

# *Descendants of Richard Chism Finley, Part 4*

*Courtesy of Frazier Farmstead Museum*

*Researcher: Linda Kracke*

September 21, 2008

1930 Census ID Idaho Tahoe ED 53 Pg 1A

Line 1

1 1 Pell Corwin Head MW 50 M 25 ID MO OR Farmer Wheat Farm

-----, Archie Son MW 21 S ID ID KS Laborer Farm

-----, Ada Daughter FW 18 S ID ID KS

-----, Violet Daughter FW 9 S ID ID KS

More About CORWIN ARTHUR PELL:

Census 1: 1880, ID Nez Perce Waha Prairie & Tammany Hollow ED 22 Pg 230A(See Father)

Census 2: 1900, ID Idaho Clearwater ED 119 Pg 5B(See Father)

Census 3: 1910, ID Idaho Clearwater ED 142 Pg 8A

Census 4: 1920, ID Idaho Tahoe ED 87 Pg 4B

Census 5: 1930, ID Idaho Tahoe ED 53 Pg 1A

More About DORA E MURPHY:

Census 1: 1910, ID Idaho Clearwater ED 142 Pg 8A(See Husband)

Census 2: 1920, ID Idaho Tahoe ED 87 Pg 4B(See Husband)

More About CORWIN PELL and DORA MURPHY:

Marriage: 25 Dec 1905, Tahoe, Idaho<sup>118,119</sup>

Children of CORWIN PELL and DORA MURPHY are:

i. ARCHIE<sup>4</sup> PELL, b. Abt. 1909, Idaho.

Notes for ARCHIE PELL:

U.S. World War II Army Enlistment Records, 1938-1946

about Archie R Pell

**Name: Archie R Pell**

**Birth Year: 1908**

**Race: White, citizen (White)**

**Nativity State or Country: Idaho**

**State: Idaho**

**County or City: Idaho**

**Enlistment Date: 21 Oct 1942**

**Enlistment State: Washington**

**Enlistment City: Spokane**

**Branch: Branch Immaterial - Warrant Officers, USA**

**Branch Code: Branch Immaterial - Warrant Officers, USA**

**Grade: Private**

**Grade Code: Private**

**Term of Enlistment: Enlistment for the duration of the War or other emergency, plus six months, subject to the discretion of the President or otherwise according to law**

**Component: Selectees (Enlisted Men)**

**Source: Civil Life**

**Education: 3 years of high school**

**Civil Occupation: Geographer**

**Marital Status: Single, without dependents**

**Height: 64**

**Weight: 137**

**More About ARCHIE PELL:**

**Census 1: 1910, ID Idaho Clearwater ED 142 Pg 8A(See Father)**

**Census 2: 1920, ID Idaho Tahoe ED 87 Pg 4B(See Father)**

**Census 3: 1930, ID Idaho Tahoe ED 53 Pg 1A(See Father)**

**ii. ADA PELL, b. Abt. 1912, Idaho.**

**More About ADA PELL:**

Census 1: 1920, ID Idaho Tahoe ED 87 Pg 4B(See Father)

Census 2: 1930, ID Idaho Tahoe ED 53 Pg 1A(See Father)

iii. VIOLET PELL, b. Abt. 1921, Idaho.

**More About VIOLET PELL:**

Census: 1930, ID Idaho Tahoe ED 53 Pg 1A(See Father)

24. GRACE<sup>3</sup> PELL (*NANCY<sup>2</sup> FINLEY, RICHARD CHISM<sup>1</sup>*) was born May 1885 in Idaho, and died Abt. 1971. She married GEORGE W. RAUCH 16 Aug 1905 in Idaho CO., Idaho<sup>120</sup>. He was born Abt. 1879 in Idaho, and died Abt. 1954.

**More About GRACE PELL:**

Burial: Prairie View Cemetery, Grangeville, Idaho<sup>121</sup>

Census 1: 1900, ID Idaho Clearwater ED 119 Pg 5B(See Father)

Census 2: 1920, ID Idaho Grangeville ED 100 Pg 1B(See Husband)

Census 3: 1930, ID Idaho Grangeville ED 23 Pg 4B(See Husband)

**Notes for GEORGE W. RAUCH:**

1920 United States Federal Census > Idaho > Idaho > Grangeville > District 100

Line 68 - College Street

Rauch, George W. Head Rent MW 41 M ID IL CA Driver/Taxi Cab

-----Grace A. Wife FW 34 M ID MO OR None

-----George E. Son MW 7 S OR ID ID None

-----Lois E. Dau FW 7/12 S ID ID ID None

Source Citation: Year: 1920;Census Place: Grangeville, Idaho, Idaho; Roll: T625\_292; Page: 1B; Enumeration District: 100; Image: 760.

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1930 United States Federal Census > Idaho > Idaho > Grangeville > District 23

Line 69

Rauch, George W. Head O\$2000 no radio MW 51 m@27yrs old ID IL PA Proprietor/Auto Repair

-----Grace A. Wife FW 45 M@20yrs old ID MO OR None

-----George E. Son MW 17 S OR ID ID None

-----Lois E. Dau FW 10 S ID ID ID None

Source Citation: Year: 1930; Census Place: Grangeville, Idaho, Idaho; Roll: 400; Page: 4B; Enumeration District: 23; Image: 372.0.

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More About GEORGE W. RAUCH:

Burial: Prairie View Cemetery, Grangeville, Idaho<sup>122</sup>

Census 1: 1920, ID Idaho Grangeville ED 100 Pg 1B

Census 2: 1930, ID Idaho Grangeville ED 23 Pg 4B

More About GEORGE RAUCH and GRACE PELL:

Marriage: 16 Aug 1905, Idaho CO., Idaho<sup>123</sup>

Children of GRACE PELL and GEORGE RAUCH are:

i. GEORGE E<sup>4</sup> RAUCH, b. Abt. 1913, Oregon.

More About GEORGE E RAUCH:

Census 1: 1920, ID Idaho Grangeville ED 100 Pg 1B(See Father)

Census 2: 1930, ID Idaho Grangeville ED 23 Pg 4B(See Father)

ii. LOIS E RAUCH, b. Abt. 1919, Idaho.

More About LOIS E RAUCH:

Census 1: 1920, ID Idaho Grangeville ED 100 Pg 1B(See Father)

Census 2: 1930, ID Idaho Grangeville ED 23 Pg 4B(See Father)

25. MAY AUGUSTUS<sup>3</sup> FINLEY (*WILLIAM B<sup>2</sup>, RICHARD CHISM<sup>1</sup>*) was born Jul 1876 in Oregon. She married HARRY ELMO BARTHOLOMEW Bef. 1900, son of ALBA BARTHOLOMEW and MARY COE. He was born 04 Feb 1870 in Elmwood, Peoria, Illinois, and died 30 Jul 1949 in Pendleton, Umatilla, Oregon<sup>124</sup>.

More About MAY AUGUSTUS FINLEY:

Census: 1900, OR Morrow Pine City ED 29 Pg 2B(See Husband)

Notes for HARRY ELMO BARTHOLOMEW:

1900 Census OR Morrow Pine City ED 29 Pg 2B

Line 80

24 24 Bartholomew Harry E Head WM Feb 1870 30 M 3 IL IL OH Sheep Grower

-----, Mary A Wife WF July 1876 23 M 3 (2 Children 1 Alive) OR OR OR

-----, Lee L Son WM May 1898 2 S OR IL OR

Taylor Rice L Servant WM Feb 1878 22 SVA VA VA Farm Laborer

Rogers Altai Servant WM June 1878 22 S KS VA VA Day Laborer

Coe Earnest S Servant WM June 1880 19 S OR OH TX Day Laborer

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1910 Census OR Umatilla Stanfield ED 268 Pg 11A

Line 8

65 66 Bartholomew Harry E Head MW 37 M2 5 IL IL IL Liveryman Livery Stable

-----, Dorothy Wife FW 28 M1 5 (no children) KY OH KY

-----, Lee L Son MW 11 S OR IL OR

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1920 Census OR Umatilla Stanfield ED 168 Pg 9B

Line 82

FM 196 224 Bartholomew Harry E Head MW 49 M IL IL IL Sheepman Range

-----, Blanch M Wife FW 35 M NY NY NY

-----, Leonard L Son MW 22 S OR IL NY Laborer Home Farm

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1930 Census OR Umatilla Pct 50 ED 73 Pg 1A

Line 9

5 5 Bartholomew Harry Head MW 59 M 21 OR NE IA Laborer Sheep Ranch

-----, Addella Wife FW 32 M 17 ID MN PA

-----, Walter Son MW 14 S OR OR ID

-----, Mary A Daughter FW 4 4/12 S OR OR ID

**More About HARRY ELMO BARTHOLOMEW:**

**Name 2: Harvey Elmo Bartholomew**

**Census 1: 1870, IL Peoria Elmwood Pg 66(See Father)**

**Census 2: 1880, IL Peoria Elmwood ED 192 Pg 386A(See Father)**

**Census 3: 1900, OR Morrow Pine City ED 29 Pg 2B**

**Census 4: 1910, OR Umatilla Stanfield ED 268 Pg 11A**

**Census 5: 1920, OR Umatilla Stanfield ED 168 Pg 9B**

**Census 6: 1930, OR Umatilla Pct 50 ED 73 Pg 1A**

**More About HARRY BARTHOLOMEW and MAY FINLEY:**

**Marriage: Bef. 1900**

**Child of MAY FINLEY and HARRY BARTHOLOMEW is:**

**i. LEONARD LEE<sup>4</sup> BARTHOLOMEW, b. 08 May 1898, Oregon.**

**Notes for LEONARD LEE BARTHOLOMEW:**

**World War I Draft Registration Cards, 1917-1918**

**about Lee Bartholomew**

**Name: Lee Bartholomew**

**City: Not Stated**

**County: Lane**

**State: Oregon**

**Birth Date: 8 May 1898**

**Race: White**

**Roll: 1852059**

DraftBoard: 0

Nearest Relative: H E Bartholomew,Stanfield,Umatilla,Ore

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Oregon Historical Records

Case#

Name Bartholomew, Leonard Lee

Date 5/8/1898

Record Type World War 1

County Umatilla

Source Defense

More About LEONARD LEE BARTHOLOMEW:

Census 1: 1900, OR Morrow Pine City ED 29 Pg 2B(See Father)

Census 2: 1910, OR Umatilla Stanfield ED 268 Pg 11A(See Father)

Census 3: 1920, OR Umatilla Stanfield ED 168 Pg 9B(See Father)

26. ARTHUR ALFRED<sup>3</sup> FINLEY (*WILLIAM B<sup>2</sup>, RICHARD CHISM<sup>1</sup>*) was born 16 Feb 1881 in Oregon, and died 17 Feb 1949 in Umatilla, Oregon<sup>125</sup>. He married (1) CORY ?. She was born Abt. 1887 in Washington. He married (2) DAISY E SWANK 18 Sep 1917 in Morrow, Oregon<sup>126</sup>, daughter of ? SWANK and VIOLA ?. She was born Abt. 1892 in Washington.

Notes for ARTHUR ALFRED FINLEY:

World War I Draft Registration Cards, 1917-1918

about Arthur Alfred Finley

Name: Arthur Alfred Finley

City: Not Stated

County: Morrow

State: Oregon

Birth Date: 16 Feb 1881

Race: White

Roll: 1852135

DraftBoard: 0

Nearest Relative: Daisy Finley,Echo,Umatilla,Ore

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1910 Census OR Morrow Alpine ED 102 Pg 1A

Line 1

1 Finley, William B Head MW 56 M1 35 OR

-----, Hannah E Wife FW 53 M1 35 (6 Children 3 Alive) CA

-----, Ralph Son MW 17 S OR

-----, Claude R MW 14 S OR

Line 5

2 Finley, Arthur A Head MW 29 M1 6 OR OR CA Farmer

-----, Cory Wife FW 23 M1 6 (3 Children 2 Alive) WA US US

-----, George Son MW 3 S OR OR WA

-----, Clyde Son MW 1 S OR OR WA

Farmer James Hired man MW 23 S VA VA VA VA Laborer General Farm

Windom Sybal GrandMother FW 79 Wd (4 Children 2 Alive) OH NH NY

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1920 Census OR Umatilla Pct 53 ED 169 Pg 9A

Line 1

Fm 192 198 Finley Arthur A Head MW 38 M OR OR OR Farmer General Farm

-----, Daisy E Wife FW 28 M WA IN MO

-----, George L Son MW 13 S OR OR WA



-----, Clyde L Son MW 10 S OR OR WA

Swank Viola A Mother-in-law FW 52 Wd MO MO MO

-----, Hattie E Sister-in-law FW 22 S WA IN MO

-----, Victor A Brother-in-law MW 14 S WA IN MO

Anderson Raymond L Boarder MW 21 S OR Sweden Canada Servant Hotel

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1930 Census OR Umatilla Pendleton ED 65 Pg 2B

Line 74

54 Finley Arthur L Head MW 47 M 22 OR MO US Driver Truck

-----, Daisy E Wife FW 36 M 16 WA IN MO

Kelly Clinton J Roomer MW 35 Wd OR US US Driver Delivery Truck

-----, James C Roomer MW 3 9/12 S OR OR WA

More About ARTHUR ALFRED FINLEY:

Census 1: 1900, OR Morrow Alpine ED 29 Pg 1A(See Father)

Census 2: 1910, OR Morrow Alpine ED 102 Pg 1A

Census 3: 1920, OR Umatilla Pct 53 ED 169 Pg 9A

Census 4: 1930, OR Umatilla Pendleton ED 65 Pg 2B

More About CORY ?:

Census: 1910, OR Morrow Alpine ED 102 Pg 1A(See Husband)

More About DAISY E SWANK:

Census 1: 1920, OR Umatilla Pct 53 ED 169 Pg 9A(See Husband)

Census 2: 1930, OR Umatilla Pendleton ED 65 Pg 2B(See Husband)

More About ARTHUR FINLEY and DAISY SWANK:

Marriage: 18 Sep 1917, Morrow, Oregon<sup>126</sup>

Children of ARTHUR FINLEY and CORY ? are:

i. GEORGE<sup>4</sup> FINLEY, b. Abt. 1907, Oregon; m. JEWEL ?; b. Abt. 1908, Idaho.

**Notes for GEORGE FINLEY:**

**1930 United States Federal Census > Oregon > Multnomah > Portland (Districts 1-219) > District 79**

**Line 67**

**Finley, George L. Head Rent\$14 Radio MW 22 M@19yrs old OR OR OR Laborer/Saw Mill**

**-----Jewel Wife FW 22 M@19yrs old ID MY WI Cook/Restaurant**

**Source Citation: Year: 1930; Census Place: Portland, Multnomah, Oregon; Roll: 1949; Page: 3B; Enumeration District: 79; Image: 1033.0.**

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**More About GEORGE FINLEY:**

**Census 1: 1910, OR Morrow Alpine ED 102 Pg 1A(See Father)**

**Census 2: 1920, OR Umatilla Pct 53 ED 169 Pg 9A(See Father)**

**Census 3: 1930, OR Multnomah Portland ED 79 Pg 3B**

**More About JEWEL ?:**

**Census: 1930, OR Multnomah Portland ED 79 Pg 3B(See Husband)**

**ii. CLYDE FINLEY, b. Abt. 1909, Oregon.**

**Notes for CLYDE FINLEY:**

**1930 United States Federal Census > Oregon > Sherman > Locust Grove > District 2**

**Line 78**

**Parks, Jennie E.. Head Rent Radio FW 30 WD M@17yrs old NE PA MI Dealer/Service Station**

**Finley, Clyde L. Hired Man MW 22 S OR OR OR Laborer/Gas Station**

**Source Citation: Year: 1930; Census Place: Locust Grove, Sherman, Oregon; Roll: 1955; Page: 3B; Enumeration District: 2; Image: 837.0.**

**More About CLYDE FINLEY:**

**Census 1: 1910, OR Morrow Alpine ED 102 Pg 1A(See Father)**

**Census 2: 1920, OR Umatilla Pct 53 ED 169 Pg 9A(See Father)**

**Census 3: 1930, OR Sherman Locust Grove ED 2 Pg 3B**

27. CLAUD LEROY<sup>3</sup> FINLEY (*WILLIAM B<sup>2</sup>, RICHARD CHISM<sup>1</sup>*) was born 30 Sep 1895 in Oregon<sup>127</sup>, and died 28 Dec 1964 in Wasco, Oregon<sup>128</sup>. He married ELIZABETH L KRAUSE 29 Aug 1916 in Umatilla, OR<sup>129</sup>. She was born Aug 1897 in Romania, and died 08 Dec 1975 in Wasco, Oregon<sup>130</sup>.

Notes for CLAUD LEROY FINLEY:

World War I Draft Registration Cards, 1917-1918

about Cloud Leroy Finley

Name: Cloud Leroy Finley

City: Not Stated

County: Umatilla

State: Oregon

Birthplace: Oregon;United States of America

Birth Date: 30 Sep 1895

Race: Caucasian (White)

Roll: 1852148

DraftBoard: 0

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1920 Census OR Morrow Alpine ED 131 Pg 9A

Line 2

Fm 183 185 Finley Ralph Head MW 27 M OR OR CA Farmer Farm

-----, Jennie Wife FW 22 M NE PA MI

Parks Pearl Sister-in-law FW 16 S NE PA MI

Anderson William Hired Man MW 20 S OR OR OR Laborer Farm

Line 6

Fm 184 186 Finley Claude Head MW 24 M OR OR CA Farmrre Farm

-----, Elizabeth Wife FW 21 M 1903 Na 1908 Romania Romania Romania

-----, Alfred Son MW 2 4/12 S OR OR Romania

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1930 Census OR Morrow Alpine ED 1 Pg 1B

Line 87

22 22 Finley Claud Head MW 34 M 21 OR OR OR Farmer General Farm

-----, Elizabeth Wife FW 21 M 18 Rumania Rumania Rumania 1910 Na

-----, Claud L Son MW 7 S OR OR Rumania

More About CLAUD LEROY FINLEY:

Census 1: 1900, OR Morrow Alpine ED 29 Pg 1A(See Father)

Census 2: 1910, OR Morrow Alpine ED 102 Pg 1A(See Father)

Census 3: 1920, OR Morrow Alpine ED 131 Pg 9A

Census 4: 1930, OR Morrow Alpine ED 1 Pg 1B

More About ELIZABETH L KRAUSE:

Census 1: 1920, OR Morrow Alpine ED 131 Pg 9A(See Husband)

Census 2: 1930, OR Morrow Alpine ED 1 Pg 1B(See Husband)

More About CLAUD FINLEY and ELIZABETH KRAUSE:

Marriage: 29 Aug 1916, Umatilla, OR<sup>131</sup>

Child of CLAUD FINLEY and ELIZABETH KRAUSE is:

i. CLAUD L<sup>4</sup> FINLEY, b. Abt. 1923, Oregon; d. 14 Jul 1947, Wasco, Oregon<sup>132</sup>.

More About CLAUD L FINLEY:

Census 1: 1920, OR Morrow Alpine ED 131 Pg 9A(See Father)

Census 2: 1930, OR Morrow Alpine ED 1 Pg 1B(See Father)

28. ROBERT WILLIAM<sup>3</sup> FINLEY (*ALEXANDER KIRK<sup>2</sup>, RICHARD CHISM<sup>1</sup>*) was born 24 Oct 1880 in Umatilla, Oregon, and died 13 Dec 1937 in Los Angeles, California. He married GRACE MAY BARTLETT 11 Feb 1903 in Whitman, Washington<sup>133</sup>. She was born Abt. 1883 in Kansas.

Notes for ROBERT WILLIAM FINLEY:

World War I Draft Registration Cards, 1917-1918

about Robert William Finley

Name: Robert William Finley

City: Not Stated

County: Whitman

State: Washington

Birth Date: 24 Oct 1880

Race: White

Roll: 1992258

DraftBoard: 0

Nearest Relative: Grace May Finley,Whitman,Wash

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<http://online.ceb.com/CalCases/CA2/40CA2d331.htm>

Finley v. Steiner (1940) 40 CA2d 331

[Civ. 12237

Second Appellate District, Division One

Aug., 6, 1940]

GRACE FINLEY et al., Respondents, v. FRANK G. STEINER et al., Appellants.

COUNSEL

Howard B. Henshey and Charles E. R. Fulcher for Respondents.

Chase, Barnes & Chase, Laurence A. Peters and Thomas R. Suttner for Appellants.

OPINION

White, J.

In this action plaintiffs Grace Finley and Velda Baird recovered a judgment against Frank G. Steiner, the driver of an automobile, and Dan Wray, his employer, for damages as the result of the death of Robert W. Finley, husband of Grace Finley and father of Velda Baird, he having died from injuries received while riding as a guest in the automobile of his father, Alexander K. Finley, when it collided with the automobile driven by the aforesaid Frank G. Steiner. The court found that the death of the decedent was occasioned by and through the concurrent negligence of the drivers of both automobiles and absolved the deceased of any contributory negligence. Judgment was accordingly rendered against defendants in favor of Grace Finley, the widow, for \$12,500 general damages; \$754 special damages, and in favor of the daughter, Velda Baird, in the sum of \$1,000.

As to the other named plaintiffs, they are the surviving heirs of Isabel Finley, who was the wife of Alexander K. Finley. Mrs. Finley also was fatally injured in the same collision. As to her heirs, however, judgment went for the defendants on the ground that the contributory negligence of her husband, Alexander K. Finley, driver of one of the involved automobiles, was imputed to her. From the last-named judgment no appeal was taken, and we are therefore concerned only with the appeal from the judgment rendered in favor of the wife and daughter of Robert W. Finley.

The accident occurred at 1:30 on the afternoon of December 13, 1937, at the intersection of Nordhoff Street and Van {Page 40 Cal.App.2d 334} Nuys Boulevard in the San Fernando Valley section of the city of Los Angeles. The day was clear and the pavement dry. Both streets were paved and each was approximately 40 feet wide. Boulevard stop signs, requiring traffic on Nordhoff Street to stop before crossing Van Nuys Boulevard, had been authoritatively erected at the intersection pursuant to resolution of the city council, thereby establishing Van Nuys Boulevard as a "through highway". (Vehicle Code, secs. 82.5 and 471.) The vehicle operated by defendant Steiner was moving north on Van Nuys Boulevard when it struck the right side of the eastbound car driven by Alexander Finley as the latter crossed the intersection on Nordhoff Street. The court found that the Finley car did not stop before entering the intersection.

Frank G. Steiner, driver of defendant Wray's car, called by plaintiffs under section 2055 of the Code of Civil Procedure, testified that as he approached the intersection he was driving 25 to 30 miles per hour; that after coming almost to a stop at a railroad crossing six-tenths of a mile south of the intersection he accelerated to 25 or 30 miles per hour, and did not exceed that speed at any time; that he first saw the Finley car when he was about 35 feet from the south line of Nordhoff Street, at which time the Finley car was approximately 20 or 25 feet from the west line of Van Nuys Boulevard on the south or right side of Nordhoff and traveling 20 or 25 miles per hour; that thereupon Finley accelerated his car and Steiner applied his brakes and skidded--moving straight ahead--until the impact, which occurred in the intersection 2 or 3 feet north of the south line of Nordhoff. According to the witness, his car stopped almost instantly after the impact and the front end slid to the right so that it came to rest pointing northeast, while the Finley car went on past the Steiner car, turned to the left into some shrubbery, then turned sharply to the right and overturned on its left side at the northeast corner of the intersection. Steiner suffered only a slight abrasion on his forehead.

Frank Jones testified that he was driving with Mrs. Jones north on Van Nuys Boulevard immediately before the accident happened; that as he crossed the railroad track six-tenths of a mile south of the intersection, a car passed him going north; that no other car passed him up to the time he reached the intersection. He further testified that after {Page 40 Cal.App.2d 335} slowing down for the crossing he accelerated to about 45 miles per hour; that he first observed there had been a collision when he had traveled two-thirds of the distance from the railroad crossing to the intersection. The witness' wife estimated the speed of the car that passed them as between 55 and 70 miles per hour as it moved ahead.

Alexander K. Finley testified that he brought the Finley car to a stop about 3 feet west of the west line of Van Nuys Boulevard, from which point he could see about 276 feet south on Van Nuys; that he did not see the other car until he had started up and had reached the middle of the street, when, he supposed, the other car was 33 feet away; he did not remember whether he looked down Van Nuys Boulevard again after starting up; that his estimate of defendants' speed as 80 miles per hour was based on "what they told me of the accident ..."; and admitted that at the taking of his deposition he testified, "I hadn't time to form any" (estimate of speed) "because it was done all at once." It also appeared that his testimony as to where he stopped before crossing Van Nuys Boulevard was founded on measurements taken by him after the accident based on his recollection of the distance he could see down Van Nuys Boulevard when he allegedly stopped.

A police officer testified that he and his partner were driving behind the Finley car and were about 150 feet away when the collision took place; that the Finley car did not stop but was going about 15 miles per hour as it reached the intersection and then increased speed slightly; that he formed no estimate of the speed of the other car; that before the cars were moved he and his fellow officer measured the skid marks of the defendants' car and found them to be 35 feet long and "practically straight" except the last two feet at the

north end, where they curved to the east. The other officer testified that they saw the accident from about 75 yards from the intersection and that they measured the marks after the cars had been moved away. The defendant Steiner testified that he was going about 10 miles per hour at the moment of impact, and that the skid marks were measured from the front of his car and that they were between 24 and 25 feet. Walter Finley, a brother of decedent, testified that he "stepped off" the skid marks the day after the accident; that they were "approximately between" 60 and 75 feet long. A garageman called on behalf of plaintiffs testified that he {Page 40 Cal.App.2d 336} examined the Finley car after the accident and found that the right side of the frame was "bent in approximately five inches"; that the cross-members of the frame also "were bent to a certain extent".

Appellant's chief contention is that the findings are not supported by the evidence; that "the undisputed evidence shows that the defendants were not guilty of any negligence whatsoever"; that the findings that defendant Steiner was negligent and that his negligence was a proximate cause of the accident "are not supported by the evidence or any inference that may properly be drawn from the evidence"; and further, that "the sole proximate cause of the accident was the negligence of Alexander K. Finley. Any negligence on the part of the defendant Steiner, even if shown, was not a proximate or legal cause of the collision, and the court erred in so finding."

[1] It is true, as contended by appellants, that the burden rested upon the plaintiffs at the trial to prove the facts constituting negligence on the part of defendants. (*Diamond v. Weyerhauser*, 178 Cal. 540 [174 P. 38]; *Tower v. Humboldt Transit Co.*, 176 Cal. 602 [169 P. 227]; *Wood v. Los Angeles Ry. Corp.*, 172 Cal. 15 [155 P. 68].) Under the law, therefore, it devolves upon us to ascertain whether the findings as to negligence are substantially supported by the evidence, and if such evidentiary support is lacking we must reverse the judgment. (*Houghton v. Loma Prieta Lbr. Co.*, 152 Cal. 574 [93 P. 377, 14 Ann. Cas. 1159, 14 L.R.A. (N. S.) 913]; *Wynne v. Wynne*, 20 Cal.App.2d 131 [66 PaCal.2d 467].)

[2] Defendant Steiner testified that as he crossed a railroad track six-tenths of a mile removed from the scene of the accident he came "almost to a stop"; that he then "went back to a speed of about 25 or 30 miles per hour up until directly before the accident". He further testified that he first observed the Finley vehicle when about 35 feet from the point of impact, and that the latter was then traveling about 20 to 25 miles per hour, but its speed was accelerated, whereupon, according to Mr. Steiner, he applied his brakes. In contradiction of defendant Steiner's testimony that he practically stopped at the railroad crossing six-tenths of a mile from the accident, we find the testimony of the witness Frank Jones, who with his wife was in an automobile traveling in the same direction as defendant Steiner. This witness {Page 40 Cal.App.2d 337} testified that before he reached the railroad crossing his automobile was going about 45 miles per hour; that he slowed down for the crossing and then increased his speed again to about 45 miles per hour. Mr. Jones further testified that at the time defendant Steiner's automobile passed him at the crossing it was traveling at a rate one-third faster than the Jones car. Mrs. Jones, who was riding with her husband, estimated the speed of the Steiner automobile as it passed them at the railroad crossing as between 55 and 70 miles per hour. Although there was a conflict in the evidence as to the length of the skid marks made by the defendant Steiner's automobile, there is in the record evidence that these skid marks were in a straight line and were from 60 to 75 feet in length. The record also reflects evidence that the defendant Steiner's automobile struck the Finley vehicle on the right side with such force that the right side of the frame was bent in five inches; the right rear door, composed of steel, was bent in six inches, while the edge of the steel floor on the right side was pushed up approximately six inches. [3] The trial judge was not compelled to accept defendant Steiner's estimate of his speed, but was entitled to infer from the length of the skid marks and the force of the impact, as well as the testimony of Mr. and Mrs. Jones, that his actual speed was greatly in excess of that to which he testified. In determining the credibility of the witness Steiner, the trial court was authorized to consider all of the facts and circumstances of the transaction and to believe the testimony of Mr. and Mrs. Jones in contradiction of that given by Steiner as to his speed when he was crossing and after he had crossed the railroad tracks a short distance from the scene of the accident. The court was authorized to disbelieve the testimony of defendant Steiner as to his speed at the time he crossed the intersection if the court believed his testimony was false as to the speed at which he claimed he was traveling when he passed the automobile of Mr. Jones at the railroad crossing.

Under all of the foregoing facts, we cannot say that the trial court erred in holding that defendant Steiner was unmindful of his duty to anticipate that he might meet vehicles at any point on the highway and particularly at intersections thereof, and that he failed to keep his machine under such control as would enable him to avoid a collision under the conditions here present. In other words, it was a question {Page 40 Cal.App.2d 338} for consideration by the trial court as a matter of fact to determine whether, under all the circumstances here present, including the physical facts, defendant Steiner was driving his automobile in conformity with the requirements of section 510 of the Vehicle Code. The testimony herein narrated presents substantial evidence to warrant the trial court in concluding as it did that defendant Steiner was not driving his car at a careful and prudent speed, not greater than was reasonable and proper, and at such speed as not to endanger the life, limb or property of any person. Therefore we cannot disturb the finding that such negligence on the part of defendant Steiner, concurring with the negligence of Alexander K. Finley, driver of the automobile in which decedent was riding, was the proximate cause of the collision. To do so would mean a substitution of the opinion of this court on the facts of the case for the opinion of the trial court with reference thereto, which, as we understand the rule applicable in the premises, is not in accord with the recognized functions of an appellate tribunal.

[4] Appellants' contention that inferences deducible from the evidence herein are dispelled as a matter of law by the positive testimony of defendant Steiner concerning the speed at which he was traveling, must fall before the rule which declares that inferences are not dispelled as a matter of law when the evidence in opposition to such inferences is weakened by improbabilities. (*Engstrom v. Auburn Auto Sales Corp.*, 11 Cal.2d 64, 70 [77 PaCal.2d 1059].)

[5] No complaint is made by appellants of the award for funeral and burial expenses, and the main attack is centered upon the award of \$12,500 to the widow of the deceased. In this connection the record discloses that Grace Finley was happily married to decedent for more than 34 years. He was 57 years of age at the time of his death and was in robust health. The husband was industrious and hard-working. At the time of his death he and his wife had been operating a service station and lunch counter on a mountain highway near Coeur d'Alene, Idaho, from which they were realizing \$150 per month during the winter and \$300 per month during the summer season, or, as testified, the profits ran as high as \$300 per month for four or five months of the year and \$150 for the remaining period of each year. Decedent had a life expectancy of 16 years. The widow testified that she assisted her husband in the operation of the service station {Page 40 Cal.App.2d 339} business; that she served lunches, helped pump gasoline, and waited upon the customers. She further testified that after her husband's death she found herself unable to operate the business alone and sold the same for \$450.

[6] In actions of this type the recovery is limited to pecuniary loss and "such damages may be given as under all the circumstances of the case may be just". (Code Civ. Proc., sec. 377.) While damages recoverable are only for the pecuniary loss suffered, that loss includes the deprivation of the comfort, protection and society of the deceased (*Clark v. Tulare Lake Dredging Co.*, 14 Cal.App. 414 [112 P. 564]); and loss of comfort, protection and society not only is a proper element of damages, but is by no means to be classed as compensable by merely nominal damages. (*Johnson v. Southern Pac. R. Co.*, 154 Cal. 285 [97 P. 520].) It is true that the pecuniary loss suffered from the last-named cause is difficult to measure in mere dollars and cents, and therefore must, with the whole question of damages, be left to the good sense and sound discretion of the trial judge or jury, to be exercised in the light of all the circumstances of the case. [7] The power of an appellate court to control the amount of damages awarded arises only when the facts before it are such as to suggest passion, prejudice or corruption on the part of the trial court or jury making the award. (*Morris v. Standard Oil Co.*, 188 Cal. 468 [205 P. 1073]; *Bisinger v. Sacramento Lodge No. 6*, 187 Cal. 578 [203 P. 768]; *Hale v. San Bernardino etc. Co.*, 156 Cal. 713 [106 P. 83]; *Webster v. Harris*, 119 Cal.App. 46 [6 PaCal.2d 88].)

[8] With reference to the award of \$1,000 to the decedent's daughter, the record shows that she was 34 years of age, married, and the mother of two small children. Her husband was working part time. During the 16 years of her married life she was the recipient of \$100 each year from the decedent, which money was sent her to assist in the purchase of clothing and other necessities of life. With decedent's life expectancy of 16



years, an award of \$1,000 cannot be regarded as excessive. After a review of the decisions of appellate courts of this state in similar cases, we cannot hold that the damages awarded in this case were excessive, nor can we say, under all the facts and circumstances here present, that the damages are so outrageously excessive as to suggest at first blush passion, prejudice or corruption. [Page 40 Cal.App.2d 340] Therefore they cannot be set aside on appeal. (Conner v. Henderson, 108 Cal.App. 237, 242 [291 P. 641].)

For the foregoing reasons, that part of the judgment from which this appeal is taken must be, and it is, affirmed.

York, P. J., and Doran, J., concurred

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1910 United States Federal Census > Idaho > Ada > Boise > District 3 (27 April 1920)

Line 90 407 W. 2nt St., 187 167

Findley, Robert Head MW 29 M1/7yrs OR OR OR Teaster/Trasfer Co.

Grace Wife FW 27 M1/7yrs KS IL KS None

Velda Dau FW 5 S WA OR KS None

Source Citation: Year: 1910; Census Place: Boise, Ada, Idaho; Roll: T624\_221; Page: 9B; Enumeration District: 3; Image: 115.

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1920 United States Federal Census > Washington > Whitman > Colfax > District 176 (13 Jan 1920)

Line 96 18 N. Mill St., 94 120

Finley, Robert W. Head Rent MW 39 M OR OR OR Supervisor/County Road

Grace M Wife FW 38 M KS IL IA None

Velda P. Dau FW 15 S WA OR KS None

Source Citation: Year: 1920; Census Place: Colfax, Whitman, Washington; Roll: T625\_1945; Page: 11B; Enumeration District: 176; Image: 112.

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1930 United States Federal Census > Washington > Whitman > Colfax > District 37 (April 4, 1930)

Line 10 H E. Spring St.,72

Findley, Robert W. Head Rent\$42 no radio MW 49 M@22yrs OR OR OR Supervisor/County Road

Grace N. Wife FW 48 M@21yrs KS IL IA None

Source Citation: Year: 1930; Census Place: Colfax, Whitman, Washington; Roll: 2523; Page: 3A; Enumeration District: 37; Image: 927.0.

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**More About ROBERT WILLIAM FINLEY:**

**Census 1: 1900, OR Umatilla Helix ED 105 Pg 16A(See Father)**

**Census 2: 1910, ID Ada Boise ED 3 Pg 9B**

**Census 3: 1920, WA Whitman Colfax Ed 176 pg 11B**

**Census 4: 1930, WA Whitman Colfax ED 37 Pg 3A**

**Occupation: 1900, farm laborer**

**More About GRACE MAY BARTLETT:**

**Census 1: 1910, ID Ada Boise ED 3 Pg 9B(See Husband)**

**Census 2: 1920, WA Whitman Colfax Ed 176 pg 11B(See Husband)**

**Census 3: 1930, WA Whitman Colfax ED 37 Pg 3A(See Husband)**

**More About ROBERT FINLEY and GRACE BARTLETT:**

**Marriage: 11 Feb 1903, Whitman, Washington<sup>133</sup>**

**Child of ROBERT FINLEY and GRACE BARTLETT is:**

**43. i. VELDA P<sup>4</sup> FINLEY, b. Abt. 1905, Washington.**

**29. MYRTLE LORETTA<sup>3</sup> FINLEY (ALEXANDER KIRK<sup>2</sup>, RICHARD CHISM<sup>1</sup>) was born 23 Jul 1883 in Umatilla, Oregon, and died 20 Nov 1968<sup>134,135</sup>. She married (1) ? BURGESS. She married (2) CHARLES ALBERT SPURGEON 20 Oct 1904 in Whitman, Washington<sup>136</sup>. He was born 24 Apr 1882 in Washington.**

**More About MYRTLE LORETTA FINLEY:**

**Census 1: 1900, OR Umatilla Helix ED 105 Pg 16A(See Father)**

**Census 2: 1910, WA Douglas Leahy ED 44 Pg 5A(See Husband)**

**Census 3: 1920, WA Whitman Rosalia ED 172 Pg 3A(See Husband)**

**Census 4: 1930, WA Douglas Pearl ED 22 Pg 1A(See Husband)**

**Occupation: 1900, At school**

**Notes for CHARLES ALBERT SPURGEON:**

**World War I Draft Registration Cards, 1917-1918**

**about Charles Albert Spurgeon**

**Name: Charles Albert Spurgeon**

**City: Not Stated**

**County: Whitman**

**State: Washington**

**Birth Date: 24 Apr 1882**

**Race: White**

**Roll: 1992259**

**DraftBoard: 0**

**Nearesy Relative: Myrtle L Spurgeon,Rosalia,Whitman,Washington**

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**1910 Census WA Douglas Leahy ED 44 Pg 5A**

**line 44**

**119 119 Spurgeon Charles A Head MW 27 M1 5 WA IN IN Farmer General Farm**

**-----, Myrtle L Wife FW 25 M1 5 (2 Children 1 Alive) OR OR OR**

**-----, Howard SonMW 1 5/12 S WA WA OR**

\*\*\*\*\*

**1920 Census WA Whitman Rosalia ED 172 Pg 3A**

**line 37**

**56 56 Spurgeon Charles A Head MW 37 M WA IN IN Hardware and Furniture Dealer**

**-----, Myrtle L Wife FW 36 M OR OR OR**

**-----, Howard A Son MW 11 S WA WA OR Student**

\*\*\*\*\*

**1930 Census WA Douglas Pearl ED 22 Pg 1A**

**line 45**

11 11 Spurgeon Charles A Head MW 47 M 22 WA IN IN Farmer General Farm

-----, Myrtle Wife FW 46 M 21 OR OR OR

Line 48

12 12 Spurgeon Howard Head MW 21 M 19 WA WA OR Laborer General Farm

-----, Margaret Wife FW 18 M 16 OR Germany WI

More About CHARLES ALBERT SPURGEON:

Census 1: 1910, WA Douglas Leahy ED 44 Pg 5A

Census 2: 1920, WA Whitman Rosalia ED 172 Pg 3A

Census 3: 1930, WA Douglas Pearl ED 22 Pg 1A

More About CHARLES SPURGEON and MYRTLE FINLEY:

Marriage: 20 Oct 1904, Whitman, Washington<sup>136</sup>

Child of MYRTLE FINLEY and CHARLES SPURGEON is:

i. HOWARD ALVIN<sup>4</sup> SPURGEON, b. 17 Nov 1908, Whitman, Washington<sup>137</sup>; d. 02 Nov 1983, Stanislaus, California<sup>138</sup>; m. MARGARET ?; b. Abt. 1912, Oregon.

Notes for HOWARD ALVIN SPURGEON:

1930 Census WA Douglas Pearl ED 22 Pg 1A

line 45

11 11 Spurgeon Charles A Head MW 47 M 22 WA IN IN Farmer General Farm

-----, Myrtle Wife FW 46 M 21 OR OR OR

Line 48

12 12 Spurgeon Howard Head MW 21 M 19 WA WA OR Laborer General Farm

-----, Margaret Wife FW 18 M 16 OR Germany WI

More About HOWARD ALVIN SPURGEON:

Census 1: 1910, WA Douglas Leahy ED 44 Pg 5A(See Father)

Census 2: 1920, WA Whitman Rosalia ED 172 Pg 3A(See Father)

Census 3: 1930, WA Douglas Pearl ED 22 Pg 1A

**More About MARGARET ?:**

**Census: 1930, WA Douglas Pearl ED 22 Pg 1A(See Husband)**

**30. WALTER HARRY<sup>3</sup> FINLEY (ALEXANDER KIRK<sup>2</sup>, RICHARD CHISM<sup>1</sup>) was born 29 Apr 1886 in Umatilla, Oregon<sup>139</sup>, and died 22 Aug 1954 in Fairbanks, Arizona<sup>140</sup>. He married EMMA D GROHMAN 03 Dec 1904 in Whitman, Washington<sup>141</sup>. She was born 10 Oct 1889 in Iowa, and died Jun 1979 in Tucson, Pima, Arizona<sup>142</sup>.**

**Notes for WALTER HARRY FINLEY:**

**World War I Draft Registration Cards, 1917-1918**

**about Walter Harry Finley**

**Name: Walter Harry Finley**

**City: Not Stated**

**County: Whitman**

**State: Washington**

**Birth Date: 29 Apr 1886**

**Race: White**

**Roll: 1992258**

**DraftBoard: 0**

**Nearest Relative: Alexander Kirk Finley,Portland,Mult.,Ore**

**\*\*\*\*\***

**1920 United States Federal Census > Washington > Whitman > Colfax > District 176 (8 Jan 1920)**

**Line 25 A Street, 129 142**

**Finley, Walter H. Head Rent MW UN M OR OR OR Machinist/Own Garage**

**Emma D. Wife FW UN M IA GER GER None**

**Margaret Dau FW 12 S ID OR IA None**

**Isabelle Fl. Dau FW 9 S WA OR IA None**

**Harold W. Son MW 6 S WA OR IA None**

Dorothy R. Dau MW 4-0/12 S WA OR IA None

Eckhart, John H. Visitor MW 27 S IA GER GER Farm Laborer/Grain Farm

Source Citation: Year: 1920; Census Place: Colfax, Whitman, Washington; Roll: T625\_1945; Page: 7A; Enumeration District: 176; Image: 103.

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1930 United States Federal Census > California > Los Angeles > Los Angeles (Districts 501-750) > District 626 (May 2, 1930)

Line 34 16302 Nordhoff St, 117 117

Finley, Walter H. Head O Radio MW 43 M@18yrs OR OR OR Poultryman/Poultry Ranch

Irma D. Wife FW 41 M@16yrs IA IA GER GER None

Isabel C. Dau FW 17 S WA OR IA None

Harold W. Son MW 16 S WA OR IA None

Dorothy R. Dau FW 14 S WA OR IA None

Source Citation: Year: 1930; Census Place: Los Angeles, Los Angeles, California; Roll: 159; Page: 35A; Enumeration District: 626; Image: 310.0.

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More About WALTER HARRY FINLEY:

Burial: Evergreen Cemetery, Tucson, Arizona

Census 1: 1900, OR Umatilla Helix ED 105 Pg 16A(See Father)

Census 2: 1920, WA Whitman Colfax ED 176 pg 7A

Census 3: 1930, CA Los Angeles Los Angeles ED 626 Pg 35A

Occupation: 1900, At school

More About EMMA D GROHMAN:

Census 1: 1920, WA Whitman Colfax ED 176 pg 7A(See Husband)

Census 2: 1930, CA Los Angeles Los Angeles ED 626 Pg 35A(See Husband)

More About WALTER FINLEY and EMMA GROHMAN:

Marriage: 03 Dec 1904, Whitman, Washington<sup>143</sup>

Children of WALTER FINLEY and EMMA GROHMAN are:

i. MARGARET<sup>4</sup> FINLEY, b. 11 Nov 1908, Whitman, Washington<sup>144</sup>.

More About MARGARET FINLEY:

Census: 1920, WA Whitman Colfax ED 176 pg 7A(See Father)

ii. ISABELLE F FINLEY, b. Abt. 1911, Washington.

More About ISABELLE F FINLEY:

Census 1: 1920, WA Whitman Colfax ED 176 pg 7A(See Father)

Census 2: 1930, CA Los Angeles Los Angeles ED 626 Pg 35A(See Father)

iii. HAROLD W FINLEY, b. 22 Apr 1915, Washington; d. 07 Oct 1997, Seattle, King, Washington<sup>145,146</sup>.

More About HAROLD W FINLEY:

Census 1: 1920, WA Whitman Colfax ED 176 pg 7A(See Father)

Census 2: 1930, CA Los Angeles Los Angeles ED 626 Pg 35A(See Father)

iv. DOROTHY R FINLEY, b. 14 Nov 1915, Whitman, Washington<sup>147</sup>.

More About DOROTHY R FINLEY:

Census 1: 1920, WA Whitman Colfax ED 176 pg 7A(See Father)

Census 2: 1930, CA Los Angeles Los Angeles ED 626 Pg 35A(See Father)

31. LLOYD ALBERT<sup>3</sup> FINLEY (*ALEXANDER KIRK<sup>2</sup>, RICHARD CHISM<sup>1</sup>*) was born 27 Jun 1892 in Helix, Umatilla, Oregon, and died 22 Sep 1951 in Whatcom, Washington<sup>148</sup>. He married SALLY TREEN CANUTT 03 Oct 1911 in Colfax, Whitman, Washington<sup>149</sup>, daughter of JOHN CANUTT and NETTIE STEVENS. She was born 23 Jan 1894 in Dusty, Whitman, Washington, and died 27 Aug 1987 in Albany, Linn, Oregon<sup>150</sup>.

Notes for LLOYD ALBERT FINLEY:

World War I Draft Registration Cards, 1917-1918

about Lloyd Albert Finley

Name: Lloyd Albert Finley

City: Not Stated

County: Whitman

State: Washington

Birthplace: Oregon;United States of America

Birth Date: 27 Jun 1892

Race: Caucasian (White)

Roll: 1992258

DraftBoard: 0

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1910 United States Federal Census > Washington > Whitman > Pullman Ward 2 > District 271 (3 May 1910)

Line 52 306 Harris St., 355 383

Finley,Lloyd Lodger MW 19 S Un Un Un Electrician/Company

Source Citation: Year: 1910; Census Place: Pullman Ward 2, Whitman, Washington; Roll: T624\_1674; Page: 21B; Enumeration District: 271; Image: 1199.

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1920 United States Federal Census > Washington > Whitman > Diamond > District 162 (6 Jan 1920)

Line 68 Fm 28 28

Finley, Lloyd A. Head Mrenter MW 28 M OR OR OR Farmer/Gen'l Farm

Sally T. Wife FW 25 M WA OR OR None

Otto A. Son MW 7 S WA OR WA None

Bernice T. Dau FW 5 S OR OR WA None

Canult, John M. Brother/Law MW 20 S WA OR OR Mechanic/Garage

Source Citation: Year: 1920;Census Place: Diamond, Whitman, Washington; Roll: T625\_1944; Page: 2B; Enumeration District: 162; Image: 890.