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Tarred & Feathered, Vigilantism in 1890, v3

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In the summer of 1901 Mrs. George Hinkle entered a Bakersfield saloon to beg her husband to come home. The next day when her neighbors learned that Hinkle had beat her, the man came close to being tar-and-feathered.¹ That story must have reminded Bakersfield readers of a similar incident in 1890 when a lawyer was actually tarred and feathered.

James Herrington was an unpopular figure around Bakersfield. For quite some time the *Daily Californian* had railed against his kind of land attorney, and after the vigilantes tarred-and-feathered him, the paper's reaction was unqualified: "The wrongs committed by Herrington could not be reached by law. He could be punished and justice meted out to him in no way except by extra legal action."²

¹ May 20, 1901. (Wallace M. Morgan, *History of Kern County California With Biographical Sketches*. Historic Record Company, Los Angeles, California. 1914)

² Thirty-six year-old James Harrington was a native of Iowa. He came to California in 1864, and after farming and teaching school he studied law and was admitted to the bar in 1883 in San Benito County. Harrington went to Stockton in 1885 and engaged in the business of land lawyer. In 1887 he moved to Visalia, and there he probably continued his work at the area's Federal Land Office. In 1889 he homesteaded 120 acres near Posa [Poso, Kern County]. According to a letter from his wife (mentioned in the *Los Angeles Times*, Oct 11, 1890) he was a school trustee at Posa and superintendent of a Sunday school.

What were his crimes? In 1890 sharp attorneys like Harrington were the legal lackeys of the local land-grabbing machine of James B. Haggin. Homesteaders in the path of his juggernaut were bought-out, fenced-out, or duped-out of their land titles. These lawyers were the same men who used doubtfully-legal ways to acquire titles, and for the titles they couldn't get that way they acquired through bluff and intimidation.

The personage of "Boss" Billy Carr was J.B. Haggin's enforcer in Kern County, and it was Carr who successfully directed the consolidation of Haggin's holdings into a contiguous block of thousands and thousands of acres. In 1886 when settlers accused Carr of fencing-off roads, he accused them of cutting his fences. Miss Conway, a school teacher who had filed on a desert homestead, had to knock down the gate to her property because somebody had locked it. Later reports said that dead hogs had been thrown in her well.³

In 1888 Harrington was conspicuous on Bakersfield streets in his stovepipe hat and Prince Albert coat. He'd lately moved to Poso but was often seen at the county seat, doing, as the *Californian* characterized it, his "pettifogging and shyster" legal business.⁴ Harrington was certainly aware of what the newspaper was saying about him.

The man dealt in lies and deception. In the weeks before the tar-and-feathering he admitted to tricking more than 200 homesteaders into signing their land titles over to him.⁵ He became more than an annoyance to land owners or those trying to acquire public land, and a growing number of them had reason to hurt him.

The "nefarious business of disturbing land titles" came to a halt in the afternoon of September 30, 1890 when, at his home in Poso, he was arrested on charges of perjury. As he was being removed to Bakersfield he expressed the fear that someone would attack him on the way, but that

³ Morgan, op cited

⁴ *Daily Californian*, Oct 1, 1890

⁵ Ibid.

didn't happen. In the early hours of October 1 he was jailed at the courthouse.⁶

Shortly after 3:30 AM the jail's doorbell rang. When the jailer opened up, ten masked men burst in. They were armed and well acquainted with the surroundings. "Where's Herrington! We're not going to hurt him. Just give him a lesson." Minutes later the jailer heard struggling and the discharge of a pistol.⁷ He then saw a bound and gagged Herrington carried out to a wagon waiting on the street. He was then transported two blocks west to Reeder's Hill.⁸ In the faint moonlight Herrington was stripped naked, his body slathered in crude oil, and he was covered with chicken feathers. When the vigilantes cut him loose he fled naked into the darkness.

By morning light Sheriff W.J. Graham had no trouble finding the spot where Herrington was accosted. There, thrown about in disarray, were his shoes, coat, trousers, and a ripped, bloody shirt with a bullet hole in it. Graham was sure he'd find Herrington's dead body nearby, but deputies found only oily footprints leading to the river and disappearing to the northwest.

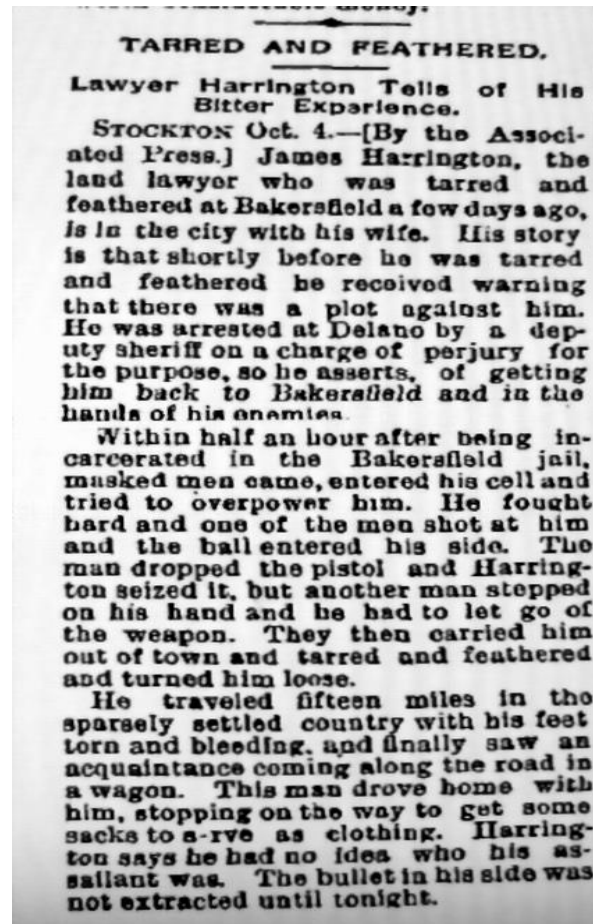
Four days passed.⁹ On Saturday a news wire reported that Herrington was in Tulare City. The dispatch explained that about 8:00 AM on the morning of the attack, a few miles outside Poso, a man in a buggy spied something lying in a ravine. Upon investigating he found a man who he described as being in a very "dismayed condition generally." Dismayed, indeed. His feet were bleeding, and the only article of clothing on his otherwise cold, naked body was a shirt collar. The driver helped him into the buggy, covered him with a blanket, and drove on to Tulare City.

⁶ *Los Angeles Times*, Oct 6, 1890. (by wire from Stockton, Oct 4. For Kern County jail history, see Gilbert P. Gia, "The Jails at Havilah and Bakersfield, 1866-1963, v2" at [Historic Bakersfield and Kern County](#).

⁷ Bakersfield vigilantes had been in the news before. See "Lynchings at the Kern County Jail, 1879" at [Historic Bakersfield and Kern County](#).

⁸ A house stood on a 15-ft sandy hill at 14th and F Streets. In 1898 the hill was leveled to make way for the Santa Fe Depot.

⁹ *Daily Californian*, Oct 1, 1890



Los Angeles Times, October 6, 1890

Technically speaking, Herrington's professional work was probably more legal than not, but to the *Californian* he was the face of "rascally business" and moral bankruptcy. Tar-and-feathering was a heinous crime, but the fact was of no import to the newspaper: "It would be interesting to know what his reflections were as he made his way homeward in his apparel, with the speed of a trained sprinter through the cool, balmy air of that, to him, ever memorable morning."¹⁰

The *Daily Californian* sided entirely with the settlers who'd fenced, irrigated, and cultivated their land, only to be tricked out of it. And the newspaper despised the legal system that couldn't stop villainy. The newspaper hypothesized that if Herrington returned to his old ways, then his tar-and-feathering didn't go far enough.

¹⁰ Ibid.

In support of vigilanteism it wrote, "But we hope the experience of Herrington may have a discouraging effect upon him and those like him, hereafter." In the final sentence it reluctantly conceded, "We deeply regret this summary and lawless procedure, and can only hope that good may result from it."¹¹

But the crime roused indignation across the county. On October 10 a Delano group petitioned county supervisors to offer a reward for the arrest of those responsible. They rejected it, but District Attorney Ahern promised to "leave no stone unturned" to find the perpetrators. The *Los Angeles Times* criticized Bakersfield residents for their skepticism and wrote, "There seems to be no doubt in the minds of the citizens of Kern county but that the shooting of Herrington was accidental, and the statement that he was tortured with carbolic acid is untrue."¹²

On October 11 the *Times* reprinted a story from a Stockton paper reporting that Harrington was on the street announcing that he was suing Kern County for \$100,000 in connection with the gunshot wound he'd received while in jail. He said he also intended to sue the men who assaulted him.¹³

Harrington was reviled by many, but at a meeting in Delano a few days after the tar-and-feathering, farmers raised a reward of \$1000 for identification of those guilty of the "outrage to justice." Harrington was also producing a letter that his legal track record was better than most attorneys and that he was a shrewd and safe investigator.¹⁴

Luckily, James Herrington survived his "ever-memorable morning." In February 1891 he sued the editor of the *Daily Californian* for libel and demanded \$25,000 compensation for defamation of character. Editor A.C Maude rebuked the charge: "We deeply regret the unpleasant task he has imposed upon us, the necessity he has placed us under, but he will find to

¹¹ Ibid.

¹² *Los Angeles Times*, Oct 10, 1890

¹³ *Los Angeles Times*, Oct 11, 1890

¹⁴ Ibid.

his sorrow that we have made no allegation respecting him that is not founded on facts."¹⁵

What happened next was not discovered, but whatever it was it didn't improve the animus against land lawyers, and it did nothing to end public indignation over "the great excrescence of the land laws" that helped "doubly-died criminal" land agents.¹⁶

Haggin lawyers continued to harass owners and trick them out of their land. There were reports of owners being requested to appear with witnesses at the Federal land office in Visalia -- to defend their land titles -- only to discover that once they arrived in Visalia they found that the case had been cancelled. Often, perhaps even a day later, a Haggin marionette would file on the land.

In November 1891 at Niederauer's Hall in Bakersfield, John Barker convened the largest mass-meeting yet held in town. The goal was to organize a citizens' defense association to protect the land titles of settlers at the Weed Patch and guard them against the "masters of technicalities." The call was to "defend the deserving" and "defeat unjust endeavors"¹⁷ S.W. Wible was voted chairman and then gave a short, "level-headed" address imploring all present to join "for the protection of our own

¹⁵ *Daily Californian*, Feb 7, 1891

¹⁶ *Daily Californian*, Nov 21, 1891

¹⁷ Ibid.

citizens." Three-hundred dollars was collected from the crowd for future efforts.¹⁸

In 1894, Howard Phillip Bender wrote that James Harrington was disbarred as a Federal land attorney.¹⁹ Today, few care about Harrington's personal innocence or guilt, but his name will ever-remind future generations of the evil perpetrated by the Haggin machine. Harrington's "nefarious business" is preserved in poetry in Rush Blodget's *Little Dramas of Old Bakersfield*. There he wrote of Harrington, "You served contest against the homesteads held by poor widows, and took their farms away from them."²⁰

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¹⁸ Ibid. VP's elected were John Barker, F.M. Pogson, Solomon Jewett, W.H. Scribner, C.L. Conner, A.C. Wristen, and W.E. Houghton. H.P. Bender became secretary, and J.M. Keith was treasurer. The committee on resolutions was composed of S.C. Smith, C.F. Sherman, and H.A. Blodget. All were prominent men of the time.

¹⁹ Sep 4, 1894 (Camille Gavin, *Dear Cora: A Personal History of Bakersfield's Early Days*. iUniverse, 2007); *Daily Californian*; Nov 18, 1891 (from the Nov 18, 1910 *Bakersfield Californian*) "The Citizens' Defense Association was formally organized yesterday by election of H. A. Blodget, chairman, and HP Bender secretary."

²⁰ Blodget, Rush Maxwell. *Little Dramas of Old Bakersfield*. C.A. Bundy Quill & Press, 1931. Republished: Authors Choice Press. October 23, 2006.