

LYMAN EVANS

RCBA President 1915, 1916

The newspaper's obituary celebrated him as one of Riverside's "pioneer" attorneys. In fact, he was born the same year as Thomas Edison. That was also the year that the first rescuers reached the forlorn Donner Party snowbound in the daunting Sierra Nevada mountains.

His name was Lyman Evans and he eventually came to Riverside from DeWitt, Iowa where he was born to Charles and Almina (Ferguson) Evans on September 1, 1847. Prior to relocating to California, he was graduated from Iowa State University and then he was eventually admitted to the Iowa bar in 1870. He later became a member of the Iowa legislature from 1882-83.

After practicing law in Iowa, Evans, perhaps seeking more temperate winter climes, relocated to San Bernardino. He was admitted to the California bar in 1889 and assigned bar number 2724. He became a deputy district attorney in San Bernardino and worked there until 1893. It was that year that Riverside County was formed.

A *Riverside Enterprise* article dated May 16, 1893 announced that Evans, who had been working as district attorney for San Bernardino County until the previous Saturday, had resigned and would be moving to Riverside. The article reported that, now that Riverside County has been established, Evans "recognizes the prestige of residing in this county."

His former boss, District Attorney Frank Oster, who was evidently sad to lose Evans from his San Bernardino staff, described Evans as "one of the best prosecuting attorneys I ever knew. I've never known Mr. Evans to make a mistake in court, counsel or conduct."

After moving to Riverside, Evans joined William Collier in a legal practice (Collier later became the Riverside County Bar Association's second president). In an article dated August 25, 1898, the *Riverside Enterprise* reported that Evans was a candidate for nomination as the District Attorney for Riverside County. The voters ultimately chose Evans for the District Attorney position and he served in that capacity for over 20 years.

One of the most significant victories which he secured for the city, however, was not in the legal field. As heralded in the *Riverside Enterprise* dated September 11, 1901, Evans was instrumental in convincing legendary industrialist and philanthropist Andrew Carnegie to donate \$20,000 for the construction of a public library in Riverside. The library was eventually constructed at the intersection of Orange and Main (the current site of The Cheech).

Many of the legal cases which were handled by Evans garnered newspaper headlines throughout his tenure as District Attorney. The August 7, 1901 edition of the *Riverside*

Enterprise reported on a matter in which Evan chose not to prosecute an unidentified woman who shot and killed her husband Frank Wellihan. The article noted that Wellihan had previously threatened to kill her and her parents if she would not marry him. She was only 13 years old at the time. The shooting took place four years later when she was 17 years old. In the article, Evans described her as a “gallant woman who has rid the county of such a desperado”.

After he was previously elected as Riverside’s District Attorney in 1898, the *Riverside Enterprise* noted in its July 12, 1902 edition that Evans, described as a staunch Republican, will be seeking his second term of office (he ultimately was reelected).

Another of his cases made the news on March 29, 1906 when the *Riverside Enterprise* reported that a “Mrs. Bernasconi”, described as a “well known violator of the anti-liquor law,” was successfully prosecuted by Evans for selling two bottles of beer for 50 cents each to a boy identified as Chester Cutler. Bernasconi was the proprietress of the Southern Hotel in Perris. She had previously been fined \$100 in a similar matter and the article opined that she would likely receive a more significant fine and possible jail time at the time of her upcoming sentencing for selling the brew to Cutler.

The following year the *Riverside Enterprise* reported on another matter involving Evans when its May 10, 1907 edition noted that he had informed Ed Williams and Harry Miller that they would be fined \$1,000 each if they participated in a prize fight which had been booked the upcoming Saturday night at the opera house. Evans noted that, while the city did not have any law covering the activity, the state had one in place.

Publicity came to Evans again for his heroic activity which was performed in downtown Riverside. As reported in the *Riverside Enterprise* dated October 28, 1909, an unidentified woman who was riding in a horse and buggy became the victim of a near tragedy when she lost control of the “infuriated horse”. She was described as hanging over the side of the buggy as the horse stampeded for more than two blocks. Evans, who was a witness to the event, was successful in bringing the horse to a stop at the corner of Eleventh and Lemon streets.

Although it was presumably not related to the stress of his heroic activity in saving the woman, Evans made the news again on February 4, 1910 when the *Riverside Enterprise* reported that he was taken seriously ill while working in his office and was transported to his home (454 14th St.). It was determined that he was suffering from severe intestinal trouble which was apparently similar to an attack which had incapacitated him some years earlier.

Even though he was known as a very successful prosecutor, Evans was also respected in legal circles for knowing when to punt his cases. One of those was described in the *Riverside Daily Press* dated June 20, 1914 when he ordered the release of a murder suspect after a trial because he opined that “no jury would convict him”. The article reported that S. Marcias, the

defendant, was in a battle over a “black-eyed Mexican woman” with murder victim Francisco Carisco. Trial testimony revealed that Carisco went hunting for Marcias with a large knife after the woman left Carisco for Marcias. In order to protect himself from the “murderous assault”, Marcias shot Carisco who died instantly. A jury deliberated in an all-night session and could not agree upon a verdict.

The following year, the local newspaper published several items about Evans that it considered quite newsworthy. The first of those resulted in the beginning of an important chapter in Riverside legal history. The January 4, 1915 edition of the *Riverside Enterprise* announced that Evans had hired H. L. Thompson, described as “a young attorney of considerable promise”, as a deputy district attorney in his office. Thompson later left the district attorney’s office to join the law firm which eventually became Thompson & Colegate (which recently celebrated its 110th anniversary). Thompson also later became the seventh RCBA president in 1924.

On March 18, 1915, the *Riverside Enterprise* reported on an interesting matter involving Evans who had received a letter from a man from San Diego asking him to provide assistance in winning back his wife. The correspondence from the man stated that he had left his wife in obedience “to the call for madder music and redder wine”. The letter further said that he now “obsessed his soul and yearned for home and the true love he had deserted (for the past two years)”. The man claimed that he did not return to her because he had been in jail under an assumed name. His wife, who was now living in Los Angeles, said that she “might” consider taking him back if he could prove that he was incarcerated the entire time. In his letter, the man wanted Evans to support his contention that he had been in jail (which, apparently, he had not). The article reported that Evans decided to turn the matter over to new deputy DA Thompson. Evans refused to identify the man and woman in case the publicity might prevent a possible happy reunion.

In a precursor to California’s current border issues, the *Riverside Enterprise* dated October 15, 1915 reported that Evans had been called before the County Board of Supervisors to provide his opinion about whether “tramps (hobos)” could legally be kept out of the county. Evans opined to the board that, unless a crime had been committed, there was no legal method to arrest a tramp for simply entering the county. Interestingly, he also responded to the board that a significant amount of the crime committed in the county was committed by well-heeled persons rather than tramps. He said that “the numerous forgeries, burglaries and larcenies are generally found to be committed by men and women of supposed higher class; in fact, are persons who dress well and travel in Pullmans”.

In 1916, Evans was elected as the third president of the Riverside County Bar Association. Later that year, he charged Peter Van Dane of Belgium with the murder of Carl Knauff of Germany. According to the *Riverside Enterprise* dated October 24, 1916, both of these individuals were

neighboring ranchers in Corona. The evidence at a coroner's jury revealed that Van Dane went to the Knauff property to borrow a chain while Knauff and his wife were loading beets into a wagon. Mrs. Knauff went into the house to cook dinner. She came out of the house to discover her husband and Van Dane running around the wagon. Knauff was carrying a pitchfork and Van Dane was armed with a gun. She tried to run between them to break it up but Van Dane shot her husband before she could do so. She reported that Van Dane had a habit for borrowing items and not returning them so she suspected that her husband had refused to loan him the chain. She said that her husband died at her feet. The article reported that Evans opined that, previously, they had both been hard working and peaceful men.

With World War I in progress, Evans became a member of the Riverside County Council of Defense. This organization was formed in compliance with state law which required counties to form councils to, among other things, enforce laws regarding the conduct of aliens and for the production of more agriculture. The *Riverside Enterprise* stated in its April 21, 1917 edition that "a close watch is being kept for persons unfriendly to the United States".

In May of 1918, Evans was elected as vice-president of the California District Attorneys Association. This was also the year that he was part of a group declaring that teachers should be paid for every day that they are prevented from working due to the raging influenza epidemic. Evans and other county officials in the group opined that "teachers are ready and willing to work and are prevented from keeping school through no fault of their own".

WW I troop movement also became an issue for Evans in his capacity as district attorney. As reported in the July 29, 1918 edition of the *Riverside Daily Press*, Joseph Coleman, described as a 16 year-old Indian boy who was a former student at Sherman Indian School, was arrested for trying to derail a train at Prado a few miles west of Corona. The train was carrying over 1,000 soldiers who were being transported to Camp Kearny. Apparently, Coleman's first attempt to derail the train was unsuccessful and so he attempted to derail a second train. He was observed by a track walker and placed under arrest. When he was later interrogated by Evans, the boy acknowledged that he knew that they were troop trains and "had an idea that someone would be killed". It was decided to relocate Coleman from Sherman to Lone since the latter would be "safest for a boy of his character."

By 1919, Evans was being requested by many citizens to run for Riverside's mayor and he decided to enter the race. He also was elected that year as president of the California District Attorneys Association and was described in the press as "one of California's most able prosecutors." Later that year, the *Riverside Daily Press* reported on November 19, 1919 that Evans had lost the mayoral election to Dr. Horace Porter, a minister, who was known as the "anti-kissing in public candidate and a supporter of Blue laws."

Speaking of Blue laws, Evans himself, as described in many newspaper articles, was a long-time opponent of liquor in the county. In an article dated January, 4, 1919, the *Riverside Enterprise* reported that, in his final action as District Attorney, Evans testified in a criminal case and denounced the liquor traffic in Riverside County. Besides his opposition to liquor, he was also an opponent of gambling. In an earlier article dated March 30, 1917 in the *Riverside Enterprise*, it was noted that a pool room operator had been convicted of allowing gambling at his establishment. Evans was quoted as pronouncing that "I'm going to see that a stop is put to it and, whenever an arrest is made, I shall endeavor to have the full penalty of the law invoked against the offender."

The year 1919 was also when Evans chose to retire as the District Attorney. Thereafter, his name would periodically appear in local newspaper articles. For example, the December 13, 1922 edition of the *Riverside Enterprise* reported that the Riverside County Bar Association honored Evans and his wife Mary for 50 years of marriage.

Evans' fame as a pioneer attorney and revered prosecutor spread beyond Riverside County. His passing from heart disease on October 6, 1932 was reported by many news sources including the San Pedro News Pilot in an article the following day. The article announced that "funeral services were held today for Lyman Evans, 83, one the oldest practicing attorneys in the state."

His wife Mary Nancy (Wallace) pre-deceased him in 1926. He was survived by his daughter Helen, a school librarian in San Jose, and his son Wallace, a San Francisco businessman.

Besides his successful legal career, Evans was a member of the Riverside Elks Lodge, the Iowa Society of Riverside and the Calvary Presbyterian Church.

His remains are located at Riverside's historic Evergreen Memorial Park & Mausoleum (Plot C-2-E).

By Bruce E. Todd.

