



California Police Historian



Official Publication of the California Law Enforcement Historical Society

First Quarter: 2013

CLEHS President Assumes New Duties



We are pleased to present the new Chief of Police for the City of Guadalupe, CA. California Law Enforcement Historical Society founder and President Gary Hoving was appointed to the position January 28, 2013. Congratulations to Gary and our best wishes for success, both for him and his department.

In This Issue....

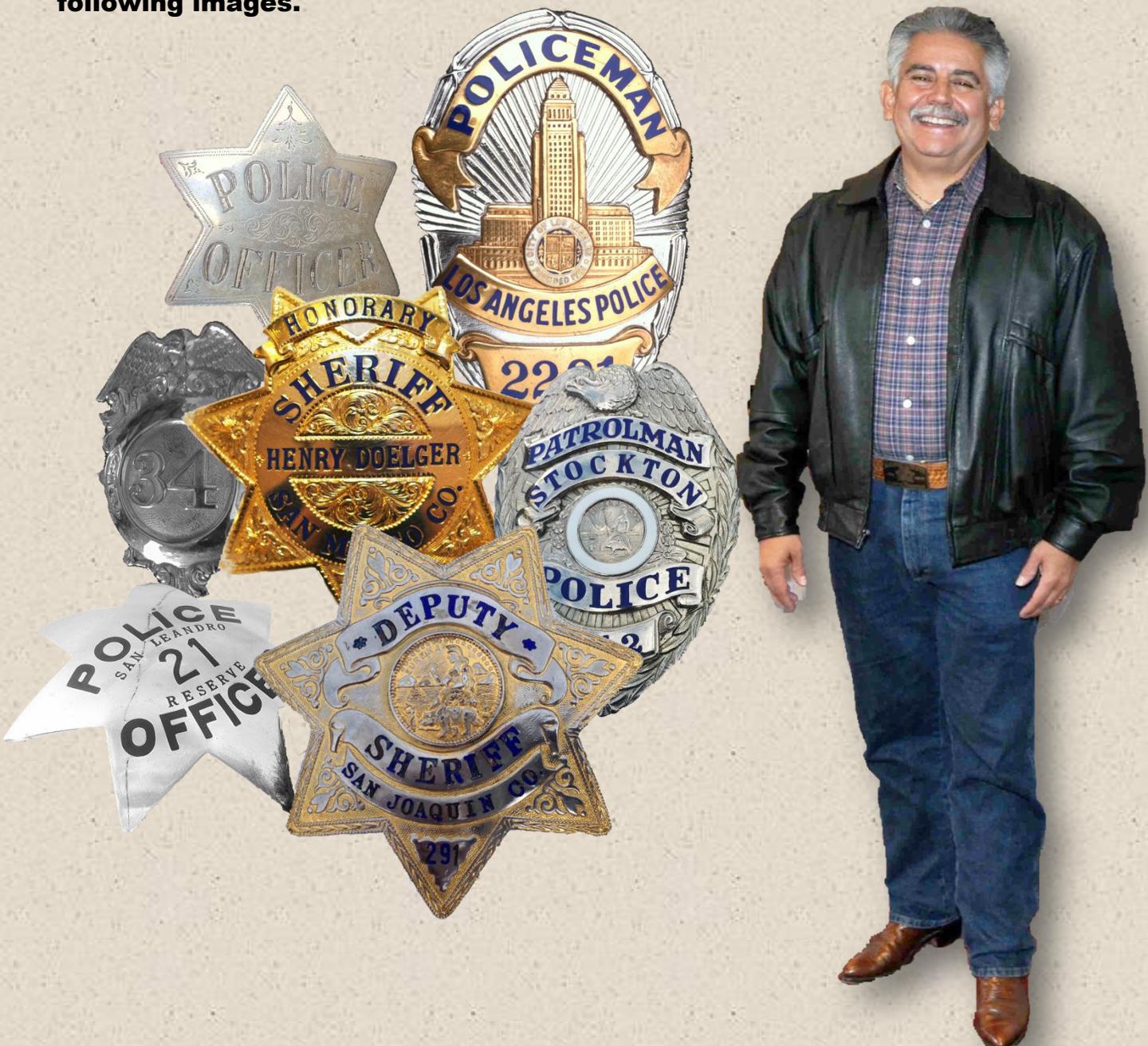
- ***Gary Hoving appointed Police Chief of Guadalupe CA 1***
- ***San Joaquin Sheriffs Collector's Show3***
- ***Atascadero Police Officers wearing an Old/New Badge6***
- ***Board of Directors Election, 2013 – 2015 Term.....7***
- ***Preserved Evidence by Duane Preimsberger.....8***
- ***Upcoming Events.....11***
- ***Butt Burning Tragedy by Don Williams.....13***
- ***About the C.L.E.H.S.19***
- ***Membership Renewal21***



San Joaquin Sheriff's Badge Show

Steve Moore, San Joaquin Sheriff and sponsor of the of the 4th Annual San Joaquin County Law Enforcement and Public Safety collector's show, pronounced the latest show a great success. Dozens of exhibitor tables were spread around the luxurious second floor of Stockton's Hilton Hotel.

The show produced a bumper crop of fine displays, as you will see from the following images.







Atascadero Police Officers wearing an Old/New Badge



Atascadero Police are now wearing a centennial badge based on an APD shield worn in 1913. The badges are being worn only for their 2013 centennial year, and have been authorized for wear by both officers and civilians in the Department. The Atascadero Police Officer's Association raised the money to fund these shields holding a raffle.

Each centennial badge features the individual officer's employment date, making it an important memento for those privileged to wear it.

For more information about the Atascadero centennial: www.atascaderocentennial.com



Board of Directors Election, 2013 – 2015 Term

The California Law Enforcement Historical Society is governed by a nine member, volunteer, Board of Directors, who meet annually, to set policy for the Society. Directors serve without compensation but travel expenses may be paid.

The Board of Directors consists of five elected at large Directors and four appointed Directors who represent specific areas of the state, Northern, Central, Central Coast, and Southern.

It is election time and nominations for the five elected at large Directors, 2013 – 2015 Term, are now being accepted.

Members that would like to serve on the Board, or nominate others to serve, are asked to submit their nomination in writing, by April 15, 2013, to:

**Brian Smith, Secretary/Treasurer
California Law Enforcement Historical Society
P. O. Box 254875
Sacramento, CA 95865-4875**

You can also email your nomination to Brian at: redfive@ix.netcom.com

After nominations are received and validated, a ballot and return envelope will be mailed to all eligible members by May 1, 2013. Please note: Article 12, Section 1, of the CLEHS By-laws do not allow Associate or Corporate members to vote, therefore, no ballot will be sent to those members.

In order for your vote to count, completed ballots must be returned no later than June 1, 2013. Election results will be announced in July 2013.

Preserved Evidence

by Duane Preimsberger

Statehood for California in 1850 brought some unusual challenges to an area now beginning to flood with hordes of gold seekers as well as those who would try to take advantage of these fledgling prospectors. Gamblers, thieves, confidence men, women of ill repute, rustlers and murderers joined the waves of newcomers. County Sheriffs had their hands full trying to deal with all of the problems associated with the explosive growth and it was indeed a very trying task. Supposedly, at that time and for a couple of decades after statehood there was more major crime in California than in all the other states combined.

Southern California and Los Angeles in particular did more than its share to keep the numbers up as hundreds and hundreds of persons landed at the Port of San Pedro where as many as 600 sailing ships arrived each year. The results of this influx could sometimes be seen in the large Zanja that ran through the town of Los Angeles bringing fresh water from the San Gabriel Mountains. Unfortunately, this flowing stream was used for other purposes, sometimes as a sewer or as a receptacle in which to float the bodies of murder victims.

The mantle of Los Angeles County Sheriff had been passed several times when in 1871, former school teacher and ex- U.S. Marshal, James Franklin Burns was elected to that office. Burns looked like anything but a lawman, he was a short, round-bodied man with a quiet demeanor and pleasant face. However, appearances were deceiving and Burns was tenacious and unflagging in his pursuit of bandits and killers. He got a little help from an unusual group that the first L.A. Sheriff, George Burrill, had created. They were known as the Los Angeles Rangers.

Their purpose was to pursue and either arrest or eliminate the murderous bands of bandits that preyed on the citizens of Southern California. Most of the young men in the County who had a horse of their own and money to buy the uniform joined up and they were a sight to behold. This phalanx of young riders armed with lances, swords, pistols and rifles often paraded to their duties. Each of them

was dressed in a bright red, band major styled Vicuna hat with gold trim, a fitted light blue, gold trimmed, Charro styled jacket, red waist sash, and light blue trousers with a gold stripe down the outside of the leg that completed the uniform. In spite of their gaudy appearance they managed some successes in their official duties and were responsible for assisting the Sheriff in apprehending or killing a number of outlaws.

Shortly after taking office Sheriff Burns learned that two honest, hard-working brothers had been unceremoniously gunned down on a piece of land they were clearing in the Verdugo Hills, just north-west of the town. The likeable twins, Henry and Oscar Bilderbeck, had been chopping down trees and were selling the wood in order to make payments on the land they were purchasing when they were confronted by their killer. They were first shot and then robbed of their meager possessions and the killer escaped. The Sheriff set out to find the person responsible and after doing some astute investigative work he was able to identify the murderer as David Stevenson, a.k.a. Stephen Samsbury, Buckskin Bill and the most well-known of his many monikers, Six-toed Pete.

For months, Burns hunted Six-toed Pete, trailing him around the State, almost capturing him in Lone Pine and again in Temecula only to then lose his trail. Both the State of California and the County of Los Angeles placed rewards for the capture of the killer, dead or alive. Unexpectedly, an informant came forward with a message that Six-toed Pete had crossed the Mexican border into Baja Norte, California with an Indian woman and a baby. Burns got together some of the colorful Rangers and others for a posse and they went in pursuit. The Sheriff managed to convince the Governor of Baja, California to give him the necessary authority to apprehend the killer outside the jurisdiction of the United States. With the documents in hand he and the posse accompanied by a Mexican Federale rode into the hard, desolate desert in search of their man.

The rugged, sometimes impenetrable countryside was without much in the way of roads or trails and water was extremely scarce. Sheriff Burns described the pursuit as the most arduous and difficult of his life. The dry, rugged, punishing ground and scorching sun took a toll on both the men and their horses. Burns and the posse had pursued Six-toed Pete for almost two hundred miles from the border when they learned from local inhabitants that they were nearing their

quarry. Burns offered the locals a reward of fifty dollars for the body of the killer, dead or alive and twenty-five dollars for evidence of his death- the six-toed foot.

A few days later, local area reward seekers came upon Six-toed Pete who had camped near a spring in the nearby mountains. They tried to take him alive but as they rushed him, he went for his rifle and in the ensuing struggle he was shot in the stomach with his own gun. He lingered in agony for several hours, all the while begging his captors to end his misery with a bullet to his head but they refused. Once dead, they cut off his six toed foot and buried the remains of his corpse under a pile of rocks.

Sheriff Burns gladly paid the twenty-five dollar reward and placed the foot, toes first in a metal container and then filled it with Mescal, a potent local alcoholic drink that would preserve the evidence on the long trip back to Los Angeles. Wanting to take the easiest and most direct route home, Burns hired a local guide to help them find the path. Even with the guide the return through the Baja desert was another tortuous journey on horseback.

After traveling many miles on the trip north, they found themselves close to the coastline a little over a day's journey from home when they were enshrouded in a dense fog that made further travel dangerous. They decided to make camp and await the lifting of the fog the next morning before attempting to travel onward. That evening, in the darkness of the flickering campfire, Burns and his men smelled something intermittently that was putrefying and they assumed that they had camped near a dead animal. At first light Burns began searching for the source of the odor and initially, he couldn't locate it. However, being a good investigator he kept at it and discovered that their guide had been drinking the evidence preserving Mescal. Now, only the toes in the metal container were covered by the powerful brew. Whenever the container lid was lifted and the foot exposed, the odor arose; the guide was fired on the spot and no one kissed him goodbye.

The Sheriff and his posse made it back to Los Angeles where Burns applied for the rewards that had been offered for the capture of Six-toed Pete, dead or alive and the State of California paid off immediately. However, the County Board of Supervisors balked at paying the reward they had offered; they made it clear that they were unsure that the partially pickled, six-toed foot brought back by the

Sheriff and the posse from Mexico was that of the wanted outlaw. Finally, after months of wrangling, they accepted the word of the posse that in fact the foot present was in fact from a very dead, Six-toed Pete and the Board paid off the two hundred dollar reward.

Sheriff Burns's career had both good as well as rotten moments but there is every indication that he enjoyed being a lawman in Los Angeles. After a term as a State Senator in Nebraska he returned to L.A. and became one of the first Chiefs of Police in the newly formed City. When he retired from public life he enjoyed telling stories about some of his escapades as a Los Angeles County Sheriff, Police Chief and U.S. Marshal. His past as a school teacher made him an excellent tale teller and he particularly enjoyed talking about his experiences in Mexico on the trail of Six-toed Pete and the resulting "Preserved Evidence." James Franklin Burns lived to see his 89th year as a resident in the City of Angels; he died in his home on Burns Avenue, a street named in his honor in 1921.



CLEHS Corporate Sponsors

Heritage Oaks Bank, Arroyo Grande

Hoving & Associates, Private Investigations, Arroyo Grande

San Luis Ambulance Service, San Luis Obispo

The Ed Jones Co., Berkeley

Upcoming Events



February 23, 2013

Doug Messer 49'er Public Safety & Military Collectors Show
Veteran's Hall
110 Park Drive
Roseville, CA
9:00 AM to 2:00 PM
Tables \$30. Admission \$5

Hosts **ALL TABLES SOLD OUT**

lynch3212@wavecable.com www.calbadgeshows.com



July 5-7, 2013

28th Annual National Police Collectors Show
The Renaissance Glendale Hotel & Conference Center
9495 W. Coyote Blvd.
Glendale, AZ
Contact: (623) 977-3703
<http://2013nationalpolicecollectorsshow.com/>

***CLEHS Annual Collectors Show ***

San Luis Obispo

Cancelled due to July date conflict with National Show - Rescheduling pending

October 5, 2013

Northern California Law Enforcement Collectors Show & Ripon Police/Emergency Vehicle Show & Recruitment Fair
Ripon Community Center
334 W. 4th Street
Ripon, CA
9:00 AM to 2:00 PM, 8:00 AM Set Up
Tables \$25
Hosts: Mike Lynch, Brian Smith
Contact: Mike Lynch



lynch3212@wavecable.com www.calbadgeshows.com

Butt Burning Tragedy



The Welty Building

By Don Williams

Fellow CLEHS member Al Mize was the first to tell me a story of Horace Magee which sent me off on a yearlong hunt for all the facts and specifics of what really happened over 100 years ago, not too far from where I live. If you visit Old Town Temecula today on the corner of Front and Main Streets, you will see this historical building (pictured above) still standing. It was constructed in the 1890's and known as the Welty General Merchandise Store. Later, it became the Ramona Inn with a saloon and pool room. In 1907 it became the scene of a Christmas Eve double homicide.

Judge John Magee – Temecula’s Justice of the Peace, was married to an Indian woman and they had eight children. One of them was Horace “Horse” Magee, the killer in this true, but unusual story.

Joe Winkels was the owner of the Ramona Inn. He used to be the livery hand but saved enough money to buy the Welty building and open the Ramona Inn which had a saloon and pool room on the first floor.

Preston Swanguen, born in Missouri February 5, 1863, was 23 when he moved to Oceanside, California, got married, then moved to Temecula and bought the Pioneer Livery. He later was appointed Town Constable by the Riverside County Sheriff because his position at the Livery allowed him to keep track of who were town-folk and who were strangers passing through. He and Judge Magee were good friends.

Louis Escallier was a prominent French businessman who owned a pool hall across the street from the Ramona Inn. His establishment was empty Christmas Eve so he found himself pounding down drinks at Joe’s.

Temecula was a very small town, but records indicate there were several saloon/pool halls. Perhaps this was due to the fact it was a prime location for travelers from San Diego to Riverside to stop, rest their horses and get some “refreshments”. There weren’t any travelers this night, just town-folk using whiskey for their Christmas cheer. The facts in this story are not as clear as they should be, but that’s because all of the eyewitnesses were drunk that night.

Horace Magee worked for the Garner brothers at the Garner Cattle Ranch just east of Anza. Everyone liked Horace – but he had a serious drinking problem that brought him horrible hallucinations. When Horace was seen running and stumbling down the street, everyone knew it he was running from the “evil men with horns” Horace always claimed were chasing him.

There are a couple of versions floating around about Horace’s friendship with his employer. One story tells that Bob Garner’s son was dying from diphtheria and in need of medicine. Heavy rains flooded the railroad tracks in Temecula so there was no way to get the medicine. Horace road on horseback for 24 hours

straight, traveling over 100 miles to get the medicine, bring it back to Bob Garner and he saved the boy's life. The Garner family never forgot this act of heroism.

The other version is the one I'm going with – it's the same version told to me by Al Mize. Bob Garner's son was riding his horse on Thomas Mountain when a bobcat spooked the horse and threw him to the ground. The boy hit his head and was lying unconscious. Horace was the one-man search and rescue hero who brought the boy back to the ranch before he was mullered and eaten by the bobcat. The Garner family never forgot this act of heroism. Either way, it was evident the Garner family thought Horace was special as you will soon see. My wife and I have a small ranch that sits at the base of Thomas Mountain and I just saw a bobcat run across our property last week. This is a fairly common occurrence so this version makes more sense to me. If you climb up Thomas Mountain behind our property and hike east about 7 miles, you'll end up at the Garner Cattle Ranch which is still in operation today.

It's Christmas Eve, 1907 and everyone mentioned so far was in the saloon at the Ramona Inn drinking, except the Judge and Bob Garner. Newspaper accounts say Horace had been on the wagon for six months but fell off to celebrate the holidays with somewhere between six and nine glasses of "red whiskey". Joe Winkels' bar inside the inn was called the "Blind Pig Saloon". I can only guess that patrons leaving this bar were likely to resemble blind pigs, staggering and bumping into everything in their path. This night, the Constable and Joe were poking fun at Horace and were calling him a "half-wit" and "half-breed" because he was half Indian and apparently making a fool of his self. Horace got angry at the insults and Joe ended up tossing him out of the saloon with a threat to beat him if he returned.

Constable Swanguen hurried home because he was late for the Christmas Eve dinner his wife was preparing and they were expecting guests. The drinking at the saloon continued and Horace was still upset. Some say he went to Frank Fernald's store down the street and bought a .38 Iver Johnson revolver and ammunition but others say someone he knew gave him the gun. Horace returned to the saloon at about 8:30 p.m. and many believed he intended to shoot Joe Winkels, but that was never proven.

Horace was speaking with Louis Escallier (the Frenchman who owned the other pool hall). Still intoxicated, Horace made a bet that if Escallier would kiss his behind he would buy him a drink. Escallier agreed and Horace turned and pulled his pants down. Instead of a kiss, Escallier took the cigar he was smoking and applied the lit end to Horace's rear-end. Horace claims that's the last thing he remembered about what happened that night

Apparently, someone knew things were getting out of hand and they left the bar to fetch the constable who lived just a few blocks away. Since Constable Swanguen knew both of the men very well, he just headed back to the saloon to calm things down, leaving his gun at home.



Constable Preston Swanguen

When Swanguen entered the bar, Horace shouted out "somebody has got to pay for this." He appeared to calm down and stumbled toward the constable with his hand outstretched to shake his hand. Either the constable didn't see it or chose to ignore it. Horace pulled his gun. The first shot missed and the next two hit the constable in the chest, killing him instantly.

Escallier tried to jump Horace, but Horace got off three shots, dropping the Frenchman to the floor and killing him. Horace took off running down the street but was caught and clubbed by other saloon patrons with a cue stick. There was no mention of what Joe was doing during this time. Perhaps he was cowering behind the bar or just frozen in shock as two of his friends lay dead on the floor of his saloon.

The story in the paper was headlined "TERRIBLE TRAGEDY ENACTED -- Two Killed by Drunken Half Breed." Horace was almost killed himself as the angry mob dragged him off to a nearby bridge where they were going to hang him. The mob came to their senses and summoned Dr. Sturgess of Murrieta to treat Horace's wounds which included a fractured skull. He was locked up in the town jail cell and carted off to Riverside Christmas morning to face Sheriff Frank Wilson. Wilson was the 4th sheriff in Riverside County, serving from 1907 to 1923.



Sheriff Frank Wilson

Horace Magee's trial began Jan. 27, 1908, and lasted a week. His attorney tried to convince the jury that since Horace was an alcoholic, he did not know what he was going when he killed the two men. Horace was found guilty of first-degree murder and sentenced to life in prison at San Quentin.

Bob Garner tried diligently to get Horace released from prison – after all, Horace had saved his son. After serving only 12 years, Horace was eventually paroled thanks to Bob Garner's efforts and his connections in Sacramento. The agreement was that Horace be confined to the Garner Ranch for the rest of his life. The ranch was 1700 acres when Bob Garner bought it in 1905 from Charles Thomas**. It had grown 9500 acres until 1968 when Jack Garner (Bob's son) sold 2200 acres to Great American Land Co. and made a fortune. Yes, Jack is the boy Horace saved.

The Garner family gave Horace his own cabin and he worked there his entire life, later becoming the foreman. Over the years, with cameras rolling, Tom Mix, Gene Autry, Roy Rogers, Lorne Greene, Michael Landon and other Hollywood stars road their horses across Garner Ranch rescuing starlets and stagecoaches. Starting in 1959 and continuing through the early 1960's the ranch was used in the filming of the opening scene and several episodes of Bonanza – all while aging Horace Magee peered out through his cabin window. Al Mize used to bring Horace rattlesnakes he had killed so he could make a salve for rheumatism. According to Al, "Horace rode a white horse as straight as an arrow...", but in his later years, Horace was too old to mount a horse and was soon unable to care for himself. The Garner family hired a housekeeper/caretaker for him. Horace died in 1963 at the age of 85, sitting in a chair while his cousin Jozee Salinas was cutting his hair.

Constable Swanguen should be remembered as a hero and this story, sad but true, is another example of how foolishness and liquor can quickly turn a good time into tragedy. Swanguen was the second officer to be killed in the line of duty while working for the Riverside County Sheriff's Department. In 2007, Swanguen was mistakenly recognized as the first officer of the Riverside Sheriff's Department to be killed in the line of duty. In 2010 the error was corrected when was discovered that Special Deputy Frank Hamilton was actually the first to give his life in an 1895 gun battle in San Jacinto.



Above: 1940's photo of Horace Magee, foreman at the Garner Cattle Ranch. (Photo courtesy of The Hamilton Museum and Ranch Foundation).

****Charles Thomas settled in the area in 1806 and started a cattle ranch. The workers were mostly Cahuilla Indians, including Juan Diego and Ramona Lubo whose lives were immortalized in Helen Hunt Jackson's famous novel, Ramona.**



California Law Enforcement Historical Society

Established in 2001, the California Law Enforcement Historical Society is a 501 (c) 3, non-profit, public benefit, educational corporation with the sole intent of preserving the rich history of the peace officers who have served within the State of California. The objective is to link those interested in preserving a forum for education, research, and the enjoyment of our past.

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2013 Membership Renewal

Have you renewed your 2013 membership in the California Law Enforcement Historical Society? If not, please take a moment to renew your membership with a payment of \$35.00 for one year or \$350.00 for a life membership!

You can make your payment on-line with PayPal by using this link: www.Paypal.com and using the Society's email address for payment calpolicehistory@aol.com

If you prefer, you can make your payment by sending a check to:

California Law Enforcement Historical Society

P. O. Box 254875

Sacramento, CA 95865-4875

Can't remember if you have renewed your membership? Contact Brian Smith, at redfive@ix.netcom.com for your membership status.

