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## The Mussel Slough Tragedy

The building of the Transcontinental Railroad was the event that set the stage for the Mussel Slough Tragedy. The United States government, through the Pacific Railway Acts of 1862 and 1864, set aside land to give to the two railroads (Union Pacific and Central Pacific) that would be building towards each other across the country. The land would be used for stations and right of way and other specific railroad uses, but the companies would also receive land for each mile of track they built, to sell or keep as they wished to help them fund the building of the railroad.

At first, the railroads would receive the odd numbered sections of land in a strip on each side of the track for ten miles, for every mile of track. The Act of 1864 doubled that to 20 miles on each side of the track. To obtain these lands, the railroads had to first determine the route of the railroad and provide a map to the Department of the Interior. Then, they had to build a certain amount of track in the first year (usually 100 miles) and build a set number of miles within the next two years.

In 1868 the Central Pacific Railroad purchased a small railroad that had planned to build a line from San Francisco to San Diego. At the time the Central Pacific ended in Sacramento, but the Big Four (Collis Huntington, Leland Stanford, Mark Hopkins, and Charles Crocker) knew that they needed to get to the Bay to control every aspect of the profits this railroad would provide. So, they purchased this small railroad, the Southern Pacific, and ran it quietly as a separate but equal part of the Central Pacific.

The SP had planned to run this line through Gilroy, then at some point cross the Coast Range mountains and go through

Tulare County, Los Angeles County and on to San Diego. Part of this road was already completed, called the San Francisco and San Jose Railroad.

The SP also already controlled the charter for a proposed railroad that would go through the Valley by way of Hollister, San Benito Pass (probably Panoche Pass), Goshen, Tehachapi, and onward to Needles. In 1876 SP put out a booklet advertising their intentions to build this road. They invited setters into “the largest body of level, fertile, unoccupied land accessible by railroad in the state. It is destined to be filled at no distant time with an intelligent and industrious people and to be the center of great wealth.”

Meanwhile, the Central Pacific had been busy building a line down the center of the state. Beginning at Lathrop near Stockton in 1870, and using mostly Chinese labor, The San Joaquin Valley Railroad would be built as far as Goshen Junction by 1872. There were no federal land grants involved with building this portion of the railroad. Goshen Junction was as far south as the Central Pacific would ever build in California.

The Southern Pacific meanwhile, was busy extending their line south from San Jose to Gilroy. This became the first twenty miles of their charter, making them able to successfully obtain land grants along the line. From Gilroy the road was extended to Tres Pinos, adding another twenty miles and gaining more land grants. Importantly, construction was stopped here because the passage of the road over the mountains was finally realized to be difficult at best. The articles of incorporation said they would complete this line down through the valley, but it would never happen. This is a crucial point in the minds of the Mussel Slough settlers as we will soon discover.

The SP continued the road from the Central Pacific’s Goshen Junction (now Goshen) southward to Sumner (East Bakersfield) and eventually over the Tehachapi mountains to Mojave by 1876. In 1876 the SP built a spur line westward from Goshen Junction to what would become Huron, and later to

Coalinga. They took advantage of lands grants all along the way. The road initially stopped at Huron and passed directly through what was known as the Mussel Slough Country.

It is important to note that very few of the people living in the Mussel Slough Country were brought there by the railroad. Some were living on that land prior to the CP railroad being built in 1870, and most were there before the road was built westward from Goshen in 1876. Some were living on government land, some were on what would become railroad land. Many of these families came to the area in wagons, and they were proud of that fact. Many of them were refugees from the collapse of the South after the Civil War.

The SP felt that they were the engine that was driving the economic progress of the whole state. In fact, the railroad made the process of transporting crops to market much faster and easier and had the potential to be cheaper as well. The valley was mostly cattle country before the railroad, because cattle could haul themselves to market. The railroad would help change that. The price of hauling agricultural goods from Visalia to San Francisco was about fifty dollars per ton by wagon. Initially, the railroad only charged two dollars per ton. This was a huge savings and helped make the valley into a major agricultural region. But eventually, the SP overcharged farmers or quoted them one price only to raise it significantly when the crop was ready to be transported. Bad feelings began to creep in.

The SP created a booklet trying to attract settlers to the area. This booklet was for all land owned by the SP, not just the Mussel Slough land. The SP didn't have clear title to the land yet, but they promised to sell the land to the settlers at prices ranging from $2.50 to $5.00 and upward per acre. (The $5.00 price was for land covered with tall timber, land with pine trees would be $10 per acre.) They claimed that most land would sell for between $2.50 and $5.00 per acre. The final price would be determined at the time of sale by a land agent of the SP. AND, the railroad would not include any improvements the settlers had made in the

final price. Settlers who had been living on the land and had made improvements would be given priority to purchase the land they lived on.

The settlers, knowing that their hard work would not be a liability when it came time to buy their property, embraced irrigation technologies and made canals and levees to direct and control the flow of water from the mighty Kings River onto their ranches. By 1879, the settlers changed the south valley from being cattle land to a diverse agricultural system of everything from wheat and barley fields to fruit trees.

By the mid 1870's the railroad gained title to most of the land in the Mussel Slough country and they sent out land agents to determine the price of each section of railroad land. Letters were sent out to the settlers telling them of the appraised value of their land. The price was now $35.00 per acre in some cases. Others were at $27.50 per acre. When the settlers complained, the railroad reduced the price respectively to $27.50 and $24.00 per acre. The excuse from Charles Crocker, the President of the Southern Pacific was that the booklet said the prices would be "from $2.50 UPWARDS." The settlers were extremely frustrated. The SP land agents also told the settlers that the lands would now be open to purchase by anyone would wanted to buy them, possibly selling the land the settlers had worked so hard to develop out from under their feet.

Five hundred settlers formed the Settlers Land League on April 12, 1878, which met regularly to come up with ideas and strategies to keep their lands. The league settlers would argue the case that the SP didn't complete the construction of the railroad from Tres Pinos to Goshen (or even to Huron) and therefore they had not lived up to the terms of their charter, which had been authorized by the state. By that inaction on the part of railroad to complete the line, they don't and shouldn't ever hold title to the lands around Mussel Slough because they never completed the railroad.

The settlers' case was based on two approaches: One was that the company didn't hold legal title because they never finished the railroad, and the second because in its booklet the railroad had made promises that they later reneged on concerning the prices of the land.

The Settlers Land League agreed to pay the same prices as they would have paid for government land at the time the railroad presented their map. They would NOT pay for canals, improvements, or cultivation that they had created. At that time, the price of government land without improvements would not exceed $2.50 per acre. Some government land in the area was sold for $1.25 per acre.

There would be a lot of court action concerning SP and the land grant program. The SP, at this point in time, was very powerful. It had money, it was operated by four incredibly wealthy and ruthless men, and it had bribed Senators, Legislators, and judges both in California and Washington DC. So, it was a sure thing that they would win nearly any court challenge, a fact which was unfortunately missed (or unknown) by the members of the Settlers Land League.

In the following months between the formation of the league and May 11, 1880, there were increasing acts of violence. Land agents were told to leave town "in their own best interests." In December 1878 a house that had been taken by the railroad and delivered to another settler was burned and its occupants shown the street. Several non-league residents received letters in the mail telling them to leave the country. A railroad land agent was told to stop surveying the land and leave. He didn't, but after three masked men appeared at the door of the house he was living in and politely suggested again (this time with pistols) that he should leave for his health, he told them he had made plans to leave at 8 o'clock in the morning. "We'll hold you to that," they said. He then watched as seventy-five men rode away from his front door.

In March 1880, Leland Stanford and some other SP officials visited the area. In wagons, they rode out to several farms and were accompanied by members of the Settlers Land League. Everyone seemed to have an enjoyable time and enjoyed each other's company, the settlers feeling that Stanford understood their frustration and that a positive result would follow. At the end, they agreed to continue negotiations, and the settlers felt that lower prices would be forthcoming. But, on April 30,1880 the League received notice that the negotiations for a reasonable and amicable conclusion had "fallen through."

The settlers were very upset due to the shutdown of negotiations, and a picnic was set up for May 11, 1880 in Hanford. The picnic was meant to be a joyful experience where people could for a short while forget the troubles brewing in the area around them. Judge David Terry (a former justice of the state's Supreme Court) was set to speak about the merits of their case. Unfortunately Judge Terry did not appear in person, and the other events of the day overshadowed the picnic in Hanford.

On May 10, 1880, A US Marshall named Alphonso Poole came to the area, with SP land agent William Clark to start evicting settlers from their ranches and homes. They had arrived by train at midnight in Hanford. Early in the morning they set out in a buggy for the home of William Braden, about two and a half miles north and west of Hanford. Finding no one home, they entered the house, removed Braden's property, placed it all in the road. The Marshall gave possession of the land to Mills Hartt, who along with Walter Crow, had met the men on the way to Braden's home. Crow and Hartt were also in a wagon. Hartt was now the owner of Braden's former land, as he had bought it from the SP.

Crow and Hartt had been living in the area for some time. Crow was the son-in-law of a prominent farmer Louis Haas, and he was buying up SP land that was being repossessed from settlers. Hartt was also buying up dispossessed SP land. Both of them were heavily armed, carrying several shotguns, a rifle, pistols, and ammunition in their wagon. It was clear for some time

that the men were perparing for a fight, or at least, planning to defend themselves. Their shotgun shells were loaded with twelve pistol balls each, not exactly the typical hunting ammunition of the day. And they had over 300 rounds of ammunition in their possession.

Walter Crow had been previously described as a good man. His family had extensive farming operations to the west of Livingston, and they had established the town of Crow's Landing. He was supposed to be of even temper. And he was an excellent shot with a rifle. Less is known about Hartt, but it was said that he was more excitable and less even tempered

Marshal Poole, Agent Clark, Crow, and Hartt then made their way to the Brewer Ranch, about three miles north of Grangeville and seven and a half miles northwest of Hanford. Brewer had filed a homestead on this property in July 1875, but it wasn't issued until April 19, 1881, nearly a year after the tragedy. The property was owned by Henry Brewer and John Storer, and a corner of it was railroad land that was the subject of Marshall Poole's visit. That property would be deeded to Walter Crow, who had purchased it from the SP.

Marshall Poole had known Storer previously, and in meeting Storer on the way to the ranch, the Marshall told Storer that he was sorry for the job he had to do, but he had to do it. Storer rode ahead to fins his partner Henry Brewer, who was known to be stubborn.

What follows next is not clear as the stories of the day are confusing and conflicting. Marshall Poole, Clark, Crow, and Hartt entered the Brewer ranch through a gate near the southeast corner. They passed the house and barn and stopped in an open field. There was no crop planted on the property at the time. Several men (the Marshall estimated between forty and fifty) on horses were seen approaching from the southwest. This group had been intent on going to the picnic, but upon hearing that the

Marshall and the agent were dispossessing settlers, they came to this location instead.

Walter Crow bent into the wagon to pick up his rifle but the Marshall told him to leave it alone. Poole walked toward the men as they approached, meeting about fifty feet from the wagon and buggy. Clark was still in the buggy, and Crow and Hartt were in their wagon.

The leader of the settlers was James Patterson. His testimony at the subsequent trials stated that there were only fifteen men, only half of which were armed with pistols of varying accuracy. The Marshall introduced himself, said his sympathies were with them, but he had a very disagreeable job to do. The men implored the Marshall to stop the dispossessions until the Supreme Court could rule on their case. They demanded that he give them his gun. He refused, but he acknowledged that they had a case remaining. Nonetheless, he still had his job to perform.

In a few minutes, some of the settlers began to surround the wagon carrying Crow and Hartt. The Marshall began to walk toward the wagon. Archibald McGregor and John Henderson were told to stay with the Marshall. Soon, horses were surrounding the Marshall. Crow and Hartt began arguing with some of the men on horses surrounding them and the Marshall moved in their direction. A horse accidentally bumped into the Marshall and he fell to the ground. A shot rang out, although it is not clear who fired it. It was quickly followed by many more. An errant bullet ricochet dusted the Marshall's eyes with dirt and he was momentarily blinded.

James Harris, who may or may not have been holding a pistol in his hands when he rode up to Crow and Hartt's wagon, was one of the first shot and the first killed. Every man who fired his weapon that day was certain that he was firing in self-defense. Crow most likely shot and killed Harris. Crow grabbed a shotgun and began firing. When out of ammo he asked Hartt for his rifle, which was in the wagon. Hartt grabbed another shotgun. Horses

were frightened by the shooting and began running all around. Daniel Kelly's horse spooked and he was hit by pistol ball shotgun pellets. The horse deposited him near the barn where he died. Walter Crow swore at Hartt demanding his rifle, but by this time the horses were scared and they took off with the wagon leaving Crow and Hartt standing alone on the ground. The shot that killed Mills Hartt was most likely fired at Walter Crow. It was probably fired by James Harris. But before he was killed, Hartt probably shot and killed Iver Knutson. Or maybe Walter Crow killed him? Knutson was a friend of Crow's, but perhaps Crow mistook him for one of the settlers. It was all so confusing, and the presence of smoke in the air from firing the guns didn't help.

Phase one of this event was all over very quickly. 45 seconds maximum, twenty or thirty shots fired. Four men were dead, three of them from pistol ball shotgun pellets. Harris was killed by four shot wounds to the stomach. Kelly had three shot holes in the back. Knutson had twelve shot holes in his chest, five of which went nearly all the way through and were lodged in the skin of his back. Hartt was killed by a bullet wound to the abdomen.

Crow then ran from the scene, feeling that he was outnumbered. And in danger. He ran near to where Archibald McGregor and John Henderson had been standing. With his pistol, he shot and killed unarmed Archibald McGregor, once in the chest and once in the back. Then he shot John Henderson in the left chest after dodging the bullets that Henderson was shooting at him. Henderson dropped dead.

Crow crouched down and sneaked through the neighboring wheat field. About a mile and a half from the scene of the battle, near the home of his father-in-law, Louis Haas, he happened upon a small group of men who were waiting for him. Or maybe it was only one man, hidden in a tree or lying in a weed patch. No one knows for certain. But the result was that Walter Crow was shot dead from fairly close range. His body was found shortly afterward.

Rumors flew about the entire event. The one true fact is that seven men were left dead. An eighth man, Edwin Haymaker, would die about a month later. He was wounded in the battle, but it was only a scratch to the head. He had fully recovered from his head wound and died of Pneumonia according to his family. But others were certain that his death was a result of stress from the recovery of his wound from Mussel Slough.

James Harris (33) and John Henderson (29) were buried in Hanford Cemetery. Archibald McGregor (42), Daniel Kelly (22), and Old Man Iver Knutson (49) were buried in Grangeville Cemetery along with Mills Hartt, who was not buried near the others. Walter Crow (32) was buried in Rural Cemetery near downtown Stockton.

In the aftermath of the shooting, a grand jury brought indictments against eleven men on two counts: obstructing a federal officer in the discharge of his duty, and conspiring to obstruct an officer. Those men were John J Doyle, James Flewelling, James Patterson, William Braden, John Pursell, Wayman Pryor, and Courtney Talbot. Some were later removed from the indictment.

The trial proceeded for more than three weeks. Public sentiment was heavily in favor of the settlers, who were regarded as heroes. Ultimately they would be found guilty of obstruction, but not of conspiracy to obstruct. Five men would be sentenced to eight months jail time and fines of $300 each plus court costs.

The men would be incarcerated at the Santa Clara County jail in San Jose, under bizarre conditions that boggle the mind. The men would be held in large apartment like quarters on the third floor, not in regular jail cells. They were given liberties that were unheard-of in any time. Their families were allowed to live with them. The doors to their rooms were left unlocked. Citizens from around the county brought in food to help feed the families. Food was sent to them from nearly every state of the union. So much mail arrived every day that the jailer was exhausted from delivering the mail bags up the three flights of stairs. He told the

men to send down one of their own to pick up the mail. On April 19, 1881, a birthday party was held for James Patterson and John Doyle, which included a large group of friends and family. One unmarried settler, William Braden, became enamored of one of the jailer's daughters, and they were married at the end of his sentence. The men served their full eight-month sentence and were then treated to an oyster dinner with their families on the night of their release.

Ultimately, the Mussel Slough settlers would have to pay the Southern Pacific for their properties at Southern Pacific's prices if they wanted to keep their land. Some did, and some didn't. In some cases a compromise was reached and there was a minor reduction in the price of the land.

Almost immediately the Mussel Slough Tragedy became a rallying point for those who were against the Southern Pacific. Over the next twenty-five years at least 5 books were written that were ripe with anti-Southern Pacific rhetoric. The most famous of those was The Octopus written by Frank Norris.

In 1910, Republican Hiram Johnson ran for Governor. His campaign was focused on getting large corporations, especially the Southern Pacific out of power. California Newspapers we sympathetic to his cause, and Johnson was elected. He appointed a stronger and more effective Railroad Commission and men who were known Southern Pacific sympathizers were removed from public office. The SP's railroad lobby in Sacramento became ineffective and their control of California politics was over.