

THE KILLING OF CLARENCE McBROOM

Story by Roger Doherty

James G. Doherty attempted to stop a fatal fight in 1907, Gurdane, Oregon

James G. Doherty, a lad of sixteen, arrived in New York City in October 1883 with his mother, sister and brother. His father dead in Ireland, Doherty made his way to Big Butter Creek in Umatilla County with his family and stayed first with his mother's cousin, Catherine Doherty Nelson. Doherty and his brother Bernard went to work for their brother-in-law, Charles Cunningham, until buying their own place and continuing in the sheep business. In 1891, the Doherty brothers moved to Blackhorse Canyon, about six miles north of Heppner and engaged in the cattle business. At the time of this event, James Doherty was married and head of an expanding family of eight children.



James G. Doherty, his wife Catherine, and the first seven of his children, in 1906.

Southern Umatilla County in the early 20th century was a pretty rough area. Down in this country one early historian described the area as “a rude borderland, where sheep, cattle, and mining interests battle for the supremacy and Winchester rifles and “six shooters” are more respected than the law.”

This area is, he says, “a rough, wild but exceedingly romantic region, past Big Pots and Little Pots, Vinson, Nye, and Butter Creek, famed for their extensive sheep and cattle industries. Among these rugged hills and in the hundred canyons may be seen peacefully grazing nearly all of Umatilla county’s 300,000 sheep, besides many thousands of cattle...”

Cattle and sheep require grass and grazing land, and by this time common lands are getting scarcer. In southern Umatilla and Morrow counties, the government of President Roosevelt has created forest reserves (1906).

In 1907 the forest reserves were renamed national forests and in June of 1908, all of the Heppner National Forest and a portion of the Blue Mountain National Forest were combined into the Umatilla National Forest that we know today.

The process of grazing allotments in the national forests was contentious, and sheep and cattle interests vied for separate area. Regional quarrels also occurred, with Oregon interests seeking to have sheep and cattle from Washington State excluded from the Umatilla allotments. The process also involved designated and separate “drive lanes” to herd stock to and from allotments. While on the public lands, it was the stockmen’s responsibility to monitor where animals were grazing and to abide by the terms of their allotments. This responsibility was traditionally shared.

In February, 1907, a meeting of about 200 stock raisers was held in Heppner to request government permission to pasture stock on the forest reserves and presumably to discuss allotments.

Later in the spring, a meeting of cattlemen was scheduled in Gurdane to discuss employing men to ride after and care for their stock on the reserve, and of dividing the range between cattlemen and sheepmen. This meeting was initiated by George Horseman, a cattleman from The Pots near Gurdane who circulated a petition calling for the meeting.

HORSEMAN AND McBROOM

From information gleaned from court records and newspaper accounts, as well as family lore, we know that there was bad blood for some time between Horseman and a younger cattleman named Clarence McBroom. In McBroom's camp were several other relatives and clan members, as well as connections to powerful politicians in Pendleton, the county seat.

McBroom's family moved to Umatilla County in 1862 from Missouri. He was the youngest of ten siblings, four boys and six girls. Names that appear in court records and in newspaper reports include his brother, Edgar L. McBroom, a well-known and connected rancher, as well as owner of The Golden Rule Hotel from the Pendleton area; his uncle John Gurdane who was a pioneer rancher in the county and his cousin, Tom Gurdane, who was a city marshal in Pendleton (The Gurdane family originally settled in the Little Pots area near the community of Gurdane). Also in the picture was William Curtwright, a brother-in-law of Edgar McBroom and Daniel Hicks and James Hall who were married to McBroom's sisters.

There were other siblings in this family, many of them probably quite nice. The sort of people you might want for neighbors.

In February, 1907, Clarence McBroom was 23 years old and described in court records as "weighing about 180 pounds and and was quite vigorous". George Horseman was described by the East Oregonian as about 80 years old. The court record merely says that he was "past middle age".

Horseman was the oldest of three Horseman brothers, the others being Albert and Clarence, the latter then deceased.

BAD BLOOD PRECEDED THE MEETING

In the spring of 1906 a quarrel occurred between Horseman and McBroom, in which McBroom was stabbed by Horseman. Apparently McBroom went to Pendleton to try to have Horseman arrested, but was persuaded to drop the case. The Pendleton East Oregonian reported that "It is said that Horseman has borne a hatred for McBroom ever since and has desired to kill him".

McBroom, who lived around with various relatives and had a homestead near Gurdane, was said to be popular and to drink "but little". His uncle, E. L. Gurdane stated that he was not disposed to get into trouble or to threaten anyone.

But the trouble kept increasing. In December, an incident about a fence happened. Some of McBroom's wire fencing has fallen into the public road. The county judge (county administrator) of Umatilla county issued a written request for its removal. It seems that Horseman met McBroom on the road and advised him of the order and asked him, or perhaps was more forceful, to remove the fencing.

Horseman was not the county road supervisor who should have followed up on the judge's order. McBroom became very angry and visited upon Horseman "vile and opprobrious epithets". He ordered Horseman to get off his horse and threatened to beat him.

Horseman, sensibly, rode away, but McBroom mounted his horse and followed Horseman. In about 150 feet McBroom met his clansman William Curtwright and said to him, "If you will go with me, I will catch him, pull him off his horse, and beat him to death".

The very next day, Horseman was watering stock near a fence when McBroom neared him on the road on the other side of the fence. McBroom," with an oath and vile words" said, "I've got you now." McBroom dismounted and approached the fence. Horseman however brandished his pocket knife and McBroom did not attempt to climb over the fence. McBroom mounted his horse and rode away saying that he would kill

Horseman. Soon after, the ever supportive Curtwright passed the place carrying a rifle. Thereafter, according to court records, whenever Horseman saw McBroom passing along the road, he avoided him.

A couple of other incidents lead up to the Gurdane event. At the February, 1907 stockmen's meeting in Heppner, the same Curtwright made threats against Horseman to the effect that "if my cattle do not go on that range, it is Horseman that is to blame for it and he will never see Pots again". By this he meant the the neighborhood of "Pots" near which Horseman lived. Contemporary records don't tell us any more about Horseman and Curtwright's cattle. The court later noted that this threat was made known to Horseman prior to the May meeting in Gurdane.

On March 28, 1907, Clarence McBroom said in a conversation with a person named George Taylor, "I will kill the son of a bitch before the summer is over with". Then on May 10th McBroom told Anthony Corley whose family was from the Gurdane area that he planned to attend the next day's meeting in Gurdane and, referring to Horseman said, "I am going to give him a licking and a God damned good one". In court later it was established that the last two threats were not communicated to Horseman before May 11th.

THE MEETING AT GURDANE



Gurdane as it now appears

On May 11th the early morning was chilly and George Horseman was helping to light a fire in the Gurdane schoolhouse in preparation for the gathering stockmen.

Horseman then went outside and was shaking hands with a neighbor when he was sucker punched under the ear by Clarence McBroom. McBroom, backed up by his motley crew continued to beat on Horseman, striking him in the face, severely biting his thumb, and throwing him to the ground.

As the fight was beginning and while it was in progress, Horseman urged bystanders to take McBroom away. But they were prevented from doing so by James Hall, McBroom's brother-in-law, who said, "Let him beat him up for a while".

No one stepped forward ... until James Doherty a rancher from Blackhorse Canyon, about six miles north of Heppner, stepped out of the crowd and challenged Hall, "If you don't take him off, I'll kick him off". Doherty was a gutsy sort of guy and became a legend to his descendants for this stance.

Hall told McBroom to get up, which he did. Horseman had two teeth knocked loose, his lip nearly cut in two, his nose "slightly" broken, his thumb and hand lacerated, and a contusion on his back in the region of his kidneys. As a result of the contusion, he passed bloody urine several times immediately after the attack. It was a pretty bad beating.

At this point McBroom went into the school house and Horseman went to the school's horse trough to clean up. While at the trough, washing the blood from his bruised face, the ever pleasant Curtwright walked back and forth behind Horseman, abusing and cursing him, and calling him all kinds of vile and opprobrious names. Referring to the beating Curtwright said, "You haven't got half of what you will get". He then stated that if he caught Horseman driving his (Curtwright's) cattle again, he would never drive any other person's stock.

In a short time - ten minutes according to court records - McBroom in the school house discovered that he had lost his pocket knife. He left the building but instead of looking for his knife, he joined with Curtwright and they both continued to curse and abuse Horseman. Both advanced toward Horseman, one on the right and one on the left. Curtwright, alluding to a weapon which he knew that Horseman carried said, "You God damned son of a bitch, and I'll shove that gun up your ass". McBroom, equally pleasantly added, "I'll make you eat it".

Advancing, Curtwright assumed a threatening attitude and according to witnesses looked like he was going to attack Horseman. Horseman stepped back a bit and told them to stay away from him. Another witness said it looked like McBroom was going to make a run on Horseman.

McBroom had his hand in his pocket and attempted to take it out. Horseman pulled his gun from his pocket and fired...McBroom was felled by a shot "just below the right eye".

AFTER THE KILLING

Horseman quickly mounted his horse and set out for Pendleton. At Nye Junction, Horseman telephoned Col. J. H. Raley and asked that he and Judge James A. Fee, both Pendleton Attorneys, defend him at trial. A telephone message was sent to Sheriff Til Taylor that Horseman was on his way to Pendleton to give himself up. The message was received at about 1:00 pm and by 2:30 Taylor had left Pendleton with the intention of meeting Horseman.

Soon after a party consisting of District Attorney Phelps, Coroner Ralph Folsom, E. L. McBroom and others set out for Gurdane to retrieve McBroom's body and to investigate the killing. The East Oregonian quoted McBroom's uncle as to his peaceful disposition, and cited "those who know Horseman" as saying "He holds a reputation that is not enviable" and that "He is said to have been of a troublesome disposition in the past and to have been a 'gunman'".

Sheriff Taylor and Horseman arrived back in Pendleton about 9:30 that evening. The Portland Oregonian described Horseman at this time: "He is badly broken up over the affair and his face, which is cut and scratched, with the eyes red from weeping, presents a haggard appearance".

TWO VERSIONS

The Prosecutor in this case offered evidence which was intended to show that after the initial fight, and as McBroom was leaving the school grounds for his home, Horseman smarting from his beating and taunts of cowardice drew his gun and pointed it at McBroom's back. McBroom's brother-in-law, Daniel Hicks, seeing the drawn gun shouted to Horseman, "Don't do that, George. Don't do that!" Whereupon McBroom turned toward Horseman just in time to receive a shot in the face.

The defense team of James H. Raley and James A. Fee advanced the theory that McBroom, facing Horseman, attempted to withdraw his hand from his pocket and that Horseman, fearing from the severe beating which he had received, and from the threats of his assailants which had been communicated to him, that his life was in danger, fired at and immediately killed McBroom.

James Doherty was called as a witness at the coroner's inquest and at Horseman's trial.

The issues of law revolved around whether there was a conspiracy between McBroom and Curtwright, and whether Curtwright's threats made at Heppner could be linked to McBroom.

McBroom's threats had not been communicated to Horseman by the time of the killing. The judge ruled that a conspiracy was not established and Horseman was convicted of manslaughter and sentenced to ten years in the penitentiary. Horseman appealed.

The Supreme Court of Oregon in November 1908 reversed the judgement and ordered a new trial.

THE DOHERTY LORE

James Doherty was forty-one years old in 1907, a family man with eight children. He and his brother Bernard had spent several years in the Butter Creek area between 1883 and 1891, working for Charles Cunningham and then ranching of their own before moving to Blackhorse Canyon. No stranger to the hard life of the stockman, it is not surprising that he stepped forward. What is surprising is that no one else seemed to do so.

The Supreme Court's words on this are, "Finally one of the men present said to Hall, in referring to McBroom, 'If you don't take him off, I'll kick him off'. The family likes a little more emphasis in the statement. Onie McLaughlin's version was "... or I'll, By God, kick him off!"

I heard my father tell this story once at the kitchen table, and again when my father died, Onie McLaughlin told it at dad's wake. The interesting thing is that both tellings were very similar to each other and are faithful to court and newspaper records. An important point is that this family story follows closely to Horseman's defense, and does not corroborate the prosecution's theory.

Finally, it appears that both McBroom and Horseman may have been somewhat unsavory, but the difference in age and apparently, fitness, paints a pretty clear picture which one was the thug in this case.

I must also note the very interesting language used by the court, and especially "opprobrious" (scurrilous, abusive, etc).

I don't know what ultimately happened to Horseman, or even whether there was a second trial. To confuse the issue there was another Horseman around at that time – George Lindsey Horseman - who was kind of colorful in his own right and a pretty upstanding character and I've tried to be careful not to get the two confused in this story.

Roger Doherty, February 2015