LOS ANGELES WESTERNERS CORRAL
The Branding Iron
J. GOODMAN

MARCH 1973 LOS ANGELES CORRAL NUMBER 109

# THE BENDER MOUNDS

*By* HENRY WELCOME

Due to the dimming of time, a lack of witnesses, and a secrecy on the part of most participants, our story has many loose ends. The setting is Southeastern Kansas, the year 1870. The War Between the States has ended a bare five years before. When the Civil War was over migration accelerated into Eastern Kansas. From Osage Mission to Independence, Kansas, a road meandered southwesterly through the prairie. The road, in places not much more than a wide trail, traversed the northern half of Labette County. To the south the county borders on Oklahoma, then Indian Territory. Only one other county, Cherokee separated Labette from the State of Missouri. The Osage Mission (sometimes referred to as the Mission) was located on Independence road which ran through rolling hills about five miles east of Cherryvale, just across the county line to the west.

Either late in 1870 or in the early months of 1871 a family settled in a deserted house beside that road. One historian states the family arrived in the area in December 1870 and moved to the rude wooden shack on that lonely road in February 1871.

All authorities agree the family consisted of four members and that they were of German ancestry. The father, William Bender also known as John Bender, was about 60. A contemporary report from *Harper's Weekly* in 1873 states his age at 63. One recorder said he was a tall man, over six feet, but stooped with age. William was

*(Continued on Page Five)*

# The Branding Iron

THE WESTERNERS
LOS ANGELES CORRAL

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and Material Submitted for Publication:
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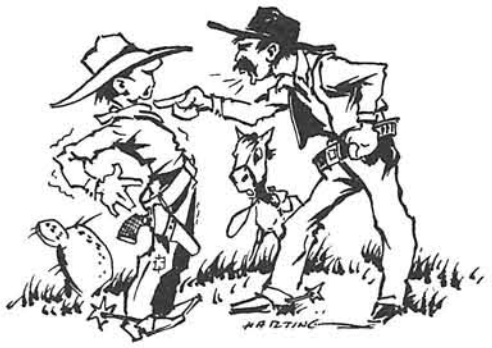
THE BRANDING IRON solicits articles of 1500 words or less, dealing with every phase of the Old West. Contributions from members and friends welcomed.



# The Foreman Sez . . .

The art work above this column, for this quarter at least, should be the cowboy with his foot in the pile of cow chips. I sure put my foot into it this time. At the January meeting I told the Corral how fine things were going. The articles for the *Branding Iron* were flowing like the Los Angeles River. I guess I forgot that it did not rain all the time and the cement creek was dry as a bone most of the time. To make the point – we haven't received a damn thing since the January meeting. I know its been raining like crazy, and the wells of history should be flowing to the brim.

Tony Lehman is rattlin' his cage out there in Claremont for something to do. He has run out of articles to edit and prepare for the future issues. Our fine backlog of material has already been typeset and will be the June issue. After that what? Maybe the blanket of doom which was cast over the audience during the January Round-Up meeting was true. The Los Angeles Corral is composed of a bunch of lazy deadbeats! Lazy, yes, we all are – a habit we will have to break if we are going to carry on. I think the only way to crack this dam of inactivity would be to print a *Branding Iron* with a classic photograph on the cover. My choice would be Sheriff Doyce Nunis in the nude. He would be resting on a maroon and gold U.S.C. blanket, just sort of raised a bit as if plucking the grapes of history – not wrath! Then on the inside there would be nothing. Possibly someone would get the message to write something. Think it would work? Hager says "no" – raise the dues and hire a ghost writer. Maybe that's the ticket! So pluck us some history you Sons of Westerners.

While pastin' up this March issue of *The Branding Iron*, the phone rang off the wall while I had my hands in rubber cement. It was the daughter of Associate Member Ron Swayze on the phone. She had the sad news that her father, and our good member, passed away Tuesday March 6 after a stroke. He went into the hospital the Friday before for a hernia and came out fine. Apparently the operation was just too much for his heart. He had a history of heart trouble over the years, but rode out each stroke with flying colors.

I have known Swayze since I was a kid. He worked for General Petroleum, as did my father, and at that time it was more or less a family company. He was a quiet man on the outside, but he had a big heart and was engaged in all types of historical activities. Swayze completed several historical pieces and was working on a book length production when he died. He was active in the Southern California Historical Society, served as director for one term, and enjoyed the Westerner meetings.


# Corral Chips

Donning his full Indian regalia, replete with a magnificent eagle feather bonnet, *Iron Eyes Cody* attends an early California fiesta at the Hancock Park home of Tom Reddin, former Los Angeles police chief and presently candidate for mayor. Next day, the event gets a three-column spread in the society section of the Los Angeles *Times*.

Ex-Sheriff *Earl Adams* serves as one of the judges for the annual Cowboy Artists of America exhibit at the National Cowboy Hall of Fame in Oklahoma City. And for his own collection, Earl is presented at the December meeting of our corral with a strikingly beautiful watercolor of Navajo country from our talented Santa Barbara member *Don Perceval*.

Don Perceval presents former Sheriff Earl Adams one of his famous paintings.
— Iron Eyes Cody photo.

Also at the final meeting of 1972, our hardworking waitress—Colette—is fittingly thanked for her year-long ministrations to our gustatory needs by receiving two bowser bags chock full of contributions from grateful Westerners.

Associate Member *Andy Dagosta* is awarded the coveted first prize in the open classification of the art show that was one of the highlights of the annual encampment of the Death Valley 49ers. C. M. *Bob Wagoner* and C.M. *Bill Bender* gather laurels for their fine artwork, too.

Up in the Bay Area, C.M. *Al Shumate* speaks at the ceremony dedicating Ralston Hall on the College of Notre Dame campus as a State Historical Landmark.

The outstanding historian of Orange County, *Don Meadows*, authors a biography of the prominent early citrus grower and book collector William McPherson. The work, appropriately titled *A California Paisano*, contains a forward contributed by *John Kemble*.

C.M. *Rev. Francis Weber* chronicles a bit of Los Angeles' bookish side by producing a miniature volume about Jake Zeitlin and his prominent landmark bookshop known as *The Big Red Barn*, a structure located on La Cienega Boulevard.

Pursuing his keen interest in historical photographs, *Robert Weinstein* creates a pictorial tribute to "Santa Catalina: Island Jewel" for the *California Historical Quarterly*, a publication which Bob serves in the capacity of Art Editor.

A history of the "Black Bear Mine and Bridal Veil" by C.M. *John Marshall* is published in Colorado's Telluride *Times*. John, incidentally, was one of the original mem-

. . . Page Three

bers of the Denver Corral of The Westerners.

The Book Awards Committee of the Border Regional Library Association, an organization composed of librarians from West Texas, Southern New Mexico, and Chihuahua, Mexico, honors Associate Member *Dan Thrapp* by picking his volume on *General Crook and the Sierra Madre Adventure* as the best work of 1972 in the category of Southwestern history. Dan then journeys to El Paso as the guest of honor for the banquet and the presentation.

Another Associate Member, Colonel *Clarence Clendenen*, is made an Honorary Life Member of the Council on Abandoned Military Posts. A 1920 graduate of West Point, Colonel Clendenen is Curator Emeritus of Military Collections at the Hoover Institution on War, Revolution, and Peace housed on the campus at Stanford University.

Travelling out of state, *Horace Albright* and C.M. *Strohm Newell* attend the Old Timers of Yellowstone picnic together and then drive on to the dedication of the John D. Rockefeller, Jr. Memorial Parkway at the north boundary of Grand Teton National Park. The following day they mingle with Mrs. Richard Nixon and other delegates to the Second World Conference on World Parks at Jackson Lake Lodge.

Closer to home meanwhile, *Walt Wheelock* and C.M. *Ed Carpenter* lend some of their expertise by acting as panelists during a workshop on historical publications sponsored by the Conference of California Historical Societies.

And in the same vein, Cactus *Jack Jeffrey* is the featured luncheon speaker for a full day seminar on historical writing and research held at Arizona Western College under the aegis of the Yuma County Historical Society.

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## Corresponding Members Welcomed by Corral

The Los Angeles Corral of The Westerners extends the big paw of friendship and welcome to the following new Corresponding Members.

They are: Philip Connor, Woodland Hills; Harold G. Davidson, Santa Barbara; George A. Erbeck, Federal Way, Washington; Bob Gardiner, Van Nuys; Russell D. Hartill, Canoga Park; Edward K. Hauck, San Pedro; Abraham Hoffman, Norman Oklahoma; Q. E. Huston, Burbank; Cornell Norby, Buena Park; Joseph S. O'Flaherty, Rolling Hills; Orville Spreen, St. Louis, Missouri; John D. Weaver, Beverly Hills.


# THE MONTHLY ROUNDUP

The Corral has enjoyed a variety of interesting programs these past few months. David J. Weber explained the Chicano point of view in his "Chicanos in Western History" at the December Round-Up. Weber is Associate Professor of History at California State University – San Diego and has researched the Chicano movement from all sides. The wrap-up of his study of Mexican Americans will be published this spring by the University of New Mexico Press under the title *Foreigners in Their Native Land*. Wrangler Allen Willett was on hand with exhibits of Mexican American and Southwestern materials.

The new year started off with a critical look at ourselves with a program entitled "A Panel Discussion of the Los Angeles Corral's Publication Program." This was not a fun-n-games hour, but a serious down to earth type of thing in which those interested tried to resolve the unproductivity of the membership. Prior to this meeting the Publications Committee had several meetings devoted to the future of the Corral's publications – especially the Brand Book. While Brand Book No. 14 had been completed (with articles outside the Corral) and would be published during this year, what about the future?

Taking this problem to the Corral was the aim of the January program. A panel discussion of the aims and needs of our

*(Continued on Page Twelve)*

gray with a rather unkempt hairline and beard. Mrs. Bender, and that was all she was ever known as, was perhaps five years her husband's junior. Described as shapeless and workworn, with gray streaked hair, time has left us with the impression she had little to do with the family destiny or the turn of events. A son, John Bender, age 25. Again one report states the young man was "a stepson, named John Gebardt, but commonly called Bender." Tall, perhaps over six feet, some say with red hair. One re-hash of the Bender story said ". . . his eyes were set too close together. It was also remembered that he giggled unpleasantly after almost every remark he made." We cannot give too much credence to this quotation as it is taken from a modern account. The last member of the family, but certainly the most important dramatically, was Bender's daughter Kate. Everyone seems to agree that she was between the ages of 20 and 23 and she also had red hair. Records tell us she was very attractive. I found one discrepancy, again in *Harper's Weekly* of June 7, 1873. I quote, "She is described as a repulsive looking creature, with a vicious and cruel eye, and is supposed to have been the ruling spirit of the family." All evidence points to this statement being basically true, but one should take exception to the description of her looks. Most accounts say she was pretty, some even beautiful, with attractive auburn hair. The other members of the family are described as pleasing looking people, and records show that Kate had a personality that was not only a great influence within her own family but also with outsiders. It appears the quotation from *Harper's* was perhaps an inaccurate description of Kate by the local people because of subsequent events. Kate claimed to be clairvoyant. Looking back, the neighbors may have thought of young Katie as a sort of witch, hence the feeling that she was mentally ugly.

In 1872 she went to Cherryvale and worked as a waitress in a hotel. In June of that year she had cards printed announcing her ability as a medium. The cards read.

> PROF. MISS KATE BENDER
>
> can heal all sorts of Disease. Can cure Blindness, Fits, Deafness, and all such disease, also Deaf and Dumbness. Residence, 14 miles east of Independence, on the road from Independence to Osage Mission, one and one half miles South East of Morehead Station.
>
> KATIE BENDER.

I have found no verification of Kate's job as a waitress but the cards were printed.

We do know that Kate did practice her ability as a medium and there is evidence that she exercised her talent in her home and those of customers. She is pictured as an attractive, aggressive, dominant, and extroverted young female.

The family attended the local Protestant church. Both father and son often attended Granger and political meetings. The family was considered as quiet and reserved, not often expressing themselves at these gatherings.

The records do not indicate whether the Benders actually bought the shack and farm or became squatters. That lonesome abandoned acreage on that very lonely road wandering through the rolling hills of Southeast Kansas found the Benders three-fourths of a mile from their nearest neighbor. Perhaps this suited their future plans. Such isolation must have provided the idea for their future pastime. Nonetheless grubbing for a living on the Kansas prairie at that time was "pretty poor pickens." The family soon augmented their income by partitioning the one room shack with a studding and extending a long curtain across the far end for living quarters; the front became a store. Here supplies were sold to travelers and neighborhood farms. The store carried tobacco, whiskey, powder and shot, and a few odds and ends of gro-

William Bender

. . . *Page Five*

THE BENDER SHANTY

ceries. Occasionally a traveler was boarded overnight.

Not far from and to the left of the house, facing the road, stood a three sided stone shed for the livestock. The open side faced away from the prevailing prairie winds, and was covered with logs and limbs thatched together to keep out most of the rain and snow.

The interior of the combination house and store was not plastered. The business end, fronting on the road had two windows and a large door. Inside was a counter and a few shelves holding supplies for sale. Behind the curtained partition the living quarters contained a stove, a table, and a bed. (Where four grown people slept I cannot fathom and what happened when travelers stayed overnight, there is no explanation!) A further description of the family living area tells us it also contained an additional table and several chairs. At one side of the kitchen table was a trap door leading to a small root cellar. The basement's floor was poorly cobbled with large stones for drainage and a tall man was unable to stand upright there. At the back of the structure was a rear door leading from the family quarters directly outside.

The Benders gave evidence of being hard workers to their neighbors. They did plant several rows of apple trees, cultivated a small vegetable garden, and plowed their fields regularly. The Benders were not considered neat in appearance; however, this was attributed to their poverty. One might say that until the Benders left the neighborhood, they were poor but respected farmers.

Katie may have created some fear and awe amongst the rural people with her activities as a medium. One writer said, "Her seances were widely attended. . . . Although, it made them nervous, particularly as they thought about it in later years. They were especially thrilled by her sanguinary remarks while in her trances and her habit of picking up a dagger from the table and plunging it deep into a heart drawn on the wall."

One can imagine the impact of this performance on those simple country people. Naturally, such an exciting exhibition was necessary so that Katie might maintain her reputation as a mystic.

According to the same authority, in 1871 a body was found in a creek about three miles from the Bender's farm. The man's throat had been cut and he was then thrown into the stream. No further information is given as to the identity of the man, nor are any other references found concerning the crime. In early frontier regions, such crimes often went unsolved. Law enforcement of the times was poorly schooled in detective work or indifferent to the problems of the day. There was apathy toward unknown victims.

The sands of time passed, a year or more. Every once in a while someone would appear along the road asking about missing travelers. After several of these inquiries, fear began to grip the hearts of the local families. Early in 1873 the area was on the verge of panic. A neighborhood gathering was called, and the male members of the Bender family were in attendance. The mystery of the missing travelers was dis-

cussed. Little was accomplished. However, people did stop traveling at night. Evening church attendance fell off and so did other night meetings.

A short time later, March 10, to be exact, a Dr. William York left his father's farm near Independence, for Fort Scott. Dr. York was well known in the region. One record stated his home was Onion Creek, Montgomery County, just west of Independence. Dr. York rode east and then north on horseback, to Fort Scott to arrange the sale of some property. He was anxious to return home as his wife was ill. After locating a prospective buyer he hurried his return to Onion Creek. It was believed he slept briefly beside the road and that he breakfasted the next morning about three miles from Osage Mission. One account said he paused at the Mission to refill his cigar case and then disappeared somewhere west of there. In any case, he failed to return home at the appointed time, and his wife became alarmed. The countryside was thoroughly aroused over the disappearance and a concerted manhunt was soon underway.

The doctor's brother, Colonel George York, enlisted the aid of Sheriff Stone and some of York's friends as a posse. Inquiries made up and down the road west of the Mission soon led the posse to the Bender's farm. Kate responded to the urgent knock on the door. The sheriff informed Kate of their search, and she admitted knowing Dr. York. Kate offered to hold a seance in the hope this might help discover the whereabouts of the missing doctor. Thanking her, but refusing the seance, the posse rode off seeking further information of the missing person.

That night the Bender family made their decision. They did not vacillate in their action but promptly fled. Supposedly the following day, near Thayer, a village ten or twelve miles northward, was found a lumber wagon, its team still in harness, and a farm dog tied to the wagon. The noisy dog had attracted attention through his howling. The wagon had been abandoned for a number of hours and on one of its boards was crudely lettered the word "Groceries." The local paper of Thayer mentioned the wagon and team but no one seemed to show much concern. Nearly three weeks passed before the Bender's absence from their farm was noticed by their neighbors. Several had come for supplies, and Colonel York is supposed to have returned a day or so after first seeing Kate. Through this eighteen day period from the time of the family's flight until suspicion arose, the Bender's apparently covered their tracks well. The subsequent events in the Bender's lives are most interesting.

It was accidentally discovered on the 3rd of May that the Benders had abandoned their home. Passers-by noticed stock wandering about the farm, and a tethered calf was found dead of starvation in the old stone stable. Upon investigation the appearance of the whole place indicated a hasty flight. Local farmers began to gather about the buildings. Three days later the brother of Dr. York, while walking about the farm, in the cultivated garden, discovered a depression about the size of a grave. The curious got busy with shovels and at the depth of four feet uncovered the remains of Dr. York. The body was naked except for a shirt. His skull was crushed in back and his throat had been slit. The word got about and the search for more victims became feverish. The entire Bender property was probed with sharp iron rods. By the following day the crowd had exhumed seven more bodies, six men and one little girl. Except for the child all victims had been stunned or killed by a blow on the back of the head, then finished off by having their throats cut from ear to ear. Evidently the eighteen month old baby girl had been buried alive. One newspaper account stated three of the graves were found under the house. The balance of the reports indicate the bodies were all found in the garden. Another account states that six of the bodies were geometrically planted in a circle about a young apple tree. The neighbors realized why the Benders had cultivated their sod so often! Six of the dead were identified as Benjamin M. Brown of Howard County, evidently in Missouri, John Greary, W. F. McCrotty (McCroatty), H. F. McKenzie, G. W. Longchors, and his little daughter. These identities are in addition to that of Dr. William York. One body was never claimed and remained unknown.

The story of G. W. Longchors is especially tragic. A widower, Longchors was en route to his parents home to leave his little daughter with her grandparents, as he was

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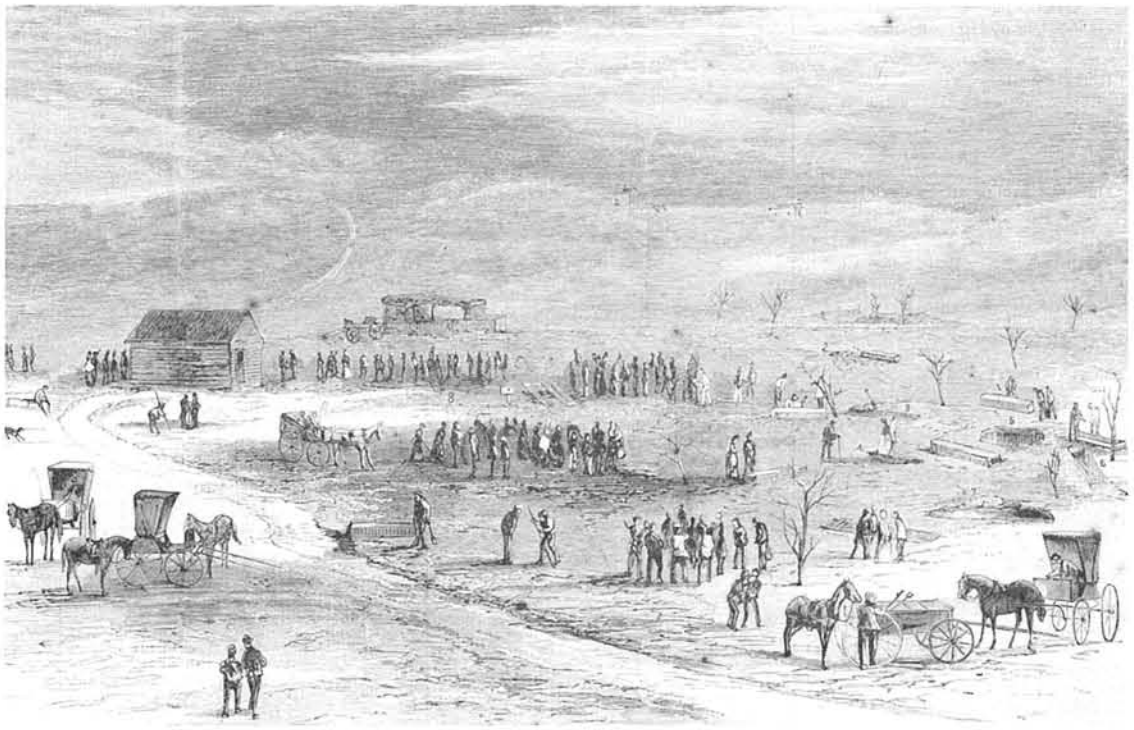

Probing for bodies on the Bender farm
scene of the murders.

unable to care for her. Just two days after Christmas he had made the fatal mistake of accepting the Bender's hospitality for the night.

When the angry mob of local citizens forced entry into the Bender's two room shack, they soon deciphered how the murders had been committed. It was evident the Benders had encouraged lone travelers to partake of an evening meal and stay for a night's lodging. The guest was seated at the table next to the curtain dividing the store from the kitchen-living quarters. The chair the traveler was occupying was so close to the curtain when he sat upright the back of his head was against it. One can see Katie leaning across the table and engaging the guest in animated conversation. At the proper time one of the male members of the Bender famliy struck the victim from behind the partitioning curtain. The man's head pressing against the curtain made a splendid target for the killer with the heavy iron hammer. Journal accounts state that either two or three heavy iron hammers were found on the premises. One description of the scene relates a hatchet. When the victim was stunned from the blow, the trap door in the kitchen was opened to the cellar, and the body quickly thrown down the hole into the cellar. It was here that the throat was cut. According to one account, the stench from the dried blood was so great the investigators rolled the house off its foundation so that the cellar area was completely exposed. The dried human blood was there all right, the evidence was clear. The crimes were easily reconstructed. In the middle of the night the bodies were stripped of all usable clothing and whatever wealth could be found. Thereupon they were buried in the garden. The horses, wagons, saddles, and any baggage the victim may have brought was disposed of. It appears, after studying all the facts, that most of the victims' possessions were disposed of in Indian Territory. The Bender's farm was perhaps less than twenty miles from the Oklahoma line. The Territory in the early 1870's was inhabited by a group of whites which were just one jump ahead of the hangman most of the time. Many of the Indians were no better. If old man Bender could offer bargains in a horse, saddle, or perhaps a wagon and team, the identity of the customer was not questioned.

One historian claims the Benders real-

ized $4,600 from their crimes. This averages out to over $650 per murdered man. The high average is questioned since a team and wagon were hardly worth that amount at the time. Dr. York had gone to Fort Scott to sell his property, but details of this transaction indicates the sale was concluded but no money had changed hands. Any shady deals in stolen property rarely brought more than a fraction of the original value of the merchandise. A more realistic estimate of the profit gained from these eight murders would be close to $460.

The news coverage of the Bender family crimes was quite complete for the time, but the final results are a bit garbled. *Harper's Weekly,* in a contemporary report hazarded a guess that the Benders had also murdered a German family near New Albany, Indiana, prior to their moving to the Kansas farm in 1870. This report was never verified. *Harpers* also published a sequel to the Benders' disappearance after the eight killings. A week later a news dispatch reported the capture of a man fitting old William Bender's description, at Ely Station, Iowa. The town marshal believed he had arrested the head of this vicious family. Evidently they had the wrong man, for no further accounts of this incident appear in reports of the time or in later recorded history. The Benders simply evaporated from the scene. Two subsequent events concerning the Benders did appear which provided a logical end to this story.

There are two logical endings to this strange tale. One story relates that the local people captured the Benders and lynched them. There was enough credence to this tale that the Labette County Commissioners made public this statement in September 1873:

> A reward of $500 will be given to any person or persons who can and will give satisfactory proof to the legal authorities of Labette County that the Bender family, known as John Bender, Sr., and his wife, Kate Bender, his daughter, and John Bender, Jr., were ever captured by any party of men and put to death; and for the payment of this reward, on proof of facts asked for, we pledge the credit of Labette County, Board of Commissioners.
>
> J. S. WATERS
> County Attorney

This reward was never collected.

This little item from Colonel A. M. York to Governor Glick dated September 18, 1873, was located.

> We will give $2000 for proof that the Benders were killed, and with such proof we can trace their connection with others.

Just what "their connections with others" meant one cannot decipher today. The Bender crimes never seemed to relate to other crimes or criminals in any way.

A final version, a bit more detailed and certainly more romantic, but probably furthest from the truth, was also circulated. This concerned Colonel York and his posse. Two of the Colonel's men traced the wagon to the town of Thayer. Here two posse members found the Benders had purchased tickets on the train to a community called New Chicago. The town is believed to be called Chanute now. By telegraph the men learned the fugitives had doubled on their tracks and had taken a train to Chetopa in southern Labette County, only two miles from Indian Territory. Colonel York was notified, and with a small group of riders had cut across country intercepting the Benders who were driving a rented wagon from Chetopa. They were caught only a few miles below the Oklahoma line. The Colonel and his friends are supposed to have held a "kangaroo" court there on the prairie and to have condemned the Benders to death. Shallow graves were dug, the family members shot and buried on the spot. The graves were obliterated, the wagon burned, and the horses freed to roam the plain. The executioners, sworn to secrecy, quietly returned to their homes, never to reveal their horrible secret. Dr. York's murder had been revenged!

Today, U.S. Highway 160 runs nearly east and west through these rolling hills in southeast Kansas. The old trail ran slightly north of the present highway. Where the Benders' farm was located some ninety years ago, is now known as Benders Mounds. This descriptive name originates from the rolling hills, not the sunken graves.

# WHEN COWS COULD VOTE

*By* RALPH MIRACLE

The law books of many of the western range states still contain evidence of the times when this vast country was dominated by huge herds of cattle and by the men who owned them. Judged by today's standards, many of these statutes might well raise the eyebrows of the modern jurist. But they were spawned in an era when they were necessary and some of them still serve the industry well.

There still remain some "open range" laws that give cows the right of way over cars on the highways even in these days of high-speed cross-country freeways. Cattle theft still remains a felony carrying heavy sentences although the modern rules of evidence make convictions difficult and juries are by no means as sympathetic toward those who raise high priced steaks as they were in earlier times. Most of the early brand laws are still in effect, and also many of those providing protection for cattle carrying legal brands. A recorded brand is personal property and subject to inheritance and transfer just as other property. There are also laws prohibiting the use of unrecorded brands and providing for confiscation of animals carrying illegal brands. Furthermore, cattle have to be inspected for brands before they can be sold or even moved from place to place.

Many of the old laws provide for extreme measures to protect cattle from theft. Stock inspectors and detectives may enter private pastures and even corrals to check for lost or stolen stock. Because hides carry the identifying brands their disposal is regulated, and it is often a serious crime to conceal or destroy a hide without proper inspection. Officers may seize and kill an animal carrying a questionable brand so that they can look inside the hide to determine if the brand has been altered and what the original mark may have been. Even in more recent times a national law was enacted to make the interstate transportation of cattle a federal crime, as is the case where auto thefts are concerned. But the bulk of the cattle laws date back to the time when the cattle empire stretched from Texas to Canada and from Kansas to California, starting at the close of the Civil War and building up to interrupted crescendos through the 1880's and 1890's and into the early 1900's. The men who headed the development of the cattle business and blazed the historic cattle trails across the seas of grass and who dared the elements from desert droughts to freezing blizzards were strong individuals. They had to be to survive, and survive they did. Their world was a vast region offering almost perfect cli-

mate and grass for their frontier industry. They had to start from scratch as their herds replaced the buffalo in a new, raw country. They developed a culture all their own. When laws were needed, they wrote their own.

These laws of the cattle country were preceded in most cases by vigilante and extra-legal protection of property rights just as were the "people laws" in the frontier settlements of the West. This severe, but effective enforcement of the unwritten law of the range may seem regrettable to some, but it had to be. Thefts of cattle and horses by renegade whites and redskins were considered outside the jurisdiction of the Army troopers, the only semblance of law around. If anything was to be done, the cowmen had to do it themselves. In many cases they tried to get laws enacted to make vigilante actions unnecessary, but territorial government from far-off Washington D.C. was unresponsive to local needs. In some cases other frontier interests, such as miners, were unsympathetic to the problems of the rangemen. Consequently, from the Southwest to the Northern border states the cowboy vigilantes had to ride.

Their swiftly administered justice stopped the thieves in their tracks. Hundreds of them were shot or stretched hemp. The rest ran for the borders or hid out in the back country and gave up their lucrative trade in stolen stock. In most cases this extra-curricular law enforcement made it possible to get bonafide laws enacted that could be enforced by authorized detectives and lawmen. Cattlemen of necessity moved into the lawmaking bodies of the range territories and new-born states. Naturally the first laws that were made were to protect their livelihood – the horses and cattle on the range. The death penalty or hanging never quite reached the law books, but the new laws carried teeth and could be used. The early day lawyers made their mark by successful prosecution of horse and cattle thieves. Such prominence then made it possible for them to enter political life and move into high office. Or, if money meant more to them, they could demand high fees from thieves who sought legal representation. There were times when the cattlemen hired the top criminal lawyers so they couldn't protect the cow thieves.

For similar reasons, cattlemen often hired men from the other side of the law to act as detectives and informants. The reward route was utilized, too, despite charges of "bounty hunting." One way or another the stockmen had to protect their own, and in doing so became dominant influences throughout the ranges states of the West. Consequently they played an important part in the development of the country. There were many "Cowboy" legislatures, and the legislative cloakrooms still show the Stetson influence. Maybe cows didn't actually "vote," but their owners did and a raw land became the background for homes and communities. Cattlemen have always been inclined to stick to their last and tend to their own business. For this reason, the "cow laws" that were enacted largely affected cattlemen. As long as they were acceptable to those they directly governed, they were never seriously challenged and so in many cases still survive and serve what still remains a dominant and important industry throughout our country.

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# PREPARATORY OBLIGATIONS FOR ACTIVE OR ASSOCIATE MEMBERSHIP

The Los Angeles Corral recognizes that a more meaningful and enduring membership will accrue to a prospective member if he provides the opportunity to be heard, read, or both, during the time his application for membership is being considered by the Membership Committee. This exposure will be helpful to all of the membership and they will in turn have an opportunity to know and become acquainted with those who have an interest in becoming an active or associate member of the Corral.

As an aid to the Membership Committee, a preliminary requirement for a proposed member is that he prepare a short five or six-minute talk on his favorite historical topic, to be given at a meeting, or, that he prepare an article for the *Branding Iron.*

Another way for a prospective member to demonstrate his sincere interest might be for him to assist in the monthly displays of art, artifacts, and items of western interest.

The Corral is only interested in working members who have a serious desire to not only support the activities of the Corral, but who will contribute to its overall efforts, whether it be programs, research, writings for publication, or wherever their talents can be used to the greatest advantage.

Those truly interested in active or associate membership are requested to contact Paul Galleher, chairman of the Membership Committee.

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## MONTHLY ROUNDUP . . .

Paul Galleher chairing the January Corral meeting. — Iron Eyes Cody Photo.

publication program was the theme. Paul Galleher chaired the meeting, and after introducing the subject, he presented the panel which included Bert Olson speaking on "The Costs of Brand Book Publications," Art Clark discussing the "Marketing and Distribution of Brand Books," Earl Adams presenting "A Statement for the Retention

*(Continued on Page Sixteen)*

## THE WESTERNER

My fathers sleep on the sunrise plains,
And each one sleeps alone.
Their trails may dim to the grass and rains,
For I choose to make my own.
I lay proud claim to their blood and name,
But I lean on no dead kin;
My name is mine, for the praise or scorn,
And the world began when I was born
And the world is mine to win.

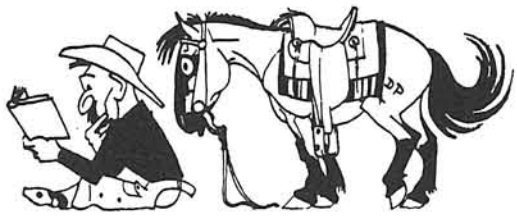
They built high towns on their old log sills,
Where the great, slow rivers gleamed,
But with new, live rock from the savage hills
I'll build as they only dreamed.
The smoke scarce dies where the trail-camp lies,
Till the rails glint down the pass;
The desert springs into fruit and wheat
And I lay the stones of a solid street
Over yesterday's untrod grass.

I waste no thought on my neighbor's birth
Or the way he makes his prayer.
I grant him a white man's room on earth
If his game is only square.
While he plays it straight I'll call him mate;
If he cheats I drop him flat.
Old class and rank are a wornout lie,
For all clean men are as good as I,
And a king is only that.

I dream no dreams of a nurse-maid state
That will spoon me out my food.
A stout heart sings in the fray with fate
And the shock and sweat are good.
From noon to noon all the earthly boon
That I ask my God to spare
Is a little daily bread in store,
With the room to fight the strong for more,
And the weak shall get their share.

The sunrise plains are a tender haze
And the sunset seas are gray,
But I stand here, where the bright skies blaze
Over me and the big to-day.
What good to me is a vague "maybe"
Or a mournful "might-have-been,"
For the sun wheels swift from morn to morn
And the world began when I was born —
And the world is mine to win.

From *Songs of Men* — 1918.



# DOWN THE WESTERN BOOK TRAIL ...

GREAT TRAILS OF THE WEST, by Richard Dunlop. 320 pp., illustrations, maps, bibliography, index. Nashville, Tenn.: Abingdon Press, 1971. $7.95

Every Westerner, and just about every other person who has any interest at all in western history, will want this book. All of the great trails are here – the Santa Fe Trail, the Oregon Trail, El Camino Real, the Hastings Cutoff, the Butterfield, the Chisholm, and even Alaska's Chilkoot Trail. But they are here in this book not as historic landmarks, but as existing, visible routes which the author and his family followed from one end to the other – mostly in a camper, sometimes on foot, sometimes on burros – during a five-year period of following in the footsteps of the pioneers.

Mr. Dunlop, in narrating his family's odyssey, skillfully blends historical narrative with present day description. For example, speaking of the Oregon Trail, in the North Platte area, he writes: "U.S. 26 runs northwest along the route of the Oregon Trail, and we followed it to the Cold Spring Camping Ground, where on August 1, 1876, the Sioux killed and scalped George Throstle and wounded a teamster of Heck Reid's freighting outfit." Elsewhere, describing the Mormon Trail, he writes: "In Hennefer (Utah) there is a monument to both the Mormons who passed this way and to the Pony Express riders who galloped through the ford a decade and a half later. We stopped in Al's Mercantile to buy the makings of a picnic lunch. A Mormon woman at the checkout counter told us how Mormons had bluffed the U.S. soldiers during the Mormon War of 1857. 'Fifty Mormons barred the path of a whole army' said the woman . . . 'If you want to learn more about the Mormon pioneers and the trail they followed, take Highway 65,' she added."

He then goes on to describe in detail just how the Mormons arrived in Emigration Canyon, where, on July 24, 1847, Brigham Young, fever-stricken but still the leader of his people, came over the last rise in the canyon and stopped to survey the valley that spread out before them, exclaiming "This is the Place!" And the Promised Land it became for the twelve thousand or more Saints who came to setttle in Salt Lake City during the following decade.

Each of the twenty-one chapters in the book is preceded by a full-page map, showing one of the trails and the principal stopping points along it. Some of the more important trails, such as the Santa Fe, the Oregon, and the Butterfield, are spread over two or three chapters, with a separate map covering each section – western, middle, and so on – so that a total of sixteen different western trails are traced, passing through, or at least touching, all of the states west of the Mississippi with the exception of Minnesota and the Dakotas. In addition to the maps there are half a hundred illustrations, usually two or three to a page, of historic buildings or points of interest as they are today, as well as a score or more of what appear to be pen-and-ink drawings or sketches of cowboys, frontiersmen, Indians, old buildings, and the like.

The idea of tracing historic highways a century or more after their origin is not very new. Frederick Law Olmsted, travelling west in 1854, noted in his journal as he passed through Texas that he was following an Indian trail, which in turn La Salle had used in 1685, and which had been in use ever since as the main route from Natchitoches, Louisiana to San Antonio. In the 20th century no-one has followed an historic western trail more assiduously, or written about it more felicitously, than Mrs. Irene Paden in her two books, *Wake of the Prairie Schooner* (1943) and *Prairie Schooner Detours* (1949). The difference between her work and that of Mr. Dunlop's is that the Paden books trace essentially one route, the main Oregon/California trail from the Missouri to the Pacific Coast, together with its several detours, cutoffs, and bypasses. Richard Dunlop on the other hand, while devoting seven chapters altogether to the same main route, considers this to be only one of many, and he devotes many more chapters to such routes as the

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Applegate, the Butterfield, the Pony Express, the Chisholm, and even the Chilkoot. In other words he covers the entire West, while Mrs. Paden concentrated on only the main central route.

Furthermore, during the quarter of a century that has elapsed since the Paden books were published, many new highways have been built, and many old monuments destroyed, or bypassed, or rendered inaccessible. Mr. Dunlop's text is very precise in telling you whether or not an old hotel, for example, is still standing or is in use (as of about 1970), where the good museums are today, and whether or not an old cemetery may still be visited by the passing tourist. It is therefore both an up-dating and an expansion of the now out-of-date Paden books, besides presenting the story of all the western trails, with better maps, more illustrations, and an exceedingly lively style of writing. What Westerner of the present century could ask for more?

— Raymund F. Wood.

The Last Centennial, by Patricia Kilina. Dial Press, New York, 1971. $6.95

For any Westerner with even a drop of horse blood in their veins, this first novel by a young writer born to the history of the West is a must. It is a trio of stories with each character living in the horse world of rodeo, racetrack and range. Cottonwood, the site of the centennial, is real. The author, a granddaughter of a famous western pioneer, was raised on her father's ranch in Montana. Her descriptive prose borders on poetry, but the pictures created are clear and true.

The first story is about Johnnie Chance, a full-blood Cheyenne Indian who lives in the material present, but throws his expert rope in rodeo contest with memories of his ancestors who carried their feathered lances fearlessly into battle. The second is the early life and development of Beth Stuart, daughter of a rancher who raises top quarterhorses and who becomes so involved in her love of horses and horse people that she faces a mixed-up world. The third concerns Pinter Brodie, aging cattleman who doggedly resists the pressures of the present. Together, these people provide a vivid picture of the changes that have occurred in our western cow country and the strains placed on those raised in one tradition and living in another.

— Ralph Miracle.

Byroads of Baja, by Walt Wheelock. La Siesta Press, Glendale, California, 1971. 71 pp., 16 illustrations, 3 maps, bibliography, index. $1.95

As the introduction to this valuable and interesting little book makes clear, this work is not the usual geographically oriented guide that leads the reader from Point A to Point B, noting mileage and significant sights along the way.

Instead, *Byroads of Baja* essentially uses the approach of following the history of the region "in which the people of the district are of equal importance."

The various chapters therefore deal, in turn, with background information on the different Indian tribes; the string of Jesuit and Franciscan missions; the history of mining in La Frontera; and a fascinating account of "Little Russia," the agricultural colony founded by exiled Russians in the Guadalupe Valley. The final chapter traces the old roads and trails, noting where they correspond to — or stray from — present routes.

Clearly, few people have traversed the byroads of Baja as frequently and lovingly as Walt Wheelock. And with this informative guide stashed in the glove compartment — or better yet, on the seat beside him — the modern travler should find his own experience and understanding of this alluring peninsula considerably enhanced.

— Tony Lehman.

The Plains, by Francois des Montaignes, edited by Nancy Mower and Don Russell. 179 pp. University of Oklahoma Press, 1972. $7.95

Francois des Montaignes is little more than a *nom de plume* for one Isaac Cooper, who in 1845 joined John C. Frémont's third expedition en route to California across the southern Great Plains.

Cooper traveled with Frémont all the way from St. Louis to Bent's Fort, the famous fur-trading center on the Arkansas River in southeastern Colorado. But here the ex-

pedition split. While Frémont went on to California, Cooper turned south with a party of men led by Lieutenant J. W. Abert for the return to St. Louis via Fort Gibson.

Portions of the journal which Cooper assiduously kept throughout the journey appeared serially in *The Western Journal and Civilian* in St. Louis in the 1850's, but the entire work is here printed for the first time, along with reasonably useful editorial assistance.

It is difficult to say why the author chose to write under a pseudonym. Perhaps it was mere literary affectation, a good guess when one considers the conscious attempts at stylistic elegance that he often indulges in. More likely, however, is the suggestion by the co-editors that Isaac Cooper was fearful of incurring the wrath of John C. Frémont. For Cooper hated Frémont's guts, an intense loathing that is amply documented in his journal.

Sure to add fuel to the controversy surrounding the famous (or infamous) Pathfinder, the indictment of Frémont presented here by one who had considerable firsthand experience of the man is indeed difficult to dismiss. He is accused, among other things, of providing for his own larder while rations for his men seemed skimpy. Cooper also criticizes the justness of Frémont's command when the botanist of the expedition was given the choice of walking on alone for several hundred miles to Bent's Fort, or else leaving the company, as punishment for falling asleep while on guard duty.

But there is more. At one dry camp Mesty-Woolah, Frémont's servant, demanded for his master the sole remaining keg of water that some of the thirsty men were about to use to brew coffee. Furthermore, when the expedition split up Cooper says that Frémont took the best horses and mules, plus all of the raincoats, for the benefit of his own California contingent.

No wonder, then, that Cooper breathed a sigh of relief when he came under the command of Lt. Abert, for in his own words he was at last "delivered from the tyrannical and childlike command of the redoubtable little prairie dog."

Lest the reader be misled, there is more to this book than the polemics regarding the character and worth of John C. Frémont. Of particular merit is the description of some of the Indians encountered on the journey, including the Cheyennes around Bent's Fort and the bands of Kiowas the party met while following the trail along the Canadian River through Texas and Oklahoma.

It is notable, too, that Cooper seems to have enjoyed an ecological sense far advanced for his day when he censures the senseless and wasteful slaughter of buffalo just for target practice. And with remarkable prescience he speculates on the fate of the Indian way of life, and population, once the buffalo are gone.

Nonetheless, in terms of style, wealth of detail, and plain old interest, the work at hand is clearly inferior to Abert's published journal, a classic which chronicles the very same expedition. Illustrative of the difference is Cooper's frequently perfunctory description of the various campsites along the way. He is often so vague and general that the reader craves more editorial assistance than he receives.

Finally, it can be said that the decision to reproduce Cooper's crude and ugly pen sketches adds little beyond authenticity to enhance what turns out to be a rather drab looking volume. I suggest shelving it alongside Abert — you will appreciate him all the more.

— TONY LEHMAN.

SPANISH MILITARY WEAPONS IN COLONIAL AMERICA 1700-1821, by Sidney B. Brinckerhoff and Pierce A. Chamberlain. Stackpole, $14.95

Spain had explored and conquered and largely settled most of two continents before the first permanent English town was established on the eastern seaboard, and she did this through an aggressive faith, brave soldiers — and fine weapons. Plenty of them.

In our day there is a revulsion against firearms, deserved or not, largely because of their misuse by the more primitive elements among us. Yet it is through weaponry that much of man's history, violent and aggressive as it was, must be understood. This was as true with the empire of Spain as any other.

Harold L. Peterson, chief curator of the National Park Service, points out in a foreword to this illuminating book, that it is "a paradox of history that there has never before been a serious study" of the bewil-

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dering array of Spanish weapons that enabled that vigorous people to conquer and hold against barbarism and civilized foes alike so vast a realm. One reason, Peterson believes, is that the Spanish themselves never produced a good analysis of the subject.

Brinckerhoff and Chamberlain, both associated with the Arizona Historical Society, have been led to investigate relics in museums and collections in four countries, and thousands of documents of archival material in Spanish and English, held in repositories in Spain, Mexico and this country.

The result is a definitive, copiously illustrated compendium of firearms, swords, pole arms, knives, lances, bayonets, cannon and accoutrements used or carried by the Spaniards in their stupendous accomplishments in the western hemisphere. More than 275 photographs, reproduced by offset but generally well done, illustrate the work.

Since the authors are experts, the work is precise and includes information essential for collectors and other specialists, yet not so technical as to be overly obscure for a layman. A technical glossary of 18th and early 19th century Spanish terms for military weapons and equipment, and extended and useful bibliography, including a list of important sale hatalogs, translations of pertinent documents and numerous plates drawn from Spanish sources, are given.

The location of each example pictured, its dimensions, manufacturer (where known), date of use or of origin, if ascertainable, and any distinguishing marks or engravings, also will assist students, historical writers, and the interested reader.

Many Spanish weapons were based upon French models. Numbers came from the great arms factories of Spain, but others were produced in this hemisphere, or modified in the colonies, and these facts are stated when information about them could be found.

One wishes that a picture or two, such as Plate 61 illustrating a dragoon and a cavalryman of 1780, might have been reproduced in color to give a better idea of the uniforms. Translations may sometimes be suspect, as in Plate 16, the third column where the heading is given as "Faulty," referring to supplies at a military depot, while entries under that description seem not to bear out such a classification.

But such lapses, if lapses they are, occur seldom. This book must become the standard work on the subject, and hold that place for many years. Even if superceded, it will form the basis for any further attempts to illuminate this neglected and interesting field. The price is substantial, but the volume is well worth it.

— Dan L. Thrapp.

## Monthly Roundup . . .

of the Brand Book," Donald Duke covering "The Editing of the Branding Iron," followed by Paul Bailey giving a bit of history in his discussion "The Brand Book As It Was — Its Value," and Doyce Nunis on "The Thoughts of a Brand Book Editor," and Bob Weinstein with "An Inquiry Into the Brand Book Tradition and a Look at the Corral's Publication Program," and then Don Meadows with "A View From the Fence."

After all the panel had completed their say, the discussion was opened to the floor. It appears evident that the Corral does want a solid publication program. Talk is cheap, and only time will tell if wine soaked handkerchiefs will turn into articles and features on paper.

It was good, healthy and productive to have an open business meeting such as this. While the Corral turns the operation of the group to its officers, they too need direction.

John Weaver, a free lance writer and author, presented a down to earth explanation of the famous Brownsville Raid in his program called "Brownsville Revisited." The speaker was so familiar with his subject he presented the program right off the top of his hat and formed what has been called "America's Black Dreyfuss Affair" into an entertaining hour.

Our March meeting finds "An Evening with Sam Harris" on the program. Sam Hyde Harris is not only a speaker, but painter, designer, and teacher of painters. His reminiscences provided an entertaining evening. Harris has made his livelihood with a brush in Southern California since the age of 14.