



City of San Bernardino Historical and Pioneer Society P.O. Box 875, San Bernardino, CA 92402

LIBRARY NEWS APRIL 2010

By Richard D. Thompson, Librarian

SHERIFF ELI M. SMITH: FEARLESS BUT FLAWED

PART ONE OF TWO

By Richard D. Thompson

In the fall of 1861, Eli M. Smith became the ninth sheriff of San Bernardino County— eighth in just the four years since 1857.¹ The job was dangerous and the pay low. Following the departure of many of the original Mormon colonists in late 1857, a rougher element moved in and took advantage of low housing prices. The Civil War made things worse, and gangs of horse thieves roamed the land. The bands of brigands were made up of the usual riffraff, but added to the mix were Mormons and ex-Mormons stealing stock to take to Utah for sale, and Southerners taking horses so they could return to their homeland and join the Rebel Army.

Sheriff Smith proved to be an effective lawman, bringing down the crime wave during his tenure by catching many of the thieves, seeing them through the court system, and then transporting them to San Quentin. Unfortunately, like many others who wore a star during the 19th Century, he appears to have worked both sides of the law, and in 1863 was ultimately tried and found guilty of embezzling county funds.

CALIFORNIA GOLD RUSH

Eli Smith was born in Pennsylvania in 1829.² At some point his family moved to Richland County, Ohio, near the town of Mansfield. News of the gold strike in California reached Smith in 1848, at which time Ohio, like many other areas, was swept up in gold fever. In April of the following year, Eli and his brother Joseph joined the gold rush along with five others from Ohio.³ One of these was Isaac Bricker, who, upon arriving in California, wrote his parents a lengthy letter describing their travails.⁴ Since the party consisted of young, single men, they made good time, reaching Sacramento in August after only 107 days. Upon arriving they discovered they were better off financially than when they left Ohio

¹ City of San Bernardino Historical and Pioneer Society newsletter, June 2009.

² Cornman, Charles Albert. *Genealogical Record of the Wunderlich Family in America*, Cornman Printing Co., Carlisle, PA, 1911, p 72. Eli M. Smith was born January 19, 1829. His brother Joseph was born October 14, 1825.

³ New York *Herald*, April 22, 1849, as copied from the St. Louis *Republican*, April 7, 1849. The dateline of the story was Independence. According to the paper, the Mansfield members of the party, besides Eli and his brother Joseph, were Isaac Brecker (sic), George Miller and Walter Taylor, plus D. M. Whitehill of Wooster, OH. Isaac's brother Franklin was part of the company, but was not listed in the newspaper.

⁴ Detailed information on Bricker's trip and the group's stay in California can be seen at this ancestry.com website: <http://www.rootsweb.ancestry.com/~ohscogs/PioneerFamilies/ShelbyPioneerBricker.html> This site also includes a letter dated August 9, 1849, to Isaac's parents.



Isaac Bricker

because of the inflated value of their equipment, which they could sell at a good profit. Bricker stated that six mules and a wagon were worth from \$800 to \$1,000 in gold, and the group would have to decide whether to sell their own outfit.

The Richland County crew wound up on the Yuba River at a place called Long Bar, located north of Sacramento. The 1850 census shows the young men are still in close proximity to each other. According to other documents, some of them are still there in 1851. It was about this time that the richest deposits of gold which did not require heavy machinery had just about played out, and crime began to be a problem. Isaac Bricker returned home, temporarily at least, and the others of the group drifted off after a while. As for Eli Smith himself, he traveled south when he left, as did many other argonauts, and in 1853 he joined the Los Angeles Rangers.⁵

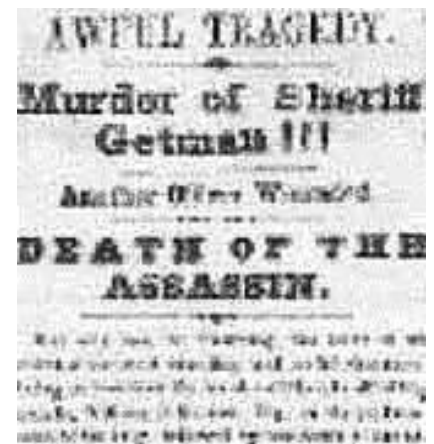
ELI SMITH BECOMES A RANGER, DEPUTY SHERIFF AND CITY MARSHAL IN LOS ANGELES

The Los Angeles Rangers were formed in the early 1850s to temporarily assist overwhelmed lawmen, who often had utilized volunteers prior to the establishment of the Rangers.⁶ The volunteers were eager to help, but it was a major problem to contact them and have them assembled in a timely manner. The culprits often were long gone by the time a posse could be raised.

To overcome this, the City of Los Angeles put together a group of volunteers made up of young single men who lived together in military-style barracks and otherwise were on call for rapid pursuit. They were not paid a salary, but were given lodging and a horse, although they had to furnish their own firearms. About 100 men were brought into the organization, but only 25 were said to be active. An article in the Los Angeles *Star* lists the active volunteers, and Eli Smith is among them.

Recruitment of the Rangers was held in William “Billy” Getman’s aristocratic gambling hall and saloon, located in the Montgomery Hotel. Getman was a lieutenant in the Rangers, and later was elected as city marshal, a position somewhat akin to today’s chief of police. In 1857 he won the job of sheriff in Los Angeles, and took office in September. He soon appointed his good friend Eli Smith as one of his two deputies.

Sadly, the very popular Getman was gunned down in the course of duty in early 1858. In those times political patronage was the rule, so Smith’s days as deputy sheriff were probably numbered. It so happened that an election was going to be held shortly for the position of city marshal, and Deputy Smith was persuaded to run for the office. The Los Angeles Hispanic newspaper, *El Clamor Publico*, which sometimes ran articles in English, gave Smith the following rousing endorsement:⁷



⁵ Black, Esther Boulton. *Rancho Cucamonga and Doña Merced*, San Bernardino County Museum Association, Redlands, CA, 1975, p 56.

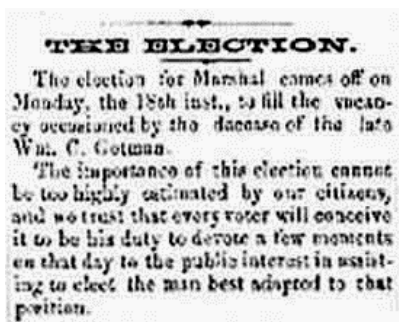
⁶ Information on the Los Angeles Rangers can be found in Sven Crongeyer’s *Six Gun Sound*, Craven Street Books, Fresno, CA, 2006.

⁷ *El Clamor Publico*, Vol. III, No. 29, Enero 16 de 1858.

THE ELECTION.

The election for Marshal comes off on Monday, the 18th inst., to fill the vacancy occasioned by the decease of the late Wm. C. Getman.

The importance of this election cannot be too highly estimated by our citizens, and we trust that every voter will conceive it to be his duty to devote a few moments on that day to the public interest in assisting to elect the man best adapted to that position.



The ever-recurring disturbances resulting from the horde of rascals that infest our city, renders the services of a faithful, energetic and competent officer of the utmost importance, and every other consideration—either personal or political—should be cast aside. Offices like that of the marshalship were not constituted for the purpose of reward, but rather to conserve the public weal, maintain the good order of our city, and the protection of the lives and interests of her citizens—and in carrying out these ideas, it behooves every man to cast his vote understandingly, and observe a wholesome discrimi-

nation among the several candidates who may solicit their suffrages.—Among those whose names are mentioned in connection with this office, we are pleased to note that of Mr. **ELI M. SMITH.**

This gentleman—an old resident of our city—and hitherto Deputy under the late Marshal, in which capacity he has developed those sterling qualities which should characterize a model officer, presents himself under very favorable auspices. During his official career he has been all that we could wish, and has performed his duties in a manner to secure the approbation of our citizens.

At this time it would, in our opinion, be a wrong policy to cast aside a tried and efficient officer and entrust the public interest to others, who, however unexceptionable as citizens, yet are wanting in that thorough knowledge only to be obtained by experience. Good men are plentiful—but all good citizens do not make good officers—and when we find an individual combining in his own person all the requisites of a man and officer, one who has been tried, good policy would indicate the propriety of securing his services as long at least as they are productive of benefits to society.

Such a man is Mr. **SMITH**, and we trust that no questions of personal favor, or political interest will lead to the preferment of an untried man.

The terrible examples which for the last year have presented themselves in this city and county, of the slight tenure which an officer holds upon life, and the readiness with which the hand of the assassin has been raised against them, furnishes an impressive lesson which we trust may not be lost—and hereafter let us see to it, that not only may we elect the one best qualified for the fearless discharge of the duties of conservators of the public peace, but also manifest our earnest and hearty support that they are appreciated and will be protected in the discharge of their responsibilities.

Eli Smith won hands down against the opposing candidate, Don Juan Sepulveda. An article in *The Los Angeles Star* gave the results of the election, and according to the paper, out of the 371 votes cast, Smith received 301, and Sepulveda 71 (since this adds up to 372, we have to allow for newspaper inaccuracy).⁸

⁸ *Los Angeles Star*, January 23, 1858.

The job of city marshal was tough and probably just as dangerous as that of sheriff, but it was not all-work-and-no-play. In June of 1858 Smith and fellow Angeleno, Charley Ayres, were seen in the San Bernardino mountains while on a hunting trip.⁹ A correspondent to the *Daily Alta* of San Francisco, also on a hunting trip with five others, met Smith and his companion in the Bear Valley region. With a twinge of jealousy, the reporter commented on Smith and Ayres' success: the pair had four large bear skins as trophies. The correspondent and his party became anxious to be on their way before others could kill all the game.

The reporter said nothing in his article about looking for gold while they were out hunting, but there was speculation in the air at that time that gold was waiting to be found in the Bear Valley area. The rumors persisted, and active prospecting began in earnest the following year.

GOLD IN HOLCOMB VALLEY

It was no surprise, then, to find Smith back in Bear Valley some time after the May 5, 1860, gold discovery that made William F. "Uncle Billy" Holcomb famous. Prospectors had located small deposits before Holcomb's strike: there was "gold in Bear Valley," the *Star* had reported in April, and advised the public "that a few dozen may do well here, but no rush."¹⁰ Holcomb's find changed everything and in late May there were already 100 men working the mines; in June there were 300.¹¹ A genuine gold rush was underway.



Miners panning for gold

Smith was there at least by July 12th, when the census taker came to the mines. The federal census was taken that year by Richard Rush Dickey, younger brother of the well-known San Bernardino doctor, Dudley Dickey.¹² Rush Dickey spent only a day in the Holcomb Valley area. Since he would not have had time to go to each of the individual miners, he probably took what information he could obtain from wherever there was a congregation of people. The camps, stores, diners, and saloons, etc., were likely

⁹ San Francisco *Daily Alta*, July 4, 1858.

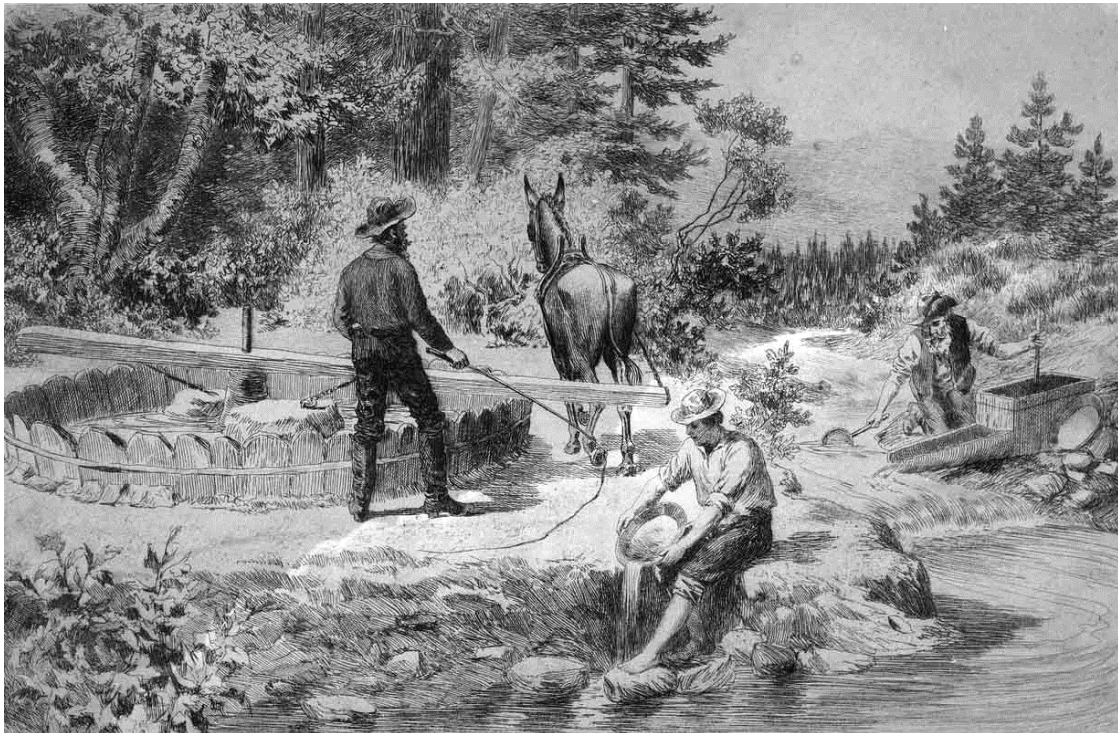
¹⁰ Los Angeles *Star*, April 14, 1860, as quoted in Pedder, Beatrice, *Big Bear Panorama*, Big Bear High School, 1934.

¹¹ Los Angeles *Star*, May 26 and June 23, 1860.

¹² U.S. Federal Census for California, San Ti Mateo township, p 14. The census used the San Timoteo name because the Board of Supervisors had not yet created a precinct in Bear Valley. It did so on August 6, 1860. Minutes Book A, p 82.

spots to find such gatherings. If a miner were not among any of the congregations, off somewhere prospecting, for instance, his family or friends would provide the census taker with what information they could about him.¹³

There was a short hiatus in mining activity when the snows came that winter, but some did brave seven-foot-deep snow to reach the diggings. Several months later, in April of 1861, the outlook must have been pretty good for Holcomb Valley because plans were in the making to build a road to the area on the north side of the San Bernardino Mountains. Three of Southern California's leading men, John Rains, W. T. B. Sanford and Francis Mellus, traveled to Cajon Pass to search for a suitable alignment to build a road through the pass (Brown's toll road).¹⁴ A second road was planned (Van Dusen's road), which would tie into the pass road north of the summit, then run across the desert and up into the mountains, ultimately connecting with Holcomb Valley.



The man on the left is mining with an arrastre, a very common method used in Holcomb Valley. Where water was available, panning (center) and rocking (right) were used, also.

John Rains, as a result of his marriage to Doña Maria Merced Williams, was one of the wealthiest men in Southern California. Doña Merced and her sister became heirs to the Isaac Williams estate, the Rancho Santa Ana del Chino, but especially heirs to the very valuable cattle on the ranch. W. T. B. Sanford was prominent in the freighting business, and earlier he himself had built a road through Cajon Pass. Francis Mellus was a Los Angeles businessman, a former California assemblyman and, most recently, a member of the Los Angeles County Board of Supervisors.

A correspondent to the *Star* wrote about the state of things in the mines. He had “just returned from Bear and Holcomb Valleys” with news that “the flat or placer claims are many of them unworkable on account of so much water. Those which can be worked pay well. Ware and Carpenter, J. Caldwell &

¹³ This would account for the fact that Eli Smith's data is not exact. Dickey wrote his middle initial as just a squiggle, a sign that his informant was unsure, and the age is given as 28 instead of the actual 31.

¹⁴ Los Angeles *Star*, April 20, 1861.

Co., Eli Smith & Co., E. H. Thomas & Co., and many others are taking out from \$25 to \$140 per day by rocking.¹⁵ The term “& Co.” refers to men hired for wages. It had been learned in the Mother Lode mines that it was most productive to work in teams. The 1860 census shows that the dwelling place of Eli Smith had a six-man crew made up of Mexicans and Californios, two of whom were listed as miners and four as laborers, ranging in age from 14 to 50.

Belleville was the main camp in Holcomb Valley, and had acquired the reputation of being very rough. It was said there were 50 killings over the two or three years of its heyday.¹⁶ The number of killings is an exaggeration; there were perhaps a half-dozen or so, as determined from coroners’ inquests and newspaper reports.¹⁷ The camp’s reputation of being rough was deserved, though, and there were many non-fatal shootings. This would have been an ideal place for a person with Smith’s law enforcement background. The two constables for the mountain area would certainly welcome even the presence of a former ranger/deputy sheriff/city marshal with a reputation of fearlessness.

ELI SMITH ELECTED SHERIFF OF SAN BERNARDINO COUNTY

The Office of County Sheriff came up for election in September of 1861, and candidate Eli Smith was in an excellent position. He had the experience of being a peace officer in Los Angeles for an extended period, and he had experience working in two rugged frontier mining camps, the one at Long Bar on the Yuba River, and at Holcomb Valley. Also, Holcomb Valley was voter-rich, perhaps 300 votes compared to San Bernardino’s 400 or more. He was probably known in San Bernardino, as many of the miners traveled there for supplies, and others would have known of his Los Angeles lawman experience. It probably did not hurt that the county seat had several families that hailed from Richland County, Ohio.¹⁸



The election of state and county officers was held on September 4, 1861. The ballots were brought in from remote precincts, and Smith received 651 votes.

¹⁵ Los Angeles *Star*, June 8, 1861, as quoted in Pedder, *op cit*.

¹⁶ Holcomb, William F. Unpublished autobiography, “Reminiscences and History of Holcomb Valley,” signed and dated July 18, 1909, and submitted to the San Bernardino Society of California Pioneers. Holcomb’s account has an inflated number of killings, but otherwise seems to be accurate. It appears he dictated it to a typist, so perhaps he said “shootings” instead of “killings.” However, the fact that Holcomb signed and dated his autobiography makes it harder to accept this view.

¹⁷ The July 6, 1861, Los Angeles *Star* (as quoted in Pedder, *op cit*) reported on a shootout in a crowded saloon between John Cushenberry (Cushenbury) and Greek Joe. Seven or eight men were wounded, some thought to be mortally so.

The August 3, 1861, *Star* reported the killing of a Mexican gambler. The correspondent wrote, “I have just heard that Wm. Jenkins, of your city, in an affray with a Mexican in Holcomb Valley, last Sunday, shot him so that he died in a few moments.” Based on a coroner’s inquest held previously on July 22nd, it appears that the Mexican gambler was probably Leonardo Sandoval. Some of the details of the inquest and the news article are at variance, but the time and place would indicate that both refer to the same case.

Another killing took place on September 8, 1861, when a man using the name “Riley” went on a rampage. Constable St. John found it necessary to shoot the man, a shot that proved fatal. The coroner’s jury found it to be justifiable homicide. The deceased, whose name was R. M. Johnson, has come down through history as “Hell-Roar’ Johnson.” It was reported that he confessed to the murders of seven Californians before he died.

The following month, on Oct 12, 1861, the Los Angeles *Star* reported that two Frenchman were accused of killing John Lapra.

Finally there was the killing of one of the “Monte boys,” Elijah Chilton, by George Bennett, son of Asahel Bennett. Los Angeles *Star*, Feb 15, 1862.

¹⁸ Bushrod Wilson and his wife Catherine were married in Richland County in 1835, and had their first two children there. There were two Richlanders who were just about the same age as Eli Smith: Mathew Stewart, who was born there in 1828 and who married Hannah Rebecca Perris, and Octavius Decatur Gass, born in 1829. Jacob Kouts and Peter Klinefelter were born in 1842 and thus too young to vote, but they could have lent their support to a fellow Mansfield resident.

W. W. McCoy was runner-up with 204, followed by William Bryant with two.¹⁹ After the winners were certified they then had to post bonds, which varied in value in relation to the importance of the office. The sheriff's bond was highest, being \$10,000. Tenure of office began officially on October 1st.

SHERIFF CAPTURES HORSE THIEVES

Smith was probably anxious to get started because the rate of horse thievery was reaching a crescendo. Prominent Los Angeles ranchers such as John Rowland, Messrs. Wolfskill, Stearns, Wilson, and Dr. Griffin had been particularly hard hit. The stolen herds were mixed with San Bernardino stock, and pursuit of the miscreants was first on Smith's agenda of crime fighting. The September issues of the *Los Angeles Star* (a weekly) were replete with stories of these events, reporting, for example, that "a son of old man Rowland...was up here on the hunt for horse thieves, or rather the horses."²⁰ Rumor had it that there was "an encampment on the Mojave," and that the horses were being "sent towards Salt Lake."²¹

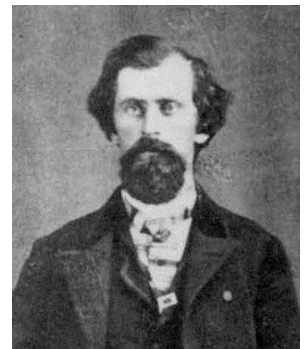
A posse was formed of men who worked for the victims, and J. E. Pleasants, one of the members, later wrote a detailed account of the chase.²² He describes how he and five other



J. E. Pleasants

men from Los Angeles entered San Bernardino "singly and after nightfall, in order to avoid suspicion, as it was commonly known that these bands of thieves had a rendezvous at that place and friends on the lookout." A member of the posse, William Warren, "had communicated with Sheriff Smith of San Bernardino County, and he had made all necessary arrangements for us, even to the extent of getting accommodations for us in private houses, as he thought it best for us not to be seen at the hotel." Pleasants writes that the Angelenos were very pleased with Sheriff Smith's cooperation, "as he was a man noted for his coolness and intrepid courage in the face of danger."

All of this secrecy went for naught, as the *Star* apparently had found a good source and began publishing weekly updates on the great chase, which included not only the current whereabouts of the posse but even the plans of where the search was going next. The first dispatch, received soon after Smith's swearing in, announced that "Eli Smith, Esq., the newly elected Sheriff, left here a few days ago, accompanied by a *posse*, for the Mojave country, in pursuit of some horse thieves. A letter has been received here [San Bernardino] from Mr. Smith, dated from the Fish Pond [Barstow], Mojave River, stating that he was on their track, with some prospect of catching them. Mr. Smith don't know any such word as fail."²³



William Warren, the posse member who contacted Smith

According to Pleasants, they could not locate a trail on the Mojave River, and the posse turned back south. "We came to the conclusion," he states, "that the objects of our search must be farther west in the mountains about the Rock Creek region." This area is located on the north side of the San Gabriel Mountains, west of the Los Angeles County line, in territory with well-watered canyons, out of sight, and a perfect spot for hiding stock.

They found a lone herder who had lit a campfire a bit too soon, and the smoke gave him away. The posse quickly captured him and elicited the fact that the rest of the gang was due in one or two days. The

¹⁹ Minutes Book A, San Bernardino County Board of Supervisors, p 158.

²⁰ *Los Angeles Star*, September 14, 1861.

²¹ *Los Angeles Star*, September 28, 1861.

²² Pleasants, J. E., "The Rout of the Horse Thieves," *Touring Topics*, April 1930.

²³ *Los Angeles Star*, October 12, 1861.



A sheriff's posse in terrain similar to that where Smith and his men found the outlaws' camp

prisoner was handcuffed to a tree a distance away from the camp, and on the third night three men arrived driving a herd of horses. Pleasants states that the thieves "turned the horses back into the meadow, then rode on into camp, calling several times for 'Jim.' But no 'Jim' answered, as Sheriff Smith had instructed him in an impressive manner that it would be unsafe to give the alarm in any way when his friends returned. They seemed rather uneasy at receiving no response from their confederate, but came on to camp and began to unsaddle their tired horses."

The posse had positioned themselves in predetermined locations to best surround the returning criminals, and despite a rather fierce shootout, there were no casualties thanks to the distance of the two parties, the predawn hour, and the careful planning of Sheriff Smith.



Sheriff Smith conducts prisoner from Rock Creek Camp

Although one of the trio escaped, the posse returned in triumph. The total number of horses was 60, according to Pleasance, and these were divided up; the six posse members took possession of the Los Angeles stock, and Sheriff Smith took the horses from San Bernardino back with him.

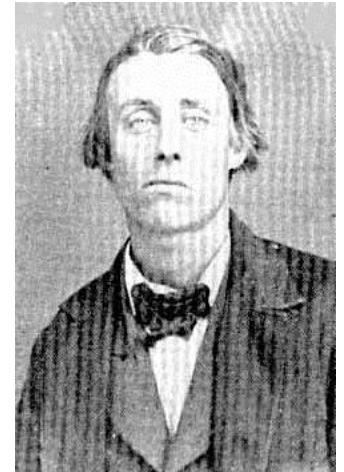
The *Star* was enthralled with Smith's great feat.²⁴ "We have important intelligence from San Bernardino this week," the newspaper exulted, "being no less than the capture of three thieves and a band of forty horses. Mr. Eli Smith, sheriff of the county, who went out in search of the stolen horses, returned on Tuesday afternoon, bringing with him *forty* head of horses, and three prisoners. This is the most

important movement ever made, of the kind, in this lower country, and reflects the highest credit on the sagacity, the courage and enterprise of Mr. Smith. He penetrated into the very camp of the outlaws, and carried off their booty. The confidence reposed in Mr. Smith by the voters of the county, has already

²⁴ Los Angeles *Star*, October 19, 1861.

been amply vindicated. One of the prisoners effected his escape on the Mojave, but as he was left without provisions, boots, hat or coat, his capture is certain.”

Despite the *Star*’s confidence, the fourth man escaped. Perhaps there would have been more of an effort to nab him had it been known what a monster he was. His name was Charles Wilkins, and he later killed John Sanford, the brother of W. T. B. Sanford. Wilkins was a serial killer, who, while awaiting hanging for the murder of Sanford, bragged about the seven men he had murdered plus his having played a part in the 1857 Mountain Meadows massacre in Utah, for which he was paid \$6,000. He was born in England and said that his parents were Mormons living in Salt Lake City. One of those he claimed to have killed was a man named Blackburn. This murder was “on the Mohave,” according to Wilkins, and he took from Blackburn \$300 plus a number of mules.²⁵ The victim was probably Thomas Blackburn of San Bernardino, who, according to his brother Abner, died on June 15, 1863.²⁶ Wilkins was not hanged until December 17, 1863, so the timeline fits.²⁷



**Charles Wilkins,
the one who got away**

The three captured members of the Wilkins gang were San Bernardino Mormons Peter Sprague and brothers Daniel and Jacob Harris. Justice was swift in those days. While the outcome for Jacob is unknown, the cases for the other two were quickly dispatched. Sprague’s trial verdict, according to the October 26, 1861, *Los Angeles Star*, was “guilty,” and sentencing was set for the following day. The Daniel Harris trial was scheduled for the same day that Sprague would receive his sentencing.

The November 5, 1861, *Star* gave a droll report on the final results, stating that “Sheriff Smith, of San Bernardino, arrived here [Los Angeles] this week, having in charge two boarders for the State hotel at San Quentin—namely, Peter Sprague, who is to be provided with board and lodgings for the period of five years, and Daniel Harris, not so lucky, having only a four years engagement, provided in each case, he is not stampeded in the meantime.” And so what probably was the most spectacular case in Sheriff Smith’s career was ended within about a month of his swearing in.”

KILLINGS AND MURDERS

There were several killings and murders during Smith’s term, but his involvement was largely to oversee his deputies in apprehending suspects, and to take the accused into custody to await trial.

The first murder came in early October 1861, shortly after he took office. The killers were described in the paper as two Frenchmen, Chappos and Joseph, who killed a third Frenchman, John Lapra.²⁸ The killing took place in Holcomb Valley. San Francisco newspapers said the victim’s name was Jean Louis Lapra and that he was from San Francisco. He reportedly was worth \$12,000 to \$15,000, and was killed by employees, who later were tried and found guilty.²⁹

One of San Bernardino County’s prominent citizens, John Brown, Sr., wrote to his friend Benjamin Hayes, the district circuit court judge, about crime in the area, stating that “there have been two murders

²⁵ Barrows, H. D. *Los Angeles Times*, May 12, 1887, and the *San Francisco Evening Bulletin*, December 25, 1863,

²⁶ Bagley, Will. *Frontiersman: Abner Blackburn’s Narrative*, University of Utah Press, Salt Lake City, 1992, p 243.

²⁷ Newmark, Harris. *Sixty Years in California*, Dawson’s Book Shop, Los Angeles, CA, 1984, p 327.

²⁸ *Los Angeles Star*, October 12, 1861.

²⁹ La Fuze, Pauliena B. *Saga of the San Bernardinos*, San Bernardino County Museum Association, 1971, p 66.

here since you left, one an Indian and the other a Mexican. Ben Mathews killed the Indian, the old Mexican was killed by an Indian in the most brutal manner I ever heard of. The authorities take no notice of these matters!”³⁰ It had been many months since Hayes was last in San Bernardino, so these murders could have taken place before Smith became sheriff.

In early January of 1862, Wolff Cohn, a leading business-man in San Bernardino, was killed right in his own store.³¹ Apparently a drunk named Dick Cole entered the place and began a disagreement with Cohn. Cole then took out his pistol and shot him dead, at which point Isaac Cohn, Wolff’s brother, came from the back of the store and shot Cole. Wolff Cohn was very popular and the entire community mourned his loss.

Later that month a Los Angeles man by the name of Lorenzo Higuera was in San Bernardino County looking for a stolen horse.³² Higuera was of Mexican ancestry, and told the authorities that when he found the stolen animal, there was an “American” mounted on it. Upon demanding the return of the horse, the American fired at him. He returned fire, killing the thief. Higuera later turned himself in, and an affidavit was taken.



Wolff Cohn’s grave marker in Home of Eternity Cemetery, San Bernardino

An article datelined “Holcombe [sic] Valley, Feb. 7, 1862” carried news about the murder of Elijah Chilton, late of El Monte.³³ Chilton had gotten into a heated argument with Asahel Bennett (of Death Valley fame). The next day Asahel’s son George called Chilton out from his room. Witnesses said they heard a shot and went out to find Chilton mortally wounded. “I don’t think I have ever known or heard tell of a more bold and deliberate murder in my life,” wrote *Star* correspondent A. J. Beard. George Bennett was arrested, tried, and in spite of Beard’s harsh opinion, found innocent. The jury was only out 15 minutes.³⁴



**After his success at the Rock Creek camp, the Board issued a warrant to Smith for handcuffs...
...and leg irons**

³⁰ Hayes, Judge Benjamin. *Pioneer Notes from the Diaries of Judge Benjamin Hayes*, Los Angeles, CA, 1929, p 259.

³¹ Los Angeles *Star*, January 11, 1862. There is an outstanding article on this incident written by Norton B. Stern, in the October 1974 Western States Jewish History Quarterly, entitled “Bad Day at San Bernardino.”

³² Los Angeles *Star*, February 5, 1862.

³³ Los Angeles *Star*, February 15, 1862.

³⁴ Los Angeles *Star*, June 28, 1862.

Early one morning in mid-April 1862, “twenty-four year old Richard Rush Dickey...was preparing to leave on a journey to Fort Yuma Arizona with his older brother, Dr. Dudley Rufus Dickey.”³⁵ So begins the story of young Rush Dickey’s murder by four Cahuilla Indians in the area of what is now Palm Springs. As the story goes, Rush got detained by some business, and agreed to catch up with his brother on the trail, but he never arrived. When his body was found, Sheriff Smith assigned the case to deputies, who formed a posse, and ultimately found the culprits. Two of those involved were thought to have been killed by the posse. One Indian, Andreas, was brought into town, tried, convicted, and hanged on August 12, 1862. Just who did the hanging is unknown, but it was probably supervised by Smith. The fourth Indian, Omoa, was killed by miners.

On August 31, 1862, Frank Chapman and Lot Luven were said to have “got into a difficulty, which resulted in the former stabbing the latter fourteen times with a knife. Luven expired almost immediately.” The killing took place in a grocery on Cottonwood Row, five miles out of town.³⁶

November 17, 1862, was the date John Rains was murdered. As this had a great impact on Sheriff Smith, it will be covered later in a separate section.

To be continued...



Replica of an 1860 44-caliber Colt Sheriff-model revolver

Saving The Past For The Future Since 1888

³⁵ Sheffield, Larry W. “A Story of Pioneer Justice in San Bernardino,” *Odyssey*, City of San Bernardino Historical and Pioneer Society, January to April (Vol. 18, No. 1), 1996.

³⁶ Los Angeles *Star*, September 20, 1862. The name of the deceased is probably Lot Van Leuven, although I have been unable thus far to find him listed anywhere.