



# The Novato Historian

The Quarterly Publication of the Novato Historical Guild and the Novato History Museum

## FEATURE SECTION

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Preserving Novato's History

Vol. 25, No. 1

We apologize for the misspelling of the author of the Black Point History article. The author's name is Dierdre McCrohan.

## Speculations on the Death of H.T. Jones, Novato's First Postmaster

by John A. Trumbull

The time is March 22, 1872. The location is that cluster of buildings in Marin County designated as the Township of Novato. It is a scattered but growing collection of buildings straddling "The Sonoma Road", (which we now call South Novato Boulevard up to Diablo, then it is Redwood Blvd. / US 101 north to Petaluma). Novato and Arroyo Avicchi Creeks come together near here to flow Southeast through marsh lands to San Francisco Bay. Near this confluence is the "Landing" or "Estero" where men like Captain Leon Hiribarren dock their shallow draft schooners to load the valley's produce and to deliver merchandise for sale.

The road is unlighted and unpaved, totally innocent of noisy, fume belching, gasoline powered vehicles. It is lined with fields inhabited by placid cows and resigned horses and by various types of domestic fowl parading in their yards nearer to the dwellings of the human residents. On a Spring evening such as we are evoking the passerby would normally anticipate hearing the quiet lowing of cows, perhaps the nicker of a horse, possibly the muttering made by a flock of

chickens or geese settling in for the night, and certainly the sounds of the night birds, frogs and insects that inhabit rural creek banks. On the night of March 22, 1872, there were other sounds: those made by humans, unfortunately they are not as idyllic as those just described. This was the night Henry T. Jones (known in the community as "Harry") died in the horse watering trough in front of his house.

### BACKGROUND:

Who was "Harry" Jones ?

Official records don't reveal anything about the Jones family before 1856. The obituary in the Marin Journal of March 23, 1872 contains the information that Harry was a native of Liverpool, England, and died "in his 45th year". We know he was a Novato resident in 1856 because in that year he became Novato's first postmaster. We know there was no rural mail delivery at that time, so the story that mail was kept in the back room and delivered upon request through a window of the house carries some credibility. [Remember this mail arrived from the East by horse power or sailingship!] Post office records indicate that Mr. Jones

was relieved of his position in 1860 and the post office was shut down. [Novato would remain without an official post office location until the "Black Point" office was de-designated in 1865 with J. R. Sweetzer as postmaster.]

In 1856 he also was elected to office as one of two Novato township constables. Harry retained this office until 1865. (Harry's neighbor to the north, Captain J. G. Haven, was elected at the same time to serve as one of Novato's two Justices of the Peace, a position he occupied, albeit with some short interruptions, until 1875.)

Harry had several irons in the commercial fires of Novato. He formed a partnership with Peter Smith (whose obituary in 1878 identified him as also being from England). He was a local resident whose house appears on the 1862 survey of the Feliz' Rancho Novato. The Brand Registration book for Marin County shows that on Oct. 27, 1855, Harry registered his personal brand, and Jones and Smith registered a different brand.

On October 12, 1857, Jones and Smith paid \$300.00 to John W. Coleman to purchase "a Island commonly called Deer Island Situated in Marin County Novato Township bounded by the Marsh and Creek by East and West". We don't know how the partners divided the \$300 purchase price, but their apparent intent was to jointly operate the land as a cattle ranch. Only five months

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# H.T. Jones

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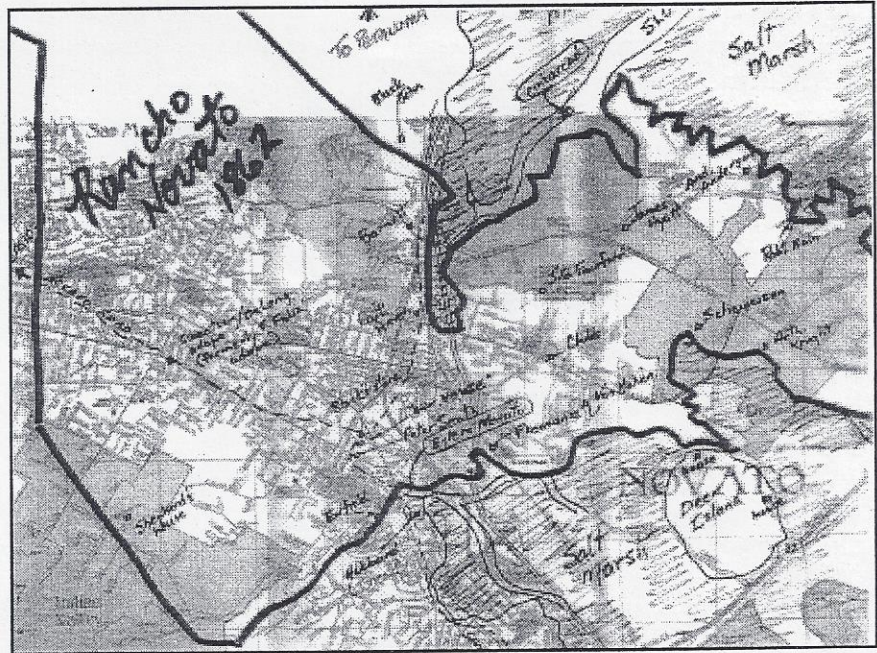
later (March 10, 1858) the partners acquired 160 acres east of Rancho Novato and north of the Issacson Ranch from Eli Crosby for \$75.00. On his own Harry bought 2 acres from Elizabeth DeFries on November 10, 1857, for \$200, then sold it for \$200 to Oliver Irwin on October 26, 1859.

The Marin Journal newspaper began publication in San Rafael in early 1861, and H. T. Jones of Novato became its "local agent". I don't believe he was a reporter, but he did have a friendly relationship with the editor as may be inferred from this item on page 2 of the May 4, 1861 edition: "Mr. H. T. Jones, of Novato, has left at our office an egg, measuring  $8\frac{3}{4}$  by 7 inches in circumference, which was laid by a pullet only eight months old and this being her first attempt. — We think, as Billy Birch would say, that she sort'er spread herself." [That year was a good one for the partners' egg production, because the Journal reported on July 27, that "Peter Smith, of Novato, has left at our office a pullet's egg, measuring  $7\frac{3}{4}$  inches in circumference."] A later issue (Feb. 15, 1862) carried an item about Capt. Haven's dog finding the body of Zachariah Taylor, a Black Point resident, in the adjacent creek. Capt. Haven, as Justice of the Peace for Novato, summoned a jury of inquest which determined that the unfortunate had drowned while chopping wood about 2 months previously. The Journal report concludes reassuringly "The residents of Black Point are believed quite amicable towards each other. Yours, H. T. J." Since the general policy of the paper was to print source credit for public contributions, those initials probably indicate only a casual relationship with Jones.

It is more likely that Jones was a distributor of the Marin Journal through the combination of general store and saloon called "Our House" that he owned and operated in partnership with Peter Smith. On Feb. 20, 1864, The Marin Journal notified its readers; "Harry Jones, of Novato, is authorized to collect accounts due this office, and receipt therefor." It appears Our House was the first establishment of its kind to be opened in Novato. Since the files of the Marin Journal only go back to January 1861, we don't know the date of the Grand Opening, but we do know the tavern was operating in 1861, because the June 8th issue reported that a "Mr Casey" died while visiting Our House. The poor man passed away at "half past one o'clock on the morning of the 28th ult., and was buried late in the afternoon of the same day." Mr. August Burg, of Novato township, "thinks there is some mystery connected with his death." The June 15th issue reported on page 2 under the bold heading "Correction" that the inquest held by Judge Haven concluded from the testimony of Dr. Harrison, who had been called to examine the deceased, that he had been a victim of epilepsy. [Unfortunately the well preserved records of the Marin County Coroner's office do not contain this inquest report.]

"Our House" and Block's Store (both joint enterprises of Smith and Jones) and Peter Smith's house all appear to have been located almost across the street from each other according to the Nov. 1859, survey map of the Fernando Feliz rancho. They were just south of the intersection of Novato Road [now Novato Blvd. starting at Diablo Ave.] Sonoma Road [roughly modern South Novato Blvd. connecting along Diablo to Redwood Blvd. enroute north to Petaluma]. The Pacheco Ranch (Rancho San Jose) upon which the Jones family home was most probably located is less than a mile to the south along the Sonoma Road.

[see map following]



"Our House" was truly a general store; in fact from May 3, 1862 for a couple of years, farmers were invited through an illustrated paid ad in the Journal to bring their choice mares there to be bred with Jones' prize trotter, "Young Hero". Jones asserted "Due care will be taken of mares left with me, but I will not be responsible for accidents."

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# H.T. Jones

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There were periods of trouble at "Our House", because in this sparsely populated community individuals tended to settle their own disagreements on the spot. One such incident was reported in the August 2, 1862 issue of the Marin Journal: "Row. - We understand that Mr. P. Smith, of 'Our House,' Novato, had an altercation with a man, name unknown, at the above place on Saturday night last, in which the former was severely cut, with a knife, on the face and breast. We have been unable to learn the particulars." [Despite the Journal's connection with H. T. Jones, no further information was forthcoming for its readers.] Whether this altercation had any lasting effect upon Mr. Smith is subject to conjecture, but upon February 28, 1863, Smith sold all his interest in the partnership and its assets to Harry Jones for \$1,690.00. The bill of sale lists specifically: "Our House" and the Block's Store, the Deer Island property with 80 head of cattle, all the horses with the partnership

brand, and "all the marshland that belonged to the Company of Jones and Smith of Novato". For several issues after April 25, 1863 the Marin Journal carried the following notice: "DISSOLUTION -- The Co-Partnership heretofore existing between the undersigned is this day dissolved by mutual consent. SMITH & JONES Novato, April 4th, 1863. #110." Smith forthwith advertised the opening of his new store in Ross Landing (also then known as Taran-tulaville). Harry was now the sole owner of 2 businesses, 2 ranch properties, considerable livestock and, as a constable, was an elected office holder.

Both Jones and Smith participated in the rush to find Marin minerals

that spawned numerous mining partnerships during 1863. [Watch for more on this in a later Guild newsletter.]

On February 29, 1868, the Marin Journal reported that Jones' store suffered the loss of some shoes and a shotgun to two robbers. Despite this, business must have been pretty good because on December 15, 1868, H. T. Jones purchased his house and 29 acres from Juan Ramon Pacheco for \$1,160.00. The deed describes it as being about 600 yards south of "the Landing or Embarcadero on Novato Creek", now the site of The Oaks apartment complex, just north of the present intersection of Novato Boulevard and Yukon Way. [The Landing was the ship dock area on Arroyo Avicchi Creek that formed part of the boundary between the Feliz and Pacheco ranchos and it was used as a surveyor's starting point in several legal land descriptions.] On June 20, 1863 Jones acquired 50.98 acres of adjacent "swamp and overflow land" from the State of California for \$1.00 an acre as a patent claim pursuant to the U.S. Swamp and Overflow Lands act of 1858.

By this time Novato Township was beginning to grow. The Pacheco family was selling off land for houses and businesses. Right across the road Richard Connell completed after 3 years a 7 bedroom house on his dairy that he and his wife, Mary, called "The Orchards". Unfortunately Mr. Connell died on Oct. 7, 1871, at the age of 38, causing Mary to convert The Orchards into a boarding house. There were other houses nearby, specifically the residences of Mr. and Mrs. George Lee, Mr. Hubbard and (Juan) Ramon Pacheco, [the 29 year old son of Ygnacio Pacheco, the original land grantee. JR. had been the Marin Assessor 1869-71.] Adolph G. Scown's "Halfway House" saloon and store was opened in 1871 in the vicinity of the present day Nave Center. [Too ambitious to remain only

a bartender, Mr. Scown will soon marry Richard Connell's widow, become active in local mining organizations and in Democratic party politics and eventually become a Marin County supervisor in 1894. He is memorialized by our present Scown Lane.] Other buildings known to be in the area of Estero Novato are the first Catholic church [Our Lady of Loretto], Block's Store and a blacksmith shop. [The Nave "Cabbage Patch" store and dance hall across the road and Estero to the north will not be constructed until 1898.]

## THE INCIDENT:

The evening of March 22, 1872, the night is clear and quite possibly even balmy for that time of year; at least we know there are quite a few people abroad during the evening hours. The H. T. Jones house is occupied by the family, which consists of Harry, Mary his wife, William his young son, and Susan his even younger daughter (born Sept. 18, 1869). Tom Winn, age 15, (known as "the boy") is also a member of the household, apparently in the role of a clerk. He will testify that he sleeps in the backroom of the bar. Harry is minding the store, although he seems to have been checking the quality of his own liquor rather frequently during the afternoon. Sometime past 8:00 PM William Webb Sr. is in the store, tending bar as he was wont to do from time to time. John Brown (a local blacksmith) is present, as are Christopher Bannon, Andrew Lawson, a Mr. Wright, 13 year old William Webb Jr, and "the boy", Tom Winn. Some witnesses also include an unknown stranger as being present. Without a doubt the liquor is being liberally passed around. Several of the witnesses enjoy the generosity of some of the other customers; everyone agrees however, that the stranger is excluded from the shared

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# H.T. Jones

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cup. Harry is being aggressive; variously being accused of 1) verbally insulting both Webb Sr. and Mr. Wright, 2) arguing with, pursuing and perhaps slapping his wife and 3) dashing a pair of drinking glasses upon the floor in the vicinity of Mr. Brown. [The slapping incident, which Mary said occurred at the house, was allegedly witnessed by Mrs.. George Lee who was visiting in the yard at the time, but for some reason she did not testify at the inquest.]

Now the tale becomes less consistent. Mr. Wright and the stranger have enough of the discord and they leave. Mr. Jones is either knocked down and kicked in the face by Brown (which that worthy denies) or he falls on his face. All witnesses agree that somehow Harry gets bloodied about the head and shoulders. He comes into the store and Mr. Bannon cleans him up, but doesn't sober him up.

It is now after 9:00 PM. Harry, bloody but unbowed is wandering from the store to the house and while at the house wandering from inside to outside in the yard, usually in search of Mrs. Jones. Mrs. Jones is also seen in each of these areas from time to time seeking to evade Harry. [Brown and Mrs.. Jones testify to a confused travelogue that lasted about an hour, but there are few details that the two stories share in common.] At about 10:00 PM someone closes the store, possibly Mrs. Jones. The remaining customers leave: Webb Jr goes home with Bannon; Webb Sr, a part time employee, packs up the clothing that he has been keeping in the back room of the store and heads for shelter at Ramon Pacheco's, but ends up sleeping at George Lee's; and Brown said he headed for home. Everyone agrees Harry is alive at that time, but

judgmentally impaired by drink. Left alone with Harry, and her two small children, Mrs. Jones puts the children to bed and returns to her housework. She says "the boy", Tom was helping, but Tom thought he had gone to bed in the back room of the store sooner than would have been possible to verify Mary's testimony. He does remember helping her with the housework that evening after he witnessed the "fight". Harry is sitting, sulking, on the end of the horse trough.

It is important that this watering trough is equipped with a hinged lid. Unfortunately there is no consistent practice as to whether the lid is kept closed or not. Mary testified that tonight it is open when she last sees Harry perched upon the end of the trough. After a half an hour of housework, Mary testifies she sent "the boy" to go and look for Harry, who, she thinks, may have retired in the store as he earlier threatened. [Remember Tom said that is where he was sleeping when Mary aroused him to look for Harry!] Anyway, he had no success. Mary comes outside to look for herself, and with Tom watching, raises the closed lid of the horse trough. There is Harry "laid on his side I think in the trough face toward the fence", the coroner's jury clerk reports Mary testifying. Young Tom, with the aid of the moonlight, sees Harry and feels his hand to ascertain that he is dead, but doesn't take any further action. Mary then sends Tom to fetch the neighbors, a task at which he proves very efficient. Tom said he was sent to awaken John Brown, George Lee, Mrs. Connell and Mrs. Lee, (those two ladies apparently don't show up). He does arouse Bill Webb, (Sr), probably Mr. and Mrs. Ramon Pacheco, and Christopher Bannon who all arrive about the same time at the Jones house. Bill Webb opens the lid to see Harry "floating in the water his head and the tips of his toes up", but doesn't disturb him.

John Callaher, George Haven (who would serve on this coroner's jury), Widow Connell's brother John, and a shoemaker are also noted as arriving. Brown comes with the shoemaker and finds the trough lid closed and Mrs. Jones standing on the porch. Despite Mary's request, Brown does not lift Harry from the water, but he does check for signs of vitality. George Lee arrives after Brown and the shoemaker and also declines a request to remove the body. About this time, someone suggests sending for Mr. (Robert C.) Clark, one of the Justices of the Peace for Novato.

## THE NEXT DAY:

The investigation begins.

No one has reported whether Justice Clark visited the Jones House on the night Harry died, but the next day that worthy gentleman convened a coroner's jury ("there being no coroner in the County") With Galen Burdell as foreman, 31 pages of testimony were taken from 10 witnesses. All the customers at "Our House" told their stories with the interesting exceptions of Mr. Wright and Mrs. Lee and (of course) the unidentified stranger. Dr. H. Dubois of San Rafael performed an autopsy, and testified to the following findings: 1) There was a bruise on the back of the head and also on the left side of the head. 2) There was a contusion on the upper lip about an inch in length which could have been caused by a kick or a rough instrument. 3) There was a large quantity of black blood released upon opening the scalp and a large clot of blood was found in the left temple. 4) The brain was normal and healthy, but contained about 3 ounces of water upon dissection, and it showed no sign of congestion. 5) Harry's lungs were adhered to his ribs, probably as the result of a previous pleurisy attack, but they were well inflated and contained no water. 6) The heart was perfectly healthy. 7)

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# H.T. Jones

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The liver was pale and waxy - a condition called "drunkard's liver". 8) The stomach was mildly inflamed and contained about a quart of a dark fluid that smelled like whiskey. 9) The kidneys were smaller than normal and exhibited the first stage of Bright's disease. 10) The bowels and other organs of the body appeared natural, and he observed no water. 11) "There were no marks upon him of choking." The good doctor then concluded "My opinion of his death was either by drowning or by suffocation." The jury opted for suffocation.

[For the record the jurors were: Galen Burdell (foreman), George Mason, E.W. Davis (the other Novato Justice of the Peace), B. Wright, James Tunstead (who would be Marin's sheriff and tax collector from 1875 to 1879), Patrick Ryall, Wm. M. Nickerson, George L. Haven, and J. S. Robinson. The Clerk for the occasion was Val D. Doub (who had been the county sheriff from 1857 to 1863).]

## THE AFTERMATH:

This night began a legal nightmare for Mary Jones and the blacksmith, John Brown. The Marin Journal reports that on March 21st one A. C. McAllister swore out a warrant against the pair for murder. They were promptly arrested and brought before A. B. Gardner (one of the two San Rafael Justices of the Peace) by Sheriff G. Watson. The Journal reports the scene as follows: "They appeared self-possessed and cool, and did not betray any of those symptoms usually shown upon such occasions. Mrs. Jones was dressed in mourning, and her fellow prisoner in a neat suit of black. The latter is apparently about 35 years of age, and has a determined, dogged appearance. Thos. N. Hanson has been retained by the prisoners to

conduct the examination." In the following issue we learn the examination before Justice Gardner on March 22nd and 23d "resulted in the acquittal of the accused."

The word "acquittal" is not appropriate since this was not a trial. Four days later another arrest warrant was issued by J. M. Waite (the other Justice of the Peace for San Rafael) upon the affidavit of Andrew Lawson. "It appears that Brown had disposed of all of his effects and was on the point of leaving the county when the arrest was made." Back to jail, with the writ of Habeas corpus denied !! A hearing was held on Friday, March 29th and half of Monday, April 1st. T. H. Hanson and Hepburn Wilkins, Esqs. represented the defendants, but E. B. Mahon, the D.A., won. Of this hearing the Journal only noted "During the examination of Mrs. Jones for the murder of her husband we observed some of the 'strong minded' present, but they kept away from the prisoner as far as possible, and evidently were only drawn in the court room to gratify that morbid feeling of curiosity inherent in women of that class." Both defendants were held to answer. Bail was fixed for Mrs. Jones at \$2,500 and for Brown at \$7,500; Mrs. Jones was able to pay for her release, Mr. Brown was not. On June 19, 1872, the Marin County Grand Jury, T. H. Crandall, foreman, considered the evidence, and returned "a true bill", which is to say they indicted both Mrs. Jones and Mr. Brown for murder. The case was transferred to the District Court on June 29th, and the pair were arraigned on Tuesday, July 2nd. They each plead "Not Guilty" and requested separate trials, both being then represented by (ex)Judge J. B. Southard, who was the district court judge from 1863 to 1871, just prior to William C. Wallace. Mary's trial was set for 10:00 the next day.

Court minutes reveal that jury selection took 2 days, since the DA only accepted 6 jurors from the initial panel of 19, so a second panel of 35 had to be called for Fri. On Fri. R. C. Clark and Wm. Webb testified; on Saturday Andrew Lawson, Chris Brannon, Mary Connell, Geo. Burdell, & J. R. Pacheco testified. [Wm. Webb Jr. was excused because he did not understand the nature of the oath.] Mary (Mrs. Geo.) Lee was delivered by the Sheriff via a bench warrant, and she also, testified. Without offering any evidence, Mary's attorney moved for and received a directed verdict of "Not Guilty". On Mon. the 8th the D.A. moved to dismiss against Brown due to lack of evidence, and the Court agreed. Brown objected requesting that the trial be started before he was dismissed [to allow him to claim double jeopardy protection against later reinstatement of the charge], but the judge declined to impanel the jury. The Journal becomes uncharacteristically terse at this point, reporting on July 13th, "ACQUITTED -- Mrs. Mary B. Jones was acquitted of the charge of murder, in the District Court, on Saturday last. In the case of John Brown, alleged to have been implicated in the killing of Jones, a *nolle prosequi* was entered and he was discharged."

I assume that Brown completed his exodus from the county ASAP. Mrs. Jones remained in her house with the two children until her death in February 1879. County records show that her estate and Harry's both underwent probate at that time, the two children being the named beneficiaries. The 29 acre house parcel and the 51 acres of adjacent marshland were the only listed assets. What happened to the Deer Island property, the 160 acre ranch, "Our House", Block's Store, and all the livestock is undocumented. [It would be interesting to know who

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## H.T. Jones

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occupied the house from Feb. 1879 until Nov. 1886, and who raised Mary's two children during those 7 years.] In 1886 A. G. Scown offered \$1,750 to buy Susan Jones' (now age 17) Novato inherited property, but he was overbid by \$250 at the Court confirmation hearing by Gumesindo Pacheco. Since Susan was still in her minority, J. W. Atherton acted as Susan's guardian in this proceeding, which was recorded in Marin County records in January 1887. G. Pacheco paid William, who was not a minor, \$1,880 for his interest in the same property.

[What happened to Susan and William after 1886, we don't know. Can you add to the story?] ♦

## Street Signs

by *Bill Almeida*

**SCOTT COURT:** *Named after Novato pioneer, A.D. Scott, a well known businessman who built the store at the corner of Grant and Sherman Avenues, that still stands. One of the founders of the Novato Bank in 1913, a founder of the Novato Presbyterian church. He is buried in Pioneer Memorial cemetery. Scott Court is located near the railroad station on the south side of Grant Ave.*

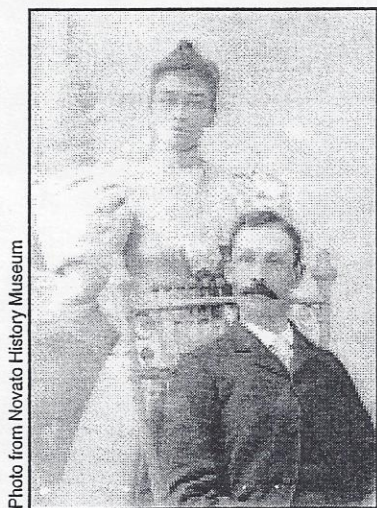


Photo from Novato History Museum

A.D. Scott and his wife, Miss Francis Peters of Petaluma taken on their wedding day in 1895.

**Come see the other street signs we have at the Museum.**

## Novato History Museum and Archives

by *Margaret A. Coady, Founder*

The Novato History Museum and Archives is actually a dream come true, as the saying goes. It required years of perseverance, cooperation and energy, but the dream became a reality. Now present and future generations can learn about Novato's pioneers and appreciate their legacy.

It all began in the 1960s when the old Novato Cemetery was threatened with extinction. I formed a committee to preserve that historic landmark and enlisted the help of the descendants of those buried in the cemetery to persuade the City of Novato that the cemetery should be restored. It became today's Pioneer Memorial Cemetery.

My role in preserving the Cemetery brought me recognition as a Novato historian. In 1969, citizens interested in preserving Novato's history began to bring pictures and artifacts to me. They were actually donated to the City, however, lacking a better place to keep them, they were stored in my garage. About 1971, I realized that Novato residents needed their own museum — a place to collect and display items and data beginning with the end of the Indian period. In the meantime, some of the donated pictures were displayed in the newly redecorated City Hall and in the lobby of the Community House. The picture collection grew to over 200 including some originals. There was not enough room in the City Hall for all the pictures and no place to display the historic items. Then in July, 1971, an exhibit case was acquired from the old Oakland Snow Museum. It was a beginning for a museum.

In June, 1972, the building known as the Postmaster's House was moved from South Novato Blvd. to its present location at 815 DeLong Avenue. The Novato Civic Foundation restored the house inside and out. They were to have an office upstairs and the remainder of the area was to be used as a public meeting room. The downstairs, now three rooms instead of the original four was occupied by a group of young people with an interest in the environment.

When the City was given the Postmaster's House, I believed it was the ideal place for a museum and for students to research Novato history. It should be manned entirely by volunteers and supported by dues, contributions and grants, without the use of taxpayers' money. The City's permission to use the building was all the government assistance I wanted. For several years, I spoke to everyone as though the Postmaster's House becoming a museum was an undisputed fact. The power of positive thinking was rewarded.

The "dream" became a reality June 9, 1976, a significant year in United States history, when the former Postmaster's House was dedicated as the Novato History Museum and Archives. There were many volunteers who helped make it all possible. Rather than risk leaving someone out, I will simply say that no dream can be accomplished by only one person. They know who they are and what was accomplished — a job well done! Thank you to each and every one! ♦