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Worldviews And The American West

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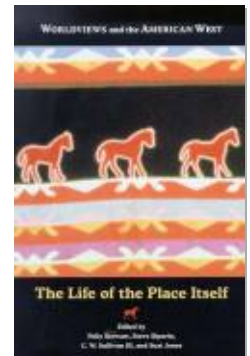
Published by Utah State University Press

Stewart, Polly.

Worldviews And The American West: The Life of the Place Itself.

Utah State University Press, 2000.

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Jesse James: An American Outlaw

C. W. Sullivan III

Jesse James, born to Robert James and Zerelda Cole James in September of 1847 and killed by Robert Ford in April of 1882, is perhaps the most famous western outlaw in the United States. After the Civil War—during which he served for a time with Quantrill's men, as did his brother Frank—he and his brother became infamous as bank and train robbers, leading a gang which included, at times, such other well-known outlaws as the Younger brothers and the Miller brothers. There is substantial historical documentation for the major events of Jesse's life,¹ but this factual career is the stuff of history; the story of Jesse James that the people tell—which exists in ballads, folktales, dime novels, and films—is the stuff of legend, and the legend of Jesse James has its roots in British legend tradition. Although the deepest roots of the Jesse James legend may reach through Arthurian literature to the ancient Irish stories of Finn MacCumhaill, the most obvious links between the American and British outlaw traditions lie in the similarities between the stories of Jesse James and the stories of Robin Hood.

In *The American Songbag*, Carl Sandburg remarks that "Jesse James is the only American bandit who is classical, who is to this country what Robin Hood or Dick Turpin is to England, whose exploits are so close to the mythical and apocryphal" (1927, 420).² Sandburg was by no means the first to link Jesse James and Robin Hood; in fact, as William A. Settle notes in *Jesse James Was His Name*, such comparisons were already being made during Jesse's lifetime. The Lexington *Caucasian* published an extra edition on 1 September 1874 asserting that "in all the history of medieval knight errantry and modern brigandage, there is nothing that equals the wild romance of the past few years' career of Arthur McCoy, Frank and Jesse James, and the Younger boys" and then went on to describe the "Robin-Hood-like, rattling visit" which they had paid to Lexington (Settle 1966, 71–72).

The very first stanza of the ballad, which began to circulate almost immediately after Jesse's death and is popular to this day, may well have been created to invoke the Robin Hood image:

*Jesse James was a lad who killed many a man.
He robbed the Glendale train.
He stole from the rich and he gave to the poor,
He had a hand and a heart and a brain.³*

The general motif of robbing from the rich and giving to the poor, which appears in numerous tales about Jesse James, is the most direct link between Jesse and Robin Hood. In one tale with several variants, Jesse encounters a widow who cannot pay her mortgage and is about to lose her farm to the bank, which, it seems, Jesse and his gang have just robbed. Jesse gives the widow enough money to pay the banker when he arrives the next day, and as the banker heads back to town after giving the widow the title to her property, Jesse robs him again. An almost identical story is told of Robin Hood, his friend Sir Richard of Lee, and the Abbot of St. Mary's; and as Kent L. Steckmesser notes, "This floating anecdote is also assigned to Sam Bass" (1966, 351).

The legend of each man was constructed, therefore, on a perception of him as a hero of the people who "risked an outlaw's fate in order to rob the exploitive rich and give to the deserving poor" (Settle 1966, 171); but as each man's legend grew, he and his men came to stand for larger ideological concerns. According to the most popular form of the Robin Hood legend, Robin and his men battle the usurping King John and his allies, which include the Sheriff of Nottingham as well as the high officials of the church. In this fight, Robin and the Men of Sherwood not only defend the poor against John and his allies but also work for the return of the rightful king, Richard the Lionheart, who has been away at the Crusades. According to the Jesse James legend, the James Gang is battling the northern or Yankee carpetbaggers who have come south after the Civil War and are using the banks and other institutions to drive those who sided with the Confederacy off their lands. Jesse and his men, thus, rob the banks of the invaders and give the money to the residents so that the poor can keep their lands.

Whether English or American, then, the legendary outlaw hero is responding to or the result of "a recurrent social situation, namely, one in which the law is corrupt" (Steckmesser 1966, 348). In *Robin Hood*, James Clarke Holt traces the Robin Hood legend back to a "Robert Hode, tenant of the archbishopric of York, [who] fled the jurisdiction of the king's justices at York in 1225" (1982, 187), but Holt argues that most of the rest of the legend "is motley, derived from widely scattered sources" (62). As the story evolves over the centuries and takes on cultural overtones, Robin and his men become Anglo-Saxon partisans fighting against the Norman oppressors. Settle, with a great deal more historical record on which to draw, suggests that the legend of the James Gang is "deeply rooted and

inextricably bound to the events of the Civil War and its aftermath” and includes such cultural situations as the “Granger’s resentment of the practices of the railroads and the banks, the East’s contempt for the West, [and] the economic rivalry between Chicago and the cities in Missouri” in the mix of events and emotions which aided in the legend’s rapid growth (1966, 3). Jesse James and Robin Hood became legendary outlaw heroes battling the oppressive establishment on behalf of the victimized individual or minority.

The paradigm of the outlaw hero as well as specific incidents, such as the double robbery story mentioned above, then, link the legend of Jesse James to the legend of Robin Hood. But the connection between the two may be even deeper than that. From newspaper articles published during Jesse’s lifetime which defended the James Gang’s actions to the ballads, tales, and dime novels which circulated after his death, a cohesive legend was created. “A sampling of representative stories reveals that unusual shooting ability, courage in the face of danger, willingness to aid the unfortunate, deference to women, and ability to surmount all obstacles are common characteristics of the dime-novel James brothers” (Settle 1966, 190). Marksmanship, bravery, and the “ability to surmount all obstacles,” would be a requisite for successful outlawry; but “aid [to] the unfortunate” and “deference to women” point to a code of behavior in addition to a level of skill, and this, too, links the James Gang with the Men of Sherwood.

These concepts, outstanding skill with weapons and what we might call a chivalric code of conduct, are important features of the legends of Robin Hood; in fact, the two most persistent images from the tales of Robin Hood involve skill with the long bow and robbing the rich to give to the poor. These concepts are present in the oldest recorded ballads of the famous outlaw, one of which, “A Lytell Geste of Robyn Hode,” may have been written down as early as 1400 and is assumed to have been in oral tradition for years prior to that (Holt 1982, 15; Campbell 1853, 21). That the men of Sherwood were excellent archers is quickly established in the ballad:

*Lytell Johan and good Scatheloke
 Were archers good and fre;
 Lytell Much and good Reynolde,
 The worste wolde they not be
 Whan they had shot aboute,
 These archours fayre and good,
 Evermore was the best,
 Forsoth, Robyn Hode.
 Hym was delivered the goode arów
 For best worthy was he. (Ritson 1823, 52–53)*

The ballad also points out that Robin was a religious man:

A good maner than had Robyn,
 In londe where that he were,
 Every daye or he wolde dyne
 Thre messes wolde he here;
 The one in the worshyp of the fader,
 The other of the holy goost,
 The thyrde was of our dere lady,
 That he loved of all other moste. (4)

And it is partly due to this religious nature that Robin set up a code of behavior by which all of the outlaws were sworn.

Robyn loved our dere lady,
 For doute of dedely synne;
 Wolde he never do company harme
 That ony women was ynne.
 Mayster, than sayd Lytell Johan,
 And we our borde shall sprede,
 Tell us whether we shall gone,
 And what lyfe we shall lede;
 Where we shall take, where we shall leve,
 Where we shall abide behynde,
 Where we shall robbe, where we shall reve,
 Where we shall bete and bynd.
 Ther of no fors, sayd Robyn,
 We shall do well ynough;
 But loke ye do no housbande harme
 That tyllleth with his plough;
 No more ye shall no good yemán,
 That walketh by grene wode shawe,
 Ne no knyght, ne no squyér,
 That wolde be a good felawe.
 These bysshoppes, and thyse archebysshoppes,
 Ye shall them bete and bynde;
 The hye sheryfe of Notynghame,
 Hym holde in your mynd.
 This worde shall be holde, sayd Lytyll Johan,
 And this lesson shall we lere;
 It is ferre dayes, god sende us a gest,
 That we were at our dynere. (4–5)

And as for Robin Hood himself, the ballad says that so “curteyse an outlawe as he was one / Was never none yfounde” (3). Like the James Gang, then, the Men of Sherwood were skilled warriors who lived by a code of behavior.

In the Robin Hood legends, however, that code has been formalized, referring specifically to expected conduct toward women and to which folk should be robbed and which let alone; in the Jesse James legends, the code is implied in the actions of the men as reported in a variety of media, from contemporary newspaper accounts to ballads, folktales, and dime novels. According to one story Settle reports, Frank James paid for lodgings with “a well-to-do farmer” during the days before the James Gang robbed the Deposit Bank at Columbia, Kentucky. The farmer’s grandmother recounted James’s interest in her Bible and a copy of *Pilgrim’s Progress*, the latter of which he borrowed while there and returned before leaving. “A man of such courtesy and such reading habits, the grandmother believed, could not have been one of the desperadoes” (1966, 44). At the Gads Hill train robbery, the James Gang examined the male passengers’ hands “stating, according to reports, that they ‘did not want to rob workingmen or ladies, but the money and valuables of the plug-hat gentlemen were what they sought’” (1966, 49). During their subsequent escape from the scene, they traveled west, “and accounts were soon brought to the towns of their obtaining meals and lodging at farm homes along the way. Reportedly, they ‘conducted themselves as gentlemen, paying for everything they got’” (Settle 1966, 49). Other stories, in which Jesse returns a preacher’s valuables and says that they “never take from preachers, widows, or orphans” or in which Jesse is reported to be “a devout Baptist who taught in a church singing school” (Steckmesser 1966, 351; Croy 1949, 67–68), serve to reinforce the Robin Hood image.

The code by which Jesse James’s men behave and Robin Hood’s men swear is by no means original to those legends; in fact, perhaps the most completely articulated code of conduct in literature, and the one which is in the background of both the Jesse James and Robin Hood legends, was the one to which King Arthur’s Knights of the Round Table swore.⁴ Both skill at arms and a code of behavior are a part of the Arthurian materials from their literary beginnings. Geoffrey of Monmouth, Wace, and Layamon devote most of their “histories” to accounts of Arthur’s battles, especially those on the European continent in which Arthur was victorious. But each author also comments that the knights who surrounded Arthur were the best to be found (Geoffrey 1969, 199; Paton 1912, 55, 209). In addition, the Round Table, which Wace and Layamon develop primarily as a means of settling the problem of seating for a group in which each man could claim to be deserving of a seat at or near the head of the table, quickly grew to become a symbol of peace, and the men who sat around it became examples of courtly breeding and behavior.

Wace relates that Arthur “ordained the courtesies of the court” (Paton 1912, 55) and Layamon writes that “Arthur was in the world wise king and powerful; good man and peaceful” and that his knights were “great in their mood” (Paton 1912, 211–12). And both authors were echoing Geoffrey’s account:

Arthur then began to increase his personal entourage by inviting very distinguished men from far-distant kingdoms to join it. In this way he developed such a code of courtliness in his household that he inspired peoples living far away to imitate him. The result was that even the man of noblest birth, once he was roused to rivalry, thought nothing at all of himself unless he wore his arms and dressed the same way as Arthur’s knights. At last the fame of Arthur’s generosity and bravery spread to the very ends of the earth. (Geoffrey 1969, 199)⁵

The two major elements of the pattern, “distinguished men” and a “code of courtliness,” or “fame of generosity,” are in Geoffrey’s account.

By the time of Malory’s writing, the “code” had been polished by French authors:

[Then] the kyng stablysshed all the knyghtes and gaff them rychesse and londys; and charged them never to do outrage nothir mourthir, and allwayes to fle treson, and to gyff mercy unto hym that askith mercy, uppon payne of forfiture [of their] worship and lordship of kynge Arthure for evirmore; and allways to do ladyes, damesels, and jantilwomen and wydowes [socour:] strengths hem in hir ryghtes, and never to enforce them, uppon payne of dethe. Also, that no man take no batayles in a wrongfull quarell for no love ne for no worldis goodis. So unto thys were all knyghtis sworne of the Table Rounde, both olde and younge, and every yere so were the[y] sworne at the hyghe feste of Pentecoste. (Malory 1971, 75–76)

The disparity between the Arthurian legends and the legends of Jesse James and Robin Hood, of course, is that Arthur and his Knights were the emerging government and were establishing and enforcing the laws rather than breaking them. However, in Arthur’s time most of the surrounding countryside was wild, not peaceful, and the land and people were being raided every summer by the Vikings, who, along with the Angles, Saxons, and other Germanic tribes, were trying to move in and take over—just as were the Normans, whom Robin Hood was fighting in some versions of the legend, at a later date. More important, Arthur and his knights, like Jesse James and Robin Hood, were defending all of the indigenous people against invaders who would, at best, take their lands and, at worst, take their lives.

If it is true that we remember Arthur and the Knights of the Round Table as defenders of Britain against the Anglo-Saxon invasion, it is also true that part of the Jesse James legend rests on the belief that the James Gang was protecting poor Southerners against the encroaching Northern interests. Settle admits that “the bandits did not differentiate between Northerners and Southerners” as a rule, but does note one situation in which the James Gang asked the victims if any “had served in the Confederate army. . . . One, G. R. Crump of Memphis, replied that he had. After further questioning, the bandit chief returned Crump’s watch and money with the comment that the gang did not want to rob Confederate soldiers; Northerners had driven the members of the gang into banditry, and they intended to make Northerners pay” (1966, 49–50).

The existence of one actual instance in which the James Gang favored a former Confederate soldier is certainly more than enough basis for their legendary status as the defenders of postbellum Southerners.⁶ This image, and its Arthurian overtones, was promulgated by the print media and especially by John N. Edwards, who saw these outlaws as being “as chivalrous as any character created by Sir Walter Scott” and as “men who might have sat with Arthur at the Round Table” (Settle 1966, 45–46).

Finn and the Fianna, the Irish group which may well be at the root of these legends of skillful and chivalric warriors, were an elite fighting force, the hand-picked troop of the king, who gained their initial fame defending Ireland from invasion. Finn and the Fianna are one of the earliest recorded non-familial or non-tribal groups to be formed in order to defend a specific geopolitical area, so whereas a warrior’s previous primary loyalty was to the family or tribe, his primary loyalty was now contracted to a group and leader unrelated to him in any other way.⁷ Being made a member of that group, like being made a member of the Round Table, was considered a high honor. To qualify, a man had to undergo a rigorous test to prove his skill as a warrior and also swear an oath which would, henceforth, govern his behavior at all times. Douglas Hyde comments that any man who “entered the Fenian ranks had four *geasa* [i.e., tabus] laid on him. . . . The first, never to receive a portion with a wife, but to choose her for good manners and virtues; the second, never to offer violence to any woman; the third, never to refuse any one for anything he might possess; the fourth, that no single warrior should flee before nine [i.e., fewer than ten] champions.” Hyde also notes that there “was a curious condition attached to entrance into the brotherhood” which required that “[both] his father and mother, his tribe, and his relatives should first give guarantees that they should never make any charge against any person for his death. This was in order that the duty of avenging his own blood [wounds] should rest with no man other than himself, and in order that his friends should have nothing to claim with respect to him however great the evils inflicted upon him” (1967, 373).

Although Hyde does not mention it, this guarantee is an important step in the development of a society or culture, as tribal and familial rights—such as the right to individual revenge—were giving way to what might be considered the first stages of what would become a social contract, wherein primary loyalty was given to the state and not the family or tribe.⁸

In addition to these specific oaths, the candidate also had to prove himself as a man of learning and as a warrior. Hyde continues:

not a man was taken until he was a prime poet versed in the twelve books of poetry.⁹ No man was taken till in the ground a large hole had been made such as to reach the fold of his belt, and he put into it with his shield and a forearm's length of a hazel stick. Then must nine warriors having nine spears, with a ten furrows' width between them and him, assail him, and in concert let fly at him. If he were then hurt past that guard of his, he was not received into the Fian-ship. Not a man of them was taken until his hair had been interwoven into braids on him, and he started at a run through Ireland's woods, while they seeking to wound him followed in his wake, and there having been between him and them but one forest bough by way of interval at first. Should he be overtaken he was wounded and not received into the Fian-ship after. If his weapons had quivered in his hand he was not taken. Should a branch in the wood have disturbed anything of his hair out of its braiding he was not taken. If he had cracked a dry stick under his foot [as he ran] he was not accepted. Unless that [at full speed] he had both jumped a stick level with his brow, and stooped to pass under one on a level with his knee, he was not taken. Unless also without slackening his pace he could with his nail extract a thorn from his foot he was not taken into the Fian-ship. But if he performed all this he was of Finn's people. (Hyde 1967, 373-74)

It may well be that the legends of Finn and the Fianna provide the ultimate source for the articulation of the ethical formula and the portrait of the skilled warrior which comes down through the Arthurian materials and the tales of Robin Hood to help structure the legend of Jesse James and the James Gang; and it is certainly clear from all of these tales of Finn, Arthur, Robin Hood, and Jesse James that the idea of an honorable band of men (regardless of their establishment or outlaw status) protecting the poor or common folk against an outside or invading oppressor has a long tradition in Europe and America. Although it may be specific historical and cultural situations which link the Jesse James and the Robin Hood legends so closely, it is an even longer tradition of European legendry from which the legends of the James Gang derive some support.

The legends surrounding Jesse James, though, whatever their correspondences with European tradition, do break from their European precursors in some important ways. The most important difference may center on Jesse's death. Finn and Arthur, both heroes in an established and official power structure, meet suitably heroic ends; Robin and Jesse are both treacherously murdered. But Robin's death at the hands of a cousin who was a nun comes sometime after he and his men have entered into the service of the king (Holt 1982, 74, 35). Although the reasons for the treachery are not clear, what does seem to be clear is that Robin is no longer an outlaw at the time of his death. In fact, modern versions of the Robin Hood story, and most especially the film version starring Errol Flynn, end with Robin being pardoned by King Richard, whom he has helped restore to the throne, and marrying Maid Marian—neither of whom appear in any of the early versions of the legend.

Jesse James's murder, which, unlike the murder of Robin Hood, is a matter of historical record,¹⁰ is not preceded by any such rehabilitation. Jesse dies an outlaw. The inability of the legend to counter this situation is certainly due in part to the better historical records surrounding Jesse James, but it is also partly due to the American situation of the legend.

First, during Robin Hood's time, the government changed hands fairly frequently among members of the royal family and among royal families themselves; thus, an outlaw under one king might become a patriot with the next, as the situation of Robin changes when Richard returns to take his kingdom back from John. Like Richard, Robin, too, had been a Crusader knight, and the status of both men, Richard and Robin, as Crusaders, creates a background which helps legitimize Robin's repatriation. Jesse, however, was not only outlawed by the established government (local, state, and federal), which was not subject to change as England's government had been in Robin's time, but Jesse was also a representative of a coalition, the Confederacy, which had been defeated in its attempt to secede from the United States. In March of 1874, a resolution was introduced in the Missouri House to grant the James brothers and the Younger brothers amnesty "for all acts charged or committed by them during the Civil War and to offer them full protection and fair trials on charges of crime since the war" (Settle 1966, 81); the measure failed. There was no way that Jesse could, as Robin did, become an official patriot—even in legend.

Second, the essentially Puritan attitudes which have structured so much of the United States's legal and social policies mitigate against any famous outlaw receiving amnesty and being pardoned, as Robin Hood was, for his transgressions. Other American outlaws considered Robin Hoods in their day—Billy the Kid and Pretty Boy Floyd, "The Robin Hood of the Cookson Hills"—met violent ends, often gunned down at the hands of lawmen, without the opportunity for a trial, much less a pardon, even though

their legendary reputations, like Jesse's, as defenders of the poor are every bit as well established as the reputation of the original Robin Hood.¹¹ It is possible that Robin Hood—historically more remote, a product of English culture, and more immediately in the tradition of King Arthur, among others—was seen as deserving of pardon whereas the American outlaws, with more historical records available and viewed by an essentially Puritan society, could not be pardoned. Jesse, like the other American Robin Hoods, died an outlaw (Steckmesser 1966, 351).

Third, the America—society, government, economy, culture—of the late nineteenth century in which Jesse James carried out his outlawry was much more established and more highly organized, and its elements more interdependent than the English counterpart of the thirteenth and subsequent several centuries during which the Robin Hood legends took shape. In post-Civil War America, an individual acting outside the law to right establishment-imposed wrongs—as the legends have Jesse James doing in the manner of Robin Hood—was more obviously a threat to the system than was the outlaw of thirteenth-century England. Even the original Robin Hood, had he been practicing his outlawry in nineteenth-century America, would have won no pardons.

Finally, Jesse's unredeemed outlaw status is not only appropriate to the particular American culture in which it occurred, the nature of his "traitorous murder" may well be a part of the continued popularity of the legend. Settle notes that, in addition to traditional James apologists, such as John Edwards, many other newsmen as well as politicians expressed their disapproval of "the manner of the killing and the suspected bargain between the assassin and Governor Crittenden" (1966, 121). The assassination strengthened the James legend by creating, on the one hand, sympathy for Jesse and his family and by intimating, on the other, that the authorities had to hire an assassin because they could not accomplish the job through the properly designated agencies (121–22). "The manner of his death gave every admirer of the James band and every critic of the Governor an opportunity to praise their hero and condemn Crittenden. Soon, the cruel and unreasoning slaughter of innocent citizens and the pillaging of property were forgotten in a general admiration for the dashing highwayman" (Settle 1966, 123). It is also interesting to note in this context that Frank James—who eventually gave himself up to the authorities, stood trial, served a prison sentence, and lived peacefully until his death in 1915—does not have Jesse's reputation. It may be that Jesse's death as an outlaw was not only in keeping with America's basically Puritan attitudes but was also a key ingredient in his continuing popularity.

English legendry resolved the tension between hero and outlaw; American legendry could not. Jesse James and the other American outlaws like him will continue to be criminals in the eyes of the law, redeemed only in the larger arena of public imagination and popular culture.

Notes

1. William A. Settle Jr.'s *Jesse James Was His Name* (1966) carefully examines both the historical records concerning Jesse James and the development of the Jesse James legend in ballads, the popular press, and film and television.
2. Both William A. Settle Jr. in *Jesse James Was His Name* (1966), and James Clarke Holt in *Robin Hood*, comment that in these legends, as Holt says, "the criminal is made heroic" (1982, 11).
3. I heard "The Ballad of Jesse James" sung by Betty Waldren at the Roanoke Mountain Campground, Roanoke, VA, on 13 July 1997. The concert was one in the Mountain Music series sponsored by the Blue Ridge Parkway as a part of its mandate to preserve local Appalachian traditions. I am indebted to Professors Robert E. May and Jill P. May of Purdue University for making me aware of this series.
4. Settle discusses comparisons of Jesse James to such heroes of medieval romance as King Arthur and his Knights (1966, 45–47), and Holt compares the form and, in some cases, specific incidents of the Robin Hood stories to the tales of King Arthur (1982, 56, 115, and 125).
5. An explicit reference to the social skills of Arthur's knights occurs in the fourteenth-century poem, *Sir Gawain and the Green Knight*. Gawain, arriving at Bercilak's castle, is greeted enthusiastically by the local knights who are excited that they will be receiving lessons in manners (as opposed to warcraft) from the master of courtesy, Gawain himself: "Now pleasantly shall we see practised skill in knightly conduct and the perfect expressions of noble conversation, what profit is in speech unasked may we learn since we have welcomed here the fine father of breeding" (ll.916–919, my translation).
6. According to legend, Jesse could be chivalrous to his enemies as well. Once during the war, he and his men captured a young Union soldier who had sneaked into Missouri to see his mother. The Confederates were going to shoot him, when Jesse said: "He's come back to see his old mother. Any man ought to be willing to go through hell to see his mother, and that's what this boy has done. Let him live. He deserves it" (Croy 1949, 50).
7. Another war band formed to defend a geopolitical territory, the Jolmsburg Vikings, swore similar oaths and gave up the right to revenge as part of membership in this new kind of group. See *The Saga of the Jómsvikings*, translated by Lee M. Hollander (1990).
8. What emerged eventually as the social contract theory requires the individual to relinquish rights to officially empowered agencies of government, so that individuals were now supposed to seek justice in court rather than attempting personal vengeance and might be punished as criminals should they carry out such individual actions.
9. Although knowledge of poetry was certainly not a prerequisite for membership in the James Gang, it is interesting to note in this regard that Frank James was known to quote from Shakespeare's plays.
10. Settle discusses the substantial number of stories about sightings of Jesse James offered to suggest that he was not killed by Robert Ford but that the whole episode was a plot to allow Jesse to get away and live peaceably for the remainder of his life (1966, 117–19). Settle also discusses the claims of various men that they were Jesse James (169–71; Croy 1949, 247–53).
11. For additional discussions of the Robin Hooding of American outlaws, see especially: J. Frank Dobie, 1955, Helena H. Smith, 1970, and Kent L. Steckmesser, 1966 and 1965.