

Volume 28

May, 1987

No. 2

**This is a Holy City Souvenir,
Deed, Title and Certificate to Your choice lot on
the Moon that was sold to You. . .**

This new Subdivision of choice lots on the MOON, void of all grafters, religious fanatics and the Devil, is something for you to be proud of.

Lot No. ONE Block No. ONE Track No. ONE

GOOD NEWS: For all time to come these lots are exempt from all Taxes and Foreclosure. 1933

Come up often nights to YOUR HOLY CITY, and see your choice lot through the Holy City Giant Telescope, now in full operation.

Joe Wilzig
Real Estate Agent and Astronomer

Lots On The Moon?

This is a lunar real estate deed dated 1933 during the bustling era of Holy City where "Father" William Riker, in 1918 with his group of religious cultists, ultimately claimed 200 prime forested acres on the old Santa Cruz Highway. In good time it claimed an observatory, complete with a telescope and astronomer. Here such 'lunar deeds' were made available for a modest fee. Riker also maintained a radio transmitter, said to be the most effective in the state. Rumor had it he often poured water at the base of the tower to give it a little more 'zilch'. This at times forced the Federal Communications Commission to quench such unholy methods.

Court actions involving breach-of-promise, tax evasion, reckless driving and even murder were acts on which he was proven sinful. This type of publicity did very well to swell Sunday drivers to Holy City perhaps to become converted or relish the chicken and dumplings or just refresh their radiators. However, the beginning of the end of "The World's Most Perfect Government" arrived in 1937-39 when a proposed new highway route would divert the captivating byway during the wanning era of a long despairing economic Depression, together with loss of a "choice lot on the moon."

WHALE BLAZERS

Father Gerald McKeivitt, S.J., in his book *"The University of Santa Clara, 1851-1977"* reveals the university's early struggles even to direct involvement in the Civil War. This action was due to one overly patriotic faculty member, Father Joseph Bixio, who went east to serve as chaplain to troops in Virginia and West Virginia. Bixio's ministry and patriotism among the rebel and federal soldiers brought a brief inquiry by General William T. Sherman. The author also reveals how it earned Father Bixio the romantic but unearned reputation as a spy.

SAN JOSE, JUNE 1915: Antiseptic mouthpieces for telephone receivers were being installed in public offices of the city. Local physicians went along with the adoption because it would prevent the spread of contagious germs.

JUNE, 1934: Repeated complaints were being filed against a nudist colony near Soquel for non-payment of laundry bills.

JUNE, 1909: Police Chief Haley was arresting dozens of motorists for violating the law requiring all automobiles to put to use two front headlights and a tail light, requirements still foreign to rookie motorists.

1912: "Swat the fly" was the war cry slogan across the land. A national campaign to shoulder a fly swatter was in full swing. "For generations man has given the fly a home," fly warriors preached. Santa Clara Valley was already in its second year in mustering women's clubs, Scouts, municipalities and publishers to arouse the populace into becoming fly swatting marksmen. "I'm A Swatter. Why Not Swat! Don't shoo this tainted pest!" was the rallying cry.

SAN JOSE, MAY, 1911: The San Jose Aero Club thanked Mrs. Bertha Rice for the loan of an army hospital tent to be used as a hanger for a forth coming aeroplane meet. Sheriff A.B. Langford was elected a club member.

SANTA CLARA, 1902: Mr. Ferdinand Abbes, who was the owner of the Santa Clara Hotel, had sold his interests to a San Jose gentleman named William Arbuckle, who besides being landlord also insisted on being porter, cook, waiter and chambermaid and by this arrangement would save over \$1,000 a year.

SAN JOSE, 1904: The bicycle mechanics of the valley had already claimed a strong union. Workmen in the craft amounted to over 100 enthusiastic members. Bicycle officials made it known this superior class of workmen protected the public from the incompetent.

Our Sheriff's Last Hanging

By Bill Chivers

This is the story of the last legal hanging in Santa Clara County and the accounts of the terrible crime leading up to it. This led to the historic change in California criminal law which took the power of hanging away from County Sheriffs and put the responsibility upon the State to execute convicted criminals.

Being convicted of murder in California was a sentence of death by hanging, and most of the Sheriffs found the job repulsive but did little to change the law. Ben Branham, our Sheriff (1883-1887) talked many times of trying to get the State to take the responsibility to do this revolting job, but it wasn't until the term of our Sheriff Giles McDougall (1891-1893) that the system of executing convicted criminals was changed as a direct result of Sheriff McDougall's lobbying for legislation that would change the jurisdiction for hangings in the State of California.

The place for the beginning of the story is Los Gatos. The date is Sunday, December 22, 1889; the person James M. Eubanks. The cause of this terrible crime will never truly be known, but few crimes in our county have paralleled this one. Eubanks had lived in this community for some years. His wife had died about two years before, and his 15 year old daughter, Ada, had taken care of her three small siblings the best she could for a girl of her age.

Ada had been working as a housekeeper at a boarding house in Los Gatos, and her first month was up on this Sunday, December 22. Her drunken father had borrowed a double barreled shotgun and some money to buy ammunition. He told parties that he was going to kill someone and himself. He loaded the gun in front of the barber shop and staggered across the street to the back kitchen door of the boarding house, knocked on the door and called to his daughter Ada who came to the door. It was then that Eubanks fired the heavy charge through her chest. He then



Sheriff Giles McDougall
Detested County Hangings

Photo Courtesy of San Jose Historical Museum

stepped back and fired the other barrel at his own head but did himself no harm other than burn off a few of his whiskers. He fell over but rose in a minute and walked to the nearby saloon, begged a drink of whiskey and went upstairs to a room and made a slight attempt to cut his throat with a razor.

Constable Reynolds found him in the room bleeding considerably. Several persons in the barber shop across the street ran to the scene of the shooting, but the girl was dying and unconscious. She died a short time later. Doctor Buck was called but could do nothing for Ada. He then went and patched up the wounds of Eubanks who was quickly taken to the County Jail in San Jose as a move was being started to lynch him.

A reporter interviewed Mrs. Eubanks, a sister-in-law of James Eubanks. She said there were rumors around town about the character of Ada, but the Wednesday before the shooting Ada came to her in regards to the rumors of her father's improper actions toward her and of her resistance. She made a clean break of it, told her everything was true and that there was great difficulty between her and her father because of his improper actions.

The trial for James Eubanks started March 10, 1890, and on March 20 he was brought before Judge Spencer for sentence. May 5, 1890 was set for the day of execution, but delays and appeals delayed the fatal day until January 19, 1891. Eubank's defense was that he was drunk and didn't know what he was doing. On signing the death warrant, Judge Spencer said it would be dangerous ground for a court or a jury to acquit a man of so terrible a crime for derangement of mind caused by drink, as it is well known that drinking if done in sufficient doses makes all men crazy temporarily, and to excuse a crime on grounds of drunkenness of long or short standing would be a premium on drunkenness to all evil disposed men. For a man who wished to get away with a fancied enemy would only have to drink a little or much as the ruling might require and kill his victim.

Four days before the hanging the scaffold was brought from the basement of the San Jose courthouse and erected in the northwest corner of the jail yard. It was of light structure, bound by bolts, and the platform was ten feet off the ground. A flight of 13 steps with a hand rail on one side ascended to it. It is said one step was for the Judge and one step each for the Jurors. There was great interest in this execution, and Sheriff McDougall said that if all requests to witness this execution were granted the number would fill St. James Park.

He said that he was compelled to refuse requests from his best friends. One man wanted a permit, and said his reason was that he had seen every hanging in Santa Clara County and didn't want to miss this one.

On Monday, January 19, 1891, at 10:00 o'clock all prisoners in the jail were taken from their cells and put in the large tank. The court house was closed for the duration of the execution. The

gate to the jail yard was closed about 11:00 o'clock with about 300 witnesses in the yard. First Street was blocked by hundreds of people attracted by a strange curiosity. About 11:45 Eubanks was taken from his cell with his arms bound. He walked up the 13 steps to the gallows without any assistance and took his place on the trap. Prayers were offered by two ministers while straps were adjusted on his arms and legs. At the close of the prayers, Eubanks said, "O Jesus, I give myself to thee; Thy will be done. I hope this will be a warning to others." The black hood was put over his head, and the noose with its large knot formed of six loops was placed over his head and adjusted so the knot was behind his left ear. At 11:50 A.M. the Sheriff gave the signal and bolts were drawn, the trap door sprung, and the body dropped. The body hung motionless save for a slight turning caused by the tension of the rope. County Physician Provost after two and a half minutes walked up a ladder and could detect no pulse. The corpse was taken to an undertaking parlor and made ready for the large crowds that were allowed to view the body.

Sheriff McDougall was determined to change the law of execution and soon sent out letters to every sheriff and a majority of the peace officers in California to have hangings take place within the walls of the state prison and by his persistent lobbying succeeded by the end of the year to have the laws changed.

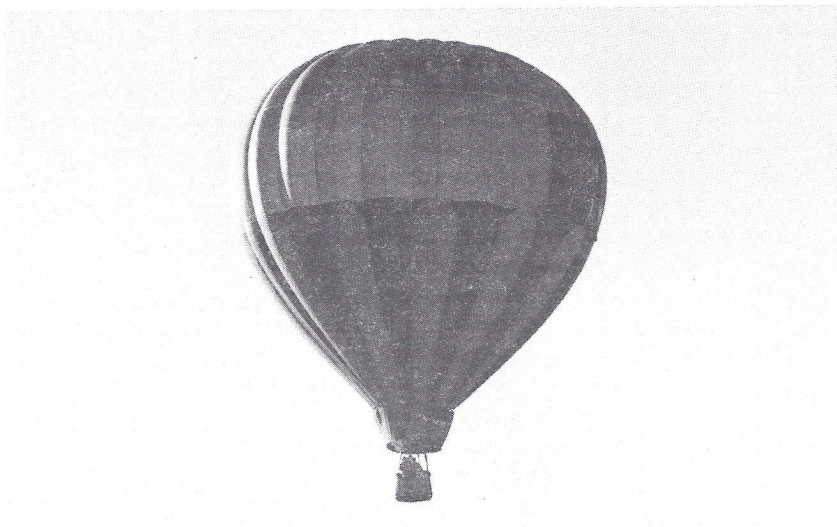
It is interesting to note that the gas chamber was substituted for hanging in 1938. A pig was first executed to test the chamber, and newspaper reporters were invited to witness this new form of capital punishment. One of the San Francisco Chronicle reporters was so affected by what he saw, he wrote, "Capital punishment in what I consider its most hellish form since civilized courts sentenced men to be hanged, drawn and quartered was demonstrated yesterday in San Quentin Prison."

County law enforcement officials throughout the State of California owe our Sheriff McDougall a debt of gratitude for his untiring efforts to put the responsibility of carrying out executions in the hands of the State rather than to the local Sheriffs.

The Campbell Historical Museum launches its new changing exhibit, Hear That Lonesome Whistle Blow, on April 30, 1987. This six-month display will explore the history of the railroad in California, with a special emphasis on its impact in the Santa Clara Valley and particularly in Campbell. A variety of photographs, archival materials and railroadiana will be featured, along with original railroad art of Michael Kotowski, of Orchard Supply Hardware calendar fame. Special sidelights include historical glimpses into local electric railways, such as the Peninsular Interurban, and the development of the Southern Pacific Railroad. The exhibit will run through October 27, 1987, so don't miss it!

Ballooning

by Madeline Smalley



So-o-o, you are going for a ride in a balloon, very soon you hope - - maybe next weekend. That means you will be getting out of bed early, very early, in the morning - - the time depends on how far you will have to travel to the launching ground. Living in the Santa Clara Valley, that will probably be the Livermore or Tracy Airport, but maybe only as far as Morgan Hill, balloons ascend from a site off Highway 101. It also means that you will be dressing in layered clothing - - balloons usually take flight just after sunrise and at that time it is still cool or cold. In some vicinities the flight could be late in the afternoon, but around here the winds are more gentle and suitable for ballooning in the early morning.

When you reach your designated launching field, you will find much activity - - several, maybe 20 or more, balloons are being dragged off their respective vans or trailers. The envelope (airbag) of each balloon is then stretched out to its full 80 or so linear feet, and the fan is turned on - - presuming your trip is to be in a hot air type balloon; there are also hydrogen and helium filled balloons. The fan blows air into the mouth of the airbag, and the crew, and as many spectators as can be drafted into service, hold onto the various ropes or the edges of the airbag, and all the while the pilot (actually he should be called the "aeronaut") supervises the procedure.

But wait a minute - - before the inflation is completed it must

be determined whether the air currents in the upper regions are suitable for carrying the balloon in the right direction; you don't want to end up flying over the water or over the mountains, or a too strong wind may even keep the balloon from rising, or no wind at all may leave the balloon bobbing in a stationary position above the ground from which it arose. In either/or case the flight is scrubbed, the envelope emptied of its air (stuffed, the balloonists say), packed in the basket (gondola), and then all goes onto the trailer or into the van. You are told they will try again tomorrow, or maybe it will be next week, or even could be next month. But usually before going this far, the pilot will have put in an early morning call to the FAA Flight Service Station for a weather briefing which consists of information as to wind direction and velocity, and visibility which may be affected by fog or cloud formations. He will then call you before you have crawled out from those last forty winks to say, "No flight this morning, we'll try again tomorrow."

Tomorrow turns out to be a perfect day, just made for flying - you are there, at the designated time and place. The crews are again laying out the balloons and the fans are blowing air into the mouths of the envelopes which take shape and rise from the ground to a position over the basket, and are soon at their full height of a several storied building. The pilot calls for all aboard that're going aboard, and you attempt to climb into the basket - which is a feat in itself without a short stepladder, or a pal capable of giving you a good big boost. Once in, the pilot starts the propane burner, and you watch the neighboring balloons with their burners puffing away and rising off the ground, and then you sight one that is already well up in the air, and then you look back to the ground and surprise! Everything below you has diminished in size and the whole landscape has opened up. Your ascension was so gentle that you didn't realize you were moving upward and onward. A balloon may go higher or lower depending on the heat given from the burner, but only in the one direction the prevailing wind may carry it. And if you are in a hurry this is not the sport for you!

It may appear that the aeronaut is just going along for the ride, but he is actually a well-trained and highly-skilled technician. He must know how to read his maps. His instruments must be closely scrutinized, he must know when to turn up or off his propane burners; and how to test the air currents for the direction he wants to travel. Wind may go a different direction in different altitudes. He is licensed by the Federal Aviation Administration and to get that license he must receive training by a pilot with a commercial balloon rating; he must pass a written test administered by the FAA which covers weather, operation of a balloon, and FAA regulations; and he must pass a flying test given by an examiner designated by the FAA.

With complete confidence that your pilot knows what he is do-

ing, you float on and on until time runs out, or the wind changes, or the propane gas gets low. Then your pilot looks for a place to land. The landing may be a bit bumpy, but you have been coached on the posture to assume (primarily knee flexing) as you hit the ground and bounce once or twice. It is nice to land near a roadway so that the chase vehicle is accessible for your ride back to the take-off point. You didn't realize you were being chased? As you took off and sailed along with the air current, your crew members on the ground were scanning the direction you took, studying a road map of the vicinity, revving the motor of the vehicle with the trailer, then trying to follow a route that would keep the balloon within their view. If the balloon wanders and is forced to land far from a road, it means a long hike to find your chaser (or vice versa). The pilot often uses a CB radio to keep in touch with the driver of the chase vehicle so that he knows you have returned to earth and the balloon is ready to be dismantled. It is rather unusual, but not impossible, for a balloonist to find an air current that will return the balloon to the starting point.

But no time is wasted awaiting the chaser's arrival - - tradition has solved that. A champagne bottle is popped; if you are a first-time rider, you are doused with the bubbly stuff, otherwise it is just a round for all to celebrate the safe landing. The champagne tradition is inherited from the first balloonists - - French noblemen. They found that landing on a peasant's field could be hazardous - - the peasant never having seen anything like a balloon thought it was an omen of the devil and rammed his pitchfork into the undulating folds, or called the priest to exorcise it. By offering champagne, the nobleman saved his balloon from puncture - - either the peasant recognized a fellow Frenchman, or because the drink made him incapable of wielding his pitchfork to advantage.

(Editor's Note) Madeline, our author, who served on our Board of Directors for years is well acquainted with hot-air ballooning. Madeline's daughter, Gayle Smalley, an avid balloonist who mans her own equipment, has had her mom up a number of times.



Beyond The Sunset

Ethelbert L. Beecroft
Byrdie H. Booker
Rev. Norman Culbertson
Elaine E. Johns
Geraldine M. Kelley
Jack C. O'Bannon

Lillian Hazel Ohlen
Rose Prolo
Alvin B. Snyder
Norma H. Strafford
Joseph A. Walker

When San Jose Baseball Bats Were The Only Ones Made In The West



Congenial San Josean Tim Phillips in 1924 was considered the exclusive manufacturer of baseball bats west of Louisville, Kentucky. His unpretentious "carpenter shop" snuggled off Race Street was the site where he turned out 30,000 baseball bats in 1923. Tim knew his craft well as he had served his apprenticeship with the renowned Spaulding Brothers 35 years before.

His unique and popular workshop contained a bat rack with models used by many big league players for whom he made bats to order. Hack Miller when he left the Oakland Coast League to join the Chicago Cubs had taken a dozen of

his "Phillips Specials." Hal Rhyne, another valley boy with the San Francisco Seals, used the Phillips as did star Joe Kelly. While not considered an official bat maker for the Yankee ace Babe Ruth, he made models for youngsters who desired them.

Businessman and sportsman Tim shipped bats to Portland, Seattle and Salt Lake City. He also supplied the San Francisco Emporium and Harts of San Jose with huge orders. Phillips was aware of the annual huge carloads of baseball bats shipped from the East because baseball was an ideal year around sport in California. This enticed Tim to expand a little. His son already was a player in Butte, one of Montana's six leagues. Phillips usually was alerted by the hardwood people when the bat selections suited to baseball was available. He usually took second growth ash. From 20,000 feet he would realize 4,000 just for baseball purposes. The wood, when sawed into squares two and a half by three feet was ready for hand turning. Phillips could make 150 bats a day. With automatic methods 1,200 a day were possible.

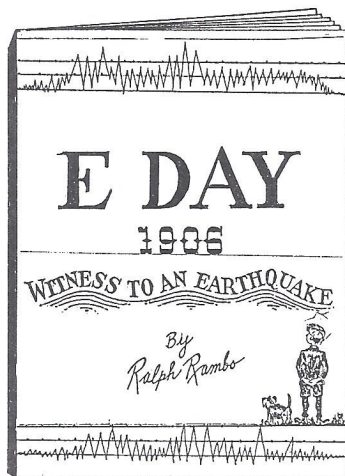
Besides baseball bats, Mr. Phillips, who was the only hardwood shop in town, also made furniture for local furniture dealers. As radio increased in popularity he began making radio cabinets from mahogany and walnut. Hardwood floors were another important line. Not to be overlooked in other sporting areas, he also manufactured ten pins for bowling alleys, all at his Race Street enterprise.

March 16, 1924 indeed was a day to remember when record crowds turned out at San Jose's Sodality Park. Here a team composed of Santa Clara Valley baseball stars had taken on the spring training Pittsburgh Pirates up from Paso Robles. Our amazing valley team subdued the Pirates 9 to 5.

In this game the locals' Bunny Lindsay figured in one incredible double play while making off with 12 straight hits in 12 times at bat. The bat, of course, was a phillips.

"I am what they call a baseball nut," he often enjoyed telling others. "I attend all the National League games when I lived in Pittsburgh and played often, but never as a pro."

Our own Ralph Rambo was an overly observant twelve year old when the 1906 earthquake hit. Ralph's beloved Doyal School, a one room 26 pupil 1883 structure sturdily repelled the spasm - as did Blackmar's Saloon along with its supplying 'Old Joes Steam Beer.' However, havoc also zeroed in on the countryside windmills and water supply, not omitting the Rambo's brand new installation. A mother's tears, a father's concern also centered on the Rambo's eight-party crank phone in arousing "Central." This captivating account is Rambo's latest classic. The San Jose Historical Museum gift shop is now featuring this doomful recall - just \$2.00.



A Tribute to Our Late Lynn Vermillion

Your Board of Directors have decalred that our annual essay contest hereafter be entitled "**The Lynn Vermillion Memorial Essay Conest.**" This tribute was named in memory of Lynn for spearheading this popular activity among high schools and the general public, for her years of dedication to California history and past president of our Society. She had also headed, the California History Room at the San Jose Public Library for years. Your Board is honored to bestow this title to such a long and over zealous benefactor to all who sought out her assistance in local and area history.

Welcome New Members

Marijane Adams	Dana Leslie	Martin A. Prolo
William J. Adams	Lydia Mlinarich	Lois L. Robinson
Genieva Bentel	Frank J. Mraz	Alice Z. Schlim
Mildred Cutting	Frances H. Muller	Jewel Smith
George S. Erskin	James H. Muller	Schatzi Tartt
Adeline French	Rosalee M. Neibaur	Josephine P. Thornton
Ortin T. French	Mildred E. Paulsen	Viola E. Watson
Allison Heisch	Jeanette C. Peterson	Janette Wolfram
Margaret J. Kraynick		



Touring With The Californians

RESERVATIONS by phone begin on Monday, June 8th, for MEMBERS ONLY. Call Alice Vetterle at 294-7510 ONLY BETWEEN 9:00 a.m. and 12 noon Monday through Friday. After Alice confirms your reservation, make check payable to The Californians, and send to P.O. Box 32121, San Jose, CA 95152. Reservations for members only will be accepted for the first week after each quarterly luncheon meeting; thereafter, non-members will be welcome. Subject to this rule anyone may sign on a waiting list. Trip brochures and flyers can be obtained by mailing a stamped, self addressed legal size envelope to the above address.

Just before press time only four spaces were remaining on the LAKES OF THE NORTHWEST - COEUR D' ALENE plus all the spectacular sights via seaplane and boat to remote and fascinating destinations in Washington and Idaho. Relax at a Bavarian Village. Marvel to miles of isolated wilderness in this exciting June adventure. Last call.

Holiday with Our Californians October 8-16, 1987. Last call for the cruise of the upper serene Mississippi River from St. Paul - Minneapolis to St. Louis. Sightsee Minnesota's Twin Cities, Steamboat passengers will marvel to the grand mansions of generations past, a show place of Victorian architecture. Among countless adventures tread the realm of Tom Sawyer and Huckelberry Finn. The white wash-fence is still intact as colorful tour folks are to enjoy. All and countless thrills are all welded in this memorable venture into our nation's past.

Sign ups begin at the June Luncheon for our one day actions in July, August and September. All have exciting destinations well tailored with surprises.

NEW YEAR'S IN SAN ANTONIO, TEXAS; See the Alamo and other points of interest in San Antonio, drive through the Hill Country and visit the LBJ National Park and the German Town of Fredericksburg. A special brochure will be available at the luncheon and by mail afterwards.

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DOORS OPEN 10:30 / Luncheon 12

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