

“Jail Break”

A bold, daring and successful attempt at jail breaking occurred at the county jail this morning before daylight. . . Four desperate characters, conspired together to break for liberty, and after careful, premeditated plans, succeeded in gaining liberty.

--Daily San Diegan, April 23, 1888

Since 1872, a 33 x 54 foot room in the rear of the County Courthouse at Front and D Streets (Broadway) had served as the county jail. Iron cells filled the middle of the space but inmates had the run of the room most of the time. They slept in the cells at night, which the jailor rarely locked.

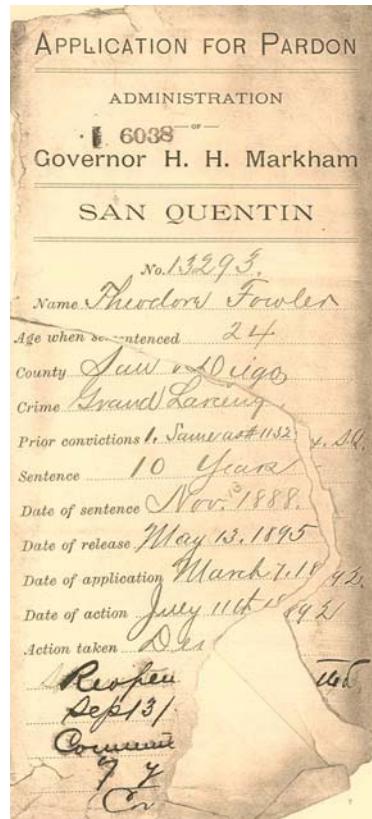
It was considered a very secure prison--at least until the early morning of April 23, 1888--when four prisoners would escape before daybreak. The “daring desperadoes” were Theodore Fowler, a 24-year-old ex-convict, recently sentenced to ten years in San Quentin for stealing a cow; John C. Young, convicted and sentenced to San Quentin for real estate fraud; José Shock, an alleged horse thief; and J. Pool, alias J. S. Hair, a check forger.

For the town’s three daily newspapers (serving a city population of about 30,000) it was the biggest news story in months. The *Daily San Diegan* described how inmates had sawed off a two-inch iron bar and shattered the window panes “to quietly breathe the fresh air of liberty.” According to the *Union*’s account, the escape had begun with an afternoon “concert” in the cell block: “while the prisoners were singing, Fowler or Young worked at the bar, the vocalism drowning the rasping of the saw.”

That night the prisoners had dropped quietly from the debarred window on the west side of the courthouse and then scaled a high plank fence. Fresh horse hoofs plainly visible outside the jail yard gate and for several yards down C Street suggested that confederates had been waiting to aid the escapees.

By 10:00 a.m. Sheriff Sam McDowell and a posse of fourteen mounted men were scouring the roads for traces of the fleeing prisoners. Telegrams sent to all local railroad stations offered \$100 rewards and descriptions of the four fugitives. Fowler was described as a short, heavy-set man, with a light complexion and “shocky” hair. Young was 5 feet, 8 inches tall, with “a peculiar drawn expression around his mouth,” which gave him the appearance of sneering when he talked.

Shock and Hair—regarded as minor criminals—were mostly ignored by the newspapers, which considered their recapture imminent. (In fact, after their reported escape, the two would never be



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mentioned again in the local newspapers.) But the *Daily Sun* warned, "Young and Fowler are shrewd criminals and their capture is doubtful."

The escapees' trail seemed to lead east toward El Cajon. A letter found in the road from Theodore Fowler taunted the pursuers. "If you send any one after me, don't send Charlie Murphy, for I will kill him on sight." Fowler, it seemed, had a history with Murphy, one of Sheriff McDowell's deputies.

Three days after the escape, McDowell and Murphy spotted Fowler in rough terrain near Jamacha. "Fowler made a desperate resistance," reported the *Union*. "Jumping from his horse [he] disappeared in the brush, firing four shots at Murphy while running." While the officers "pressed him hard," it was growing dark and the chase was abandoned until morning. The next day Fowler was gone without a trace.

The deputies had better luck with John Young. In early May they received word that Mexican authorities had captured the fugitive near Ensenada. A "kid-gloved sort of chap," Young gave deputies little trouble as he was brought back to San Diego.

Mexico also appeared to be the refuge of Theodore Fowler. Throughout the summer rumors drifted back to San Diego that Fowler had taken up horse theft as an occupation in the mountains near El Compadre, southeast of Tecate. San Diego constable James Russell caught up with the fugitive in late August after Mexican soldiers arrested him for kidnapping a fifteen-year-old girl.

Fowler was taken to Ensenada and lodged in an adobe jailhouse. He escaped the first night--leaving behind a sleeping dummy in his cell made from his hat, boots, and overalls. But this time, Fowler would not go far. Pursuers captured him the next day—barefoot and exhausted—in rough country a few miles away. As he was put on a boat to San Diego, the unrepentant outlaw told his captors "with a horse and six-shooter he would not have been taken alive."

On November 13, 1888, Theodore Fowler began his ten-year incarceration at the State Prison at San Quentin. Only five months later he attempted to escape. Quickly caught he was placed in "the Dungeon" for ten days and an extra year was added to his sentence.

Working in the jute mill in the cold, damp climate of San Quentin, Fowler's health began to decline. He applied for a pardon in March 1892, arguing that his ten-year sentence for stealing a cow was excessive and based solely on his prior conviction for a similar crime. The application was denied.



Hon. H.H. Markham, Governor,
Sacramento, California.

My Dear Sir:-

Enclosed I hand you papers in the case of Theodore Fowler who has applied for a pardon. As you will observe by Sec. Ellis' letter, the Board, at the regular meeting yesterday, recommended that a commutation be granted by which he will be liberated immediately. If the above recommendation meets with your approval and you concur to issue a commutation, kindly telegraph me on Saturday, as I expect that his brother-in-law will be here on the next day.

I would state in this connection that in a conversation with Dr. Mansfield yesterday, he informed me that, at best, Fowler has but a few months to live.

Yours very truly,

W.E. Hale
Warden.

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The next summer, as an inmate in the “consumptive ward” at San Quentin, he tried again. When the prison doctor determined that Fowler was dying from tuberculosis, frantic letters to the governor from Fowler’s family, appealed for mercy. “His Race is Run and he has but a Short time to Spend on this earth,” wrote his sister. Governor H. H. Markham granted the pardon on September 13, 1893. Theodore Fowler was released to his family in San Luis Obispo, where he died two months later at age 29.



Photogravure of the San Diego County Courthouse and Jail, D Street (Broadway) between Front and Union. From Douglas Guinn, *Picturesque San Diego* (Chicago: 1887).

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