



The Last And The First

By Dick Clason, Beverly Hills Police Department (Retired)

**This is the story of the last horsedrawn stage robbery in the USA.
It is also the story of the first palm print ever to be testified to in US Courts.**

Most of us nowadays think of a "mail stage" as a "stagecoach", like those we see in the western movies with a fancy windowed room for pretty ladies and handsome gentleman to ride in. Well, this stage I'm talking about was not that kind. It was just an open wagon with some racks for mail sacks built on behind the driver's seat, and two horses pulling it. The robbery happened on the outskirts of Jarbridge, way up in Northern Nevada, and way back in December of 1916.

Fred Searcy was the driver of this mail stage. It was an icy cold December 5th, and Fred was all bundled up, sitting on the driver's seat gently rein-slapping the team on down the road toward Jarbridge. The wheels were likely crunching in the snow, and maybe that's why Fred didn't hear the man in the long black overcoat climb into the back of the stage. The man had heard that there was to be a great deal of money in that mail shipment, and he had been waiting in the bushes alongside the road.

Fred Searcy didn't have a chance. The man crouched behind him on the wagon, placed the muzzle of a .44 caliber revolver against the back of his head and pulled the trigger. The projectile tore through his skull and exited his mouth. Killing him almost instantly. His blood and tissue emptied out into the wagon and into the snow, and some of it got onto the bandit's clothes and hands.

The man in the long black overcoat climbed quickly into the driver's seat. He laid the corpse across his lap and covered it with a canvas tarp, then drove the wagon on down the road toward town. He saw Rose Dexter standing outside her place when he drove by, and he hunched up his shoulders and turned his head, hoping she would think he was Searcy. Farther

along, a mule skinner hollered "Hi, Kid!" but the bandit just kept his face hidden and drove on. He finally turned off an old road which wasn't used anymore and hid the team behind some willows. Then he went through the mail sacks and found the money he wanted. He took off his bloody overcoat and shirt and hid them under the Jarbridge creek bridge. One of the sacks was too cumbersome to carry because it had silver coins in it so he left it under the bridge intending to come back later for it. He then went into town.



At 9:00 p.m. that night Scott Fleming, the Jarbridge Postmaster, was frantic. He stopped Frank Leonard who was riding past the Post Office and asked him to please ride North a ways and see if anything could be found of Searcy or the stage. He then called Rose Dexter who advised him that wagon had gone by three hours ago. He knew, then, that something was very, very wrong!

Frank Leonard returned and reported finding no sign of the stage; it had been snowing quite awhile and probably would have covered up any tracks.

Fleming organized a search party, and with lanterns and flashlights they scoured the road from the bridge back to where Rose Dexter had seen the wagon pass. Two of the searchers, Henry Kensinger and Donald Steele, decided to try the old lane, and that's when Steele found the stage. It was in

a willow thicket with the horses still hitched, waiting patiently, their heads lowered. The team and wagon were covered with a light snow. Steele yelled to Fleming who came running with the others. They looked at the canvas covered form on the front seat and then looked at each other, knowing what they'd find. Fleming lifted the corner of the tarp and there was Fred Searcy, slumped forward with his head hanging to one side. The blood was everywhere, even on the ground when the new snow was kicked away.

Fleming woke up the Justice of the Peace, J. A. Yewell, at about 11:00 p.m. and they went to the willow thicket. Yewell took charge of the investigation. Mr. Kensinger found overshoe and dog prints leading away from the stage toward town, and followed them about 100 yards where he lost the trail in the darkness. He also found the mail bags under some bushes. Fleming picked up some of the mail bags, letters and packages that were scattered about. They then drove the team and rig to the Post Office and laid Fred Searcy out on the Post Office floor. Yewell called Sheriff Joseph Harris in Elko, then posted guards all around the town to prevent anyone from leaving.

When they continued the investigation, they followed the trail of blood to the main road where they found Searcy's hat in a pool of congealed blood. Powder burns around the bullet hole in the hat showed that the weapon had been pressed against Fred's head when fired.

J. B. McCormick, who was helping with the investigation, kept thinking about the dog tracks he had seen and wondered if he might figure out which dog it was. There weren't a lot of big dogs in town. He looked around, spotted a big dog, and began following it. After awhile the dog put his nose to the ground and started following a trail, while McCormick and others followed. The trail



led to the bridge and there they found a cloth bundle containing a black overcoat. Farther along they came across a sack filled with \$182 worth of coins.

During the investigation almost fifty pieces of evidence were collected, the most important of which were the overcoat and a letter with a bloody palm print on it. Yewell and several others discussed the long black overcoat and remembered distinctly that such a coat had been worn by a drifter who'd been around Jarbridge awhile. Yewell recalled that his name was Ben Kuhl and that he had a trial pending for trespassing. Yewell signed a complaint and sent the town Marshall, I. C. Hill, to arrest him. Hill did so and arrested three of Kuhl's shady pals, Ed Beck, William McGraw, and B. E. Jennings. Jennings was released shortly thereafter when it appeared he had no knowledge of the crime. McGraw likewise was not prosecuted although he was apparently a co-conspirator in the crime (he testified as a State's witness). Kuhl and Beck were both tried for first degree murder.

The prosecutor in the case was District Attorney E. P. "Ted" Carville. (Please keep the name "Carville" in mind). He and Sheriff Joe Harris called upon a couple of Californians to do the expert latent print work. Two identification bureau superintendents, O. W. Bottorff of the Fresno Police Department and C. H. Stone of the Bakersfield Police Department teamed up and presented outstanding court presentations at the trial.

Bottorff testified that he had done thirty palm identifications in the past year and that the latent palm on the envelope and the inked palm on Kuhl's

card were made by the same person. He remarked that he had taken the prints to the fingerprint specialists convention and that all there agreed they were made by the same person.

As palm prints had never been testified to in court before, the defense tried to say that they were "like handwriting, just a matter of opinion." Bottorff persuaded the judge to allow him to take several palm prints from persons in the court. He then identified each of them correctly!

Both experts testified that this was the first time, to their knowledge, that palm prints were used in court.

It took the jury just two hours to find Kuhl guilty of first degree murder. Judge Erroll J. L. Taber sentenced him to death, and he was given his choice of hanging or firing squad. Kuhl selected the latter. Kuhl's co-conspirator, Ed (Cut-Lip Swede) Beck was subsequently tried and received a life sentence, of which he served six years.

Kuhl's conviction was appealed. He contended the trial court erred in admitting the testimony of the witnesses on palm print identification. Chief Justice Patrick A. McCarran of the Nevada Supreme Court stated: "The main contention here is that the experts who testified were not qualified to give an opinion as to the identity of palm print impressions... Will the same rule which has led the courts to recognize experts on fingerprint identification permit such palm print identification? This is one vital question here."

Justice McCarran then presented a rather lengthy opinion, during which he referred to such authorities as Kumagusu Minakat, Berthold Laufer, Kai Kung-Yen, Mark Twain, Sir Francis Galton, Sir Edward Richard Henry, Frederick A. Braley, Tighe

Hopkins, Dr. Hans Gross, Sir William J. Herschel, Henry Faulds, Rai Sakib Hem Chandra Bose, Frederick Kuhne, Harold J. Shepstone, M. V. Balthazard, Harris Hawthorne Wilder, and Bert Wentworth. Significant among McCarran's remarks was this passage. "A student of the subject may have confined his... study largely to ...impressions made only by the finger tips... but the knowledge and the experience thus gained, and the methods of determining identity thus established and used, are applicable with the equal significance and effect to any given surface of the palm of the hand. This is true because of the truth of our former assertion as to a common physiological basis underlying this established method of identification."

Thus, the death sentence stood and Kuhl was rescheduled to die on December 20, 1918. However, the sentence was commuted to life, and Kuhl served almost 28 years in the Nevada State Prison where he was placed in charge of the chicken house.

On April 16, 1945 Ben Kuhl, now white-haired, was paroled by Governor E. P. Carville. That's right! The same Carville who successfully prosecuted Kuhl back in 1917 gave him his freedom in 1945. But the Grim Reaper, himself, carried out the death sentence only a year later when Ben Kuhl died of tuberculosis.

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FDIAI
Board of Directors Meeting
Saturday, May 8, 1999
10:00 a.m.
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