "old devil" to see his attorney and make a bequest to her in a will or codicil. Relations between the Colonel and Mrs. Herbert were broken off within a few days after the date of the note; she must have realized by then that she had already obtained whatever she was likely to get as a foundation for a monetary claim. It appears (although it was not shown at the trial) that Mrs. Herbert was fond of "bootleg hooch". It is quite possible that she may have screwed up her courage from time to time, fortified by liquor, and made piecemeal the additions to what was originally a receipt for \$500. This "fog and grog" theory may account for what seem to be rather obvious and stupid failures to cover up her tracks. Otherwise, it is hard to explain the carelessness in the alignment and design of the last zero, and the blotting of that zero when the rest of the figures had not been blotted.

It would not have been difficult in the original document to leave space for the word "thousand"; it may well be that Mrs.

Herbert left more space than she later needed. At some later date she realized that the document had no definite due date after the Colonel's death, and she added—and blotted—the words "one month".

The Lankershim case is hardly a prime example of the virtues of the jury system. One moral might be: If you are rich, somewhat senile, and half-blind, stay away from designing females!

### **A Letter to Mrs. Bill Wright**

To Mrs. William Lawton Wright, 1410 Graynold Avenue, Glendale 2, California.

Hotel Noble, Lander, Wyo.  
Sept. 12, 1962

"Dear Kay:-

"I stumbled numbly down the steps of the local P.O. at 5 o'clock today, clutching Paul Bailey's postcard with the news that Bill had left us.

"A bit later, after I'd blown my nose and dabbed and dam-dam-damned, we opened the packet of mail forwarded from Chicago. And there, of course, was that wonderfully valiant letter that Bill wrote me about *Great Iron Trail* on August 29th.

"Words are so stupid! Best, perhaps, to report that only last Saturday we bought the Robert McCaigs of Great Falls, Montana a bottle of Kahlua, told them the whole saga-of-devotion that Bill started in 1939 and urged the McCaigs to make your acquaintance when they go to L.A. to research his next Western this fall.

"Bill is still a living force with me . . . and shall be so long as this carcass snuffles. He's quoted in *The Race West* and I'll send you a copy as soon as some catch up with us.

"Our latchstring is ALWAYS out to you and yours. Wig-wag if we can be of ANY service! Our Lord bless you and make his Face to shine upon you and give you peace!

As ever,

BOB.

(ROBERT WEST HOWARD)

### **Additional Honors**

The following corresponding members of Los Angeles Corral should have been included in the June *List of Best Western Books*.

J. Leonard Jennewein, co-author with Jane Boorman of *Dakota Panorama*.

Lt. Col. (Ret.) Mark H. Brown, author of *The Plainsmen of the Yellowstone*.



# WHAT I KNOW ABOUT JESSE JAMES

By THOMAS L. FINLEY

*Will the time come when Jesse James, Custer, and Billy the Kid controversies are finally concluded? To add more fuel we are submitting one more item on Homer Croy's pet subject: Jesse James.*

*It was submitted by Los Angeles Corral member Ernie Hovard.*

What I know about Jesse James who was murdered by the Ford boys in St. Joseph, Mo. about the year 1881.

"I am Thomas L. Finley who was about twelve years old at the time and was carrying a morning newspaper route on the St. Joseph Herald. I was at the boy age when this happening never left my memory. My father, James Finley, was Deputy Marshall under Enos Craig at the time of Jesse's murder. As my father handled most of this case it impressed me more in recollecting different occurrences. Jesse was killed some time between 9 A.M. and 11 A.M. (don't remember date) soon after the Ford boys went from the (illegible word here) of Jesse's to the city marshall's office and gave themselves up. They were immediately placed in the Buchanning County jail at St. Jo. As I remember, all kinds of rumors were coming in that Jesse's gang was going to come and get them for committing the deed, and the people generally were very much disturbed. Mr. Siddenfadden, undertaker, took care of Jesse's remains. His establishment was located on South 4th St., St. Jo. After being laid out, the public was allowed to view his remains. I don't believe I ever witnessed since a larger massed crowd anxious to view his remains—and hearing people remark it could not be Jesse James, as it seemed a number knew him as Mr. Howard and his profession as a horse trader in South St. Joseph. He lived with his family on a hill that is familiarly known as King Hill . . .

"Jesse's family, as far as I know, consisted of his wife and son, Jesse, Jr. and Bob and Charlie Ford were living with the family. After the Ford boys were placed in jail my father with some other officers went to Jesse's home to make further investigation and they gathered up all fire arms in the home which consisted of quite a number of Colt and other make pistols with a few shot guns and rifles and took them to the city marshall's office . . .

"After my father arrived home for dinner this same day about 3 P.M. I remem-

ber of him telling my mother, whom he called Jo, I almost got mine this morning — and he related this—I was interviewing Mrs. James and the little boy Jesse, Jr. was in the room—but my father said he never thought of giving him any attention when suddenly Mrs. James made a grab and took a Colt pistol out of his hand that was left on a table after Ford shot Jesse. I remember my father's remark at the time that in all his police service he had never been so frightened.

"I don't remember just how soon after Jesse's murder that an auction was held and household goods sold off—but I do remember of being there as a curious kid. There was a big crowd of people and all articles put up brought high prices. I remember well when the auctioneer put up for sale a tin wash basin that he claimed Jesse washed his hands before handling a wall picture just before he was shot—sold for \$5.00—and looking at the premises where Jesse lived after the public got through with it. It looked as if a cyclone had hit it—people taking relics of anything that could be cut. It was necessary to place guards around the house to keep it from being cut down. I can't remember if any other houses but Jesse's located on this hill at the time, but I do remember from the hill one had a marvelous view of all south St. Jo. As I mentioned previously, all Jesse's and Ford boys fire arms were taken to the city marshall's office for safe keeping. There were rumors afloat that Jesse's gang was coming to St. Jo to get the fire arms. My father decided he would take the fire arms to our home. So he instructed my two older brothers and myself to come to his office at 1 P.M., get the fire arms and bring them home. At the time I had a good coaster wagon and placed mother's wicker clothes basket on it and with my brother went to city hall which was about thirteen blocks from our home. We loaded the fire arms and father came back home with us, taking precaution to hide them in our home . . .

"The old part of our home was built by my father out of natural lumber—the timber so hard a nail could not be driven—so in the garret the floor boards were just laid on the rafters. So this is where he decided to hide all the fire arms and they were not disturbed or molested for several months

(Continued on Back Page)

## DOWN THE WESTERN BOOK TRAIL . . .

RODEO, by Mary S. Robertson. Berkeley: Howell-North Books: 1961 163 pp. \$5.95.

To an old fence-rider like myself the words buckin' bronco and Brahma bull bring cold shivers, but to anyone who admires pure unadulterated courage, the professional rodeo and the old open range life from which the modern rodeo sprang are packed with that commodity. Ramon Adams describes a cowboy as a man "with guts and a hoss" and the same is true of the modern professional rodeo performer. He may not be able to tell at a glance that a calf a mile away has screw-worms but he can dab a rope on a wary calf quicker than you can say rodeo. And he takes his draw of bareback bronc or Brahma bull and only hopes he draws one good enough to make his ride earn points. And when he thinks of a bronc as "good", he really means one which is bad enough to buck his way out of the chute and clean across the arena.

In the present book *Rodeo*, the sub-title really tells the tale and unlike many sub-titles, actually means what it says. *Rodeo* is a *Standard Guide to the Cowboy Sport*, and should be a welcome addition to every westerner's library, not just members of "The Westerners". It tells of the earliest known rodeos, probably in California, and pretty serious affairs they must have been too, as evidenced by the "Laws Governing the Rodeo" passed by the California Legislature in 1851. This is not to say that the Californios were not a salty lot; the little matter of grizzly-bear roping proves that. But it does mean that the rodeos for public entertainment probably came later.

At any rate, it is all there in *Rodeo*, all the answers to all the questions and completely illustrated with magnificent action photographs of the cowboy sport.

BEN H. O'CONNOR

RODEO, by Robert West Howard and Oren Arnold. New York: Signet Books: 1961. 141 p. p. \$50

Since reading Mrs. Robertson's concise and beautifully illustrated book, I have been given Mssrs. Howard and Arnold's book by the same name to read and review. This *Rodeo* has very few illustrations and a lot of text. It delves into the history of cattle raising and presents a very interesting story indeed. It has been very poorly

proofread however, and contains one glaring error. Unless I am quite wrong, the word "comanchero" represents an outlaw of a particular kind; namely, one who traded in contraband goods of all kinds, including kidnapped humans and stolen stock, principally with the Comanche, whence the name. It does not denote a type of vaquero, ranchero, or cowboy. I have never found it in any other connotation in any book I have read. So, as there is no bibliography to support any historical aspects, one is forced to presume that these parts are lightly written.

The discussions of the development of modern rodeo performances are well worth the reading and are recommended. After all, for fifty cents one can't go far wrong.

BEN H. O'CONNOR

THE FAR WEST AND ROCKIES: General analytical index to the fifteen volume series and supplement to the *Journals of Forty-Niners, Salt Lake to Los Angeles*, prepared and edited with introductions and notes by LeRoy R. Hafen and Ann W. Hafen. The Arthur H. Clark Company: Glendale, California: 1961 [Issued June 1962]. 360 p., 2 por. plates tipped in, \$12.00.

With this volume the Arthur H. Clark Co. brings to conclusion another of its valuable series of volumes of source documents on the history of the West. As an unusual feature there has been included a 124 page supplement to Volume II of the series, *Journals of Forty-niners*. Dr. Hafen has here given us eleven manuscripts or obscurely printed accounts adding to the previously known history of four trains included in Volume II and three accounts identifying and narrating the adventures of one new train, the Huffaker.

The General Analytic Index is very long and detailed and should prove exceedingly useful to anyone making use of the more than fourteen volumes of text. A rapid spot check failed to reveal any errors or the omission of any important information.

This might be a proper time to make a comprehensive review of the entire series, but this would be far beyond the space available in the *Branding Iron*. In any case the writer believes that all of the volumes have been noticed in this journal.

The Westerners certainly owe a vote of thanks to CM, Dr. Hafen and to Mrs. Hafen for the magnificent way in which they have brought this great undertaking to so happy a conclusion.

C. N. RUDKIN

**MOHAVE ETHNOPSYCHIATRY AND SUICIDE:** The Psychiatric Knowledge and the Psychic Disturbances of an Indian Tribe, by George Devereux. Washington: 1961: Bureau of American Ethnology, Bulletin 175. vi, 586 p., 10 pl.; \$3.25.

As may be suspected from the title, this book is not light reading for a summer afternoon. However it will well repay the time and thought required to really digest the contained information.

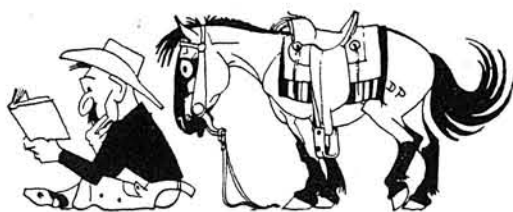
Most of us are accustomed to hearing about our friends the Indians in a purely descriptive way, and to consider them as strange creatures, no longer necessarily "primitive" but so different from whites that one should study them as one might the occupants of a zoo.

Dr. Devereux, by discussing at length the mental quirks of his Mohaves makes it very clear that they are even as we, and perhaps in some respects a little better. Consider the Mohaves summing up of white behavior, that an obnoxious act on the part of a white person is not surprising but is exactly "what one should expect from members of a characterologically and ethically defective group." In other words, the Mohave have a precise code of morals, although it may differ in some respects from our own.

Dr. Devereux has considered in the book each condition which the Mohave themselves considered pathological, mental or physical, and has made an effort to correlate each Mohave mental "disease" with some condition named and described by white psychoanalysts. The considerable success he has in this goes far to indicate that the Mohave, however they expressed their ideas, had successfully described and named a great many of the psychotic conditions that plague white men and women, and that they had even had some success in treating them.

It is far beyond the capacity and ignorance of this writer to even attempt a critical discussion for the author's conclusions. I can only say that an intelligent student of the American aborigines cannot read this volume without finding that his ideas about "noble red men", "wild savages", and "quack medicine men" will have to undergo a great deal of careful revision.

C. N. RUDKIN



**EARLY MAPS OF NORTH AMERICA.** Robert M. Lunny. The New Jersey Historical Society, Newark, New Jersey, 1961. 48 p., 26 of which are reduced but full-page facsimiles of early maps. \$1.85 in paper: a cloth bound edition available at \$3.50

This little book, issued as an exhibition catalog, contains an interesting running account of the history of North American maps, though brief, of course, as the size indicates. The text is well and interestingly written. Several of the maps relate to the western portions of the continent but as was to be expected the greater emphasis is placed on the eastern United States.

At the back is a catalog of the exhibition, listing, with short descriptive notes, the sixty maps exhibited.

C. N. RUDKIN



**THE PATRIOT CHIEFS, A CHRONICLE OF AMERICAN INDIAN LEADERSHIP,** by Alvin M. Josephy, Jr. New York: Viking Press: 1961 (2d ptg. 1962): xviii, 364 p. 8 pl.; \$6.00.

Mr. Josephy's book, while it does not pretend to set forth the results of much original research, does bring together in readable form, the authentic stories of nine of the most outstanding Indian patriots.

The tale of Hiawatha, very different from that created by Schoolcraft and Henry W. Longfellow, making him a mythical deity of the Chippewa, brings him into proper focus as a folk-hero of the Iroquois, a real person, and almost certainly founder of the "Five Nations" confederation.

His other characters are all strictly historical, belonging to the Colonial New England period, the Spanish Colonial period of New Mexico, and later warriors to the United States period. King Phillip, Pope Pontiac, Tecumseh, Osceola, Black Hawk, Crazy Horse and Chief Joseph each rate a chapter.

Although the book will not appeal particularly to those Westerner buffs who feel themselves to be already authorities on the lives of the more important individual Indians, for anyone who knows rather less than everything about the aborigines (like the writer), this little book will provide interesting reading.

C. N. RUDKIN.

## Memorial of Books To Bill

"The Southwest Museum  
"Highland Park, Los Angeles 42, Calif.

"Gentlemen:

"Please accept the enclosed check of the Westerners, Los Angeles Corral, in the sum of Fifty Dollars, as a memorial to our beloved fellow Westerner, William Lawton Wright.

"Will you please use this contribution to purchase a book, or books, to be recorded as a memento from his fellow members of the Los Angeles Corral of the Westerners.

"JAMES N. ALGAR,

"Sheriff."

\* \* \*

"My Dear Mrs. Wright:

"The news of Mr. Wright's passing came to most of the Westerners so late and so casually that there was no opportunity to express our sympathy for you or our respect and love for him before the funeral.

"However, we all want you to feel assured that you have our fullest sympathy in your bereavement, and that we, like you, feel a great void in our lives.

"Since it is our wish to leave to those who succeed us a reminder and a memorial to preserve the memory we cherish, we have arranged with the Southwest Museum to acquire and record one or more books in his name. I trust that this action will meet with your approval.

"Sincerely yours

"CHARLES N. RUDKIN

"Registrar of Marks and Brands."

## Article by Fred Vaile

We are very fortunate to have a manuscript which Fred had prepared for the Los Angeles Corral of Westerners entitled "The Burro Prospector," which we will print in the near future. Although he was very familiar with Goldfield, Tonopah and Rhyolite in their height of activities, his own interests were centered in Skiddoo, Ballarat, Silver Lake and Virginia Dale in that early era of 1902 to 1912.

In the Chicago Corral's *Brand Book*, Joel L. Priest Jr. of Salt Lake City unveils an obscure Indian tribe in olden Utah, the "Hallarwi" band. They traveled all night and slept all day; it was the Chief's custom to stick his head out of the tepee each sunset and ask: "Where the hell are we?"

Page Twelve . . .

## Jesse James

(Continued from Page 9)

after Jesse's murder. So finally one day father told his family that Mrs. Jesse James, her lawyer and Bob and Charlie Ford would be at our home to select Jesse's arms from the Ford's. So as a kid this arrangement thrilled me as I realized I would be able to get a good look at Mrs. James as well as the Fords and I sure did. My impression of Mrs. James—a very lovely, modest looking woman and Ford boys did not impress me much. Looked sneaky.

"We had quite a large living room and all the fire arms were placed on the floor. My father would pick up each piece separately and inquire who does this belong to? Mrs. James knew each and every piece that belonged to Jesse. After this was cleared up Mrs. James said, 'Mr. Finley, I want you to pick any fire arm of Jess's that you might like.' My father seemed slow in doing this so Mrs. James selected a fine Colt pistol and said, 'This is one that Jess thought a lot of and for all your kindness I want you to have it. . .'

## From the Mailbag . . .

To Westerners, Los Angeles Corral:

"It seems that there has been so much mystery and so many errors regarding the Battle of the Little Big Horn that those things we actually know about should be brought to the attention of our readers.

"Reference is made to the article called 'Indian Smoke Signal' from Iron Eyes Cody reporting what an old Indian friend of his had to say—*The Branding Iron*, dated June 1962, Number 61, page nine.

"Quoting in part from the above article 'and the rest with Godfrey, to follow with the pack mules.'

"Lt. Godfrey was not with the pack trains nor assigned to it. B Company under Capt. McDougall was assigned to the convoy of the pack-train, to which duty each of the other companies contributed one non-commissioned officer and six privates. Each of the latter was assigned to lead two pack mules.<sup>1</sup>

"Lt. Godfrey was in command of K Company, which became part of Capt. Benteen's battalion comprising Companies H, K and D.<sup>2</sup>

"Capt. Weir was the other officer of Capt. Benteen's battalion." C. B. BENTON

<sup>1</sup>The Story of the Little Big Horn, by Col. W. A. Graham <sup>2</sup>Field Diary of Lt. Edward Settle Godfrey.