



HISTORY OF FRESNO COUNTY

VOLUME 2

PAUL E. VANDOR

History of Fresno County

*Volume 2: The Early Days
(Contd.), Statistics, Biographical*

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CONTENTS:

PREFACE

CHAPTER LXII

CHAPTER LXIII

CHAPTER LXIV

OFFICIAL DIRECTORY

FRESNO CITY

COUNTY TABLOIDS

CITY IN PARAGRAPHS

PERSONAL RECOLLECTIONS

WAR REMINDERS

BIOGRAPHICAL

JOHN C. HOXIE.

HENRY CLAY DAULTON.

SAMUEL BROWN.

FRANK H. SHORT.

MRS. ELIZA FINK.

GEORGE W. TAFT.

GILLUM BAILEY.

EDMUND WESLEY FOWLER.

HENRY CLAY TUPPER.

FRANK HAMILTON BALL.

JOHN M. PUGH.

SIMON WILLIAM HENRY.

LEVI C. GOODELL.

HON. ELISHA COTTON WINCHELL.

LAURA C. WINCHELL.
GIDEON BOWDISH.
ALBERT ABBOTT ROWELL.
MRS. MARY J. HATCH.
CHARLES S. PIERCE.
HON. CHARLES A. HART.
DENVER S. CHURCH.
TRUMAN G. HART.
DAVID COWAN SAMPLE.
ENOS FROST ST. JOHN.
LEWIS LEACH, M.D.
CHARLES FRANKLIN HART.
WILLIAM P. THOMPSON.
HARVEY W. SWIFT.
AMOS AND ANTOINETTE HARRIS.
REUBEN G. HARRELL.
JABEZ H. La RUE.
SAMUEL ROBERT La RUE.
EDWARD DARNALL EDWARDS.
HANS GRAFF.
LEWIS LINCOLN CORY.
THOMAS J. DUNCAN.
MRS. JOHANNA OSTENDORF.
LILBOURNE A. WINCHELL.
LEDYARD F. WINCHELL.
ANNA CORA WINCHELL.
FRANCIS SHERIDAN BLAIR.
JAMES JOHN REYBURN.
JOHN W. SHORT.
J. E. CARTWRIGHT.

SAMUEL L. HOGUE.
MILUS KING HARRIS.
MRS. FRANCES T. BARKER.
INGVART TEILMAN.
WILLIAM CARUTHERS.
PERRY C. and ELIZABETH PHILLIPS.
CAPTAIN EZRA M. RUSSELL.
RICHARD NASON BARSTOW
JAMES PATRICK FARLEY
RICHARD THOMAS OWEN.
JAY SCOTT.
WILLIAM SUTHERLAND.
OLUF BERNARD OLUF.
WILLIAM D. CRICHTON.
HERMAN H. BRIX.
MAHLON LEVIS.
JAMES DARWIN COLLINS.
WILLIAM H. RYAN.
WILLIAM GLASS.
SCOTT McKAY.
GILES N. FREMAN.
GEORGE H. MALTER.
ELISHA ARNOLD MANNING.
NATHAN D. GILBERT.
FRED J. DOW.
JOSEPH DAVIDSON REYBURN.
JOHN G. S. ARRANTS.
JOSEPH BURNS.
FRANK A. DRAPER.
PROF. JOHN W. TRABER.

LEWIS P. SWIFT.
RUSSELL HARRISON FLEMING.
JOHN M. FLEMING.
STEVE TODOROVICH BAKER.
CHRISTIAN SAXE.
GEORGE W. SMITH.
G. P. CUMMINGS.
HUGH WILLIAM La RUE.
HUGH KNEPPER.
JOHN FELIX HILL.
ALEXANDER TAYLOR.
MATHIAS ASMUSSEN.
B. D. MAXSON.
LEE A. BLASINGAME.
ROBERT BAIRD.
J. F. NISWANDER.
WILLIAM F. HANKE.
MRS. MARY A. ARRANTS.
MARQUES MONROE SHARER.
JORGEN HANSEN.
THOMAS F. MOODY.
ALBERT ANDERSON BLASINGAME.
CLARENCE JAMES REYBURN.
JACOB VOGEL AND HERBERT E. VOGEL.
JOHN W. SHUEY.
GEORGE BUELL OTIS.
STEPHEN E. BENNETT.
COLONEL JOSIAH HALL.

PREFACE

Dear reader,

we, the publisher, have carefully reviewed and edited this book, whose original edition dates back to the year 1919. Well over a hundred hours of work have passed correcting it, but still it was not possible to eliminate all the mistakes that a 20th century scanner produced. The original scans we had at our disposal were of very poor quality. While it was possible to correct and eliminate special characters or false letters, there is unfortunately sometimes a dot where a comma should be, or a colon where a semicolon belongs, or the odd apostrophe, that a small dot in the scan generated in the text file. While we still corrected and eliminated ten thousands of errors, does not hinder the reading pleasure in any way and still makes this version of this rare book much more valuable than other versions on the market that have not been edited at all. We think it is fair to say that this is not 100% of a perfect book, but a 99% edition that has not been available since the original editions vanished from the shelves. We wish all readers a great time browsing through the history of Fresno County and the hundreds of biographies of the most important personalities.

CHAPTER LXII

An historical review of the early times in Fresno County was published in a holiday number of the *Expositor* on New Year's day of 1879. It was up to that time the most comprehensive one printed and since the most quoted because of its authenticity, written as it was by one who treated of personal knowledge and recollections, inclined though he was to be biased because of that personal participation in the events of the times recorded. That review, a sketchy effort, of no literary merit, treats incidentally of the lawlessness of the times, and declares that "numerous other murders and homicides" than those enumerated "were committed in different parts of the county" up to the period of writing, nearly all of them, he said, still fresh in the minds of citizens. Writing thirty-nine years ago of the early deeds of violence and crime, he employed the following words as pertinent then as they were for years after:

"Deeds of blood and violence were committed at lower and upper King's River, at the San Joaquin River near Temperance Flat, at Firebaugh's, at Buchanan, on the road leading from Crane Valley to Millerton, at or near the Tollhouse, at McKeown's old store on the Fresno, at Texas Flats, at Fresno Flats, and in fact human life has been sacrificed in almost every neighborhood in the county where a whisky mill has been established. . . . But we will turn aside from the nauseating spectacle; a sufficient number of murders and deeds of violence has already been mentioned to demonstrate the lawlessness which has prevailed heretofore, and the laxity and almost criminal indifference with which the law was formerly administered by juries; it is not necessary here to go into further detail of

the sickening atrocities which were committed and which appear today and for all time to come as black stains upon the record of the county.

"And if perhaps," said this writer in conclusion, "twenty-eight years hence someone should see fit to continue the 'Reminiscences of Fresno County' it is to be fervently hoped that the recital will contain less crime and deeds of blood and violence than is interwoven in the history of our county for the twenty-eight years last past."

Some of these recalled deeds of blood were of a time before organization of Fresno County out of Mariposa with the district seat of justice at Mariposa and the Fresno territory a remote corner of it. The early treatment of the Indian was characteristic of the cruel roughness of the times. The aborigine had apparently no rights that the white man seriously respected. He was given little consideration as a human being. Force, cruelty and taking advantage of his ignorance characterized the general dealings with him. This was all the more remarkable, when it is recalled how many of the first whites, in the absence of women of their own race, readily took up relations with the young squaws and profited materially thereby. The California Indian, although classed low in the scale of humanity, was at least racially docile and amenable to kindness and fair treatment. The squaws were invariably loyal to their white protectors. When by way of reprisal according to his view point, the Indian rebelled against the barbarity and cruelty of the white man, there was a hue and cry, an excited round up and the Indian fighting in self-defense when pursued was massacred and done for by superior armed force.

At this late day, it were vain to recall "the deeds of blood and violence" enumerated in the review of 1879. They have no bearing on the history of the times, save to emphasize the admitted lawless character of the period. Yet even in that respect, conditions were probably no more acute in the

Fresno region than elsewhere in California in the pioneer days when there was little or no government, when human life was valued at so little and every one was a walking arsenal. Nor does one have to go back to the days of the pioneers to find warrant for the complaint of the almost criminal laxity with which justice was administered. Only once in the sixty-three years of county organization of Fresno has there been an execution of a murderer under the sentence of court. That was twenty-six years ago. And fearful murders were committed before and have been since. The wretch that was hanged in the courtyard of the old jail in rear of the courthouse was a dipsomaniac and a drug fiend. The others before and after him that cheated the hangman were given life sentences, or escaped altogether, though their crimes involved every legal element of fiendish deliberation, premeditation and preparation, with avarice as a motive for taking life.

Murder of Major Savage

As foul a deed as recorded in the criminal annals of the county was the murder in August, 1852, at the King's River Indian reservation by Walter H. Harvey, county judge of Tulare, of Maj. James D. Savage, one of the most heroic and picturesque characters in Fresno County's history. The effort to bring Harvey to justice, with the murderer appointing the special justice of the peace to hold the preliminary examination, was a travesty. After Savage's death, many aspired to be his successor in gaining the prominence among and control over the Indians but no one filled his place — they felt like orphans and realized that their best friend was gone.

Murieta's Career Ended

Next to be recorded is the bloody, meteoric and historic career of the bandit, Joaquin Murieta, which ended with his death in July, 1853. The retreat of this cutthroat was in the Cantua hills of the Coast Range in this county. At Millerton was made the first exhibition of the trophy of his decapitated head as proof of the successful termination of the man hunt for him, the killing of his principal lieutenants and the scattering of the bandit gang to the four winds, with peace returned to a sorely tried and raided state.

Murders Common In 50's

Murders of whites by whites and of prospectors by Indians were common in the 50's. If the murderers did not escape, the grand jury ignored the charge, or if it found true bill the trial jury at Mariposa or Millerton acquitted. There was poetic justice in many of these cases. Very often these gun men died violent deaths with their boots on. Often also in these murders evidences were left to make it appear that the crimes were the work of Indians.

Mining Camp Burglaries

In 1858 there was an epidemic of burglaries of Chinese stores and mining camps and notorious among the thieves were Jack Cowan and one Hart, the first named a half breed Cherokee. They lay in concealment by day in cool retreat and at night sallied forth robbing inoffensive Chinese at point of pistol and hesitating not at sacrifice of life if their demands were not complied with or resisted. The pair was encountered one day in August by cattle rangers in the hills between the Fresno and the Chowchilla and a battle ensued. Hart was wounded, crippled for life and upon recovery from wounds was sent to the penitentiary. Cowan was shot through the skull and the

perforated skull was in the possession of Dr. Leach as a paper weight on his desk as a memento for years.

Last Indian Uprising

The last serious Indian uprising was in the summer of 1856 among the Four Creek Indians of Tulare. The soldiers from Fort Miller under Captain Livingstone were dispatched to the scene of hostilities, also a company from Millerton and vicinity under Capt. Ira Stroud and another from Coarse Gold Gulch and Fresno River under Capt. John L. Hunt. The Fresno contingent achieved the name of "The San Joaquin Thieves." The campaign over. Fort Miller was evacuated September 10, 1856.

Acts of Disloyalty

It was reoccupied in August, 1863, by United States troops and a volunteer company under Col. Warren Olney was dispatched also. Acts of disloyalty were numerous. The offenders were rounded up at the fort and made to walk a beat carrying a bag of sand as a punishment. Peter van Valer was the provost marshal, and other disloyals were transported to cool their ardor in the military prison of the bleak and ocean wind swept Alcatraz Island in San Francisco Bay.

Looting of Chinese

In 1863 the looting of Chinese stores and camps was resumed with at least eight known desperadoes in the gang. The China store at Andrew Johnson's place at Coarse Gold Gulch was robbed three times and patience had ceased to be a virtue. A company of about a dozen men organized and one dark night in the dead winter of 1864 it invaded the camp of the desperadoes. Whether warned or

not of the coming, only one of the gang — Al Dixon — was caught that night and found a corpse hanging from a tree next morning between Coarse Gold Gulch and the Fresno. The life of the brother" John, was interceded for and six of the gang left the county and were not again heard from. The eighth, James Raines, remained to weather it out and came in conflict with the provost marshal in the latter's prosecution of his duties. A squad from the fort was sent to arrest him. Raines appeared pistol in hand to resist arrest and himself was shot and wounded in the arm. After having convalesced at the fort, Raines was taken to Alcatraz and spent several months at hard labor on the rock. Following release, he moved with his family to Raines' Valley, east of Centerville. He and others took up cattle and hog stealing until the neighborhood decided that it had enough of this business and one fine morning Raines' carcass was found dangling from a tree in or near the valley that bears his name.

Indians Hanged

It was about this time that an Indian killed a sheepherder of E. J. Hildreth, burying the corpse under a log in a corral. An old squaw betrayed Mr. Indian and in daylight he was hanged in the gulch near Judge Winchell's home, half a mile from the fort and the judge's calf rope was borrowed for the event.

Died With Boots On

A sensational case of the day was that of J. P. Ridgway, who in the summer of 1868 shot and killed P>. A. Andrews at Kings River above Centerville. Ridgway escaped to Arizona where he engaged in mining. About two years later he appeared in San Francisco, was arrested and brought to Millerton. He was indicted but before tried escaped from

the jail and made his way back to Arizona. His escape was with confederates who aided him with horse. A reward of \$1,000 was offered for his arrest and a San Francisco detective earned the money by going to the Cactus state, arresting and bringing back the fugitive. At the May, 1872, district court term, Ridgway was tried and acquitted and shook the dust of Millerton from his feet and a third time made tracks for Arizona. This time the bully met his match and received a load of buckshot in the head and died with boots on.

Killed in Petty Squabble

At the October term of the county court, John Williams, a negro, was sentenced to a term of two years in the penitentiary for the killing of Theo. J. Payne, whom he had shot in the knee at a store near Tollhouse. Payne was so wounded that an artery was severed and he bled to death. The shooting was over a squabble at target shooting.

Chinese Hanged

That same year vigilantes hanged two Chinese just below Jones' store (Pollasky or Friant as now known) for having killed a countryman. On a Sunday afternoon that year, another was found hanging from a tree a quarter of a mile from Millerton, the county seat, for having committed a nameless crime.

Vasquez and Robber Band

The state at large was agitated during the years 1873 and 1874 with the bandit exploits of Tiburcio Vasquez and his robber band. Vasquez ended his career on the gallows at the San Jose jail in March, 1875. He and his gang operated in the central portion of the state, committed several

robberies in this county and like Murieta and his band made the Cantua hills their stamping ground and retreat in hours of idleness.

Killing of Fiske

John D. Fiske was killed July 26, 1890. J. L. Stillman shot him thrice in the back. He pleaded insanity on his trial but was found guilty and sentenced to life imprisonment. The homicide followed a wrangle and demand for royalties on a car-coupling patent. Fiske was a promoter in the early days of Fresno City, conducted the Fiske Theater and for him was named the showy and cheaply constructed building on the Mariposa and J present site of the first "sky scraper" in the city.

Hanged for Wife Murder

One man and one only was ever legally hanged in this county. He was Dr. F. O. Vincent and he was hanged in the court of the county jail in the courthouse park at noon October 27, 1893. Jay Scott was the sheriff in office at the time and F. G. Berry — not Fulton G. — was the under-sheriff that made the return on the death warrant that the order and judgment of the court had been duly executed. The death sentence has been only three times pronounced in the county for the crime of murder; first time on Vincent in April, 1891, second time on Elmer Helm in 1906 and third time in 1908 on Charles H. Loper. After the Vincent case, the law was changed to make the warden at the state penitentiary the state executioner. Before that, the sheriff was the official to carry out the death penalty on the murderer convicted in his county. Vincent's case is No. 651 in the register of criminal actions in the superior court of the county. He was informed against December 31, 1890, for the murder of wife, Anna L., on the 18th of the month.

The trial before the late Judge S. A. Holmes opened March 11, 1891, continued for eleven days and ended March 24. Sentence of death was pronounced April 8, 1891, and two days later the death warrant was delivered to the sheriff. Appeal was taken, judgment affirmed August 25, 1893, and fixing time of execution under the original sentence was on September 21, 1893. On hanging day people climbed the trees around the jail for a view of the spectacle in the little court yard of the jail. The indecent curiosity of the populace was editorially commented upon in the newspapers of the day and rebuked. The record in the Vincent case is sufficient as to the procrastinations of the law in the prosecutions of that day. The attempted defense on the trial was that the act of homicide was not premeditated because the accused was an irresponsible dipsomaniac and drug user. The late County Recorder W. W. Machen was the foreman of the jury. There was little brought out at the trial to arouse sympathy for the prisoner. On the contrary, the showing was that the married life of the Vincents was anything but a happy one and that the suffering wife had been for years the victim of his cruelty and harshest treatment and neglect. There was not an extenuating circumstance in the case. The Vincent case is a notable milestone in the criminal annals of the county.

Assassination or Suicide?

Cause celebre was that of Richard S. Heath indicted March 16, 1893, for the alleged assassination of Louis B. McWhirter while entering his home at the rear entrance on the night of August 29, 1892. The case attracted widest attention as it was claimed that the assassination was a political one on account of the division in the Democratic party in the county at the time over the presidential candidacies of Cleveland and Hill. McWhirter was a Tennessean who a few years before had come to Fresno,

engaged in the practice of the law in association with M. K. Harris, made a failure of the law and as an erratic Bourbon reform Democrat was engaged as editorial writer for the Evening Expositor. He had been a reform politician in Tennessee which state he left to come west after a homicide, also growing out of political dissensions in the Democratic party. Much feeling was aroused over the McWhirter case here because at the time the Tennessean wing of the local Democracy was in control of the county offices. So intense was the "interest and indignation" over the affair that in addition to the \$10,000 offered reward by the citizens for the arrest and conviction of the assassin, the widow, Mrs. L. B. McWhirter, also offered a reward of \$10,000 and the Blasingame family into which McWhirter had married made offer of an additional \$5,000. The rewards were never claimed because there never was a conviction and dismissals were entered against the two accused. The first trial of Heath before the late Judge Holmes commenced June 12, 1893, lasted for thirty-two court days and ended in a disagreement of the jury. The evidence supporting the assassination theory and Heath's connection with a homicide was largely circumstantial. The plea set up at the trial was that McWhirter had committed suicide. This was one of several constructive defense pleas. The trial jury stood eleven for conviction and one for acquittal — Juror J. H. Lane making the declaration that firearms were coercively exhibited in the jury deliberation room. Motion for a change of venue was denied and the second trial commenced March 5, 1894, was before Judge Lucien Shaw of Tulare. It lasted thirty days and also ended in a disagreement. Change of venue was granted for a third trial to Los Angeles County but the case never again was taken up. Heath later died in Alaska in the Klondike gold fields. His co-defendant was Frederick W. Policy, a carpet layer, the accusing joint indictment having been found by a grand jury of which the late ex-Judge Hart was the

foreman. Policy had one trial, the jury disagreed and the indictment against him was dismissed in October, 1893. Heath was a young man related to the Perrins and employed as a sub-foreman on the "Sam'l of Posen" vineyard, the property of M. B. Curtis and wife. Curtis was an actor who had made a success of the dialect character acting of the Polish Jew, made a fortune, invested in Fresno real estate and also founded a town near Berkeley which he named after his play. He was impoverished afterward defending himself on a charge of the murder of a San Francisco policeman. Sensational disclosures were made in that prosecution that the defense was predicated on suborned testimony. Heath was defended by a strong retinue of lawyers retained by the Perrins and Mrs. M. B. Curtis, while the special prosecutors were as distinguished attorneys in the pay of the Blasingame family. Few cases in the county aroused a greater interest than the Heath prosecution, divided as public sentiment was on the question of assassination and suicide and this division made more acute by the political differences of the respective theorists. Known as a barroom politician. Heath was lifted into sudden and unenvied notoriety. McWhirter had made political enemies by reason of his editorial writings and the division in the county Democracy was at the fever heat. However, public opinion was never settled as to whether his end was the result of assassination to silence him politically, or whether an act of self-murder. He had his life insured for a large sum and it was known that his financial circumstances were such that but for friendly aid the policies would have lapsed because of inability on his part to meet the premiums due. His career as a lawyer had proven a failure. It was also known that he had spent the marriage endowment of his wife. He had become confirmed in habits of which the wife declared in her testimony she knew nothing about and which in fact she denied. The political stir and enmities that he aroused by

his writings obsessed him with the thought that he was tracked as a marked man for assassination. Many believed then and do now that McWhirter took his own life when he realized that he was at the end of his financial career. The widow married a second time and recovered the insurance on the policies which did not contain the suicide clause. If McWhirter was assassinated, it was a cowardly murder by plotters that lay in wait for him to take him at a disadvantage. If so, the case would not have commanded the wide attention that it did for the political and personal interests that raised it above the ordinary. The end of McWhirter is one of the unsolved mysteries.

Evans-Sontag Reign of Terror

The years 1891-94 have to do with the lurid chapter of the crimes of the Evans-Sontag train robber bandits, their pursuit, bloody and murderous resistance when driven at various times to bay, their final capture and the trials in Fresno. The details are given in another chapter. Chris Evans and John Contant (Sontag) were indicted November 22, 1892, for murder and Evans after a November and December trial of seventeen days was found guilty in 1893 and February 20, 1894, was sentenced to life imprisonment at Folsom. The operations of the gang in California began with the train hold up in February, 1889, south of Pixley in Tulare County. Contant died at the county jail in Fresno from the wounds received when he and Evans were captured after a battle. One Clark Moore indicted as an accessory after the fact on December 2, 1892, was tried on the second of three such charges March 14, 1892, and acquitted. The other charges were afterward dismissed. The newspapers at the time were full of the exploits of the bandit gang, sent special correspondents into the field to tell of the many efforts to capture it, the man hunts, pursuits, final capture and the trials, centering all these

activities in Fresno and giving it unenviable notoriety for crime, criminals and the head-hunters fattening on the business of pursuing marked and proscribed men to capture them for rewards, dead or alive. The exploits of the gang were retold with renewal of the various applications of Evans for parole. One of these applications in January, 1908, inspired an "appreciation" of the bandit by Joaquin Miller, "the Poet of the Sierras," having at least curious interest if nothing else. It was published in the Pacific Monthly in the course of an article on famous bandits of the early and later days in California. In this "appreciation" at a time when Evans had served thirteen years of his life sentence, Miller made the point that Evans had never been tried for a train robbery, affected to believe that it was only the railroad influences that kept the crippled, blinded and dying outlaw in the penitentiary and introduced his subject with the following words:

"And now a few pages about the most famous gun-fighter of all; a well-bred and well-read man; a man with a most bloody record, yet a man who never fired a shot except to defend; so say his hosts of friends."

The publication provoked criticism and indignation in Visalia and those familiar with the unsavory history of Evans in that locality declared the Miller statements to be a tissue of misrepresentations and almost devoid of truth. There was there practically unanimous opposition against the liberation of Evans and the effort of the poet, at best an erratic and theatric personage, was little more than attempt to create sentiment through callous misstatements, unseemly and not calculated to inspire confidence even in Miller's veracity. The Times published in answer to the poet a statement that had been prepared on a previous attempt to secure a parole or pardon giving brief history of the many crimes of Evans, including the wanton killing of five men and the wounding or crippling of nine more, clinched by the recital of Evans' boasts of his crimes while yet at

large and pursued, and his threats of death for any and all who would give information of his movements to the officers of the law. Which recalls also that in May, 1908, after his sixteen years and more spent in Folsom penitentiary and crippled with a limp after the desperate attempt to escape in 1893 after one year's confinement under his sentence, George Sontag appeared in Fresno looking for work, seeming to think that if he were given employment as a barkeeper the saloon would lose nothing by the advertisement of his presence. After recovery from the wounds received in the attempted jail break, Sontag came at the request of Wells. Fargo & Company to Fresno to give state's evidence against Evans. His final release from prison was on the authority of the governor.

Wooton Mystery

Celebrated case of mystery was the one that grew out of the unaccounted for disappearance "on or about February 1, 1894," as the lawyers would say, of William Wooton, a well to do farmer of near Kingsburg. Murder prosecution could not be instituted because the first link in the proof was lacking — the corpus delicti — proof of death. Wooton's body never was discovered, although there can never have been moral doubt that he was the victim of foul play and the body disposed of in some unknown manner. In one of the proceedings, legal recognition of death was given in a ruling by Judge M. K. Harris in this language of his written decision: "The disappearance of William Wooton last February, an old man and a highly respected citizen of this county, is darkly mysterious. His habits of life, business methods, and neighborly associations added to his sudden and utter obliteration from the gaze of man but deepen that mystery." A near neighbor of Wooton was Prof. W. A. Sanders, who was regarded as one of the foremost educators in the county. As a teacher his specialties were

arithmetic, botany and chemistry. At one time he was instructor at the Academy which was in the county the only institution where the higher courses could be pursued preparatory for entrance here to the state university. Sanders was a prolific writer on the subject of botany. He conducted an experimental farm and experimented with many foreign botanical importations. He was the man that introduced in this county the Johnson grass as a forage plant. It has become such a pest for the farmer that it had to be legislated against. And it has passed into a saying "that if Professor Sanders was not hanged for the murder of Wooton, he should have been for introducing Johnson grass in the county." Suspicion pointed to Sanders several months after Wooton's disappearance when he presented for negotiation a warehouse receipt for grain in the name of the absentee. Thereupon followed also his presentation of a deed to the Wooton property, fortified by an unlikely story that Wooton had left the country and had vested him with authority to dispose of his property without a power of attorney, and thus he came into the possession of the documents in question. Sanders was indicted for forgery May 19, 1894, and during his long incarceration several attempts were made to learn from him the mystery of Wooton's disappearance and Tyndall, the mind reader, had interviews with him to worm the secret from him. The interviews never had result, because Sanders never would subject himself to the test but resisted every advance on this line. A fourteen days' trial in June and July, 1894, had no result; another fourteen days' trial in April, 1895, resulted in his being found guilty and the sentence was ten years' imprisonment. Appeal was taken and new trial granted in a decision of October, 1895. The third trial in January, 1897, resulted in a disagreement of the jury and the fourth of sixteen days in April resulted in conviction with fourteen years imprisonment as the sentence. Sanders served his time and came out of the penitentiary broken in

health. He entered it a bankrupt as the result of the long litigation. He died wretchedly an outcast in the county poorhouse. There was some testimony that might have connected Sanders as being in Wooton's company the night before a large brush fire on one or the other's premises about the time of the disappearance date, but it and other circumstantial details were so remote and lacked such definiteness that in connection with the inability to prove the death of Wooton no charge of murder could have been maintained. It was only when he made effort to realize on the Wooton property that he set for himself the trap that he fell into and raised the more than strong moral belief that he was the agency in the removal of Wooton. Various have been the theories how the body was disposed of. One has been that the corpse was buried in some secluded nook and with the lapse of years the place has been lost and all evidences of burial dissipated. Another was that the body was consumed in fire and still another that chemical means were employed to dispose of it. At any rate no one knows how, when or where Wooton disappeared from the face of the earth. Human bones or remains of skeleton have not been discovered these many years in the vicinity of Kingsburg in a circuit of miles but to revive in the newspapers the story of the Wooton disappearance, and the speculation as to whether they might be Wooton's or not. The latest such revival was in November, 1917, anent the finding of a skeleton on the Fortuna ranch northwest of Reedley. The assembled bones led to the conclusion that they had been buried "about twenty years ago," had been those of a man about fifty-five years of age and about five and one-half feet tall. The solution of the mystery of Wooton's disappearance was taken by Sanders with him into the grave.

Tweedle-dee Tweedle-dum

Sensation was made public in April, 1899, when the city attorney presented before the city trustees affidavit that City Clerk J. W. Shanklin was an absentee from the city and his whereabouts unknown. Examination of the book showed a defalcation but in how much never was ascertained because under the circumstances the fact could not be learned. The office was declared vacant and the vacancy filled. The absentee was and remained without the state until early the following year when the grand jury indicted him on January 13, 1900, four times for embezzlements of small sums. Shanklin was learned to be in a small town just across the Oregon line, where he was doing business openly as a potato merchant. Brought back he was placed on trial in May, the jury acquitted him and thereupon the other indictments were dismissed and the affair ended in a farce. The sums alleged to have been embezzled were business taxes, perhaps liquor license moneys, that had come into his hands. It was not the duty nor an obligation of the city clerk to receive or make these collections but the task of the city license collector, though the money was receivable at the office as an accommodation, with the clerk giving receipt. The acquittal was on instructions of the court that no public offense had been committed and no embezzlement from the city of public funds. Inasmuch as the money was not payable to the clerk, he was not receiving it for the city and if the city did not receive it, it was then a matter between the private and unofficial receiver of the money and the person to whom he had given receipt for the money. So ended Shanklin's Republican city political career and Fresno no longer knew him as a resident.

The Case of the Helm Boys

The verdict returned at a late hour on the night of June 19, 1908, by a jury in the city of Stockton, Cal., sealed the

doom of the brothers, Elmer and Willie Helm for one of the most diabolical crimes ever committed in this community. The trial was had in Stockton on a change of venue because of the represented prejudice against the boy murderers in Fresno. The verdict was accompanied by recommendations of life imprisonment for both. The verdict saved Elmer from the death penalty passed upon him after conviction of murder in the first degree in Fresno in June, 1906, on first trial. The younger boy gained nothing by the second trial because after the first in September, 1906, the sentence upon him was life imprisonment at San Quentin. The case of the Helms was one of the most atrocious brought to the attention of a public prosecutor. Their crime was the wanton murder on the evening of October 30, 1905, of William J. Hayes and wife while camping out near a deserted cabin on the Whitesbridge road, about eighteen miles west from Fresno. The murderers rewarded themselves for the double crime with about three dollars taken from the person of the murdered man. Clues to the murderers were meagre. The authorities worked long and diligently with little success and they might have been baffled in the end but that the fiends, the elder aged twenty-one and the younger nineteen at the time, were not content with their work but undertook another man killing a few months later. Singularly enough the father of the boys was the one to discover the second murder and to report it. Circumstances directed attention to the Helm boys and they were connected with the three murders. The late Sheriff Walter S. McSwain, then a township constable, made a name for himself in working up a wonderful case of circumstantial evidence. The story of the crimes and the bringing of the youths to justice is replete with incident and detail. The Hayes were an aged couple who lived at peace with the world and no other motive for their taking off could be conceived than robbery. Hayes had been a justice of the peace at Mendota and lived in Fresno. They owned a

tract of land on the West Side, which it was their habit to visit at intervals. The murder was on the home coming from one of these periodical visits. At Whitesbridge stop was made to buy hay for their horses and paying with check he received about three dollars in change. They were overtaken by night on the journey home and camped near a deserted Mexican cabin, having food and bedding with them. Horses had been fed and picketed and the evening meal was being prepared when the murderers pounced upon them, shot both to death and levanted with the paltry booty. Conditions at the camp indicated that the Hayes were taken unawares. The canvas bed lay on the ground as it had been taken down from the wagon and the uncooked potatoes were in the frying pan. Remains were discovered next day by a passing traveler. Autopsy showed that Hayes had received gunshot wound, six inches in diameter in the breast and the heart was literally filled with shot. Her wounds were almost identical. Death came to both instantly. A single barreled shot gun with which the murders were committed was found not far from the scene of the crime, but whose gun was it? Two boys riding bicycles and carrying a package that might have been the shot gun wrapped in gunny sack had been seen on the Whitesbridge road on the day of the murder. But who were these boys? About February 8, 1906, Henry Jackson, a bachelor of over sixty years of age, was surprised in his little cabin home a mile or so out of Fresno and murdered. He had sat at the table and the murderer let loose through the window glass a charge of shot that shattered the old man's neck and almost tore the head from the trunk. The window sill was left powder-marked. The murderer sawed a strip from a near-by board and nailed it over the powder-marked spot. The body was covered in bed quilt and with the aid of buggy axle and two wheels was conveyed to a culvert on the Southern Pacific railroad miles away and jammed therein. The Helm family of husband, wife,

daughter and two sons lived only about a quarter of a mile from the Jackson cabin. They were practically nearest neighbors. Helm missed the old man several days, visited the cabin and found it a veritable shambles. He gave the alarm. Days were spent in locating the body and it was found in the siphon, five miles from Fresno near Herndon. There was also a bruise on the head where it had fallen forward on the table after the firing of the shot. Suspicion fastened on the Helm boys. Their reputation was not the best, especially that of the elder. On or about the night of the Jackson murder, Elmer had spent paper money lavishly in Fresno's tenderloin. The youths were taken to prison and the gathering of evidence began. The father was also imprisoned on suspicion but soon released. The owner of the shot gun was discovered, the chain of evidence was started and the links were added. A resident of Fowler, who had been a neighbor of the Helms about the time of the Hayes double tragedy, recognized the gun as one that had been stolen from him. Witnesses were found who saw the gun in the possession of Elmer. Paper money identified as part of that he had spent in the tenderloin was identified by denominations and name of issuing banks as money received by Jackson not long before. The brothers were identified as the pair that was seen on the Whitesbridge road with the package in gunny sack; fabric threads of the sack were found clinging to the gun; the movements of the pair on the day of the murder were traced to the neighborhood of the Hayes camping spot. The formal accusation for the Hayes murder followed and on it Elmer Helm was first brought to trial June 16, 1906. It lasted sixteen days with much difficulty experienced in securing jury. The verdict was guilty as charged and July 16, 1906, the death sentence was pronounced. Willie's trial in September lasted twenty days. It resulted in a verdict of guilty as charged but with life imprisonment recommended as the punishment. Appeals were taken in both cases. The

supreme court granted new trials in December, 1907. In the Elmer case a sapient supreme court reversed the judgment though holding that the evidence while circumstantial was sufficient to sustain the verdict. The ruling was against the appellant on the point that the information was void because filed on one of the continuous holidays declared by the governor following the earthquake and the fire in San Francisco. The reversal was on a purely technical ground that it was prejudicial error to overrule good challenge for cause compelling exhaustion of peremptory challenge to be relieved of jurors who should have been excused under the challenge for cause. The alibi defense of the boys had fallen before the strength of the people's case. For the second trial the county roads near and about Fresno were canvassed for declarations of people as to their prejudice for or against the accused. They were used on a motion for a change of venue to some other county because of the prejudice in Fresno against the Helms for their crime. And so it was that the case went to San Joaquin County for the second trial in June 1908 lasting sixteen days. This trial was notable for the unexpected reappearance of chief witness, Charles Molter, for the prosecution who had disappeared after the first trial. Without him the prosecution would have been greatly weakened in its case. On account of the notoriety because of his connection with the case, he had concealed his whereabouts and for months had been searched for high and low without locating him. Notable as new evidence was the testimony of Willie Helm's cellmate, one Kaloostian, who told of a confession made to him with various threats by Willie as to what he would do when out of the toils. McSwain's evidence was also very material in the tracking of the defendants by the corrugated bicycle tire and a heel-worn shoe. After this second conviction, there was talk of another appeal but it was abandoned and the prisoners left