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J. GOODMAN

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Figure 1: *Monte Diablo Lake, Mono County, California, at the base of Laurel Mountain. A gun battle between escaped convicts, lawmen, and volunteers took place near here in September 1871. From then on it was known as Convict Lake. Undated photo by Mary Hill, from the R.H. Dillon photo archive.*

Shoot-Out at Convict Lake, 1871

Richard H. Dillon and Brian Dervin Dillon

INTRODUCTION

Nevada's biggest jailbreak erupted on a quiet Sunday evening, the 17th of September 1871. The subsequent manhunt moved southwards over the California state line until, exactly one week later, it climaxed in a gun battle 140 miles from where it began. This Lawman-Desperado episode, garbled over the past 147 years by newspapers and Hollywood alike, gave the rugged eastern slope of the Sierra Nevada six new place names: *Mount Morrison, Mono Jim Peak, Bloody Peak, Convict Creek, Convict Meadows,* and *Convict Lake.*[1]

(*Continued on Page 3*)

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Editor's Corner . . .

This issue of *The Branding Iron* is dedicated to those Westerners who have made us who we are but are no longer with us today.

Our lead article is a tale of lawmen and escaped jailbirds, originally written but never published by Richard H. Dillon, Living Legend No. 46 of the Los Angeles and San Francisco Corrals. Former Sheriff Brian D. Dillon discovered R.H.D.'s notes, manuscript, and photos, and finally completed what was unfinished for decades.

We are saddened by the recent loss of John Robinson and Jerry Selmer, our Living Legends Nos. 53 and 63. Phil Brigandi and Bill Warren kindly honor their legacies for California trails and our Corral.

Young fellows Amanda Martinez, Dennis Bermudez, and Jovanny Gochez provide Roundup summaries on Indian music, Civil War ballooning, and *E Clampus Vitus* mischief. Finishing things off is a book review by Brian D. Dillon on a Clamper prank-gone-wrong, the *Plate of Brasse*.

Many thanks to our contributors,

John Dillon
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The prison break was planned and led by convicts Frank Clifford and Leander Morton and by members of the *Railroad Gang*, who had pulled off the first Far Western train holdup near Verdi, Nevada, on November 5th 1870.[2] It was the successor to an unsuccessful escape attempt a few weeks earlier that ended with two convicts shot dead by a jailer. Prisoners in the Nevada State Penitentiary, outside of Carson City (Figure 2), now bribed a guard named Fleming from Pine Grove (later renamed Eureka) Nevada. The dishonest jailer would let the escapees tie him up after "accidentally" leaving guns and ammunition in plain sight, and was also supposed to have confederates a mile outside the prison waiting with horses, provisions, and civilian clothes. The price for his cooperation was $6,000, quite a sum for 1871, when the annual income for farmers and laborers averaged between $300 and $400. The money promised to the crooked guard would be part of the proceeds from a double train robbery planned for Toano in far eastern Nevada. But "Plan B" came to naught when Fleming was dismissed from his post just before the break. Thwarted, the would-be escapees now had to devise a "Plan C."

THE NEVADA STATE PRISON BUST-OUT

Another prisoner, Charley Jones, was in contact with men at Bishop Creek, California (later more simply renamed Bishop) 170 miles south of Carson City. These confederates promised to help him "disappear" if he could bust out of prison. Convict Tom Heffron planned to make for the back side of the White Mountains to rendezvous with other bad men at Silver Peak, approximately 80 miles due east of what was then called *Monte Diablo Lake* (Figure 1). They intended to loot the little store there, murder any witnesses that could put lawmen on their trail, then move on to richer pickings elsewhere. Heffron hoped to get enough provisions from this isolated store not only to supply the bust-out boys, but also to bribe local Indians to subsequently cover their tracks. He then intended to head for Arizona, caching food along his route so that he could return later in the year to hold up the train at Toano as originally planned by his accomplice Morton.

So, even without the help of confederates "on the outside" the prisoners proceeded with their escape plans. Early in September, 1871, they cut a hole in the roof above the upper tier of cells in their block, carefully replacing the cut-out section and securing it with small cleats, so that it would be invisible except upon very close inspection. The guards noticed nothing. About a week later, on the 17th, as Volney Rollins, the Captain of the Guard, acting as turnkey, entered the cell block to lock the prisoners in their cells, convict Patrick Hurley (a.k.a. Mose Boucher) rattled his chains three times—the pre-arranged signal for the escape plan to start. Another prisoner, John Squires, slugged Rollins with a bottle, and a third gave him the old "one-two" with a prison-made blackjack, or slung shot. Before the assailants could beat the guard to death, Hurley took pity on him, chucked him into a cell, slammed the door, and barred it. Even the most bloodthirsty of the criminals preferred liberty to vengeance, so Rollins' life was spared.

Meanwhile, Nevada's Lieutenant Governor Frank Denver, who doubled as Warden of the State Prison, was entertaining his immediate family and friends at Sunday dinner under the same roof in his quarters adjacent to the cellblock.[3] The diners were distracted during their dessert by thumping noises from the roof directly overhead. Any thoughts that the shaking and pounding, increasing second by second, signaled an earthquake were dispelled once they heard chains clinking, obviously from prisoners' leg irons.[4] A hole suddenly appeared above the Warden and his genteel guests, kicked and battered through the roof and ceiling by the convicts. Within seconds, prisoners quite literally began "dropping in" to the dinner party, landing atop the table.

A trusty, Bob Dedman, serving out a life term for the second-degree murder of Albert Springer in Virginia City, was serving supper when it began raining convicts in the Warden's dining room. Women screamed, men cursed, and chairs, crockery and

Figure 2: *The Nevada State Prison, Carson City, circa 1870. Earlier wooden buildings had burned down in 1867 and again in 1870, so that latter year it was rebuilt from locally-quarried sandstone. Its walls might be impenetrable, but its weak point was its roof, as proven when 29 convicts escaped through a hole cut in it in 1871. Photo courtesy of the Nevada State Prison Preservation Society Web Page.*

silverware flew. Warden Denver drew his pistol and faced the first menacing prisoners as his panicked guests scuttled down the stairs behind him to safety. Dedman, calculating the odds, went to the aid of the Warden rather than his cellmates. Two prisoners attacked Denver but Dedman clouted one with an upraised chair and the Warden shot the other, Frank Clifford, in the stomach. Clifford retreated while the other ringleader, Leander Morton, got Denver's gun away from him and shot him in the thigh. Then Morton panicked and surrendered to Warden Denver, claiming that the others had forced him to go along with them under threat of death. The cowardly Morton reversed polarity again once it became clear that the escape would succeed. Other prisoners rushed past the four struggling men, then downstairs, where they broke into the "prison armory" (actually a locked storeroom) for guns and ammunition. These felons now came back upstairs to finish off the Warden who, by this time, was badly battered, bleeding not only from Morton's bullet, but also from scalp wounds.

Dedman was still in action, swinging his chair. He knocked several of the prisoners down the staircase, protecting the Warden. One miscreant tried to get by him three times, but Dedman knocked this plucky convict down the stairs twice, and when on his third attempt he finally gained the landing, the trusty hit him so hard he somersaulted over the balustrade, crashing down to the ground, where he lay, inert. One convict, after being recaptured, stated that he believed that Dedman's heroics were not so much in defense of Denver, but of the terrified women in the dinner party.[5] Giving up their battle with the stubborn Dedman, the escapees headed for the prison gate and freedom as fast as shank's mare could take them.

Meanwhile, Matthew Pixley, proprietor of the nearby Warm Springs Hotel (Figure 3) was standing near the prison gate when he heard screaming. He joined the guards, most of whom were in the yard or outside the gate, in running towards the sound. But Pixley became the first fatality of the bust-out and its aftermath when he caught a .44 caliber rifle bullet under the left eye, which killed him instantly. Pixley was the victim of convict Charley Jones,[6] a dead shot, aiming from a window with a captured Henry repeater.[7] As Pixley's young wife rushed, grief-stricken, to the side of her fallen husband, the hotel's bartender, a German named Burgesser, hurried to the fray. He was grazed by at least one

Figure 3: *The Warm Springs Hotel (right foreground) in Carson City, Nevada, was next door to the prison (at left). It was a favorite watering hole for prison employees and visitors to the penitentiary. The first person killed in the 1871 prison break was Matthew Pixley, a civilian who ran from the hotel to help the beleaguered guards. Photo courtesy of the Nevada State Prison Preservation Society Web Page.*

and possibly two of Jones' .44 Henry bullets, and promptly retired to nurse his wounds.

Meanwhile, prison guard F. M. Isaacs, armed only with a six-shooter, fought valiantly against the convicts, but was also hit by Jones, the bullet passing through his right knee, breaking it, to lodge in his left leg. A second .44 slug hit him in the hip, rendering him *hors de combat*.[8] Johnny Newhouse, a guard from Gold Hill, shot E.B. Parsons, one of the Verdi train robbers, through the body but was himself shot twice, probably by Jones, in the back, and again in the back of the head. He fell, barely alive, out of the fight. A guard from Carson City, named Perasich, joined the prison yard gun battle, firing as he came, but was badly wounded by a rifle bullet in the left hip that deflected downwards, traveling into his thigh. Now three prison guards were down, shot, besides the dead Pixley, and the last barrier to freedom had been removed.[9] Twenty-nine desperate convicts, nearly half the prison population of 70, streamed through the gate and headed out into the Carson Valley.[10] Their progress was slow, since most were in leg irons, and would remain so until blacksmiths could be persuaded or threatened to strike them off.

POSSES PURSUE, CONVICTS SCATTER

"The incompetent prison administration had reached its nadir."[11] Within a half hour of what Inyo County, California, historian W.A. Chalfant called "the most desperate prison break in the history of the West,"[12] Carson City raised a huge posse of 200 to 300 armed, angry men. This was the first of more than a dozen posses in two states to eventually chase the convicts. The telegraph spread the alarm to Silver City, Genoa, and Dayton, and reinforcements followed the trail blazed by the main body in hot pursuit of the escapees. Since Nevada Governor L.R. Bradley was absent in California, and Lieutenant Governor Denver was badly wounded, the Governor's private secretary was in *de facto* control. He wired General C.C. Batterman, commander of the State Militia in Virginia City, for help. Batterman mustered two companies of men, one from the State Guard, the other from a volunteer company, the *Emmet Guard*, and loaded them aboard a special Virginia City and Truckee train.

These reinforcements arrived in Carson City by 10 P.M. the same day as the escape. The Emmet Guard surrounded the prison, replacing the regular guards, while the Nevada State Militia joined the pursuit of the escapees, some now heading southwards towards the state line. The pursuers moved cautiously, unwilling to close with the outlaws. Most of the private citizens, after the first 24 hours, began to lose their enthusiasm, uncertain if rewards were offered for the capture of such violent criminals. Simultaneously, as it became obvious that since some escapees were heading for California, Nevadans began to ask each other if it wasn't the job of California lawmen and volunteers to stop the bad men at their border, if not assume all responsibility for their capture. Governor Bradley returned from California to take personal charge of the emergency and rewards were finally offered: $200 for each of the twenty least dangerous escapees, and $300 for the nine thought to be the ringleaders. But this was too little, too late for most of the Carson City civilians, who melted away in dribs and drabs, leaving only the most dedicated volunteers and the single company of State Militia still in pursuit.

As the convicts scattered, some took off alone, while others clustered into groups, one large, the other small. Within 48 hours of the break a large body of escapees, eighteen of them, still in prison stripes and encumbered by leg irons, was spotted on a hill near Smith's Ranch on the Douglas/Ormsby County line, only ten miles from their start point. Despite the fact (only learned later) that none of them were armed, the posse held back, rather than force a confrontation with so many bad men all at once.

Meanwhile, a smaller group of jailbirds separated from the slow-moving main body and headed south, for California. These were the most vicious desperados, led by thirty-year-old Leander Morton. They also had the best reason for "posse hesitation," *artillery:* at least five six-shooters, four double-barreled shotguns and, most ominously, two Henry repeating rifles and plenty of ammunition (2,500 to 3,000 rounds) for them. While the possemen had sixguns and shotguns, none had Henrys, and felt considerably "out-gunned" by the bad men. This smaller, faster-moving, convict band invaded the tiny hamlet at the Hot Springs on the Walker River, ten miles north of Wellington, on Tuesday, September 19th. Here Hurley, Burke, Heffron, Jones, Clifford and Morton demanded—and got—provisions at gunpoint. Two of the convicts had been wounded in the break-out: Frank Clifford, shot in the gut by Warden Denver, the other through the hand by a guard. But all seemed confident, and in good spirits, calling each other by name, and ridiculing the inept pursuit by the Carson City volunteers and State Militia. Three other convicts, big, hairy, Moses Black, Tilton P. Cockerell, and nineteen-year-old J. Bedford Roberts, joined Morton's California-bound gang. Once Hurley, Heffron, and Clifford began lagging, they were left behind.

General Batterman acted like the *Noble Duke of York* of the sarcastic rhyme. After marching his Nevada militiamen up the hills and back again for only four days, he tired of convict-hunting and returned to Virginia City with 25 of his men. This comedy of errors ended with a *pro forma* beating of the willows along the banks of the Carson River that flushed no jailbirds. The Virginia City posse led by Chief of Police Downey and second-in-command Detective Ben Lackey also returned home empty-handed. Other posses, however, were still in the field, including one from Gold Hill (No. 3) led by its Town Marshal and Justice of the Peace, and another led by Deputy Sheriff Gus Lewis (No. 4) that hurried to Genoa in hopes of cutting off the convicts' escape to California.

Newspaper reports, read eagerly by residents of Nevada and Eastern California, were hopelessly garbled. Charley Jones was said to have been caught alone at Genoa, wounded in one leg, shortly after the break-out. But he was confused with some other prisoner, for he was still at large as late as October 29th. And Verdi train robber John Squires, listed as captured on September 18th, only one day after the escape, was again reported as taken into custody nine days later, on September 27, along with his confederate William Willis, near Dayton by Sheriff Atkinson's Gold Hill posse.[13]

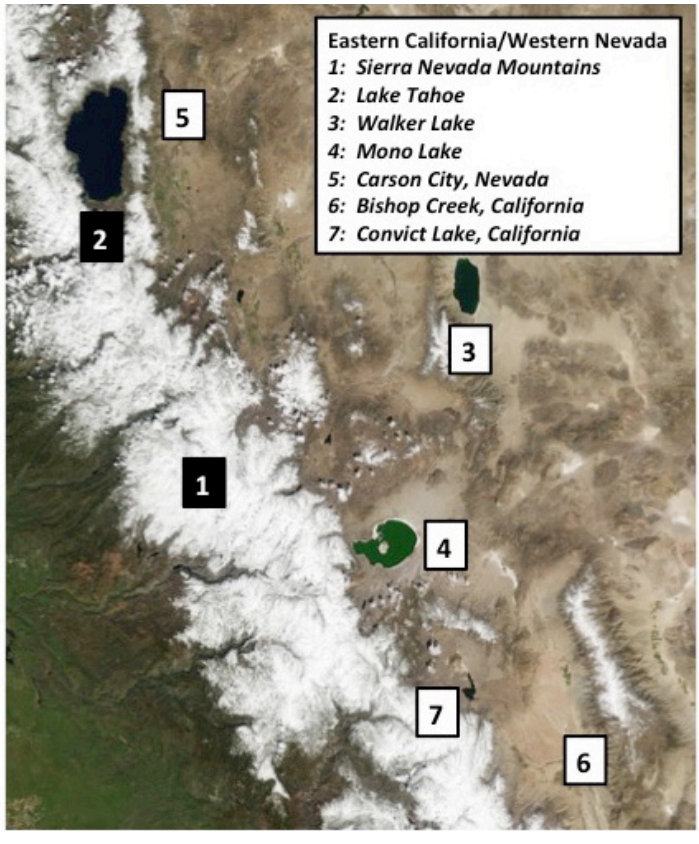

Figure 4: *Satellite Image of Eastern California and Western Nevada, where the dramatic events of September and October, 1871 were played out. Photo courtesy of NASA, additions by Dillon, 2018.*

MURDER ON THE TRAIL

On September 19th Leander Morton and Charley Jones held up a teamster, tying him up and making off with his four-horse team. Morton later regretted not killing the teamster, to keep him from "telling tales." He told Jones that he had once taken 19 buckshot in the back from a man he had tied up instead of killed. This was an exaggeration or an outright lie: 9, much less 19, buckshot would have killed any man—it was more likely birdshot, if it happened at all. Morton then swore that henceforth he would kill "man for man" with Jones.[14] The six convicts crossed the Walker River Valley, hoping to intercept an enemy, Captain Dingaman. A former guard, Dingaman had killed the two convicts during the earlier escape attempt, and Morton was eager to even the score.

Instead, near Fletcher Station, six miles north of Aurora, they ran into young express rider William A. (Billy) Poor. Halting the youth, they asked where Dingaman might be. Poor thought the ex-prison guard was coming down on the next stage, and when Jones heard this he blurted out his intention to kill him within Poor's earshot, letting "the cat out of the bag." Poor begged for his life, but both Morton and Jones shot him, stripped his clothes off, then dressed his body in their own discarded convict clothing to confuse pursuers. The most hideous part of the episode was, fortunately, post-mortem: Jones and Morton burned off Poor's face in their campfire to conceal his identity, and throw suspicion for his murder on the local, innocent, Indians. The two murderers put on various elements of Poor's own clothing, including his boots and gloves, and each took a gold ring from his body.[15]

J.B. Roberts, the youngest member of Morton's convict splinter group, was absent during Poor's murder. He was three-quarters

of a mile away, at a small "milk ranch" (dairy farm), scrounging for food. First hiding in a cornfield, he then dug "Irish diamonds" from a potato patch. Upon rejoining his fellow jailbirds Roberts found Morton and Jones dressed in Billy Poor's civilian clothing. The two murderers now debated killing the dairyman, hiding his body under the dirt floor of his cabin if he was single, but sparing his life if married. John Burke interceded, talking them out of yet another murder. In fact, Billy Poor's cold-blooded killing caused a schism in the group. Burke cautioned that senseless killings would get "the whole country" after them, and, of course, he was right. After a Mexican standoff between Burke vs. Morton and Jones, Burke took one Henry rifle and a horse, and deserted the gang. Cockerell soon also left, so Morton's gang was reduced to four.[16] The quartet bypassed Aurora, Nevada, by night, considering it "too hot" for them to approach, and continued southwards towards Bishop Creek California, where Jones' confederates, and safe haven, beckoned.

THE ESMERALDA COUNTY POSSE ON THE STATE LINE

Folks in Carson City began to worry when their express rider, Billy Poor, didn't show up on schedule. People as far away as Sacramento wondered if he had been captured by the escaped jailbirds, relieved of his horse, and kept as a hostage. Hopeful pursuers followed his distinctive bootprints, admixed with those made by his convict captors. Deputy Sheriff Palmer of Esmeralda County, Nevada, picked up the Morton gang's trail on Wednesday, September 20, near Adobe Meadows in Mono County, California. Palmer and his posse (No. 5) followed the bad men, unaware that Poor had been killed. His gloves, accidently dropped by Morton, had been found and incorrectly interpreted by his brother Horace Poor, a member of Palmer's posse, as Billy's attempt to "mark his trail".[17] The desperados were observed by local Indians, who did not reveal themselves to the strange white men. On September 21st Sheriff Palmer was told by a friendly Indian that the convicts were camped in Dexter's Canyon, near the McLaughlin Ranch, only five miles away from Adobe Meadows. Here the bad men had taken time out from "making tracks" to terrorize Mrs. McLaughlin, and could be confronted after a hard ride of only an hour or so.

But, as with the convicts, a schism developed within the closest pursuing posse. Deputy Sheriff Palmer, out of his own jurisdiction on the "wrong side" of the Nevada state line, his horses tired, his volunteers sick and/or exhausted, decided not to continue the pursuit without rest and backup. On September 22, 1871, he wrote a note to his nearest California counterpart, Deputy Sheriff George Hightower of Benton Hot Springs, Mono County, asking for help.[18] Only one member of the Nevada posse, J.S. Mooney, was willing to join Horace Poor and go after the criminals without Palmer and the rest of the men. Wiser heads vetoed this duo's audacious (and likely doomed) plan. Palmer fibbed to Hightower that he was still in Nevada, and would cross into California only after formal notification of the Mono County authorities. He urged Hightower to raise his own California posse to intercept the convicts he was certain were now heading toward Long Valley, just west of the Owens River. Palmer wrote that while the convicts' stolen horses were "blown," so were his own, and that he would resume his pursuit the next morning, September 23. He concluded his entreaty with:

> They have taken with them Billy Poor, the pony rider, for their own protection. Should you go, be careful not to injure him...There is [also] a reward of 500 for each [of the convicts], dead or alive.[19]

DEATH IN THE CANYON

After receipt of this letter, on September 23rd, at 2 P.M., Deputy Hightower led his own posse (No. 6, and the first from California) of nine men out, guided by a local Indian known to history only as Mono Jim. The Sierra Nevada Indians were feared by some whites, admired by others. California's first

ethnographer, Stephen Powers, called them "a manly, warlike people" with "many of the simple virtues of a race of hardy, honest mountaineers."[20] Those whites in 1870s California whose dealings with Indians were not colored by racial prejudice found that, if treated fairly, they responded in kind. Nobody knew the high country better than the Mono and their northern neighbors the Washo, and they were valued as guides and trackers by the whites.

The California posse soon found and followed the tracks of the outlaws, heading southwards into Long Valley. Hightower's Mono County volunteers included I. Nabors, J.C. Calhoun, B.B. Alonson, a man named Nesbitt, and Robert Morrison, who had come to Owensville in 1863 from New York. Morrison had discovered the Golden Wedge Mine in the Southern Belle group of mines in the White Mountains, and later became a successful merchant and Wells, Fargo agent in Benton, California. He was 33 years old, and engaged to marry a local Benton girl as soon as she could return from a visit to Los Angeles two whole mountain ranges away. It was Morrison who first caught sight of their quarry after an eight-mile pursuit, but it was now dusk, and as daylight disappeared behind the Sierran wall, the Mono County posse decided to wait until the following morning to confront the bad men.

Hightower's posse spent the night at Alney McGee's place in Long Valley. Up with the dawn on September 24th, 1871, it rode almost six miles, then followed the convicts' tracks west up Monte Diablo Creek. The posse ascended Monte Diablo Canyon for a mile, almost to where it "pinched out." Here an ancient glacial moraine blocked drainage, creating the lake. Suddenly a man ran down a hillside a hundred yards ahead. The posse had taken the convicts by surprise, riding within only forty feet of their camp, concealed by tall brush. Leander Morton kicked young J.B. Roberts awake, shouting, *"Get up!"* as he took cover on the south side of the stream behind one of the canyon's few large pine trees. Roberts headed for the streamside willows, breaking from cover as the dismounted posse fanned out, guns at the ready. Mono Jim, letting the white men fight each other, held his own and Hightower's horses as the posse advanced. Roberts, shot in the shoulder, kept on running uphill, trying to escape the canyon trap. Shot a second time in the foot, he tumbled downslope, landing near still-concealed Morton, who urged him to go back to the willows and stop drawing attention to him.

Jones returned fire, his Henry repeater creating the illusion of more convicts than just four. With the possemen under cover, the desperados now aimed for their opponent's horses, hoping to keep them dismounted and thus hinder pursuit. Hightower's men, all except Morrison, retreated, looking for cover, but Morrison crawled, slipped and slid over the steep hillside through the sage and rabbit brush, closing on the outlaws, even after being shot in the side, right above his hip. Moses Black watched Morrison get closer and closer to his hiding place. Black noted to Morton that the posseman was brave, and regretted shooting at him. But Morton, already guilty of Poor's murder, and with nothing more to lose himself, said that Morrison was just the kind of man who *should* be shot—brave men were dangerous, while cowards were not.[21] Morrison, his pistol extended, snapped his cap at Black, but his powder failed to ignite—a classic, fatal, misfire. Black shouted, *"Hold on!"* as a ruse, pretending to surrender, approached Morrison, then shot him in the head, killing him instantly.

The two convicts hiding behind the tree reached their horses, concealed in the willow thicket. Mounting up, they tried to scale the steep canyon walls, heading towards where Mono Jim still held two horses. The Indian scout mistook the bad men for his friends as they drew near, yelling that "there were still three bad men down in the canyon that needed watching" before he realized his mistake. All three fired at the same time: Black shot Mono Jim, wounding him, while Jim hit and wounded both Morton's and Black's horses. Now dismounted, Black shot Jim a second time, through the eye, killing him, and took his two horses as replacements for the ones he had shot. The bad men rode up the canyon past the lake then doubled back over very

steep terrain into Round Valley, distancing themselves from their pursuers.

Deputy Hightower took stock: the bandits had killed two of his men, and the horses of two more, Nabors and Calhoun. Calhoun was wounded, as were the mounts of Nesbitt and Alonson, while Nesbitt had a bullet pass through his clothes, scoring the skin over his stomach, without penetrating. They felt totally out-gunned by Jones' Henry repeater, even though their two dead were both killed by Black's close-range pistol shots. The posse fled down the canyon, badly shaken, all fight out of them. They regrouped that afternoon back at Alney McGee's ranch, that morning's starting point. McGee took a shovel and a packhorse back up Monte Diablo Canyon, doing the "necessaries" that the dispirited posse members could not bring themselves to. That evening McGee buried Mono Jim near where he fell, and packed out Morrison's body. The following day, the dead hero was taken on to Benton, where that town's most courageous citizen was buried by his fellow Masons on September 25th. Not everyone was grief-stricken. At least one Bentonite, still angered over Morrison's enforcement of "excessive" express rates by Wells, Fargo, celebrated instead, with the public statement: "*Serves him right!"*

Another posse, the 7th to be raised in pursuit of the convicts, and the second from California, now was formed in Bishop by John Clarke and John Crough. Trailing the exhausted bad men, their wise strategy was to run the convict's horses into the ground rather than engage in any face-to-face shoot-outs. Once again, members of the Bishop posse were leery of the bandits' Henry repeating rifle of which they had no equivalent. Clarke and Crough's men pressed the desperados so closely that they had to shoot one of their worn-out horses, abandon another lame one, and lost a third over a steep precipice as they fled Round Valley up into the Sierra Nevada, this time via Pine Creek Canyon. Contemporary newsman P. A. Chalfant, who knew every member of this seventh posse, described them as "plucky farmers." But answering the call to arms so rapidly, they had neglected to bring food and forage with them.[22]

The Bishop posse bottled up the bad men in yet another steep Sierra Nevada canyon, but, after pursuing them from Sunday morning to Tuesday night, were now starving. A friendly Indian sent to Round Valley for provisions returned with very little food, and now, with the situation critical, a messenger, I.P. Yaney, was sent south to Camp Independence for military reinforcements. Major Harry C. Egbert selected five of his best men, and accepted some local civilians into his own 8th, mixed, pursuit force. He armed everybody with single-shot Springfield rifles and set off northwards to support or relieve Clarke and Crough's posse. Egbert reached Bishop after a 7-hour forced march, but was unneeded. A 9th posse, led by J. L. C. Sherwin, had captured the two most homicidal bad men, Morton and Black, on Wednesday night, September 27th, exactly ten days after the jailbreak. Simultaneously, two other posses, the 10th and 11th to join the pursuit, now trailed the solitary escapee John Burke across Mono County, a week after he had split off from his more murderous compatriots many miles north in Nevada.

Sherwin's posse was, by far, the most "mixed" of the eventual thirteen after the escaped convicts, incorporating Americans, Mexicans, and local Indians in equal numbers. Since every member now knew that the bad men had murdered both whites and Indians long after their bust-out, they were prepared to shoot first, and ask questions later. Sherwin's men surrounded Morton and Black in the sand hills five miles southeast of Round Valley. After a flurry of shots from both sides, the two convicts ran out of ammunition, and put up their hands. But one of the Indians in the posse, perhaps misunderstanding the "hands up" surrender gesture, or in retribution for the shooting of Mono Jim, shot Black in the head. In a one-in-a million fluke, the ball, instead of penetrating the convict's skull, deflected around his temple, wounding, but not killing him. The convicts were trussed up, and taken to James Birchim's place in Round Valley. The hunt continued for the remaining bad men: two down, two to go.

Figure 5: *Southwest view towards California's spectacular Eastern Sierra Nevada. The tallest (12,268 feet above MSL) peak at left is Mt. Morrison. Just below and to its left is Mono Jim Peak. Both were named for posse members killed nearby by escaped convicts in 1871. The tallest (11,812 feet above MSL) peak at right is Laurel Mountain: Convict Lake, at 7,580+/- feet elevation above MSL, lies at its foot, not visible from this vantage point. The buildings at lower right are the Hot Creek State Fish Hatchery. Undated photo, probably mid-1960s, by the immensely-talented field geologist and photographer Mary Hill, from the R.H. Dillon photo archive.* [23]

Newspaperman P. A. Chalfant rushed up from Bishop to get the exclusive on the biggest Eastern California news story since the Paiute War of 1860 more than a decade earlier. The newsman concluded that Black was "a goner" from his head wound, but since he could still talk, interviewed him with no small degree of urgency. Black admitted that he had killed Mono Jim, which, in the minds of most people present, absolved the Sherwin posse of any guilty feelings for shooting him after his surrender. But Morton was a practiced liar, and tried to shift the blame for his own murders on his compatriots, especially those still at liberty. Train robber Morton claimed that the conveniently-missing teenager Roberts, who carried two six-guns and swore he wouldn't be taken alive, had killed Morrison. Catching on, Black now said that he did not know who had killed either Morrison in Monte Diablo Canyon, or Billy Poor in Nevada.

As Sherwin's posse let its two captives talk, their stories became more complicated and implausible: Morton now said that he had been ahead of his party when he first met Billy Poor on the trail, and had passed him, then had heard a shot from Jones' distinctive Henry rifle, and was told by Jones that "he had fixed" the express rider, in order to keep him from "carrying tidings" of the convicts' whereabouts. Morton, small and voluble,

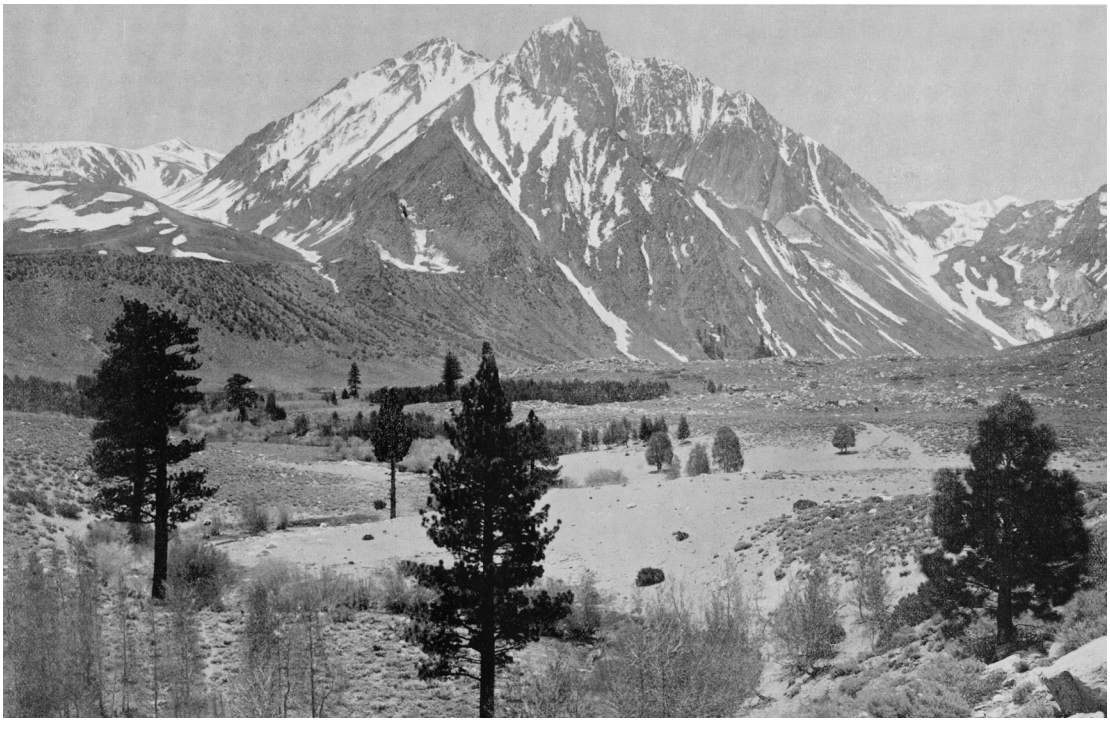

Figure 6: *Mt. Morrison towers over Convict Meadows in this photograph taken forty years after the capture of murderers Black and Morton near here on September 27, 1871. Photo by J.W. Bledsoe, originally published by City of Los Angeles, 1916: 50.*

was cooperative, "turning state's evidence" so to speak, by informing on Jones' accomplices, already in Bishop and Independence, who would provide the safe haven that the convicts hoped to reach, then get clean away, far from the California/Nevada border country. Morton named them as Captain Smith, Mrs. L. Hutchinson, Bill All and Jack Horton. Sherwin and his men brought Morton up short: why was he caught wearing Billy Poor's boots if he had not murdered him? Morton explained that Jones, who had taken the express rider's gear, had feet too big to fit his boots, so he had worn them instead. After a long, earnest and calm monologue, Morton had just about convinced Sherwin, his entire posse, and Chalfant of his innocence.[24]

Sherwin detached four of his men to ride to Pine Creek Canyon, as reinforcements for the Bishop Posse that still had at least one more convict "bottled up." On Friday, as the volunteers ate lunch alongside the creek, there was movement in the willows only twenty yards away. Drawing their pistols, the possemen demanded that whoever was there show himself, and twice-wounded Roberts finally surrendered. He told his captors, "Boys, I suppose you intend to kill me. Give me a cup of coffee, and I am ready." The teenager had crawled on hands and knees four miles down the Canyon and not eaten for four days. He now preferred death to any more suffering.[25] Three of the Morton convict gang down, only one—Jones—to go.

Roberts was taken to Birchim's Ranch, where he was reunited with Morton and Black. The teenager confronted his former confederate who had so plausibly blamed him for Morrison's murder. After a very short give-and-take, he convinced his captors that Morton was as accomplished a liar as he was ruthless as a killer. In all of the excitement over the capture of the three convicts sharpshooter Jones seems to have been forgotten. He probably bided his time in Monte Diablo canyon until the posse decamped, then quietly made his solitary way down to Bishop Creek and safety.

INYO COUNTY NECKTIE PARTY

On Sunday evening, October 1st, 1871, Morton, Black, and Roberts were loaded into a light spring wagon for the long trip back to Carson City. A small escort accompanied the slow-moving vehicle on the indefinite promise of a reward by the Nevada Governor. But near Pinchower's Store, north of Bishop a short distance south of the Mono County line, the group was intercepted by a large body of mounted and armed men, a 12th posse, who registered their opposition against the notion of transportation in the most tangible form. These newcomers, vigilantes from Bishop and Esmeralda County, Nevada, blocked the Carson City road and commanded the prisoners and their escorts to turn west. Morton and Black were put on the wagon's bench, and told to follow the instructions of their new captors. The cavalcade stopped at an abandoned cabin near Jim Shaw's field north of Twin Pines, into which Morton walked, and the wounded Black and Roberts were carried. The vigilantes brought in lanterns and kindled a blaze in the fireplace, then constituted a "Jury of the Whole" under a foreman, omitting only four heavily-armed and alert guards. Each of the three prisoners was questioned separately, over a two-hour period, then votes determined their fates. Black and Morton were condemned to death, but teenaged Roberts was spared. Sympathy for his youth, and his two gunshot wounds, caused a tied vote.[26]

In no mood for delay, the vigilantes filed out of the cabin, and quickly lashed together a tripod of three scantlings or thin poles, tipi-fashion, to support a fourth, horizontal, pole whose other end rested atop the cabin's chimney. Two nooses were suspended from this impromptu gallows, and Black and Morton were brought out to stand on the wagon underneath. Black had no final words, only asking for a cup of water, but Morton demanded that Roberts be hanged alongside him, still protesting that the teenager, not he, was most guilty of all offenses committed since the breakout. Morton cinched the rope tight around his own neck, and asked for a minister to pray for him. He then debated theology with the anonymous preacher who stepped forward, as Black's noose was made secure. At the final "Amen" to which most of the vigilantes assented, the wagon was pulled out from under the two killers and they died without a struggle.

ROUNDING UP THE STRAYS

What followed the Mono County shoot-out and Inyo County lynching was anticlimactic. Roberts was taken to the Inyo County Jail for medical treatment. But Dr. White, from Camp Independence, could not remove the ball from his shoulder and it was left in. The wounded teenager was then sent back to the Nevada State Prison at Carson City. Meanwhile, four more convicts, Frank Clifford, E.B. Parsons, J.E. Chapman and George Roth, still in Nevada, were caught on September 27th near Burgess Station on the Walker River near Walker Lake. They had been dining on baked coyote (!) when surrounded, and gave up without a fight. Clifford, although shot in the stomach by Warden Denver during the original jailbreak, dismissed his wound "as a mere scratch." Tilton P. Cockerell and John Burke, who had split off from the Morton gang, repulsed by the cold-blooded killing of Billy Poor, had never left Nevada. They were caught on October 6th at the head of a Canyon leading from Fish Lake Valley to Silver Peak near Red Mountain by a posse led by Sheriff John B. Helm of Esmeralda County and Sheriff Stein of Nye County (the lucky 13th posse to take up the chase). They were taken to the Aurora, Nevada, jail, where the guards were offered $500 by a lynch mob to simply "go for a ten minute walk." The guards declined, and no second necktie party took place.

With more than a dozen posses in the field over a three-week period, multiple victims killed by the criminals in two states, and some of the convicts still at large, Governor Bradley was intensely criticized by the Nevada and Eastern California press, especially for his lackadaisical approach to rewards. P.A. Chalfant of Bishop wrote in the *Inyo Independent* that even if the rewards were doubled, they would not even begin to

offset even half of the expenses incurred by just one of the posses, the one from Benton, Mono County, California. The Carson City *Register* sarcastically suggested that just-captured Burke and Cockerell each be hanged four times, then given ten years in the pen afterwards as additional punishment for their break-out. The Humboldt *Register* went even farther, urging that every last escaped convict be hanged out of hand immediately upon recapture.[27]

By the end of October, 1871, the great man-hunt was almost over. Fourteen of the 29 escapees had been captured, two had been lynched, and the remaining thirteen had scattered, most now with altered appearances and new names. Some made it out of lightly-populated Nevada to more crowded California, hoping to "blend in." Marion Pruitt, the only Black escapee, was recaptured in Stockton. Thomas Flynn was caught in Rocklin, northeast of Sacramento. Bill Russell made it to San Francisco, and was arrested on the Embarcadero hunting for a foreign-bound ship. He had walked to Lake Tahoe, then on to Truckee, took the train to Colfax, then moved on to Sacramento, then Petaluma, then Monterey, and back to San Francisco, gambling at most of the stops during his escapade.[28] As late as December Deputy Warden James A. St. Clair sent a Nevada State Pen guard to Downieville, California, to identify, handcuff, and return with Chris C. Blair and William Forest. Pat Hurley, wearing only his drawers, was reported at the Hot Springs Ranch, two miles below the Cradlebaugh Bridge over the Carson River, then in Virginia City, disguised as a woman (!).

JAILBIRDS FLY TO SAFETY

Only a handful of the twenty-nine jailbirds got away clean. J.G. Watson filled a sack full of grub instead of battling with Denver and Dedman, or grabbing guns from the arms room. He took only two other convicts with him, John I. Jacks and Daniel Boone Baker, and all three were never recaptured, probably because they headed east, towards Utah, instead of south towards California. Jacks was familiar with the country around Salt Lake City, while Baker claimed to have buried $2,500 from an earlier robbery in Skull Valley, near the Great Salt Lake. According to legend, Baker doubled back to San Francisco, then off to China and oblivion as a foretopman on a sailing ship. The most able and deadly of the convicts, Charley Jones, was said to have been killed by Burke and Cockerell during an argument, and his unrecognizable body found in an abandoned cabin in the Fish Lake Valley of Nevada. But if so, how could he also have been in Monte Diablo Canyon, shooting his Henry rifle at Hightower's posse, in a different state? The Sacramento *Union* claimed, consequently, that he was still alive, hiding out in the Sierra Nevada as a hermit, contacting neither whites nor Indians. Other, incorrect reports had him pursued to his end in, appropriately-named, Death Valley, California. But P.A. Chalfant, who collected information on the jailbreak and its aftermath to his dying day, believed that Jones had somehow faked his own death (the best way to stop any pursuit) and disappeared with the help of his Bishop Creek, California, confederates. Chalfant's brother-in-law, Eugene Mallory, believed that Jones, deserting the Morton gang shortly after the Convict Lake shoot-out, quietly made his way to Bishop Creek, where he was fed and hidden by old friends. Then, re-provisioned and well-horsed by his Inyo County buddies, made it all the way to Mexico, beyond the long reach of any kind of law from the U.S.[29]

AFTERMATH: JAMES B. HUME CLEANS HOUSE

One of the most proficient, but least flamboyant, lawmen of the old West was James B. Hume, famous as the Wells, Fargo Detective that tracked down Black Bart, the celebrated stage robber.[30] Hume came to California in 1850 and spent ten years as a prospector and mostly-unsuccessful gold miner in the Hangtown (Placerville) area before finding his niche in law enforcement. First undersheriff (for eight years), then Sheriff (for two years) of Eldorado County, California, he had a reputation as a "straight

arrow" and dogged pursuer of bad men. He was also an early (1864) convert to the Henry rifle, his own "ace in the hole" during more than one armed confrontation with quick-to-shoot criminals. Losing the late 1871 election for sheriff, and out of a job by March, 1872, Hume was at loose ends for the first time in a decade. But not for long. Wells, Fargo was determined that he come to work for them, his first order of business the creation of its own, in-house, detective agency. As a *quid pro quo*, the express company granted the ex-Sheriff a one-year leave of absence so that he could go to Carson City as the new Deputy Warden of the Nevada State Prison, and "clean house."

In the Silver State Hume set out to "reform the administration of the...Prison and to restore…morale," trying to inoculate that institution from politics and cronyism. The mere threat of his arrival led to the surprise resignation of the Deputy Warden and, the following day, a strike by six of the prison's guards and abandonment of their posts. Hume, the apolitical outsider with no axe to grind, walked the tightrope between Governor Bradley and Lieutenant Governor Denver, who Bradley was determined to dismiss. Bradley took credit for all of Hume's reforms since within a year the California lawman would head back to the Golden State. Hume for his part was very glad to leave the snakepit of Nevada politics and political corruption, the "bitterest political crossfire in the West" for "good clean highway robbery" back home in California.[31]

CONCLUSION: TINSELTOWN "FAKELORE" AND TRAGEDY AT CONVICT LAKE

No California historical episode can escape unscathed once Hollywood scriptwriters (all of them, in the words of Mark Twain, "complete strangers to the truth"), hijack and embellish it for "enhanced dramatic emphasis." The Convict Lake story, unfortunately, is no exception. The event was, essentially, an all-male initial shoot-em-up, followed by a long, all-male pursuit, a second all-male shoot-em-up, and a final all-male lynching. Since no women were involved, the true story had no "sex appeal," so a salacious and completely fictional element was fabricated for the 1951 *Secret of Convict Lake* film. Now, following the usual sensationalistic *Tinseltown* guidelines, desperate escaped prisoners invade an isolated settlement populated entirely by (*yes, you guessed it*) women! So sexual *frisson* dominates most of the screen time, and a fictional battle of the sexes takes precedence over the factual battle of good vs. evil.[32]

Convict Lake and its vicinity was subsumed by Inyo National Forest of the U.S. Forest Service, and an improved campground was built there many years ago. More recently, the Convict Lake Resort, over two dozen summer cabins, a small store and restaurant, catering mostly to fishermen, was established. Two "fishing derbies" are now held at Convict Lake, one in the late Spring, the other in the Fall. P.R. blather often alludes to the events of 1871, sometimes in poor taste: *Annual Ambush Convict Lake Fishing Derby!; Hangman's Bonus Fishing Derby Weekend!,* etc. On September 21, 1974, the Bodie, California, chapter of *E Clampus Vitus* dedicated a bronze plaque at Convict Lake, commemorating the 1871 shoot-out. Thirty-one years later, on June 11, 2005, the Slim Princess Chapter 395 of *E Clampus Vitus* dedicated a second plaque at the Bishop Gun Club near Highway 395, commemorating the 1871 double lynching of Leander Morton and Moses Black.

Fifteen years after the California Division of Mines and Geology published Dick Dillon's (1969a) brief note on Convict Lake, a slim pamphlet by George Williams III (1984), including lurid pen-and-ink illustrations by David Comstock, retold the story. And, just as urban *weekend warriors* dress up like cowboys and shoot blanks from Italian-made copies of old-west six-shooters at Disneyland, Knott's Berry Farm, and the Calico "Ghost Town" in order to "re-enact" history, pseudo-history, and historical fantasy, play-actors have also, of late, discovered Convict Lake. The primary booster of *Convict Wild West Days* is Richard Delaney, one such re-enactor, and the author of two self-published books. *Gun Play at Convict Lake* (2008) and *Quest For Freedom* (2009) are mostly derived from the

same contemporary newspaper articles reviewed by Chalfant (1933), R.H. Dillon (n.d.), and Williams (1984). Delaney's latter (2009) opus unfortunately is diminished by many contemporary illustrations not specific to his story. In 2014 came another self-published Convict Lake book, by James Reed, whose paragraph-long title is too lengthy to reproduce here. All of these recent literary efforts are more accurate than the misbegotten 1951 *Tinseltown* horse opera, yet still blend fact, fiction, and mythology, sometimes just possibly crossing the line into *fakelore.* Perhaps this is inevitable when photographs of present-day re-enactors appear on the covers of books represented as western history.

Convict Lake tragically lived up to its name 119 years after the deadly shootout. In February, 1990 a party of juvenile delinquents from the Camp O'Neal youth correctional facility fell through thin winter ice, and three of them drowned, along with four would-be rescuers.[33] Now, instead of pursuers on the "right side" of the law losing their lives to convict gunfire, as in 1871, Convict Lake took the lives of young convicts themselves.

Despite this new and dark chapter of recent history, Convict Lake, mostly unspoiled and undeveloped, still offers some of the most breathtaking scenery within California or, for that matter, the Western United States. Very few of the thousands of winter snowbirds rushing past the Convict Lake turnoff on their way to the Mammoth Mountain ski slopes are aware of the unique history of what used to be called *Monte Diablo Lake.* And few of the hundreds of summer visitors, mostly fishermen, hikers, and mountain bikers, at Convict Lake know the difference between the *fakelore* that persistently floats atop the waters there and the true story, as recounted in these pages.

AFTERWORD

For decades the standard, albeit very brief, reference on the Convict Lake shootout was Willie A. Chalfant (1922; 1933: 251-255). Richard H. Dillon (1924-2016), the legendary and prolific historian of California and the West, began researching the Convict Lake story after reading Chalfant's summary in the early 1950s. A comprehensive review of contemporary California and Nevada newspaper accounts followed. R.H.D. ("Dick" Dillon) published a short note on Convict Lake (1969a) as a spinoff from this research, and described the jailbreak and its aftermath briefly in his best-selling biography of James B. Hume, *Wells, Fargo Detective* that same year (1969b: 126-129). But he never finished nor published his original study. Junior author Brian, Dick Dillon's oldest son, discovered the Convict Lake manuscript, complete with the photos given him by Mary Hill, amongst the three truckloads of R.H.D. papers he began organizing shortly after his father's death. *Shootout at Convict Lake* is one of over a dozen draft books and articles left unpublished at the time of Dick Dillon's passing, at age 92, eighty-one years into his career as a writer. The manuscript was typed on R.H.D.'s trusty Royal Manual, and numerous inked and penciled emendations indicate repeated revisits to the original draft. The undated manuscript, to judge from the fading of its paper, and its fountain pen notations, was probably begun in the late 1950s and then set aside in the early 1960s. Accustomed to transcribing his father's near-illegible scrawl from 30+ years of jointly-authored efforts, Brian has finally completed R.H.D.s 50+ year-delayed *Convict Lake* opus.

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NOTES

1. ***Convict Lake:*** is in southern Mono County, California, approximately 50 miles west of the Nevada State line and 30 miles northwest of Bishop. Its surface stands at an average elevation of 7,850 feet above mean sea level.
2. ***Robbing Trains:*** Most historians cite the first-ever train robbery as that committed by the Reno brothers, John, Frank, Simeon, and Bill on October 6, 1866 in Jackson County, Indiana (Wellman 1961: 79), four years before the Verdi, Nevada, train robbery. The Reno gang robbed three more Midwestern trains over the next twenty months but failed during their fifth attempt on July 9, 1868. Ten members of the Reno gang were lynched, brothers Frank, William and Simeon after vigilantes removed them from jail.
3. ***Frank Denver:*** came to Nevada as a commissioner for the Central Pacific Railroad. Lieutenant Governor of Nevada from 1871 to 1875, elected on the Democratic ticket, he may or may not have been the brother of James W. Denver, a Civil War Union General subordinate to Phil Sheridan, and the namesake of Denver, Colorado. Considered incompetent by many, he refused to voluntarily step down as Warden in 1872 (James B. Hume's recommendation to the Governor). A comic-opera standoff resulted when Nevada Secretary of State James D. Minor sent the State Militia to surround the prison and forcibly remove Denver, unsuccessfully. The contretemps went down in history as the "Nevada State Prison War" of 1873.
4. ***Earthquakes:*** The big temblor of Eastern California/Western Nevada, the Lone Pine Earthquake of March 26, 1872, shook things up the following year (Hoffman 2017: 4-34).
5. ***Bob Dedman's Reward:*** Local newspapermen garbled their account of this battle, confusing Dedman with another man present, but he was eventually rewarded for his heroism. Even while the manhunt for the escaped prisoners was on, a petition for a full pardon for Dedman in recognition of his single-handed stand against his fellow convicts was circulated. It had the enthusiastic endorsement of all the members of Denver's dinner party he had saved from harm. On October 8, 1871, the Nevada Governor granted Bob Dedman a full pardon.
6. ***"Sharpshooter" Jones:*** One of the 1870 Verdi train robbers was R.A. Jones, who went by the nick-name of "Sol." But from the many different and garbled accounts, both contemporary and modern, even extending to fake photographs, it is unclear if this is the same "Jones" that wielded the Henry rifle to such deadly effect during the 1871 prison break. R. Dillon (n.d.) refers to him as Charles or Charley, never as "Sol" or "R.A." Most criminals, then as now, used aliases and/or multiple names to cover their tracks, certainly while incarcerated, so that punishment for prior offenses, committed under different names, could not easily be added to existing sentences. So, were "R.A.", "Sol", and "Charley" one or two different men? And was "Jones" itself a real or false name?
7. ***Henry Rifle:*** the Model 1860 .44 rimfire Henry repeating rifle was the direct lineal ancestor of the Model 1866 Winchester, which fired the same low-powered cartridge. At close range, however, the 15 rounds in the tubular magazine under its barrel compensated for this gun's lack of long-range penetration. It was faster-shooting than its only contemporary rival, the seven-shot Spencer (B. Dillon 2015a), which fired a larger diameter bullet (.50 to .56 caliber) from a similarly low-powered, rimfire, cartridge. Unlike the Henry and the later Winchester, you also had to manually cock the Spencer's hammer for each shot. The old Henry .44 rimfire round was rendered obsolete by its new .44-40 centerfire replacement, chambered in the legendary Model 1873 Winchester rifle and then, later still, in the Colt Single Action Army or "Peacemaker" pistol (B. Dillon 2015b).
8. ***F. M. Isaacs:*** lost his right leg. With three gunshot wounds, he never rallied, and died on October 12, 1871.
9. ***Prison Guards Shot to Pieces:*** the guards were praised for their bravery. The *Gold Hill News* stated: "Nothing can be said detrimental to the bravery of the guards. They stood manfully and fell, fighting. There were not enough of them, however. Whose fault it was, allowing these prisoners to make such

a desperate and successful break in broad daylight, remains to be seen" (quoted in R. Dillon, n.d.: 5-6).

10. ***Prisoners Escape:*** The Carson City *Register's* Extra edition, on the jailbreak, listed all 29 escapees by name.
11. ***Incompetent Prison Administration:*** R. Dillon 1969b: 126.
12. ***The West's "Most Notorious" Prison Break:*** W. Chalfant 1933: 251. Chalfant was incorrect, as the 1871 Nevada bust-out was small potatoes compared to the great San Quentin Prison break in Marin County, California in 1862. Between 200 to 300 San Quentin convicts escaped, ten of whom were eventually killed and another 30 wounded. See Boessenecker (2010: Chapter 6) for a detailed account of this "Most Notorious" prison break.
13. ***Garbled Reports:*** *Daily Alta California*, 1871a; *The Daily State Register* 1871; R. Dillon n.d.: 6-7.
14. ***Morton Threatens to Kill "Man for Man" with Jones:*** R. Dillon n.d.: 9.
15. ***Morton and Jones Kill Express Rider Billy Poor:*** W. Chalfant 1933: 251; R. Dillon n.d.: 10.
16. ***Burke Deserts his Fellow Convicts after Poor's Murder:*** R. Dillon n.d. 11.
17. ***Deputy Sheriff Palmer in Pursuit:*** P.A. Chalfant, 1871.
18. ***Mono County:*** dates from April 24, 1861. It incorporated territory from easternmost Fresno and Calaveras Counties, which had previously extended to the Nevada territorial border. The new county took its name from Mono Lake, christened nine years earlier in 1852 by Lieutenant Tredwell Moore. The lake, in turn, took its name from the Indian tribe that occupied both slopes of the Sierra Nevada to the west. "Mono," meaning monkey in Spanish, was a pejorative slang term possibly as early as 1808-1810, probably a contraction of the word *Monache,* used by the San Joaquin Valley Yokuts to refer to their neighbors upslope.
19. ***Deputy Palmer's Message to Deputy Hightower:*** P.A. Chalfant, 1871; R. Dillon n.d. 12. Palmer's "reward" statement was disingenuous, for the Nevada Governor had only offered $300 for Charley Jones, William Russell, Tom Jefferson, John Squires, T.R. Cockerell, Thomas Ryan, Thomas Flynn, David Lynch and George Roth, only one of whom (Jones) was in California at the time of his writing. Only $200 each was offered for any of the remaining twenty escapees. In his defense, however, Palmer, when he wrote his note, did not know the number of, or composition of, the splinter group of convicts he had chased into Mono County.
20. ***Mono Indians "Hardy, Honest, Mountaineers":*** Powers 1877: 397. At white contact the Western Mono (of the western Sierran slope) were always distinguished from their lower-elevation neighbors the Yokuts and Miwok, but the Eastern Mono (east of the Sierran crest) were often lumped with linguistically similar Paiute groups of Eastern California and Western Nevada. The Washo, north of the Mono, also lived on both sides of the Sierra. Most early white travelers and later settlers could not distinguish between the Washo, Mono, and Paiute Indians of the "East Side." Consequently, any time a "Mono Indian" is historically mentioned, it may not specifically reference a member of the Mono tribe, simply a Native American (who could be Washo, Mono, or Paiute) from Mono County. Ethnographic study began with American military diarists in the 1860's, but the best-known early student was Stephen Powers, publishing only six years after the Convict Lake shootout. Ethnographic research continued from the 1890's with C. Hart Merriam, into the 1920s with A.L. Kroeber, and through the 1930s with Anna Gayton, mostly with the Western Mono opposite the Sierra from Mono County. Shelly Davis-King, an Eastern California expert, believes that Mono Jim was connected with the large group that wintered in Long Valley, but summered in both Round Valley and Pine Creek Canyon. Jim was either Washo or perhaps Northern Paiute, not Mono, and his descendants still live on the California/Nevada border (Davis-King, 2010; personal communication, 2018). Over the past 40+ years junior author Brian Dervin Dillon has had the pleasure of working with and teaching Mono, Washo, and Paiute Indians as an archaeologist in the field and in the classroom.
21. ***Morrison Admired as a Brave Man by Moses Black, who Killed Him:*** R. Dillon n.d. 14.
22. ***"Plucky Farmers" from Bishop in the 7th***

Posse: P.A. Chalfant 1871.

23. ***Mary Hill:*** geologist, was the recognized expert on California's Sierra Nevada, specializing in mountain-building, erosional processes, and "Ansel Adams quality" photography. She was the long-time editor of *California Geology* Magazine, and later was a public information officer for the U.S. Geological Survey. She taught for many years at San Francisco State University, and was a friendly colleague of Dick Dillon's when he was the Head of the Sutro Library across town at the University of San Francisco, in the 1960s and '70s.
24. ***Morton Lies Convincingly to his Captors:*** P.A. Chalfant, 1871; R. Dillon n.d.: 16-17. So it was Morton's footprints in Poor's boots that led Palmer's Esmeralda County, Nevada, posse to hope that Billy was still alive, long after Morton and Jones had murdered him.
25. ***Roberts Captured***: P.A. Chalfant 1871; R. Dillon n.d.: 17-18.
26. ***Roberts Spared the Noose:*** the editor of the Carson City *Register* later choked in frustration over this lenient verdict, writing that while robbing a Susanville store, Roberts also robbed his mortally-wounded partner, an even younger boy than he, spluttering that "Lea Morton was an angel compared to Roberts." R. Dillon n.d.: 19.
27. ***Newspapers Attack Governor Bradley:*** R. Dillon n.d. 20-21.
28. ***"Wicked and Desperate" Bill Russell Recaptured in San Francisco:*** *Daily Alta California* 1871b.
29. ***Charley Jones Disappears:*** R. Dillon n.d. 22.
30. ***Wells, Fargo Detective:*** Richard H. Dillon's (1969b) best-selling biography of James B. Hume was reprinted as a paperback by the University of Nevada Press in 1986 and again by Word Dancer Press in 2014. This book, remarkably, remains in print today, almost 50 years after its original appearance.
31. ***"Bitterest Political Crossfire in the West":*** R. Dillon 1969b: 129.
32. ***Hollywood Gets its Hooks into Convict Lake:*** *Tinseltown* always sensationalizes and trivializes Western American history, casting facts aside in favor of lurid, nail-biting drama. And so it was with the 1871 Carson City jailbreak/Convict Lake shootout. *The Secret of Convict Lake* (1951) starred Glenn Ford, Gene Tierney and Ethel Barrymore, its plot line approximately 10% accurate, 90% fabrication. The Hollywood hacks didn't even film their drama at spectacular Convict Lake itself, preferring Century City and Durango, Colorado, instead, although some scenes were filmed in Bishop, Inyo County, California. A dozen years later, however, Convict Lake was used as a backdrop for an opening scene in *How the West Was Won* (1963), where, in typical Hollywood fashion it stood in for the Rocky Mountains (!) behind Jimmy Stewart. Another three years later parts of *Nevada Smith* (1966) starring Steve McQueen were filmed at Convict Lake, California, now masquerading as, of course, Nevada (!).
33. ***Multiple Drownings at Convict Lake in 1990:*** Mallard 2011.

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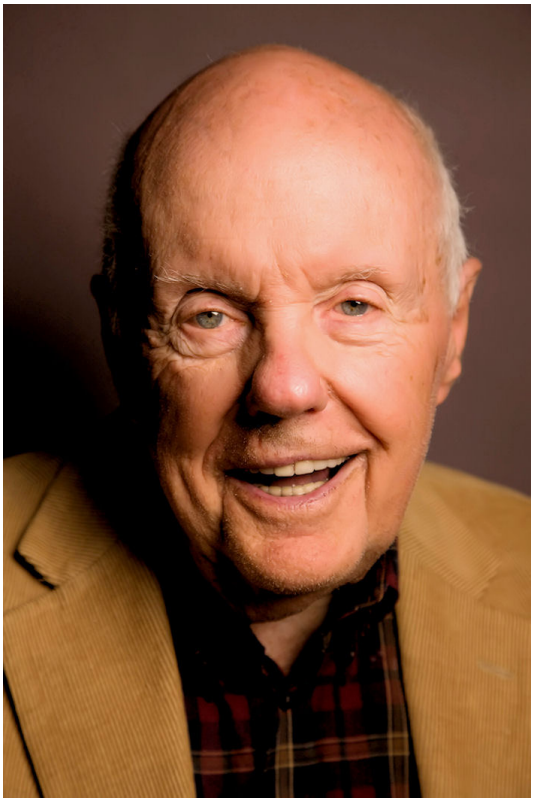
In Memoriam



John Robinson, Living Legend No. 53

Jerry Selmer, Living Legend No. 63

John W. Robinson
(1929-2018)

Somewhere, there should be a mountain named for John Robinson. The celebrated hiker and historian introduced untold thousands of readers to the trails and tales of Southern California's high country. He loved the hills, and shared that love through his warm, generous prose.

The son of a Methodist minister, John Wesley Robinson III was born and raised in the Los Angeles area. Soon after graduating from the University of Southern California he began a 35-year teaching career, most of it spent teaching middle school history in Orange County.

John began exploring the backcountry in the 1930s at the YMCA's Kamp Kole in the foothills of the San Gabriel Mountains (a lifelong regret was having never ridden the famed Mt. Lowe railway). In the 1950s his horizons widened through membership in the Sierra Club. His first published article (in 1961) described a rugged Sierra Club trek up Snow Creek to the top of Mt. San Jacinto. His first guidebook, *Camping and Climbing in Baja*, was published in 1967. John always dismissed it in later years as "too much purple prose."

More than almost anyone I have ever

known (especially any author) John was always remarkably self-effacing about his own work. But others saw his abilities and he easily found publishers for a string of books. His guidebooks to the San Gabriel, San Bernardino, and San Jacinto mountains set the standard for local trail guides and are still in print to this day.

From there, he turned to the past, writing major histories of all three mountain ranges, along with a final volume on the passes between—*Gateways to Southern California* (2005). This in addition to countless magazine and journal articles for a wide variety of publications. John was one of the few writers who could truly be called a Southern California historian.

I first met John Robinson more than 25 years ago when he was researching his San Jacinto mountain history. I shared what I had and he asked me to read over several chapters in manuscript. (John always sought out the opinions of other historians, but used to complain how hard it was to find authors who would actually take the time to write out their comments.)

John was a devoted Westerner in the Los Angeles, San Dimas, and Huntington corrals. He joined the Los Angeles Corral in 1975, served as Sheriff in 2001, and edited our most recent Brand Book (#22) in 2004. He never missed a meeting if he could help it, and even after moving to Colorado in 2015 to be closer to his daughter and grandson, he managed to attend a meeting or two of the Fort Collins Corral.

John marveled at his own advancing age (which he credited to his many years afoot and afield), though it cost him the loss of many of his dearest friends. He had given up writing, but continued reading, learning, and living the grand life he had created.

As a teacher, guidebook author, and historian, John Robinson influenced many lives in many ways. He gave us knowledge, and he gave us insight. He taught us to love the mountains, and how to treat them – and through that, how to treat each other. Almost all of his guidebooks include something like this admonition from his first, *Trails of the Angeles*:

> Human life and well-being take precedence over everything else—in the mountains as elsewhere. If a hiker or camper is in trouble, help in any way you can. Indifference is a moral crime.

What modern guidebook author would put mountain ethics in such clear terms? Wilderness Press was not that far off a few years ago when they dubbed John the "guru" of Southern California guidebook authors. We shall not soon meet his like again.

— Phil Brigandi

Books by John W. Robinson

Camping and Climbing in Baja (1967)
Trails of the Angeles (1971)
San Bernardino Mountain Trails (1972)
The Pacific Crest Trail (1973) – co-author
Mines of the San Gabriels (1973)
The Mount Wilson Story (1973)
High Sierra Hiking Guide: Mt. Goddard (1973)
Los Angeles in Civil War Days (1977)
Mines of the San Bernardinos (1977)
The San Gabriels (1977)
Southern California's First Railroad (1978)
High Sierra Hiking Guide: Mt. Pinchot (1978)
Mines of the East Fork (1980)
The San Gabriels II (1983)
The San Bernardinos (1989)
The San Gabriels (1991)
The San Jacintos (1993) – co-author
Sierra Madre's Old Mount Wilson Trail (2001)
Gateways to Southern California (2005)

Jerry Selmer
(1933-2018)

As are all Westerners, I'm saddened by the passing of Jerry Selmer. He and I shared a number of Corral memories, of which one stands out for changing the Westerners for the better.

I'm not sure of the exact date but I think it was in 1985 when Jerry Selmer suggested that he and I put our heads together and revise the Los Angeles Corral Range Rules. Up till that time the Corral membership had been entirely male. Quite a few members were quite happy with that arrangement. Wives were invited to attend Fandangos but were not welcomed to the other monthly meetings.

Jerry had been involved in the government of the City of Los Angeles. We had a number of members who were Members of the Bar. That group and members with connections in other governmental bodies were being subtly advised that new rules of conduct were under discussion regarding discrimination, specifically against the fair sex. Some felt that forced resignation from all male-only organizations might be the new order of the day.

Both of us realized that it was probably not feasible to open the can of worms of female membership directly, but that Range Rules revision could be a first subtle step in opening discussion of that idea. Second, it would blunt any direct challenge of the club's intent to discriminate. Up till then the Range Rules had many phrases like, "When a member… he shall..." and "the gentlemen of the Corral…" and "Members stating publicly his stand on…" Very subtle changes of wording would allow the ideas to stand but "desexify" such statements. The Range Rules revisions were presented to the membership and after considerable discussion were adopted. There was grumbling, but no open rebellion since only words, not our membership, had changed.

The next step was to point out to the membership again that the organization was built around the idea of being only open to "qualified" members. We were not going to become "a knife and fork club" to which anyone could belong. We required that proposed members be submitted for consideration by existing members, and that they have valid credentials to qualify as members. They would work their way up the ladder of membership from Corresponding Members to Associate Members and only then would they be considered to become full Members. Full Members were obligated to contribute to the Corral in a variety of tangible ways. It was considered a privilege that took work to attain.

If we were to consider a woman for Corresponding Membership she had to have impeccable credentials. After careful consideration, Gloria Lothrop, an author and University professor was proposed. She was well known and liked in Southern California. Aside from her sex, she was eminently qualified for membership. A few members threatened to quit the organization but none did. Gloria graciously accepted the invitation and became the first female Corresponding Member, rising over the subsequent years to full Membership and blazing the trail for other qualified women to be invited to join.

Over the last 30 years or so our organization has changed some of its values and procedures. Nevertheless, the ideals of the organization have remained to honor the history and art of the West and to be a gathering place for anyone with an interest in and respect for our region. Let us hope that we can continue to foster these principles.

— Bill Warren

Monthly Roundup . . .

March 2018

Jonathan Ritter

The topic of the Los Angeles Corral's March Roundup was the untold history of indigenous music, presented by guest speaker Dr. Jonathan Ritter, a professor of ethnomusicology at the University of California, Riverside. Ethnomusicology is the study of music in culture-historical context. Dr. Ritter focuses on indigenous music in the Americas and the important role it plays in native communities. For his presentation, Dr. Ritter shared his experiences from twenty years of researching and playing music in Southern California Native American communities.

How is Native American music supposed to sound? Many incorrect perceptions about indigenous music can be traced back to stereotypes from the late 1890s to the 1950s, and can still be heard today. Martial-sounding drums and short-long, short-long beats can be heard in the crowd chant for the Washington Redskins football team, in children's cartoons whenever a Native American character enters the scene, and most famously in almost all John Ford Westerns. In reality, indigenous music takes many forms and has no single characteristic "sound." Instead, what most indigenous music has in common is an element of spiritual power for ritual purposes. For example, in some indigenous communities, the drum is more than just an instrument—it has rituals and regulations on how it and its spiritual power should be cared for. If you take care of the drum, then the drum will take care of you. Music has power and it plays a role in how these communities come together.

The Cahuilla tribe of Southern California is famous for its casino, Morongo. Coincidentally, gambling is a part of Cahuilla culture expressed in communal games. They play a sort of "stick game" called *Peon,* which is played with sticks, bones, and blankets. One group has to guess how the other group is holding the hidden game pieces. Music plays a huge role in this game, as both teams chant to grant good luck to themselves and bad luck to their opponents. New music is still being created for this game and it is sacred to those who play it.

Yet just as new music is made in these indigenous communities, music is also being lost as the older generation fades away. The new generation is constantly working to revive old songs such as birdsongs, which are about the creation myth and the Cahuilla's migration. Sadly, not all songs can be preserved, such as hunting songs for the big horn sheep, now protected as an endangered species. But thanks to the efforts of younger people and to ethnomusicologists like Dr. Ritter, the music of indigenous communities will continue to be heard for generations to come.

— Amanda Martinez

April 2018

Michael Patris

For our April Round Up, the Los Angeles Corral was happy to host Michael Patris, who delivered his lecture "Thaddeus Lowe: Chief Aeronaut of the Union Army." Many of us have grown up associating air warfare with the 20th century, but as early as the American Civil War Thaddeus Sobieski Constantine Lowe experimented with aeronautic craft and found functional uses for his work in the field of battle. Lowe was born in New Hampshire in the year 1832 into a large family; he would later marry Leontine Augustine Gaschon, a French actress. Even though he had only a 4th grade education, Lowe began experimenting with gas-filled balloons by the early 1850s with the goal of completing an ambitious transatlantic flight.

When the Civil War began, people around Lowe persuaded him to pursue more practical uses for his ingenious airborne experiments. Though himself a pacifist, Lowe nevertheless agreed to head a balloon corps in the Union Army, believing that aerial observation would help shorten the war and bring about a Union victory. The balloon corps incorporated seven balloons: *Union, Intrepid, Constitution, United States, Washington, Eagle,* and *Excelsior*. Lowe invented hydrogen gas generators that were powerful enough to fill his balloons, which ranged from light and nimble to large, higher-altitude sizes. With functionality a top priority, Lowe even outfitted his balloons with calcium lights for night observation.

Once in the air, balloon operators could communicate their observations by telegraph cable, signal flags, or by rudimentarily attaching a note to a rock and dropping it back to the ground. Maneuvering the balloons proved a tricky ordeal, as they would be tethered to wagons and had to avoid having their tethers getting tangled in the tree branches below, not to mention having to avoid the enemy's artillery. Described as the "most shot-at man" of the Civil War, Lowe and his balloons managed to complete their service unscathed; the balloons could ascend to such high altitudes that artillery shells could not reach them.

The Confederate Army attempted to use a balloon of its own, but it was captured after just one flight. While the Confederacy's balloon corps was a resounding failure, historians have argued that the reconnaissance provided by Lowe's Balloon Corps increased the Union Army's effectiveness by 65-80%.

Lowe was later marginalized by Army officers who did not appreciate the value of aerial observation, and he returned to civilian life in 1863. The Balloon Corps which he helped establish didn't survive him by much as it was disbanded shortly after Lowe's departure. By 1887, Lowe moved to Los Angeles, eventually settling in Pasadena by 1890. His inventor's restlessness led him to dabble in many business ventures, though success eluded him; the Mt. Lowe Railroad—a novel tourist attraction—would eventually bankrupt him. Lowe had about 200 patents and likely inspired Count Ferdinand von Zeppelin—who acted as a Prussian military attaché to the Union Army during the Civil War—to develop his namesake airship. He died in 1913.

The Los Angeles Corral would like to thank Michael Patris for sharing with us the story of Thaddeus Lowe and his Balloon Corps.

— Dennis Bermudez

May 2018

Gary Turner

The night began with Gary Turner as he gave us a glimpse into the history of *E Clampus Vitus*, a fraternal organization dating back to the 1840s in West Virginia. It is devoted to the preservation and study of the American West, emphasizing the history of the gold-mining regions in California. This brotherhood, according to many, sojourned from Missouri straight to the gold-mining regions of California. There it spread like wildfire—a fire that is recalled in the typical "Clamper" costume of red shirts and tin badges. This attire was in direct response to that worn by other rival organizations, specifically the Masons.

E Clampus Vitus, while being both rowdy and comical in its nature, never forgot the value of its brotherhood. Members would aid each other in times of need. Orphans, widows, and even fallen members were taken care of. Aiding the gold-miners with food and goods demonstrates one of the best times for the brotherhood. This altruistic aspect would help to expand the brotherhood as many notables joined. Among them were Mark Twain, Ronald Reagan, and historian Carl Wheat.

After *E Clampus Vitus* began to vanish from American history in the early 1900s, Carl Wheat helped revitalize the fraternity in the 1930s. Thanks to him, the organization flourishes today with countless members meeting today to teach, learn, admonish, and set up such projects as plaquing different historical locations. It is a near 180-year history that has allowed us to meet today at the Westerners' Los Angeles Corral.

Abraham Hoffman

Abe centered the night with the argument that the "Abe Hoffman-B.T. Fripps" controversy is nothing but "fake-news." According to this controversy, the author B.T. Fripps, who wrote *The Secret History of Southern California*, is none other than Abe Hoffman himself! The most significant piece of evidence used is the style of writing and content found in this book, which is claimed to be extraordinarily similar to Hoffman's. Abe began his dissection of the controversy by expounding on the accuser's argument as being the well-known literary style called dualistic authorship. He noted that many prolific authors such as Stephen King, Mark Twain, and others have used this during their writing careers. Though many have done so, Abe is not one of them.

Abe proceeded to narrate his side of the story. He claimed that he was contacted by Fripps to simply edit and revise his work to finalize it prior to its publishing. Fripps, though, understanding the name of Abe Hoffman could help sell the book, wrote down Abe's name as the author! Abe explained, chapter by chapter, how it is academically impossible to credit the book to him due its poor academic value. In fact, some of the content, according to Abe, is nothing but complete rubbish. Astonishingly, an early version of this book sold for $4000 on Amazon! What has this world become?

All those attending were given a copy of Fripp's latest effort, the Platrix ECV booklet that claimed Spain almost established Santa Barbara as a leper colony. Coincidentally, all those present at the meeting also received Keepsake No. 48, "Los Angeles and the Owens Valley," written by Abe. Now we can compare the texts and come up with our own conclusions of the controversy.

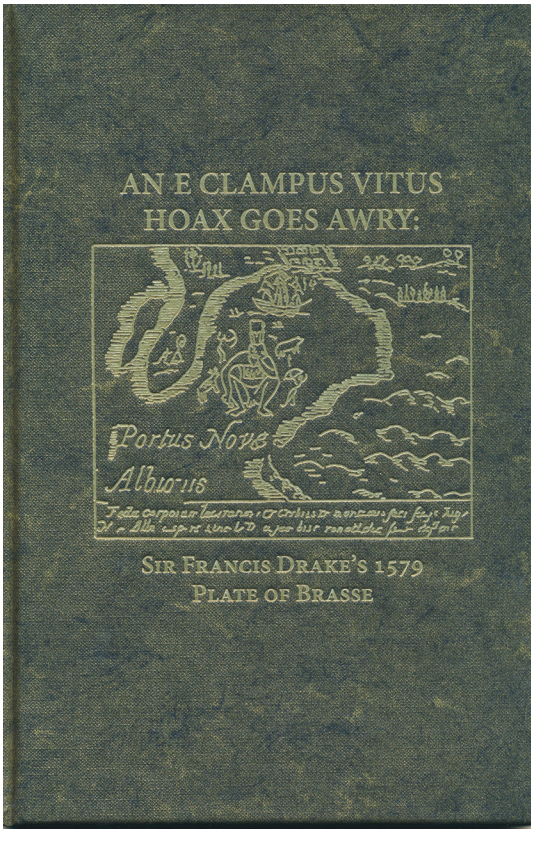
— Jovanny Gochez

Down the Western Book Trail . . .

AN E CLAMPUS VITUS HOAX GOES AWRY: Sir Francis Drake's 1579 Plate of Brasse, by Robert J. Chandler, James M. Spitze and Stephen Zovickian, Edited by David Holmes. E Clampus Vitus and El Barbareño Publishing, Santa Barbara CA, 2017. Hardbound, 74 Pages, Notes, Bibliography, Foreword. $23.00, Internet Orders: AL1stxngh@Cox.Net

American and, for that matter, California, history is full of hoaxes. A century and a half ago drunken miners planted the Calaveras Skull at the bottom of a very deep shaft just to embarrass Josiah Whitney, the eastern egghead in charge of the U.S. Geological Survey. This was in keeping with the proud Western tradition of *spoofing the rubes*, bamboozling unwary eastern victims. And then, there are the frauds committed for financial gain, like the numerous putative "Chumash" grave goods cranked out by Malibu cowboys in the early 1940's, planted in *bona-fide* Indian graves, then offered for sale to gullible, well-heeled, eastern collectors. The rubes plunked down their greenbacks, took the fakes back to the Museum of the American Indian on the opposite coast, and published a now-discredited book on their "finds." Even today, collectors from California to Connecticut with more money than sense continue to pay big bucks for fake Olmec jades, fake Maya polychromes, fake Mesoamerican codices, and, with great regularity, yet another of the 2,731 different six-guns Wyatt Earp blasted away with at the O.K. Corral.

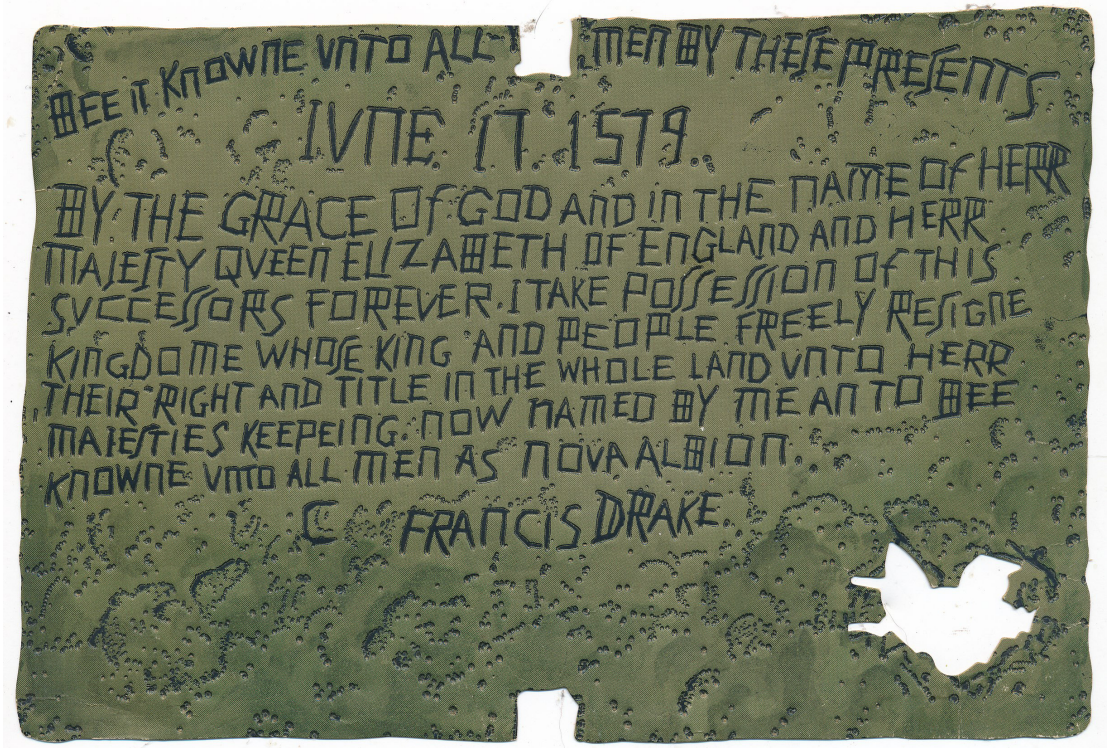
But the biggest fraud of all went horribly wrong when the greatly-esteemed, internationally-famous University of California history professor H.E. Bolton didn't get the joke played on him by a bunch of Clampers. Bolton accepted a fake historic artifact as legitimate, then put that same fake on display in the most prestigious American University west of the Mississippi, where it remains today. This was, of course, the phony-baloney *Plate of Brasse* "commemorating" Sir Francis Drake's 1579 visit to California. The fraud



was perpetrated by 1930s *E Clampus Vitus* members.

E Clampus Vitus, often termed an inebriation club for historians, remains the sole voluntary organization in existence descended from California Gold Rush antecedents. Dr. Robert Chandler, et. al, the talented authors of *A Hoax Goes Awry*, are all ECV members, as is this reviewer. Clampers, when sober, can usually distinguish where the line between fact and fiction lies, but when under the influence just as frequently cannot. Early Clampers crossed this line into taboo territory with their fabricated *Plate of Brasse*; now, Chandler and his co-authors cross back over it into respectability with their new, scholarly, debunking volume.

The creation of the fake *Plate of Brasse* nearly ninety years ago was all in good fun, but Professor Bolton was not equipped with the sense (of humor) to see through the hoax.



Herbert E. Bolton, the ranking historian of California, was so convinced of the authenticity of the bogus Plate of Brasse, *created as a joke by members of E Clampus Vitus, that he commissioned replicas of it for distribution to the public. Above is pictured an early (1937) version of these cardboard keepsakes. This reviewer had one tacked to his wall, over his bed, while a child, having been told by his father that it was "an imitation of a fake."*

His credibility, not to mention his reputation and historical legacy, suffered greatly as a result. Bolton's Clamper contemporaries did not leave him twisting slowly in the wind, but dropped repeated hints that the *Plate of Brasse* was a recent fake. Unfortunately, once Bolton had legitimized the fraud, his wishful thinking overpowered scholarly skepticism, and he never recanted.

My father, my son, and I are all U.C. Berkeley history/archaeology graduates: we beheld the *Plate of Brasse* in its place of honor at the Bancroft Library over three human generations for more than 70 years. More to the point, I completed a formal archaeological survey of the "discovery" location and its environs more than 40 years ago. I found and recorded a previously undocumented prehistoric Indian site, but no Elizabethan-period historic artifacts. This was, of course, because none ever existed there, until a fake one was planted back when FDR was in the White House.

The splendid new booklet on the Plate of Brasse hoax is an outgrowth of Dr. Chandler's earlier paper on this subject, the lead article of the Summer, 2016, *California Territorial Quarterly*. This new offering is slim, lavishly illustrated, and beautifully printed, but most importantly, it is the *final word* on this intriguing subject. So the next time you confront an historic or prehistoric artifact that is just too good to be true, stop, count to ten, then reach for your copy of *Hoax Goes Awry*, and remind yourself that a *rube* awaiting *spoofing* is born every minute.

— Brian Dervin Dillon