



RUSSIAN RIVER RECORDER

WINTER 2020 • ISSUE 145

An Official Publication of the Healdsburg Museum & Historical Society

SCOUNDRELS

and

SCANDALS!

Part One

In This Issue

Our theme for this issue of the *Russian River Recorder* originated during a recent conversation with longtime volunteer Wayne Lindahl. For many years, Wayne has generously shared his investigative talents with the Museum, providing us with genealogical-based research. Wayne revealed that in the course of his ancestral searches he had discovered a few shady characters in our community's distant and not-so-distant past. He was right and we were intrigued.

While our community has certainly benefitted from the talents and dedication of many upstanding citizens, we have also survived the efforts of some less-than-honorable individuals. This edition shares the stories of just a few local scoundrels and scandals.

It's only fitting that Wayne Lindahl's profile of John Byron Fitch kicks off this issue. Fitch, a son of Sotoyome Rancho owners Captain Henry D. and Josefa (Carrillo) Fitch, apparently had a greater fondness for weddings than he did for the institution of marriage. He left a trail of unsupported wives and children.

Our dedicated editor Pamela Vana-Paxhia expanded her considerable talents to include researching and writing for this issue. Intrigued by the bizarre antics of Edward James Livernash deNivernais, the brazen bigamists Frank and Myra Hazen and the unrepentant burglar Charles Rice, she contributed profiles on each of them.

Sonoma State University graduate student Todd Stankas exposed the sordid saga of unscrupulous Healdsburg City Clerk E.D. Eby who embezzled from the City and service club treasuries more than 100 years ago.

Geyserville historian Ann Howard traced the surprising life of John Soudas, a fugitive criminal who hid out in Geyserville for a time working as a barber.

We hope you enjoy these historical true crime stories. There were many more tales than we could fit into one edition, so we look forward to presenting another "Scoundrels and Scandals" issue in the future.

Holly Hoods, Executive Director/Curator
Pamela Vana-Paxhia, Editor



RUSSIAN RIVER RECORDER
The Official Publication of the
HEALDSBURG MUSEUM & HISTORICAL SOCIETY
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Source: ancestry.com

John Byron Fitch, 1875 and 1895

John Byron Fitch: A Man of Many Wives

by Wayne Lindahl

Juan Bautista Fitch was born in San Diego, Alta Mexico, on April 4, 1839. He was the fourth son and seventh of 12 children born to Captain Henry D. and Josefa (Carrillo) Fitch.

During his childhood, several important historical events occurred that changed the course of California's history. Captain Fitch received the Rancho Sotoyome land grant near what would become Healdsburg in September 1841 when California was still a part of Mexico. The Mexican-American War occurred between 1846 and 1848. It followed the U.S. annexation of Texas, which Mexico considered part of its territory, despite the 1836 Texas Revolution. In January 1848, gold was discovered in California. The Treaty of Guadalupe ending the war was signed on February 2, 1848, before news of the gold strike reached either Washington or Mexico. As part of the treaty,

California became a U.S. territory. It was admitted to the Union as the 31st state on September 9, 1850.

Since all of the Fitch children were born in Mexico, they were Mexican citizens. When the family moved from San Diego to Sonoma County, all of their names were anglicized. Juan Bautista became John Byron. Regardless, the local press consistently referred to him as J.B.

J.B. spent his early childhood in San Diego and was raised in the privileged manner of well-to-do Mexican families. Captain Fitch died in 1849, when J.B. was about ten years old. By 1852, Josefa moved the family north to Sonoma County. They settled near Healdsburg on the Sotoyome land grant. This was where J.B. spent his teenage years.

In 1860, at the age of 21, he attended college at Ann Arbor School of Law in Michigan and later became an practicing attorney in Texas and Arizona.

The following year, during the build up to the Civil War, J.B. was nominated to be the county treasurer for the California Secessionists. It would seem that, like many of the wealthy landowners of the time, his sympathies were with the South. Although there is no record of him actually serving in the military during the Civil War, he did register for the draft in 1863, listing his occupation as a teacher.

Marriage #1

J.B.'s first marriage took place on May 7, 1864, when he married Lydia Jane "Liddie" Hockman at her father's home in Alexander Valley. This marriage produced three children, Alfred Grant (1864-1912), Charles Vernon (1866-1928) and Henry D. (1869-1880).

For a time J.B. was a farmer, but he eventually began a career in the newspaper business. The community's first newspaper, *The Democratic Standard*, began in 1865. Initially, it was owned and operated by partners William R. Morris and W.A. Smith. It was run under divided ownership until 1866, when Morris became the sole owner. In January 1867, J.B. assumed possession by trading a 45-acre portion of the Sotoyome grant to Morris in exchange for the paper.

On November 4, 1868, J.B. shot Liddie's uncle, J.P.W. Davis, in the head after a dispute over the newspaper where J.B. was the current editor and Davis had been the previous editor. The following January, J.B. pleaded guilty to assault with a deadly weapon for the shooting. He was fined the nominal sum of \$5, which he gladly paid.

Nearly killing his wife's uncle probably created some stress in J.B.'s home life and, shortly after the trial, he sold the paper and left Healdsburg and his family.

J.B. moved to San Luis Obispo, making a living as a printer. Over the next five or six years, J.B. moved to various locations. Ironically, in one of those locations, Elko, Nevada, he was nominated for sheriff at the County Democratic Convention.

J.B. never returned to his first wife and family, beginning a lifelong pattern of deserting his wives and children.

Many years later, on February 9, 1877, Liddie remarried. Her new husband was John Henry Gardener of Ukiah, Mendocino County. They had

one son, Frank Coates Gardener (1878-1882), from this union.

Marriage #2

J.B. returned to the Healdsburg area and, for his second wife, he chose Elizabeth "Bessie" Campbell. They were married on November 2, 1876.

Shortly after their wedding, they relocated to Lake County where J.B. became editor of the *Lower Lake Bulletin*.

This marriage produced two children, Anita Isabel (1877-1946) and John Byron Jr. (1880-1966) before Bessie died of pneumonia in Mendocino on March 18, 1881.

After about three years in Lake County, J.B. returned to Healdsburg and practiced law in partnership with W.G. Swan.

Marriage #3

At the age of 42, J.B. married his third wife, Caroline L. "Libbie" Graham in Petaluma on February 9, 1881. The bride was only 15 years old.

Apparently this was not a very happy union, since J.B. abandoned her just a few months later in August 1882. Libbie sued him for desertion in Sacramento in October 1883.

There were no known children from this marriage.

It does not appear that Libbie ever remarried. She died in 1954.

Marriage #4

It didn't take J.B. long to find Libbie's replacement. His fourth wife, Anita Gutierrez, was also very young. She was only 16 when the 44-year-old J.B. married her on January 16, 1884, in Santa Barbara.

For a short while, they lived in California before moving to Arizona where, at various times, J.B. was a lawyer, a justice of the peace and a newspaper editor.

Their first born, Henry G. (1885-1886), died while still an infant. On the advice of her physician, Anita and their other two children, Grover Cleveland (1886-1934) and Effie M. (1887-1967), returned to California in 1888. There, their fourth child, Randolph Frank (1889-1943), was born.

J.B.'s pattern of marriage and desertion was finally being noticed in Arizona. After the Board of Supervisors received a petition with numerous signatures requesting his removal as Justice of the Peace, J.B. resigned the post in February 1890.

Marriage #5

Not one to remain single for very long, the 51-year-old J.B. again married a teenager. He took 18-year-old Josefa Shoemaker as his fifth wife on June 18, 1890.

They had one child, a daughter, Raquel (1891-1965).

This time, the marriage did not go unnoticed, and J.B. was charged with bigamy. On April 10, 1892, he was convicted, fined \$100 and sentenced to one day in jail. (He had already been in jail for two months since his arrest in February.)

Never being celibate for long, just a little over a year later, on November 7, 1893, in Willcox, Arizona, J.B. was in a hotel room with a woman when he was shot through the window. The first bullet passed through his hat; the second one struck him in the arm, producing a flesh wound.

Marriage #6

J.B. might have considered the single life too dangerous, so the following spring, on April 21, 1894, in El Paso, Texas, at the age of 56, he married again to another teenager. Angelina "Angel" Figueroa became his sixth wife.

Three children were the result of this marriage, John B. (1896-1897), Mary Evangelina (1898-1969) and Henry Figueroa (1899-1980).

At this point in his life J.B. was frequently not held in the highest regard. Described by the *El Paso International Daily Times* as the "twelve dollar a week" Fitch, they offered the following assessment:

J.B. Fitch, who has practiced law either as prosecutor or defendant in nearly every police court in Arizona is holding forth in El Paso, where he advertises 'practices in all the courts of the state.' If John can manage to keep in front of the bars instead of behind them, he will be vastly more fortunate than he was when his tin sign swung to the soft and sunlight [sic] breezes of southern Arizona.

In February 1898, J.B. was again arrested and charged with bigamy. His defense was he had

tried to contact his first wife, Liddie, after their separation. "...in answer to the letter he received a letter from her father in which the latter stated that the wife was dead and Fitch was at liberty to marry again."

Sensing that he would likely be found guilty of bigamy again, J.B. fled to Mexico to avoid a trial. Conveniently, bigamy was not an extraditable crime in Mexico. At the time, it was speculated that J.B. would move to the Mormon colonies and join the Mormon church where multiple wives would not present a problem.

On April 10, 1901, Angelina committed suicide by taking a dose of carbolic acid. It was reported that domestic unhappiness prompted the suicide. Their surviving children were subsequently raised by their maternal grandparents.

Marriage #7

After a few years of mourning, on February 18, 1905, in El Paso, J.B. took as his seventh wife, the 19-year-old Margarita Marcos "Maggie" Hidalgo. J.B. was 62 at the time.

Two more children were produced by this final pairing, Modine Hidalgo "Maude" (1902-1948) and Anita Ruth (1903-1965).

During this marriage, J.B. earned a living as a teacher and a lawyer.

J.B. Fitch died at the age of 65 on February 18, 1905, in Terrell, Texas, after a brief illness with heart trouble, leaving a widow and two small children. They were raised by their widowed mother.

In Retrospect

In reviewing his life, J.B. appears to have been an intelligent, well-educated man, serving at various times as a farmer, a lawyer, a justice of the peace, a teacher, an editor and a publisher. He never seemed to have any difficulty earning a living.

He was well-respected until the last few years of his life. After it had been reported that he had five living wives, the El Paso newspapers referred to him as "the old stuffed club." He was further described as "shuffling along with his arms full of bundler, puffing and blowing as though he had been to some physical exertion to reach that point, and was more suggestive of a hot wiener-wurst on stilts than anything else." They expected

him to jump bond to avoid a trial and possible jail sentence. They were right. He did.

Although he loved women and fathering children, J.B. didn't seem to have any interest in caring for his family or raising his children. His final total was seven wives and 15 children, none of whom had any known involvement with the rest of the Fitch family. Two of his wives died, one by suicide, and at least two others sued him for abandonment or failure to provide support.

It should be noted that, during this time, divorce was not as common as it is today. Then, divorce was rare and expensive; only the wealthy and well connected could afford it or arrange for it legally. It was more common that both parties would just agree to leave each other alone and go their separate ways.

While divorce may not have been commonplace, fathers were still expected to support their children. There doesn't appear to be any record of J.B. ever being involved in any of his children's lives once he moved on to start his next family.

Apparently, he found it easier to just walk away and start all over again.

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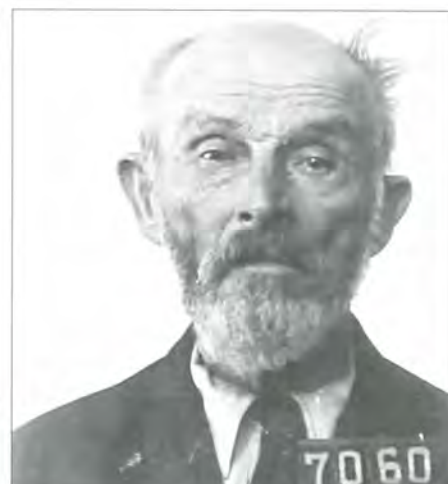
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Source: ancestry.com

Charles Rice aka Charles Erwin aka Charles Irwin aka Charles Ring, 1899, 1902, 1908

The Persistent Thief

by Pamela Vana-Paxhia

Born in Baden, Germany, in 1827, Charles Rice served an apprenticeship as a cabinet maker before immigrating to the United States. He came to California to seek his fortune, but it was not long before he began what would become a lifelong series of crimes, prison terms and escape attempts.

they established The Enterprise House, a boarding house located in town on West Street (Healdsburg Avenue) across from the Healdsburg Flour Mill south of Matheson Street.

Not What He Seemed

By this time Rice had already been convicted of grand larceny for stealing horses and had served time in San Quentin twice, first in 1865 and again in 1870. Rice's incarcerations were also marked by several escape attempts, one of which was successful before he was recaptured a few weeks later. Since the general population was unaware of his criminal past, Rice was regarded as an honest, hardworking man.

As a talented carpenter and cabinet maker, Rice also secured plenty of side work. One local resident, Carl Muller, paid him a total of \$700 for work at the rate of four hours per day. Apparently, that financial arrangement wasn't sufficient for Rice. While in Muller's employ, Rice pilfered approximately \$100 worth of various objects, including a valuable shotgun. He also stole a saddle, a horse, a bridle, a buggy and a harness from other local residents. He robbed other neighbors of tools, bedding, crockery, silverware and other small items.

When the local sheriff tracked the stolen horse and buggy back to Rice, he took off, avoiding arrest. During his escape, Rice stole a pony from yet

ENTERPRISE HOUSE
WEST STREET
Opposite Healdsburg Flouring Mill
CHARLES ERWIN, Proprietor
THIS BOARDING HOUSE IS THE MOST
commodiously located of any in Healdsburg. It
has been thoroughly renovated, freshly painted
and newly furnished. The
CULINARY DEPARTMENT
Is under the personal supervision of Mrs. Erwin,
an experienced landlady, and no effort or expense
will be spared to please the patrons. The House
is conducted on the
TEMPERANCE PLAN.
Board and lodging by the week.....\$5 00
Transient rates, per day.....\$1 00
Connected with this house there is
A GOOD TABLE
For the accommodation of horses. 1-9-11

Source: Healdsburg Enterprise

Advertisement for the Enterprise House, 1878

Rice came to Healdsburg with his wife Annie in 1876 under the alias of Charles Erwin. Together,

another local resident and later some cows in Marin County.

Later, a search of the Enterprise House revealed the presence of many missing articles, establishing additional evidence against Rice. His one-man crime spree would result in ten counts of larceny and burglary.

Rice was eventually arrested in San Francisco, convicted in San Rafael of grand larceny for stealing the cows and sentenced to a two-year term. He was serving this term when the Healdsburg sheriff caught up to him. Since there was a backlog of unanswered charges against him, the transgressions committed in Healdsburg were filed in San Quentin, stipulating that the sheriff was to be notified before Rice was discharged. Instead, Rice released two weeks early and without notice, avoided capture once again.

Rice travelled to San Francisco, but finding that he was in danger of arrest, he re-crossed the Bay to San Rafael and took up his old ways. Just one month after his release from prison, he stole two horses along with a saddle and bridle and started back for Healdsburg. The next evening he visited the Half-Way House between Santa Rosa and Petaluma. There he stole a spring wagon and two sets of harness. Approaching Healdsburg, Rice selected a hiding place in Dry Creek and remained hidden there for more than a week, stealing hay from neighboring ranches along with several small items from other farmers.

A New Scheme

A few nights later, Rice raided a rancher's smoke house, carrying away between five and six hundred pounds of choice hams and bacon which he subsequently concealed in a straw pile on another property. Rice took the pilfered meat to Santa Rosa where he sold it for a tidy sum.

He had such success selling the stolen hams that he returned to Healdsburg to replenish his supply. Knowing that another rancher's bacon was nearly as good as the hams he had already taken, he took all the bacon (approximately 100 pounds) and returned to Santa Rosa early the next day.

There someone to whom Rice tried to sell the bacon recognized the horses in his possession and sent word to the sheriff. The deputy located the stable

where Rice had temporarily left the horses and, when Rice returned, arrested him.

In January 1878, the Grand Jury found two indictments against Rice for grand larceny. Now he had to answer to the new charges in addition to the other crimes he had recently committed. Rice was tried on October 16, 1879 and found guilty.

By this time Rice had already been sent to the state penitentiary three times. When he was arrested this time, his newest convictions were for grand larceny in stealing the wagon and for burglary in stealing the bacon. He pleaded guilty to both. Given his "advanced age" (52), the judge dismissed the other outstanding charges and sentenced Rice to 14 years, nine years for grand larceny and five years for burglary.

Attempted Escape

While he was held in the county jail awaiting transportation back to San Quentin, Rice made plans for another escape attempt. Unfortunately, his unusual behavior tipped off the guards that something was amiss. Upon a careful examination of his cell, the deputies found a piece of rope hidden in his mattress, along with vials of strychnine and arsenic. They also discovered that the bolts of his cell lock had been partially cut by a crude saw made from a case knife. The remaining work would have easily been finished in one more session.

Rice evidently intended to make one more effort to escape and, failing that, planned to commit suicide. Later, Rice's attorney used these discoveries as evidence in a motion to have Rice declared insane. He was examined by two doctors, pronounced sane and sent on to San Quentin. On October 23, 1879, he began his 14-year sentence.

Within just a few months, Rice was assigned to work as a carpenter in one of the prison workshops. There he became involved in an elaborate arrangement to burn down the entire workshop area. The plot was designed to seek revenge on behalf of another prisoner who had been convicted of murdering a prison guard. The scheme was uncovered before it could be fully executed, but not before substantial evidence was tied to Rice's involvement. He was sent to solitary confinement for his part in the conspiracy.

“Look Out for Your Bacon”

Always the enterprising prisoner, Rice finally did escape San Quentin on August 21, 1880. A notice sent to the Sonoma County sheriff prompted the “look out for your bacon” advice to Healdsburg residents.

On a more somber note, it also generated this notice:



Source: Russian River Flag

“Wanted Poster” for Charles Irwin, alias Charles Rice, 1880

Although there was reasonable expectation that Rice would return to the Healdsburg area, he was ultimately apprehended in San Francisco just three months later.

Rice was tried and convicted of a felony for the escape. This brief period of freedom cost Rice an additional nine-year sentence.

Try, Try Again

Rice seemingly took every opportunity to try and escape from prison. Some attempts were more successful than others, but most displayed a great deal of ingenuity.

Since he was regarded as a first-class carpenter, his services were in frequent demand for various jobs on the prison grounds. Rice took full advantage of that situation wherever possible.

On one occasion Rice was engaged in making bathtubs in the female section of the prison. When his work was nearly complete, he made an opening at one end of a tub and concealed himself within it by means of a string attached to a board that he pulled in place. He had also bored holes through the wood and had a saw in his hiding place with which he could ultimately saw his way out. At lock-up time his absence was discovered, but he could not be found. The opening was so carefully constructed that it escaped the guards’ first cursory examination. A search for Rice continued for three days and nights. Finally, one of the guards discovered his hiding place. When dragged from his hole, Rice was initially unable to stand, having been held in such tight quarters for so long.

Another attempt to escape took place in July 1885. Rice had been working on some of the prison officers’ homes making various repairs. Despite their now heightened vigilance, Rice managed to avoid the watchfulness of the prison guards. He went missing at night lock-up. Rice had previously constructed a secret closet in the house and concealed himself in it until darkness came. Two days later he was discovered on the prison grounds. The closet was made so skillfully that his hiding place remained unnoticed until later when Rice was forced to reveal it to the authorities.

Habeas Corpus

In June 1889 Rice’s attorney swore out a writ of habeas corpus to the Supreme Court on his behalf. It alleged that the 107 months’ credit for good behavior earned prior to Rice’s first successful escape in 1880 should have been applied to his original sentence, thereby reducing his original 14-year sentence. Under this scenario, the additional nine-year sentence for his prison escape would have begun at the expiration of his first (now reduced) term. Since Rice’s credits were ultimately restored to him, the argument contended that, by his attorney’s calculation, Rice’s sentence would expire on November 9, 1890.

The state held that Rice forfeited all the credits earned during his first term by escaping and that the penalty for escaping should not begin to take effect until the expiration of the original 14-year sentence.

Rice’s attorney lost the argument.

Another Day, Another Attempt

In September 1891 Rice faced another setback. A guard searching Rice's cell discovered an assortment of saws, files and other tools concealed in various parts of his cell. The guard also realized that his tool box was too large for the number of tools it contained. Further examination revealed the existence of a false bottom. Stored away in it were two pairs of shoes and a hat. There was also a cabinet made by Rice that upon inspection revealed several secret receptacles in which he had concealed various articles of clothing. Altogether a complete suit was uncovered. It was evident that Rice had completed his preparations and was only awaiting a favorable opportunity before making another break.

Rice was put in the chain gang for conspiring to escape. He had only two more years left to serve.

Move to Folsom

A few weeks later, more changes were initiated. Extensive renovations underway in Folsom prison demanded Rice's carpentry skills. Separating him from some of his co-conspirators was viewed by the authorities as an added benefit.

He was finally released on November 25, 1893.



Source: San Francisco Call

Artist's rendering of Charles Irwin aka Charles Rice, 1894

"Shoving the Queer"

Always the resourceful criminal, Rice branched out to a new specialty, "shoving the queer"

(passing counterfeit money). Like his skill in carpentry, Rice was very talented in the creation of fake coin. His counterfeits were deemed to be excellent imitations. Unfortunately, he was not successful in staying out of jail.

On January 18, 1894, just a few months after his discharge, Rice was captured in San Francisco and booked on the charge of counterfeiting. He was discovered in a small basement room containing a stove, a bed and a complete counterfeiting outfit, including a crucible, a ladle, tongs and several molds. Several dollar coins at various stages of completion were also confiscated. Rice and his co-conspirator had apparently made extensive preparations to flood the city with counterfeit silver dollars.

He was tried in the U.S. District Court on May 24, 1894, and convicted of making and passing counterfeit money. During his testimony, Rice boasted that he had escaped custody previously and would do it again. He served two more years in Folsom.

Chief of the Gang

On January 29, 1898, barely a year after his release, Rice was once again in the crosshairs of both the local police and the federal authorities. This time it was determined that Rice was not working alone, but as the head of a well-organized gang. So much counterfeit coin was being circulated that it was believed Rice had taken his product to San Francisco and had it distributed by other criminals. He eluded capture until his arrest on December 28, 1898, in St. Helena on the charge of counterfeiting.

Rice waived examination and was held to answer before the Grand Jury, with bonds fixed at \$2,500. Not having the amount of the bonds, he was remanded to jail.

On January 4, 1899, he was indicted for having molds and counterfeit coins in his possession. Rice pleaded guilty and was sentenced to San Quentin for three years on January 25, 1899. The judge made the sentence comparatively light based on the intervention of a secret service agent. The agent argued that Rice had saved the government the expense of a trial by pleading guilty and, since Rice was now 72 years old, he might not survive a longer term of confinement.

A few weeks passed before the real reason became public. During his confession Rice had also

named his accomplice—a prominent and well respected San Rafael businessman. Only after extensive detective work was it revealed that the authorities had been duped and, in fact, “the accomplice” was innocent and played no role in any illegal dealings. Rice, however, still benefitted from the comparatively light sentence.

Returns to His Roots

Rice was released from prison on May 25, 1901. During the ensuing years, he fell back to his old ways and was repeatedly arrested and jailed for stealing horses, wagons, harnesses, bridles and many smaller items. As one of his jailor’s later remarked, “He is a skilled mechanic, but cannot resist stealing horses at every opportunity.”

During one of his more memorable escapes, Rice ran to a river and jumped in.

The pursuers followed, and, seeing nothing of the aged man, concluded that he had been drowned. Irwin [Rice], however, had clung to some branches and when the party had left the bank, he crawled out, soaked, but none the worse for his plunge. Irwin told the officers after his arrest that he jumped into the river, intending to commit suicide, but when he struck the cold water he changed his mind.

After several more years in and out of the local jails, Rice was again charged with grand larceny along with a prior felony conviction. He was sentenced on August 22, 1908, for the tenth time to a term of ten years for stealing a horse. By this time Rice was 81 years old and “so feeble that he can hardly walk.” Once again, he pleaded guilty.



Source: findagrave.com

Gravestone of Folsom Prisoner #7060

Not Giving Up Yet

Rice was not going down without a fight. On May 29, 1912, the following notice was published in the *Sacramento Union*:

Notice is hereby given that I intend to apply to the state board of prison directors to be paroled from the state prison at Folsom, according to law. Charles Irwin [Rice].

His application was denied.

On August 3, 1913, Folsom Prisoner #7060 (aka Charles Rice, Charles Irwin, Charles Erwin, Charles Ring) died and was buried in the Folsom Prison Cemetery.

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Source: San Francisco Call

Newspaper sketch of Edward James Livernash, 1897

Edward James Livernash deNivernais

by Pamela Vana-Paxhia

Edward James Livernash, the eldest son of John Henry (1836-1889) and Margaret Therese (Hearen) (1848-1896) Livernash, was born in a California mining camp in Lower Calaveritas, Calaveras County, on February 14, 1866. His mother, an Irish immigrant, met and married his father, a native of Vermont, in Stockton, California. He was 29; she was 16. During the course of their marriage they had at least eleven children, eight of whom survived to adulthood. Listed as a merchant and a cabinet maker, John Henry frequently moved his ever-growing family often. During the early years of their marriage, they lived in Calaveritas, San Francisco, Cloverdale, Modesto, St. Helena, Ukiah and Healdsburg.

A Quick Study

At the tender age of 16, Edward, already an experienced writer for the *Sonoma Democrat*,

launched the publication of a new Cloverdale newspaper, *Pacific Sentinel*. While his venture was graciously acknowledged by his previous employer, "we were not surprised to find his paper a breezy eight columns, full of news and gotten up very attractively," his *Russian River Flag* competitors were not so courteous; "in four weeks he will be compelled to reduce the size of his paper and, in three months, leave the field." Their prediction of failure missed the mark. Just one year later, the *Sentinel* increased its format to 16 pages and had secured a favorable ranking among the region's journalistic endeavors.

Not content with a flourishing career in journalism, Edward left Sonoma County in April 1885 to pursue a law degree in San Francisco. As equally proficient in his studies as he had been in his journalism career, Edward was admitted to the

California State Bar just two years later on February 14, 1887, his 21st birthday.

The following year Edward resurfaced in the world of journalism as the owner and editor of a new San Francisco-based weekly publication, *Saturday Gazette*. It was positioned as “a review of contemporary life and a magazine of general literature.”

Two years later, in April 1890, Edward returned to Healdsburg with his brother John, a journalist in his own right with the *San Francisco Examiner*. Together, they purchased the *Healdsburg Enterprise*. Their partnership was highly rated, touting their combined writing and editorial skills.

The following year marked a personal milestone for Edward. On Monday, February 9, 1891, he married Jessie A. Overton, the daughter of Judge and Mrs. A.P. Overton, in Santa Rosa’s St. Rose’s Church. The ceremony was private with only members of the immediate families in attendance.

In April 1891 Edward bounced back to San Francisco and took a position with the *San Francisco Examiner*, leaving John to run the *Healdsburg Enterprise* alone. That employment situation did not last long either. Just a few months later, Edward became the new owner and publisher of the *Livermore Herald*.

It All Changes

On Saturday, September 26, 1891, everything began to unravel for this intelligent, hard working individual with an enviable personal and professional life.

Edward was arrested in San Francisco for masquerading in female attire. He had dressed himself as a black woman and was arrested at the ferry terminal. He said he disguised himself to play a joke on his wife. Two bottles, one containing chloroform and the other prussic acid (hydrogen cyanide), were found in his luggage.

When he was taken to the city prison, Edward initially gave his name as “George Jones” and said he had disguised himself for the purpose of playing a practical joke on a lady friend.

He subsequently offered the following explanation in court a few days later:

I came to the city in the morning from Livermore, and put up at the Lick House, where I had a room for several days past. My mother's health is

in a critical state, and I came down mainly to consult my brother as to what should be done for her. Through the day I was weary and unwell, becoming gradually worse. I went out and got some chloroform, with the idea that inhaling it would calm me. I saw my brother, and we made arrangements for the care of our mother.

At 2 o'clock Saturday afternoon I felt the need of sleep. I meant to try the chloroform, but decided not to, as I was afraid of its effects. A little before 4 o'clock I woke up and proceeded to carry out a plan which I had for some time in mind. This was to black my face, put on woman's clothes and call upon my wife who was visiting in this city, and play a joke upon her without revealing my identity...

Now I had promised to meet a friend in Livermore that evening. After I was dressed in the woman's clothes, in which I meant to play the joke upon my wife, I remembered my appointment. As I did not intend to go to Livermore, it occurred to me that he would probably leave San Francisco on the 4:30 o'clock boat, I could meet him at the ferry.



Source: San Francisco Chronicle
Artist's Rendering of Edward's 1891 Arrest as "Miss George Jones"

Edward’s physician, Dr. J.N. Robertson of San Francisco, provided additional testimony in his defense. Stating that Edward had been in his care for the previous two weeks, he claimed that Edward had “one of the most pronounced cases of hypnotism that

ever came under my observation.” The doctor defined hypnotism as a condition of trance, induced by a mesmerist or by the patient, which could occur when the subject was partially conscious or unconscious. He further claimed that Edward was in a semi-conscious state when he was arrested.

Edward was found guilty of masquerading in female attire by Judge Joahinson. The Court stated that the defense’s claim that “the accused went in the garb of a Negro woman while in a trance or hypnotic state was a yarn he could not credit.” The judge further stated that Edward’s explanation was “improbable” and the hypnosis defense “not plausible.”

Joahinson sentenced Edward to pay a fine of \$100 or be imprisoned in the county jail for 50 days. Edward’s counsel gave notice of appeal to the court, and he was released on \$600 bond pending another hearing.

From Bad to Worse

Just two weeks later on October 29, 1891, Edward travelled to Cloverdale and shot Delius Etheridge seven times. Etheridge was an elderly miner who had been acquainted with the Livernash family. Edward would later claim that he imagined the victim to be Judge Joahinson. While four of the seven shots hit Etheridge, they resulted only in flesh wounds.

Edward was immediately identified by Etheridge as the shooter and easily located in Cloverdale’s United States Hotel. Upon opening the door to his room, Edward exclaimed to the arresting officers, “I am the King of Siam and I have shot Judge Joachinson 48 times.”

Edward was subsequently arrested and brought to Judge S.K. Dougherty’s chambers in the Santa Rosa courthouse. There he was questioned by the judge in the presence of his attorney, his brother John and two local physicians, Doctors Smith and Weaver, to assess his mental condition.

When a *Sonoma Democrat* reporter had an opportunity to interview Edward soon after this initial questioning, the reporter provided the following account:

He said he had gone to bed at the suggestion of Mr. Minehan [the hotel owner], but finding he could not sleep, had gotten up and dressed and started out for a long walk. He wanted to go to his

father’s old place of business, about which clustered a thousand tender memories. If he could stand in front of the old place once more he thought he might give vent to the feelings within him...then he went on into a rambling account of his grievances against Judge Joahinson, of San Francisco, before whom he was taken after his masquerading escapade. He knew the Judge had gone to Cloverdale. In fact he had seen him, and knew he was in the house where he found Etheridge. When he entered the house Etheridge told him that he was not Judge Joahinson and, in order to humor the man, he [Edward] pretended to believe that he was talking to Etheridge and not Judge Joahinson. He said he knew all the time, though, that Judge was deceiving him, and he watched for a chance and began firing at him. He thought he had put 48 bullets into the judge’s body.

John testified that he had noticed a change in his brother over the previous ten months. He further stated that Edward had not been able to sleep, and that when he did doze off, his slumber was accompanied by constant talking and muttering. John also stated that he knew Edward had been in the habit of taking narcotics for some time.

Judge Dougherty issued an order that night committing Edward to the Napa Insane Asylum. He was to be held there until the question of his sanity had been ascertained. If Edward proved to be sane, he would be brought back to face the charge of assault to murder, but, in the event that his “mental irregularities” were genuine, he would remain in the asylum. Edward was transferred to Napa the following day.

A Trial

Less than six months later, in October 1891, Edward was released from the insane asylum and returned to stand trial for the attack on Etheridge.

He was defended by no less than four attorneys. Their strategy was based on the theory that Edward was subject to a psychological phenomenon closely resembling a somnambulistic state and that the acts he was accused of committing occurred while he was in a trance. It was, in fact, the first criminal trial in the United States where hypnotism was pleaded as a defense. The highlight of the trial occurred when Edward was put on the stand and then hypnotized by one of the Napa physicians. His

lengthy and dramatic testimony, consistent with his earlier statements, captured the crowd's attention.

After 30 hours of deliberation, the jury failed to reach an agreement. They stood eight for conviction and four for acquittal from the first ballot to the last. The jury was discharged.

Edward was held on \$3,000 bail and ordered to appear for another trial.

Interestingly, Edward's legal troubles did not hinder his employability. While waiting for his second trial to begin, Edward secured a position on the *San Francisco Examiner* as a reporter.

Another Trial

Edward's second trial for assault with intent to murder Ethridge began on April 14, 1893.

While he had four attorneys for his first trial, Edward opted to defend himself the second time around. The theory of hypnotism, the foundation of his defense in the first trial, was abandoned. Instead, Edward claimed that he was insane at the time of the attack as a result of an inherited condition, and that there had always been a tendency in his constitution which, if left unchecked, might develop into insanity.

Edward produced a slew of people to substantiate his insanity defense. A number of witnesses (including his wife) testified to his peculiar behavior when he was arrested for masquerading in the attire of a black woman in San Francisco and again at the time of his assault on Ethridge.

A parade of medical experts, including many of the physicians who had cared for him during his stay at the insane asylum, offered examples of his behavior to substantiate their opinion that he had been insane and was unable to distinguish between right and wrong. They also supported the notion that overwork and stress, where there was a predisposition to insanity, could have resulted in insanity. Some of them also believed that being in contact with a family whose temperaments were of a nervous or insane nature intensified the situation. Others well acquainted with the Livernash family claimed they had a tendency to hysteria.

Edward's summary to the jury was exhaustive as he reviewed each shred of evidence. Later, he was judged to have conducted the case with consummate ability, exhibiting great shrewdness and credibility. Edward's final plea to the jury was judged "most

remarkable, abounding in brilliant metaphor and biting sarcasm."

The jury had only been out a few moments when it returned to the courtroom with a verdict of not guilty. Edward walked out of the Santa Rosa Courthouse a free man.

Court of Public Opinion

Public opinion was divided on the case. Some people said Edward was crazy, while others believed the attack was a premeditated attempt to murder Ethridge.

This division was also reflected in the coverage various newspapers gave the trial. Their predisposition could be easily identified by the labels they attached to Edward. He was variously referred to as the "Eccentric Sonoman," "Somnambulist Livernash" and "Santa Rosa Freak."

The *Chico Record* summarized the sensational trial and final outcome this way:

The acquittal of Editor Livernash of Santa Rosa brought to a close the most remarkable trial ever held in this State. He was charged with assault with intent to commit murder, and insanity, hypnotism, and plain 'didn't-do-it' were among the pleas offered. The jury has left it in doubt as to which defense they believed.

Moving On

Again, Edward's legal troubles and subsequent trial did not impede his employment prospects. In January 1894 he secured the editorship of the *Californian Illustrated* magazine.

His leadership was uniformly greeted with praise. The *Sonoma Democrat* declared: "It has that most desirable of all qualities in magazines, newspapers or books—originality." The *Healdsburg Tribune* found it "bright and readable, with a strong newspaper flavoring."

Over the succeeding years, Edward kept one foot in the world of journalism and the other in law as he frequently took on various legal cases in addition to his editorial and writing work. From time to time, his representation in high profile cases garnered substantial coverage in the local press. In at least one instance, Edward utilized his "old friend"—the insanity defense. His ability to capture the judge or the jury's attention, as well as their support, was consistently noted in the press.

In 1897 Edward was able to combine his two professions in one venture. During a strike against dangerous working conditions, Edward represented the Klondike miners to the Canadian government, urging a modification of some newly enacted laws. During the same trip, he was also able to serve as a special correspondent to the *San Francisco Examiner* and filed a series of articles.

Edward also caught a mild case of “gold fever” during this trip, acquiring several mining claims on the Yukon. While he spent part of the next few years developing the business, it is doubtful that any significant financial rewards resulted from the endeavor.

Branching Out

Following his experience with the miners, Edward started testing the political waters at home. During the late 1890s, his name was frequently included in various political committees. He also began giving speeches in support of labor-related issues, advocating on behalf of the working man.

Soon he was testifying before Congress, arguing that the state of California had the “right” to bar entry to Chinese migrants. Later, he would actively promote a national exclusion policy against Chinese immigrants.



Source: Los Angeles Herald

Edward testifying before Congress, 1902

In 1902 Edward’s political profile surged as he secured both the Union Labor and Democratic parties’ nomination for the U.S. Congress in California’s Fourth District. He was elected to the Fifty-eighth Congress, narrowly defeating the incumbent Julius Kahn by just 141 votes.

Little is known about Edward’s time in Congress, but the following excerpt from the *San Pedro News Pilot* seems plausible:

...a newspaper man named Livernash was elected to Congress from San Francisco. He was the representative of labor. Desiring that the speaker [Joseph Cannon] should realize this and treat him with due consideration, Livernash visited Cannon in advance, making known the committee appointments desired and seeking to impress a sense of dire things to happen if Cannon failed to take the tip. The result was remarkable. Livernash got no committee appointments. He never had the pleasure of being recognized once. All the official duty performed by him was to answer to roll call.

While Edward was re-nominated as the Union Labor-Democratic nominee, he lost his seat back to Julius Kahn in the 1904 election. It was a brief segue.

Edward returned to newspaper reporting and joined the staff of the *San Francisco Bulletin*. There, he became an outspoken critic of the California State Legislature. In 1907 the legislature adopted a joint resolution expelling Edward from the assembly floor in response to his well-documented disdain for the California state body.

What’s in a Name?

In March 1909, Edward made headlines again. Now a resident of Nevada, Edward petitioned the court to change his last name from “Livernash” to “deNivernais.” Edward insisted that he was not changing his name, but rather restoring it. He claimed “the present corrupt form of the name is an intellectual embarrassment.”

Treatment of this situation varied depending on the news outlet’s overall assessment of Edward. The *Sotoyome Scimitar* treated the development sympathetically:

[Edward has] done probably more than any other man, excepting possibly Ralph Rose [Olympic track and field athlete], to put Healdsburg on the map of the world...has applied for a decree restoring the

correct spelling of his family name...the true and original form—deNivernais.

The *Chico Record* reacted more characteristically:

...change his name to deNivernais, giving as his reason for applying to the court his belief that he is the descendant of a prominent French family of the name he covets...Livernash is brainy enough, but he lacks a balance wheel very decidedly.

The *Sacramento Union* added:

while it is true that the name of Livernash may have been derived from DeLiveruais, there is just as much reason to suppose that it might have been originally Livouniais, which simply means appertaining to Leghorn. Then, again, it might have been Liverhash. But unpleasant smells are the same, whatever you may call them.

On May 23, 1909, two of Edward's wishes were granted. The Reno, Nevada, court approved a divorce from wife Jessie on the grounds of desertion and a few minutes later Edward was given permission by the same court to change his last name to "deNivernais."

Another New Beginning

Less than one month later, on June 7, 1909, Edward married for the second time.

His bride was regarded as someone whose own background was shrouded in secrecy. She had achieved some measure of fame as a frequent companion and apparent confidant of the late California Governor James H. Budd. Sometimes referred to as his daughter, his niece, his half sister or his "close friend," she clearly played a dominant role in the later years of the governor's life. Following Budd's death in 1908, she threatened to contest his will. Edward became a friend and adviser to her during this phase of public wrestling over the governor's estate.

In fact, Edward's new wife was born Kate "Daisy" Shaw, the daughter of Mr. and Mrs. William Shaw of Belvidere, New Jersey. In 1879, she married Captain William H. Ashby. He was 37; she was 18. Together, they had one daughter. After their divorce, she married Clifton E. Mayne, from whom she was legally separated five years later. It was then that she took the name of an ancestor and became known as Mrs. Dumouriez. It was also at this time that she was referred to as "Zilla" by her closest associates.

Mrs. Dumouriez's second husband was involved in several questionable transactions and eventually sentenced to 25 years in San Quentin. Mrs. Dumouriez appealed to the governor for a pardon for her former spouse and it was under these strange circumstances that their relationship began.



Source: San Francisco Call

Kate Daisy Zilla Shaw Ashby Mayne, 1908

This time the wedding ceremony took place at the First Congregational Church in New Jersey City, New Jersey. In sharp contrast to the simplicity of Edward's first wedding, this union was lavish indeed. The *Morning Press* offered the following account:

Although the Japanese valet of the bridegroom and the witnesses procured by the minister were present at the ceremony, the western man had a large string orchestra present and a prominent New York florist had a commission to decorate the minister's house just as though 'it were a Fifth Avenue wedding.' The florist was instructed to see that the bride trod on nothing but the petals from fresh roses, and his valet, wearing a gorgeous livery of blue and gold, held the bride's traveling coat while the ceremony was performed.

The *Santa Cruz Sentinel* added:

It is said few guests attended the wedding, but it was conducted on a lavish scale, there being oceans of the most magnificent flowers that could be

procured from the New York florists, the bride walking on a carpet of rare roses from her carriage to the altar. In every appointment money was spent with a lavish hand, the orchestra being the most expensive obtainable and the wedding breakfast which followed the ceremony the finest catering of the highest class could produce.

Shortly after their wedding, Edward and Zilla left the United States for a two year stay in France. The new Mrs. deNivernais was rumored to own some valuable properties on the Riviera.

They returned in 1911 and purchased an estate near Belmont in San Mateo County where they lived out the rest of their lives. Locally, they became known as Count and Countess deNivernais.

Edward died at home on June 1, 1938, after battling an undisclosed illness for several years. He was 72.

Reporter. Editor. Publisher. Lawyer. Crossdresser. Mental Patient. Labor Leader. Mine Owner. Congressman. Columnist. Count. Edward wore many hats during his life, some more successfully than others, some more desirable than others.

Zilla survived him by just a few months. She died on August 25, 1938.

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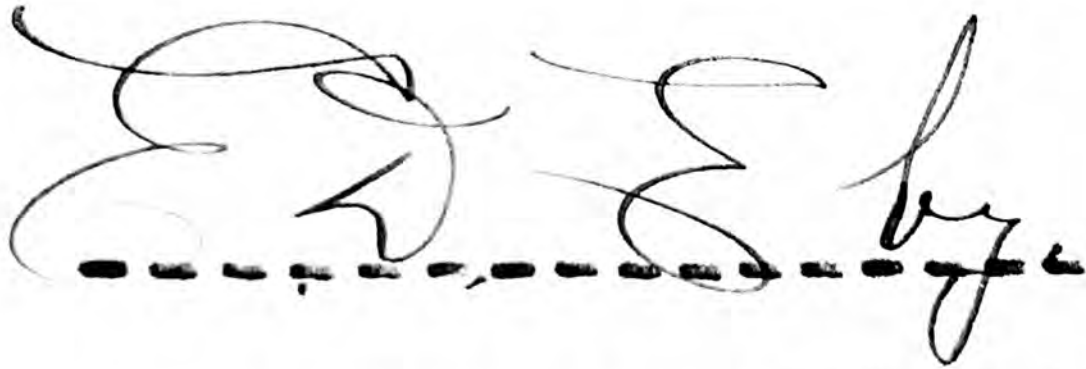
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theodorerooseveltcenter.org



Source: Healdsburg Museum Collection

Signature of Healdsburg City Clerk E.D. Eby

The Life and Crimes of Healdsburg City Clerk E.D. Eby

by Todd Stankas

It was a typical late winter afternoon on March 23, 1914, in the small town of Healdsburg, California. There was a slight chill in the air. It had just rained and the air was crisp and fresh. It would be an enjoyable day if not for a criminal verdict that was about to be decided not too many miles away in Santa Rosa. The decision, which would be coming out of the Sonoma County Superior Court, would shock many of the community's residents. Edwin Dayton Eby (1871-1952), their duly elected city clerk, was about to be convicted of embezzlement. The verdict, according to the *Healdsburg Tribune*, was the "last public act in the tragedy that has shattered the life character of E.D. Eby."

Where It All Began

The life story of E.D. Eby began in a small Illinois town on December 7, 1871. Born to a Baptist minister, Reverend Moses Star Eby (1836-1910) and his wife Sarah Harriet (Curry) Eby (1839-1919), E.D. was one of six children.

The family was of modest means, however, they were highly respected in their community. In 1878, Reverend Eby and his family were sent by his ministry to help establish new Baptist churches in the growing communities of northern California. Eventually, in 1892, the family found themselves in Healdsburg.

Over time, the Eby family established themselves as some of the most trustworthy and well respected members of the community. Reverend Eby served as the local minister. E.D. and some of his siblings owned and operated a local butcher shop. They lived modest, frugal lives.

Things Are About to Change

The Eby family's popularity was evident when, on November 28, 1895, E.D. married Mabel Elizabeth Peck. Born and raised in Healdsburg, Mabel was part of a well established local family. The beautiful young bride was described as "one of the most prominent young ladies in the city." Their wedding attracted the entire town's attention. It was deemed to be an event in which "anyone who was anyone" had to attend. The local newspapers characterized it as "a brilliant society event" where the "parlors were filled to overflowing...floral decorations were profuse and consisted of various kinds of flowers and vines."

Importantly, this marriage changed E.D.'s life in another respect. Now he was connected to a recognized Healdsburg family. Orphaned at a young age, Mabel also brought a considerable inheritance to the marriage.

Four years later, on August 14, 1899, E.D. and Mabel had their only child, Helen. During this time E.D. also changed careers and became the

bookkeeper for the Healdsburg Mill and Lumber Company, allowing him to provide a modest lifestyle for his young family.

E.D.'s standing in the community also started to rise. He secured memberships to Sotoyome Masonic Lodge and to Odd Fellows where he also served as their financial secretary. Gradually, E.D. became well known and more influential. This transformation served him well when, in 1907, the city trustees chose E.D. to complete the open term of city clerk.

In 1908, E.D. won enough hearts and minds of the local constituency to be elected Healdsburg's city clerk. Now he was in charge of all the town's finances, property assessments and tax collecting.

Audit #1

In January 1910 E.D. experienced his first audit as city clerk. He passed with flying colors. According to the *Healdsburg Tribune*, "Mr. Alexander [auditor] found a shortage of \$4.00 on one side of the accounts, while on the other side he discovered an overbalance of \$2.50. It therefore means that in the two years and five months City Clerk Eby has held the office, he has made error to the extent of a trifle over five cents a month. This, it seems to the *Tribune*, is a remarkable showing for our city clerk, who really has more to do than should be expected of that official."

E.D. easily defeated his opponent and won reelection to the office of city clerk in April 1910.

He also continued to expand his involvement in the community. In April he announced the formation of a new baseball team, the Healdsburg Eagles. E.D. became its manager. He also became a member of the Santa Rosa Elks Lodge.

Tragedy at Home

While E.D. was apparently enjoying his growing success, Mabel became chronically ill. According to the *Healdsburg Tribune*, "While she has been more or less ill for some years, it was not until the past year that her condition grew serious. She was a patient sufferer and in the hour of her greatest pain was always cheerful and only those who were nearest her knew of the seriousness of her condition."

On November 11, 1911, Mabel passed away. She was 35 years old. The newspaper reported "death

was a sweet release from her long suffering." Her death was rightfully regarded as a tragedy and impacted many in the community.

Up to this point, most of the family's possessions had been in Mabel's name. After her death, everything was legally transferred to E.D.

E.D. continued to enjoy the fruits of his labor and in April 1912 he ran unopposed for another term as city clerk.

Audit #2

The second audit, in April 1912, resulted in another mostly flattering account. *Healdsburg Enterprise* reported it was a "further testimonial that the people have not erred...Everything is found in first class shape."

Upon closer examination of the newspaper's account, however, there were a few telling remarks.

Most of the labor involved in compilation could be avoided if a coordinated system of double entry bookkeeping were maintained...The method of filing claims does not conform with statutory requirements...The method in vogue is open to error, unintentional and otherwise...The method of assessing, collecting and recording unsecured personal property taxes is loose. The roll is made up after the taxes have been collected...There appears to be a tendency on the part of officials collecting revenues to withhold same from deposit with the Treasurer for considerable periods...A general lack of internal check in the accounting obtains in this department [Water and Light] entries in the consumers' ledger are not made until the bill is paid, at which time both charge and credit are entered...The entries and footings are made in lead pencil...without a laborious check of the meter books into the ledger, it is impossible to certify them.

Despite those red flags, the auditor concluded: "We believe the accounting for the two years past to have been intently correct and have found nothing in the course of our examination which would prompt us to question the integrity of any official."

Surprise!

On November 22, 1913, E.D. remarried. His new wife, Sophia Elgin Madern of San Francisco (1885-1955), was originally from Oregon. A nurse by profession, the new Mrs. Eby had accepted a

temporary position in Healdsburg as a demonstrator for the Royal Baking Powder Company. After they both completed their week's work, the couple "autoed" to Santa Rosa where they were married. Although his friends and family were understandably surprised by this sudden turn of events, E.D. claimed that he "had known Mrs. Madern for nearly a year. My home needed a wife and mother, and I found in Mrs. Madern qualities that met my ideal, and so I—well, I proposed to her and she accepted me."

It All Comes Crashing Down

Just a few months later, the newlyweds' relationship was put to an excruciating test. On March 1, 1914, E.D.'s life came crashing down around him. A different outside auditor had discovered there were major shortcomings in the city's revenues. Their trusted city clerk had knowingly misplaced money for his own benefit. It was ultimately determined that E.D. had embezzled \$1,900.90 from the city during his tenure as city clerk.

The police arrived at the Eby home, arrested E.D. and charged him with embezzlement. The community was understandably shocked.

E.D. immediately stated that he would "make good every penny." In a statement to the *Tribune*, he claimed "I will give a check for the amount in full...money is now in [the] bank for that purpose."

The case was heard by Judge Emmet Seawell, a highly esteemed overseer in the Sonoma County Superior Court. Initially, E.D.'s defense was that he "began taking small sums of money to help him defray expenses when his wife [Mabel] became ill." He testified "that there was nothing else against his record besides the theft of money from the city."

The prosecution successfully countered that his embezzlement began before Mabel's illness became serious. They lamented that E.D.'s excuse was "the story as old as the earth...of the man laying the blame for his shortcomings on the woman."

E.D. had no shortage of local support. A number of Healdsburg's leading citizens, including Dr. J. Walter Seawell, former Supervisor J. A. McMinn, Mayor A. F. Stevens, W. Garrett, First National Bank Cashier Joseph Miller, Chamber of Commerce President N. A. Seiple and Chairman of the Board of Supervisors C.L. Patteson, testified on his behalf. Each man stated that prior to this offense

E.D. was of good character and should be given another chance. Citing his cooperation, E.D.'s attorney appealed for his release on probation asserting that "the innocent would suffer more than the defendant if he [E.D.] were incarcerated."

And That's Not All!

Judge Seawell heard the pleas and was initially sympathetic. However, just a few days later, investigators discovered that E.D. had also embezzled money from Odd Fellows. Beginning in January 1907, E.D. had deliberately misplaced funds totaling \$1,897.50.

In total, E.D. embezzled \$3,798.40 between 1907 and 1914. (The combined sum equates to \$95,415.80 in 2019 dollars.)

After learning of this additional crime, his character witnesses quickly withdrew their support. Again, E.D. admitted that "he was short in his accounts, but was surprised to know that it was so big."

This additional discovery of embezzled funds also meant that E.D. lied under oath when he claimed his record was clean except for the "theft of money against the city."

With mounting evidence and his reputation destroyed beyond repair, E.D. was asked by the judge if there was any reason as to why judgment should not be pronounced. The *Healdsburg Tribune* reported that, "Eby's lips twitched as if he were speaking and there was a perceptible movement of the head indicating the negative."

E.D. was sentenced to two years in prison. On March 24, 1914, he was transferred to San Quentin State Correctional Facility. He was also required to pay off the debts that resulted from his crimes. In order to do so, E.D. was forced to mortgage his house and borrow additional funds from one of his sisters, sinking his small family into considerable debt.

Summarizing the situation, the *Healdsburg Tribune* reported, "Most of the money which E.D. appropriated was spent in riotous living and he set a speedy pace for contenders. He became quite prominent and popular in certain circles, and continued to take money to spend foolishly until he was caught. It is declared that numbers of his friends and fellow lodge members have gone to him recently and called his attention to what the end of such

conduct would be, but he neglected to heed the good advice given him. It is a sorrowful end for E.D. and a great sorrow for his little daughter and wife."



Source: ancestry.com

E.D. Eby's mug shot, 1914.

Not Over

Despite the vehement tone of the news article, this was not the end of E.D.'s life story and, amazingly, he was able to maintain his relationship with his newlywed wife.

E.D. was paroled on May 1, 1915. Although credits earned during his incarceration would have permitted his release in September, Sophia's petition to the Board of Prison Commissioners granted his early release. She also enabled E.D. to meet another condition of his release by securing a job for him with a transportation company in Oakland.

"We will remain in Oakland until Mr. Eby's parole has expired...and then we will leave California and try to build a new home somewhere—somewhere where the mistakes of the past are unknown."

They never returned to Healdsburg. Instead, the family eventually settled in the city of Modesto. E.D. resumed his old profession as a butcher in order to support Sophia, Helen, and their new daughter, Jeanne.

E.D. and Sophia lived together until his death on June 21, 1952.

Sources:

ancestry.com

Healdsburg Enterprise: November 11, 1911; April 13, 1912.

Healdsburg Tribune, Enterprise & Scimitar: November 28, 1895; August 15, 1907; April 2, 1908; April 16, 1908; May 14, 1908; January 12, 1910; January 19, 1910; April 13, 1910; November 23, 1910; November 8, 1911; March 21, 1912; November 27, 1913; April 15, 1915; March 26, 1914
Press Democrat: November 26, 1910; November 25, 1913; March 6, 1914; March 20, 1914; March 24, 1914.

The Perfect Couple

by Pamela Vana-Paxhia

In the 1890s, Myra and Frank Hazen were pillars of the Healdsburg community. As the proprietor of a dry goods store, Bargain House, Frank was a successful and highly regarded entrepreneur. Credited with building a substantial business that offered serious competition to his Santa Rosa and San Francisco counterparts, Frank was valued as “a gentleman of high culture, affable and courteous...just the kind of businessman Healdsburg has always wanted.”

Apparently this early assessment of his business acumen was accurate. In 1899, Frank relocated his business from the IOOF building to larger facilities in the new Norton-Stussy building next to the Sotoyome Hotel. Myra was credited with the creation of the store’s interior décor. Often ahead of the times, Frank had one of the first telephones in town installed at his store in May 1903. Their phone number was 101.

The couple also seemed to be involved in, if not leading, almost every service organization in town. In November 1903, Frank was elected as the Worthy Patron in the annual election of officers of the Sotoyome Chapter, Order of the Eastern Star. In August 1904, a new business service organization, the Healdsburg Promotion Committee, was formed. Designed to “advance Healdsburg’s interests,” their membership included nearly every businessman in town. In their first election of officers, Frank was selected as their vice-president. This group became the forerunner of the Chamber of Commerce. In 1906, Frank was elected its first president. In 1908, he became a member of its executive committee.

While Frank was immersed in community organizations, Myra was not far behind. The Ladies Improvement Club, founded in the late 1800s as a literary group, was on the brink of shifting its focus to the promotion of civic amenities, such as publicly-owned electricity and water systems. In August 1899, Myra was elected president; she served as the group’s president again in 1910.

Just ten days after the devastating 1906 earthquake and fires, a branch of the American National Red Cross Society was formed in Healdsburg. Frank was elected vice-president and a

member of the executive committee. Myra was chosen to be part of a committee to canvas for supplies.

The Hazens were equally busy on the social scene. Their parties were frequently mentioned in the local newspapers. Elaborate entertainers, Myra was regarded as a charming and gracious hostess. Many of the prettiest functions in town were those at which she entertained.

A fire that almost destroyed their nearly completed new home on West Street (now Healdsburg Avenue) in October 1908 seemed to be the only blemish on their otherwise enviable lives. The tragedy occurred just a few weeks short of occupancy, but even that personal setback was short-lived. Thanks to Frank’s quick action, their rebuild was underway before the end of the year.

Just two years later, at the age of 52, Frank abruptly announced his retirement and the up-coming closing of his store. Always a regular advertiser in the local newspapers, Frank started running prominent ads listing truly bargain prices on his remaining inventory, ending each promotion with “I am selling out.” Perhaps Frank already knew that trouble was just around the corner.

Whaaaat!?!?

Imagine the shock most people felt when, in November 1910, they read headlines like, “Wife Charges Husband Leads a Dual Life” and “Claims She Took Husband’s Love” in the local newspapers only to discover the subjects were one of the community’s most respected couples and another woman. Some of the daily papers called it a “mild sensation.” However, that would fail to properly describe the way Healdsburgers reacted when the news broke that a woman proclaiming herself Mrs. Frank Hazen No. 1 had appeared on the scene and filed lawsuits against both Frank and Myra.

The plaintiff was Sarah A. (Treat) Hazen. According to her complaints, Sarah and Frank were happily living together until 1892 when Mrs. Myra Devereaux, who was also married, induced Frank to desert Sarah for her.

Born in Rockland, Maine, Sarah, the daughter of an ornamental wood carver, was the oldest of six children. Sarah and Frank had been married in his hometown, Georgetown, Massachusetts, on May 26, 1881. He was 22; she was 31. The son of a shoe factory foreman, Frank was a traveling salesman for a dry goods manufacturer. They had one son, Alfred Loring, who was just five years old when Frank ran away with Myra. Sarah was left to support herself and their son working as a dressmaker.

Myra was actually Almira Fox (Johnson) Devereaux. The younger of two daughters born in Parsonfield, Maine, she grew up in Essex, Massachusetts. Her father was a carriage maker. Myra married Frank Devereaux, a surgeon, in 1881. He was 23; she was 22. In 1888, he sued Myra for divorce and later remarried.

Having limited resources, Sarah had been unable to locate Frank and Myra. In 1910 a relative of Myra, with whom she had some personal difficulty, informed Sarah that Frank and Myra were living in Healdsburg as husband and wife. The original Mrs. Hazen immediately left for California.

The lawsuit against Myra claimed \$20,000 in damages, alleging alienation of her husband's affections. The complaint filed against Frank sought \$100 per month for support and all attorney's fees and court costs.

On January 21, 1911, the judge issued an order in Sarah's favor, granting \$60 per month alimony and all attorney's fees and court costs. An attachment was also placed on the goods in the Healdsburg store until the lawsuits were settled. In March a sheriff's sale of the inventory was held. The stock, with a value of \$3,500, was sold for \$825.

By April 1911 both lawsuits were settled out of court, and Sarah received a "considerable sum of money as a cash settlement of her claims."

Making Things Right

With the dust barely settled, Frank and Myra set about making things legal and got married...at least twice. They are listed in the 1911 New Jersey marriage index as both Myra Johnson and Frank Hazen and as Myra Devereaux and Frank Hazen. They were also married in Carson City, Nevada, on January 18, 1912.

Frank and Myra's lives appeared to return to a semblance of normalcy. Although they were no

longer prominently involved in community service organizations, several pleasure trip comings and goings were noted in the local papers. They also embarked in an extensive expansion of their West Street home.

Trouble in Paradise

Apparently appearances were deceiving. On November 22, 1917, Myra swore out a warrant charging Frank with misdemeanor adultery. It seems Frank had left Myra several months earlier and moved to Santa Rosa. The "other" woman was identified as Marie Hushower of Santa Rosa.

Marie's name was actually Mary Elizabeth Drewry Renick Hushower. A California native and the daughter of a sheep rancher, she was married at the age of 16 to Leonard Hall Renick, a farmer, with whom she had five children. Divorced in 1909, the year of her youngest child's birth, Marie was married again by 1910. Her second husband, Frank Hushower, a bartender and former soldier, left her a widow just two years later on April 3, 1912.

A judge later dismissed the charge against Marie for lack of sufficient evidence, but continued the case against Frank. While the case was pending, Frank and Myra came to an agreement regarding their shared property and Myra agreed to drop the complaint. The case was dismissed in January 1917. They separated soon after.

More Trouble

During the next few years, chapter after chapter of Frank and Myra's matrimonial difficulties were played out in court and the local newspapers. There was no longer any likelihood of a reconciliation. Although they were living apart, they both seemed to relish airing their issues in public.

In January 1920 Myra swore out a warrant for Frank's arrest on a charge of disturbing the peace. (He was later found not guilty.) She also asserted that after January 17, 1917, the date of their property agreement, she offered to resume marital relations with him and was willing to live with him as man and wife, but that he refused.

For his part, Frank claimed, "Prior to our marriage in 1912, I never had a better comrade or companion. We were always together, hunting and fishing, riding or driving. She had her own dog and gun, rods and reels and I had taught her to be an

expert shot. My fatal error was in marriage, for by that I lost the best chum I ever had and 'gained' a nagging wife."

Divorce?

Finally, in June 1920, Frank initiated divorce proceedings against Myra on the ground of extreme cruelty. His complaint alleged a dozen or more specific acts of cruelty, including physical assaults, threats to kill, flourishing of a loaded revolver, threats of imprisonment and threats of prosecution.

Myra, in turn, painted a picture of a wife deserted by her husband, fascinated by other women, one of whom Myra claimed that Frank would give the Healdsburg home. Further, she denied that she wanted a divorce and declared her willingness to be reconciled with her husband if he would "just leave other women alone."

On October 4, 1921, the judge denied all motions and refused to grant Frank a divorce on the grounds of cruelty. He also declared he could not rule on the property rights, involving possession of the house and lot in Healdsburg.

This formerly highly esteemed couple, who pretended to be married for so many years, had appeared to be happily entwined with one another, was found out, got legally married and then couldn't abide one other...and finally had so much trouble getting a divorce!

The End

Perhaps thinking that keeping some distance from Myra would be prudent, Frank and Marie relocated to Fort Bragg. There Frank became a correspondent for a local newspaper. Although they never married, Frank and Marie stayed together. (Frank was probably more than a little gun shy on the subject.) He died on March 26, 1931, at the age of 73.

Myra lived out the remainder of her life in Healdsburg. She continued to lead an active social life and participated in some of the community's civic organizations. She suffered a heart attack in February 1943 that required a lengthy recuperation. Myra died on August 13, 1949. She was 90 years old.

Sources:

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Healdsburg Tribune, Enterprise and Scimitar:
February 16, 1893; February 23, 1893; March 16,

1893; August 24, 1899; September 14, 1899; August 11, 1904; January 11, 1906; April 28, 1906; October 6, 1906; December 29, 1906; June 4, 1908; October 22, 1908; November 12, 1908; November 26, 1908; December 5, 1908; December 10, 1909; October 15, 1910; October 19, 1910; November 16, 1910; December 14, 1910; December 17, 1910; January 11, 1911; January 14, 1911; January 21, 1911; February 8, 1911; February 22, 1911; March 15, 1911; March 22, 1911; April 18, 1914; September 30, 1915; February 1, 1917; November 22, 1917; November 24, 1917; December 29, 1917; June 11, 1920; June 12, 1920; June 17, 1920; July 14, 1920; July 16, 1920; July 22, 1920; October 14, 1920; May 21, 1921; June 23, 1921; September 1, 1921; September 29, 1921; October 4, 1921; October 6, 1921; January 20, 1922; January 26, 1922; June 1, 1922; December 24, 1925; September 13, 1923; April 18, 1924; December 18, 1925; June 24, 1926; April 2, 1931; May 9, 1934; October 28, 1940; December 26, 1940; July 20, 1942; March 26, 1943; June 25, 1943; February 28, 1952; December 12, 1980.

Press Democrat: May 11, 1901; December 16, 1909; November 15, 1910; November 18, 1910; November 22, 1910; December 3, 1910; December 13, 1910; January 8, 1911; February 24, 1911; April 28, 1911; January 5, 1913; November 22, 1917; November 29, 1917; June 12, 1920; October 9, 1920; June 17, 1921; September 23, 1921; September 30, 1921; February 17, 1922; February 26, 1922; October 28, 1922; December 27, 1922.

San Francisco Call: November 15, 1910; January 8, 1911; February 21, 1911; April 28, 1911.

Sotoyome Scimitar: November 18, 1903; May 25, 1904; November 20, 1908; December 18, 1908; June 24, 1921; June 5, 1925; February 11, 1943; March 18, 1943.

Shave and a Haircut...At Your Own Risk!

by Ann Howard

When it was decided that this issue would focus on scoundrels and scandals, I checked with a reliable source of "all things Geyserville," Harry Bosworth. He remembered his father Obed telling the story of a barber who was arrested as an escaped convict. With that clue, the California Digital Newspaper Collection (www.cdnc.com) revealed the tale.

A headline from the July 19, 1923, *Healdsburg Tribune, Enterprise and Scimitar*, "Geyserville Entertains Slayer—Escape for Year; Arrested as He Leaves" confirmed the story:

John Soudas shaved, massaged, shampooed and hair-cutted [sic] many Geyserville men during the year he conducted a barber shop there. Today those who were patrons of his tonsorial shop in the neighbor town have learned that the man who ran his razor over their throats and chins with the touch of an artist was a convicted murderer, who escaped six years ago from a Seattle penitentiary.

Soudas had come to Geyserville in the course of a six year flight before the police of the world. The pursuit had taken him through the South Seas and the Antipodes and finally back to the United States and his ultimate arrest.

Soudas was convicted in Seattle in 1916 of the murder of Mrs. Blanche R. Coleman, 27-year-old divorcee, who was found dead in her apartment with her throat cut. Soudas, the proprietor of a cigar store and who was known to have been friendly with the murdered woman, was seen coming from her apartment that night. A bloody towel was found in his room. Upon this circumstantial evidence he was convicted.

A few months later, on March 4, 1917, with a pistol which had been slipped to him by a friend and which he had concealed in his prison cell, he held up three deputy sheriffs, locked them in a cell and effected a general jail delivery.

Then began a career of wandering, and twice during four years he narrowly escaped capture at the hands of the police. When he attempted to leave Seattle, three weeks after his escape, he saw the captain of the detectives standing near the boat he had boarded. He slipped over the stern and swam to safety under the docks.

In Sydney, Australia, the police picked up his trail and the house where he was living was

surrounded. He rushed the posse and made his escape amid a hail of bullets.

Two years ago he landed in San Francisco and took a job as a barber. He worked in various shops for a year and then, learning that the Seattle police had traced him to the Bay city, came to Geyserville and bought a shop.

Sunday morning he was arrested on a Sausalito ferryboat by a San Francisco detective when he was en route to San Francisco to meet a prospective purchaser for his Geyserville shop. With the proceeds he planned to return to his boyhood home in Greece.

Soudas blamed his downfall on a Berkeley woman whom he had befriended and in whom he had confided.

Identified and Convicted

The Los Angeles and Sacramento newspapers covered the gory details of the woman's 4:00 a.m. murder in the Seattle hotel and Soudas' arrest as he opened his cigar stand the next morning.

Two residents who occupied apartments on the same floor as the victim said that Mrs. Coleman returned home at midnight and that Soudas had been waiting in front of the hotel for her for hours. One resident said that "during the night she heard a thud and scream." The killer, who other residents of the hotel said "answered somewhat" Soudas' description, left the apartment of the victim shortly after committing the murder.

The victim, Mrs. Blanche R. Coleman, nee Grosvenor formerly of Omaha, had been divorced from Clyde Harpool (Harpole) several months prior. Robbery was apparently not the motive, since jewelry worth \$400 and \$40 in cash were found in Mrs. Coleman's room.

Upon Soudas' arrest, "the police declared blood stains, fresh and damp, covered his clothing." Soudas denied committing the murder and told the

police that "the woman might have been killed during a struggle with a man who entered the apartment and who engaged him in a fight." Soudas further claimed that the strange man attacked him with a knife.

Soudas was found guilty after a brief trial in December 1916. Oddly, on the day he was found guilty of premeditated murder and sentenced to life imprisonment, he took the opportunity to shake the hand of each juror as they filed out, wishing each man a "Merry Christmas."

On the Loose

In March 1917, the *Sacramento Union* reported "Desperate Criminals Break Jail at Seattle." Soudas and four other convicted criminals managed to overpower the jailer, taking his keys, robbed a visitor of money and clothing and escaped.

The *Santa Cruz Evening News* dated July 16, 1923, added that Soudas said, "I was betrayed by a Berkeley woman who has been having trouble with her husband, manager of a San Francisco hotel. I befriended her in her trouble and know now that she betrayed me."

The *Healdsburg Enterprise* dated July 19, 1923, carried the same information of Soudas' capture and conviction on "circumstantial evidence" with a sentence of life imprisonment. This report added that Soudas had said that "a woman started his troubles and another finished them." Intending to

return to his boyhood home in Greece to spend his days, "instead he will be behind bars."

Perpetrator or Victim?

While in Geyserville, Soudas went by the name of Fred Morris. He was reportedly clean and neat in appearance and his shop was the same at all times. A published report that he was bootlegging probably originated from the fact that "he took two youths of the community who were drunk and kept them in his back room until they were sober enough to get out on the street."

Maybe Soudas/Morris was not a total scoundrel after all. Did he commit the crime of murder? We may never know.

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Bosworth, Harry, story told by his father, Obed Bosworth.

Healdsburg Enterprise: April 19, 1923; July 19, 1923.

Healdsburg Tribune: May 5, 1923.

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Sacramento Union: June 18, 1916; March 5, 1917.

Santa Cruz Evening News: July 16, 1923.

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