

Gilbert Gia's Historic Bakersfield and Kern County

Tarred & Feathered

By Gilbert Gia

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In summer 1901 Mrs. George Hinkle bravely entered a Bakersfield saloon to coax her husband away from what she didn't realize was a winning poker hand. The next day neighbors found out he'd beat her, and they came very close to tar and feathering George.¹ The story must have reminded Bakersfield readers of a similar incident in 1890 when a lawyer really was tarred and feathered.

James Herrington was an unpopular man around Bakersfield. For quite some time the *Daily Californian* had railed against his kind of land attorney, and after he was tarred and feathered the paper's moral judgment was clear: "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

What were Herrington crimes? In 1890 sharp attorneys worked as legal lackeys for the land-grabbing machine of James B. Haggin. Homesteaders in the path of the juggernaut were either bought out, fenced out, or duped out of their land titles by agents like Herrington. They were the men who found "legal" ways to pounce on titles, and the property they couldn't get by legal means they acquired by bluff and intimidation. "Boss" Billy Carr was J.B. Haggin's man-on-

¹ May 20, 1901. (Morgan, Wallace M. *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. Herrington went to Stockton in 1885 and engaged in the business of a land lawyer. In 1887 he moved to Visalia and probably continued his work at the Federal Land Office there. In 1889 he took up a claim of 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 was superintendent of the Sunday school.

the-ground in Kern County. In October 1886 Miss Conway's land came under his eye. She claimed his agents threw dead hogs in her well.³

By 1888 Harrington was conspicuous around Bakersfield in his stovepipe hat and Prince Albert coat. He'd lately moved to Poso and was busy at the Kern County seat with his "pettifogging and shyster" legal business, as the *Californian* characterized it.⁴

He did deal in lies and deception. In the weeks before he was attacked he admitted to tricking more than two-hundred homesteaders into signing their land over to him.⁵ The man became a serious annoyance to those trying to acquire permanent title to public land, and plenty of people had good reason to hurt him.

Herrington's "nefarious business of disturbing land titles" came to a halt on September 30, 1890. That afternoon he was arrested at his home in Poso on perjury charges. While he was escorted to the jail in Bakersfield he expressed fears that someone would attack him on the road. In the early hours of the morning Herrington was jailed at the Courthouse at Chester and Truxtun Avenues.⁶

Shortly after 3:30 AM someone rang the jailhouse doorbell. The jailer opened the door, and ten masked and armed men burst in. The group was well prepared, and it knew the territory. "Where's Herrington! We're not going to hurt him, just give him a lesson." They set the jailer aside and pushed into the lockup. Minutes later the jailer heard struggling and the discharge of a pistol.

Herrington was carried bound-and-gagged to an outside wagon and driven two blocks west to Reeder's Hill.⁷ In the faint moonlight Herrington was stripped naked, his body covered with crude oil, and he was dusted with chicken feathers. When the vigilantes cut Harrington loose, he fled into the night.

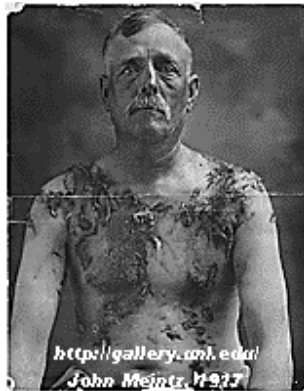
³ Morgan, op cited

⁴ *Daily Californian*, Oct 1, 1890

⁵ Ibid.

⁶ *Los Angeles Times*, Oct 6, 1890. (from Stockton, Oct 4)

⁷ A house was on the fifteen-foot high sandy hill at 14th and F. In 1898 all was leveled for the Santa Fe depot.



By the morning light, Sheriff W.J. Graham had no trouble locating the spot where Herrington got his "lesson." Thrown about in disarray were his coat, trousers, shoes, and a ripped, bloody shirt with a bullet hole in it. Graham was convinced he'd find Herrington dead nearby, but the oily footsteps led toward the river and disappeared toward the northwest. Four days then passed.⁸

On Saturday a wire arrived saying that Herrington was in Tulare City. The dispatch explained that about 8:00 AM the morning of the attack, and a few miles this side of Poso, a man in a passing buggy spied something lying in a ravine. It was a man in a very "dismayed condition generally." His feet were bleeding, and the only article of clothing on his body was a shirt collar. The driver helped the naked man into the buggy, covered him with a blanket and drove him to Tulare City.

⁸ *Daily Californian*, Oct 1, 1890

TARRED AND FEATHERED.

Lawyer Harrington Tells of His Bitter Experience.

STOCKTON Oct. 4.—[By the Associated Press.] James Harrington, the land lawyer who was tarred and feathered at Bakersfield a few days ago, is in the city with his wife. His story is that shortly before he was tarred and feathered he received warning that there was a plot against him. He was arrested at Delano by a deputy sheriff on a charge of perjury for the purpose, so he asserts, of getting him back to Bakersfield and in the hands of his enemies.

Within half an hour after being incarcerated in the Bakersfield jail, masked men came, entered his cell and tried to overpower him. He fought hard and one of the men shot at him and the ball entered his side. The man dropped the pistol and Harrington seized it, but another man stepped on his hand and he had to let go of the weapon. They then carried him out of town and tarred and feathered and turned him loose.

He traveled fifteen miles in the sparsely settled country with his feet torn and bleeding, and finally saw an acquaintance coming along the road in a wagon. This man drove home with him, stopping on the way to get some sacks to serve as clothing. Harrington says he had no idea who his assailant was. The bullet in his side was not extracted until tonight.

Most of Herrington's professional work was probably legal, but to the *Californian* everything he did was moral bankruptcy and "rascally business." His tar and feathering was illegal, but that was of no import to the paper: "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."⁹

The *Californian's* sympathies lay entirely with the hard-working settlers who'd fenced, irrigated, and cultivated their land, only to be tricked out of it. The paper despaired a legal system that couldn't stop the villainy, and the paper hypothesized that if Herrington someday returned to his old ways, then the tar and feathering didn't go far enough.

In support of vigilantes it wrote, "But we hope the experience of Herrington may have a discouraging effect upon him and those like him, hereafter." In a very brief endnote it did concede, "We deeply regret this summary and lawless procedure, and can only hope that good may result from it."¹⁰

The crime roused indignation across the county. On October 10 a Delano group petitioned the County Supervisors to offer a reward for the arrest of those responsible for the attack. Their prayer was denied, but District Attorney Ahern promised to "leave no stone unturned" to find the perpetrators. The *Los Angeles Times* added fuel to the fire when it 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."¹¹

On October 11 the *Times* followed up with a story from a Stockton paper that said Harrington had appeared on the streets. Reportedly, he said he was suing Kern County for \$100,000 in connection with the gunshot wound he'd received while lying on his face in jail. He said he would also prosecute the men who assaulted him.¹²

Harrington was reviled by many, but at a meeting in Delano a few days after the tar and feather incident, farmers raised a \$1,000 reward

⁹ Ibid.

¹⁰ Ibid.

¹¹ *Los Angeles Times*, Oct 10, 1890

to bring to court those guilty of the "outrage to justice." The story also said that Harrington had exhibited a letter that claimed that his legal track record was better than most attorneys and that he was a shrewd and safe investigator.¹³

James Herrington survived his "ever memorable morning," and in due time his suffering came to an end. In February 1891 he sued the editor of the *Daily Californian* for libel and demanded \$25,000 from the paper for defamation of character. A.C. Maude was defiant: "We deeply regret the unpleasant task he has imposed upon us, the necessity he has placed us under, but he will find to his sorrow that we have made no allegation respecting him that is not founded on facts."¹⁴

The case's outcome is not known, but whatever happened it didn't change the hostile climate against land lawyers, nor did it put an end to the public's outrage over the "great excrescence of the land laws" that assisted "doubly-died criminal" land agents.¹⁵

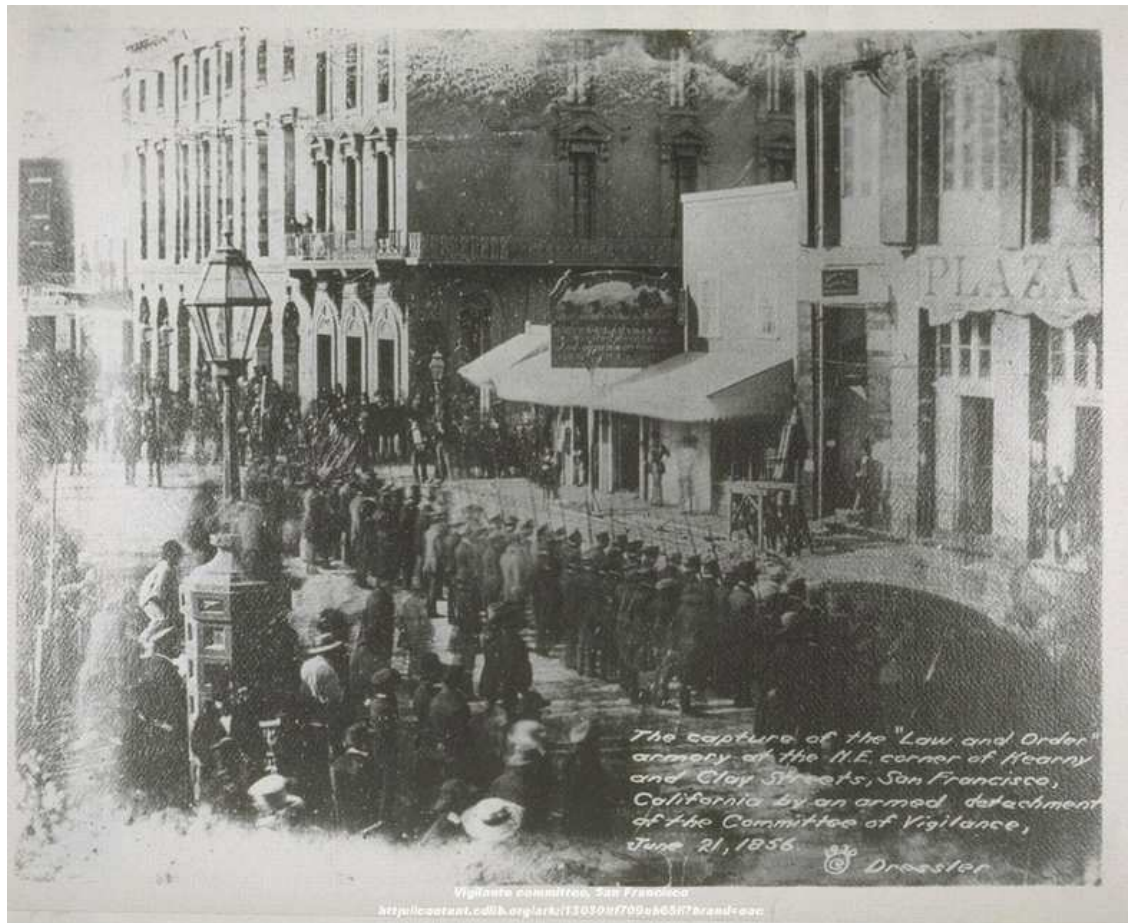
It was yet too easy for lawyers to harass a man out of his land. In many instances people were still told to appear with witnesses in court in Visalia to defend their land titles, only to be told in Visalia that the case had been cancelled. Soon, another party would file against their land.

¹² *Los Angeles Times*, Oct 11, 1890

¹³ *Ibid.*

¹⁴ *Daily Californian*, Feb 7, 1891

¹⁵ *Daily Californian*, Nov 21, 1891



(representative scene)

At Niederauer's hall in November 1891, John Barker convened the largest mass-meeting ever held in Bakersfield. The purpose was to organize a citizens defense association, to defend the land titles of settlers at Weed Patch against the lawyers who were "masters of technicalities." Could the group ban together to "defend the deserving" and "defeat unjust endeavors"?¹⁶

S.W. Wible was voted permanent chairman. He gave a short, "level-headed" address that implored all to join "for the protection of our own citizens." Three-hundred dollars was collected from the crowd to fund projects.¹⁷

¹⁶ Ibid.

¹⁷ Ibid. VP's elected were John Barker, F.M. Pagson, Solomon Jewett, W.H. Scribner, C.L. Conner, A.C. Wristen, W.E. Houghton, H.P. Bender as secretary, and J.M. Keith as treasurer. The committee on resolutions was S.C. Smith, C.F. Sherman, and H.A. Blodget.

As for James Herrington, in 1894 Howard Phillip Bender wrote that Herrington had been disbarred as a Federal land attorney.¹⁸ Today, few care about Herrington's relative innocence or guilt, but future generations will be ever reminded of the evil he did. His "nefarious business" has been forever preserved in Rush Blodget's *Little Dramas of Old Bakersfield*: "You served contest against the homesteads held by poor widows, and took their farms away from them."¹⁹

¹⁸ Sep 4, 1894 (Gavin, Camille. *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."

¹⁹ Blodget, Rush Maxwell. *Little Dramas of Old Bakersfield*. C.A. Bundy Quill & Press, 1931. Republished: Authors Choice Press. October 23, 2006.