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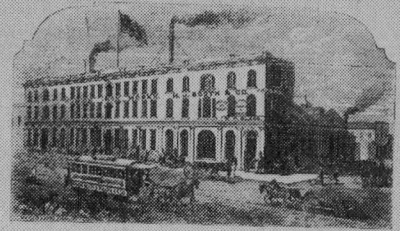
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SUPPLYING THE MINING WORLD:

The Mining Equipment Manufacturers of San Francisco,

1850-1900



By Lynn R. Bailey

The California Gold Rush drew tens of thousands of men to the Pacific Coast. Most who came knew nothing of mining; nevertheless, they hoped to strike it rich. Others sent by large mining companies to develop auriferous deposits, were knowledgeable of mining technology, schooled in Europe, South and Central America, and on the eastern seaboard of the United States. They brought hydraulic processes, rock crushing techniques, and amalgamation. Still another breed of men responded to the demands of commerce and transportation: mechanics, millwrights, blacksmiths, iron and brass founders, boiler makers, cordage and wire rope makers, engineers. Thus by 1850 there existed on the Pacific Coast a pool of talent which would soon be put to good use.

California's isolation, coupled with complex mineralogical problems, decreed that San Francisco would become a center for advancement of mining technology. Along the town's waterfront, in dozens of blacksmith shops and foundries, and crude laboratories, Old World mineral extraction processes were tested and refined. Current technology was combined with good old Anglo intuition to turn mining appliances into unique American inventions. An age-old European rock crusher was redesigned to fit ever-changing mineralogy. Mechanical ore feeders were added. The result was the birth of the California Quartz Mill, a versatile and dependable machine that would be used worldwide to extract billions of dollars worth of gold and silver. At first these mills were water powered, then fine steam engines were perfected to drive them and their auxiliary equipment. Harnessed to hoists and pumps, these powerplants solved haulage and drainage problems at Grass Valley, the Mount Diablo coal fields, on the Comstock, throughout Nevada. That was just the beginning. The profitable exploitation of Western American silver-lead and copper carbonate deposits is attributable to the portable water-jacket furnace, a unique San Francisco invention. The hydraulic nozzle and the Pelton water-wheel also originated on the West Coast. Little wonder that mining men from all parts of the world came to San Francisco to obtain what they wanted for their enterprises.

In the short span of a decade forty-seven foundries and machine shops had sprouted on land reclaimed from the sea. Most started as maritime repair facilities, but the demand for dependable mining equipment permanently cast these companies into the role of mining equipment suppliers. By 1875 the Union Iron Works, Pacific Foundry, the Miner's Foundry, Golden State, Fulton, Aetna, Vulcan, Risdon, Parke and Lacy, Joshua Hendy, the California Wire Works, and the Pelton Company were names known to mining men around the world. These and lesser enterprises created, tested, and marketed every variety of appliance needed to extract precious metals. Their products were shipped to all United States mineral producing districts, as well as to Canada, Mexico, Central and South America, Australia, New Zealand, Japan, China, Russia, and other countries around the Pacific Rim. San Francisco literally supplied the Mining World.

San Francisco's manufacturing monopoly lasted barely twenty years. Eastern competition came when the continent was spanned by railroads. Companies such as Fraser and Chalmers, forerunner of Allis-Chalmers, grew rapidly marketing mining equipment built from plans pirated from San Francisco enterprises. While railroads made it easy to transport equipment, tariffs syphoned profits, and by the 1890s San Francisco foundries and machine shops either closed or changed direction. The Union Iron Works and Risdon became premier shipyards, fabricating naval vessels through two world wars. In the end, they too were gobbled up by Eastern capitalists.

This book is much more than the story of the men and companies that made San Francisco a common denominator in the mining industry; it is also a pictorial record of their products. This volume is graced with an incomparable collection of line drawings taken from company catalogs, mining publications, patent applications and the pages of the *Mining and Scientific Press*. Historical archaeologists, mining historians, collectors of mining memorabilia, and Western enthusiasts will find the answer to the often puzzling question of how Western mines and reductions works were equipped. If you want to know what went into the mines and mills of Grass Valley, Virginia City, Tombstone and Bisbee, and other Western mining districts, this is the book for you. This attractively designed hard cover book is 8 1/2 x 11-inch format, 144 pages, 180 line drawings and halftones. It has chapter notes, an index, printed endsheets. Dust jacket is in color. ISBN 0-87026-096-0. Because this edition is limited to 1,000 copies, we suggest you reserve your copy now.

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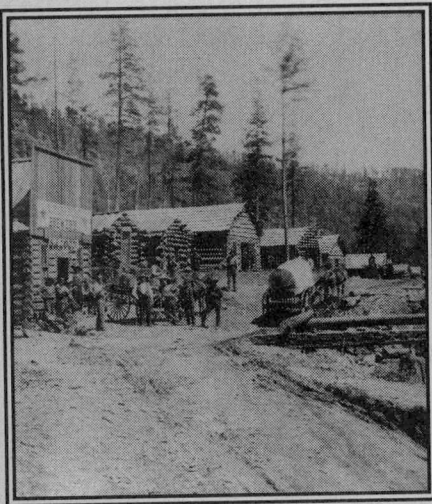
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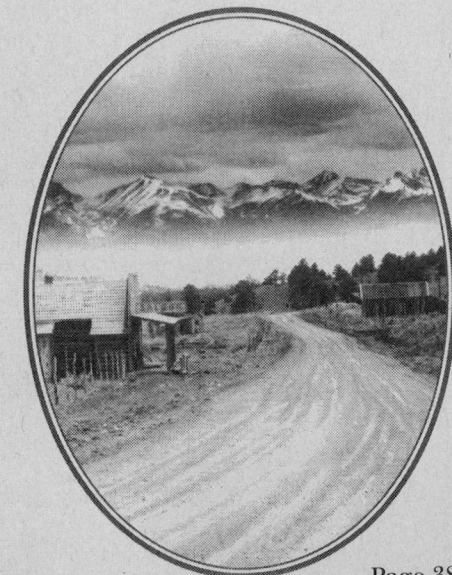


* Our Cover *

Elizabeth Town,
South Dakota, 1876.
Photo courtesy of the Nebraska
State Historical Society.



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FROM THE EDITOR

Howdy, Folks!

Readers of *True West's* companion publication, *Old West*, will recognize the following angry diatribe from the Fall issue. It drew a strong response, including a request from *True West* Answer Man Chuck Parsons to reprint it in the *Journal of the National Association for Outlaw and Lawman History*, which he edits. So I'm also repeating it here, with the recommendation that if you have not already ignored it in *Old West*, you should take advantage of this new opportunity to ignore it in *True West*:

This here's a good 'un. Or at least it would be if it weren't so downright aggravating.

A sixty-two-year-old English professor from the University of Arkansas was arrested back on March 20 for stealing historical documents from a special collection in the Presidio County, Texas, library. He was arrested again on May 20 for stealing documents from the Navarro County, Texas, courthouse archives, among them a grand jury murder indictment against John Wesley Hardin.

His name is Dwain Edgar Manske, and he faces criminal charges in both of those incidents. The skulduggery of which he stands accused may be only the tip of the iceberg. According to authorities, Manske's car, which the Presidio County sheriff impounded, held other documents indicating he had plundered another county courthouse, two county clerks' offices, and a district clerk's office.

Of course, there's no telling what he might have gotten off with before he was caught. The good professor was running a home-based old document and rare book business. The man who appraised one of the pilfered documents told authorities he knew Manske and had seen him selling documents "cheaply" at shows and sales.

Manske even traveled with a notebook containing a wish list of potential plunder (some of which he had already pilfered) and its location, "places all over Texas, little bitty places where he could go and get into the back rooms and do what he wanted," according to one of the prosecutors in the case.

The trusting folks in rural Texas were easy prey. Manske's modus operandi involved nothing more sinister than being a pleasant person, nothing more

stealthily than stuffing his notebook with documents and photographs in broad daylight when clerks and archivists and librarians left him alone among their collections. It worked so well that when he was finally caught, his car was full of "books, papers and photographs that date back to the mid-to-late 1800s..."

The kicker is that the *Tulsa World's* report of the story notes University of Arkansas "officials said Manske's position is not in jeopardy, as none of the charges against the professor were said to be committed on the UA campus."

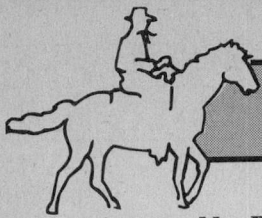
I've used these eighteen column inches to rave about the theft of documents from public libraries and archives in the past, and I probably will again in the future. Our written—and, these days, electronic—records are our collective memory. Without them our knowledge of ourselves as a nation is reduced to word-of-mouth hearsay at the mercy of faded memories.

Everytime a document disappears from a public archive into a clandestine private collection it is like a stroke that destroys a part of our collective consciousness. Occasionally a document resurfaces and we regain that bit of our lost faculties. Most often, though, it is gone forever. Enough of those small strokes can add up to leave us culturally brain dead.

Not that there is anything wrong with private collections when the documents and artifacts are obtained legitimately. In the course of editing this rag, I've learned that legitimate collectors are amazingly generous with information from and copies of the materials in their collections. They have learned that the best way to come by new material is to share freely of what they already possess.

Stolen documents, however, by nature have to be kept secret, and the thieves and collectors of such material deprive us of our most precious resources in the search for truth. An English professor and university administrators, of all people, should know that. When Professor Manske was caught, he agreed to be strip searched. Somebody ought to do the same thing to the UA administrators.

John Joerschke



Prisoners, Not Partners

For the sake of the reputation of my hero and our great former president, I must point out an error in the caption of the photograph with "Teddy Roosevelt's Quest for Javelina" ("Wild Old Days," *True West*, August 1996). The caption reads, "Theodore Roosevelt, left, and hunting party." The photo depicts Roosevelt holding a firearm and watching three men.

This photograph actually illustrates a true story entitled "Sheriff's Work on a Ranch" in Roosevelt's book, *Ranch Life on the Hunting Trail*. In reality, it shows Roosevelt keeping guard over three horse thieves whom he had just captured. They are only referred to as "Finnigan, a German, and a half-breed." Roosevelt and comrades captured

the three desperadoes after they stole Roosevelt's boat during an escape down the Little Missouri River. I'm sure the former president would approve of *True West* but would disapprove of these outlaws being labeled as his hunting partners.—*Brian R. McNamee, Eagle River, Alaska.*

Editor's Note: I'm obliged to all the hundreds of readers who caught the mistaken photo caption. The error was ours, not author Gayne C. Young's, whose byline was also inadvertently left out of the article. Our apologies for the omission.

Irritating Heroes

In "Close Encounters of the Kid Kind" (*True West*, June 1996), author Bob Boze Bell asks how Billy the Kid

could cause so much irritation even now, more than a century after his death. Although Mr. Bell probably didn't really want an answer, I have one anyway.

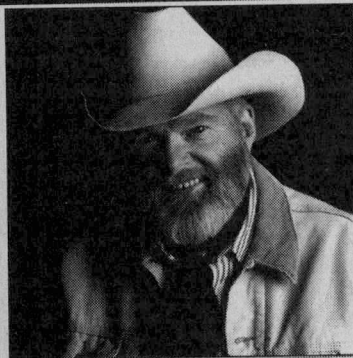
Assuming that Mr. Bell's question referred to the irritation of the Chamber of Commerce and other people in authority, here is my answer.

William Bonney never achieved much attention until after he began to seek revenge for the killing of his employer, John Tunstall. He never took the matter upon himself until the law refused to do anything.

Cole Younger and his brothers laid down their arms and returned to their homes after the Civil War but were harassed by Union soldiers until they were driven from their homes. The same is true of Frank and Jesse James. Although they led lives of crime, it seemed to them the only thing left to do.

Wyatt Earp and his brothers also had to fight an oppressive system. After the OK Corral incident they were eventually arrested and tried. Although they were acquitted, they had been brought before a jury of their peers by John Behan, a sheriff who sympathized with the lawless cowboy faction.

All these men had at least one thing in common; they were all fighting a corrupt system. That is why many people consider them heroes while others see them as criminals that the world is better off without.—*Jim Kile, Sagle, Idaho.*



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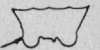
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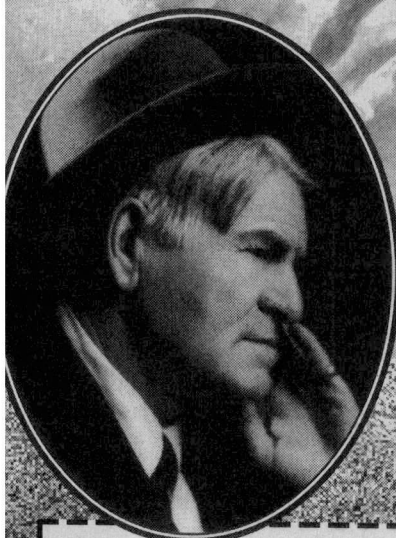
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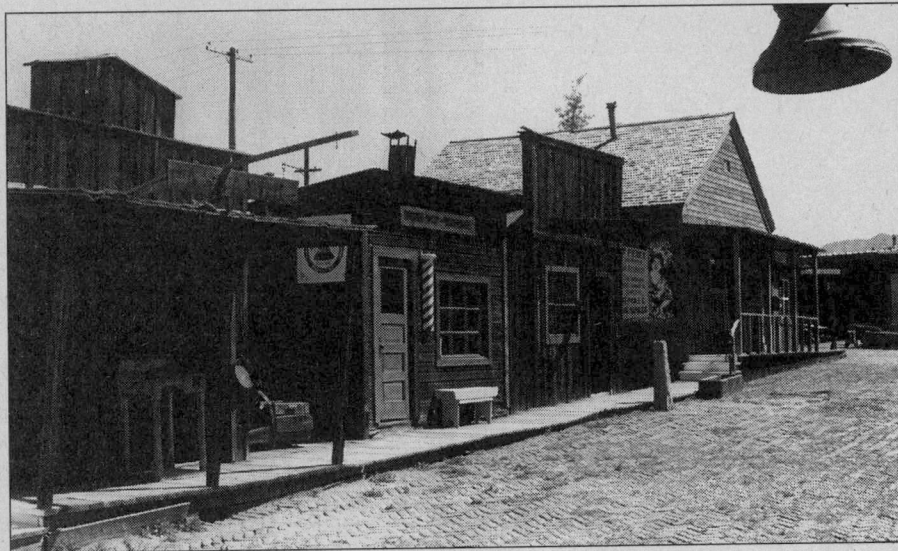


Mining Museum Holds Rich Vein of History

By Paul Fugleberg

First came nature's action that put all the minerals and metals in place. Then came unknown native American inhabitants who dug around with sharpened antler tools which were found in 1856 by explorers who pondered the significance of what appeared to be a shallow prospect hole littered with elk horns.

Eight years later G.O. Humphrey and William Allison discovered gold on Butte Hill, and Butte City, Montana Territory, was born—only to nearly die out by early 1874 when the shallow deposits were depleted and miners left for easier pickin's. That might have been the end of it except for an astute miner named William Farlin. His sample rocks from prospect hole identify when assayed showed significant amounts



Paul Fugleberg

Brick bank building is at the main intersection of Hell Roarin' Gulch's replica town-site.

not only of gold but of silver and copper as well. Quietly he laid claim to various abandoned workings.

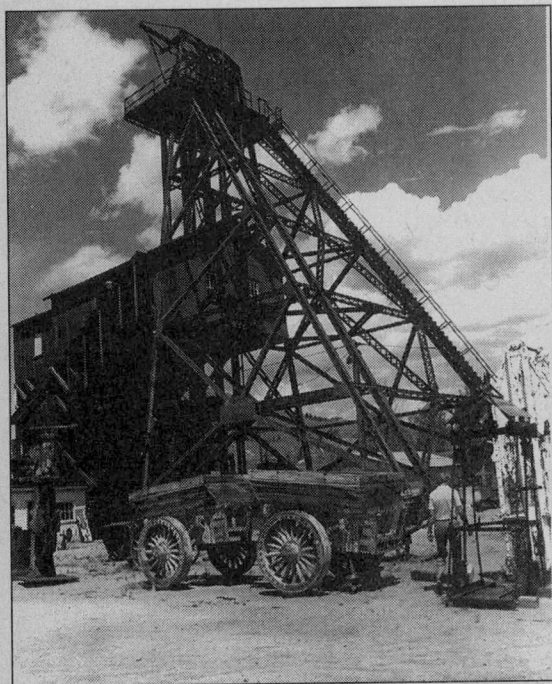
Then on New Year's Eve, 1874, Butte was reborn when Farlin announced the opening of the Asteroid Mine, which turned out to be a rich producer of silver and manganese. The mine was later sold to copper king William Clark, who renamed it the Travona. The era of the "copper kings"—William Andrews Clark, F. Augustus Heinze, and Marcus Daly—was fast approaching.

All this history and more is told in exhibits, pictures, artifacts, buildings, and other materials at Butte's World Museum of Mining. Located atop the old Orphan Girl Mine's

underground workings, the museum draws over 100,000 visitors a year as one of Butte's and southwest Montana's prime tourist attractions.

Established in 1964 by volunteers who formed a non-profit group dedicated to preserving the rich mining legacy of the "richest hill on earth," the museum is a comprehensive showplace of Butte's colorful past—and some of its present.

A replica of a typical turn-of-the-century mining town, Hell Roarin' Gulch, was established. Various buildings were brought to the site, rebuilt, or constructed from scratch to resemble a mining town's business section. Included are a bank, print shop, Chinese laundry, Chinese herb store, carpenter shop, tobacco shop, dentist's office, ladies' millinery shop, a sauerkraut factory, saloon, assay office, drugstore and soda fountain, general store, Hibernian hall, Knights of Pythias hall, undertaker's parlor, city hall, photographer's shop, fire station,

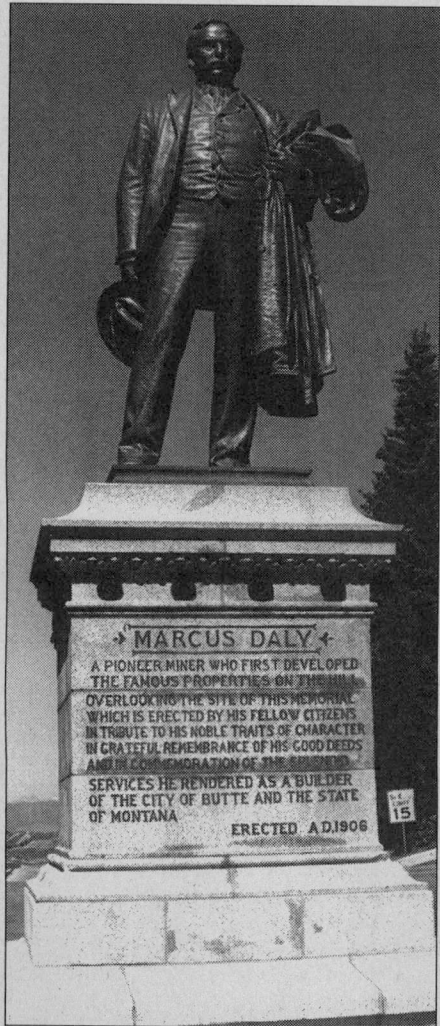


Paul Fugleberg

Headframe marks the entrance to the 3,200-foot deep Orphan Girl Mine.

telephone office, Rayworth mine office, an optometrist's parlor, school, church, a ranger station, the Nugget Cafe and the adjacent Victoria's Rooms complete with a couple mannequin lovelies looking wistfully down from upstairs windows.

Outdoor exhibits include the headframe of the 3,200-foot deep Orphan Girl, which produced some seven and one-half million ounces of silver, and more than 234 tons of zinc and lead between 1875 and 1956. Other exterior exhibits include an electric hoist, Stanley steam engine, fire-fighting equipment, mine cages, ore wagons of yesterday and a more modern ore truck, mine cars, a steam locomotive, and a bullet-proof 1928 La Salle



Paul Fugleberg

Visitors to the World Museum of Mining must first pass the statue of Marcus Daly at the center of the street.

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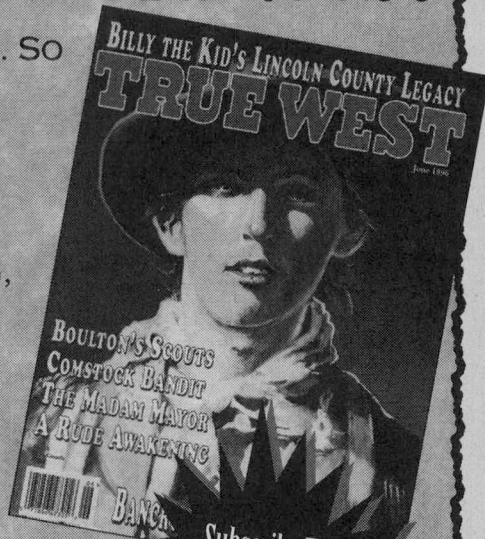
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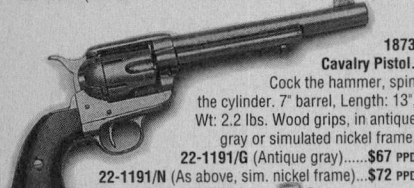
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6-shot (cap & ball) percussion cocks and "fires" like original. Cylinder spins, ejection rod works. Lgth: 13". Wt: 2 lbs. 22-1083/G (Antique gray, wood grips)...\$66 PPD
22-1083/L (As above, sim. brass frame)...\$70 PPD



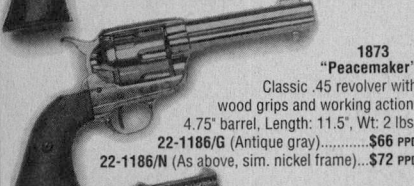
ANTIQUE GRAY FINISH M1880 ARMY REVOLVER.

Used by both Union and Confederate forces, this cap and ball revolver is full-size (14") and weighs a hefty 2 lbs. 8 oz. The loading lever, hammer, trigger and cylinder action work like the rare expensive original. Made with real wood grips, gray or blue/brass finish. 22-1007G (M1860 Gray Decorator Revolver)...\$67
22-1007L (M1860 Deluxe Blue/Brass Decorator Revolver)...\$72



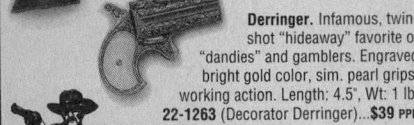
1873 Cavalry Pistol.

Cock the hammer, spin the cylinder, 7" barrel, Length: 13". Wt: 2.2 lbs. Wood grips, in antique gray or simulated nickel frame. 22-1191/G (Antique gray)...\$67 PPD
22-1191/N (As above, sim. nickel frame)...\$72 PPD



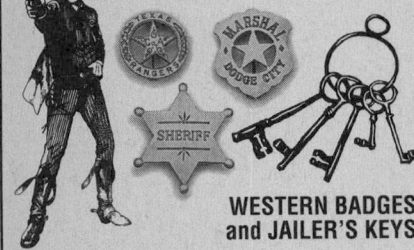
1873 "Peacemaker"

Classic .45 revolver with wood grips and working action. 4.75" barrel, Length: 11.5". Wt: 2 lbs. 22-1186/G (Antique gray)...\$66 PPD
22-1186/N (As above, sim. nickel frame)...\$72 PPD



Derringer. Infamous, twin-shot "hideaway" favorite of "dandies" and gamblers. Engraved bright gold color, sim. pearl grips, working action. Length: 4.5". Wt: 1 lb.

22-1263 (Decorator Derringer)...\$39 PPD

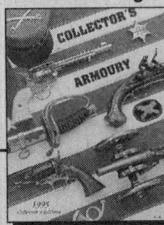


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armored car that carried the mine's payrolls.

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Pictures of some of the colorful characters of Butte's past line the walls: Fat Jack, hack driver; Lemons the messenger boy; Shoestring Annie, who tough-talked miners into buying shoe laces but who might crack 'em with her crutch if they insisted on receiving the laces they'd purchased; Jerry the Wise; and Police Chief Jerry Murphy.

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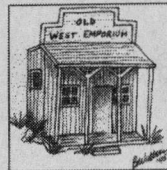
Other Butte attractions include the Mineral Museum at nearby Montana Tech; guided tours to Our Lady of the Rockies Statue; tours of the thirty-four-room Copper King Mansion; tours on the Old No. 1 tour car; views of the Berkeley Pit; the Arts Chateau community art center and museum; the United States High Altitude Sports Center; and a number of walking tours through "uptown" Butte with its refurbished historic buildings, churches, stores, and mansions.

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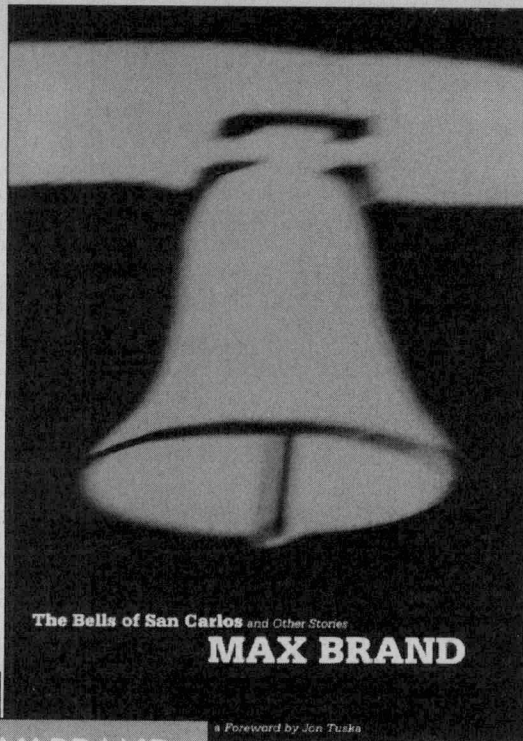
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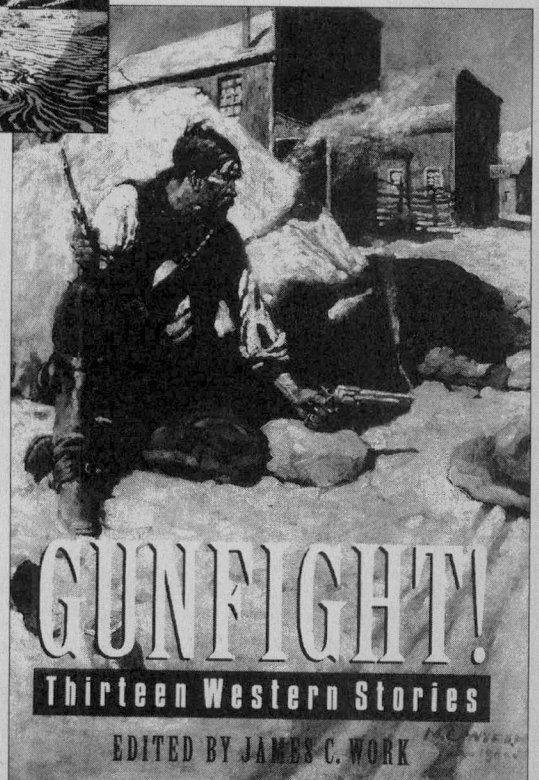
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WESTERN LOGBOOK

200 YEARS AGO

October 29, 1896; Monterey Bay, California. Captain Ebenezer Dorr led the first American exploration of the California coast, sailing the *Otter* along the coastline. He reached Monterey Bay on October 29.

150 YEARS AGO

October 20, 1846; Fayette County, Texas. William E. "Bill" Sutton was born to pioneer Texans. He would become a leader in the bloody Sutton-Taylor feud, but the Taylors would shoot him to death in front of his wife and child in 1874.

125 YEARS AGO

October 2, 1871; Salt Lake City, Utah. Seventy-year-old Brigham Young and several other Mormon leaders were arrested on charges of "lascivious cohabitation." In 1862 Congress legislated against bigamous marriages in the territories, and Young and his fellow Mormons were convicted on the 1871 charges. But the case was appealed successfully on grounds of a lack of jurisdiction by the courts, and the church continued to practice polygamy.

October 5, 1871; Abilene, Kansas. Abilene's city marshal, Wild Bill

By Bill O'Neal

Hickok, had clashed on several occasions with gambler Phil Coe. On the evening of October 5 Coe led about fifty fellow Texans on a drunken spree through Abilene. They forced several citizens to buy drinks for the group, and even Hickok was compelled to treat them. But Hickok warned the rowdies to control themselves, and he alerted Deputy Mike Williams.

That afternoon Williams received a telegram from Kansas City asking him to come to the bedside of his ailing wife, and he planned to take the 9:45 evening train. But at 9:00 PM a shot rang out, and Hickok went to investigate, ordering Williams to stay put. Hickok elbowed his way through the crowd of revelers and found Phil Coe and some of his fellow Texans holding drawn weapons.

Coe claimed that he had shot at a dog, but Hickok went for his six-guns. Coe fired hastily at Hickok and only hit his coattails. Hickok's aim was better. Coe was standing just eight feet away, and Wild Bill's first slug tore through his belly and out his back. As Coe collapsed, his gun went off again, but the bullet breezed between Hickok's legs. Apparently having aimed for Coe's head, Hickok grumbled, "I've shot too low."

At that point Mike Williams broke through the crowd, hoping to help Hickok. Wild Bill saw movement and, afraid of being surrounded by hostile cowboys, whirled and opened fire. He hit Williams twice in the head, killing him immediately. An enraged Hickok dispersed the crowd and closed up the town.

The mortally wounded Coe was carried away to die a lingering death three days later. One or two bystanders received treatment for flesh wounds, and Hickok paid Mike Williams' funeral expenses. Hickok is not known ever to have fired another shot at a man after accidentally shooting Williams.

October 10, 1871; Blanco Canyon, Texas. During Colonel Ranald Mackenzie's first probe into West Texas, his Fourth Cavalry column camped on October 9 about three miles from Blanco Canyon. That night Comanche raiders drove off some horses and pack mules. At dawn Captain E.M. Heyl led a detail in search of the raiders. The patrol sighted a small band of Comanches and gave chase, but soon encountered a large war party.


The soldiers dismounted and fell back toward the mouth of Blanco Canyon. The retreat began in orderly fashion with volley firing, but when the Comanches closed to within 250 yards, Heyl and seven recruits panicked and ran. Five troopers stayed with Lieutenant Robert Carter, who ordered them to unlock the magazines of their Spencer carbines and open up rapid firing. The ferocious volley checked the Comanche charge, and Carter and his men took the chance to mount and gallop toward an arroyo.

But Private Sander Gregg's horse gave out, and he was shot dead by a Comanche chief thought to be Quanah Parker. Carter's horse stumbled and fell, inflicting a leg injury which eventually caused the officer to retire. At that perilous juncture Mackenzie and Captain Wirt Davis' Company F thundered onto the scene. The Comanches wheeled and fell. Mackenzie credited Carter with saving the command and recom-

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
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mended him for the Medal of Honor.

October 15, 1871; Blanco Canyon, Texas. Five days later, as Mackenzie's column descended Blanco Canyon, scouts flushed two Comanche warriors who took cover in a rocky ravine. Mackenzie sent Lieutenant P.M. Boehm and fifteen dismounted troopers to dispatch the two warriors. But when Boehm advanced with excessive caution, Mackenzie impatiently spurred forward to take personal charge of the skirmish. Moments after he arrived, however, a barbed arrow thudded into his thigh and he was taken to the rear.

The skirmishers advanced and killed the warriors with rifle fire, although one soldier was wounded by an arrow. Mackenzie, who had suffered six wounds during the Civil War, was chagrined at having been hit and did not mention his injury in the official report. The wound remained troublesome, and a fortnight later a surgeon informed the restless Mackenzie that amputation might prove necessary unless he submitted to bed rest. Mackenzie angrily hurled his crutch at the doctor and sent him scurrying from the tent.

October 24, 1871; Los Angeles, California. By the 1870s more than 100,000 Chinese immigrants had arrived on the West Coast, where they industriously worked long hours for low wages. But federal law barred the naturalization of Chinese immigrants. Their lack of civil rights made these early Asian-Americans especially vulnerable to racial discrimination. Growing racial tensions in Los Angeles exploded in the "Chinese Massacre" of October 24, 1871. A riot followed the alleged murder of a white man by an Asian immigrant. In the ensuing violence as many as twenty-two Chinese men were lynched by angry mobs.

100 YEARS AGO

October 1, 1896; Washington, DC. Montgomery Ward was orga-

nized in 1871 to bring the urban department store to America's vast rural population by means of catalogue buying. Sears, Roebuck and Company soon capitalized on this idea, and isolated farmers and ranchers pored over "Monkey Ward" and Sears "wish books." Last year's wish book often was placed in the outhouse, where it could be pondered at leisure. Pages from the catalogues were often used as toilet paper and were regarded as preferable to the privy's pile of corn cobs.

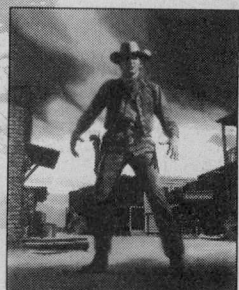
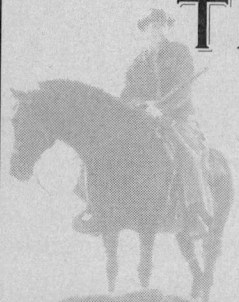
High shipping charges to rural destinations, however, offset the savings of low catalogue prices. Finally, the nation's large rural population pressured the government into providing Rural Free Delivery, established by the Federal Post Office in October 1896. The RFD benefited the West perhaps more than any other region of the country. Almost

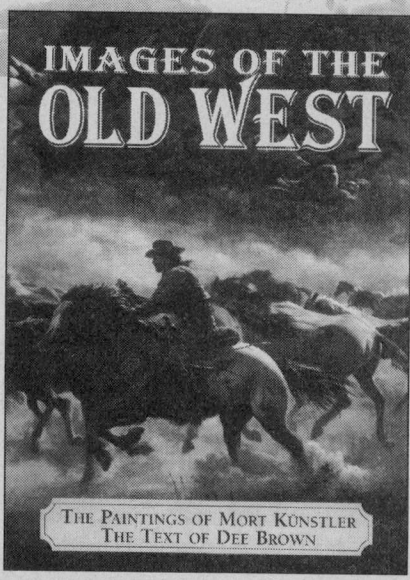
nine of every ten people there lived on remote homesteads and ranches or in small settlements.

October 19, 1896; Rio Feliz, New Mexico. George Musgrave, a rustler in New Mexico and Arizona, joined the High Fives, an outlaw band led by "Black Jack" Christian. On October 19, 1896, at the Diamond A roundup camp southwest of Roswell on the Rio Feliz, Musgrave encountered George T. Parker, who in recent months had betrayed him to lawmen. Musgrave escaped, but he exacted revenge at the Diamond A camp, shooting his betrayer to death. Brought to trial for the Parker shooting nearly a decade and a half later, the outlaw was acquitted by a Roswell jury on June 3, 1910.



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Las Cruces, New Mexico, Circa 1882.



If the authorities hoped the Mesilla Scouts' pursuit of the cattle thieves into Mexico would put an end to the rustling, they were sadly mistaken. "From every ranch in the county and along the Rio Grande," said a Las Cruces newspaper, carefully avoiding the naming of names, "from just below Socorro to the county south of Mesilla, including Palomas, Colorado, Lake Valley, Leasburg, Dona Ana and many other towns, comes intelligence of cattle in large numbers having been run off by rustlers during the last week."

There was great excitement all along the line, the report continued, and several armed bands of citizens were on the road after the villains. "Large shipments of fresh beef have recently been made from an obscure railroad station between here and Rincon to parties in El Paso," the *Republican* reported. "The hides, with the brands on, have been found at the depot and claimed by the rightful owners. Great indignation is felt against the station agents for their carelessness, and against the consignees at El Paso."

Who the culprits were became apparent on February 6, 1883, when Colonel William Rynerson swore out a warrant before Judge Shaw of Socorro "against several of John Kinney's gang of cattle thieves. They have been stealing cattle in Socorro, Lincoln and Dona Ana counties, and shipping the beef to El Paso, where they sold it for four cents a pound"—a price which doubtless guaranteed them a roaring trade.

Perhaps it is not altogether coincidental that on the same February day Rynerson swore out his warrant, John Kinney mercilessly pistol-whipped his partner, Frank Emmons, outside the Thorn Hotel in Rincon, the blows said to have

THE LIFE AND CRIMES OF JOHN KINNEY

PART 2 • BY FREDRICK NOLAN

sounded "like the strokes of an axe on an oak tree." Despite having suffered deep cuts all over his skull, although his face was bruised and blackened in every feature, his lips and ears cut open, his jaw broken, and several teeth and a piece of his jaw bone knocked out, Eamons refused to file a complaint, and no charges could be brought because no one would admit to being an eyewitness. While what passed for law enforcement watched impotently, Kinney patrolled the streets with a Winchester, "defiance on his brow, conquering and to conquer."

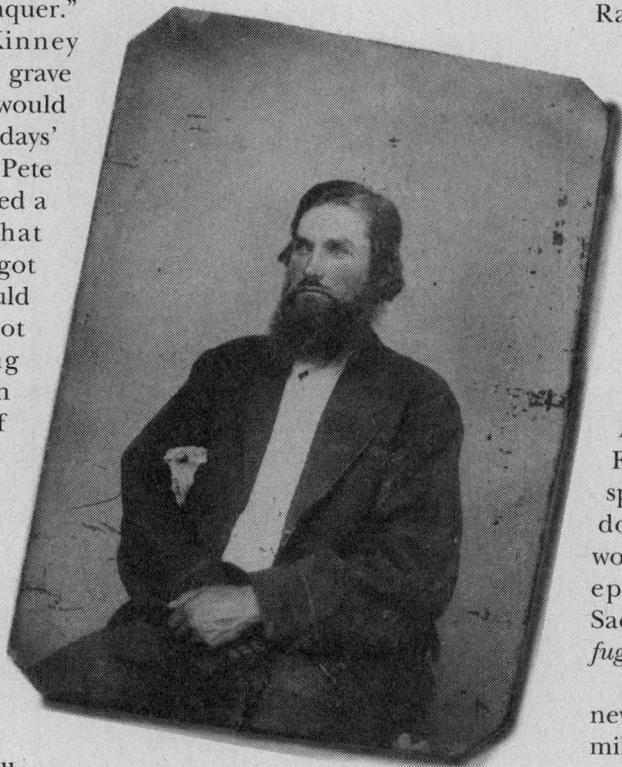
Shortly thereafter Kinney ordered a Mexican to dig a grave in the cemetery, saying he would supply the corpse in a few days' time. He then proceeded to Pete Carl's saloon, where he picked a fight with Pat Kelly. In that encounter, however, Kelly got the drop on Kinney and would have killed him had Carl not knocked Kelly's shooting hand up. The connection between the two clashes, if there was one, has been lost to history. Suffice it to say no corpse for the newly dug grave was ever produced.

Meanwhile, like some Ali Baba from Hell, Kinney was controlling a gang of forty or more full-time thieves freebooting along the Rio Bravo from Socorro, New Mexico, all the way down to Chihuahua. It was estimated that in January 1883 alone some 10,000 head of stock had disappeared. Complaints from cattlemen eventually grew to such a pitch that Governor Lionel Sheldon responded by ordering Albert J. Fountain and his militia to take the field again.

Fountain quickly mounted a three-pronged attack on the rustlers, who were operating out of and around Kinney's new stronghold, Cottonwood Ranch in Lake Valley. Captain Eugene Van Patten and Company A scouted north from La Mesilla. Francisco Salazar's Company B moved south, and at La

Mesa on February 20 captured Eugenio Padreza, "a bold and expert thief," as well as Jose Enriques, Margarito Sierra, and Severo Apodaca. Padreza made a "desperate effort to escape, whereupon he was fired upon and killed," the *New Mexican* reported.

Some of the other territorial newspapers were by now expressing considerable concern about the manner and means by which the militia was handling the rustling threat. Governor Sheldon answered



Courtesy of R.G. McCubbin

William Rynerson as a young man.

these criticisms unequivocally in the *Albuquerque Journal* by stating he intended to either "make New Mexico safe for honest and industrious people, or depopulate the whole d——d Territory."

By February 22 five companies of militia were in the field looking for Kinney, who was said to have boasted "no man or set of men would ever capture him alive." On February 27 Fountain visited the governor and his adjutant general, Edward L. Bartlett, to report that nine rustlers were now in jail in La Mesilla and that John Kinney had

"left the country and is not likely to return." Taking issue with this, a wag in Rincon who signed himself "Geo. Washington" wrote in to the *Las Cruces Republican* to say that far from running scared, Kinney had "hunted up Capt. Van Patten's army to see that they were all comfortable, and their wants supplied, and gave special orders to his 'gang' not to interfere with the happiness of the militia. He also left his future address at the post office—Lordsburg, N.M."

On March 2, assisted by Texas Rangers under the command of Captain George Baylor, Fountain captured Doroteo "Tiger" Saenz (the name also variously given as Sais, Sains, Sainz), reputed to be "the most notorious thief and outlaw in southern New Mexico, bold and full of nerve and a very dangerous man," at Concordia, Texas. En route to Las Cruces the next day Saenz leaped off the train; the *New Mexican* carried a story of how Fountain and his son Alberto sprang off after him and cut him down with their fire. Later there would be accusations that the whole episode had been a set-up and Saenz had been a victim of *ley del fuga*.

Meantime, on March 7, gratifying news arrived from Richmond, seven miles south of Clifton, Arizona. The pursuit of Captain J.F. Black and Company F of the Shakespeare Guards, assisted by Deputy United States Marshal Sanders, had resulted in the arrest of Kinney and his wife and brother, Tom, at York's ranch near Ash Springs. The trio had been heading for the safety of Mexico, driving a herd of twenty-five horses and mules. "Notwithstanding all his brag and bluster," said the *El Paso Lone Star* on March 10, Kinney had "quietly surrendered and begged like a Mormon elder for his captors to spare his life."

Former Silver City Sheriff Harvey H. Whitehill, who was with the pursuing party, reported that Kinney told him he had been taken entirely by surprise when arrested, that "he

was trying to evade no one, and if it was his purpose to elude the officers of the law, he could have easily found refuge across the line."

On receipt of the news of Kinney's arrest, Governor Sheldon wired Black to deliver his prisoners to the sheriff of Doña Ana County "at any cost": "Don't let them escape or be rescued," he urged. "Shoot at the first attempt. Employ sufficient force to hold them and proceed, without delay, to Las Cruces." It was as well he was so determined; on the representations of Judge Eagan of the Lordsburg law firm of Eagan and Wade, the justice of the peace at Lordsburg had already released Juana and Mike Kinney and might also have freed John had not the telegram from the governor and others stiffened his backbone.

"Kinney apparently takes his arrest philosophically," continued the El Paso *Lone Star*, "but vows vengeance against the governor and others. He stated that he would as soon be sent at once to hell as to be taken to Las Cruces. He has fears of being lynched if taken there...Kinney's wife and brother are sticking by him and will probably be rearrested. A reward of \$1200 had been offered for K's arrest."

Success piled on law-enforcement success.

That same day, news came in that Captain Salazar had recaptured Margarito Sierra at La Mesa on March 6. Taken before Fountain and Justice of the Peace Martin Trujillo, Sierra broke down completely and offered to turn state's evidence. A fuller story in the Mesilla *News* of

March 10 told how Captain Sumner had arrested Sierra at the time Pedresa was killed but had been unable to find positive proof against him. Sierra was released, but kept under surveillance; probable cause was obtained from an account book found in his possession which belonged to Doroteo Salas (Saenz), Kinney's associate. In the account book Saenz had written:

*Con pistola en la matto
Yo mato Americanos
Tres mato.*

"With gun in hand I killed Americans—three have I killed."

Arrested by Captain Salazar, Sierra offered to testify against his former associates. He was taken to La Mesa where Fountain, Martin, Trujillo, justice of the peace for Precinct No. 4, and some others were told the whole story of the cattle stealing, with times, places, dates, and circumstances of each robbery. In addition to Kinney, Saenz, and Pedreza, Sierra named as members of the gang Juan Carabajal, Jose Angel Enriques, Theodoro Lucero, Aurolo Apodaca, Diego Garcia, Nestor Cubero, Mariano Cubero, Juan Bernal, Guadalupe Leon, Jose Garcia, Guadalupe Torres, Mauro Saenz, Faustino

L o p e z ,
(Peter)Johnson,
Pablo Gomez,
Charles "Pony
Diehl" Ray,
a n d
Kinney's
brother-in-
law, Joseph
Hull.

Fifteen
of Kinney's
gang were
now behind
bars, includ-
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Rincon on March
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c o m p a n y :
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" T o m c a t "
Coyne, Bob

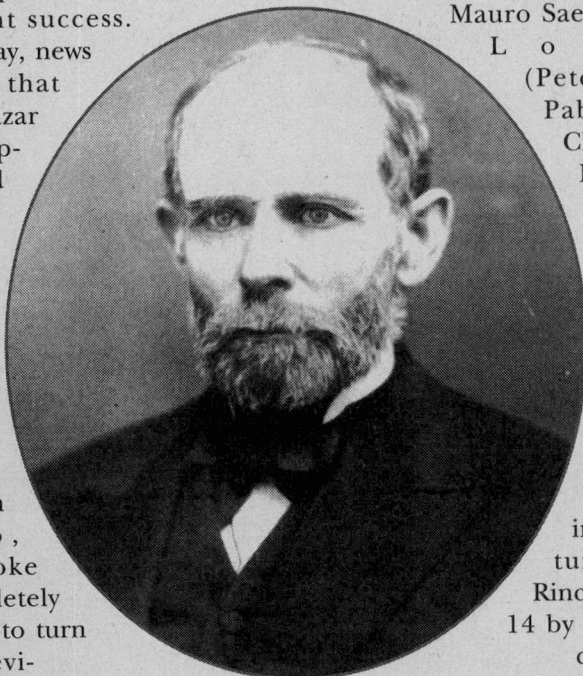
Reese, and Pancho Saenz. Kinney and "two of the most desperate of the gang are in a cell by themselves," reported the *New Mexican* on March 13, 1883. "There isn't a ray of light in the jail. It is more like a dungeon. Kinney's wife or mistress—it is not generally believed they are bound by any legal tie—has not been arrested, there being no charge against her. She arrived at Las Cruces on Saturday from Lordsburg, but Kinney refused, for some cause or other, to see her....[He] is in apparent good health, but is badly broken in spirit and completely cowed....He begged for whisky of Captain Van Patten again and again but it was refused."

The Silver City *Southwest-Sentinel* reported on March 17 that "Kinney's fifth undivorced wife (?) plead[ed] hard with Major Fountain for permission to be locked up in jail with her husband (?)...and shed tears—real genuine tears—because Fountain denied her the privilege."

Clearly nothing like as cowed as the *New Mexican's* reporter believed, however, Kinney proceeded now to brazenly invite Albert Fountain, the man responsible for his arrest, to conduct his defense, offering to pay him \$3,000 if he would take the case. Unsurprisingly, Fountain turned him down flat. So did the giant Rynerson when Kinney approached him. Kinney finally retained William T. "Poker Bill" Thornton of the Santa Fe firm of Thornton & Bail.

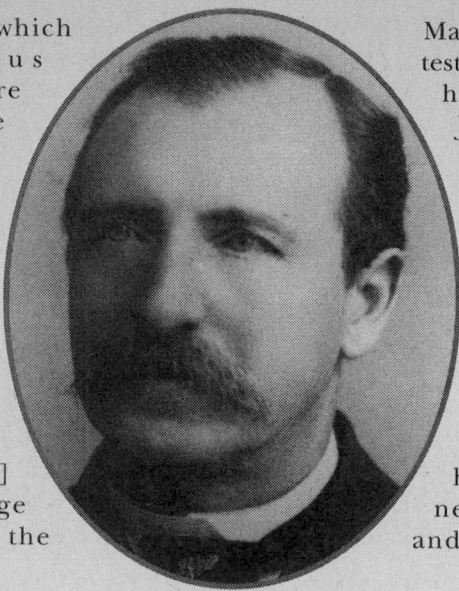
By April 5, the grand jury (foreman Mariano Barela, who obviously had no qualms about selling a former associate down the river) had found 132 indictments against the rustlers, including seventeen against Kinney. To the consternation of all and sundry, Kinney was released on bail; on petition from the prosecution the court raised Kinney's bail from three to six thousand dollars. He apparently had no difficulty raising the additional sum; his bondsmen were Harvey H. Whitehill, T.J. Williams, and D.M. Reade.

On April 9 his attorneys filed for a continuance, backed by Kinney's



Museum of New Mexico
Judge Warren Henry Bristol, photographed
by William H. Brown at an unknown date.

affidavit in which “scandalous attacks” were made upon the jury, the governor and the militia, part of what the newspapers called a “scheme to manufacture public sentiments in [Kinney’s] favor.” Judge Bristol denied the motion, and also a subsequent application for a



Courtesy of R.G. McCubbin
Albert Jennings Fountain.

change of venue. When Fountain informed him that Kinney had approached jurors and endeavored to obtain their opinions concerning his case, Judge Warren Bristol promptly ordered Kinney returned to jail.

Kinney’s trial began at 10:00 AM on Thursday, April 12, 1883, and lasted two days. District Attorney Simon B. Newcomb represented the territory, assisted by Albert J. Fountain. William T. Thornton and his partner John D. Bail, appeared for the defense. A jury was obtained without exhausting the regular panel, the defendant using only five challenges of the eight allowed him, and the prosecution but one. Among the jurors were Nestor Armijo, S.M. Blun, Evangelisto Chaves, Rafael Ruclas, and other well known citizens.

The prosecution’s tactics were simple. All the indictments bar one against Kinney were nolle prosequitur’d—effectively, discarded—so that the territory (and the jury) might concentrate on the single case with prima facie evidence. That evidence was largely adduced from the testimony of Victoriano Sanches and Margarito Sierra. Sanches testified that on or about January 23, sixteen head of cattle were stolen from him. They were recovered a few days later at the Jaralosa ranch near Lake Valley.

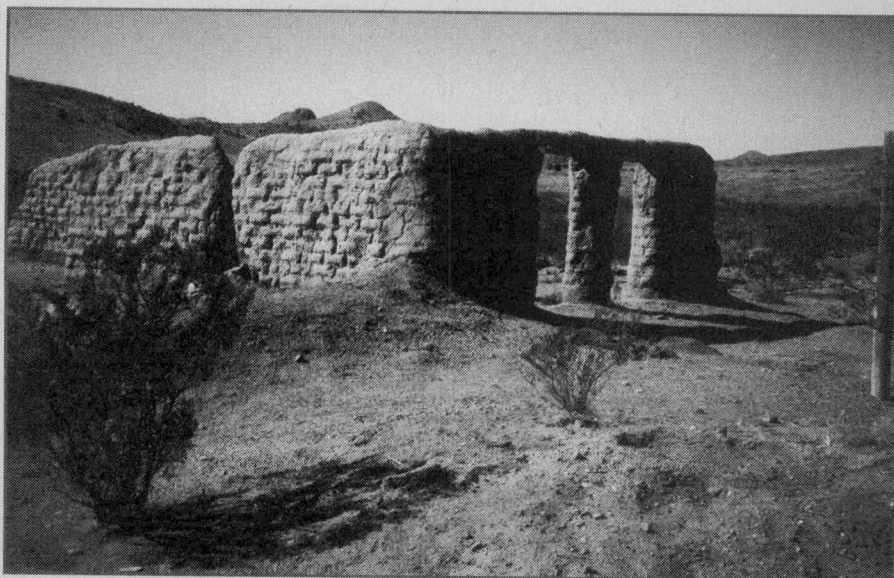
Margarito Sierra then testified that the cattle had been stolen by John Kinney, Juan Bernal, Jose Maria Vega, and himself. They drove them to Rincon and put them in Kinney’s corral. Bob Keesee came with Juan Bernal and bought the cattle; Bernal gave him a bill of sale witnessed by Joe Hull and Frank Emmons. The cattle were then driven to Lake Valley by Bernal, Keesee, Emmons, Sierra, and another man.

Thornton cross-examined Sierra rigorously for almost two hours but could not shake his testimony, nor get him to admit Fountain had promised him immunity. Sierra insisted that Fountain had promised only that if Sierra testified, “he would do all in his power to save him.” After testimony by Hull corroborating Sierra’s, the prosecution rested its case.

When the trial was resumed next morning at 9:00 AM, the defense announced it would prove by reliable witnesses that Kinney had been in El Paso at the time of the cattle

theft. Colonel William Rynerson, Hank Haring (Henry C. Haring), George Lynch, and Tom Coyne were called to provide that proof, following which the defense closed. Closing arguments began with Fountain, who spoke for an hour, followed by Thornton who also spoke an hour. District Attorney Newcomb then closed for the prosecution with another hour-long speech. One of the most telling of the prosecution’s arguments drew attention to the fact that although all were present in court and could have offered supporting evidence for Kinney’s alibi, the defense had significantly failed to call either Kinney himself, “Mrs.” Kinney, or Robert Keesee, clearly unwilling to risk exposing them to cross-examination.

The jury retired at 5:31 PM and took only eight minutes to bring in a verdict of guilty. Although the judgment was not unexpected, the *Republican* reported, it appeared to stagger Kinney. After overruling a motion for a new trial and another for an arrest of judgment, Judge Bristol, then proceeded to pronounce sentence. When asked if he had anything to say, Kinney hotly replied, “I have not had a fair trial.” The court disagreed: Kinney had been fairly tried and convicted, said Judge Bristol, and there could be no reasonable doubt of his guilt. “The



Ruins at Fort Cummings, New Mexico, 1995.

Author’s Photo

sentence of the court is that you pay a fine of five hundred dollars..."—at which point Kinney interrupted, "I haven't got the money, Judge!" "...and that you be imprisoned for a term of five years in the penitentiary," Bristol concluded.

Sympathetic newspapers in Silver City and El Paso, most notably John J. Bell's Silver City *Southwest-Sentinel*, took healthy issue with the conduct of the case and the verdict. Bell con-

gratitude to Governor Sheldon and Major Fountain for driving them out."

On April 20 Sheldon nominated Fountain, as territorial agent, and Sheriff Mason T. Bowman of Colfax County to take ten convicted criminals to the Missouri State Penitentiary. The Doña Ana County felons were Kinney, Atanacio Rivera (horse theft, five years), Juan Bernal (cattle theft, five years); the other

to be on his good behavior in prison; that he would observe all the rules, and obey the laws.

The rest of the prisoners were cheerful until their entrance into the penitentiary. The walls, twenty feet high, with a sentinel posted at every corner with a loaded gun, struck dismay into their hearts.

Inside the rules were read to them and they donned the convict garb of striped clothes. The head is shingled, but the whiskers are not touched unless the owners allow them to grow too long.

The separate and solitary system prevails there [and] under penalty of punishment Prisoners

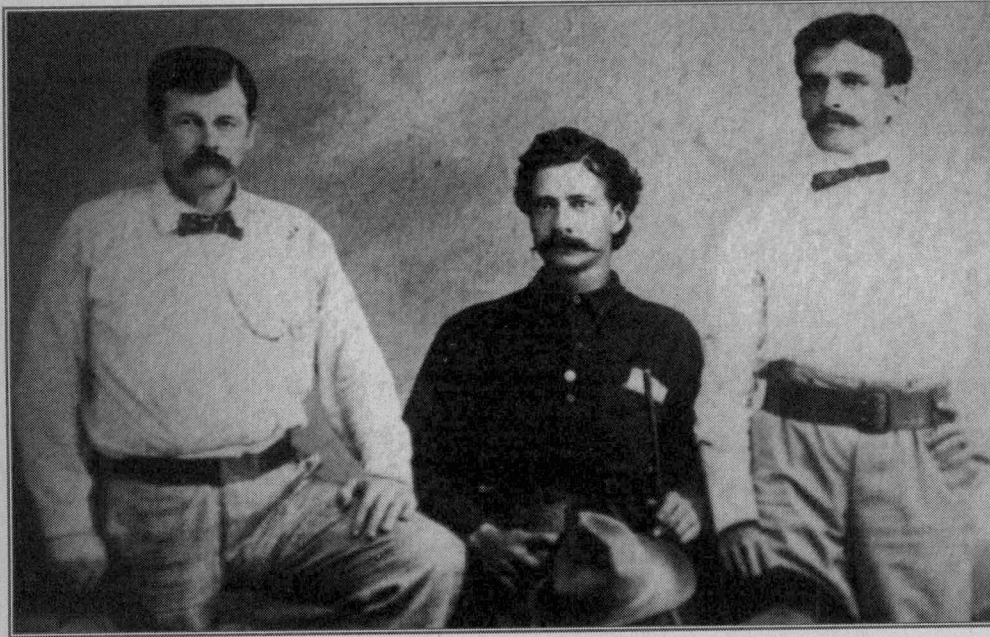
MUST NOT SPEAK

to each other. At work each prisoner is put at one spot, and should he want to leave it to get a tool or for any purpose whatever, he must wait until the guard looks his way, when by raising his hand in the manner of a child at school, the guard, if he wants to, may allow the man to change his position.

Bowman's letter took considerable poetic license. In fact Kinney, Rivera, Bernal, and the other prisoners were incarcerated not

in Leavenworth, but in the Kansas State Penitentiary at Lansing, Kansas. The records of that institution show that when he arrived on May 2, 1883 (with eighty cents in his pocket), John Kinney was thirty years old, five-feet six-and-one-half-inches tall, with sandy hair and hazel eyes; his occupation was listed, not inaptly, as "butcher." The record also shows that he could read and write and owned no property. His father was dead; his mother, Mary Kinney, was living at "Valles," (Vail?) Iowa.

In 1886 Thornton appealed Kinney's case to the supreme court, which on January 30 of that year granted his application for a rehearing. On February 6, the *Rio Grande Republican* reported that the decision of the lower court had been



Courtesy of George Linn

John Kinney (left), and unidentified friends at Santiago, Cuba, in 1898.

tended that Kinney had been found guilty "against evidence, law and justice" and convicted of a crime "which from the evidence, he never committed." Apparently with some justification, Bell even accused Governor Sheldon of making drunken speeches on the streets of Las Cruces during the trial.

Although Kinney's attorney Thornton also wrote a long overview of the case sympathetic to his client, none of those demurrers made any real impression on public opinion, which was best represented by an article in the Silver City *Enterprise* on April 27. "We fail to see why an editor's opinion should be any better than that of judge and jury," it said. "The Territory has been infested with rustlers long enough, and we rejoice with a heart overflowing with

seven were from San Miguel, Mora, and Colfax counties. On his return to New Mexico, Sheriff Bowman wrote to the *New Mexican* from Springer that on arrival at Leavenworth, Kinney had not appeared dejected. "He spoke hopefully of a favorable decision from the supreme court, where his case has been appealed to, and said that the court could not fail to reverse the decision of the lower court."

He said that no man in the territory was ever convicted on such insufficient evidence, but that the New Mexican and one or two other newspapers had so worked up the matter that

PUBLIC OPINION

had seemed to be against him, and that had influenced court and jury.

Kinney said, however, that he meant

reversed and the cause remanded for a new trial. On February 19, Kinney was released from prison, having served two years, ten months and two days. He was allowed 185 days commutation. His conduct in confinement had been good; no record was kept of his work assignment, nor was any doctor's report made. While he had been in prison, a daughter, Mary (known to the family as Molly), was born September 27, 1883. During September of that year his case came before the Third Judicial District Court and was quietly dropped, albeit "with leave to reinstate." No such reinstatement was ever sought.

The family tradition differs here. According to Kinney's grandson George Linn, his mother Mary Kinney Linn was born December 27, 1887. Kinney divorced his wife just prior to the birth of a second daughter, Willie. His wife remarried and her new husband took care of Willie as if she were his own daughter. No one knew of this at the time, but just before she died in 1896, Willie's mother told her who her true father was, and Willie was later reconciled with him. (Since Mary was the only child listed in his pension applications, we may assume the reconciliation took place subsequent to 1917. In 1919, then Mrs. Charles Lawler of Tucson, Willie attended her father's funeral).

After his release, Kinney sinned no more. By his own account, he spent time in El Paso, Texas, Denison, Iowa (his sister Nora Kinney lived in Crawford County), and Omaha, Nebraska, before returning to Arizona around 1890. He ran a feed lot in Kingman, and after service in Cuba during the Spanish-American War, mined successfully at Chaparral Gulch in Yavapai County, finally settling at Prescott, where he earned the reputation of being a valued and popular citizen. In 1917, when Prescott attorneys O'Sullivan and Morgan forwarded his application for an Indian Wars survivor's pension to Congressman Carl Hayden of Arizona, O'Sullivan wrote, "Captain

John Kinney is one of the best and truest men in the whole country. I have known him for twenty three years. Every old timer in Arizona knows him and all of them want him taken care of right away."

As has been earlier noted, Kinney claimed in the various papers he produced supporting this application to have served against the Apaches in New Mexico, "also five campaigns against Cochise's Apaches in Arizona; also against Ogalalla Sioux in Nebraska." In addition he had "scouted for Gen. Buell at Ft.

Cummins [sic] N. Mex in the 80's. Helped raise a regiment of 1st Volunteer Immunes, Texas; resigned as 1st Lieut. of A Co. Commission lost through neglect. Went to Cuba 1898. Employed under Gen. Leonard Wood." Although no record could be found that Kinney was ever a first lieutenant of Texas Immunes, his other evidence of service in Cuba—like his account of his activities in Cuba during the Spanish-American War—seems much too convincing to have been invented. Kinney wrote on July 26, 1918, on the letterhead of City Assessor F.H. Williams of Prescott,

I worked at Dock No. 2 also at Dock No. 3 during the month of August and September 1898. I looked after the unloading of the Grand Duchess, Capt. Hanna. I loaded the Miamma with troops at Dock No. 3. San Diego de Cuba, Also the Steamship Minawaska, and several other ships. I received no pay for August and

September 1898. and was transferred to Arsenal, San Diego de Cuba. October 1st 1898.

While I worked at Dock No. 2.

I received no pay, at times I had 25 or 30

CUBANS and SPANISH

under me, as

I was one of

the few

men there

who

could

speak

Spanish.

Among

the men

I knew

there at

that time

were Gen.

Humphries

and Major

Knight, I also wish

to refer you to

Col. Duncan

Hood, Col 2 reg

U.S. Vol.

immuned

[Immunes] E.

Brooke

A.A.A.G. Dept of San-Diego de Cuba, also to Mathew E. Hanna, 2nd Lt. U.S. Cav, also to Col, T.J. Davis, now Col. retired U.S.A.

I am very sorry I am unable to go to France, as I know the Army work well. I send you several letters and hope you find this answer O.K.

In another document, Kinney claimed he had reported to a General Scully, quartermaster at Galveston. Scully turned him over to chief clerk George Utah, who placed Kinney in charge of cleaning the transport ship *Grand Duchess* to receive the troops. After five days he sailed to Cuba on that vessel and assisted in unloading her at Santiago. He next reported to General Leonard Wood and then to Major Scott and was employed in loading the troops to be sent home. He remained in Cuba until April 1899, working under General Wood, Major Scott, Major Barker (Baker) Lieutenant Brooks, and Lieutenant



Philip J. Rasch Collection

John Kinney and his daughter, Mary "Molly" Linn at Prescott Arizona, circa 1905.



Courtesy of George Linn

John Kinney with his nephew and nieces, circa 1910: (rear left to right) Florence, Grace, and Richard Kinney, Jr.; (front left to right) Josephine and Bernice Kinney.

war or campaign named in the Act of March 4, 1917, during his service from April 13, 1868 to April 13, 1873, as shown by reports from records of War Dept., and said service was rendered subsequent to the Indian wars provided for by prior acts." Yet one of the documents furnished by the War Department to the commissioner of pensions shows that immediately prior to his discharge, Kinney's unit was indeed "in the field in Nebraska from January 1 to March 14, 1873," which certainly opens the possibility

M.B. Hanna of the Second United States Cavalry until he was shipped home on sick leave on the steamer *Missouri*.

The Army's response was uncomplainingly negative. Kinney's name was "not found borne on reports rendered...in 1898 by Gen. C.F. Humphrey and Maj. John T. Knight of persons employed in the Quartermaster Department during that year." All his other claims were as brusquely dismissed. His name was not found "on rolls of any Co. of 1 Regt US Vol. Infantry. The soldier was not in the campaign in question in 1868 and 69." Nor, they said, had he served in the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches from 1867 to 1869. His documented presence at Ft. Selden, New Mexico, from July 26, 1868, to December 31, 1869, would seem to have effectively precluded such involvement, but it has to also be recorded that units of the Third Cavalry from New Mexico under Brevet Major General George W. Getty did indeed serve in the

1868-69 winter campaign against Comanches, Kiowas, Cheyennes and Arapahoes who had participated in the Washita fight November 27, 1868.

Finally, the army found, Kinney had not participated "in any Indian

possibility of his having been out against Ogallala Sioux as he claimed.

Early in the day on June 7, 1870, Sioux stole horses belonging to two ranchers, a government contractor, and the Fifth Cavalry at Fort McPherson. One horse called Powder Face belonged to none other than Buffalo Bill Cody, stationed at the fort as scout. Accompanied by Lieutenant Earl Denison Thomas and Company I, Fifth Cavalry, Cody located the Sioux raiding party near Red Willow Creek. During the night, Cody scouted the camp. Next morning at five o'clock the soldiers charged through the creek into the camp. Cody killed two Indians, and the soldiers recovered thirty-three horses and mules, but not Powder Face. After the engagement, Cody led the troops back to Fort McPherson by a different route so that a higher-ranking officer leading reinforcements could not claim credit for the action. Lieutenant Thomas was later brevetted first lieutenant for gallantry in that action.



Courtesy of George Linn

Willie Kinney Lawler, Mary Kinney's half sister.

What about Kinney's claims to have been an Indian scout? "No record has been found of the enlistment of John Kinney as an Indian Scout USA from Jan. 1, '79 to Dec. 31, '80," said the army, nor was any record found of his service at Fort Cummings, New Mexico, during the year 1880 (which is hardly surprising, since the fort was deactivated at the time and troops bivouacked inside its walls in tents). Cross-checking here again leaves room for the benefit of some doubt. Records show that in the fall of 1880, troops led by General George Pearson Buell (appointed colonel, Fifteenth Infantry on March 20, 1879) were part of a pincer movement designed to entrap Victorio and his band. "Troops under Col. Eugene A. Carr were to move...to Boca Grande and effect a junction on September 24 with soldiers led by Col. George P. Buell, 15th Infantry" (emphasis added).

If Kinney ever did serve as a civilian scout, no record of that service can be found, although again rosters of such scouts were—at best—casually maintained. Also in Kinney's behalf, the records for the Spanish-American War, and in particular those kept by the First United States Volunteers, Teddy Roosevelt's "Rough Riders," were no less haphazard than those kept for Indian scouts. In addition, many who held the rank of quartermaster left the service in circumstances less than glorious. Nevertheless, it is possible to confirm (a) that while there was no "General Scully" in the army during Kinney's alleged service, a Colonel James Wall Scully held the rank of assistant deputy quartermaster general, (b) that a Colonel Duncan Norbert Hood was, indeed, with the Second United States Volunteers, and (c) that a Major John Thornton Knight and Second Lieutenant Matthew Elting King, Second Cavalry, also served in Cuba. How and where did Kinney otherwise come by those names?

Further weight is added to his claims by the fact that apart from a photograph of him unquestionably taken in Cuba, his family possesses copies of two documents which con-

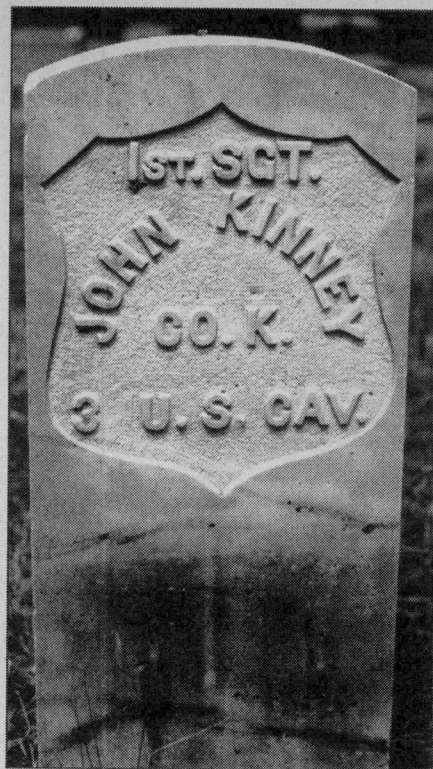
firm his presence there. The first, dated April 29, 1899, is a reference signed by Lieutenant Colonel Henry Brown Osgood of the Office Purchasing Commissary at 39 Whitehall Street in New York. It "pleased its writer to say" he knew Kinney at Santiago "for several months when the work was heaviest and the weather was heaviest." Osgood characterized Kinney as "a most efficient faithful energetic man," whom the government owed much "for his industry and watchfulness in caring for and preserving its property and to his ability in rapidly handling it."

The second document, dated May 26 of the same year, is on a letterhead of the adjutant general's office at Headquarters, Department of Santiago, Cuba, and is signed by none other than General Leonard Wood himself. In it he asks Kinney to send him "the statement of the work done here for which you received no pay (I refer to the statement left with Byrnes and which was lost) I will try and straighten it out. I hope you will come back here some time."

If these references—both from substantial men—are genuine, and there is no reason to think otherwise, it is difficult to understand why Kinney did not submit them in support of his pension application, as they would seem to conclusively prove his claim. True or false, the army rejected it anyway.

Within a year, the matter of Kinney's obtaining a pension had anyway become academic. He died of Bright's disease (nephritis) after an illness of less than a month on August 25, 1919, survived by two brothers, a sister, two daughters, Mary Kinney Linn, and Willie (now Mrs. Charles Lawler of Tucson), plus numerous nephews and nieces.

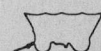
The same Prescott newspaper obituaries lauded Kinney's dauntless deeds—as a captain of Texas Rangers, as the man who ran down Billy the Kid but let Pat Garrett have the credit, as a scout against the Apaches for General George Crook, as an undercover agent for General Leonard Wood in the Spanish-

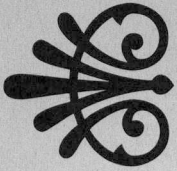


Courtesy of James A. Browning
John Kinney's grave at Prescott, Arizona.

American War—numbering him "among the last of the truly adventuresome pilgrims of the frontier," known as "one of the most daring and courageous in the annals of men who were [self]-sacrificing and unflinching to preserve law and order." He was "a typical pioneer of the west, kind, fearless and generous," said the Prescott *Courier*. "All who knew him were his friends."

History has made no judgment on John Kinney. Was he Jekyll or Hyde? King of the rustlers or unflinching pioneer hero? Ruthless killer or adventuresome pilgrim? Polygamist or decent family man? Or was he, like many another frontiersman of his era, whatever the time and circumstances demanded of him? Perhaps the experience of imprisonment, or old age, or both, persuaded the onetime New Mexico hell-raiser to become a good Arizona citizen. Or perhaps he was just a superbly accomplished liar. We shall probably never know.





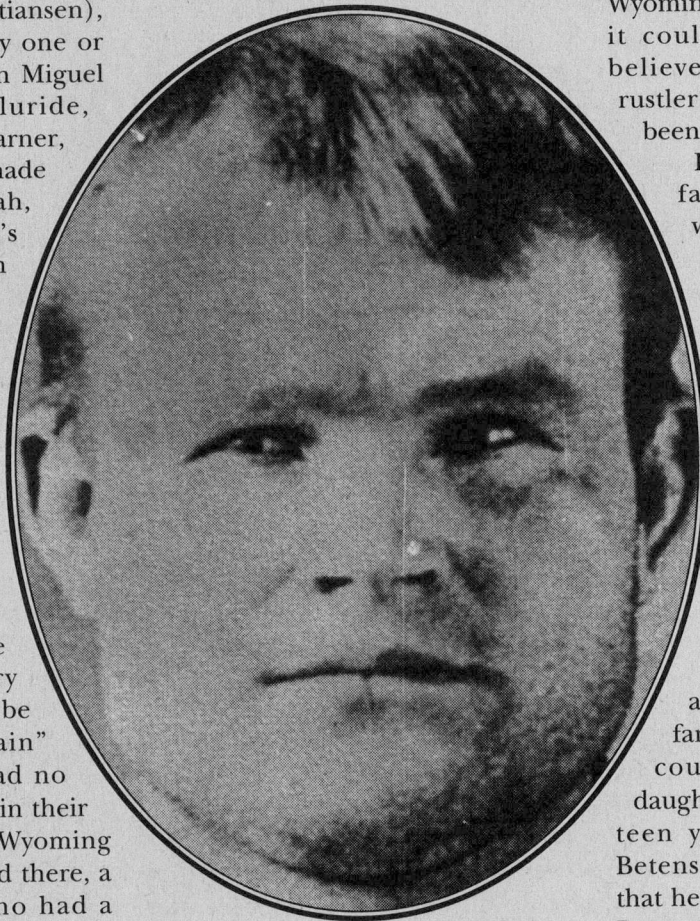
BUTCH CASSIDY'S "PEACU

On June 24, 1889, Butch Cassidy (Robert LeRoy Parker), Matt Warner (Willard Christiansen), Tom McCarty, and possibly one or two others, robbed the San Miguel Valley Bank at Telluride, Colorado. According to Warner, he, Cassidy, and McCarty made their escape west into Utah, then rode north to Brown's Park in northwestern Colorado. With a posse still on their trail, they fled back into Utah to hide out on a desolate mesa in Robbers Roost country. They stayed there a month or so, then headed north again, this time toward Wyoming.

The three outlaws left their safe haven in the Robbers Roost country because of their need to be with "human beings again" and also because they had no place to spend the money in their saddle bags. They chose Wyoming because Butch had a friend there, a former cattle rustler who had a ranch near the town of Lander and might be willing to provide a hideout.

The first two trips across Utah's rugged canyon country had been harrowing; the law was often not far behind, and the three outlaws were constantly watching their backs. This time, however, the journey was uneventful. They crossed into Wyoming probably somewhere near the Bear River south of Evanston. Once they traversed the Green River, they likely followed the Sandy River bottom for a while and then headed northeast toward South Pass City, probably along a route just east of the wandering Dry Sandy Creek, a route that later would become part of what is now Wyoming State

By Richard Patterson



Western Publications

Robert L. Parker, aka Butch Cassidy.

Highway 28.

Shortly before they reached Lander, the three men split up. Butch rode off into the mountains to look for his friend's ranch, while Warner and McCarty, apparently having gone much too long without the taste of good whiskey, hurried toward Lander to sample its saloons.

According to Warner, Butch told him that his rancher friend was named Brown. This could have been William (Bill) Brown, an outlaw who rode with Butch's younger brother, Dan Parker, and who, with Dan, was later arrested and con-

victed of robbing a stagecoach at Muddy Station in Carbon County, Wyoming, in December of 1889. Or, it could have been Al Hainer, believed to have been a former rustler who, like Butch, may have been from southern Utah.

It is also possible that Butch failed to locate the friend, whoever he was, and instead turned around and headed south again, to Brown's Park. That rugged and winding strip of valley along the Green River just below the Wyoming line near the Utah-Colorado border, eventually became a notorious outlaw hideout. In her book on the pioneer Bassett family of Brown's Park, author Grace McClure says that Butch was there in 1889 and worked for the Bassett family for a while. He possibly courted one of the Bassett daughters, Josie, who was then fifteen years of age. Lula Parker Betenson, Butch's sister, also says that her brother spent time with the Bassett family that year.

Whether Butch in fact went to Brown's Park, he turned up in the Lander, Wyoming, area in late fall or early winter of 1889. He and Al Hainer went into some kind of ranching venture there. One source says that Butch and Hainer built a two-room cabin on Horse Creek a few miles above the Wind River, just north of today's town of Dubois, Wyoming. The two men apparently fenced in an area large enough to hold some horses, and probably built a shelter for the animals for winter. In a 1937 letter, neighbor William L. "Will" Simpson mentioned that Butch and Hainer built a cabin on the land; however, Cassidy biographer Larry Pointer, citing

FULL YEARS" — 1889-1894



information obtained from the descendants of other local residents, says that Butch and Hainer moved into an existing cabin that had been recently constructed by two bachelors, Charlie Peterson and Hughie Yoeman.

Dubois, Wyoming, is about seventy-five miles northwest of Lander, in what is called the "Upper Wind River area," a region described by an inhabitant as a land of "sagebrush flats, rolling hills and red-flanked mountains." In 1889, the Upper Wind River area was still sparsely populated. According to local historian A.F.C. Greene, fewer than twenty-five people—mostly cattle ranchers and their families and a few trappers—lived within a hundred miles of the Cassidy-Hainer cabin.

The two neighbors who probably got to know Butch the best were John and Margaret Simpson, parents of Will Simpson. John and Margaret were the great-grandparents of the current United States senator from Wyoming, Alan Simpson. The Simpson ranch was on the Wind River near Jakey's Fork Creek, about four miles southeast of Horse Creek. Margaret Simpson was the local postmistress, and Will Simpson recalled that Butch and Hainer often rode over from Horse Creek to send and receive mail.

Another neighbor was Eugene Amoretti, Jr., whose father owned a bank in Lander. Eugene worked at the bank and also raised cattle. The younger Amoretti left notes that he was at the bank the day when Butch, then an unknown cowboy, came in and deposited \$17,500—part of which had been his share of the Telluride, Colorado, robbery. Also, according to local history, for a time Butch worked on the younger Amoretti's EA Ranch, which was adjacent to the Cassidy-Hainer prop-

erty. Apparently, the cash that Butch deposited in the Amoretti bank did not last long. Eugene, Jr.'s, notes reveal that, on several occasions, either the bank, or the Amoretts personally, lent Cassidy money.

Another neighbor, a French Canadian named Andrew Manseau, owned a ranch south of the Cassidy-Hainer spread. According to Manseau, he sold the two cowboys hay one winter for their animals, which was probably the winter of 1889. Also, according to Manseau, Butch spent a lot of time at the "Meeks Ranch," where he became acquainted with Henry Wilbur "Bub" Meeks, a young man of about the same age as Butch, who would later become a member of the Wild Bunch and join Butch in several holdups.

Will Simpson's wife, who arrived in the area before her mother-in-law, had been the first pioneer woman in Upper Wind River, and she took it upon herself to try to bring a semblance of refinement to the rough, male-dominated area. During Butch's first winter on Horse Creek, in the midst of a bitter snowstorm, Mrs. Simpson sent word to her Wind River neighbors, including newcomers Cassidy and Hainer, that she would welcome their presence at Christmas dinner at the Simpson ranch.

The party went well, and Butch and Hainer had an opportunity to meet most of the other residents of the area. According to A.F.C. Greene, who was an acquaintance of Mrs. Simpson, Al Hainer was quiet and generally kept to himself that afternoon, but Butch was congenial and something of the life of the party. "Cassidy had the spirit of frolic with him," Greene says. "Before dinner was on the table, those who had grinned in silence

were beginning to laugh out loud. The children hovered close about him. In the afternoon there was an eggnog, and then they had games. There are old-timers who tell to this day how the cowboys of Wind River roared with laughter, and the children shrieked with mirth, and how Butch Cassidy set the pace, with his tow-colored hair in wild disorder and his puckered blue eyes blazing."

Will Simpson's son, Jim, then sixteen, was especially taken with Cassidy. Also present was a young girl named Ida, possibly a Simpson niece, who recalled that Butch had gone into Lander and brought presents for the children, including material for a new dress for her. It seems Butch also got along well with the older girls. Upper Wind River resident Ada Calvert Piper, when interviewed years later, recalled that Butch "enjoyed squiring the girls," and they considered him a "good catch." Dora Lamoureaux Robertson, who lived in Lander, was said to be Butch's girlfriend for a while, and the two would go horseback riding and dancing. According to Mrs. Robertson, Butch was always a "gentleman."

Although stories passed on by residents of the Upper Wind River and Lander refer to Cassidy as "Butch," he had not yet picked up that nickname in 1889. However, by then he was no longer using his real name, Robert LeRoy Parker. He was known to his neighbors as George Cassidy. While some of them may have suspected that he was a Mormon and had roots in Utah, Butch told the Simpsons that he had originally come from New York City. He would repeat that story later when he got in trouble with the law. Greene tells of a severe influenza epidemic that spread through the Upper Wind River area that winter, and recalls that Butch, who was one of the few

locals to escape the illness, would make weekly rides to the Simpson ranch, pick up home remedies prepared by the Simpson women, and distribute them to his sick neighbors, sometimes making a round trip of fifty miles. Will Simpson, however, did not remember that incident. In fact, he more or less implied that in those days the Upper Wind River area did not count enough neighbors to have an "epidemic."

Influenza epidemic or no, the winter of 1889-90 in Wyoming was long and hard, with plenty of snow and wind. In a letter to his brother, Dan Parker, the following spring, Butch apologized for writing in pencil, which he claimed was necessary because "the ink froze" during the winter. Butch told Dan that he was "located in a good house about 18 miles from Lander"—perhaps an intentional misstatement in case the authorities intercepted the letter—and that he was "raising horses which I think suits this country just fine." He mentioned that he had "thrown in lots" with "H" (Al Hainer). He and Hainer had thirty-eight horses between them, and would have had more except for the severe winter. He added, "Business here is very dull and money hard but you know I am well....I should be in perfect health if I did not have such a good appetite and eat so much 3 times each day." He admitted that he was homesick, especially for his mother, and that he was going to try to go home to Utah to see the family come summer.

Greene says that Butch joined the local Upper Wind River ranchers in the first roundup of 1890, accompanied by William Simpson's son Jim, whom he probably tutored on wrangling and branding.

Afterward, Butch may have kept his promise to visit his family, staying part of the summer with Utah rancher Pat Ryan, where he worked as a cowhand.

Cassidy biographer Larry Pointer, on the other hand, believes that from spring 1890 until the following December Butch located in Johnson County, Wyoming, near the famous outlaw hideout, the Hole-in-the-Wall. According to Pointer, Butch took a "squatter's claim" on isolated Blue Creek in western Johnson

Cassidy's presence there about that time was supported by Christian Heiden, a Wyoming resident whose parents homesteaded some seventy-five miles north of Lander near the M-Bar ranch and whose uncle ran a saloon nearby. Heiden says both Butch and Al Hainer occasionally drank at the saloon.

Butch apparently kept moving during those years, returning at times to the Lander area and then back to Owl Creek. Also, a source places Butch and Hainer in 1891 at

the Quien Sabe Ranch south of Copper Mountain near Badwater Creek, which is in northeastern Fremont County near Lost Cabin, Wyoming.

Beginning in 1892, Butch may have rotated some between Lander and Brown's Park, and he spent at least one winter at Rock Springs, Wyoming, in Sweetwater County. Rock Springs was a coal-mining town, and many cowboys rode in for the winter to work for the coal companies.

Butch, however, found an easier job cutting and selling meat for a butcher named William Gottsche. Although most cowboys would have considered butcher shop work degrading for a man born to straddle a horse, Cassidy must have adjusted well to the job. His sister proudly said that it was not long before Butch "befriended nearly everyone in town," that he "always gave good measure with the meat," and that "housewives had the highest confidence in him." Outlaw historians believe that this job gave Cassidy his nickname "Butch."

Regional historian John Rolfe Burroughs suggests that Butch had a good time that winter in Rock Springs, walking "pretty much on the wild side of life, spending his



Courtesy of John M. Betenson

Margaret and John Simpson, neighbors of Butch Cassidy and Al Hainer in the Upper Wind River area of Wyoming.

County, where he may have built a cabin. He stayed there until just before Christmas, when he got word that law officers were looking for him. Butch hurriedly unloaded his Blue Creek property to a rancher named Jim Stubbs and immediately left the area, promising Stubbs that he would send him the deed the following spring. We do not know why the lawmen were looking for Butch, but he may have been running around with several local outlaws, some of whom would later become part of the Wild Bunch.

Will Simpson says Cassidy abandoned the Horse Creek ranch in the Upper Wind River area in 1891 or 1892, and settled for a time on Owl Creek, which is about sixty to seventy miles north of Lander.

spare time and money drinking and gambling in Rock Springs' numerous saloons and paying far more attention to the ladies than was his custom." Sources generally agree that Butch was not a heavy drinker, but that he was known at times to keep a "bottle on his hip," and that he could, on occasion, enjoy himself to the fullest.

Greene tells of an incident in Lander, probably in 1892, when Cassidy and a few friends startled the town with one of their pranks: "Cassidy and several exuberant fellow spirits hitched four unbroken horses to the old overland stage coach, filled the inside with rouged women and, having disposed themselves on top of the conveyance

recalled that during one winter in Lander, Butch lost a considerable amount at faro. A.F.C. Greene agrees, mentioning that the regular gamblers frequently took both Butch and Al Hainer at the faro and monte tables in Lander.

According to one story, Butch also had an unlucky night in Rock Springs. He was drinking that evening with a fellow customer who later complained to the authorities that he had been robbed. Butch was arrested and thrown in the Rock Springs jail, but was eventually released when no evidence could be produced to convict him. No record of this arrest has been found, but according to one account—apparently related by Harry George

not steal from an employer. Although the dates are nearly impossible to verify, various sources suggest that Butch worked for Charlie Ayer, who owned a spread near the Colorado line just south of Dixon, Wyoming; for Tom Beason, whose ranch was east of Opal, Wyoming; and for the huge Two-Bar Cattle Company, which had headquarters near Casper.

During that period, Butch also maintained his partnership with Al Hainer in the "horse business," which probably was simply an outlet for both horses and cattle picked up on Wyoming's open range, legally or otherwise, and from herds of neighboring ranchers. On July 15, 1892, James Vidal, the Fremont

Although most cowboys would have considered butcher shop work degrading for a man born to straddle a horse, Cassidy must have adjusted well to the job. His sister proudly said that it was not long before Butch "befriended nearly everyone in town," that he "always gave good measure with the meat" and that "housewives had the highest confidence in him."

wherever there was room to hang on, let her go reeling down the main street to the banging of their six-shooters and the shrieking of the female passengers."

On another occasion, also in 1892, Harry Logue, a Fremont County deputy sheriff, recalled that Butch, Al Hainer, and a man named Whitney were staying at the Cottage Home Hotel at Fourth and Main streets in Lander. Probably well-liquored, the three men asked to take a ride in their friend John Lee's buckboard. With Lee's approval, Butch and Whitney got on board and started down Main Street with Butch at the reins. Apparently Butch lost control, and the buckboard careened, striking a hitching post. The team broke loose, Whitney flew out into the middle of the street, and Butch landed on the wooden sidewalk. The buckboard was a total wreck. According to Logue, Butch got up, dusted himself off, and called back to Lee, "John, come get your buckboard."

Cassidy may have had a weakness for the gambling tables and perhaps was an easy mark. Will Simpson

Parker, the son of the Rock Springs town marshal—the guilty party was the bartender, who scooped the money off the bar while the victim was in a drunken stupor.

Another story presumably passed down from Parker tells how Butch eventually became a long-term client of Douglas A. Preston, one of Wyoming's foremost criminal lawyers, who later served two terms as state attorney general. According to the tale, one night Preston became involved in a brawl while drinking in a Rock Springs barroom. Butch interceded, perhaps saving the lawyer's hide. As the story goes, Preston felt indebted to the young cowboy and thereafter was at Butch's side whenever he or his renegade friends ran afoul of the law.

Butch probably did not engage in any serious outlawry during his early years in Wyoming, although it is believed that shortly after the Rock Springs affair he became more active in rustling. He soon earned enough of a reputation at the art that ranchers wanted him on their payroll because they knew he would

County prosecutor, filed criminal charges against Butch and Hainer for stealing a horse.

The alleged crime took place the previous August at a spot called Mail Camp in northern Fremont County, not far from the southern fork of Owl Creek. While Butch was at Mail Camp, a young cowboy named Billy Natcher rode in trailing three saddle horses. Butch liked the looks of the animals and inquired about buying them. Butch later claimed Natcher told him he had traded cattle for the horses in Johnson County and the title to the animals was "all right." The two men then made a deal.

It so happened, however, that at the time local ranchers were keeping a watchful eye on Billy Natcher. It is doubtful that any of these ranchers actually witnessed the transaction, but the horses were in fact stolen, and eventually word got around that Natcher was the thief, that he had sold the animals, and that later they had been seen in the possession of Cassidy and Al Hainer.

Butch and Hainer were captured in southwestern Wyoming on April

11, 1892, by Uinta County Deputy Sheriff Bob Calverly and possibly one or more other law enforcement officers. The arrest took place at Ham's Fork, which (depending upon the route) is between forty and sixty miles southeast of the town of Auburn. The charge against the two men was, in the typical vague and redundant legalese of the day, that they "unlawfully, knowingly, and feloniously did steal, take and carry away, lead away, drive

keeper, did the same for Hainer.

Under the law, Cassidy and Hainer were entitled to a speedy trial, but for some reason, they waived that right and agreed to prosecutor James Vidal's request for a continuance of the case until June 1893, presumably because of the absence of two prosecution witnesses, John Chapman and John Thomas. It is strange that Butch's and Hainer's lawyers would agree to the continuance, especially in view

Instead, the county hired a special prosecutor, former judge M.C. Brown.

The only extant record of the trial is a brief report in the local newspaper, the *Fremont Clipper*. According to the *Clipper*, the prosecution presented its evidence and rested. The defense, apparently without witnesses and believing the prosecution had not made its case, did not offer any evidence. The jury agreed with the defense; it deliber-

"We the jury find the above named defendant George Cassidy guilty of horse stealing, as charged in the information, and we find the value of the property stolen to be \$5.00. And we find the above named defendant Al Hainer not guilty. And the jury recommend the said Cassidy to the mercy of the court."

away and ride away...one horse of the value of Forty Dollars of the goods, chattels and personal property of the Grey Bull Cattle Company, a corporation duly organized and existing under, and, by virtue of the laws of the State of New Jersey, and doing business within the county of Fremont, State of Wyoming."

Butch and Hainer were taken to the Uinta County jail at Evanston and later transported back to Lander, where Butch's friend, lawyer Douglas Preston, and a lawyer named C. F. Rathbone filed appearances as attorneys for the two men.

The primary prosecuting witness who filed the original complaint and who would later testify against Cassidy and Hainer was Otto Franc, whose large Big Horn Basin ranch bordered land on which the Grey Bull Cattle Company grazed livestock. Authorities believed the Grey Bull was owned or operated at the time by Englishman Richard Ashworth.

Butch and Hainer remained in jail until July 30, when their attorneys arranged bail. The details of their release are not known, but court records show that Lander businessmen Fred Whitney and Leonard Short executed a surety bond for Cassidy; Bill and Edward Lannigan, sons of a local saloon-

of its length, nearly a full year. One must assume that lawyers Preston and Rathbone had good reason; possibly to allow the defendants to find defense witnesses, or, as is sometimes the case, to allow them time to find the money to pay their legal fees.

The continuance gave Cassidy and Hainer their freedom for almost a year. How they spent that time is not known, but on June 20, 1893, they appeared before Fremont County District Court Judge Jesse Knight to stand trial. This time the defendants' lawyers asked for a continuance, claiming that two witnesses to the sale of the horse, J.S. Green and C.F. Willis, would prove the defendants were innocent, but they could not be presently located. Judge Knight denied the request. Court records do not give Knight's reason, but he probably informed Preston and Rathbone that they had had nearly a year to find the witnesses.

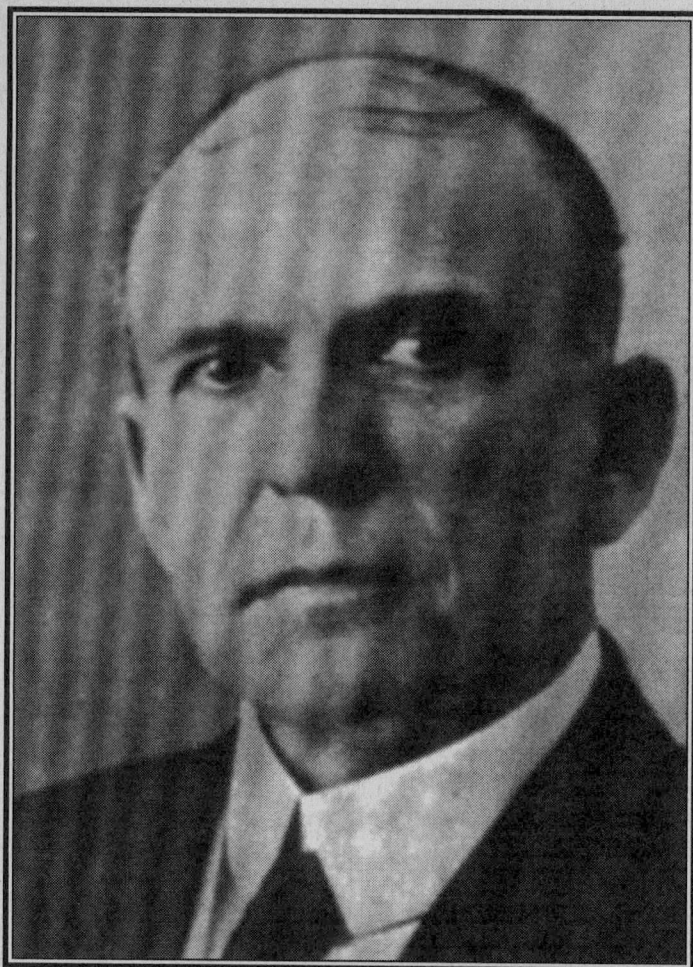
Court was convened, and a jury was selected and seated. The previous fall, Prosecutor James Vidal had lost his bid for reelection to Butch's old friend and neighbor, Will Simpson, who had studied law and had recently been admitted to the bar. Perhaps because of their friendship, and also perhaps because Simpson was a brand new attorney, he opted not to try the case himself.

ated for two hours and acquitted both men.

The weakness in the prosecution's case may have involved the identification of the horse that Butch was supposed to have purchased from Billy Natcher or it may have involved a mistake regarding the true owner of the horse. In any event, the prosecution had apparently anticipated losing—three days earlier, the original prosecuting witness, Otto Franc, had sworn out a new complaint. It named a second horse and gave its owner as Richard Ashworth rather than the Grey Bull Cattle Company. By alleging the theft of a horse that had not been named in the first complaint, the prosecution could bring charges all over again without placing the defendants in double jeopardy. Under the law, they were being charged with a separate crime.

The newly acquitted defendants were again arrested. However, it seems neither the defense nor the prosecution wanted to go through another trial immediately. Also, the court's schedule was probably full for the current term. A new trial was scheduled for June 1894; Butch and Hainer would have another year to wait before their fate was determined. Surety bonds were again obtained for both men, this time by Leonard Short and Eli Signor, and they were released from custody.

A year later, Butch and Hainer were back in Lander, ready to appear for trial once more. Butch's friend and neighbor, Will Simpson,



Sweetwater County Museum, Green River, Wyoming

Douglas A. Preston, Butch Cassidy's lawyer through most of Butch's outlaw career.

was still prosecutor for Fremont County, and this time he chose to try the case himself. This time the prosecution was better prepared. Once the jury was seated and heard opening statements, Simpson presumably presented evidence regarding the identity of the horse, its rightful owner, and Butch's knowledge that it was stolen. To counter, Douglas Preston was prepared to raise a question in the minds of the jury as to just how the horse actually came into Cassidy's possession. If he succeeded, he might have raised enough reasonable doubt for an acquittal. Again, no transcript of the trial has been found, but according to one account, Preston was prepared to offer into evidence a bill of

sale purportedly signed by a known horse dealer from Nebraska. This bill of sale, apparently evidencing a transaction between the dealer and

Billy Nutter, contained a description of several horses, including the one that the prosecution claimed was stolen.

Preston would argue that it was reasonable to assume the bill of sale convinced Butch that Nutter had good title to the horse. According to the account of this incident, however, the prosecution had located the horse dealer before the trial and he had denied having any part

in such a deal. On learning that, the prosecution brought the dealer to Lander and was ready to call him to testify that the bill of sale was bogus.

With the dealer in the courtroom, Preston did not offer the bill of sale into evidence. The defense had little else to go on, and Butch was found guilty. Al Hainer, however, was acquitted. The jury's verdict, duly signed by foreman George S. Russell, read, "We the jury find the above named defendant George Cassidy guilty of horse stealing, as charged in the information, and we find the value of the property stolen to be \$5.00. And we find the above named defendant Al Hainer not guilty. And the jury recommend the said Cassidy to the mercy of the

court."

Douglas Preston filed a motion for a new trial for Butch, but Judge Knight turned it down. We do not know the grounds Preston pleaded, but several technicalities might have been raised. One was that Butch was not actually convicted of the crime for which he was charged. He had originally been charged with "grand larceny," at the time a violation of the Wyoming criminal statutes, Section 4984, which read, "Whoever feloniously steals, takes and carries, leads, or drives away the personal goods of another of the value of twenty-five dollars or upwards, is guilty of grand larceny, and shall be imprisoned in the penitentiary not more than ten years."

Butch could not have been legally convicted under that section because in its written verdict the jury specifically found the stolen horse had a value of only five dollars. Furthermore, the state did not prove that Butch "stole, took and carried, led, or drove away" the property of another. The state offered evidence only that Butch knowingly *purchased* the horse it claimed was stolen.

Under the common law at the time, a person who purchased or received property that he knew to be stolen was guilty of "compounding a felony," which constituted a misdemeanor and carried a lesser sentence than a conviction for a felony such as grand larceny. However, by 1894, many states had enacted criminal statutes (which took precedent over the common law) that provided punishment for receiving stolen property as a separate offense. Wyoming had such a statute, and it applied specifically to stealing livestock. Section 4988 read, "Whoever steals any horse, mule or neat cattle, of the value of five dollars or upwards; or receives, buys or conceals any such horse, mule or neat cattle which shall have been stolen, knowing the same to have been stolen, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months." Could it be that

Butch was actually convicted under this section of the criminal statutes? It's doubtful: the written verdict

conviction could have been overturned on the ground that it was not supported by the evidence.

dant who was wrongfully convicted of murder. From what little is left of the record of Butch's trial, we can-

“Whoever steals any horse, mule or neat cattle, of the value of five dollars or upwards; or receives, buys or conceals any such horse, mule or neat cattle which shall have been stolen, knowing the same to have been stolen, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months.”

stated that the jury found Butch guilty “as charged,” which meant grand larceny, not stealing livestock.

Under the law, unless otherwise instructed by the judge, the jury could simply have found Butch guilty as charged and stopped there. They would not have had to make a finding as to the value of the horse unless specifically told to so by

To make the matter more confusing, it is possible that Judge Knight considered the crime under Section 4988 simply a “lesser offense” to the crime of grand larceny under section 4984, and thus instructed the jury to determine the value of the horse which, in turn, would determine Butch's sentence. (Note that the penalty for grand larceny was “not more than ten years” in the penitentiary, while the penalty for stealing livestock (or receiving stolen livestock) was “not more than five years” in the penitentiary or “not more than six months” in the county jail.

This speculation raises an interesting technicality because of the law governing criminal procedure.

Assuming that Butch was convicted of grand larceny as the written verdict proclaimed, if Section 4988 was considered a lesser offense to Section 4984, and the judge had not

instructed the jury that it could find Butch guilty of the lesser offense, the conviction for grand larceny would have been in error and would have been reversible on appeal. Such was the law at the time, as confirmed the following year by the Supreme Court of the United States in a case involving a Texas defen-

not tell whether Judge Knight gave the jury such an instruction; however, the jury's returning a verdict specifically stating the value of the horse suggests that he did.

If Judge Knight did not give the required instruction, should Douglas Preston have appealed Butch's conviction? Probably, but what would it have meant? Assuming the witnesses for the prosecution were still available, the case would have simply been retried—probably the following year—for the third time. Butch probably still would have been convicted. It is possible that after waiting two years and faced with a probable conviction anyway, Butch wanted to serve his time and get it over with. Also, Douglas Preston may have cut a deal with the prosecutor. After all, Butch was sentenced to only two years of the possible maximum of five years even for the lesser offense of stealing (receiving stolen) livestock. Or maybe Butch had run out of money for legal expenses.

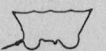
In any event, on July 15, 1894, Butch Cassidy began serving a two-year sentence at hard labor at Laramie. Despite Butch's role in robbing the San Miguel Valley Bank at Telluride, Colorado, in 1889, his sister believed that he did not become a true outlaw until his confinement at Laramie. So ended what some outlaw historians have labeled Cassidy's “semi-lawful period.” On his release from the penitentiary eighteen months later, Butch wasted little time putting together a gang and hitting the outlaw trail. He would spend the rest of his life as a fugitive.

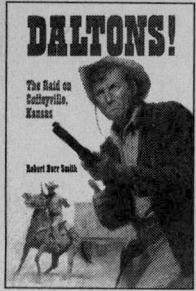


Courtesy of Mary Allison

Eugene Amoretti, Jr., Lander, Wyoming, banker, friend, and occasional employer of Butch Cassidy.

Judge Knight. However, if the jury found Butch guilty as charged—that is, guilty of grand larceny of a horse worth twenty-five dollars or more—and the evidence failed to establish the value of the horse at twenty-five dollars (which apparently is what happened, since the jury found the horse worth only five dollars), the





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When A.C. Williams arrived at the Pawnee reservation in Indian Territory in 1878, he faced an immediate crisis. The weekly rations issued on the reservation were inadequate. Stringy beef and bug infested flour were the norm, and even they were in short

to find buffalo within 150 miles. To sustain the hunt, Williams issued special rations of beef, flour, sugar, and coffee.

Before the Pawnees left, Agent Williams cautioned them about problems they might face with white settlers or with other tribes who

Indian Territory, across Kansas, and into northern Nebraska. Although no one was killed, it terrified settlers on the western plains.

Last, Williams warned the Pawnees they might encounter large herds of cattle being pushed up the trail out of Texas to Kansas. He

THE LAST PAWNEE BUFFALO HUNT

supply. Williams' predecessor as Indian agent had been dismissed and indicted for conspiring with the beef contractor in accepting and issuing beeves unfit for consumption.

The reservation system had changed the Pawnees' life. For generations, they had sustained themselves with two annual buffalo hunts, one from late October to April, the other during July and August. In 1875, however, they were removed from their old home country on the Loup Fork of the Platte River in Nebraska to Indian Territory, across the Arkansas River from the Osage Reservation. Where they once spent much of the year living in tepees on the high, arid plains, they now were cooped up in mud houses in a wet, malarial region along Black Bear Creek in present Pawnee County, Oklahoma. During their first few years on the reservation almost one third of the tribe sickened and died.

In the removal agreement the federal government had promised that the Pawnees could go on hunting expeditions to supplement the food rations issued to each family. Williams at once saw the need for a trip to the buffalo range, and in May 1879 he issued passes to twenty-two braves, accompanied by their women and children, to leave the reservation and hunt. They hoped

resented intruders on what they considered their exclusive hunting grounds. He told them of a disastrous buffalo hunt in 1876 when Osages mistakenly crossed into southern Kansas. White men from nearby Medicine Lodge attacked them, killing two Osages and stealing their horses.

Williams also reminded them of the so-called "Dull Knife Raid" only the summer before, in 1878, when the Northern Cheyennes, unhappy on their reservation near Fort Reno, decided to return to their old home in the north. Led by Little Robe and Dull Knife, eighty-seven warriors and twenty-six women and children peacefully made their way out of

doubted seriously if they would find a buffalo herd of any size.

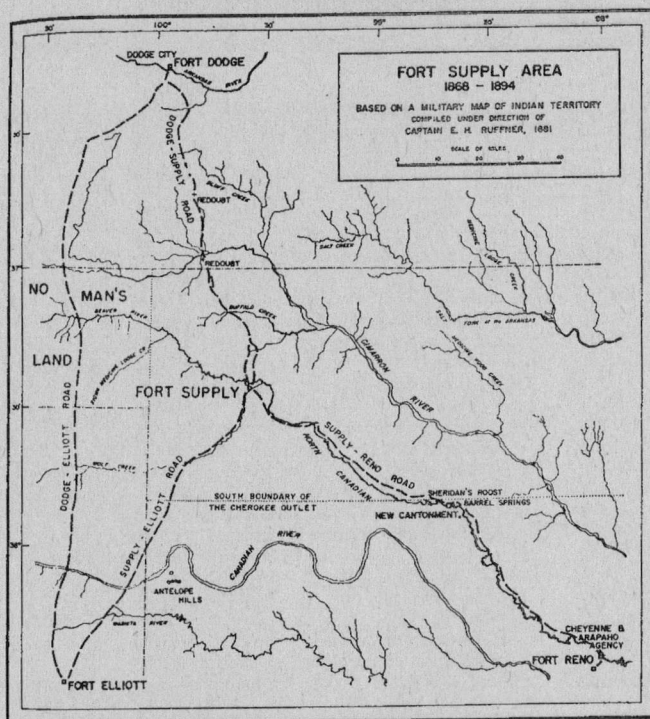
Carrying their passes, which would expire the first part of July, the Pawnees left the agency with high expectations. By June 2, they were in the vicinity of Fort Elliott in the Texas Panhandle near the present town of Mobeetie. Along the way, they passed one trail herd but spotted no buffalo. Their rations were depleted, their pony herd was in poor shape, and the citizens of Fort Elliott resented their arrival.

Earlier, the citizens had sent a highly exaggerated account of conditions there in a petition to Texas Governor Roberts. The petition asked for a company of Texas

Rangers, stating, "We are occupying an extreme outlying frontier position, surrounded and depressed by disorder and lawlessness, with no security for life and property, subject not only to merciless depredation of Indians, but thieves, murderers, escaped convicts, and outlaws from New Mexico, Colorado, Kansas, Indian Territory, and elsewhere."

A group of citizens called on the post commander, Colonel J.S. Davidson, accusing the Pawnees of stealing and killing hogs. In return they demanded some of the Indians' ponies to pay for the alleged depredations. Davidson claimed he had no knowledge or

BY ARTHUR SHOEMAKER



proof of any stealing. Until he investigated the matter, the Indians would keep their horses.

To prevent any trouble with the local population, Davidson placed the Pawnee hunters under military protection and issued rations for them and feed for their horses. To further ease the tension, Davidson decided to escort the Pawnees to Fort Supply in northwest Indian Territory. Led by a company under Captain E.H. Liscum, the Pawnees pulled out on June 4 and arrived at Fort Supply four days later.

Major A.J. Dallas, post commander at Fort Supply, expected only to furnish food to the Indians and send them on their way, but as they were exhausted, he allowed them to rest for a few days. Then, too, he had received unofficial word of expected trouble at Fort Reno when Big Snake and a band of Ponca Indians left their reservation for an unauthorized visit with the Cheyennes.

After consulting his staff, Major Dallas decided that they could find buffalo within forty-five miles of the post and concluded that no harm could come from allowing this small band of Indians to go on a ten-day hunt under escort.

The story of this buffalo hunt appeared in the *Chicago Tribune* datelined July 17, 1879, under the non de plume "Wibbleton." The writer was actually Captain R.I. Eskridge, Company H, Twenty-Third Infantry, who was on temporary duty at Fort Supply. "Wibbleton" writes of the adventure and refers to Eskridge as just one of the party.

"The Pawnees told the Major this would be their last buffalo hunt. They wanted to get some buffalo meat to offer the Great Spirit when they made medicine, as well as to eat, and skins to make moccasins. The Major sent Captain Eskridge, Lieutenant Brodrick, a sergeant, six men and Harry Coons, a Pawnee scout to keep them within the limits of the Territory."

What Eskridge could not know at the time was that he was eyewitness to a vanishing way of life, a piece of

history. This would be the Pawnee Indians' last successful hunt.

"We left the post on the 14th and moved up the Beaver River about twenty miles. Passed a Texas trail herd of about 3,000 head. Next day found three buffalo and killed one. Two antelope and a fawn completed the day's outing. The morning of the 16th we moved up the creek again and found, not buffalo, but an animal not nearly so extinct, a squatter, with about 1000 head of cattle, grazing peacefully, flourishing and growing fat, monopolizing the range to the exclusion of its aboriginal occupants, of which we were in search. The Indians were dejected! The only buffalo range now left between Mexico and Dakota invaded and destroyed!

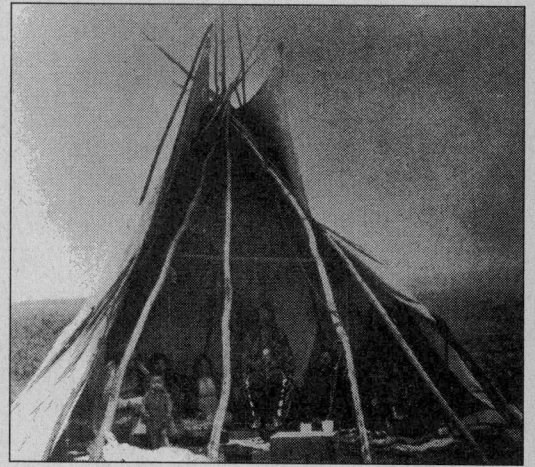
"The man in charge was sent for, and, with true Texas brass, informed the Captain that we were in Texas by ten or fifteen miles; but admitted, after looking at the map, that he was as far in the Territory. He was served a written notice to 'move out' which he no doubt ignored as soon as we were gone as there was no penalty attached to the infringement of the rights of the red man by the white."

Wibbleton goes into great detail describing how the Indians prepared for the hunt and how they stalked their prey before dashing in for the kill. They were armed with bows and arrows, with no more than three or four guns in their possession. "They were not allowed to bring decent firearms, so we witnessed the spectacle of a genuine buffalo hunt with the primitive bow and arrow, even in this day of advancement, enlightenment, and scarcity of game."

By now the Indians and the military escort were becoming easy with one another. Upon setting up camp after one tiring, unsuccessful day of marching, one Pawnee brave drew near the captain's tent leading two black horses. "He is a very handsome Pawnee brave of about 30 summers. In broken English, and

aided by signs, struck up a conversation with the Captain. Smiling all the while, he explained that he had been one of the famed Pawnee scouts under General Crook during the Sioux campaign and had taken one scalp. While serving with Crook, he had the rank of Corporal. His name was Little Bear, but we called him 'Corporal' from then on. He offered to let the Captain use one of his ponies when we found buffalo. He considered his horse better for the hunt than the Captain's.

"The next day, during the noon rest, two braves appeared on the



University of Oklahoma Library, Western History Collection
Pawnee tepees used when on the hunt.

horizon, riding in a circle in opposite directions, until they passed each other several times. This meant buffalo, and, in a flash, the whole camp erupted in great excitement. Everyone moved about five miles in the direction indicated by the scouts. By then the herd was only five miles away. The bucks prepared for action by divesting themselves of all clothing. Each wore a strong belt, containing a sheath knife, and to which the lariat, attached to the pony's neck, is securely tied, then looped up under the belt so it will pay out its full length. So the Indian and his horse are inseparable.

"Thus equipped, the hunters sallied forth to the chase equipped with bow and arrow. I was surprised by what they did next. Up to the time the game was sighted, most of them ran on foot, leading their ponies. Some wet their nostrils, rubbed them down, and showed

them other attentions during temporary halts, truly wonderful in a man who had the reputation of never favoring his horse.

"On this occasion the party put themselves under the leadership of the Corporal who exercised the duties of a commanding officer with great dignity—and without respect to persons, as he ordered the Captain and Lieutenant to keep their places in the column. Within 1,000 yards of the game, the party bore squarely down on the herd at a



Author's Collection

Pawnee women tanning the buffalo hides.

rattling pace.

"This charge made a profound impression on the officers, who were by this time thoroughly in for it, though Captain Eskridge had only two buck cartridges in his belt, the balance being No. 6. Eskridge tackled a big bull, and, his horse behaving badly, missed him with his last buck-cartridge; but, keeping close on the heels of the beast, all going at a tremendous pace, he threw in a couple of cartridges of No. 6 shot, got one load of these into the buffalo's hip, then forced the beast until he turned to fight, when he shot him at twenty yards with the other load just behind the shoulder low down. Some of the shots, small as they were, penetrated between the ribs into the heart of the animal and killed him."

Wibleton continued, "A clean-up showed that twenty beasts were slaughtered and all of the next day was spent in curing the meat and scraping the hides. Everyone had a task to do. It was a marvel how

swiftly the women worked with both the meat and the hides. We ate well and buffalo meat is delicious.

"At this camp, more buffalo were reported by the scouts and about twenty men turned out to kill them, but when they reached the killing ground, they found two young braves, who had been sent out as scouts, chasing the game on their own account. The other hunters tore the clothes off the young men and whipped them. They took their punishment and would never spoil the hunt again.

"We then moved farther to the west; found seven buffalo, which were bagged. In this small chase, the Corporal's pony fell with him and skinned him up rather badly. He was so long picking himself up that he got nothing."

The last day of the Pawnee hunt turned out to be the best. The hunters had sighted a herd, but rather than riding immediately for the kill, the column halted. "The bucks sat on the grass in a semi-circle, with the scout who had been sent in from the signaling party as the central figure. This scout was handed a pipe and a buck on his left lit a small piece of buffalo-chip, and passing his hand inside the arm of the scout, threw it into the middle of the ring. All eyes were riveted on it intently for a few moments as the smoke began to curl up from it. Then a buck from the other side walked up to it, and with great ceremony picked it up and lit the scout's pipe. After all hands had smoked, the scout made his revelation as to the whereabouts and number of buffalo. He closed by offering thanks to God for delivering the game into their hands, in a dramatic and very impressive style, to which all responded heartily and in one voice. Then all rose and stripped for action.

"As we were about to leave, a very handsome young squaw came up to the Captain and said she would let him take her pony, a good hunter, if the Captain would shoot her a nice cow. The 'pale-face' accepted the

offer and promised to kill as fine a cow as the herd produced, or never to bring the pony back alive."

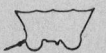
The Pawnees divided and hit the herd from two sides. In a terrible rush of confusion, buffalo dust, bullets, arrows, and Indians mixed with falling animals. Captain Eskridge and Lieutenant Brodrick made a bold push for the herd and were enveloped in a cloud of dust. Eskridge was nearly unseated as his horse dropped off in a draw and slipped before regaining his footing.

"The herd bore off in the direction of the camp" wrote Wibleton. "About fifty animals ran through it, hotly pursued by the hunters. The squaws stampeded and took refuge in and under our wagon. As there was not a gun in camp, the wagon proved to be the best place to go. The Captain killed a fine cow near camp, with which he paid his pony-hire. The Corporal killed six outright, beside helping his neighbors. The whole party killed about eighty large ones and ten calves.

"The Captain's orders requiring him to return on the 26th, we left on the 24th. After a feast, smoke, etc. we parted with the understanding the Indians would follow as soon as they could cure their meat and hides.

"Our party reached home [Fort Supply] on the 26th, having had one of the most pleasant and interesting trips any of the members had ever experienced. The Indians got in on the 29th, having killed 150 buffalo all told. After being shuffled from one Army post to another and having to hunt with a military escort, this was truly remarkable."

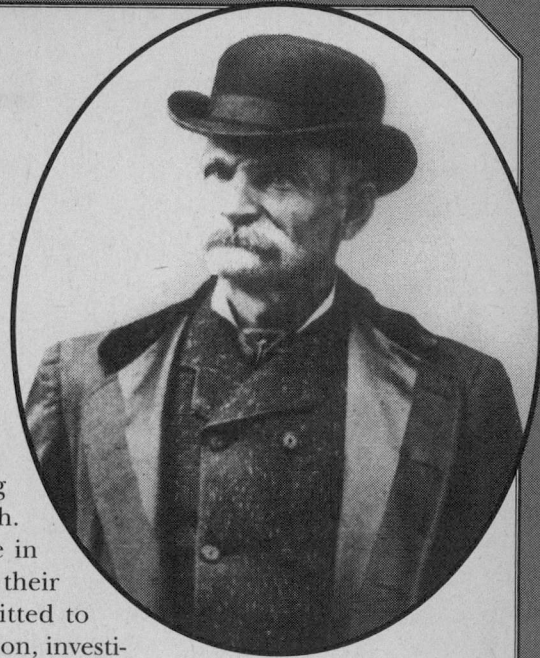
Wibleton closes with the Pawnees' departure from Fort Supply, but agency reports mention that they made a brief visit with some Ponca friends to whom they gave some dried meat. Although the Pawnees made hunts in succeeding summers, they could no longer take enough buffalo to support a hunting party. No hunt would ever again be as successful as this one, in the late spring of 1879.



BLACK BART

1830, Jefferson County, New York—Relatively little is known of the birth and childhood of Charles Boles, aka Charles Bolton, aka Black Bart. His life up until his first stagecoach robbery has never been fully documented, although Bolton himself claims to have been an officer in the Union army prior to his life as a highwayman. His journey West may have taken place in his mid-twenties.

July 26, 1875, Calaveras County, California—The Copperopolis to Milton stage is stopped by a shotgun-wielding, flour sack-wearing Bolton. The driver of the stage is persuaded to “please” throw down the strong box or face the wrath of a half dozen rifle barrels poking from the brush. During the robbery a female passenger tosses her purse from the stage in fear. Bolton returns the purse and advises the passengers that it is not their money he wants, but the property of Wells Fargo. The stage is permitted to resume its course and Bolton makes off with \$160. Upon further inspection, investigators discover that the “gang” hiding in the bushes were actually sticks arranged to look like protruding rifle barrels. A reward of \$250 is immediately offered for the capture of Bolton.



August 3, 1877, Russian River, California—After only one robbery in 1876, Bolton, who now uses the darkness of night as protective cover, stops the Point Arena-Duncan Mills stage and helps himself to over \$600 from the cash box. When investigators examine the scene of the crime, they find a bold statement from the robber in the form of a poem,

*I've labored long for bread
For honor and for riches,
But on my corns too long you've tread
You fine haired Sons of Bitches*

The poem was signed, “Black Bart, Po8.” Now Wells, Fargo has a name to put on their wanted posters but the poet-robber remains elusive.

July 25, 1878, Berry Creek, California—Black Bart strikes the Quincy-Orville stage, taking \$379, a silver watch, and a diamond ring. He again leaves a poetic message. His manner is growing bolder as he neglects to hide his tracks. Five days later he strikes the LaPorte stage and makes off with more mail and a cash box containing gold nuggets and another watch.

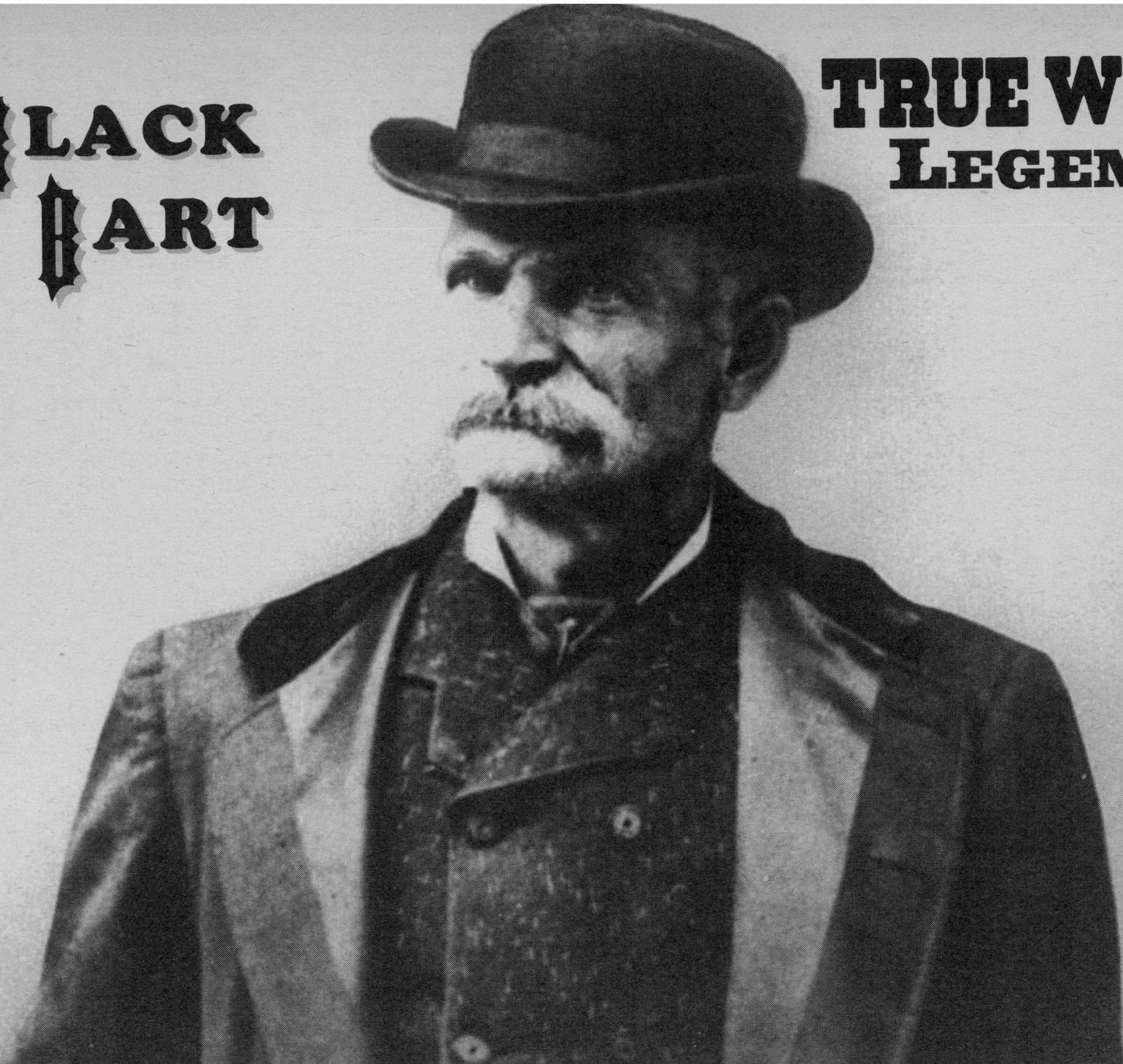
1878–1879, San Francisco, California—Charles Bolton lives an extravagant existence in comparison to the Black Bart persona that robs stages along dusty roads. Bolton hobnobs with the elite in the city by the bay, attending lavish functions, often on the arm of rich widows. Bolton is thought by his friends to be a wealthy mining man, and they think nothing of his frequent trips, concluding that he must be checking on his mining interests in the California wilds.

October 1879, Northern California—Black Bart relieves two stages bound for Oregon of their registered mail and strong box contents. Growing wise to numerous robberies, Wells, Fargo starts bolting the money boxes to the stage-coaches. This causes considerable time and effort for any would be robber to gain the loot.

September 16, 1880, Southern Oregon—The Roseburg stage is held up by Black Bart, who achieves what would be his personal best in stealing over one thousand dollars worth of gold and paper money. A week later the same stage is humiliated at the hands of Bart. In both cases the robber poet awaits the bolted cash boxes with pickaxe and hammer.

**BLACK
HART**

**TRUE WEST
LEGENDS**



BLACK BART

WHAT TO READ

George Hooper. *BLACK BART BOULEVARDIER BANDIT*.
Fresno, California: Word Dancer Press, 1995.

Dean Mackay. "THE OUTLAW PO 8." *FRONTIER TIMES*,
FALL 1958, PP. 24-25, 36-37.

November 23, 1882—Black Bart, now a veteran of twenty-seven stage heists, strikes the Lakeport to Cloverdale stage, making off with the contents of both strong box and mail pouch. Throughout his career of robberies, Bart has never met resistance or harmed a passenger or stage driver. Luck is running thin, however, and this will be his last successful robbery.

November 3, 1883, Calaveras County, California—Black Bart stops the same stage first robbed in 1875. This time the Copperopolis stage has no passengers, only five thousand dollars worth of gold and currency being escorted by driver Reason McConnell. Upon learning the strong box is bolted to the floor of the stage, Bart forces McConnell to unhitch the team of horses and go back the way he came, leaving the coach to be pilfered by the robber. McConnell departs the scene and a few hundred yards away spots Jimmy Rolleri, a local boy who is spending the day hunting. Rolleri and McConnell backtrack to the crippled stage and shoot at Black Bart with the boy's hunting rifle. Rolleri hits the robber, who flees, wounded, into the brush. A close inspection of the scene finds a hat and a valise containing food, ammunition, and a pair of glasses. The most intriguing clue found is a handkerchief with a tell-tale laundry mark still attached.

November 7, 1883, Sacramento California—Charles Bolton, freshly shaved and bathed, sends a message to his lodging house in San Francisco, the Webb House, that he will be returning from a business trip soon. He also sends word to his laundry to hold his clothing until he returns to the Bay City.

November 12, 1883, San Francisco, California—After touring almost every laundry in the city, Wells, Fargo Detective Harry Morse walks into the Ferguson and Biggs Laundry with Black Bart's handkerchief in his hand. The launderers admit that the mark is definitely theirs and direct Morse to a tobacco shop that serves area bachelors, including a laundry service among the cigars and cheroots. As Morse questions the patron of the tobacco store, Charles Bolton strolls innocently toward the shop, cane in hand. Morse and Bolton become engaged in a conversation about mining and Morse persuades Bolton to accompany him to the Wells, Fargo office to meet a friend. Once in the office, Morse and the Wells, Fargo officials question Bolton. He soon realizes that the game is over. After a search of his room, the detectives find more laundry bearing the same marks, and letters that match the handwriting in the poems left by Black Bart. Bolton denies any knowledge of the robberies even as his cell door shuts that night at the city jail.

November 21, 1883—Relieved that the ordeal has come to a non-violent end, Bolton feels no pressure to hold back the truth and confesses to his crimes, down to the last detail. He explains the origin of the name Black Bart as being from a story he had read and he told the Wells, Fargo detectives how he rubbed elbows with San Francisco's finest when not out robbing stages. After a short trial, Charles Bolton begins serving a six-year sentence in San Quentin.

WHERE TO GO

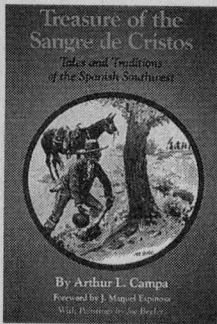
San Francisco, California—The Wells, Fargo Museum, located at 420 Montgomery Street, houses artifacts and a stagecoach from the days of Black Bart. Bart was ultimately captured on the streets of San Francisco and brought to the Wells, Fargo office for interrogation.

January 21, 1888 —Bolton is released from prison for good behavior. Addressing the press outside the prison gate, Bolton claims that the days of Black Bart are over, as well as his days penning bad poetry. Bolton moves into a rooming house in San Francisco and shuns the press and all steps toward the limelight.

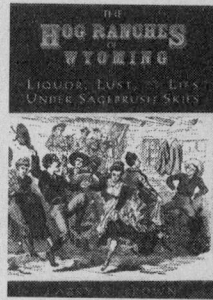
February 1888, San Francisco — Bolton's room is found empty and abandoned. Black Bart, and the man who made him, Charles Bolton, has disappeared forever.



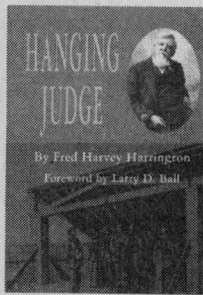
BOOKMART



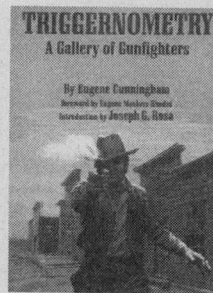
516—TREASURE OF THE SANGRE DE CRISTOS: TALES AND TRADITIONS OF THE SPANISH SOUTHWEST. By Arthur L. Campa; foreword by J. Manuel Espinosa. This collection includes stories of silver locked away in outlaw hoards, lost mines stacked with bars of gold, and fabulous Jesuit treasures buried when that order was expelled from New Spain. Not all of these folk treasures are of mineral wealth, however. There are also the legends of the Hermit of Las Vegas and of the lovelorn nun. 223p. University of Oklahoma Press. **Paper, \$12.95**



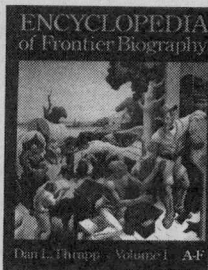
595—THE HOG RANCHES OF WYOMING: LIQUOR, LUST & LIES UNDER SAGEBRUSH SKIES. By Larry K. Brown. Frontier "hog ranches" were part saloon, part dance hall, and part brothel. These rip-roaring establishments usually sprang up around forts to provide diversion for the troops, although cowboys and locals were willing to pull up a stool at the bar as well. Brown has gathered "hog ranch" stories from Mother Featherleg's place to the Nine Mile Ranch. 128p. High Plains Press
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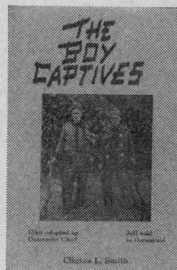
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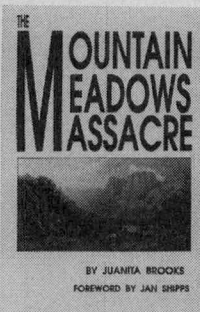
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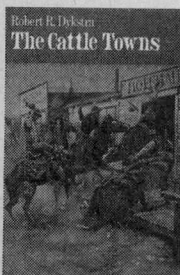
465—THE BOY CAPTIVES: BEING THE TRUE STORY OF THE EXPERIENCES AND HARDSHIPS OF CLINTON L. SMITH AND JEFF D. SMITH. By Clinton L. Smith and J. Marvin Hunter. Originally published in 1927 by Hunter, publisher of *Frontier Times*, this account records the story of two young men who claim to be the only known brothers to survive Indian captivity. Captives of Comanches and Apaches, the Smiths offer a look at Indian life and customs. Copies of the original book are rare. 219p. Anchor Publishing Company.
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Paper, \$12.95



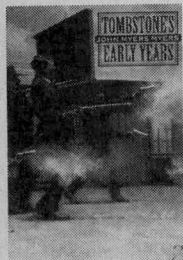
552—THE CATTLE TOWNS. By Robert R. Dykstra. Dykstra "tells it as it really was" in Wichita, Abilene, Ellsworth, Dodge City, and Caldwell during the two decades following the Civil War when entrepreneurs endeavored to capture the Texas cattle trade and use it as the economic base for building another Chicago or St. Louis on the edge of the Great Plains. First published in 1968, Dykstra's book ranks as the definitive history of the western cattle communities. "Readable and persuasive"—*American Historical Review*. 412p. University of Nebraska Press.
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564—THE XIT RANCH OF TEXAS AND THE EARLY YEARS OF THE LLANO ESTACADO. By J. Events Haley. Initially published in 1929, the first edition of Haley's history of the greatest of American ranches was withdrawn from sale. It was reissued in 1953 and has become a classic of free range ranching history. Haley relates the ups and downs of the great Texas ranch—of the solution of its water and cattle-thieving problems; of its changing personnel; of ranch life; of improving the XIT cattle; of its eventual break-up. 258p. University of Oklahoma Press.
Paper, \$12.95

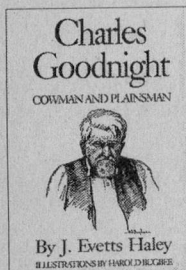


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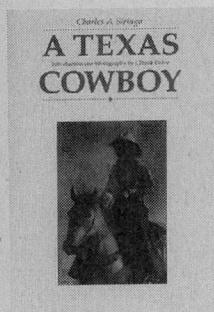
543—TOMBSTONE'S EARLY YEARS. By John Myers Myers. Originally published in 1950, Myers' book is packed with dramatic events like the gunfight at the OK Corral and colorful characters such as Wyatt Earp and Bat Masterson. Myers used painstaking research and skillful writing to produce this authoritative account of "the town that would not die." "Topnotch writing"—*San Francisco Chronicle*. 260p. University of Nebraska Press.

Paper, \$10.00



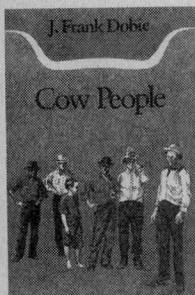
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Paper, \$17.95



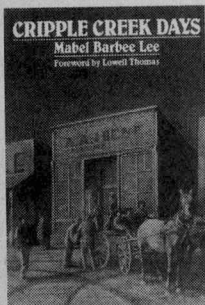
551—A TEXAS COWBOY; OR FIFTEEN YEARS ON THE HURRICANE DECK OF A SPANISH PONY. By Charles A. Siringo; intro. & biblio. by J. Frank Dobie. Siringo punched cattle for Shanghai Pierce, rode the Chisholm Trail, knew Tascosa, once roped a buffalo, and joined in the chase for Billy the Kid. His chronicle of his years as a itchy-footed boy, cowhand, range detective, and adventurer was originally published in 1885. This edition reprints the 1886 Addenda. 216p. University of Nebraska Press.

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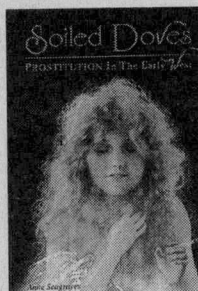
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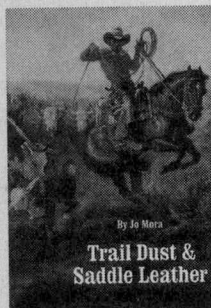
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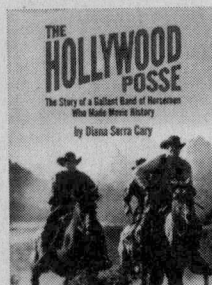
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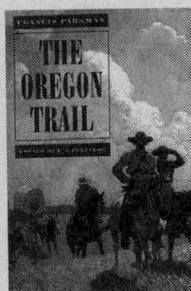
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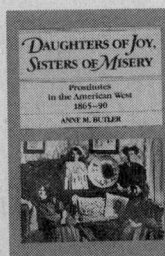
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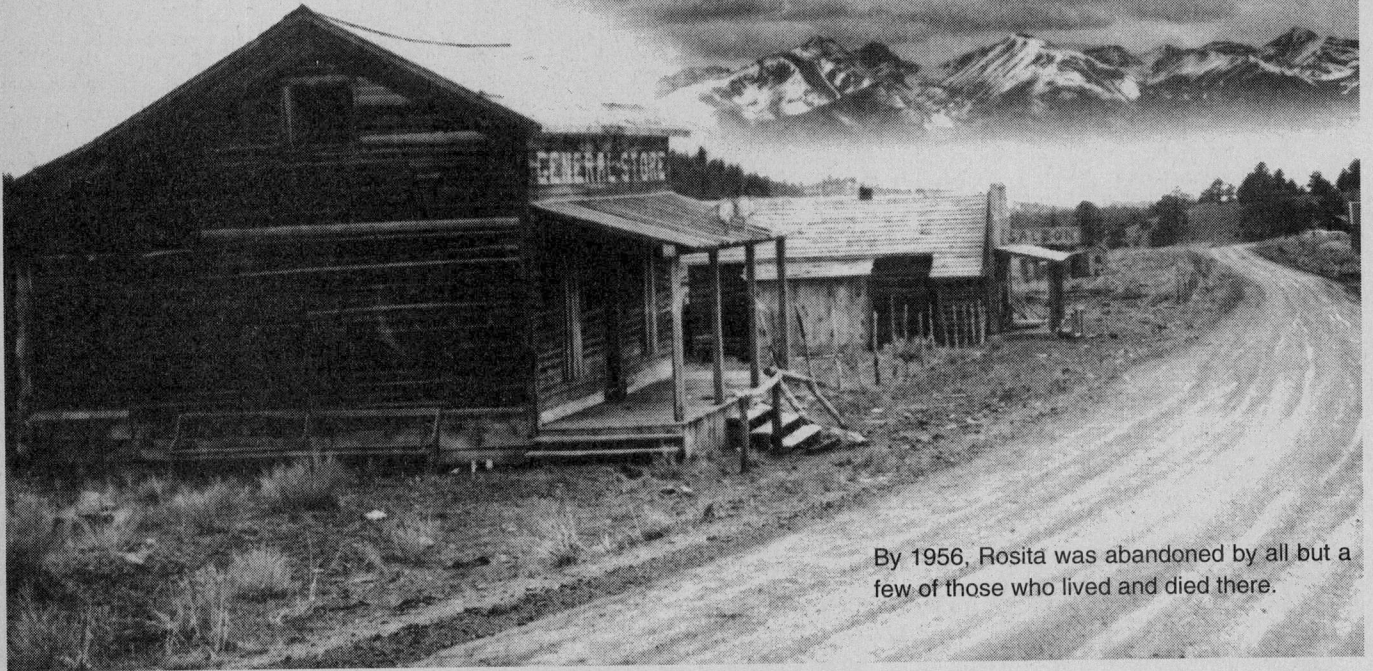
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The Confounded Colony of Colfax

By Nancy M. Peterson

Colorado Historical Society



By 1956, Rosita was abandoned by all but a few of those who lived and died there.

When Chicago promoter Carl Wulsten brought his dream of creating a new community to southern Colorado in 1869, he couldn't have been more welcome. Fellow journalist Sam McBride, who published the *Colorado Chieftain* in Pueblo, listened to the Chicago newspaper editor's plans to free poor German immigrants from Chicago's "nerve-destroying factories" and "nauseous back alleys and cellars" and settle them in the lush Wet Mountain Valley, in the Rockies fifty miles west of Pueblo.

"We bid them thrice welcome," McBride wrote in his November 25 issue. "A class of emigrants so industrious, economical and thrifty, cannot fail to be of incalculable benefit to the Territory."

Little more than a year later,

McBride was so enraged at the flamboyant Wulsten that when he met the German in the Pueblo post office he pulled his derringer and fired two shots at point blank range. One bullet connected. But that would prove to be one of Wulsten's lesser problems.

Although he surely was influenced by ambition and a desire for profit, Wulsten had begun his endeavor in August 1869 with humanitarian motives. As he moved around Chicago in his work for the *Staats Zeitung*, he thought his fellow German immigrants were leading terrible lives, trapped by poverty into dangerous factory jobs and filthy tenements. A few years before, while frequenting poor areas of New York City, he had come to the conclusion that "the overcrowded cities should send their surplus inhabi-

tants to the broad acres of the West," where they could be comfortable and happy. Now, he decided the time had come to take action. He knew that Colorado Territory was eager for settlers and that much rich farm land available through railroad grants and the Homestead Act lay yet unclaimed. And he thought he had the ideal solution.

He decided to form a cooperative colony. Members would pool their resources, buy supplies at wholesale, take advantage of special group railroad rates and work together to build their own community in the West. He estimated a family of four traveling alone would need at least \$690 to purchase the oxen, wagon, farm implements, cows, seed, and provisions needed to move west and establish a farm. With his cooperative, however, he expected to do it

for \$250 per family. He recruited some friends, drew up a constitution which named him president, and advertised for members. Then he and two members headed west to choose the land.

Organizing colonies to settle in the West was a coming, but largely untried, idea in 1869. Wulsten saw it as a temporary solution, not a life-long commitment. Each member—skilled or unskilled—would receive the same two dollars a day credit for his work, and all goods would be bought and sold on a cooperative basis. The agreement would end after five years and assets would be divided. By then, they expected, each member would be economically independent.

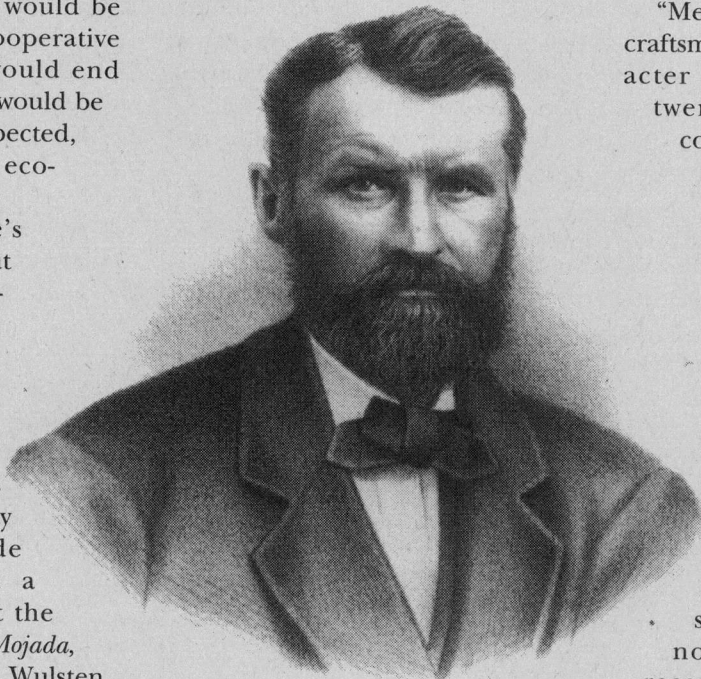
The search committee's itinerary is not known, but the Germans soon wandered far from the railroad land grants they had come to see. They were visiting Canon City when someone recommended a valley forty-five miles south by wagon road. It lay between the Sangre de Cristo Mountains and a smaller range to the east the Spanish settlers called *El Mojada*, the Wet Mountains. Once Wulsten walked the richly grassed valley lying between jagged mountains that reminded him of Bavaria and discovered it was criss-crossed by streams for most of its twenty-five-mile length, his choice was made.

There was land enough—more than the 40,000 acres he needed, and a few settlers in the north end had already proved farmers could raise wheat and oats. He could imagine cattle grazing and the streams irrigating crops and powering a sawmill. The slopes of the mountains were thick with timber. He pocketed a few rocks he thought showed promise of gold and silver, planning to have them assayed back in Chicago.

With the *Chieftain's* unqualified approval, he hurried back to Chicago to get things started. Then he was off to Washington, DC, where he petitioned Congress for a

grant of 40,000 acres—a quarter-section for each of the hoped-for 250 members. It was the same amount of land any homesteader was entitled to individually, but he asked that the whole block be granted to the German Colonization Company of Colfax, Fremont County, Colorado Territory.

"Millions of acres of tillable soil are languidly awaiting irrigation," he proclaimed. "But where is the thrifty hand to till this bounteous



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Carl Wulsten, Colfax Colony's colorful, controversial founder.

soil; where are the thousands of arms to come from which are destined to develop this richest of all the lands within this great and good republic?"

He supplied his own answer. "Thousands of mechanics, laborers, and poverty-stricken people crowd (city) thoroughfares, scarce knowing how to find the wherewithal to still their hunger and thirst or cover their nudity."

His colony would enable them to go west. His colony would inspire others to develop wild lands whose taxability would rise. The large cities would be drained of surplus poor. Wages for those who remained would rise. Tax collections would

rise, "...and in 10 or 15 years the great national debt of this republic will have been a thing of the past." Carl Wulsten never thought small.

Aware of the value of influence, he named the colony's proposed town Colfax, for Schuyler Colfax, the nation's vice president. He knew he'd be needing some favors from the Republican administration. Without waiting for an answer to his petition, Wulsten returned to Chicago and began recruiting.

"Mechanics, farmers and handicraftsmen" of good health and character between the ages of twenty-one and forty-five who could scrape together \$250 to invest were welcome. He especially sought saddlers, joiners, masons, tinsmiths, and blacksmiths. On the afternoon of February 7, 1870, a triumphant Wulsten watched 337 men, women, and children board a banner-bedecked, special train of the Chicago, Alton and St. Louis Railroad.

It was the first such group to leave the Chicago station, and reporters took notes while a photographer recorded the scene. One scribe from the *Chicago Times* described the crowd as "splendid looking—middle-aged, sober men and matrons with their numerous families, muscular, athletic young fellows with rifles strapped across their backs...20 fair-haired, clear-skinned German girls" who would make "excellent wives for those same gallant rifle bearers." Eighty families were in the crowd. He noted a doctor and a schoolmaster boarded the train, but no lawyer. "These people mean to live in peace and harmony with each other," he concluded.

The scribe did not know Carl Wulsten and had never met Sam McBride.

A special freight train, loaded with groceries, dry goods, horses, cows, pigs, sheep, goats, chickens, geese, turkeys, farm implements, washing machines, and saw, grist, and planing mill machinery stood

ready. At 4:30, it and the passenger train bearing a banner declaring "Westward the Star of Empire takes its course..." puffed into motion amid a chorus of cheers and final good-byes to friends and relatives.

St. Louis newspapers reported that a brass band escorted the colony through that city, and Kansas City papers also noted the colony's passage. In Pueblo, Sam McBride read the dispatches from all three cities and began to simmer. When he read in a Denver paper that Colorado Governor Edward McCook had sent Wulsten two cases of arms so the colonists could protect themselves along the way, the simmer erupted on the *Chieftain's* pages February 24.

Old-time Colorado settlers who had braved Indian attacks in the 1860s enjoyed no such privileges, he reminded his readers. Where they would have been grateful for two cases of arms for the whole Territory, this colony, riding a railroad "through thickly settled country, over a road filled with freight teams. . . past two military posts, in

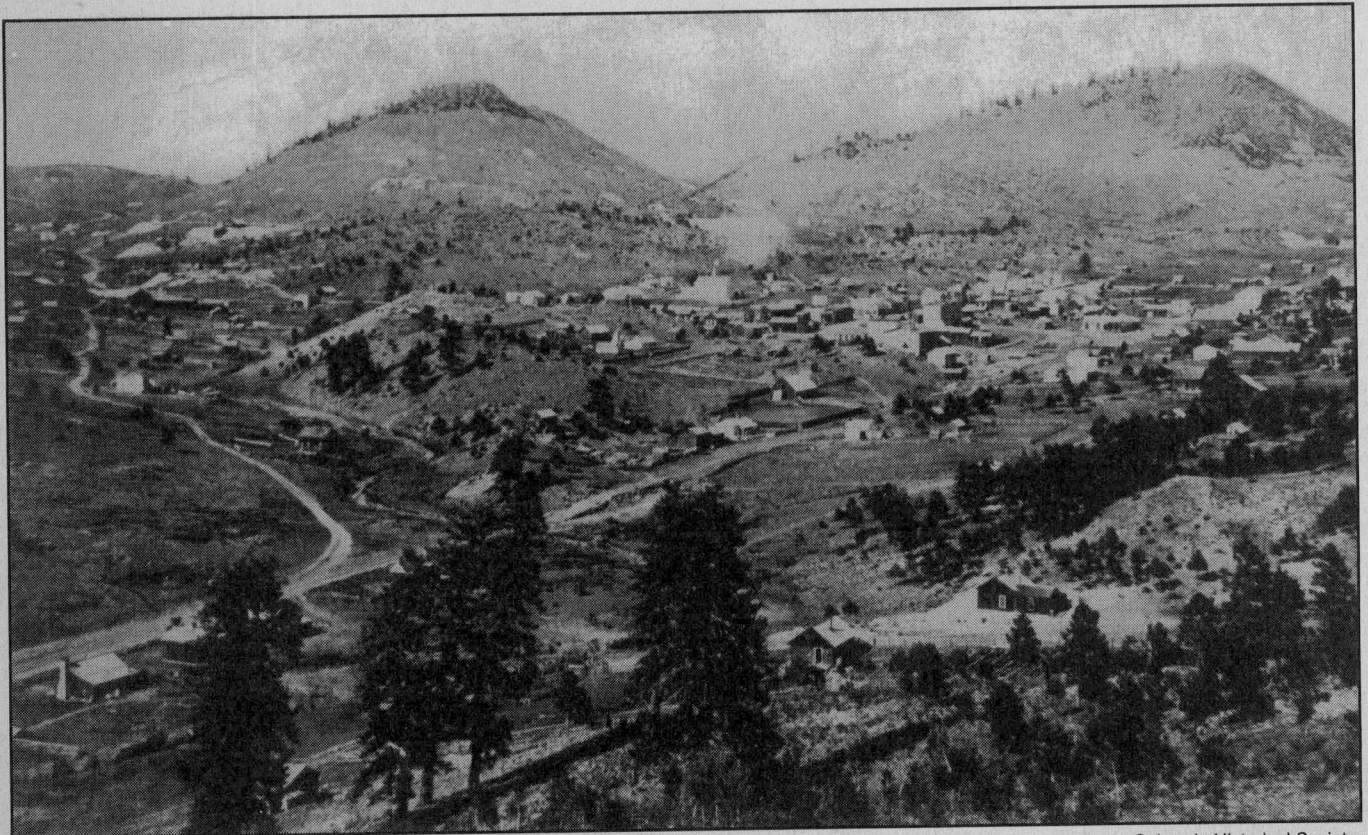
Congress had not and did not grant Wulsten's petition. The colonists could only be squatters until the valley was surveyed and open to homesteading.

no more danger than one would encounter between New York City and Boston" is provided not only arms "against the hostile attacks of jack rabbits and prairie dogs" but a military escort. And not only a military escort, but 40,000 acres of Colorado's best land. That would be 500 acres for each of the eighty families, nearly four times the usual homestead allotment.

McBride was wrong about the land. Congress had not and did not grant Wulsten's petition. The colonists could only be squatters until the valley was surveyed and open to homesteading, But the promoter had put the Colfax name to work. The rail line ended at Ft. Wallace, Kansas, 250 miles from their destination, and Wulsten secured the secretary of war's permission to use army wagons and mules to move the group on to the

Wet Mountain Valley. The army would also furnish an escort and tents for shelter until they could get cabins built. Governor McCook had shipped him at least three boxes of rifles and 2,000 cartridges, and he had appointed Wulsten a brigadier general of his own militia. The new general had organized his ninety-two men into militia companies and drilled them at Fort Wallace.

That last bit of news rendered McBride nearly apoplectic. Although just eighteen months earlier his own paper had reported settlers fleeing to Pueblo for safety from Indian raids, and there had been a major battle between the army and the Cheyennes in north-eastern Colorado the past July, he and many among Pueblo's 600 citizens believed danger from Indians was now past. At least they wanted potential settlers in the East to think



Colorado Historical Society

Rosita, Colorado, was a sleepy mountain hamlet when this photograph was taken in 1887.

so. They had organized a board of trade and sent pamphlets east urging settlers to choose southern Colorado. News that a man McBride characterized as "Carl the First" considered rifles and troopers necessary to venture into Colorado could do real harm to the image they were trying so hard to create.

Other papers joined in the debate, some supporting the colonists, some joining in the attack, according to their political persuasion. The *Golden Transcript* was as vehement as the *Chieftain*, and its columns expressed the fear that underlaid most of the complaints against the colony: its purpose was "the importation of Republican voters, brought here for the sole purpose of overcoming the Democratic majority."

When the colony trekked into Pueblo in mid-March, Wulsten welcomed a chance to speak for himself at a welcoming ceremony. Curious Pueblans flocked to the courthouse to hear what the German had to say. When the cornet band had finished its selections, Wulsten blew his own horn.

Beginning with the proud history of the Teutonic race, he answered McBride's barbs one by one, explaining his motives and the colony's organization. Wulsten was a "grand lecturer" in the Order of Turners, and he put his powers to good use. He even forgave McBride his ignorance.

But he didn't stop there.

"I am not ashamed, however, to proclaim myself a downright Republican, heart, body and soul. I will fight for the banner to the last drop of my heart's blood. We are going to vote the Republican ticket solid, and are bound to beat our opponents."

Having heaped the fire with coals, he invited the residents to visit the colony in the fall for an eight-day harvest celebration. Then he directed his colonists on to Canon City, where they were met with bunting-draped houses, booming canons, and a resolution of support. On March 21, they arrived in the Wet Mountain Valley, seven or eight

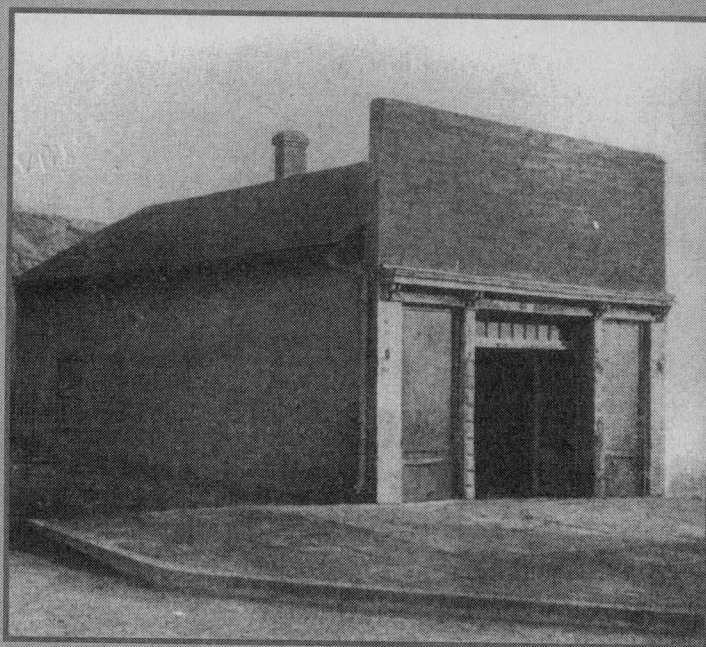
The Newspaper Man

Pueblo, Colorado, 1868—Sam H. McBride thought himself dying of consumption when Pueblo physician Michael Beshoar visited Golden and hired him as printer and co-proprietor of the new *Colorado Chieftain*. Barron Beshoar writes in his biography of his grandfather, *Hippocrates in a Red Vest*, that instead of death the doctor diagnosed chronic bronchitis and laryngitis, promised McBride health, and took him to Pueblo. They made a desk out of a packing crate, cut a barrel into a chair and built bunks in the front room for a dormitory. The first issue of the *Chieftain* came out June 1, 1868.

With the paper chronically short of cash, McBride worked for room and board, and quit for two

months early in 1869. But then he borrowed money to purchase the doctor's interests and began writing the partisan comments that put his name in Colorado history. Three months after his altercation with Wulsten, he quit the newspaper business to sell insurance.

One of the most popular men in Pueblo, he was elected a county commissioner and held several political offices. The last was his undoing. While treasurer of the Pueblo School District in 1876, he absconded with \$14,392 that residents had raised to build a school. People so hated to believe the obvious that the deed was kept quiet for several weeks in hopes he would return. He never did.



Pueblo Library District

The first courthouse in Pueblo, Colorado, as it appeared in 1867.



Colorado Historical Society

Carl Wulsten was on the scene when a mineral strike resulted in the founding of Silver Cliff, shown here in 1888.

miles south of present-day Silver Cliff. The valley had been blackened by recent fires, but it was as beautiful as they had hoped. Brook trout in the clear waters of Grape and Texas creeks tempted the anglers, and gramma grass promised fine winter range.

They set up their tents and immediately began surveying, plowing, planting, and cutting timber for cabins. In three weeks they had broken one hundred acres, cleared and sown thirty acres of garden, cut timber for forty cabins, built six bridges and five miles of road. They hung the colony bell between two trees and it daily proclaimed "that civilization, thrift and diligence" had arrived in the wilderness. Wulsten had enough leisure to report this progress in a long letter to the press. But he devoted more space to promoting statehood for Colorado and reiterated their staunch Republican beliefs.

Sam McBride was still listening. On April 20 he readied a story that colonists were unhappy with

Wulsten's leadership and wanted to oust him, and that Wulsten had said he wished "the damned colony was in hell," Wulsten, in Pueblo on business, walked into his office, saw the story and complained of slander. The men exchanged loud and angry words there and later on the street, where they were separated by friends.

The next morning Wulsten was in the post office examining a package when McBride walked in. Insults flew. Suddenly McBride pulled out his derringer and fired. A bullet tore into Wulsten's arm. McBride cocked the pistol again and took aim, but Wulsten threw up his arm and deflected the bullet. The German retreated to the street, where he finally managed to get his gun out of his holster. With his arm streaming blood, he called McBride out to finish the fight.

The editor declined the invitation.

Friends urged Wulsten away to have his wound tended. It proved not to be serious. Then each man's

supporters prepared their side of the story. McBride, arrested and released on bond, claimed that Wulsten was drunk and abusive at their first meeting, threatening him with personal violence; that he, himself, was in feeble health and felt obliged to arm himself; and that Wulsten had tried to draw his weapon first.

Wulsten's friends said that he had not had a drink in two months; that he threatened to "thresh" McBride if he didn't cease his editorial attacks, but had no idea of using firearms; and that McBride had drawn on him without warning while his hands were filled with twine from the package.

A reporter for the *Rocky Mountain News* spent two days trying to determine the truth. He finally published both versions, declining to express his personal opinion. But he did chastise McBride for publishing "unwise, impolitic, insulting and unjust" articles "calculated to arouse the ire of a man as excitable as Carl Wulsten."

Things were brighter back at the colony. By early June they had erected a twenty-five-by-eighty-foot building to serve as colony offices and to house five stores, with a school on the second floor. The fire blazed at the blacksmith shop, and elsewhere masons were burning brick for the substantial houses they already planned to replace their yet-unfinished temporary cabins. With

tion in an organization that was "too much Kommunismus" for many. A lazy man received the same pay as an industrious one, a skilled laborer the same as an unskilled one. They couldn't work for the common good when they couldn't agree what the common good was. (In later years, Wulsten explained, "Whenever two Germans argue, there are three opinions.")

divided what remained of the moveable property and taken up their own homesteads. The colony was no more, but their descendants remain in the valley today on successful farms and ranches their ancestors began with such difficulty.

In the next few years, several other Colorado colonies succeeded where the Colfax Colony failed. Greeley, Longmont, Fort Collins,



Wulsten was in the post office examining a package when McBride walked in. Insults flew. Suddenly McBride pulled out his derringer and fired. A bullet tore into Wulsten's arm. The German retreated to the street, where he finally managed to get his gun out of his holster. With his arm streaming blood, he called McBride out to finish the fight.

the sawmill blade tearing into timber to build the flour mill, Wulsten felt free to go to Washington to fight for his land grant.

A traveling correspondent who visited the colony on June 25 described a harmonious and industrious town laid out in square-acre lots amid a dense mat of the finest grasses he'd ever seen. He observed that everything was conducted in a fair and impartial manner, and the books were open for inspection by any member. But on June 30, amid complaints of incompetent book-keeping, the colonists reorganized, dismissing all the officers but Wulsten. The old officers, still held in respect, were not accused of any wrongdoing.

But the dissension had grown by the time Wulsten returned from Washington. In September Wulsten informed the *Rocky Mountain News*, in an uncharacteristically terse statement, that he had resigned as president and moved to Canon City. Later that month several families quit the colony for Pueblo. The *Chieftain* reported smugly that more were sure to follow, that bad management had led to financial disaster.

More likely what set the colony on its downward slide was inexperience at farming, late planting, and an exceptionally early frost that ruined their crops, and dissatisfac-

tion in an organization that was "too much Kommunismus" for many. A lazy man received the same pay as an industrious one, a skilled laborer the same as an unskilled one. They couldn't work for the common good when they couldn't agree what the common good was. (In later years, Wulsten explained, "Whenever two Germans argue, there are three opinions.")

Yet some colonists held on in the certainty that they had picked a good location, sawing shingles to provide badly needed income and hoping for better luck the next year. One wrote the press that "we recognize no such word as fail." While the *Chieftain* continued to report the colony's failure, other reports denied any great want and said those who'd left had been replaced. But a request for provisions was sent to the governor in October and Denver merchants sent supplies in December.

Then, at one o'clock in the morning two days after Christmas, the colonists were shocked awake by an earth-shaking explosion. They stumbled from their homes to see what remained of the store burning fiercely. All of their extra provisions, their records, and their weapons were gone. A faulty furnace had ignited a keg of gun powder.

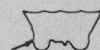
Still some of the dogged colonists persisted. They elected new officers, managed to get enough credit to order an engine for the shingle mill and on January 2 recorded the colony's first marriage. Now that Wulsten was gone, even the *Chieftain* softened its attitude, commended their perseverance and predicted their success.

But success was to come only on an individual basis. By spring, about thirty remaining families had

and Colorado Springs all developed from colony organizations, although none held to the communistic model.

As for Sam McBride, repeated court delays discouraged Wulsten from pressing charges, and the case against him was dismissed in June 1871.

By then the man who had aroused such passion that he attracted a bullet had decided he "had had enough of the colony business." But Wulsten had not forgotten the ore-bearing rocks he had found in the valley. He began to explore the possibilities of mining and was there in 1872 when a silver strike brought the nearby town of Rosita to life. He served as county surveyor during the great silver rush that resulted in the founding of Silver Cliff. Although he was respected for his knowledge of the valley's geology, the hot-headed promoter never struck it rich himself. He died penniless in Rosita in 1915. But by then Wulsten had seen his vision of prosperous farms and contented farmers in the Wet Mountain Valley come true. His tombstone, which stands among others in the ghost town's shaded cemetery, honors him for bringing the German colony to the Wet Mountain Valley.



A "TOWN TOO DANGEROUS" — JERRY BRYAN

BY PETER HILDEBRANDT

"**B**id our friend goodbye at Cordova. Took the 5 o'clock train for Rock Island. The boys in town and some from the country escorted us to the depot. In the absence of something to drink we all took a smoke and our journey commenced."

So began Jerry Bryan's 1876 gold prospecting trip to the Black Hills. Bryan, of Cordova, Illinois, already had been west on the Overland Trail in 1859, but his partners, Charles Hallenbeck and Fred (Fritz) Krell, went as tenderfeet into the Black Hills of the 1870s. Bryan's spare diary of the journey gives us a rare glimpse of the gold hunter's life in the Black Hills.

Bryan wrote in a small, paper-covered notebook in blue ink, spelling many words phonetically. The frenzied pace of gold-rush prospecting left him little time to record; he sometimes covered several days with one entry, as he confessed on June 3: "I am one day fast with my diary."

On March 15, 1876, the three gold-seekers checked their bags to Cheyenne, Wyoming Territory, and were on their way. One of their party, Louis Binkle, did not have enough money to cross the river at Davenport, Iowa. Bryan paid the man's fare to avoid a scene, but then he thought it best to leave Binkle at Davenport.

Perhaps the departure cast a shadow on the group or maybe the anxiety of starting out did it. Whatever the reason, Bryan admitted to his diary, "Our little party is not in the best of spirits. Charley I guess is thinking of home."

At 10:00 am a young school teacher boarded their train. People filled every available seat, but Bryan shared his with her. "She proved [sic] quite an interesting school marm. We dined together several

times during the first night out of my basket. Then out of hers. I felt sorry when we reached her station. Only name I have for her is the 'Sweet Cracker Girl.'"

After a sleepless night Bryan and his friends arrived in Council Bluffs the next morning. They changed trains just before Omaha. Bryan didn't buy the special through-ticket which the Union Pacific Railroad recommended for gold seekers. Instead he decided to save money on a much slower train from Omaha to Cheyenne.

At Cheyenne on March 19, while a terrible storm raged, the party found only one boarding house with room—and standing room at that. They slept on the floor of the dining room with their own blankets. Here they found a teamster to carry them to Custer City in the Black Hills. The eighteen-dollar fare included an allowance for up to 150 pounds of luggage each.

"We're anxious to escape Cheyenne," Bryan wrote. "The town is chuck full of Black Hillers. Reports coming in every day of Indian outrages. More timid ones are going back. Some of the would-be brave ones just now remember that they must wait here to hear from friends."

Another snowstorm was raging when they left Cheyenne on March 23. The cold drove them off their horses, and after an eighteen-mile hike they made camp at Poll Creek (also known as Lodge Pole Creek). Tired, hungry and cold, their team collapsed and made them wonder if the animals could stand the rest of the trip.

Jerry and another man started gathering wood for a fire, including pieces from a brush fence. "A rancher approached and requested very forcibly to by God leave that fence alone. We left it alone think-

ing it better to frieze [sic] than take that, that belongs to others—especially as we had been so forcibly reminded it wouldn't do."

In their eight-foot-square tent, six men bedded down. Despite the cramped quarters they all slept like the dead. They arose ready but not willing to push the wagon as far as the driver wanted.

On March 24, the group caught up to several other companies. That spurred Bryan's group on. The late March weather froze and blew the men from their camping spots, but the livestock refused to go on. The driver threatened to take the team back and get one that would cooperate.

"We pulled up early this morning. Our team seemed fresh at the start but bad roads and a big load soon wore them out. To worsen matters snow and wind were trying to see which could do the most devilment.

"Together they made a devilish bad job of it. After a long days pull and shove we made Chugwater. Met some teams going back today. We gathered up little sticks left by the other campers, made a pot of tea and turned in."

The cold woke Bryan all through the night. In the morning he awoke to more blowing snow—hard and thick. They were able to advance only another five miles. The campsite they found on March 26 stood as the only good news of the day. It lay amid thick cottonwoods and offered plenty of firewood and water from the nearby creek. They baked bread and beans, and after dinner they hunted but returned to camp empty-handed.

Next day the wind went on howling. The gold-seekers dragged themselves twelve more miles to their next campsite. There Bryan scratched out, "Snowing now like the devil. trying to stick up their tent

RY BRYAN'S DEADWOOD SUMMER

but can't make a go of it. Our mess, Charley, Frits and myself took supper at the Ranch. I think Charley feels just a little blue."

That night proved one of the worst of their long journey. The wind blew down their tent and scattered dishes, hats, blankets, and everything else. Snow filled their blankets. They only managed to retain their boots by keeping them on their feet.

After the wind hit they lay still for ten minutes, then crawled out from under the debris to find their blankets. They found a nearby ranch house, crowded with freezing men. Bryan and the others could only huddle in a corner and do their best to fight off the cold, for firewood was impossible to find. Two hundred fifty travelers stayed for two days at another ranch, on Horse Creek, while the storm raged outside.

Families with children shivered through the darkness in at least twenty wagons. Bryan could not imagine how they survived the night. Bryan recorded a Denver newspaper reporter's arrival by stage. "Just from the hills, he said the Indians took him to their camp. They made him stay all night. After taking his grub and blankets they told him to go and he went."

The next day, March 29, an early whistling wind dogged them, but good camping and clear water at Fort Laramie lifted spirits. Hallenbeck went over to the fort and had his boots fixed. As the weather started to clear, they decided to stay another day. Now came time to write letters home and watch a parade on the fort's grounds.

On March 31 they drove into the fort one last time to buy some bacon. The prospectors found the United States Army caught in the middle of a dispute over treaty rights. The soldiers would not stop

gold seekers from entering the Black Hills, nor did they encourage them because the land was sacred to the Cheyenne and Lakota Indians, and belonged to the Indians by treaty.

"They would not allow the wagons to cross the river bridge. But after considerable delay and use of considerable Red Tape, foot men were allowed to pass over. After driving to the government farm 18 miles away we camped. It was a splendid day and I was passing over ground I was on 17 years ago, ground now [included in] the southern Black Hills and Indian Country."

On April 1 they traveled through a strange combination of wind and fog for fifteen miles. Bryan and his comrades, Krell and Hallenbeck, had by now joined a caravan of twelve wagons, seventy-five men, two women, "and one old cuss who thinks he is going to die." Three teams returning from the Black Hills camped nearby.

Next day their luck ran out once more. When they awoke they discovered eight to ten inches of April snow piled over their campground. They decided on another layover. Pitch pine wood abounded but getting it took a half-mile walk.

"Our old man is not dead yet. We gave him some grub. I think he will make the trip."

On April 3 everyone waited for someone else to pull out first. As a

result no one left until 10:00 AM. Bryan's group took the lead in snow from six to ten inches deep. All the teams returning from the Black Hills had packed down the road for them.

First thing next morning, before six, they pulled out, crossed Indian Creek, drove along it for eight miles and then headed out for a total advance of twenty-seven miles.

The weather provided no relief: "Wind is howling. I think here is where wind is manufactured. This is our first muddy water. Indian camp stands 3 or 4 miles from here but it's too cold to stand guard [sic]."

Over the next days they saw empty wagons, evidence, according to Bryan, of Indian trouble. The sight stuck in their minds on April 6 as they drove in beautiful weather through the splendid, wild country of Red Canyon. Bryan decided it made a splendid place for an Indian ambush, too. "We kept a bright lookout for Mr. Lo, but seen none." (During the late nineteenth century whites often referred to Native Americans as "Lo" or "Mr.



Nebraska State Historical Society

Black Hills flumes, 1876.

Lo,” a reference to a line by Alexander Pope: “Lo, the poor Indian! Whose untutored mind...”)

After a series of long stretches they reached the collection of shacks called Custer City on April 7. Tired and hungry after fifteen days of travel from Cheyenne—much of the time melting snow for water—they wolfed down piles of “slapjacks” and bacon and then headed downtown to take in the sights of the raw mining settlement.

“They say Custer has 400 houses and I guess there is, all kinds of houses too. I of course would bring myself up to the Hurdy gurdy Saloon [a public dance house where miners bought drinks both for themselves and their female partners] I find 4 or 5 old Blisters and all the men that could get in the saloon. Half dozen games running but very little money in sight. Ruff crowd is Custer.”

After washing their clothes on April 8—the first time since their trip’s start—Bryan and

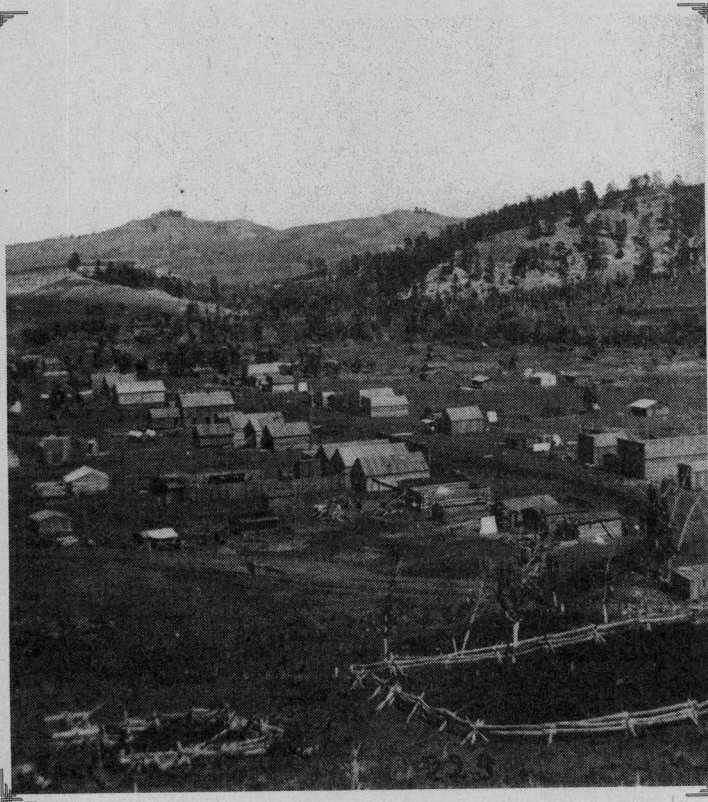
Hallenbeck took another look at Custer. What they saw lowered their spirits. Not a claim on the barely flowing creek looked like it paid wages. Reports from Deadwood Creek and Spring Rapid sounded more encouraging, and on the tenth the two headed north again.

Bryan, Hallenbeck, and Krell joined a larger party heading up to prospect in the seventy-five miles

between Custer and Deadwood. After ten miles snow came again—sixteen inches. It stopped their progress four days. They shoveled snow off the grass to feed the stock, managed to kill four deer, and found their first trace of gold.

On April 15 they moved again, passing through Hill City, also called Hillyo. Already a ghost town of fifty shacks, the place lay abandoned in favor of Deadwood.

Over the next few days they prospected along different spots at Spring Creek and Rapid Creek. All the while, men steadily left the group to head for supposedly greener pastures at Deadwood. First three left, and then six of the



Western Publications

Custer City in 1876.

remaining nine struck up the creek while the last three stayed to look after camp.

Apparently Bryan went with the second group. Over the next ten days he kept no record, leaving his book in camp. Finally he returned and jotted down his thoughts. “After spending 10 days eating up all our grub, wearing out all our clothes we very materially lessened our faith in

the Hills. We strike across the country for Deadwood Road satisfied that Rapid Creek is a Humbug.”

They reached Deadwood City and Elizabeth Town in early May. For the next two weeks the Illinoisans tried to get work. The town grew right before their eyes over a period of days.

On May 18, Bryan’s spirits stood at a low:

“Everybody seems to deal in whiskey. You will see the glass standing on the barrel head in the tent or brush shanty as well as the log cabin. Everything fluctuates here except whiskey & labor. Whiskey on top notch, labor at the lowest. Such is life in the Black Hills. I can’t say I am sick but I believe now I would have done as well if I had remained in Cordova, however, there is nothing left me but to stay and make the best of it.”

The change came on May 19. They started working for wages on another man’s claim. Hallenbeck made four dollars after two days and Bryan made five. They dreamed of making eight dollars each a day.

“Whoop hurrah. We’ve struck it at last. We commenced working for wages and the boss thinks us good fellows. He has two more claims too. Our lucky star is just rising. Hardships are all forgotten. Price of grub makes no difference to us now. We’ve a cozy little ranch to live in with fireplace attached. When it storms we can sit by the fire and build air castles. Tea with sugar in, slapjacks and sirup [sic]. Expect to have beef soon.”

On May 26, they paid \$505.00 for their own claim. They felt sure if they bought their own claim, their own stretch of the creek, they could beat the nine dollars per day they got when working for wages. The next few days proved them right. Everything went right. After getting his first mail since leaving Cordova, Bryan decided to spend the two dollars he had just panned on a ring for his girl back home, Molly. “Charley feels bully and I don’t feel bad. The first mail since we left Cordova and I feel like another man. Everything is lovely prospects

and bully.”

By the first week of June 1876, though, their luck took another turn for the worse. Water grew scarce in the creek, snow fell again, and then the rain came. First their food ran out and then so did Frits Krell. “To day we lost Frits. Poor boy. He got sick of the Hills and started for home this morning. We gave him \$41.00—all we had—and sent him on his road rejoiseing [sic]. Sent letters by him to friends at home. He goes by way of Fort

As they worked on the morning of June 12, Charley was throwing some rocks out of the way and accidentally hit Bryan in the back, knocking him out for the rest of the day. Six days later the two companions made a decision. “We went to town as usual for grub. Things look dull in town, they have their fun after night comes. Have decided today to go home after our claim is worked out. Got a letter from my girl today and I expect that’s the reason. I don’t believe mining

Home.”

On the Centennial Fourth they panned out ninety-four dollars worth of gold and witnessed a wedding on the creek. Bryan hadn’t an invitation to the wedding but had been invited to the chivorea. That night one of his workers, James, came home with a busted head as well as a busted pocket.

By July 18, Bryan and Hallenbeck wound up their diggings and sold tools and boxes. An argument over who owned a certain box flared into some cussing, but no bloodshed resulted.

News of Custer’s defeat reached Deadwood along with rumors that the city would soon be in an Indian fight. From July 23 to August 4 Bryan and Hallenbeck camped in Deadwood awaiting assurance the road was clear of Indians. The men had nothing much to do in Deadwood but watch the daily rounds in gambling and drinking.

Then on August 2, things got especially exciting.

Fun commenced early this morning. A crowd of 20 escorted a murderer through town. He’d killed his man in Gay Ville and brought back was guarded through town this morning. About noon men dragged a corpse from across the creek, cause of death—poor whiskey. Just after dinner Wild Bill was shot through the head, killed instantly.

While the crowd was debating whether to hang the assassin or not, reports come from Crook City that the Indians had surrounded the town and that help was needed. All those that could get horses went down to render assistance.

Just at sundown a greaser come in with an Indian Head.

This capped the climax. Wild Bill and everything else was thrown in the shade. The greaser was surrounded and carried through town. When they reached the upper end of town there was fully two thousand men hooping and yelling. Such a sight is seldom seen anywhere.

The head strung up on a pole put up at auction carried around to the places of busyness [sic] the people asked to give the killer one or five dollars just as he liked—a horrid looking thing to make some much



Western Publications

Crook City, Dakota Territory.

Piere [sic, present-day Pierre, South Dakota].”

Early June rains filled the little house. They kept up all day on the seventh, soaking blankets, ruining their flour, and making everyone uncomfortable. Bryan dug a hole in one corner of the house for water to run out. When it filled he started bailing.

Outside, the diggings flooded and he started feeling lonesome as he read over old letters, looked at his album, and talked of working out his claim and heading home. Things improved little over the next two weeks. Stakes had gotten higher—working for themselves was riskier than working for someone else.

agrees with me. Anyhow I’m beginning to feel the Old Lock Jaw again in my stomach that troubled me in California. Think it’s caused by the rap on the back.”

Several days later Bryan and his friends sat in a leaky tent reflecting on Black Hills life. They decided riches did not always make a man agreeable, and once they hit the big strike they would head home. Going into town proved the best way to lose money. “Don’t think it pays to go to town, too many Busted Huskies that want to borrow money. I could have loned [sic] any amount to day. But got off with \$10. We done first rate last week in the diggings, took out \$460 and have just 50 feet to work—then Ho for



Nebraska State Historical Society

Elizabeth Town, Black Hills, South Dakota.

fuss about. It is getting too dangerous here to be healthy.

Bryan and Hallenbeck concluded that in Deadwood anyone could find himself shot by a drunken desperado; any place was safer than Deadwood's streets. They arranged passage to Pierre but were still in Deadwood the next night. The teamsters had wanted to stay and hear Deadwood's "miners' court" trial of Hickok's assassin, Jack McCall. "Result of the trial was, turned loose to kill somebody else. This makes two this week. Business is getting lively in this line." McCall would later stand trial again for the same crime and finally feel the noose.

Bryan's party finally moved out from Deadwood, all the while looking for Indians. At one point they hid from seven men they mistook for warriors. The men turned out to be white horse thieves with seventy horses they'd just stolen from the Indians at the Cheyenne Agency on

the west bank of the Missouri below the mouth of the Cheyenne River.

After a drive of twenty more miles Bryan met a squad of soldiers who camped alongside them. The troopers were tracking down the horse thieves Bryan had just left. All that activity proved a relief for Bryan and his fellow travelers. "We feel quite safe tonight," he wrote on August 7.

In Rapid City they managed to join a wagon train bound for Fort Pierre. The whole group made twenty-eight men, all armed with the best weapons.

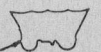
On August 10 Bryan bundled himself up in front of a campfire and penned the events of the night before. "Last night we had all just cuddled up in our blankets and got to sleep when the guard fired at a red skin who was trying to pick out the best horses. The camp was in commotion in no time. One man had no gun. He gathered a neck yoke and sung out: 'come on you Injun fighters.'

"Only two Indians were seen and they were not seen long. I stood guard from the scare till morning and nearly froze. Charley and myself took passage in another wagon this morning. I concluded if we had to fight we'd be in the van. Wore my overcoat all day." When they reached Fort Pierre on the eleventh it disappointed them. "All there is left of Fort Piere [sic] is the name, a few Indian teepees and a few cabins. We were very anxious to get here and now we are just as anxious to get away."

At last, August 15 brought them a boat and their days of futile fishing in the Missouri River and eating crackers and potatoes ended. Bryan wrote that they steamed downriver in the upper Missouri's largest boat but he forgot to mention its name. Hallenbeck traded with an Indian, swapping an old shirt for a plug of tobacco which was so poor they couldn't chew it. As all the berths were taken, the men curled up wherever they could on the boat.

Bryan ended his diary in Cordova, Illinois, on the evening of August 20, 1876. "Muskeetoos [sic] and flees [sic] done their best to make it interesting for us. Our trip down the Missouri was pleasant. We sat on real chairs, chewed good tobacco, told Injun stories and think of home. Passed our friends in the scows, they wanted to come aboard but we couldn't land. Plenty wild country, plenty of grasshoppers and that is all."

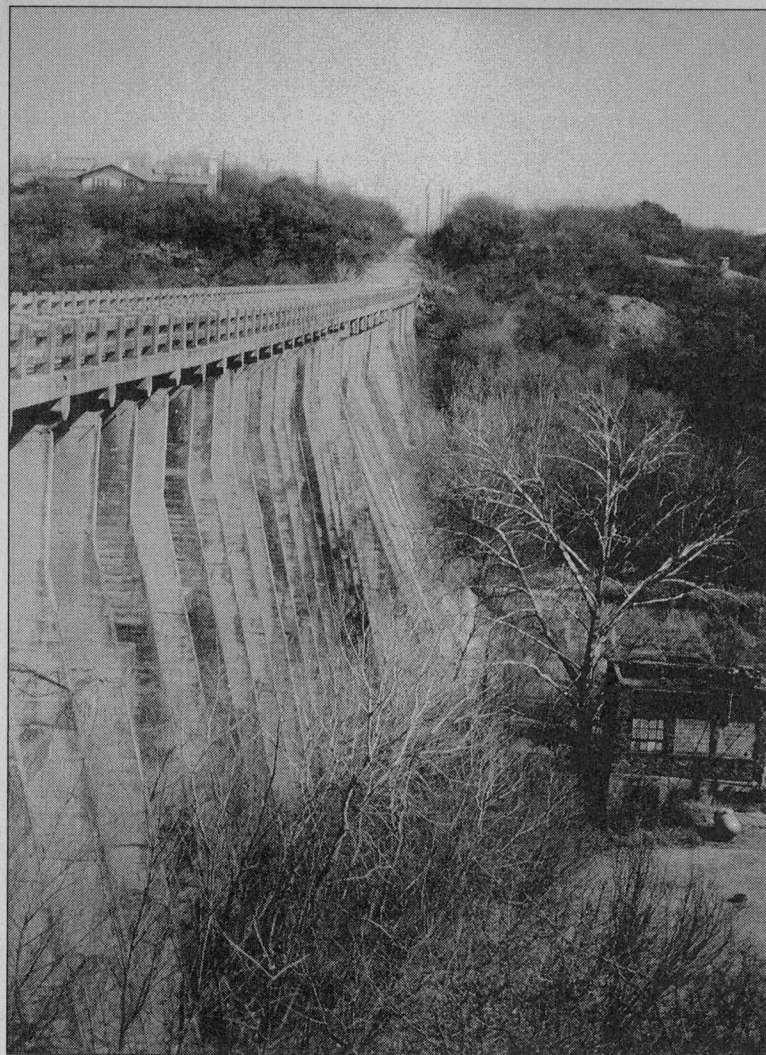
After leaving this brief record of his Black Hills adventure, Jerry Bryan and his fellow fortune-seekers dissappear from the historical record. Perhaps someday a descendent will clean out an attic or garage and discover the story of the rest of his life.



Travelers on Interstate 20 between Fort Worth and Abilene seldom detour into Cisco, Texas, a little town with a romantic name and colorful past. Cisco's most eventful era spanned the years from 1919 to 1929—a decade that began in prosperity and growth and ended in tragedy and decline.

The original community that sprang up on the west side of Eastland County in 1879 was known as Red Gap—a cowtown boasting six saloons to quench the thirst of its transient population of drovers and drifters. The event that created the town of Cisco was the intersection of the Texas Central Railway, which later became the Katy, and the Texas & Pacific line.

The name given to



Cisco Dam, 1996.

Author's Photo

to and from Cisco were sold. With Cisco's location on the line that connected the two coasts, passengers on the Texas & Pacific's Sunshine Special often stopped over there. Glamorous movie stars often dined at the station on their way from New York to Hollywood.

The lack of water was becoming a problem, so the city council authorized the building of a dam on Sandy Creek to create Lake Cisco. Covering 1,600 acres and with thirty-five miles of shoreline, the reservoir was expected to hold enough water for a city of 200,000. At a controversial cost of about \$1.5 million, the world's largest hollow-type reinforced dam officially opened on the Fourth of July, 1925.

On the other side of the dam from the

CISCO'S DECADE OF GREATNESS

BY STEPHEN C. PORTER

the town had nothing to do with the Cisco Kid—the legendary Hispanic gunfighter immortalized in movies and a 1950s television series. To the contrary, the town was named for a banker—and a New York banker at that. John W. Cisco was a millionaire whose bank had financed the building of the Texas Central Railway. The post office was opened on May 21, 1881, when the town founders declared Cisco the “Gate City to the West.”

The young community survived its first challenge when a devastating tornado blew through on April 18, 1893, killing thirty people and destroying virtually every building in town. Cisco's citizens rallied to re-

build, and the railroads kept bringing in more people. Then, in 1918, the John McClesky gusher blew black gold over the oil fields of nearby Ranger, and the boom was on for all of Eastland County.

Within months, the population of Cisco swelled from 3,000 to 15,000 and eventually topped out at nearly 40,000 in the mid-1920s. Humble Oil settled 2,500 employees in its oil camp on the east side of town, and Union Station was built near downtown to handle the rail traffic. In the year 1922 alone, three hundred thousand passenger tickets

lake, a huge swimming pool and water park soon made its debut.

The concept was way ahead of its time; the pool contained a giant slide and diving towers and was surrounded by stands where vendors sold beer, soda pop, and food. Because the dam itself was hollow, booths were set up in the honeycombs to sell souvenirs. The bathhouse was large enough to accommodate a skating rink on its flat roof. Complete with a zoo and dance hall, the park became an oasis that lured travelers from all over the state and became the site of hundreds of family reunions and public events.

In 1919 a young entrepreneur

came to Cisco, looking to buy a bank. Instead he decided to purchase the Mobley Hotel near Union Station. He operated the establishment for only a few years, but the Mobley became the first link in a worldwide chain of hotels. The businessman was Conrad Hilton.

By 1927 the oil boom in the Ranger field had slowed and the

growth rate of Cisco had leveled off, yet the town still bustled with several banks, new hotels, and a busy train depot. The scene was set for one of the most bizarre crimes in the history of the West.

At noon, two days before Christmas in 1927, a gang of inept crooks led by a local ex-con named Marshall Ratliff robbed the First

National Bank of Cisco. Disguised in a Santa Claus suit, Ratliff boldly strode into the bank, followed by his lesser-known accomplices. Ratliff hadn't counted on the attention his red suit and white beard would draw from children out on Christmas vacation. Several kids trailed him into the bank asking for candy, including six-year-old Frances Blasengame, who dragged her mother across the street so she could see Santa. It was Mrs. Blasengame who realized that Santa and his pals were there to make an unauthorized withdrawal. Although one of the bandits threatened to shoot her, the unflappable lady hustled her daughter out the back door and ran to the police station to report the holdup in progress.

Police Chief G.E. "Bit" Bedford spread the alarm to all the downtown businesses, and within a few minutes dozens of citizens had surrounded the bank, armed with rifles, shotguns, and pistols, some snatched from hardware store shelves. Indiscriminate firing commenced and the bandits fled to their getaway car in a hail of bullets, dragging two girls, Laverne Comer and Emma May Robinson, as hostages.

All of the outlaws were wounded in the melee; Louis Davis took a fatal shotgun blast as he was getting into the car, and as the stolen Buick pulled away, one of its tires was shot out.

Chief Bedford and his deputy, George Carmichael, were both mortally wounded in the gunfight and died later. Bank employees Alex Spears and Marion Olson sustained gunshot wounds, as did several other citizens—most likely inflicted by their own neighbors.

A motorized posse of armed men swarmed after the lurching getaway car, holding their fire because of the hostages. Then the driver, Bob Hill, discovered that the Buick was almost out of gas.

At the south end of town, the outlaws flagged down a family coming in from Rising Star in a new Oldsmobile driven by thirteen-year-old Woodrow Harris. They ordered

THE HORNED TOAD THAT WOULDN'T DIE

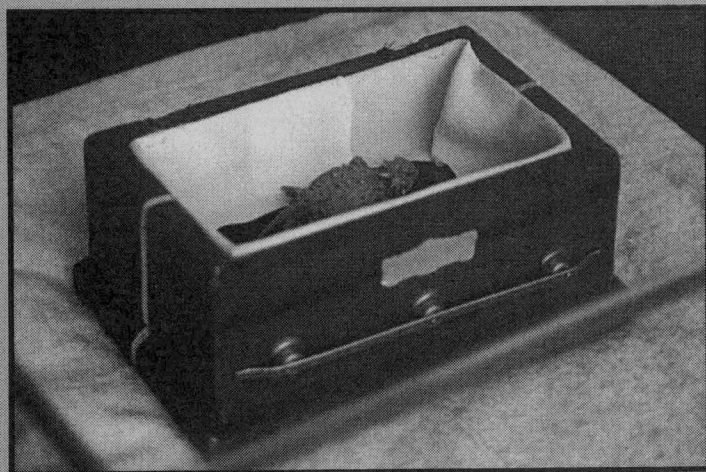
Besides being the site of the state's last public lynching, Eastland has its own claim to fame.

According to local legend, when the cornerstone for a new county courthouse was being laid in 1897, two men, Ernest Wood and Boyce House, placed a live horned toad in a cavity in the stone. They were supposedly trying to prove a theory that the horned toad, which is actually a lizard, can exist for years in a state of suspended animation.

When that courthouse was torn down in 1928, word spread that a toad had been hidden in the cornerstone thirty-one years earlier. On February 28, before a crowd said to include a group of ministers whose veracity was unquestioned, a local judge opened the cornerstone and revealed the toad—still alive!

"Old Rip," as he was christened, became an instant celebrity. Ernest Wood's son, Will, who had been six years old when Rip was entombed, took custody of the horned toad. Skeptics branded the whole episode a pranksters' hoax, but soon requests to see the miracle reptile began pouring in from around the country. Seeing an opportunity for notoriety (and financial reward), Wood took Old Rip on tour. At the St. Louis Zoological Gardens, forty thousand people filed by Rip's cage. Wood even carried Rip to Washington, DC, where the toad stared down President Calvin Coolidge.

The toad finally died on January 20, 1929, apparently of pneumonia, if not of old age. His body was embalmed and placed on display in a glass case at the Eastland County Courthouse, where he (or at least a facsimile) can be seen to this day.



Author's Photo

"Old Rip," enshrined in the Eastland County Courthouse.

the Harrises out of the car, but young Woodrow coolly walked away with the ignition key in his pocket. The bandits had transferred the loot, the hostages, and the dying Louis Davis to the Olds before they realized they couldn't start the engine. Still under fire from the posse, they stumbled back to the Buick, leaving Davis behind. Not until they were back on their way out of Cisco did they discover that they had also left the stash from the holdup—\$12,200 in cash and \$150,000 in non-negotiable securities—in the Oldsmobile.

Outside town, the unlucky outlaws ditched the car and the frightened girls and took off on foot through the brush country, using the natural cover provided by thickets of mesquite, post oak, and scrub cedar. Although wounded and confused, they eluded capture for several days despite a massive manhunt organized by legendary Texas Rangers Tom Hickman and Manuel "Lone Wolf" Gonzauilas. The sheriff departments of Eastland and the surrounding counties joined the search, aided by airplane surveillance and bloodhounds. Hungry, cold, and in need of medical attention, the bandits made their way north into Young County, stealing several cars along the way.

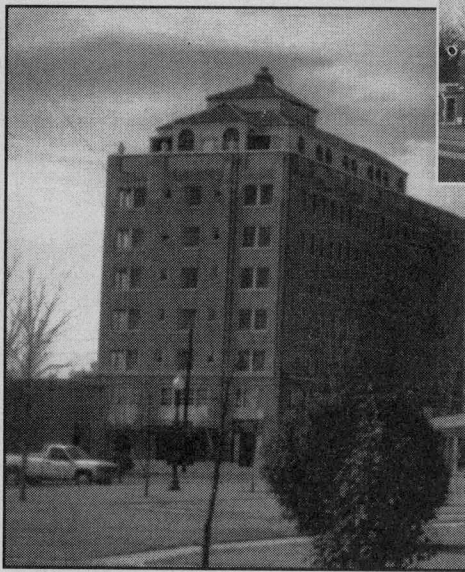
At a roadblock outside South Bend, law officers ambushed them. Eastland deputy Cy Bradford brought down Ratliff; Bob Hill and Henry Helms, although sustaining fresh wounds, escaped again on foot but were finally picked up the next day when they dragged themselves into Graham.

The three robbers survived their wounds and stood trial. Hill, the youngest, was given life imprisonment. Helms was executed in September of 1929 in "Old Sparky," the electric chair at Huntsville State prison.

A more dramatic fate awaited Ratliff. Tried twice for the murders of the Cisco police officers, he was given the death penalty and was on death row in Huntsville when he began acting insane. Ratliff's mother insisted that her son be

given a sanity hearing, and the judge back in Eastland reluctantly ordered Ratliff transferred from his death cell at the state prison to the Eastland County Jail. Ratliff continued his crazy act, refusing to eat, pretending to be catatonic, and allowing himself to be pricked with needles without flinching.

On November 18, 1929, as his two jailers were locking up, Ratliff sprang to life, seizing Deputy Pack Kilborn's pistol. Discovering he was still locked in the jail building, Ratliff shot popular jailer Tom Jones three times. But he missed Kilborn, who, after a struggle, was able to subdue and pistol whip



the prisoner.

When news spread that the jailer affectionately known as "Uncle Tom" would surely die of his wounds, the good citizens of Eastland and Cisco decided they had had enough of Santa Claus. A mob burst into the jail and jerked Ratliff from his cell. The man who had been blamed for all the recent misfortune that had befallen the community was stripped and lynched from a telephone guywire. Although thousands of spectators witnessed the event, their collective shame seemed to cloud their recollection, and many went to their graves without admitting they were present.

The bank robbery and murders, followed by the trials and execu-

tions, took something out of Cisco and the rest of the county. In the two years between the holdup and the lynching of the Santa Claus bandit, the economy had taken a turn for the worse. The new seven-story Laguna Hotel, with its fancy penthouse, sat half-empty. Passenger train traffic had diminished and the expensive dam was now considered a political boondoggle. With the Great Depression and the depletion of the oil field, Cisco was already in decline.

A series of droughts lowered the water level in Lake Cisco, and over



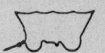
Author's Photos

Cisco's Laguna Hotel is at the left, the Mobley Hotel at the right.

the years the water park became less of a novelty. The swimming pool was finally closed in the early 1970s and the old bathhouse burned down in the 1977. Now weeds grow through the cracks in the cement and the park is a playground for snakes, lizards, and field mice.

By 1970 both the Katy and T&P railroads had stopped serving Cisco, and the magnificent station was torn down. Today the old Mobley-Hilton Hotel is a museum and state historic district.

Occasionally a tourist drives the main street, now renamed Conrad Hilton Avenue, searching for the historical markers that tell the town's history. Passing through the run-down business district and pausing in the shadow of the deserted Laguna Hotel, the visitor can only imagine the days when its streets were bustling with activity—days when Cisco truly was the Gateway to the West.



REVIEWS

Civil War in the West

Blood and Treasure: Confederate Empire in the Southwest, by Donald S. Frazier. (Texas A&M University Press, Drawer C, John H. Lindsey Building, College Station, Texas 77843-4354. \$29.95 cloth bound.)

Historians frequently treat the Civil War in the Far West as a sideshow to events in the Eastern and Mississippi theaters of war. Now Donald S. Frazier, assistant professor of history at McMurry University in Abilene, Texas, points out their shortsightedness with *Blood and Treasure: Confederate Empire in the Southwest*.

Most students of the West and the Civil War know the story of Confederate Brigadier General Henry Hopkins Sibley's invasion of New Mexico Territory with a column of Texans in early 1862. He won a partial victory over Brigadier General E.R.S. Canby's Federals at Val Verde on February 21, but met defeat at their hands at Glorieta on March 28.

Writers often dismiss Sibley's campaign as an oddity, with the vague goals of securing Colorado gold for Confederate coffers or capturing a Pacific port for cotton growers. Frazier views the invasion in a new light, revealing that it was an integral part of early Confederate policy. In fact, it resulted from the same spirit that propelled the entire American nation west. "The Confederate invasion of New Mexico," writes Frazier, "was the heir of Manifest Destiny, filibustering, and the American drive for expansion. Expansion from coast to coast was required, for the same reasons that the United States had built its empire in the 1840s and 1850s, if the new Confederate nation was to succeed.... Building a Confederate Empire from the rubble of the Union was a basic goal of Southern independence, not an afterthought."

According to Frazier, Southerners

developed a "distinct...vision of Manifest Destiny" in the 1850s when they realized Northern states would oppose any expansion of slave territory. "Southern expansionists were convinced that new territory could be obtained only if the South seceded.... [Then] an empire composed of the existing American slave states, Mexico, Cuba, and California could be built. The vision soon had many adherents, including Jefferson Davis."

Frazier delivers a superb narrative of the New Mexico campaign. His story is immensely readable, and his prose should hold the interest of the most critical readers.

Firsthand accounts spice the story throughout. For instance, Frazier writes of the aftermath of Glorieta, "messmates rendered what aid they could to stricken friends. Abe Hanna, barely seventeen years old, lay pale and calm, a bullet in his spine making his legs useless, as a severed vein drained him of life. His companion...mourned for the young soldier. 'Abe Hanna died about an hour into the night very easily. He said he felt no pain save that his limbs were numb and dead from his hips down.'"

Blood and Treasure is an excellent book, giving the Civil War in the West a well-deserved study. Frazier has done what many academics cannot—blend historical insight with masterful prose to create a well-rounded work of history.—*Steve Jones, Stillwater, Oklahoma.*

Pioneer Woman

Nellie Cashman and the North American Mining Frontier, by Don Chaput. (Westernlore Press, Box 35305, Tucson, Arizona 85740. \$26.95 cloth bound.)

Ask western buffs to name five of the most interesting women of the Old West, and most are likely to include Nellie Cashman—miner, boardinghouse operator, and charitable angel. Driven from Ireland

with her family by the potato famine, Cashman tried Boston and San Francisco but found her real calling in the goldfields of Pioche, Nevada, in the early 1870s. From then until her death in 1925, she followed the lure and excitement of gold. After years in Arizona Territory and a nearly disastrous expedition to Baja California, she took off in 1898 for the Yukon where she mined for over twenty-five years, driving alone by dogsled the 300 miles from Fairbanks to her claim, even when she was more than seventy years old.

Biographers (see, for instance, Suzann Ledbetter's *Nellie Cashman: Prospector and Trailblazer*, 1993) have previously emphasized Nellie's "angel" qualities—she was renowned for her good heart. Always strongly aware of her heritage, she gave generously to Irish cultural, social and fraternal organizations, spearheaded the building of Catholic churches, supported her five orphaned nieces and nephews, and was often known to "grubstake" a miner down on his luck. This "angel" image is emphasized by the most popular picture of Cashman—a young, demure woman looking shyly away from the camera. Her hair is perfectly groomed, a large comb showing at the back of her head, and she wears a proper white collar with a scarf of some sort knotted or pinned at the neck.

Chaput paints another picture, emphasizing the risks she took, the hard life she lived, the things she did that would make many men hesitate. Cashman was a "boomer," one of many who flocked to new sites, became bored when towns and camps settled down, and moved on in search of new adventure. She left Arizona because it began to be civilized; in Alaska she could once again be a pioneer. A verbal picture of seventy-year-old Cashman, from one who met her in the Yukon, reinforces the aspect of her story that Chaput emphasizes: "a stocky, middle-aged woman with graying red hair whose weather-beaten face was a battlefield of freckles and wrinkles." Her first words on entering a cabin in this instance were reported

to be, "Well, I'll be goldurned." Similarly, in a 1921 photo, her face is square, her hair pulled back severely, and she looks directly, almost defiantly, at the camera through wire-rimmed spectacles.


Chaput's research is thorough, including such public records as tax rolls, census reports, probate proceedings, and real estate papers in addition to books, journal and newspaper articles. But ultimately he, like Ledbetter and others before her, is hampered by a lack of detailed evidence. Cashman's life is recorded in broad strokes—where she was in what year, charitable contributions, etc.—but the details that flesh out character are missing. Chaput is too often forced to say "cannot be gleaned from contemporary accounts" or "Nellie's trails are hard to follow" or "details vary." Supposition, foreshadowing, and digression into the history of the various areas where Cashman mined fill in for the missing details. One wishes Cashman had kept a journal, but in its absence, perhaps, Ledbetter had the best idea: she has turned Cashman's life into a novel, *Trinity Strike*, out in late 1995.—*Judy Alter, Fort Worth, Texas.*

Texas Long Rider

From Cowboy to Outlaw: The True Story of Will Carver, by Donna B. Ernst. (Sutton County Historical Society, PO Box 885, Sonora, Texas 76950. \$20.00 paper bound.)

Donna B. Ernst has done more research on Will Carver's life and criminal career than any other author. With this work and her previously published *Sundance, My Uncle* (The Early West, 1992), she has become a leading authority on members of the Wild Bunch outlaw gang. The Sutton County Historical Society presents her research in an attractive soft cover booklet. Although the biography is slim, its pages hold virtually all the facts available about this Texas cowboy who chose the life of a long rider and became famous as a member of Butch Cassidy's bank robbing gang.

Outlaw biographers are often



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tempted to speculate why their subjects chose the path of crime. Ernst makes no claims as a psychologist but suggests the death of Carver's wife from complications during a pregnancy, [was] "the catalyst which sent his life into the realm of the outlaw." Ernst does not attempt to justify Carver's choice but simply offers an explanation for it. The final predictable result was the gunfight in Sonora, Sutton County, when law officers shot Carver down on April 2, 1901, while he resisted arrest.

Ernst knows the voluminous literature on the Wild Bunch members but has uncovered considerable new and exciting information from primary sources overlooked by other historians. Newspaper accounts, family Bibles, family letters, and court records make her work a model of historical research. In

addition to the new information on Carver as an outlaw, Ernst provides fresh material on his family, presents a chronology of his criminal activities, and a genealogy which traces the family back to Michael Carver, born in 1721.

The book includes important photographs—some never before published—in a large format. The quality of the photographic reproduction is disappointing, but that is the volume's only significant weakness. The Sutton County Historical Society has published this biography of its most famous son; proceeds will go to the society's continuing efforts at historical preservation.—*Chuck Parsons and Marianne Hall-Little.*

Wilderness Survivor

Lost in the Yellowstone: Truman Everts's Thirty-Seven Days of Peril,

edited by Lee Whittlesey. (University of Utah Press, 101 University Services Building, Salt Lake City, Utah 84112. \$10.95 paper bound.)

Truman Everts entered Yellowstone, during the summer of 1870, as a member of the Washburn-Langford-Doane expedition. The fifty-four-year-old, nearsighted, inexperienced woodsman was separated from the rest of the expedition for thirty-seven days; during that time he traveled fifty miles through the Yellowstone wilderness. *Lost in the Yellowstone* is Everts' own account of his daily struggle to overcome seemingly insurmountable obstacles.

Although the book is a reprint, editor Lee Whittlesey contributes to our knowledge of Evert's dramatic Yellowstone experience by providing explanatory notes and background information. The work preserves Everts' firsthand account while placing the story in historical context.

Everts' account of his Yellowstone experience contributed to the movement to preserve the area as our first national park. In 1872, as the Department of the Interior and Congress wrangled over the park's first superintendent, Everts was first choice. The erstwhile explorer, declined the appointment, however, due to its lack of a salary.

After thirty-seven days of wandering in the Yellowstone wilderness Everts was rescued by two mountaineers, "Yellowstone Jack" Baronett and George Pritchett. He weighed no more than fifty pounds at the time of his rescue, and the balls of his feet were worn to the bone. Despite the condition of his body and the amount of suffering he endured in Yellowstone, Everts went on to marry a fourteen-year-old when he was in his sixties, and later fathered a son at the ripe old age of seventy-five. He died ten years later.

The book's illustrations and map of the Washburn expedition route are valuable. The pictures of Everts Thistle, the Upper Falls of the Yellowstone River, and other landmarks Everts mentioned are important additions. Readers with an interest in our greatest national park will enjoy this well-edited narra-

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tive.—Joel Schmidt, *Stillwater, Oklahoma.*

Architect of Annexation

General M.G. Vallejo, by Alan Rosenus. (University of New Mexico Press, 1720 Lomas Boulevard NE, Albuquerque, New Mexico 87131-1591. \$22.50 paper bound; \$42.50 cloth bound.)

At long last, we have a good biography of General Mariano G. Vallejo, the most powerful man in Mexican California. We have had several good books on the other major players in the drama of California in the pre-Mexican War period—Captain John Sutter; explorer John C. Frémont; even United States Consul (and spy) Thomas O. Larkin—but not a biography, good or bad, of this key figure of the era.

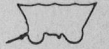
At the height of his power, as commanding general of all the (scant) military in Alta California, Vallejo awed its governors, one of whom was his own jealous nephew, Juan B. Alvarado. More important, however, was Vallejo's dual role as protector of the Northern Frontier and director of that region's colonization. He was the only individual, other than the governor, who could award land-grant ranchos to settlers. The northern edge of California, beyond San Francisco Bay, was largely an unsettled region, inhabited by hostile native peoples; invaded by American and Canadian (Hudson's Bay Company) fur trappers; and occupied, in part, by trespassing Russians. To hold the line, General Vallejo skillfully used the ranches, two decayed missions, and numerous Indian allies under Chief Solano to reinforce his tiny garrison of dragoons and lancers at Sonoma, all told, fewer than 100 troopers.

Most important, however, was Vallejo's role as peacemaker in a virtually bloodless period of transition as California passed from Mexican to American rule. He switched sides from being the strongest defender of the province, as a semi-autonomous part of Mexico, to the role of foremost spokesman for

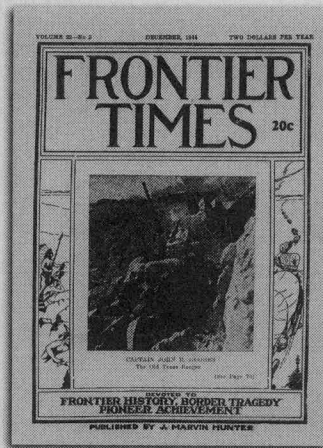
American annexation. California had long suffered neglect at the hands of the government in Mexico City. The near anarchy that reigned as a result of an election-related revolution in the provincial capital, Monterey, left Vallejo with little alternative to joining the transition to American territorial status.

Even before the shock wave of arriving Gold Rush Forty-Niners tore the Hispanic heart out of Old California, the Bear Flag Revolt and the Mexican War (1846) dashed Vallejo's hopes for a completely

peaceful changeover. However, he remained an optimist and visionary, never becoming embittered, like most of his fellow Californios, when many of the Americans whom he had helped and befriended repaid him with ingratitude. Even as the shysters and squatters among them stripped him of his wealth in land, Vallejo endured and went on to serve the new government well. He deserves a well-written, solid biography, and Alan Rosenus provides one.—Richard H. Dillon, *Mill Valley, California.*



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BURIAL PLOT

By CHUCK PARSONS

In my May column I wrote that Kate King, the wife of Civil War guerrilla chief William Clarke Quantrill, was buried in the Slaughter Cemetery at Blue Springs, Missouri, and that her grave was marked. Not so, as many readers have written in to tell me. Charles R. Rabas, DeSoto, Kansas, sent me numerous articles from the *Kansas City Times* detailing her death and burial, and much information about her experience as the teen-aged wife of Quantrill.

An inscribed marker in the Slaughter Cemetery does, indeed, identify Kate as the occupant of a grave alongside those of her parents, Robert and Malinda King, and her brother, Francis. However, it is in error. Border Wars historian Donald R. Hale, author of two books on Quantrill and the guerrillas, informs me that Kate's grave was incorrectly marked in the 1960s. Fred Ford and Arthur Dealy, long-time area residents, placed the marker on an empty space between Kate's parents. Mr. Hale assures me that Ford and Dealy knew that she was not buried in the plot but wanted a marker for her nevertheless.

Kate is actually buried in the Kansas City, Kansas, Maple Hill Cemetery. She died on January 9, 1930, leaving a husband, Walter Head; a daughter from an earlier marriage, Bertha Woods; Bertha's husband and their son; and various nieces and nephews. For nearly a month, no one

claimed the body, and it remained in the Ketterlin Funeral Home in Kansas City. Who finally took responsibility for her burial is not known, but on February 7, 1930, Kate King Quantrill Woods Head was buried in grave 6, lot 63, block 5, in Maple Hill Cemetery. It was reported that "only a few friends were at the grave." According to Mr. Rabas, the grave is not marked; he is attempting to have a marker placed there. When it is placed, we will inform our readers. (Presumably the marker at Slaughter Cemetery will remain there as an object of curios-



Courtesy of Donald R. Hale

Kate King, wife of William Clarke Quantrill, is buried in an unmarked grave in Kansas City, Kansas.

ity.) Vicki Beck, of the Blue Springs, Missouri, *Examiner*, will soon complete the first full-length biography of Kate King Quantrill.

Boot Hill Birth

James E. Worrel, Jr., from Sunnyside, Washington, would like to know how "Boot Hills" got started and how early towns went about establishing cemeteries. Western communities had various ways of handling their dead, but the rough and ready frontier towns usually waited until a corpse turned up before considering the question. Once an end of track or end of trail town had its "man for breakfast," a convenient nearby hill was designated "Boot Hill." Regular town cemeteries usually were not organized until after a church was estab-

lished; then the church yard, or cemetery, or Boot Hill, was generally adjacent to the church. When civilization arrived, the city fathers designated a certain area for the cemetery. Wild Bill Hickok, for example, was first buried in Deadwood's Boot Hill, but a year and a day later he was reburied in Mount Moriah Cemetery, due to the town's need for more real estate.

Wild Bunch Christening

Topnotch researchers Dan Buck and Anne Meadows have been trying to find out when the term "Wild Bunch" was first applied to the group of outlaws associated with Butch Cassidy and the Sundance Kid. An American Bankers Association annual report from November 1902 cited a Pinkerton memorandum which used the term "Wild Bunch."

To my knowledge, the term's first newspaper appearance was in the July 11, 1904,



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served as a United States Mounted Customs Inspector; then from 1925 to 1929 he worked for the El Paso County sheriff's department as well as the police department. He retired in 1929 and settled down to ranching life in New Mexico. He died in April 1969 at Safford, Arizona.

Doc Holliday's Life

Wendell H. Morton, of New Boston, Texas, wants to know of any good books on Doc Holliday. The most recent of the handful of books on Holliday is Ben T. Traywick's *John Henry (The Doc Holliday Story)*, published by Red Marie's Bookstore in Tombstone, Arizona. Traywick's very readable account is filled with photographs and documents. Another recent biography of Doc Holliday is *Aristocracy's Outlaw*, by Sylvia K. Lynch. An artistic and well researched pictorial is *The Illustrated Life and Times of Doc Holliday*, written and illustrated by Bob Boze Bell.

Earlier books on Holliday include *In Search of the Hollidays*, by Albert Pendleton, Jr., and Susan McKey Thomas; Pat Jahn's biography, *The Frontier World of Doc Holliday*; and John Meyers Meyers' *Doc Holliday*. The Pendleton-Thomas work deals more with Holliday's family than the other books. All are worth gathering for a lengthy read in the easy chair, but you'll be forced to judge historical arguments as each interprets the past differently!

Newman "Old Man" Clanton's Clan

Edward Johnson of Arborg, Manitoba, asks if any books have been written about Tombstone's famous Clanton family. Mr. Johnson is especially interested in Newman Haynes "Old Man" Clanton.

Tombstone's long-time historian and bookseller, Ben T. Traywick, has written one such book, *The Clantons of Tombstone*, published by Red Marie's Bookstore. Illustrated with drawings and photographs, it is the only book that deals primarily with Old Man Clanton or his notorious sons, Billy and Ike.



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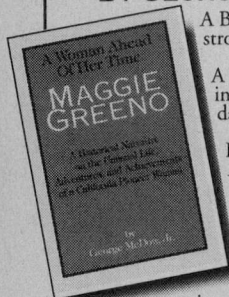
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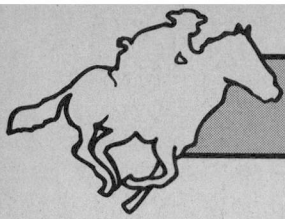
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Cannon Ball Green Drives West

BY ANNETTE WOOD

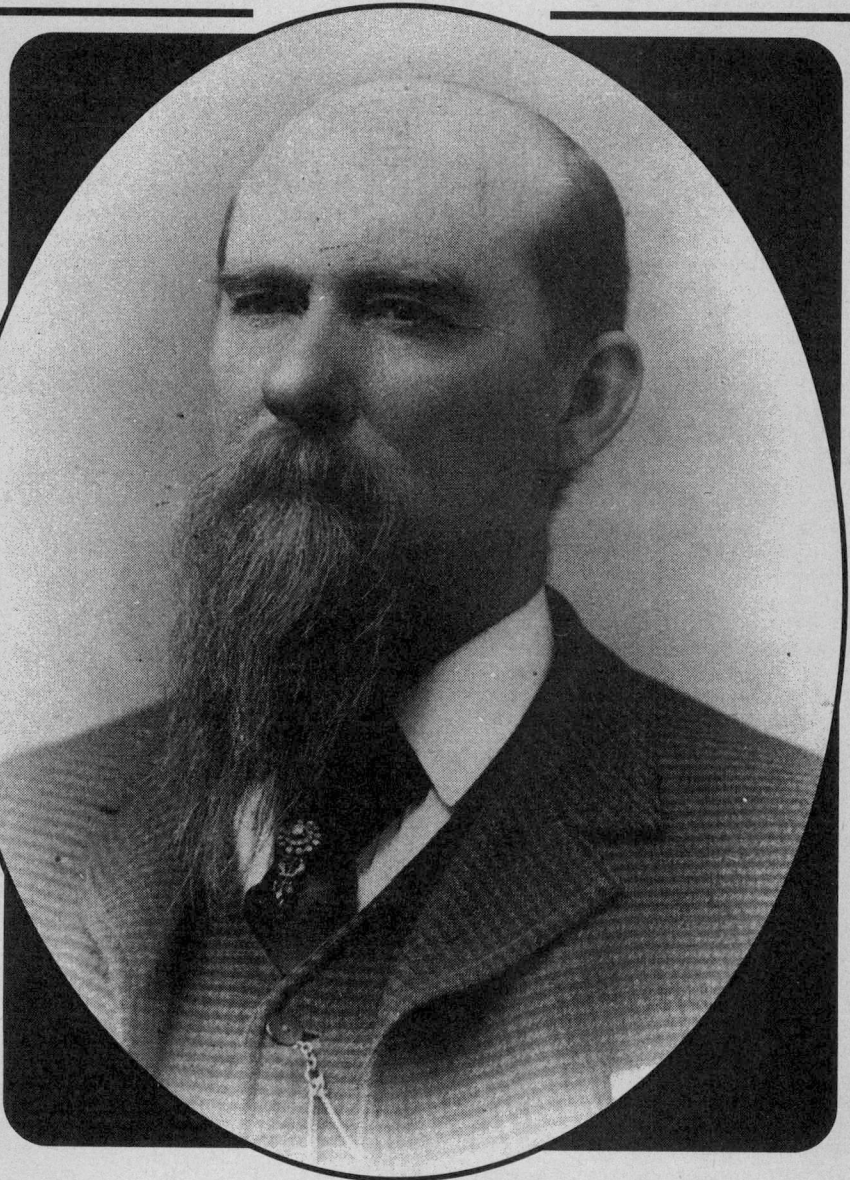
"Colonel D.R. Green, proprietor of the Cannon Ball stage line, at Kingman, (Kansas), was in the city last evening. He has done more with his stage line to build up the western part of the state than perhaps any other one individual."—*Wichita Beacon*, May 1, 1886.

That brief tribute characterizes a colorful character who flamed quickly across the West and dimmed almost as fast. Donald Robertson Green's stages traveled out of Wichita to Kingman and later on to Greensburg and other western Kansas towns. Green had a lasting impact on the state of Kansas.

Those who met him described "Cannon Ball" Green as bony and big, a middle-aged man in frontier dress with a hat pulled down to protect him from the sun. He often wore a diamond pin in his scarf. His loud voice and hearty laugh boomed over the prairie. He cracked his whip expertly over the backs of his beloved horses. This was a man who found his place on the prairie and relished it.

Green was born in Seventy Six, Clinton County, Kentucky, in 1839; one source says he was the son of plantation owners who owned a number of fine horses. That would explain his familiarity with and love for first-class horses. He put his knowledge to good use in later years as a stagecoach driver and owner.

After leaving Kentucky at the age of fifteen, Green lived for a while in the western states of California and Oregon during the rough and tumble days of their rapid early growth. He returned to Kentucky in 1869 to visit and shortly afterward married



Kansas State Historical Society

Colonel D. R. Green, proprietor of the Cannon Ball stage line.

Those who met him described "Cannon Ball" Green as bony and big, a middle-aged man in frontier dress with a hat pulled down to protect him from the sun. He often wore a diamond pin in his scarf. His loud voice and hearty laugh boomed over the prairie.

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Margaret Ellen Browning. They lived briefly in Springfield, Missouri, and then Fort Scott, Kansas, where Green owned a successful mercantile business. Reportedly, he drove his first stage from Fort Scott to

Cannon Ball Green purchased matched horses to pull his stages. He preferred broncos for their endurance and speed. He often chose bays, dark sorrels, and strawberry roans. He also bought Concord coaches from the New Hampshire Company of Abbott-Downing. The coaches weighed an average of 2,500 pounds and were the finest produced in his time.

Wichita sometime in the early seventies. The family moved to Texas where he gained and lost his first fortune in the cattle and horse industry. Between the years of 1871 and 1884, six children were born to Donald and Margaret. Altogether they were the parents of six daughters and two sons.

The family moved to Kingman, Kansas, in 1876. About that time Green began his flourishing stage line. His business succeeded because of his colorful character and genial nature and because he ran a top-notch, well-advertised commercial enterprise.

Cannon Ball Green purchased matched horses to pull his stages. He preferred broncos for their endurance and speed. He often chose bays, dark sorrels, and strawberry roans. He also bought Concord coaches from the New Hampshire Company of Abbott-Downing. The coaches weighed an average of 2,500 pounds and were the finest produced in his time. They cost an average of \$1,250 and carried nine passengers within; a number of others could cling to the

had more than seventy coaches and nearly one thousand horses.

Green planned a route from Kingman to Coldwater. He was famous for his efficient relay changes and skillful driving. He was able to schedule three daily round trips. He took breakfast in Kingman and supper in Coldwater, changing horses every eight miles. According to the April 17, 1889, *Wichita Eagle*, he was under contract to go twelve miles an hour. Sometime during that period his speedy trips earned him the nickname "Cannon Ball."

Soon Green formed friendships with newspaper editors. He offered them half fares for the privilege of riding with him. They enjoyed his outgoing, showman's nature, giving him free advertising in their papers. Soon he had a contract from M.M. Murdock, editor of the *Wichita Eagle*, to carry newspapers and mail, items which made him that much more popular with the people in the isolated towns he served.

As the stageline became successful, the Green family moved to Fairlawn, sometimes called a prairie mansion twelve miles north of Coldwater. The Greens gave expensive parties and brought in a black couple to manage the mansion. During that period Colonel Green bought a race horse that he called "Black Donald." He also purchased numerous diamonds for his wife and wore some himself.

AS KANSANS PUSHED westward, Colonel Green took his stages to new sites. He helped establish Wellsford, Mead, Leoti, Richfield, and Coronado. The town of Greensburg was named after him.

According to the book *Kiowa County History*, Green told the citizens of Janesville (a small town near Greensburg) that by moving to Greensburg, they would receive title to their land a year earlier. The Greensburg Town Company (sponsored by Green) gave businessmen lots of equal size to the ones they had in Janesville and gave Janesville's homeowners new living quarters on equal lots. The town company also moved them from

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He went to Topeka to organize a new county with Greensburg as its seat. The northern portion of Comanche County and the southern part of Edward County became Kiowa County, and in 1889 Green represented Greensburg in the state legislature.

Green's fame and fortune expanded rapidly, but failed just as fast. He was not reelected to the legislature. Greensburg's population dropped from one thousand to under three hundred in a few short years. In the early nineties, the state and even the nation endured a depression. At the same time the railroad was pushing westward, lessening the need for stagecoaches.

WHEN INDIAN TERRITORY opened in 1889, the Rock Island railroad hired Cannon Ball to transport passengers from Pond Creek, where the railroad ended, to the border. Only two weeks before the run, he found out that six hundred passengers were expected, far more than he had planned on. He searched for wagons, buggies, and stages. Although he had two hundred vehicles lined up and awaiting the train, they were not enough for the hordes that poured off. The crowd raced for the vehicles, not giving him a chance even to check tickets. Seats were taken on a first-come first-serve basis. Although undeserved, the result was bad publicity for Green.

Green lived in Oklahoma until his seventies, when he moved to Long Beach, California, to live with his brother. There he spent the remainder of his life. He died in 1922. He was buried in Maple Grove Cemetery in Wichita, Kansas, beside his wife, Margaret Ellen Green

(1851-1912), and two daughters, Lela Green Parham (1871-1902) and Lucille Green Bloom (1891-1918). Among his pallbearers were M.M. Murdock and a former mayor of Wichita, O.H. Bently.

Though he toted a gun, this colorful character helped open the West reportedly without firing a shot. Instead he left a legend of tornado-like stagecoach driving and a pleasing personality.

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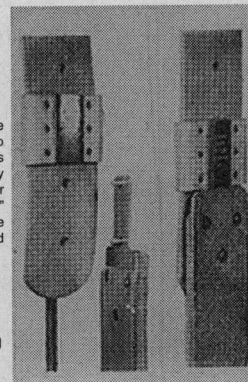
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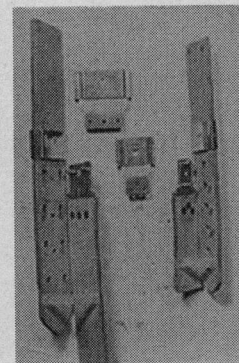


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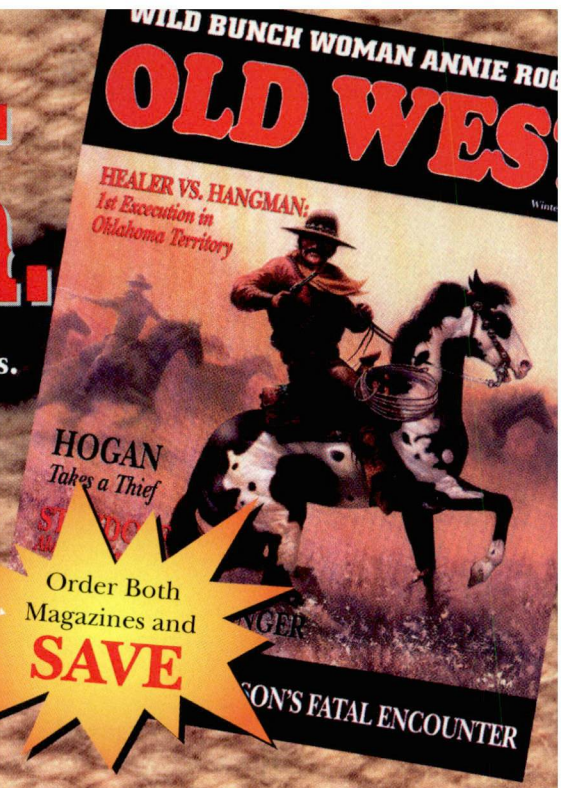
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