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Contents

2 From the Editor's Desk, President's Message

3 Roundup News  Paul Matthew Marquez

4 “Bud Frazier and I had a fight. Frazier is Dead. Signed J. B. Miller.”  Robert G. McCubbin

8 The 1894 Raid on the Rock Island, The Tale of a Gun  Jim Fulbright

11 Wild West History Through German Eyes,  Ditmar Kuegler

16 The Murder of Robert Hardie,  Roy B. Young

35 Wild Bunch Miscellanea,  Daniel Buck and Anne Meadows

42 A Soldier of the Frontier,  Paul O'Brien

47 Deputy U. S. Marshal Al Jennings,  Mike Tower

Departments

52 “Around the Campfire”  The Great Camel Experiment,  Marshall Trimble

55 “From the WWHA Journal Archives”  Featuring Mark Dworkin, Volume I, Number 1  The Slaying of Walter H. Auble

66 “Yellowed Pages” – Frank James and Quantrill’s Band Reunion, 1898

68 Off the Press, So Many Books, So Little Time

70 Outlaw-Lawman Poetry,  Cole Younger
Unexpected Pleasure…

It’s the unexpected pleasures of life that keep a guy going, and my appearance on these pages as interim editor was certainly unexpected. It should be a one-time effort, though, as WWHA seeks the services of a new Journal editor.

Getting back into the “process” of editing and producing a publication of this nature quickly reminded me of how many intricacies there are in getting from author submissions to the final product. So, I kind of feel like the guy in the picture above.

Additionally, this one-time effort is an “on-line” production, something new for WWHA, other than the offering of selected articles from our past journals. It appears that many organizations are going to on-line publication and that it’s the wave of the future. Now, WWHA has not made a decision – no not at all – to make this Journal a permanent on-line publication. In fact, we’re here quite by surprise.

As was announced at the Amarillo Roundup, we are in the process of changing editors. We had hoped that the then present editor would publish a hard copy Journal for August, that we would then skip the October issue (while getting a new editor in place) and have a double October-December issue to wrap up the year. Suddenly, that all changed and we were left without an editor for August and the rest of the year’s issues in limbo. That’s when I was pressed into service as interim editor for this on-line issue. At this writing, we are in the potential editor interview process and hope to have that person in place by September 1st. If so, and everything else works out smoothly (getting mailing permits, getting a new printer, etc., etc.) we may – I repeat may – be able to produce both an October and a December journal rather than a double issue in December.

Please be looking for communication from us, via e-mail “blast” and website announcements. We want to keep you informed, up-to-date, and fully apprised of all that takes place. We do appreciate your patience.

Roy B. Young, interim editor.
royyoung@pldi.net

From the WWHA President – Jim Dunham

The Comanche and Kiowa warriors under Quanah Parker that summer morning in 1874 thought that they were way out of rifle range and safe as they watched the gathering of buffalo hunters from the distant hill top. But, the impossible shot was made and Billy Dixon went into the history books as a shooter with great skill and enormous luck. The WWHA Amarillo Roundup will forever remind me about how real and special is this love of Wild West History. Visiting Adobe Walls, watching the recreation of the sharps rifle shot, and enjoying all the great presentations by our authors, was unforgettable.

The Wild West History Association now has to make decisions that will also require change, but are not as difficult as Dixon’s shot, and we have the skills and people capable of making our organization even better. Your board is in the process of selecting an editor for the Journal and we are confident that the future is bright and we will have a publication we can be proud of and enjoy. I want to thank all our members for their patience as we get all the pieces put together so that we can have the very best Journal.

If you are an author and are working on something that would make a good article, I want to encourage you to send it to Roy Young as we want to see as much new Western history writing get published in the Journal.

And, don’t forget to make plans to participate in the next Roundup. Oklahoma City will be here before you know it, and it will be great. Nobody has more outlaws, hoodlums, and troublemakers than the former Indian Territory; ask Bob McCubbin and Roy Young.
A Recap of the 8th Annual WWHA Roundup

Paul Matthew Marquez

Bill O’Neal and Marshall Trimble were two of many speakers who entertained us during our four day event.

To hear speaker/author Michael Wallis reveal his secrets of the famous Route 66 highway rolling through the West Texas Panhandle was a huge delight, Bob Butterfield of Nevada City, CA, supplied us all in excellent detail the American Buffalo harvests era (1868 to 1883), afterward, T.T. Hagaman of Springer, New Mexico spoke of The Tascosa/Springer Trail East. Alvin Lynn of Amarillo revealed the Adobe Walls Battle area of 1864 and showcased many archeological items uncovered from this site; these items are now on display in the Panhandle-Plains Museum, Canyon, TX. A member of the Texas Historical Commission, J. Brett Cruse, articulately described another historic battle which took place at the same site ten years later (1874). Clay Renick, the director of the Hutchinson County Museum described Adobe Walls as it looked during those battles. Michael Grauer (Associate Director for Curatorial Affairs/Curator of Art and Western Heritage at the Panhandle-Plains Museum) outlined the timeline of the “1883 Cowboy Strike”, Dr. William Green (Texas Tech University, Texas A&M, West Texas A&M), depicted what the famous “XIT Ranch” was like in the 1800s, and B. Byron Price’s (Director of the University of Oklahoma Press) presentation on Texas Cattleman “Charles Goodnight” was unforgettable. Michael Vinson (Rare book dealer and appraiser of antique books) told a true story of “The Great El Paso Madam Shootout”. Our trips included four large tour buses traveling to the remote Adobe Walls Battle Site northeast of Amarillo; the famous “Billy Dixon” Sharps Rifle Shot of 1,538 yards occurred here in 1874. Bob Butterfield’s demonstration of this historic shot using an authentic Sharps rifle and loaded with a blank cartridge, aimed for the top of the Mesa overlooking the battle site where two Comanche Indian re-enactors where standing, four seconds since the report of the rifle and the smoked cleared, one of the two Comanches appeared to have been clipped and fell to the ground, the other ran off. Re-enactors were played by Henry Crawford, and Jason Ramirez both of Texas.

Dr. James Bailey, Ph.D. (Law Professor at Minnesota State University Mankato) analyzed this famous Billy Dixon Shot”. He described in perfect detail what it would take to accurately hit a target of nearly 7/8 a mile. The last night of our roundup during the Boots & Spurs banquet, Dr. Paul Andrew Hutton, presented us with important information on one of America’s most famous frontiersman of the west, “Kit Carson.” Towards the end of the night, many highly prized items were sold during the live auction. We’re looking forward to seeing everyone next year in Oklahoma City, OK. July 6-9, 2016 - come join us!

Note: The October issue of the WWHA Saddlebag newsletter will contain an in depth report of the entire Roundup. Several articles are being prepared, including those by Bob Butterfield and Mike Cox, that will relate to you some of the highlights as well as some of the specifics of this great event.

Included will be many photos from our official WWHA photographer, Bob Block, as well as a number of photos submitted by members.

A special feature will be interviews with the 2014 award winners.
“BUD FRAZIER AND I HAD A FIGHT. FRAZIER IS DEAD” SIGNED: “J. B. MILLER”

Robert G. McCubbin

It was the morning of September 14, 1896, that Jim Miller killed G. A. “Bud” Frazer. The killing and background on why it took place cannot be told better than the Eddy County Current newspaper a few days after it happened:

BUD FRAZIER KILLED IN TOYAH, TEXAS, MONDAY SEPT. 14
By J. B. MILLER


At 9:40 central time Monday morning of this week, in Toyah, eighteen miles west of Pecos, Texas, Bud Frazier, well known here, was killed by Jim Miller, his deadly enemy. Bud was in a saloon seated at a table playing dominoes with three other men, when Miller quietly opened the door and before Bud had time to raise from his chair Miller emptied both barrels of a double barrel shot gun into Bud’s head, scattering Bud’s brains all over the room. Miller then walked off unmolested. Frazier leaves a wife and one child. His father, Judge Frazier, of
Reeves County, is one of the oldest residents of Toyah Creek and an old Mexican war veteran and Indian fighter.

The trouble between Miller and Frazier first arose about three years ago, when Bud was sheriff of Reeves County, at which time he unearthed a gang of thieves, of whom he alleged Miller was the ring leader. Shortly after he discovered a conspiracy to murder him through one of the gang, who Bud claimed gave the whole plot away. He secured the arrest of Miller and his companions and had them tried for conspiracy, but they were acquitted by the jury. Shortly after, while Miller was talking to a friend on the street, Bud walked up and put a couple of bullets into him saying, “Here you are,” or some such similar expression. One of the shots broke Miller’s arm and another took effect in his body, and he laid between life and death for some time but recovered in about three months. Then Frazier’s term expired and he decided to leave Pecos and move to Eddy (New Mexico) about Christmas, 1894, and had all his goods on a car and was about ready to move, when he heard that Miller was in town looking for him. His horses were at a blacksmith shop being shod. He went after them carrying a Winchester, all the time expecting to meet Miller. When near or in the shop he espied Miller approaching with a shotgun, and took a shot at Miller before the latter saw him. The shot took effect in Miller’s arm, but did not prevent him from following Frazier, who got out of the way. The wounds received at this time again laid Miller up for a month or more. Frazier then moved to Eddy and rented the livery and corral business near the depot from W. R. Owen. This he conducted until last fall during which he stood trial first at El Paso, again at Colorado City, Texas. A hung jury being the result in El Paso and an acquittal at Colorado City. Miller stayed in El Paso, and being unable to make a living there returned to his old home near Pecos. Miller went to Toyah Monday morning and it was evident for the purpose of having it out (with Frazier). Besides the times Miller was shot and wounded, he was fired on by some unknown person while in a store one night in Pecos.

The whole of the Miller-Frazier was the result of the miserable system of enforcing law in the west. Had the matter been brought up in any thoroughly civilized country, when Miller was accused of conspiracy both men would have been put in jail or heavy bonds to keep the peace. The bonds would have been at least $3,000 for each. Then if Frazier failed to prove his allegations and made an assault on Miller he would have been tried and sent to the pen for at least ten years. But western juries would rather see a killing than not, as a rule, so Frazier was turned loose after his first attempt on the life of Miller. Owing to the peculiar ideas of the average western man on law and order, no other result could possibly have been expected than the awful tragedy enacted last Monday in at Toyah.

It should be noted that at one time G. R. “Bud” Frazier (the correct spelling of his name) was the Sheriff in Pecos, Reeves County, Texas,
and Jim Miller was his deputy in 1892. Bud Frazer’s father happened to be the County Judge.

The newspaper writer’s comments in the last paragraph of the article are very interesting relative to justice in the Old West and the thinking of the men at the time, which was the 1890’s:

- “the ‘miserable system of enforcing law in the West’
- The West was not a “thoroughly civilized country”
- “western juries would rather see a killing than not”
- “the peculiar ideas of the western man on law and order”

What followed is more evidence of the justice in the Old West. Miller was indicted for the murder of Frazer and was granted a change of venue to El Paso, Texas, May 18, 1897. “A clear case of self-defense,” said the El Paso Times, and “the jury brought in the verdict of ‘not guilty,’ out only long enough to write the two words down.”

After his brutal killing of Bud Frazer, Jim Miller went to the telegraph office in Toyah, and at 10:15 am, less than an hour after the killing, telegraphed his wife Sally in Pecos with the brief words: “Bud Frazer and I had a fight. Frazier is dead.” (signed) “J. B. Miller” (Author’s Collection)

Miller was never found guilty for killing Frazer. But neither had Frazer ever been found guilty for shooting Miller - on two occasions. Miller just knew better how to shoot someone to kill and had more practice doing it. He “was a cold-blooded man who would kill any man for money.” There was no money for Miller for shooting Frazer - only the prevention of being killed by him the NEXT TIME he tried!

THAT WAS OUR WILD WEST!

In 1909 Miller was lynched with three others by a mob in Ada, Oklahoma Territory, where the people still did not believe in the justice system.

(Author’s Collection)
1892 Brewster County, Texas document, signed by G. A. Frazer, Sheriff, and J. B. Miller, Deputy
(Author’s Collection)

Endnotes:

1 Eddy Current newspaper. The town of Eddy is now Carlsbad, New Mexico. Original in collection of author.

2 Shirley, Glenn, Shotgun For Hire (Norman: University of Oklahoma Press, 1970)

3 Ibid
The 1894 Raid on the Rock Island
The Tale of a Gun

Jim Fulbright

On the night of April 9, 1894, the Rock Island Railway’s Passenger Express Number 1 steamed across the prairie from Kansas into Oklahoma Territory on its nightly journey from Wichita to Fort Worth, Texas. During its regular water stop at the little village of Pond Creek Station about 9:30, two men, later identified as Bob Hughes and Jim Bourland, stepped from a stand of trees near the tracks, climbed onto a steel-rung ladder at the rear of the tender and hid in the shadows. Once the train pulled out and picked up speed to cross the Salt Fork River and roll through the town of Pond Creek, Hughes and Bourland crawled across the tender and dropped into the locomotive’s cab brandishing pistols. They directed the engineer to stop at a remote crossing south of Pond Creek where three men waited with horses.

When the train came to a halt, the would-be bandits ordered the engineer and fireman from the cab, marched them at gunpoint to the express car and shouted for the guards inside to “open the doors or the engineer and fireman will die.” The guards repeatedly refused the demands, so the determined bandits began indiscriminately shooting at the express car, occasionally even firing volleys toward the coach cars to keep the passengers from interfering.

After several minutes, one of the outlaws placed a lighted stick of dynamite at the base of the express car door. The concussion of the blast that followed knocked the two guards to the floor amidst a cloud of swirling wood fragments, freight baggage and mail sacks. Stunned, but otherwise uninjured, U.S. Railway Express Guard Jake Harmon, a former Wichita, Kansas, police officer, managed to escape the wrecked car by crawling through a rear door into an adjoining passenger car. Moments later the second guard, Express Messenger John Crosswright, came to and decided to open the side door to the train bandits. Finding that the explosion had jammed it shut, Crosswright then called for the gang to go to the opposite side of the train where he could still operate the remaining door.

For the moment, the outlaws appeared to have won their way. Several of them scrambled into the express car and began struggling with the “Through-Safe,” apparently unaware the device could not be opened without a special key at the train’s final destination. Meanwhile, Express Guard Harmon, who was making his way through the passenger cars, had met up with William D. Fossett, a burley six-foot, four-inch Rock Island Railway detective who happened to be riding the southbound train to his home in Kingfisher, Oklahoma Territory.

Peering forward from two cars back, Fossett and Harmon could barely make out the silhouettes of several men standing near the express car, but they could not distinguish the train robbers from train
crewmen. A few seconds later one of the men moved away from the group, held a pistol out at arm’s length and ordered the engineer and fireman to climb into the express car. At that moment Harmon shouldered his lever-action shotgun and let fly with a load of buckshot just as Fossett fired at the same pistol-wielding man with his Winchester rifle. The two shots set off a brief gun battle between the beleaguered robbers near the front of the train and Fossett and Harmon in the rearward coach car. According to a local newspaper, “The robbers soon piled out of the express car and ran for their horses… taking a few shots back but all those shots went wild and nobody was hurt.”

As the smoke cleared and the train bandits fled the scene with nothing to show for their efforts, Detective Fossett and U.S. Express Company Guard Harmon walked forward toward the express car. There, sprawled along the tracks, lay the lifeless body of a man felled by buckshot from Harmon’s shotgun and a bullet from Fossett’s rifle. The next day Pond Creek Tribune reported that “he was lying on his back with his elbow resting on the ground and a revolver clutched in his right hand pointing straight up in the air.”

The revolver was a nickel-plated Colt Model 1878 Double-Action “Frontier” with a seven and one-half-inch barrel. The man holding it in a death grip was initially identified as either “Bill Rhoades” or “J. W. Pitts,” aliases used by Bob Hughes, a once-convicted whiskey-peddler turned train robber. The next day a Caldwell, Kansas, newspaper reported that the dead robber had $2.10 in his pockets. “In life,” continued the newspaper, “The dead man stood about five-feet, five-inches and weighed about 120 pounds . . . He wore a cheap coat of brown material and his checked pants were stuffed into a pair of boots that encased his legs almost to his knees. He wore a soft hat. There was nothing about his appearance to indicate that he had been a ‘bad’ man; certain it is he was not a ‘terror.’”
A “terror” or not, Hughes was no slouch when it came to the choice of a firearm. His Model 1878 Double-Action revolver was one of just over 51,000 manufactured between 1878 and 1905. It had bird’s-head grips that were made of checkered hard rubber and the pistol was chambered in 45 Colt. The manufacturer’s records show the pistol was shipped from Hartford, Connecticut, to the Chicago distribution firm of Hibbard, Spencer, Bartlett & Company on January 18, 1892. Its history between then and the time it was found on Hughes’ body is unknown, but within a few days of the attempted train hold-up, the outlaw’s revolver, holster and gun belt were given to a Rock Island Railway manager named Harry P. Fox, who worked in the company’s Kansas Division, which then covered parts of Oklahoma. Fox, originally from Reading, Pennsylvania, had spent most of his railroad career at the Rock Island offices in Des Moines, Iowa, but was transferred to the railroad's Kansas Division headquarters at Herington, Kansas, in 1892.

Years later, the railroad man’s son, Harry, Jr., related that a deputy U.S. marshal presented the 1878 Frontier revolver to his father in gratitude for the railroad’s help in pursuing outlaws. Indeed, there are several recorded instances of lawmen and posses using “special” Rock Island trains to pursue bandits in Oklahoma Territory, Kansas and Texas during that period. It is likely that Deputy U.S. Marshal Chris Madsen, who investigated the attempted train robbery at Pond Creek, was the man who gave the gun to Fox, but no official record or newspaper account of the “gift” has been found, to date.

Railroad man Harry Fox carried the outlaw’s revolver with him for the remainder of his career, especially when railroad business took him into Oklahoma Territory. Fox later told his son that he feared retribution from friends of the man who was killed during the raid on the Rock Island train at Pond Creek.

Members of the Fox family kept the gun for over seventy-five years, then, in the year 2000, a Tennessee gun collector acquired this storied Model 1878 Colt. The collector later donated it to the Chisholm Trail Museum in Kingfisher, Oklahoma, where, today it can be viewed as part of a display about Railroad Detective William D. Fossett, one of the town’s early-day settlers who helped thwart the train robbery that night in 1894. Fossett, once a deputy city marshal in Caldwell, Kansas, and city marshal in Kingman, Kansas, later became deputy, U.S. marshal, chief deputy U.S. marshal and finally, U.S. Marshal of Oklahoma Territory. By the time Fossett died in 1940 his law enforcement career had spanned over 40 years, much of it in the "Wild West" of Kansas and Oklahoma.

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Enid Daily Wave, April 10, 1894.
Pond Creek Tribune, April 12, 1894.
Wichita Daily Eagle, April 11, 1894.
Wild West History Through German Eyes

Dietmar Kuegler

The interest of Germans in the American West has a long tradition. Various factors sparked this enthusiasm. Although even some scholarly analyses about it exist, I think it is primarily simply an emotional affair, so I will try to explain it according to my own very personal experiences as they outline the topic better than any scientific theory.

My first American contact happened when I was about six years old. In my little village, a company of American tanks made a stop and with some of my friends I walked to the camp to see the armor. There were young American soldiers. They spoke just a little German, but they were extremely friendly and gave me a can of jelly beans. I was amazed and never forgot that episode. My impression as a kid was – what wonderful people, and what a wonderful country where one could get such delicious sweets.

Later, I started reading the adventurous novels by Karl May, a very popular German author from the 19th century who’d written thrilling stories about the Wild West. I began dreaming of the Rocky Mountains and the Great Plains and developed a strong affection for America. But the decisive experience came when I was about ten or eleven. I sat in front of a brand new television apparatus and saw Hugh O’Brian as “Wyatt Earp.” These shows came weekly, and they were followed by another impressive series, “Laramie.”

I can say definitely that these movies changed my life. The charismatic pictures captured me. From the first moment on, I wanted to live on a ranch or in a town like Dodge City or Tombstone.

When I was fourteen, I got my first American history book, “Pictorial History of the Wild West” by James D. Horan – I still have it in my library. I could hardly read English, but I saw all the pictures of the real stuff, the Old West as it used to be.

The rest is history – I became a historian and a journalist. In 1976, I found a publisher for my first book, “They died with their boots on” (in German, of course), a collection of short biographies of Western gunfighters.

In 1982, I established my own (small) publishing company, focused on American frontier history and Native American culture, the “Verlag fuer Amerikanistik”. Some years later, I set up an American part of my program and I’m proud to have published some prominent American and Canadian scholars like Professor Raymond DeMallie, Dr. Bob Pickering (Gilcrease Museum), Dr. James Hanson (Museum of the Fur Trade), etc. These books can be found on my American website: www.tatankapress.com. Furthermore, I publish a quarterly magazine on American history.

I think many Germans became interested in American history in a similar way, although they didn’t make an occupation of it like I did.

After World War II, the direct contact with American soldiers and the “American Way of Life” influenced many Germans of my age. Jeans, Coca Cola, chewing gum, t-shirts, rodeos, Rock ‘n Roll, country music, and all the other parts of popular American culture became indispensable elements of life in my country. My generation, and the generations who followed, became as excited as me about America and about the Old West and its heroes, and they loved the movies with John Wayne, James Stewart, Richard Widmark, and Gary Cooper who fulfilled dreams of boundless adventure and freedom.

But the roots of the interest in American history go even deeper. In the 19th century, about nine million of Germans immigrated to the United States, looking for a better life. They wrote letters to their relatives and friends in their old home country and sketched an enthusiastic image of America. In 1890 and again in 1906, another “American experience” branded a mark in hearts and heads of hundreds of thousands of people. A real man from the Western Frontier came to Germany and caused a sensation: Buffalo Bill Cody. When he toured Europe, he became a superstar. A spectacular show with real cowboys, real Indians, real buffalo brought
Dietmar Kuegler is a new member of WWHA but a long-time Wild West enthusiast, impersonator, tour guide, author, and magazine editor. All photos in this article are by the author.

Dietmar Kuegler as “Clell Miller” while re-enacting the bank raid of 1876, Northfield, Minnesota

An Old West Society in Southern Germany

The three founders of the “Cowboy Club of Munich,” the first German cowboy club, 1930s.

Frontier History Society in Eastern Germany, in the middle an impersonator of Buffalo Bill Cody

Characters of a German Old West Club
A Wild West Ball in one of the oldest western saloons in Germany, the “Western Inn” near Dresden.

Tipi camp of a German Western Society

Dietmar Kuegler and Roy Young at the grave of Geronimo, June 2015

the dreams of the Wild West right to the doorsteps of amazed Germans. His success was overwhelming, and the effect on the audience was outstanding. Perhaps nowhere else in the world was the characterization of William Cody as the “best and earliest interpreter of Western history” more correct than in Germany.

In Munich (in the German state of Bavaria), his performance was responsible for the founding of the first German “Cowboy Club,” which still exists. Another one was established near Dresden after Cody presented his show there – today both clubs rival about which was the very first! They were followed by a countless chain of similar societies all over Germany dedicated to the Old West. Here, still, people are meeting to perform as cowboys, Indians, mountain men, settlers, cavalry men, etc. These hobbyists are very often performing living history in such a perfect way that you forget you are not in the United States.

Now, we have the different elements which created the vibrant image of the American West:
- personal contacts,
- reports from immigrants who found a new home in America,
- accounts by German travelers, foremost noble men like Maximilian of Wied, the Duke of Wurttemberg, etc,
- adventurous novels by authors like Karl May or Friedrich Gerstaecker (even James Fennimore Cooper’s novels had been translated into German in the 19th century),
- the appearance of Buffalo Bill Cody in all major cities of Germany,
the friendly contact with American soldiers after World War II,
- movies and TV series,
- the popularity of American culture and history.

All that forged an irresistible affection to the Old West.

To mention another important point, I’m sure people were and are not only attracted by the awesome Western landscapes – as lots of Germans never had the chance to see it physically – and by charismatic characters like William Cody and John Wayne, but as well by the ethics, values, and ideals linked with the Western pioneers, the cowboys, the trailblazers, and all the other exemplary figures of the West. Furthermore, there are nostalgic and romantic sentiments as described by the historian, Kent Ladd Steckmesser in his book, “The Western Hero” (1976), timeless feelings which never die. They affect not only Americans themselves, but touch people worldwide.

Since my youth the time has changed, the interest in the Old West faded somewhat. But there are still many enthusiasts in Germany who love the era when strong and proud people, freed from the Old World bondages, were able to unfold their entire creativity and physical energy to build up a new country. The German readers today are not as uncritical as they were in the 1950s and 1960s, but they are still thrilled and inspired. I know them, because they are my customers.

For me, it was always much more than just an occupation. From my boyhood on, I fell in love with Frontier history and with America as a country. For about 35 years, I’ve been traveling the American West annually. I see it as my second homeland. My very best friends are Americans, and my house in Germany looks inside like an American ranch house with longhorns, branding irons, Native American items, and antique Colt revolvers and Winchesters. I’m a convinced follower of Frederick Jackson Turner’s Frontier theory.

The national identity of America was molded in the American West. To understand the American nation means to understand the history of the Frontier. That has been the message of my books, articles, and lectures in Germany for decades now.

Since 2006, I have been taking small groups of German history buffs with me who don’t speak English but who want to see all those places they have dreamed about their entire life. I show them the significant historic sites in the West, old gold rush towns, the Oregon Trail, fur trading posts, military forts, Indian reservations, and the like. In May and June 2015, for instance, I guided two groups through Oklahoma, Texas, Louisiana, Mississippi, Alabama, Tennessee, and Arkansas, and through Colorado, Wyoming, Montana, North and South Dakota, and Nebraska.

Despite of their interest in Frontier history, these people sometimes arrive with a skeptical mind about America, influenced by mass media which usually spread out clichés – but after our mutual tours, they usually go home with a radically changed image. They admire the American way of protecting nature through National Parks, they praise Western hospitality and the friendliness of the people, and they respect the accomplishments of the pioneers while setting up the West. They understand that the geographical conditions, the Great Plains, the wide open ranges, the menacing deserts, the daily struggle for life and existence to create a lasting fundament for the generations to come forged a special breed of people. With other words, they go back home with a better understanding of the American spirit.

In 2004, I was invited to become a life-member of the James-Younger gang of Northfield, Minnesota, and until 2009, I took part in the re-enactment of the Northfield Raid of 1876 in the role of Clell Miller. Actually, that was a highlight of my life. It was an immediate experience of Wild West history which really widened my horizon.

I will go on explaining Frontier history, America, and the Wild West to my readers in Germany and will try to keep the Old West spirit alive as it can be a lesson to the world how to manage hard times.

Under this perspective, the membership in the WWHA will enhance my work and will be an enrichment of my life between Europe and the American West.

(Below is the front cover of a recent Kuegler “Magazin für Amerikanistik.”)
Die Entstehung von West-Virginia

Elizabeth Custer

amerikanischer Bürgerkrieg

Indianische Religion

Ausstellungen, Bücher, Nachrichten, Termine
The Murder of Robert Hardie

Roy B. Young

In May of 1890, Indians committed numerous atrocities against Anglo settlers and tourists in southeastern Arizona and northern Sonora, Mexico. About the 10th of May, a large freight team was captured and burned in Sonora; the wounded driver managed to escape. On the same day, Tombstone citizen George Adams (not the Methodist preacher of the same name) was killed and a party of surveyors attacked by some ten Apaches. Benjamin F. Brown of the Erie Cattle Company reported seeing an Indian lasso a horse on the ranch and escape at high speed.1 It was alleged that the perpetrators of these crimes had escaped from General Nelson Miles and were reinforced by desertions from the San Carlos agency. Surprisingly, both San Carlos officials and army authorities asserted that no Indians were off the reservation. Reminiscent of the 1885 resolution by Tombstone citizens regarding the earlier outbreak of violence, another long petition from Tombstone was telegraphed immediately to President Benjamin Harrison, via Senator Marcus A. Smith, “complaining bitterly of the lack of proper military protection in that country.”2 It stated, in part, “…not a month has passed in two years without at least two murders along the border between the United States and Mexico. The Indians have constantly raided back and forth; have been frequently seen and counted, and by reliable advice are estimated to be from 20 to 30 in number…. The Army headquarters are maintained in Los Angeles, 600 miles from the scene of the atrocities and the body of the citizen [Robert Hardie] of that city which we now send them, should be accepted as evidence of their error.”3 President Harrison endorsed the telegram as follows: “This telegram is submitted for the information of the Secretary of War [Redfield Proctor], with directions to take prompt and effective measures to protect the settlers and to capture and to bring to merited punishment any hostile Indians who have been concerned in the killing of our citizens.”4

On May 25, 1890, Robert Hardie, a prominent attorney5 of Los Angeles, California, was killed, allegedly by Apaches, in Rucker Canyon in the Chiricahua Mountains. He was a Canadian by birth, a real estate investment advisor, and had married Florence Haynes in Los Angeles only the year before.6 Hardie was in the company of his brother-in-law Dr. Francis [Frances] L. “Frank” Haynes, formerly of Philadelphia, Pennsylvania, who managed to make an escape. The Arizona Republican headlined the news on its front page of May 27, 1890:

**BLOODY DEMONS**

**Apaches Again at Their Murderous Work**

**Killing of a Prominent Los Angeles Citizen**

**This Settles the Question of Geronimo and His Friends Returning to the Territory**

Wilcox [sic], May 26 – Robert Hardie, one of the most prominent members of the Los Angeles bar and well known as a lawyer all over California, was killed by Apaches in Rucker canyon yesterday.

The previous August, Dr. Haynes and his physician brother, John Randolph Haynes,7 had traveled to Tombstone and in the company of Judge William H. Stilwell made a ten day trip into the Huachuca’s. The brothers were identified in the Tombstone *Epitaph* as “first class physicians and surgeons.”8 Francis L. Haynes, was a highly regarded physician with numerous published medical papers; he was a graduate of the University of Pennsylvania and a former resident at the Episcopal Hospital of Philadelphia. After moving to Los Angeles in 1887, the Haynes brothers were associated with Dr. Walter Lindley in "Dr. Lindley's Private Hospital." In 1887, Dr. Lindley and Dr. Francis Haynes established "The Pacific," the first private hospital in Southern California which gradually developed into the California Hospital.9 The Haynes brothers later became professors of gynecology at the University of California.
Dr. Haynes’ reputation was such that it was stated, “Dr. Francis Haynes is counted as the father of modern surgery in Southern California, being swift and sure in diagnosis, a daring, brilliant and successful operator, and the introducer of modern antiseptic methods here [California]."10

So much did Dr. Haynes enjoy his first trip to southeastern Arizona that he invited his new brother-in-law, Robert Hardie, to join him for a second excursion.

Thus, Hardie and Haynes were on a two-weeks vacation to the area and at the invitation of George Pridham had gone to Soldier Hole in Sulphur Spring Valley and then to the home of Mike Gray, at the former location of Camp Rucker. John Plesant Gray, in his memoirs, remembered that his mother had received a letter from Dr. Francis Haynes “in which he had inquired if she could accommodate himself and a Mr. Hardy, an invalid lawyer of Toronto, for a short time. He hoped the dry, high air at Rucker would improve the health of Mr. Hardy, then threatened with lung trouble.”11

After resting at the Gray Ranch for two days, on the morning of the 25th Hardie and Haynes went exploring in the canyons, taking with them two gentle ranch ponies and one rifle, in case they saw deer or other game. Late in the day, as they were returning to the ranch, they were attacked from the cliffs about two miles from the ranch house.

Hardie was shot through the heart and died instantly. Haynes’s horse was shot from under him but he stealthily managed an escape on Hardie’s horse. Haynes made his way back to Gray’s where Mike Gray and William Banning agreed to return with him to the site of the killing. There they found Hardie’s body unmutillated but his possessions had been ransacked and various items stolen including: a gold watch and chain, cartridge belt, and pocket book. Hardie’s body was taken first to Gray’s and then the next morning into Tombstone for examination. Haynes claimed that the Indians fired from ambush.12 He stated that the Indian who fired at him had his face painted in stripes and that he resembled photos he had seen of Geronimo.
One of the last remaining structures at old Camp Rucker (1985). Buildings like this were used by Mike Gray to accommodate his guests.

Major General Nelson A. Miles  
/Library of Congress/

Michael “Mike” Gray  
Owner of Gray Ranch, former site of Camp Rucker
FOULLY MURDERED BY INDIANS.

DR. HAYNES TELLS THE STORY OF ROBERT HARDIE'S DEATH.

How a Well-Known Philadelphia Physician Miraculously Escaped from the Redskins—His Horse Shot Under Him.

The details of the murder of Lawyer Robert Hardie by Indians and the miraculous escape of Dr. Francis S. Haynes, of this city, while riding together near Los Angeles, California, have just been received in this city, coming in Dr. Haynes’ own words. The latter was formerly a resident of Cumberland street, in Kensington, and is well and favorably known all over the northeastern section of the city. His thrilling story, which reads like an extract from a romance of the plains, is as follows:

“My brother-in-law and myself started out for a ride from the ranch of Colonel Mike Gray, where we were staying. We rode about ten miles and then started for the ranch house. Before doing so, Mr. Hardie unloaded his rifle and strapped it to his saddle, as the horse was inclined to be a little skittish. I was not armed. We proceeded along slowly and were within about two miles of the ranch house. Mr. Hardie was a few yards in advance of me when we were startled by hearing a regular fusillade. The ‘whish’ of the bullets could be heard on all sides. The horse my comrade rode swerved to one side, and my brother-in-law reeled over on his saddle and fell to the ground. I jumped off my horse and rushed to his assistance. He was dead, with a wound in his heart. I ran back to mount my horse, and was about to put my foot in the stirrup, when a bullet perforated the poor beast.

“The horse my brother-in-law rode galloped off directly he fell. I glanced hur-
Hardie’s body arrived in Tombstone about 10:30 a.m. on Sunday morning. Dr. Haynes immediately notified Judge Stilwell and George Pridham of Hardie’s death. Judge Stilwell witnessed the body’s removal from the wagon and saw that it was covered with dust from the long journey from Gray’s ranch.

Judge Stilwell called for Dr. George Goodfellow to perform an autopsy. In the interim, Stilwell summoned the following inquest jury made up prominent men in Tombstone: George W. Cheney (Territorial Legislator, Arizona Superintendent of Public Instruction), Stanley C. Bagg (member of the town council and editor of Tombstone Prospector), W.W. Woodman (contractor), A.J. Godfrey (capitalist), George Meek (short-term editor, 1889-1890, of Tombstone Epitaph), W.G. Reed (lumber merchant), Joseph Brown (grocer and son of Tombstone city treasurer), M.T. Williams (unknown) and C.B. Kelton (customs inspector and soon to be sheriff of Cochise County).

Judge Stilwell and the jury proceeded from Stilwell’s office to the undertaking rooms, where the
Hardie had been wounded by a gunshot wound “less than two inches to the right of the left nipple, and about one-half an inch above it. Also a wound at the left of the spinal column, and considerably lower than the wound in the breast.” Dr. Haynes was the first witness called and he related all that had transpired from Saturday when they left Gray’s ranch until their arrival in Tombstone on Sunday morning. William Banning (Bannon) was next to testify and he related the trip from Gray’s to retrieve the body of Hardie. Dr. Goodfellow then testified that the wound showed that the shot had been fired from higher up than the ground upon which the men were riding. He stated that the shot was from a 44 or 45 caliber rifle, “the heart being literally blown to pieces.” Goodfellow stated that there were no powder burns on Hardie’s hand or face. It was the jury’s opinion that Hardie came to his death at the hands of unknown Indians.

Later that day, May 26th, Judge Stilwell sent a telegram to military authorities at Fort Huachuca resulting in the arrival at Stilwell’s house at midnight on the 27th of Lt. Dean of the Fourth Cavalry with eleven soldiers. The troopers left the following morning at daylight for Rucker Canyon. They traced five Indians nearly to the Sonoran border before being recalled by heliograph signals. At the same time, Lt. Hugh J. McGrath and 40 soldiers of Troop C rode out of Fort Bowie making the same discovery of Indian tracks.

Judge Stilwell’s notification of the military authorities was immediately communicated to General Nelson Miles in San Francisco. On May 26th, the Associated Press carried a statement from General Miles to the effect that the perpetrators were the Apache Kid and his party and that he had issued orders that day to pursue and capture or destroy the hostiles.

News of Hardie’s death reached his family in Los Angeles when on May 26th Dr. Haynes wired from Tombstone to his associate Dr. W.W. Beckett: “Robert killed instantly by Indians. Unmutilated. I am not hurt. Will be home with body Tuesday evening.” Dr. Beckett immediately went to Hardie’s home, 920 South Main Street, where Hardie’s wife was notified. Beckett reported that Mrs. Hardie had no intimation of her husband’s death and was completely prostrated when shown the telegram. The next day the Los Angeles Times published Beckett’s account and a dispatch sent from George E. Meek, editor of the Tombstone Epitaph giving the particulars of Hardie’s death.
The *Philadelphia Inquirer* of May 28, 1890 reported that Secretary of War Redfield Proctor had been notified of the murder of Hardie and that he had immediately wired Major General Miles inquiring as to “what action had been taken by the troops for the arrest of the murderers.” Miles telegram reply of May 26th from San Francisco was published in full by the *Inquirer*,

To Adjutant-General United States Army, Washington: In reply to your telegram of today, Indian Kid and his party were hunted down in Arizona by the troops, arrested, tried and sentenced to a long term of imprisonment at Alcatraz Island in January, 1888. Without any knowledge of the military in Arizona they were pardoned in October, 1888, and set free. They were immediately arrested by the civil authorities, tried and sentenced to be hung on November 2, 1889. They with others escaped by killing [Gila County] Sheriff [Glenn] Reynolds and fled to Sonora, Old Mexico. Since that time unofficial reports have been received of their presence in Old Mexico. The report of their killing Mr. Hardie at Rucker Canyon, just north of the Mexican border, is the first report of their being in the Territory of the United States. The commanding general of the Department of Arizona has already been directed to make such disposition of the troops at Lowell, Bowie, Huachuca, Grant and Bayard as will make it untenable for hostile Indians in that vicinity and give protection to the settlements.

MILES, Major-General Commanding.

Judge Stilwell accompanied Dr. Haynes and the body of Robert Hardie to Los Angeles. On May 30th, Stilwell was interviewed at the Hollenbeck Hotel by a reporter of the *Los Angeles Times*. He related much of the facts surrounding the Hardie murder and his most definite opinion of the involvement of the Apache Indians.

An Associated Press dispatch from Deming, New Mexico on May 30, 1890 stated, “Assertions made in some quarters at Los Angeles that the murder of Robert Hardie… was not done by Indians have created some comment in the Territories.” The article continued, “Col. [Michael] Gray, near whose place the murder took place, wrote to Dr. Haynes that he had discovered moccasin tracks and that at least four Indians were in the party which did the killing.”

Brigadier General Benjamin Grierson, then the commander of the Division of the Pacific, Headquarters Department of Arizona, and who was scheduled for forced retirement in less than three months, was incredulous that any Indians were involved in the various incidents credited to the Apaches. The information emanating from Grierson, 600 miles from the scene, and the military officers on the ground in Cochise County was markedly different. Lt. Dean, who returned with his troops to Tombstone on June 4th, was quoted by the *Epitaph* as stating,

I went to the scene of the killing of Hardie and found that Lieutenant McGrath had been there from Bowie and was on the trail. I followed and caught up to him. After following the trail for some time we came to a spot where they had killed a mare and colt. The latter had been stripped of all the meat, and both animals had been stabbed. There is no doubt about them being Indians, and I am convinced there were five of them, as was also Lieutenant McGrath.”

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Brigadier General Benjamin Grierson  
Commander of the Division of the Pacific  
Headquarters Department of Arizona  
(Library of Congress)
The San Francisco *Evening News* of June 5, 1890 stated that telegraphic information had been received at the army headquarters (in San Francisco) that no Apaches were off the San Carlos reservation. In various interviews with California newspapers and later in his official report to the United States Congress, Grierson cited information that conflicted with Haynes’ report and the coroner’s jury verdict. Grierson stated, “Detachments from Fort Huachuca and Fort Bowie have scoured the country in the vicinity of Rucker Canyon, where Hardie was killed, and not the slightest trace of Indians can be found.”23 Included in Grierson’s account was a statement of a Mr. Clark of Fort Huachuca that he was at the undertakers before the inquest and saw Hardie’s pockets emptied of money and the pocket-book appeared to be untouched; he further stated that the shot appeared to be from ground level and that the index of Hardie’s left hand showed power burns. Additionally, Grierson reported, Mr. Clark’s opinion was that someone other than an Indian had killed Hardie.24 Clark, it was later revealed was nothing more than a wheelwright at the fort and only happened to be in Tombstone at the time Hardie’s body was brought it. How it was that Grierson would put such confidence in Clark’s statement mystified everyone in Tombstone.

Under a headline of “What Ails Grierson,” the *Epitaph* reported that “…in his endeavor to mislead the public [Grierson] insinuates that either one of these three causes led to the death of Hardie. First, that he was killed by Mexicans dressed as Apaches; second, that he committed suicide; third, that he was killed and robbed by his brother-in-law.”25 Grierson further asserted that Indians never robbed dead bodies, “they not having any use of money or watches.” Grierson then was reported to say, “There is a mystery surrounding this murder that has not yet been solved.”26 When Grierson’s pronouncements were received by Hardie’s family in Strathroy, Ontario, Canada, his sister, Ellen Hardie Saxton,27 immediately accused Dr. Haynes of the murder of her brother and began a concerted effort to ferret out proof.28

In San Francisco, the *Chronicle*, in an editorial commenting on Grierson’s report of “no Indians out,” suggested that the people of Southern Arizona “owe it to simple justice to apologize for the telegram they sent to [President] Harrison.” The *Epitaph* responded most pointedly, “All right *Chronicle*, we’ll do it, if you will get that narrow minded idiot, Grierson to apologize to the people of Arizona for insulting them every day through the columns of the California press.”29

Judge Stilwell was livid at Grierson’s statements and in his *Los Angeles Times* interview noted with great detail several instances in which men killed by Apaches were robbed while their bodies were unmolested. He stated, “If there are reasons given by the officer or soldier I am compelled to either deny his sanity or his claim to any knowledge of the Apache.” He then berated Grierson for suggesting that the citizens of southern Arizona have erroneously charged many crimes to Indians which could not be proven.30

The next day the *San Francisco Chronicle* changed its tune and lambasted Grierson’s report stating that it was flatly contradicted by men who had the earliest and best means of getting the facts, including Judge Stilwell and Dr. George Goodfellow, who stated there were no powder burns on Hardie’s fingers and that the wound was fired from higher ground than the road.31 The *Phoenix Herald* stated,

The idea that Mr. Hardie… was murdered by someone else is absurd. Dr. Haynes, who was with him, saw the Indians; their tracks were afterward found and trail followed – a trail such as only Indians make in this country; more than that it is well known that there are somewhere in the neighborhood of twenty hostiles who make their home in the Sierra Madre of Mexico and range along the southeastern border of Arizona, that had before committed several depredations and murders and furthermore immediately passed over into Mexico where they committed another murder of a Mexican miner or stockman.32

The *Epitaph* would not let up on Grierson and inserted brief sentences of derision throughout its issues for a period of several weeks. On June 6th, under the headline “Grierson’s Pets,” the *Epitaph*
carried an Associated Press report of another Apache atrocity in the Santa Catalina’s in which it was reported, “Troop L, from Fort Lowell, struck the trail of seven Apaches this morning, and came upon them while they were in the act of mutilating the body of a Mexican boy, whom they had just killed.” Five of the Indians were captured while two escaped. That they were Apaches from San Carlos reservation was determined by the fact that they were wearing “government clothing.” Would Grierson now deny that Apaches were indeed the perpetrators of the many outrages that had been reported?

Even the Whittier (California) Pointer struck a hard blow against Grierson’s assertions:

Brigadier General Grierson is doubtless a brave soldier, but when he sits in his cushioned arm chair in the Bryson block in Los Angeles and says that Mr. Hardie was not killed by Apaches and claims to know more about the event than Dr. Haynes, who saw his sister’s husband fall dead by his side and who saw the Indians within fifty feet of him, the general becomes preposterously presumptuous. Such remarks bring the military in contempt. The regular army has not distinguished itself in this Rucker canyon where Mr. Hardie was murdered, as it is the place where Lieutenant Rucker and another boon companion and officer were drowned when drunk two or three years ago.

Major General Nelson Miles had a different understanding of the situation than that of Grierson. One wire report from San Francisco stated,

The killing of Robert Hardie is the first crime committed on United States territory since last November. The Apache secured their arms from teamsters and prospectors murdered in Mexico. The Indians at large numbered only eight, and they were, Kid, Meguee, Sayes, Washlanta, La Cohn, Tonto, Bpt, Hasten, Todody, and Caddaydoan. Of these, four are believed to have been killed…. Orders were issued last November to all posts to look out for the escapees, and further orders were issued this afternoon by Major General Miles from division headquarters to pursue and capture or destroy the hostiles.

On the evening of June 6th a troop of 46 Buffalo Soldiers under the command of Captain Kennedy, accompanied by ten Apache scouts, arrived in Tombstone and set-up a temporary camp on the baseball field. They reported that they had been dispatched from Fort Grant and were on their way to patrol the line below Bisbee, until further orders were received from Grierson. Travel from Fort Grant to Bisbee would not normally take a route through Tombstone; perhaps the soldiers were less than willing to make their camp in a remote area, or in an area where they might find evidence of the recent presence of Indians. Or, were they sent to Tombstone to help alleviate concern that nothing was being done by the military for the protection of citizens and settlers?

While speculation and accusations continued to spread that Hardie was murdered by Dr. Haynes, or Mexicans posing as Indians, or even white outlaws, Alonzo Dionysious “Tex” Whaley, a resident of Rucker Canyon and clerk of Rucker Precinct, came into Tombstone and stated in a front page interview with the Prospector that he was at the killing site the next day and examined every track present, concluding that three Indians engaged the attack. He stated, “Their moccasin tracks and the print of their knees in the moist earth could not be mistaken and the trail up the bank was quite as conclusive a piece of evidence as even a tenderfoot would wish for to convince him of their identity.” “Any man who says that Indians didn’t kill Hardie doesn’t know what he is talking about. If General Miles doubts it, I can give him enough evidence to convince him and he knows me well enough to know that I know an Indian sign as quickly as anybody who ever piloted him over the south-western country.”

On July 8, 1890, Brigadier General Grierson was officially notified by letter from Major General Miles that he was from that date removed from command as a result of forced retirement; General Miles stated to him that he would temporarily assume the duties of the command of the Department of Arizona.
The letter, published in newspapers across Arizona, California and elsewhere, lauded Grierson for his “gallant and meritorious” past service to the country. The San Francisco Chronicle editorialized, “With Gen. Miles in the field we may expect to hear of the speedy end of the Apache renegades who have caused so much fear in Southern Arizona. The truth of the charge that Indians were responsible for the murder near Tombstone was demonstrated in the face of Gen. Grierson’s attempt to foist the crime upon Mexicans, and since then five of the band have been killed. One good thing has been effected by this Indian scare in Arizona. It will be idle for any one to try to secure the return of Geronimo and his gang to Indian territory. 38

In late July, army troopers killed an Apache in the Sierra Anchas Mountains; on his body was found the watch-chain of Robert Hardie. Judge Stilwell, with the approbation and endorsement of Governor Wolfley, 39 wrote Captain John Lapham Bullis, Acting Indian Agent at San Carlos, on July 31, 1890 commenting on “the recent successful pursuit of the Indians by the troops which has resulted in capturing or killing of so many…. ” He further requested that all Indians brought into the agency be interviewed and questioned about Hardie’s watch which was engraved with the name “Florence,” his wife. Stilwell offered a one hundred dollars reward to the troops and scouts. The Epitaph commented that “Judge Stilwell has been untiring in his efforts to get at the true facts concerning the killing of Robert Hardie by Indians.” 40

Killed by Indians? Hardie’s sister, Ellen Hardie Saxton, would simply not abide the possibility, believing rather that Haynes was either her brother’s killer or somehow complicit in the murder. A citizen of Canada, Mrs. Sexton wrote to President Benjamin Harrison under date of August 5, 1890:

To His Excellency Benjamin Harrison, President of the United States,

I beg that you will not consider that it is without sufficient cause that I herewith endeavor to gain your attention. Understanding that the first duty of the state is to make the life of the citizens secure and that if by any violation of law he is deprived of that life the redress is that the assassin be punished, I hereby appeal to you that enquiry be made into the murder of the late
Robert Hardie, said to have been shot by Indians on May 24\textsuperscript{th} at Rucker Canyon, fifteen miles from Tombstone, Arizona. I am his only sister and only near relative on this continent. The escape of Dr. Francis Haynes, who was alone with my brother at the time, is surely too miraculous to be accepted without investigation. Moreover, should not the whole of his previous history be ascertained? My brother married Miss Haynes without any knowledge of the family save what they chose to tell. They claimed to have come from Philadelphia to Los Angeles. And two of the brothers, Francis and John, profess to have each made in that city, Philadelphia, $100,000 in the practice of medicine; and they are still young men on the sunny side of forty.

I will enclose a copy of a letter from the District Attorney of Los Angeles in reply to one from the United States Consul of London Ontario, Canada; and I do not see that he could say more without directly impeaching Haynes. [Letter copied below.] Had I it in my power I would only too gladly prosecute the matter; but I am in poor health, have a young family, and in straightened circumstances, which puts the matter beyond my reach. Therefore, I appeal to you as the head of the State and beg to know will the state investigate until the assassin is found?\textsuperscript{4f}

Mrs. Saxton then related in her letter to President Harrison what she termed the “chief facts of the killing as told by Dr. Haynes.” She concluded with her incredulity stating:

Is it not incredible that ill, lame, unarmed and 6,000 feet above the level of the sea that he [Dr. Haynes] could escape from a number of well-armed fleet-footed Indians to whom the rarified air was native? And still more incredible is it that any ordinary man under such extraordinary circumstances could have the clearness of vision to detect in his presence a likeness to a magazine picture he had once seen?

General Miles and General Grierson, in the public prints, asserted their disbelief that Indians were the murderers. District Attorney Stillwell is not the man to make the investigation in Arizona, for he is persistent in laying the crime on the Indians. Will not the State employ one of the best detectives in the country to search out the assassin?

Most respectfully yours,

Ellen Hardie Saxton (Mrs. Frank Saxton, Strathroy, Ontario, Canada)

p.s. I beg a reply, E.H.P.

The novice District Attorney of Los Angeles County was 36 year old Frank P. Kelly, a former newspaper editor, whose single term in office was from January 7, 1889 to January 5, 1891. Upon receiving the communication from H. Z. Leonard, the United States Consul in London, Ontario, Canada date July 17, 1890, Kelly promptly responded to the Consul under date of July 24\textsuperscript{th}. He expressed concern regarding Hardie’s murder and that he had made inquiry among “persons I thought ought to be familiar with the subject.” He stated that he considered there to be a mystery surrounding Hardie’s death and wondered if the killing was by Indians or “white men disguised as Indians for the purpose of robbery.” He further stated that “I was pretty well acquainted with him [Hardie] in his life time and his death was a peculiarly sad one. Mr. Hardie left, I think, quite an estate....” While he had already expended $2.50 on newspapers and postage, he stood ready to assist the Consul or Mrs. Saxton to the best of his ability. He went so far as to offer himself for further investigation upon receipt of “a retainer in the amount of $30.00.”\textsuperscript{42}

As a solid confirmation of Judge Stilwell’s trust in Dr. Haynes’ account of Hardie’s killing, on August 20\textsuperscript{th} the Epitaph announced that an Apache Indian known as “Say-es” (or Sayes) had been captured and had in his possession Hardie’s watch-chain, which was returned to Judge Stilwell by the war department. Say-es, a member of the SI band and associate of the Apache Kid, was said to have confessed to the murder of Hardie.\textsuperscript{43}
The *Epitaph* published on August 21st a series of communications on the Hardie matter beginning with Judge Stilwell’s letter to Captain Bullis, Wolfley’s endorsement, and then Bullis’s referral of Stilwell’s letter to Brevet Colonel Lewis Johnson, 24th Infantry, Commander of the troops at San Carlos. Bullis requested that Colonel Johnson endorse the information given by the “captured renegades, Curley and Sayes, as to the within described property, also watch chain and such other information as will be of interest to the friends of the late Mr. Hardie.” Johnson’s reply to Bullis stated,

The information given by “Sayes” and “Curley,” who were both closely questioned on the within subject, is about the same. “Sayes,” one of the convicts who murdered Sheriff Reynolds and escaped from the civil authorities in last November, admitted that he was one of the three bucks present at the murder of Mr. Hardie in Rucker canon, the other two being “Wash-lan-tah” (killed on the 17th ult.) and the “Kid,” still at large. After shooting Hardie, “Sayes” says Kid and Wash-lan-tah robbed him, taking but very little money, which the Kid gave to his squaw, who was also present at the time of the killing. He then took Hardie’s gold watch and “beat the inside (works) out against a rock,” then gave the case to Wash-lan-tah, who cut it into strips for rings and other rude ornaments. A small watch chain – the one sent herewith – was found near Wash-lan-tah’s body on the 17th after the fight, and this Sayes says, was on Hardie’s watch. This is all the information I have been able to elicit. Should the “Kid” be captured, which is not unlikely, as our efforts have not been relaxed, an attempt will be made to get further information on the subject of this letter.44

Dr. Haynes’s friends and family in Pennsylvania received the welcome news of Haynes’s vindication when in November the *Philadelphia Inquirer* carried the following:

Official communications concerning the killing of Robert Hardie... gives a quietus to the unfortunate rumors connecting Dr. Francis L. Haynes with Mr. Hardie’s death. Dr. Haynes was formerly a resident of this city and has many warm friends here. They hastened to refute unjust imputations by making public General Miles’ account of the murder, of which, it appears a notorious outlaw, styled the “Kid,” and an Indian named Washlantah were guilty. A communication from Los Angeles, Cal., where Dr. Haynes is located, speaks highly of him and scouts the rumor that he had anything to do with his brother-in-law’s sad death.45

District Attorney Stilwell sent Hardie’s watch-chain to his wife in Los Angles by express on August 21st. The *Epitaph* stated, “It will be... a stern reminder to all concerned that the Apaches of Arizona
always were and always will be dangerous and our Territory will never know peace until they are gone – reservation and all. And after they are exterminated the soft-headed eastern idiots who are so tender-hearted toward the red murderers can supply them with ice, if they so desire.\textsuperscript{46} In an accompanying article in the same issue of the \textit{Epitaph}, Haynes’s vindication as an “honorable gentleman” was championed: “All the circumstances attending the death of Mr. Hardie have been brought to light, and it proves beyond the shadow of a doubt, that the opinion of Arizonans at large, and of the inhabitants of Cochise in particular, that the unfortunate gentleman was murdered by Indians was correct.”

A further tragedy of this episode was the sudden death of Hardie’s infant daughter, Alice, the same month.\textsuperscript{47} All of this was too much to bear for Hardie’s sister in Canada; she simply would not abide the thought that her brother was killed by Indians. Ellen Saxton continued her earnest campaign to convict Dr. Haynes of murder. She initiated an investigation into the background of Haynes, especially his Philadelphia area pursuits, habits, friends, and anything that might cast a negative reflection on his honor. To do this, a friend of Mrs. Saxton, Mrs. Margaret W. Moorhouse (wife of Dr. W.H. Moorhouse, an Ontario physician), contacted the Department of Public Safety, Bureau of Police, of Philadelphia and the “case” was given to Chief Detective Charles W. Wood\textsuperscript{48}.

Detective Wood responded by letter to Mrs. Moorhouse under date of November 5, 1890 stating that his investigation revealed that Dr. Haynes, was committed by one of the courts to prison, charged with being an accessory to the death of a Mrs. Dr. Gerdson [sic Goerson], but was discharged on writ of habeas corpus.\textsuperscript{49} At another time he was arrested and indicted on a charge of conspiracy made by one Dr. Phibel and was acquitted of the charge.

Mrs. Saxton reported Woods statements in a subsequent letter to Arizona’s Acting Governor Nathan O. Murphy in October. In turn, Governor Murphy twice wrote to Judge Stilwell, October 25 and 27\textsuperscript{th}, enclosing a copy of Mrs. Saxton’s letter and eleven “exhibits” she had furnished the Governor. Murphy’s letters to Stilwell are non-extant, but Judge Stilwell’s reply to Murphy is. Under date of October 29, 1890, Stilwell wrote,

\begin{quote}
Honorable N.O. Murphy, Acting Governor, Phoenix, Arizona
Sir: I have the honor to acknowledge the receipt of your letters (same inclosure) [sic] of date the 25\textsuperscript{th} & 27\textsuperscript{th} instant, respectively inclosing 11 exhibits marked Exhibits “A,” “B,”, “C” etc. relating to the murder of the late Robert Hardie. I will willingly comply with the request of yourself and of the afflicted sister of deceased, that another investigation be made. But, for the reason that Mrs. Saxton has declared in her letter to the Honorable Secretary of State at Washington, that I am “not the man to make the investigation,” I have the honor to submit for your consideration the suggestions that after consulting with the lady, your acquaintance with the attorneys of the bar of this and other counties, might enable you to select, for this purpose, an attorney who has not received, in advance, the pronounced disapproval of the unfortunate lady.

In case it is your pleasure to select some other person, I will appoint such person as my deputy for the purpose of attending to this case.

The investigation should embrace the most remote circumstances material to the case.

With great respect, I am, Sir, Your obed’t Serv’t.
W. H. Stilwell, District Attorney\textsuperscript{50}
\end{quote}

By early November, Mrs. Saxton had written directly to Judge Stilwell at Tombstone as she acknowledged in an extant letter to Governor Murphy on November 9, 1890. She suggested that Dr. Haynes was quite “rich” but that he was hiding his money in his sister’s name – Florence Hardie, widow of Robert. She stated, “I never liked Haynes not having his money in his name, and think a great fact to
ascertain is how he has made it.” She further expressed concern about Dr. Goodfellow’s involvement in the case, saying, “I still apprehend Goodfellow is implicated with Haynes; in fact, I would not be surprised if he were formerly known as Dr. Goerson; and I would like that inquired into.” Were that not enough, she wanted her sister-in-law, Florence, investigated, stating, “Moreover, I am very strongly convicted that Florence Hardie nee Haynes is very much, in some way, implicated in the case.”

The charge that Dr. Goodfellow was actually Dr. Goerson was totally ludicrous. But, this shows the extent to which Ellen Saxton and her friend Margaret Moorhouse were willing to go in order to bring suspicion upon Dr. Francis Haynes.

Mrs. Moorhouse was now working strenuously on Ellen Saxton’s part. On the same date that Mrs. Saxton wrote to Acting Governor Murphy, Mrs. Moorhouse did the same enclosing two letters written by Dr. George Goodfellow to Mrs. Saxton. She then requested that,

The tale Robert William Haynes told of his post-mortem be either verified or denied by him. I never dreamed of implicating him till his own conduct induced me to do it – and I consider that “conduct” should be satisfactorily explained before he is exculpated. I charged him and Cochrane with circulating the stories about the confession of the Indians because I knew they had done so and because I did not wish to assail the military officials.

She concluded, “Mrs. Saxton has probably informed you that the charge of murder which we have laid against Dr. Francis L. Haynes is not the first charge of a like nature he has had to defend himself from.”

In Toronto, Ellen Saxton waged a strenuous campaign against Dr. Haynes through the Canadian newspapers stating that the family was determined to “get at the bottom of the matter.” The Los Angeles Times, in making reference to Mrs. Saxton stated, “It appears that a sister of Mr. Hardie… who is the author of these rumors, is of somewhat unbalanced mind, and imagines that her brother was in possession of $100,000 when he died, whereas he was about $4,000 in debt.” However, on November 15, 1890, the Toronto World presented a defense of Dr. Haynes with a headline, “Unjust Suspicions Against Dr. Fras. L. Haynes Wiped Out – Letters from the Mayor of Los Angeles.” After a review of the events surrounding the death of Hardie, based on published reports from the Philadelphia Recorder, a letter from Henry T. Hazard, Mayor of Los Angeles (1889-1892), dated October 24, 1890, was published. Mayor Hazard stated,

I have read articles in the Philadelphia papers containing charges of a malignant nature regarding Dr. Francis L. Haynes of this city. From my knowledge and from a careful examination of all the evidence there can be no doubt regarding the reliability of the original statement of Dr. Haynes concerning the death of his brother-in-law, Robert Hardie, Esq. This statement has been corroborated in every detail by the confessions of the murdererers, in so much that it is a matter of surprise that anyone should reiterate these ungrounded charges.

Dr. Haynes is a gentleman of means and stands pre-eminent in his profession in this state as a physician and citizen, and any supposition except that Mr. Hardie was murdered the Indians could originate only in the mind of some one having some purpose in view aside from the truth of the matter.

You are at liberty to make such use of this communication as you see fit.

I am respectfully yours, Henry T. Hazard, Mayor of City of Los Angeles.

Judge Stilwell, in an effort to follow Governor Murphy’s suggestions, and to placate Mrs. Saxton, wrote to her under date of November 26, 1890,

Madam: I have the honor to acknowledge the receipt of your letter dated the 7th with enclosures, also the receipt of several papers with marked items on the death of the late Robert Hardie.
The Honorable N.O. Murphy… has forwarded to me the letters… received by him on same subject, embracing eleven exhibits with the request that the matter be brought to the attention of the next Grand Jury. My term of office expires Dec. 31st next, and unless a special term of court is called, the Grand Jury will [not] be convened until May, 1891.

I shall continue during my term of office in obtaining and possessing such material evidence on the case as I may be able and will hand the same with the papers above referred to, to my successor for his official consideration and action.

I am, Your Obed. Serv’t,

W. H. Stilwell, District Attorney

On December 3, 1890, Mrs. Saxton replied to Stilwell’s letter expressing her dismay that nothing in the legal realm could be accomplished until the next session of the Grand Jury; and, she inquired, whose responsibility was it to call a special session of the Grand Jury? She further stated, “I have not a shadow of doubt of Haynes guilt.” She then implored Judge Stilwell, “I wish you could assure me that whether in office or out, the weight of your influence would be given to ascertaining full proof of Haynes’ guilt!” The next day, Mrs. Saxton wrote to Governor Murphy stating that she was “appalled” at the possibility there would be no immediate Grand Jury investigation and again on December 7th stating, “You may rely on it, Haynes is the man.”

An undated typescript of a letter to the editor of the San Francisco Mail was located in the Daniel Freeman Family Papers at the Department of Archives and Special Collections of Loyola Marymount University in Los Angeles. The name of the letter writer is unknown, but from the contents of the letter he had access to the private papers of Robert Hardie. It may well have been Daniel Freeman. Freeman was a native of Ontario, Canada, a pioneer of Los Angeles, and is considered the founder of Ingleside, California where the major hospital and an elementary school are named for him. It is very likely that he had an association with Frances Haynes that precipitated the following letter:

Some one sent me from Canada a marked copy of a Toronto “World” of recent date containing a most outrageous, sensational, and utterly untruthful article concerning the death of the late Robert Hardie. It is intimated that Mr. Hardie was shot by his brother-in-law Dr. Frank Haynes; the object being to obtain possession of Hardies property. Now Dr. Haynes is a very wealthy man, and stands very high in the estimation of the citizens of Los Angeles, as a surgeon, and a gentleman of unblemished reputation.

Mr. Hardie was a most estimable man, but died so poor that Mr. Rusk Harris, formerly of Toronto, who was one of the sworn appraisers of his estate, says that his total effects would not have brought under the hammer, $1000.00, which is less than Dr. Haynes’ income for a fortnight. He had some real estate, but had borrowed nearly all it was worth. Dr. Frank Haynes was paying Hardie’s expenses on the fatal trip on which he lost his life.

Hardie came to Los Angeles in 1885, and like a great many other lawyers made but little at his profession until in 1887 when Drs. F. & J. Haynes took him up, and gave him their law business. His cash book is before me, as I write, from which it appears that from the time of his opening an office here up to May 9th 1890 he had received from his professional business and from all other sources $13,091.00. These items include certain parcels of land he had taken for fees, or paid for partly in fees, and such lands are entered on his books at very high prices.

There certainly was no motive for the killing of Hardie by Dr. Haynes. Haynes is a man worth at least $150,000.00 with an income of $20,000.00 a year, and both he and his brother, Dr. J. Haynes had a high regard for Hardie as is evidence by them giving him their law business. He had married their sister, an estimable young lady of 31 (and not 41 as stated in the “World”) and they were helping him in every way. Hardie had no money upon his person when killed, and his
debts nearly equaled his assets.

But aside from the absence of motive, there is proof positive that “Kid” an Apache Indian shot Hardie. I enclose a clipping from the Los Angeles “Tribune” that contains the correspondence between the Governor of Arizona and the Military authorities, which is conclusion on that head. I may mention that I have seen the original correspondence.

It is not true that Hardie was married in a darkened room. The enclosed extract from the Los Angeles “Express” of 28th May last shows that his funeral was attended by the Judges of the Superior Court and representatives of the Bar and many other of his friends. The funeral was private only in the sense that none but “friends of the deceased” were invited.

Here where all the facts and all the parties are well known, no one has ever doubted that Hardie met his death at the hands of Indians. His friends are indignant at the malicious slanders that have been made in his name against those who were his best and dearest friends. But in Canada as such facts as are known there, have been carefully concealed, and malicious and false statements have been given to the press in an attempt to blacken the character of a most worthy gentleman and to make Hardie’s wife the sister of a murderer.

When rumors of these slanders first reached me, I went to the trouble of having copies made of all the correspondence contained in the enclosed copy of “Tribune” between the civil authorities in Arizona and the officer in charge of the troops in that Territory, and sent these copies to a friend of the parties who were circulating these rumors. But such copies were not given to the public as they should have have been. 57

If Frances Haynes was guilty of the murder of Robert Hardie, or in any way culpable of collusion, his intimate friends and associates in California, Pennsylvania, and elsewhere were certainly in a “darkened room” of mistaken notions.

Upon the conclusion of Judge Stilwell’s term of office, he turned over all material relating to the Hardie murder case to his successor, Allen R. English. By January 5, 1891, new Governor John N. Irwin had written to English, forwarding a letter from Mrs. Saxton with two enclosures, none of which - neither the letters nor the enclosures - are extant. English’s response to Governor Irwin are extant and simply states, “You may rest assured that the whole subject will receive at my hands the most rigid and searching examination, and should I then arrive at the conclusion that the suspected party ought to be arrested or tried for this horrible crime, I will see to it that he is.” 58

Mrs. Saxton was loathe to give up the pursuit of Dr. Haynes. In April 1891, she solicited the assistance of the Canadian Privy Council’s Sir Julian Pauncefote, “Her Britannic Majesty’s Minister” in Washington D.C., who, in turn, contacted the State Department in Washington requesting information relative “to the murder of Robert Hardie, a British subject.” William F. Wharton, Assistant Secretary of State, on April 25th, wrote Governor Irwin, who, in turn, wrote District Attorney English in April of 1891. English sent a prompt reply to Governor Irwin “furnishing all the information yet received and which is perfectly conclusive that the killing was the work of Apaches who have confessed to the crime and upon whom the watch chain and charm taken from his body were found.” 59

Governor Irwin very promptly contacted William Herring, Attorney General of the Territory (yet maintaining his law office with his son Howard in Tombstone). Herring responded by letter on May 6, 1891,

I wish to say to you privately, that the fullest light has already been shed upon this question [the Hardie murder], and great pains have been taken in the kindliest spirit toward the lady who promotes these inquiries, so as to fully and absolutely satisfy her that the killing of her brother was done by an Apache Indian…. In an interview which I had with Gen. Miles at Benson, he gave me positive assurances, that, after investigation of the matter he had no doubt that the
killing of Hardy [sic] was done by the Apaches and authorized me to make such statement publicly…. The fact that Captain Bullis received Hardy’s watch chain from a captured renegade, and sent it to District Attorney Stilwell of this county, is a circumstance which is in itself almost conclusive.

Still, Robert Hardie’s loving sister, Ellen Hardie Saxton, persisted in getting all of the facts concerning her brother’s death and, if possible, seeing Francis Haynes arrested, tried, and convicted of murder. In July of 1892, she wrote to the Department of Justice in Washington D.C. The Acting Attorney General of the United States, Charles H. Aldrich, wrote to the Governor of Arizona on July 7, 1892 stating, “The sister of the murdered man after having made many fruitless inquiries has again written letters which have been referred to me.” He continued, “her interest in the matter is not unnatural and deserves attention. She should at least have some authoritative and final statement as to the whole affair.” In conclusion he wrote, “It is not only important that the laws should be enforced but also that all persons concerned should believe them to be enforced or an honest effort made in that behalf.”

The matter was indeed “fruitless” as to any guilt being pinned on Dr. Haynes. The file on the murder of Robert Hardie concludes with Mr. Aldrich’s letter. There was nothing more that could, or would, be done to appease Mrs. Saxton and, as far as any official action, the matter was put to rest.

John Plesant Gray, son of Michael Gray, later related that,

The killing of Hardy [sic] almost became an international incident. His sister in Canada brought the matter up with her government, and our government in Washington detailed an army officer to investigate. Mr. Hardy’s sister raised the point that our family according to testimony, had lived at Rucker Ranch over ten years, and in all that time Indians had not raided or killed any of us, while on the other hand, her brother was there but two days when he met his death.

No doubt the Indians had been watching Dr. Haynes and Mr. Hardy, and knew from their movements and the way the rifle was safely tied behind the saddle where it could not quickly be used, that these two men would not be able to make any defense. Whereas they knew that we cowboys always had our guns ready for any emergency.60

While some believed that the publicity that developed from the Hardie murder was just another attempt by the citizens of southeastern Arizona to arouse an “Indian scare,”61 in the end, it was crystal clear that the murder of Robert Hardie was not the work of his brother-in-law Frances Haynes, nor that of Mexicans dressed as Indians; it was not suicide, nor the work of white outlaws. It was in fact an atrocity committed by the renegade Apache Indian known as the “Apache Kid” and his companions.

The infamous “Apache Kid”
Endnotes:

1. Tombstone Epitaph, May 27, 1890.
3. Goodfellow, George E., MS 0296, Arizona Historical Society; autopsy report #227. See also: Tombstone Epitaph, May 26, 1890.
5. Robert Hardie was the son of Revered Donald Hardie of Warwick, Ontario, Canada. He is listed in the 1886-87 Los Angeles City & County Directory, p. 122, room 81, Temple Block.” In 1888, he is listed as a partner of William I. Foley.
6. Florence Hardie subsequently married Dr. Walter Lindley, medical associate of the Haynes brothers, and had two children, Dorothy and Frances Haynes Lindley.
8. Tombstone Epitaph, August 2, 1890.
9. Dr. Francis Haynes was so highly regarded that Maria Sacramenta Lopez de Cummings dedicated her book Claudio and Anita; A Historical Romance of San Gabriel’s Early Mission Days (1921), stating in the dedication: to Dr. Francis L. Haynes – “A man of genius whose fidelity to duty was his foremost characteristic. In token of his noble deeds, and with grateful and unfading memories, this little work is affectionately dedicated. "he being dead yet speaketh."
12. Arizona Republican, May 27, 1890.
13. Philadelphia Inquirer, June 10, 1890.
14. From Judge Stilwell’s interview with the Los Angeles Times, June 1, 1890.
15. From Dr. Goodfellow’s autopsy report #227, May 28, 1890 (located by Earp researcher Tom Gaumer).
16. From Judge Stilwell’s interview with the Los Angeles Times, June 1, 1890.
17. Identified in some newspaper articles as Lt. Dan Fitch; the Epitaph stated on June 9th that it was a telegraphic error.
18. From Judge Stilwell’s interview with the Los Angeles Times, June 1, 1890.
19. Tucson Daily Citizen, June 4, 1890.
22. Tombstone Epitaph, via Arizona Republican, June 5, 1890.
23. Tombstone Epitaph, via Arizona Republican, June 5, 1890.
24. Congressional Serial Set, Volume 2831, report of Brigadier General Grierson, July 1, 1890.
25. Tombstone Epitaph, via Arizona Republican, June 5, 1890.
26. Los Angeles Times, June 1, 1890; Tombstone Epitaph, June 4, 1890.
27. Marriage record of Ellen Hardee to Frances B. Saxton, October 22, 1878 at Elgin, Ontario, Canada. She died in Middlesex County, Ontario on October 16, 1929 (from research of Mark Dworkin).
28. The Strathroy Age, published the account of Hardie’s death and the citizens letter to President Benjamin Harrison on June 5, 1890 (original article located by Mark Dworkin).
29. Tombstone Epitaph, June 5, 1890.
30. From Judge Stilwell’s interview with the Los Angeles Times, June 1, 1890.
31. San Francisco Chronicle, via Tombstone Epitaph, June 6, 1890.
32. Phoenix Herald, via Tombstone Epitaph, June 6, 1890.
33. Whittier (California) Pointer, via Tombstone Epitaph, June 9, 1890.
34. Arizona Republican, May 27, 1890, via wire report San Francisco, May 26, 1890.
35. Tombstone Epitaph, June 7, 1890.
36. Tombstone Prospector, July 3, 1890. The Epitaph on March 29, 1891 called Whaley, “an old Arizona pioneer, hunter and scout.” “Tex” Whaley was a scout and courier for Lt. Charles Gatewood in Mexico in 1886 when they army was hunting Geronimo and his band.
37. Tombstone Epitaph, July 3, 1890.
38. San Francisco Chronicle, via Tombstone Epitaph, July 26, 1890.
39. Tombstone Epitaph, August 21, 1890.
40. Tombstone Epitaph, August 21, 1890.
This letter and all quoted letters that follow in this chapter are from the Record Group 6, Secretary of the Territory, Subgroup 5, Crime, Series 2: Cochise County, box 3 folder 63, “Murder of Robert Hardie,” Arizona State Library, Archives and Public Records, History and Archives Division.

For additional information on Kelly, see: Metropolitan News-Enterprise (Los Angeles), Tuesday, November 14, 2006, page 7, Perspectives (column), “Frank P. Kelly: Last DA of Wild West Era, Sworn In on 35th Birthday,” by Roger M. Grace.

*Tombstone Epitaph*, August 20, 1890. The *Arizona Champion* on August 9th reported, “Sayes, Apache Indian, will be put on trial for killing Sheriff Reynolds and Deputy Holmes.” For additional information on Sayes, see: McKanna, Clare Vernon, *White Justice in Arizona: Apache murder trials in the nineteenth century; and Court Martial of the Apache Kid* (Lubbock: Texas Tech University Press, 2009).

All letters of communication published in *Tombstone Epitaph*, August 21, 1890.

Philadelphia Inquirer, November 7, 1890.

*Tombstone Epitaph*, August 21, 1890.

Charles W. Wood was asked to resign as chief detective of the Philadelphia police department on October 6, 1891, allegedly as a cost-cutting measure. See: Philadelphia Inquirer 10-6-1891.

That Haynes had been arrested was completely false. On April 4 1880, Dr. Albert G. F. Goerson was charged with the murder of his wife, Elizabeth E. Souder Goerson. The brother doctors Haynes were each in attendance upon Mrs. Goerson in the days prior to her death, but neither was held liable for her death. See: Goerson v Commonwealth (Pennsylvania) Supreme Court Cases Volume 99, 1882.

Stilwell to Murphy, October 29, 1890, Arizona State Library, Archives and Public Records, History and Archives Division.

Saxton to Murphy, November 9, 1890, Arizona State Library, loc.cit.

The Goodfellow letters are no longer part of the Hardie murder file at ASL. The reason for this may be found in a note written December 1, 1890 on the letterhead of Dr. Moorhouse, “Mrs. Moorhouse… begs leave to remind him [Governor Murphy] that he has not returned [the letters] of Dr. Goodfellow.”

Los Angeles Times, October 30, 1890.

Toronto World, November 15, 1890 (original article located by author/researcher Mark Dworkin).

Stilwell to Saxton, November 26, 1890, Arizona State Library, loc.cit.

This information located by fellow researcher Mark Dworkin.

Department of Archives and Special Collections, Loyola Marymount University; CSLA-21 Daniel Freeman Family Papers, Legal and Business Records, Box 1, Item 31, three page typescript letter, unsigned.

English to Murphy, January 5, 1891, Arizona State Library, loc.cit.

*Tombstone Epitaph*, May 6, 1891.

Gray, loc.cit., p. 75.

How did Butch Cassidy get his nickname “Butch”? The most common explanation is that Cassidy, whose real name was Robert LeRoy Parker, was once a butcher. Diana Allen Kouris related in *The Romantic and Notorious History of Brown’s Park* (1988) that Cassidy had supplied beef for cowboys during fall roundups. Lula Parker Betenson, in *Butch Cassidy, My Brother* (1975), and Bill Betenson, in *Butch Cassidy, My Uncle* (2014), suggested that he had worked as a butcher for, among others, W.H. Gottsche, Otto Schnauber, or John Maulson in Rock Springs, and may have supplied meat from rustled cattle, giving new meaning to the phrase “locally sourced.”

Matt Warner had a completely different account in *The Last of the Bandit Riders* (1940): The name came from a hard-kicking needle gun, “Butch,” which he had pranked his pal into shooting. The recoil put Cassidy in the mud, and gave him his nickname and Warner bragging rights. Further afield, an 1896 Salt Lake City newspaper article said that Cassidy “is commonly known among his comrades as ‘Butch,’ a title accorded him, it is said, on account of his murderous instincts.” Many things were said of Cassidy, but murderous instincts was way down on the list.

Whatever the provenance of his nickname, by 1894, when he went to prison in Wyoming for horse theft, he was already known as Butch Cassidy. His prison mugshot card gives his name as “G. Cassidy” (George Cassidy was the name he was using then), and his alias as “B. Cassidy.” A second prison record, which appeared in Mike Bell's *Incidents on Owl Creek* (2012), has the word “Butch” scribbled above the name "George Cassidy," although when it was written is unclear. There is general agreement that Parker borrowed the Cassidy part of his alias from Mike Cassidy, an older cowboy who had mentored him on the lawless life.

The first published example of the name “Butch Cassidy” researchers have found was in the *Vernal Express*, August 27, 1896, not long after he was released from prison, reporting that a local sheriff was on the trail of “‘Butch’ Cassiday . . . who is supposed to be one of a crowd of cattle rustlers wanted in Wyoming.”

**Etta or Ethel, which is it?** The Sundance Kid’s companion (or perhaps wife) became famous in the press and on Pinkerton circulars as Etta Place. When they set sail for Argentina in 1901 Sundance’s alias was Harry A. Place, an amalgam...
pieced together from his real name, Harry A. Longabaugh, and his mother’s maiden name, Place. A few years ago, Donna Ernst, author of The Sundance Kid (2009), found in the Pinkerton archives a piece of paper with the traced or copied signatures Harry A. Place and Ethel Place. In fact, in a 1904 memo and an early circular the agency referred to her as Ethel. That didn’t last. Within a few years, the Pinkertons and the press were calling her Etta Place.

A typo in Leander Richardson’s 1906 New York Herald article about the Wild Bunch trio in Argentina launched Ethel Place as Etta. (New York Herald, September 23, 1906/Buck & Meadows collection)

What happened? In 1906, Leander Richardson, a New York journalist, novelist, and playwright of some repute, published in the New York Herald, “Yankee Desperadoes Hold Up the Argentine Republic,” an overheated account of the Wild Bunch trio’s adventures in Argentina, the sort of thing recently seen on the cable programs Gunslingers and Bill O’Reilly’s Legends and Lies. Richardson misspelled Ethel Place’s name as Etta, and soon the Pinkertons and everyone else followed suit. When typo replaces fact, print the typo.

Was Ethel her real name? Don’t know. What was her real last name? Don’t know.

How many movies have been made featuring Wild Bunch characters? Deadwood Pass (1933) was the first, followed by Cheyenne (1947), Return of the Badmen (1948), The Texas Rangers (1951), Wyoming Renegades (1955), The Maverick Queen (1956), The Three Outlaws (1956), Badman’s Country (1958), Cat Ballou (1965), Return of the Gunfighter (1967), Butch Cassidy and the Sundance Kid (1969), Mrs. Sundance (1974), Wanted: The Sundance Woman aka Mrs. Sundance Rides Again (1976), Butch and Sundance: The Early Years (1979), and Blackthorn (2011).

There’s also The Day They Hanged Kid Curry (1971), a 90-minute episode of the television series Alias Smith and Jones, and of course Sam Peckinpah’s The Wild Bunch (1969), but it had nothing to do with our boys.

What about The Great Train Robbery? Edwin Stanton Porter’s ten-minute silent, The Great Train Robbery, shot in New Jersey in 1903 for $150, was loosely based on an 1896 short story and stage play by Scott Marble, both fictional and having nothing to do with specific outlaws. The New York Sun described the melodrama as offering “a frightful fight with bowie knives, a tribe of fiendish Indians, several desperate battles, and, of course, the hold-up and pillage of a railway train.”

Butch Cassidy and the Sundance Kid has a scene of the duo in a New York theater in 1901 purportedly watching themselves in the 1903 silent – a neat, Dr. Who trick – which might have given rise to the myth that Porter's film was based on their exploits. In December 1907, a movie called Asaltadores de un Tren (a fair translation of
The Great Train Robbery) was shown in La Paz, Bolivia, so they might have seen it after all.


What are some of the Bolivian complaints about the 1969 Butch Cassidy and the Sundance Kid? First, that the Bolivian characters spoke with Mexican accents, which was true, because they were Mexican actors.

Second, that the Bolivian soldiers’ uniforms were wrong. Again true, their uniforms were similar to the style introduced in 1911 by the head of the Bolivian army’s German military training mission, Major Hans Kundt. At the time of the 1908 shootout, however, Bolivian soldiers wore French outfits, kepis and all.

Third, that Butch Cassidy uttered a line describing Bolivia as a “stupid country.” Untrue. When Butch suggested going to Bolivia, Sundance asked “What’s Bolivia?” and Butch replied, “Bolivia’s a country, stupid,” which was correctly translated in the Spanish-language subtitles as “Bolivia es un país, estúpido,” but which in popular myth became “Bolivia es un país estúpido.” That urban legend led to another, that Bolivians demonstrated against the movie and the government banned it, neither of which happened.

In the early 1900s Tupiza, a commercial and mining center and capital of the Sud Chichas province, had a population of several thousand, of which about one hundred were foreigners. The Tupiza district attorney was in charge of the judicial inquest into the Aramayo holdup and San Vicente shootout.

Abaroa Regiment officers at a farewell lunch for conscripts near Tupiza, Bolivia. The presence of the regiment in Tupiza in early November 1908 forced Butch and Sundance into changing their robbery plans, with fatal results. (Caras y Caretas [Buenos Aires, Argentina], February 19, 1909/Buck & Meadows collection)

Another fable, popular in Bolivian literary circles, is that William Goldman’s idea for the 1969 movie was stolen from Gringo (also called El Gringo Smith), a script written in the early 1960s by Bolivian screenwriters Oscar Soria and Gonzalo Sánchez Lozada. Gringo was loosely based on the true story of three mineworkers, one of them John W. Smith, a 36 year-old American from California, who in 1922 held up their company’s payroll near Pulacayo. They were soon captured and sent to prison. The trio, who came to be known as “Los Smithes,” had nothing to do with Butch and Sundance, though in local lore their bandit tales soon intertwined. Furthermore, as Goldman told it in Adventures in the Screen Trade (1983), he “first came upon the Butch Cassidy story in the late fifties” and “researched it on and off for eight years.” He recalled writing his “initial draft” in 1966, but what was described as his “first draft,” dated 1957 and titled The Sundance Kid and Butch Cassidy, sold on eBay in 2002. In short, Goldman was at work on his Oscar-winning script years before Soria and Sanchez Lozada came up with Gringo.

The stolen idea fable is so enduring that when we wrote the Butch Cassidy entry for the
Diccionario Histórico de Bolivia (2002), the editor inserted, unbeknownst to us, language repeating it as fact.

“Los Smitis” finally had their moment in the limelight when Bolivian filmmaker Antonio Eguino worked their story into his 2007 movie, Los Andes No Creen en Dios.

How tall was Ben “The Tall Texan” Kilpatrick? Following his arrest in St. Louis in November 1901, the police clocked him in at 183.4 centimeters, which is six feet 0.2 inches. Upon his 1905 arrival at the federal penitentiary in Atlanta, however, he was measured in his bare feet at 181.3 centimeters, which is 5 feet 11 3/8 inches. An unsigned 1912 Atlanta memo to the William J. Burns Detective Agency, written after Kilpatrick’s death during an attempted train holdup in Texas, boosted his height to 6 feet 1 inch. However, the Atlanta record clerk, J.M. Nye, was adamant that his 181.3 number was correct. “You can stake your reputation on these measurements,” he wrote in a memo, “for I have verified them twice and know that I am right.”

Regardless, even near six feet was leggy. The average adult American male of the era was about five-foot-seven.

Bonus question, was “The Tall Texan” really his nickname? Probably not. After his 1901 arrest, he was described in a newspaper as “a tall Texan,” which soon became “The Tall Texan.”

Was Hopalong Cassidy inspired by Butch Cassidy? If Hopalong’s creator Clarence Edward Mulford modeled his hero on anyone, it was Wild Bill Hickok, perhaps with a few John Wesley Hardin gunfights thrown in. His knight-errant was a scruffy, foul-mouthed, tobacco chewing gimp (hence Hopalong). Much to Mulford’s dismay, the bad leg and rough manners vanished after the first movie, and Hoppy blossomed into a sarsaparilla sipping do-gooder.

Was the gang really called the Wild Bunch? During its heyday, the band was known in the press as the Hole-in-the-Wall gang, the Train Robber’s Syndicate, Butch Cassidy’s gang, Kid Curry’s gang, the Powder Springs gang, and the Robbers Roost gang. These were mainly newspaper monikers. What the gang members called themselves is anyone’s guess. The first specific, capitalized use of “Wild Bunch” in reference to the gang was in a 1902 Pinkerton memorandum to the American Bankers Association. That headline-ready bon mot was soon picked up by the press, undoubtedly with an assist by the nimble, publicity-happy detective agency. By then, the gang was effectively kaput. The phrase “wild bunch” had commonly been used in the Old West to mean a group of cowboys on a spree or a band of feral horses, and to describe earlier outlaw gangs like the Doolins and the Daltons.

When did Butch and Sundance first meet? Their paths could have crossed in the 1880s when both were cowboying in southwestern Colorado, Butch near Telluride and Sundance near Cortez, but there is no evidence that they knew each other then. In Montana in the early 1890s, Sundance met Bill Madden, one of Butch’s confederates from the 1889 Telluride bank robbery, so they had friends in common. Regardless, they did not team up in crime until 1896 or 1897 at the earliest, and perhaps not until 1899 or 1900. Prior to decamping for Argentina in 1901, they had participated in perhaps no more than two or three holdups together. Nonetheless, when all was said and done, the pair had spent a decade together.

Was Butch Cassidy a train robber? As a train robber, he was something of a shirker. Seven train assaults have generally been attributed to various members of the Wild Bunch: Malta in 1892; Wilcox and Folsom in 1899; Tipton in 1900; Wagner in 1901; Parachute in 1904; and Sanderson in 1912. Butch was not named in the Malta and Folsom holdups. He was in Argentina during Wagner and Parachute and dead by Sanderson, leaving only Wilcox, but his name was only added to that list of suspects because he was famous, not because there was any real evidence. That leaves Tipton, where Butch was recognized
by a rancher who knew him on sight. In short, when it comes to train robberies, Butch Cassidy had a poor attendance record.

Elza Lay or Elzy Lay, which is it? William Ellsworth Lay was known as Elzy and Elza in the press and among his friends. Both names are diminutives of Ellsworth. In his book, The Educated Outlaw (2009), Harvey Murdock, Lay’s grandson, prefers Elzy, though he has also used Elza. Charles Kelly favored Elza, and former New Mexico Governor Miguel Otero, Ezra.

Who was the last member of the Wild Bunch left standing? If member is defined loosely, the honor goes to Laura Bullion, Ben Kilpatrick’s partner, who served time for passing currency from the Wagner holdup and died in 1961. If the criteria include participation in at least one holdup, the answer would be Walt Punsetey, who took part in the 1897 Belle Fourche robbery (better described as a $97 fiasco) and died in 1948. Then there was the elusive Dave Atkins, who ran with the Ketchums, and who expired in 1964, after 32 years in a mental hospital. As for key confederates, the last standing was Matt Warner, who entered bandit Valhalla in 1938. Take your pick.

Was there such a thing as a “super posse”? Yes, but its role in chasing train robbers has been grossly exaggerated, especially by the 1969 movie and Wild Bunch writer James Horan, who is thought to have coined the term “super posse.” Richard Patterson, author of The Train Robbery Era (1991), credits Union Pacific owner E.H. Harriman with the idea of “posse cars,” baggage cars outfitted with ramps that could carry lawmen and their mounts quickly to the scene of train holdups. Super posses were used rarely, perhaps only following the 1899 Tipton and the 1900 Wilcox holdups, and caught no bandits, but on screen they made a helluva dramatic splash, as Butch Cassidy and the Sundance Kid screenwriter William Goldman recognized. Much more effective, though dull and unfilmatic, was the circulation of stolen currency serial numbers to banks nationwide, which led to the arrests of Ben Kilpatrick, Laura Bullion, Harvey Logan, and Bob Lee, and perhaps to the death of Lonie Logan.

If the American authorities couldn’t nab Butch and Sundance, how could the Bolivians? The implication of the question is wrong. Between the perseverance of U.S. marshals, local authorities, and the Pinkertons, not to mention the stupidity and bad luck of the outlaws, the Wild Bunch was defunct by the dawn of the 20th century: All its key members were jailed, dead, or in exile. The Bolivian authorities were equally effective, capturing or killing the majority of bandits (chiefly foreigners – disgruntled miners or railroad workers) operating in the country in the early 1900s.

José Manuel Pando (seated center), Bolivian president from 1899 to 1904, and his shooting club. Hunting and target shooting were popular sports among the members of the middle and upper class. During the early 1900s, the country imported around 10,000 firearms for commercial sale annually. (Buck & Meadows collection)

How do we know that Butch and Sundance (or whomever, if that is your pew) are buried in San Vicente? Their November 7, 1908, burial in San Vicente and exhumation a couple of weeks later for identification purposes were mentioned in the district attorney’s inquest report. A local gold-dredge manager, A.G. Francis, who had guided the bandits part of the way to San Vicente, and who visited the village soon after the shootout, later wrote that they had been interred there in “unconsecrated ground.” Depending on parish
custom, unconsecrated ground could be a designated area inside or outside of the cemetery.

Victor Hampton, an American mining engineer who lived in San Vicente in the early 1920s, said that Butch and Sundance were buried in the village cemetery. He gave James Horan a July 1923 panoramic photograph of a snow-draped San Vicente, marked with an arrow pointing to the “grave yard” at the edge of the village. On the verso was written, “Graveyard, San Vicente, Bolivia, where Cassidy, Sundance Kid are buried – Victor Hampton.” In 1972, writing to the mayor of Malta, Montana, Hampton said that the two bandits “were buried in the village cemetery,” and that he “was shown their graves.”

Who was Victor Torres? Victor Torres was the Bolivian soldier killed during the November 6, 1908, shootout in San Vicente. A January 1908 Abaroa roster listed Torres as a 21 year-old single miner from Pulacayo who had been conscripted into the army in December 1906. He was a “cholo,” meaning of Indian or mixed Indian and Spanish ancestry, and stood 1.72 meters, almost five-foot-eight, rather tall for a Bolivian.

Victor Torres's name on a January 23, 1908, Abaroa Regiment roster, signed by Captain Justo P. Concha, who commanded the patrol that engaged in the San Vicente shootout, during which Torres was mortally wounded. (Archivo Militar, Estado Mayor del Ejército, La Paz, Bolivia.)

Word of the payroll holdup quickly spread by telegraph and messenger faster than the bandits could reasonably have expected, and posses were soon criss-crossing the region, making an escape south into Argentina less promising, and thus they went north into the Andes, perhaps surmising that the authorities would be less likely to search there. As a result, two days after the holdup they found themselves high in the arid Andes without cold-weather camping gear and, more importantly, without fodder and water for their mules. They had little choice but to enter a village, undoubtedly thinking that San Vicente was so remote and small.
that they would not be found. They were wrong. A posse was already in San Vicente.

The Empresa Confianza mine works outside of San Vicente, early 1900s. Mining in San Vicente dates back to the Spanish colonial days. (Buck & Meadows collection)

The San Vicente episode is a reminder that the bandit’s two enemies are bad luck and carelessness, not to mention the implacability of the law. In spite of its romanticized reputation of the Wild Bunch, most of its members ended up in jail or suffered violent deaths. For more details, see Anne Meadows, *Digging Up Butch and Sundance* (rev. ed. 2009) and https://diggingupbutchandsundance.wordpress.com/

Following the November 4 holdup of the Aramayo, Francke & Co. payroll, posses were sent out across the region looking for two armed Yankees and an Aramayo mule. Torres was part of a four-man posse, three from the Abaroa Regiment, a Bolivian army unit stationed in Uyuni: Captain Justo P. Concha, Torres, and an unnamed soldier. The fourth member was Uyuni policeman Timoteo Rios.

Per one account in the judicial inquest report, Rios, Torres, the unnamed soldier, and a local official entered the patio of the house where the two Yankees were staying, and the shorter of the two, presumably Cassidy, suddenly appeared in the doorway and shot Torres. The posse fired back as they exited the patio, and Torres died outside. In recognition of the soldier’s sacrifice, the Aramayo company compensated his parents, Juan de Dios Torres and Francisca Avilez.

**What were the results of the DNA tests on the bones exhumed from San Vicente during the NOVA documentary?** The documentary team, headed by the forensic anthropologist Clyde Snow, exhumed one complete articulated skeleton, and several intrusive bones found in the proximity of the grave. San Vicente is an informal cemetery, perhaps dating back to the colonial era. There are graves atop graves, bodies buried helter-skelter, with more recent burials disturbing older ones.

The articulated skeleton, thought to be Sundance, which the team named SV1, was determined to be Caucasoid, while a partial skull, SV2, one of the intrusive bones, initially thought to be Cassidy, was later found to be indigenous. In any event, the DNA extracted from SV1 and SV2 did not match the DNA of Parker or Longabaugh descendants.

While the documentary was still in production, the team learned that Roger McLeod, a Butch and Sundance researcher visiting San Vicente in the early 1970s, had taken photographs of our grave's headstone, which then had a plaque saying in German, "Here lies Gustav Zimmer after many years of hard work." The locals got the notion that Butch and Sundance were buried in the grave; the plaque was later stolen as a souvenir; and when we showed up two decades later, we dug up Gustav Zimmer, aka SV1.

Butch Cassidy and the Sundance Kid -- or whomever one wishes to name as the Aramayo bandits -- are still in San Vicente, underground. As evidence that "when legend replaces fact, print the legend" is a world-wide phenomenon, the bones exhumed in 1991 are now displayed in the San Vicente museum as those of Butch Cassidy and the Sundance Kid.

For more on legends and facts, go here, http://theappendix.net/issues/2014/1/bandit-resurrections-who-was-the-real-sundance-kid

Special thanks to Richard “Pat” Patterson, who some years ago suggested a number of these topics. Questions, quibbles and comments are welcome.
A SOLDIER OF THE FRONTIER

Paul O’Brien

Captain Frank Higginson of the S.S. Propontis had problems when his ship from Liverpool via Queenstown, County Cork, docked in Boston November 1, 1865. Two young stowaways had been discovered, William Goode, age 15, and William Francis Hynes, who gave his age as 16 though he was in fact 15 also.

The captain held them for return to their families but Hynes managed to slip ashore with the help of a sympathetic crew member. He enlisted in the Army at Boston on February 19, 1866, giving his
birthplace as Cork, Ireland, his age as the required minimum 19 (though still shy of his sixteenth birthday), affirming that he had neither wife nor child, occupation bookkeeper. The examining surgeon found him in good health, 5’ 3 1/2” tall with brown eyes and hair, and of a fair complexion. For some mysterious reason he next showed up at Carlisle Barracks, Philadelphia, on May 25th and enlisted in the 2nd United States Cavalry under the name William Jones. This was the staging ground for recruits destined for the western frontier.

His next stop was Fort Leavenworth, Kansas. From there 100 recruits, commanded by Lieutenant J.T. Peale, began the 600-mile march to Fort Laramie, Dakota Territory, through wild country abounding with game. At the Forks of the Republican River, Billy met his first Native Americans in the shape of 150 Cheyenne who were hunting buffalo in a massive herd (said to take the soldiers four days to march through). The Cheyenne went along for part of the journey. Chief Bull Bear set up a desperate fight between two of his mounted warriors, armed only with bows, and a large bull buffalo goaded to fighting fury in response to Lt. Peale’s jibe that “buffalo won’t fight.” Called “papoose” by the Cheyenne because of his youth and size, Billy chummed up with a young brave who invited him to join the hunt. Lt. Peale quashed the invitation. Billy noted that only the officers and the bullwhackers driving the wagons, carried arms.

At Fort Laramie he joined Troop E 2nd United States Cavalry and was given a Springfield Model 1861 muzzle-loader. Following a crash course in horse soldiering he saw action when part of his troop was sent after a Sioux raiding party who had run off stock. Later they were equipped with Spencer carbines, sabres and pistols.

His fellow soldiers were a mixed bunch from various states and European countries, many of them fellow-Irish, with differing reasons for being in the frontier cavalry. Hynes used his alias William Jones for the duration of his service. He was particularly friendly with Herbert von Hammerstein who came from an aristocratic military German family. As a Lieutenant in the Austrian Cavalry he apparently met George B. McClellan who was on assignment observing the Crimean War. Coming to the United States in 1859, von Hammerstein joined the New York 8th Volunteers, but left when McClellan commissioned him Major and ADC on his personal staff during the Peninsula campaign of 1862. Captain George A. Custer was a fellow staff officer at the same time. In May 1863 von Hammerstein was commissioned Lieutenant Colonel in the New York 78th Volunteer Infantry and led them to Gettysburg with seven other officers and 190 men. After Culp’s Hill he was promoted to full Colonel. He was in the field during the Atlanta and Carolina campaigns and kept his rank when the 78th and 102nd New York Regiments were combined due to attrition. He was discharged prior to mustering out July 24, 1865.
Unsui ted to civilian life, von Hammerstein joined the regular army. Hynes met him when he was a sergeant at Fort Casper in the winter of 1866-67; they were together in at least one defensive action with the Sioux, where he was cool under fire. Hynes implies he was in a downward spiral, and had been disowned by his family and a sweetheart in Vienna when he left for the United States. His application for a commission in the Cavalry was rejected. He drowned in the Missouri River at Omaha under mysterious circumstances following leaving the army, June 30, 1867.

This was the time when the great Sioux Chief Red Cloud was fighting his Powder River campaign to resist the rush of western expansion which was ultimately to destroy the wild free lifestyle of the plains Indians. Billy had respect and sympathy for their struggle, later describing the Sioux as “uncompromising defenders of liberty.” But he and his fellow-soldiers were only following orders - he wrote:

‘Revenge was not theirs, nor was vengeance or fears
As they rode thro’ a vastness unknown
Midst wide open spaces where wild savage races
Like eagles, were given their own’.

The trans-Mississippi West, patrolled by relatively few Army units, was indeed vast, a million square miles composed of what are now the states of Wyoming, Montana and North and South Dakota. Troop E was based out of newly-established Fort Russell. Their duties included pursuit of “hostiles,” as Washington termed the Native Americans they had forced into rebelling, hunting down desperados (apparently including Lee H. Musgrave, subsequently lynched by vigilantes in Denver), rescuing snowbound wagon trains, guarding railroad crews, protecting telegraph outposts and delivering mail between Army stations along that part of the Oregon Trail. They were involved in building Fort Casper in the winter of 1866/67. Billy recounted a desperate pursuit of Sioux warriors who had stampeded and then run off the mule herd under cover of a snowstorm. Though lucky enough to avoid disasters such as the Fetterman fight, in which twenty seven of Troop C, 2nd Cavalry, were among those who perished, he saw several lesser engagements. Troop E soldiers were in action at La Bonte Creek, September 28, 1866; at La Prella Creek, May 1st 1867 (when Trooper Ralston Baker was killed), and May 23 near Bridgers Ferry (when Troopers Tom Jordan and Patrick Kelliher died). There they surprised the attackers of a corralled wagon train, galloping in among the Indians in a classic cavalry charge just as they launched the assault. They also appear to have been with the Pawnee Scouts that August, involved in a running fight with Sioux in the valley of the North Platte.

Troop E had a busy year in 1868. In April they escorted the United States Government Commissioners to Fort Laramie from Fort Russell for the Treaty negotiations following Red Cloud’s campaign of 1866 that closed the Bozeman Trail. These included Generals William Tecumseh Sherman, William Selby Harney (2nd Dragoons, precursors of the 2nd Cavalry) and Alfred Terry. Red Cloud didn’t bother to show up, he didn’t trust the generals (with good reason as time would tell), though he signed the treaty later and adhered to his word, unlike the United States government. They protected the Union Pacific Railroad workers and surveying parties, and scouted between the railhead and the North Platte, camping on the trail for more than six weeks at a time. They escorted General Grenville Dodge, Chief Engineer of the Union Pacific, and party to Salt Lake. Records at NARA show that in all they marched 2,200 miles between April and end of November.

In camp and on the trail Hynes entertained his buddies with a pleasant baritone voice and a mix of Sioux chants and quotes from Shakespeare. He was given to composing verse, and liked to ham it up as a stage Irishman. He was a good soldier, at home in the hard school of the frontier cavalry. By the time of his discharge on May 25, 1869, aged 19, he had made sergeant.
Characters he met on the frontier included Jim Beckwourth, mountain man, fur trader, Crow chief, writer and explorer who he found sitting on his bunk one day. Later he wrote about Jeff “Soapy” Smith. One of Soapy’s former associates in Denver, Franklin Farnsworth, appeared before him in Arapahoe County court in November, 1901, charged with assault with intent to kill. Farnsworth had taken a shot at H. W. Pinkerton, the enraged uncle of Miss Fannie Stuart, who took exception to what Franklin had whispered in her ear as she picked up a pitcher of beer for her uncle at a local saloon.

Mustered out at Fort Russell on May 25, 1869, Billy found work with the Union Pacific. He was fireman, brakeman, engineer and conductor at various times. He founded Denver Lodge #77 of the Brotherhood of Firemen and Enginemen, remaining a member for over 70 years. The Brotherhood was a conservative organization, hewing to strong Christian principles. It focused on providing fellowship and support to members and their families rather than getting involved in bargaining and strike action.

By 1879 Billy had saved up $500 and decided to blow it on an education. He went to Paris and signed up at the Sorbonne, taking time off to travel about visiting museums and historic sites, sending articles back to the Firemens Magazine. In love with words, he never used one if he could use ten. He checked out railroads in Ireland and visited his old hometown, Cork. In Spain he went to a bullfight which didn’t measure up to the savage encounter he had watched at the Forks of the Republican in 1866.

Returning to Denver, Hynes joined the railroad mail service. He became associate editor of the Firemens Magazine under Eugene V. Debs’ editorship in 1880. Debs, whose father came from a factory-owning family in France, and whose wife openly opposed his political philosophy, became the recognized founder of American socialism. Admired and reviled in equal measure, he strove to better the lot of the American worker against the massive strength of corporate America in those days of unbridled capitalism.

Logo of the Brotherhood of Locomotive Firemen and Engineers, 1907

Billy entered politics as a Populist and was elected to the Colorado Legislature, serving in 1893 and 1894, a stormy time in Denver as Populist Governor Davis Hanson Waite sought to curb the influence of corrupt city officials who protected the powerful criminal element. He became known as “Honest Billy” Hynes, and was president of the state Labor Congress in 1894.

A combination of Populists and Democrats succeeded in getting the issue of votes for women on the ballot, where it passed by a slim majority. This made Colorado the first state in the Union to approve women’s suffrage by popular vote. The next election saw Republican Clara Cressingham, Carrie Clyde Holly and Frances Klock elected to the Legislature. The Populists went down, disillusioning many party members on the women’s vote issue, including now ex-Governor Waite. Nationwide, the Populist movement had lasting positive effects as both Democrats and Republicans eventually incorporated several of its less radical positions into their own platforms, including a Federal income tax, the direct
election of senators, and banking reforms. The movement helped put in place powerful rural, urban and labor constituencies that made America modern.

In 1896 Billy, described in a Denver newspaper as “a stalwart and brainy fighter,” was chosen to represent several organizations before a committee of the United States Senate investigating railmen’s working conditions, and spent three years lobbying in Washington. Returning to plaudits in the press he studied Law, being admitted to the Colorado Bar September 6, 1901, and elected Justice of the Peace. He was appointed Judge in 1917.

Over the years he kept in touch with family in Ireland and never lost interest in his native country. In 1942 the old frontier cavalrman wrote relatives promising that the United States would take care of the twin forces of evil in the Pacific and Europe then threatening the very foundations of civilization. In 1943 he published an account of his days in the cavalry, Soldiers of the Frontier. Some of this had previously appeared in Firemens Magazines in the later 1880s as “Frontier Reminiscences,” under the pen name “Tim Fagan.”

Hynes died February 14, 1946, pre-deceased shortly before by Helena (Lena), his wife of over 60 years. They had one child, a boy who died in infancy. In 1878 he wrote her a beautiful love poem:

I rather the lovelight in my Lena’s eyes
Than the first bright flash of morning light
That shakes the night from yonder skies
And leaves the stars to track it’s flight.

I rather the soft love blush on my Lena’s cheek
Than the golden flood of closing day
That lights the range from peak to peak
And holds the last long lingering ray.

The schoolboy of fifteen who had stowed away from Ireland in search of adventure in the great land of freedom and opportunity beyond the western ocean had found it aplenty. Horse soldier during the Indian Wars, railroad man, scholar, legislator, jurist, advocate for justice in many causes, writer and sometime poet, his long and eventful life spanned a remarkable period in the history of the United States. Billy’s obituarist in the Firemens Magazine said “though small in stature, he was an intellectual giant who never deserted a friend or a cause… he was gentle and courteous, but he never ran away from a fight.”

Endnotes:
1) The Massachusetts Archives: Passenger Manifest Search 1848-1891
2) Firemens Magazine, Vol 10, 1886, p 332
3) Hynes, William F. Soldiers of the Frontier, Denver, 1943
4) Firemens Magazine, Vol 10, 1886, p 148
6) Lambert, Joseph I. One Hundred Years with the 2nd Cavalry, Capper Printing Company Inc., 1939
7) Rocky Mountain News, August 28, 1927
8) The Denver Post, Nov 21, 1901
9) The Denver Post, July 16, 1896

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Many people are today unaware the outlaw Al Jennings was once a deputy United States marshal.\(^1\)  
Al’s father, J. D. F. Jennings, a lawyer with a bad case of wanderlust, secured a homestead in the 1889 Oklahoma land run seven miles southeast of Kingfisher. Prior to his arrival in Oklahoma Territory, Jennings had tried to assure a future for his sons, Alphoso J., Edgar E., John J., and Frank E., by qualifying each to practice before the bar. However, the boys were not shining examples of good work ethic, for as one old timer put it... “only Ed seemed to have the stuff in him to succeed... Al just loafed and Frank dealt cards in a gambling house for a living....”\(^2\) Although the oldster didn’t mention him, son John’s goal of being a musician was a profession equally incapable of providing a living. It seems then, the boys, with the exception of Ed, were wastrels. But, in spite of their shortcomings, three of the brothers were destined to enter the history books. Their role in an October 8, 1895, gunfight at Woodward, Oklahoma Territory with Temple Houston, the fiery, flamboyant, gun-slinging son of old General Sam being part of the opposition secured their infamy.
By the day of this battle the antagonists already possessed a strong dislike for each other, having previously faced off in two court hearings where name calling and the display of guns interrupted proceedings. On the evening of the last dispute, Houston, accompanied by Deputy U.S. Marshal Jack Love entered the Cabinet Saloon. They were soon followed by Ed and John Jennings and the bickering began anew. Within minutes, shooting commenced. The Jennings boys were badly outgunned and during the opening volley Ed was shot in the head, managing to get off just one shot before hitting the floor stone cold dead. Brother John survived but was hardly more fortunate as he had an arm shot away, the death keel for a musician. At trial, Houston was acquitted of murder because the angle of Ed’s wound indicated he might have been shot by his own brother. Livid over the verdict and the implication, Al later wrote that the trial outcome was the reason he and his brother Frank turned to criminal transgressions.³

This story is well known among Western history buffs, but without exception, in the introductory material preceding each author’s rendering, readers are left with the false impression the Jennings boys migrated from Kansas to Oklahoma Territory at the same time as their father. Prior to his arrival at Kingfisher, Ed practiced law in several places in the raw frontier village of Purcell, Indian Territory where a local newspaper, the Territorial Topic of January 9, 1890 noted his arrival, stating, “Mr. Edgar E. Jennings, a young lawyer late of Trinidad, Colorado, arrived in our town on a visit to his brother’s during the holidays and liked the place so well he has concluded to stay and join his fortunes with the rest of us. He and Mr. J. F. Sharp have formed a co-partnership in the law business under the firm name of Jennings & Sharp. The Topic wishes the new firm success.”⁴

It seems the brother Ed came to visit was none other than Deputy U.S. Marshal Al Jennings. The circumstances leading to Al’s sojourn in Purcell came about because on March 1, 1889, Congress approved an act establishing the Muskogee, Indian Territory court, a civil court with authority over crimes exclusive of offenses punishable by death or imprisonment in Indian Territory. On March 23, the President issued a proclamation announcing noon, April 22nd as the time for a race for homesteads within the Oklahoma District, a two million acre wedge of land unassigned to any Indian tribe and beginning directly across the river from Purcell. This decree was followed on April 10th by the U. S. Attorney General assigning the responsibility of keeping the peace in the Oklahoma district to the U. S. Marshal’s office of the Indian Territory District Court. In a panic, newly appointed Marshal Thomas Needles appointed nearly 300 deputies to meet the challenge.⁵ One of the first hired was William W. Ansley, who was assigned to Kingfisher where he became acquainted with the Jennings family. Following the run, Ansley was stationed at Purcell as the chief field deputy for the Indian Territory court.⁶ By the spring of 1890, Al, as noted by Smith’s Territorial Directory, was stationed at Purcell and working for Ansley as a deputy for the Indian Territory District.
On the 24th of December, 1889, Al was shot at by a Milo Reeder. He returned the fire and wounded his assailant. Jennings and Deputy Charlie Broadhus were at the Santa Fe freight yard with a whiskey peddler they intended to transport to Purcell. While there, an old African American named Easton called on them for help with his son-in-law, Milo Reeder. He explained Reeder had abandoned his wife, Easton’s daughter, and in the course of the explanation it came to light the pair had been “indulging in a set-to with shotguns.” Alarmed, the deputies hastened to Easton’s house. As the deputies’ approached, Reeder fired both barrels of a gun loaded with slug buck shot. Jennings was grazed in the side by a pellet and returned fire with his Winchester, hitting his assailant in the leg. However, Reeder was only down, not out, and blazed away at the officers with a six-gun as he crawled toward shelter. At this, Broadhus put a bullet in Reeder’s side. Then the officers approached, disarmed, and arrested the man.

A crowd, alerted by the noise, quickly gathered. A third black man, known only as Jack, pushed his way through and demanded to know who had shot Reeder. Jennings was pointed out. Jack then wrenched the captured six-gun from Jennings and attempted to shoot the startled deputy. He was prevented from doing so by a member of Heck Thomas’ posse named Simmons who shot Jack in the abdomen, the ball passing completely through and breaking the arm of a Deputy Ridenour before coming to rest against the chest of a third party. Not surprisingly, Reeder escaped during the confusion.

Deputy U. S. Marshal John Swain was at the time living near Berwyn, a small town ten miles north of Ardmore. He had a black cook and it may have been from him Swain received a tip Reeder had made tracks westward for the Comanche Reserve. Swain mounted and traveled the eighty miles to the Reserve, located Reeder at the described hideout and took him into custody without incident. Because of the prisoner’s physical condition, Swain hired a wagon. As the charge against Reeder was a felony, hearing the matter fell under the jurisdiction of the Eastern District of Texas. So Swain moved Reeder south, caught the Texas Pacific and made connections to Paris, Texas arriving there on January 1, 1890.

Jennings, though down for a while, returned to work. The Territorial Topic of March 20, 1890 remarked, “Marshals Ansley, Jennings, and Smith, with a full outfit, started Saturday for Anadarko and from there to the border of Greer County after desperados….” That spring, Al and Ed were joined by their brother John. The Topic of March 27, 1890 makes clear these were the Jennings brothers when it proudly tells readers, “Judge Jennings of Kingfisher, father of Professor J. J., Attorney Ed, and Dept. Marshal Al Jennings, is here this week visiting the boys.”

Shortly thereafter, correspondence between Marshal Tom Needles and Commissioner Billy Hocker of Purcell documented Al and his boss Bill Ansley accepted money from individuals who wanted to avoid arrest and court. As a result, Al lost his commission. His sojourn into law enforcement lasted only until June, 1890. The Territorial Topic however put a positive spin on the move by telling its readers...“Al Jennings has resigned his commission as Dept. U.S. Marshal and has been admitted to the bar at Paris, Texas to practice in state and U. S. courts. We congratulate our friend upon his entry to the profession in which he will no doubt attain a high place.” The Topic’s imprudent opinion of Al seems to have been influenced by its regard for Ed, John, and their father as the June 19th issue had this to say of his skills, “Judge J. F. Jennings, of Kingfisher, O. T., father of our Ed and Al... is one of the best orators in the west, a man of talent... Professor J. J. Jennings will lead the band on the 4th of July. This insures good music for us.”

In July, the Topic announced A. J. Jennings had formed a partnership with R. S. Dinkins to practice law at Ardmore. The same issue informed readers Ed had just returned from a visit with his parents at Kingfisher. The following week, the Topic caught readers up on John Jennings saying, “Professor John J. Jennings, the famous cornet player, was here Tuesday. He was on his way from Kingfisher to Ardmore where he will aid the ‘wind-jammers’ in making music at the barbeque on the 25th.” Thirteen months later, Ed left Purcell, having terminated his partnership with Sharp in favor of a practice with John at El Reno. Then, in 1894, the trio of brothers moved to Woodward and infamy.
Al Jennings’ vendetta against society began in August, 1897 and lasted less than four months. Some have termed his outlaw days as “comic relief” because his three attempts at robbing trains resulted in a balky, unimpressed messenger refusing to open the door to the express car, futilely watching a second train plow through a barricade; and dynamiting the express car of the last to gain access to $300, a jug of whiskey, and a stalk of bananas. Attempts to rob country stores and banks were no more successful, usually ending in a rout or poor takes. In late November, 1897, Al was wounded in both legs while escaping a farm house surrounded by deputies. A week later he was caught and in February, 1899 sentenced to life for robbing the mail. That ended his outlaw days.

Jennings career as a lawman, lawyer, and criminal were dismal failures, as were later efforts in politics. About all he was really good at was being a prisoner and that activity was supervised. However, shameless self-promotion in his later years built the larger-than-life bad boy image which persists to this day.

Endnotes:

1 Smith’s 1890 Directory of Oklahoma and Indian Territory and Territorial Topic, March 27, 1890.
2 Burton Rascoe, Belle Starr, the Bandit Queen, Appendix Two, p. 268ff; others authors insist this was idle gossip and Al was trying to earn his way.
4 Territorial Topic, January 9, 1890; Ed may have been in Purcell some months before as the Territorial Topic for October 6, 1889 Postoffice column shows a general delivery letter available for E. E. Jennings for several weeks.
5 Grant Foreman, “Oklahoma’s First Court,” Chronicles of Oklahoma (Winter, 1935.) p. 457ff; see also: Chapter one of Glenn Shirley’s, West of Hell’s Fringe, (University of Oklahoma Press: Norman: 1978). This civil court, authorized a mere twenty-three days before, had jurisdiction within Indian Territory over suits arising between non-Indians or between Indians and non-Indians. But, it also had responsibility for crimes involving at least one non-Indian whose punishment on conviction
did not include prison. Investigation of felonies for the new area of settlement fell to Marshal William Jones of Wichita, Kansas who, due to an 1885 act of Congress already had responsibility for the area. He reluctantly put some 30 deputies in the field.

All newspaper directories for 1889 show W. W. Ansley (also spelled Ainsley), originally from Pennsylvania, as the chief field deputy for the Oklahoma Territory Court. He set up his office at Purcell because it was near the mid-point of the Marshal’s jurisdiction. Numerous articles in the personal columns of local papers show Ansley had his family with him. Ansley later moved to Lexington where he was one of the first city trustees. There he opened a luxurious hotel adjoining Deputy Bill Carr’s equally fine saloon. He held his commission throughout the term of Marshal Needles.

_**Dallas Morning News**, Dallas, Texas, January 1, 1890, pg. 1, “Gainesville, Tex., Dec. 31…Deputy Swain arrived here this morning from Chickasaw en route to Paris with a prisoner named Milo Reeder, colored, charged with assaulting Deputy Marshal Jennings with intent to commit murder on the evening of the 24th, instant in Ardmore by firing upon him with a Winchester. The Negro was wounded in the fray, getting one leg broken.”

_Wichita Eagle_, December 26, 1889, p.1 and _Dallas Morning News_, January 1, 1890; See also: Gainesville _Daily Hesperian_, January 1, 1890, p.3

The three men listed were Oklahoma Territory deputies appointed by Marshal Needles. Ansley’s appointment has been discussed. Charles P. Smith was a former Texas Ranger and deputy sheriff of Mason County, Texas who was appointed a U. S. Indian Policeman in 1888 by the Ft. Smith court and assigned to Purcell. He later received a deputy marshal commission from the district courts of Oklahoma Territory and Eastern District of Texas. The Jennings mentioned is Al as the only deputy working in the area with a similar name spelling is J. P. Jennings, an experienced lawman from West Texas who was placed in 1889 at Alfred Station by Marshal Jones of the Kansas District, and was in 1890 working at Guthrie. Reference: _Purcell Register_, June 11, 1935; _Smith’s 1890 Directory of Oklahoma and Indian Territory_, and multiple articles from 1888-1891 Purcell newspapers. See also, Stan Hoig, _The Oklahoma Land Rush of 1889_, (Oklahoma Historical Society: Oklahoma City: 1989 p. 102ff.

_Territorial Topic_, January 30, 1890, p. 1: “...the Purcell Cornett Band, Prof. J. J. Jennings, the affable gentleman who is so efficiently instructing this band... ” _Territorial Topic_, February 20, 1890, p. 4, article discusses the need for a subscription from the business community to pay the salary of Professor Jennings, leader of the cornet band.

_Territorial Topic_, March 27, 1890

Al’s extortion of prisoners is found in the El Reno _Oklahoma Democrat_, November 4 & 8, 1889, p.1

_Territorial Topic_, June 12, 1890

_Territorial Topic_, June 19, 1890

_Territorial Topic_, July 17, 1890

_Territorial Topic_, July 24, 1890

_Purcell Register_, October 23, 1891, p. 5, c. 5 and Glenn Shirley’s, *West of Hell’s Fringe*, ibid.

_Daily Ardmoreite_, November 14, 1894, p. 3: Attorney John Jennings of Oklahoma is in the city. Mr. Jennings has been interviewing his brothers who are now in jail here under charge of train robbery. The robbery referred to took place at 11:45 a.m. on October 1<sup>st</sup>, 1897, near the present community of Pocasset, between Chickasha and Minco and was actually closer to Minco being a mere eight miles south. Section hands at work before the robbery saw six horsemen approaching from the siding and section house from the east. These men, held at gunpoint, were forced to flag the train to a stop. When the train did stop two attempts were made to dynamite the express safe to obtain the estimated $90,000 consigned to Ft. Worth banks. The explosions wrecked the express car but failed to do more than move the safe. Passengers were then lined up along the tracks, some 150 of them and each was made to contribute valuables as a leather horse feed bag was passed down the line. In this manner the robbers managed to obtain $400 in cash and multiple items of value such as: watches, diamond tie pins, and the like. Amazingly, only one person was wounded. The gang made a leisurely escape in the same direction from whence the arrived. Some two hours later word reached law enforcement and a large posse from Chickasha started in pursuit. Telegrams were also sent to nearby towns holding a force of deputy marshals causing Marshal Stowe, of the Ardmore Southern District of Indian Territory to field a large posse along the South Canadian River near present Purcell. Another elite force including Heck Thomas and Bill Tilghman was sent from Guthrie, Oklahoma Territory to present Shawnee in an effort to intercept the band. Enthusiasm among the officers was high as a reward of eight hundred dollars for each bandit—five hundred from the Rock Island Company and three hundred from the American Express Company—were offered. But, the outlaws eluded capture having doubled back at Walnut Creek just shy of Purcell and wandered west to the Wichita Indian reserve before heading northeast to El Reno.” _Purcell Register_, February 24, 1899, p.8: At Chickasha, Friday, Judge (Hosea) Townsend (Southern District of Indian Territory) passed a life sentence on Al Jennings, who was convicted of being implicated in the train robbery on the Rock Island, October 1, 1897. He was taken to the penitentiary at Columbus, Ohio to serve his sentence.” Although wrongly tying him to the Paris, Texas force, mention was made of Al being a deputy U. S. marshal working in and around Purcell.
The Great Camel Experiment

*Marshall Trimble, Official Arizona State Historian*

One of the most colorful chapters in Arizona history occurred in 1857 before there was an Arizona. As a result of the Mexican War and the Gadsden Purchase, the United States had recently acquired more than 550,000 square miles of unexplored land. In 1850 the Territory of New Mexico was created and the future Arizona made up the western part. Gold had been discovered in California and the citizens of that new state were clamoring for roads. One of those roads was planned to be along the 35th Parallel from Albuquerque to Los Angeles that would have to suffice until the railroads could be built.

Before the coming of the railroads, the task of transporting goods across the great southwestern deserts was never an easy one. The terrain was rough enough to tear up the feet of horses and mules. Water was always scarce and suitable forage for the animals made it necessary to carry the feed on pack animals, taking up valuable space. A beast of burden was needed that could pack a heavy load, live off the natural forage along the way and could travel a long distance without a drink of water.

Secretary of War Jefferson Davis wanted to test the feasibility of using camels as beasts of burden across the waterless land. The Great Camel Experiment would be unique in the annals of western exploration.

The first American to come up with the idea of using camels was 2nd Lt. George Crossman during the Seminole Wars of the 1830s. He pitched the idea to Major Henry Wayne who in turn pitched to Mississippi Senator Jefferson Davis. When Davis became Secretary of War (1853-1857), he pitched it to President Franklin Pierce for an appropriation. After Congress appropriated the money, Major Henry Wayne accompanied Lt. David Porter on the *USS Supply* to the Middle East to purchase some camels.

On February 15th, 1856 the ship set sail for America with 33 camels on board. On the
way one died and two were born so they arrived on May 14th with a net gain of one camel. A year later another shipload arrived increasing the total by forty-one.

The man chosen to lead the survey of the 35th Parallel was the irrepressible Lt. Edward Fitzgerald “Ned” Beale. Beale, a graduate of the Naval Academy, is undoubtedly one of the unsung heroes of the American West. His life story reads like something out of a dime novel. In December, 1846, he was with General Stephen Watts Kearny’s Army of the West when it was pinned down and under siege at San Pasqual, near San Diego, during the Conquest of California. Beale, Kit Carson and a Delaware Indian sneaked through enemy lines and traveled on foot to San Diego for reinforcements to rescue the trapped American force. Following the discovery of gold in California he was chosen to carry the news to President Millard Fillmore. Disguised as a Mexican he made an epic dash through Mexico, outriding his pursuers and shooting his way out of several scrapes. He delivered a pouch of gold nuggets to the White House proving the gold discovery was not a hoax and triggering the California Gold Rush.

The arrival of camels in the American Southwest failed to bring a chorus of cheers from the packers and muleskinners. The camels should have been welcomed as they could carry 800 pounds, live off the local forage, and go for long periods without water. Additionally, they could travel from 35 to 75 miles in a day. Alas, the homely beasts were extremely stubborn, had terrible breath and were known to be extremely temperamental. Couple that with a spirit of intractable independence, they were difficult to manage. One explanation for this was the female camels came in heat only once a year and the males were always in heat.

The muleskinners hated them, packers and teamsters cursed them unmercifully, while horses and mules shied when they ambled by. The language barrier presented no small problem. The Americans couldn’t speak Arabic and the camels wouldn’t learn English. Following the old adage “it takes a camel driver to drive a camel,” the government had the foresight to import camel drivers. They were a colorful bunch with names like Long Tom, Short Tom and Greek George. These weren’t their given names but had to do as the Americans couldn’t pronounce their Arabic names. The most famous of these was Hadji Ali and since that one didn’t roll off the tongues of the Americans his name was corrupted into “Hi Jolly.”

By the middle of August, 1857 the camel brigade was on its way. Accompanied by the Middle Eastern “camel conductors” in their traditional garb, the caravan made a colorful spectacle as it passed through villages along the way. Lt. Beale looked and played the part of a circus ringmaster, riding in a wagon painted bright red. The camels were packing 700 pounds, twice what the mules could carry. Beale usually rode a mule but once for a social call on a military post he climbed on a white camel named Seid. No doubt the appearance of a military officer sitting high on a white camel had the desired effect.

Beale couldn’t have been more pleased with his camels. They endured the arid lands between Albuquerque and the Colorado River especially well. During a stretch of thirty-six hours without water the horses and mules suffered but the camels didn’t falter.

The powerful mule lobby in Missouri was the most vocal opponent of the Camel experiment. They threw a hissy. In reality they didn’t like the competition. However, Lt. Ned Beale, the officer who implemented the camel survey championed their attributes calling them “lovable and docile.” He had a hard time convincing others, especially when whole pack trains were known to stampede at the mere sight of the camels.

The beasts passed the supreme test when Beale was challenged to pit his camels against packers’ mules on a 60-mile
endurance race. Using six camels against twelve mules, a 2.5 ton load was divided among the camels and two Army wagons, each drawn by six mules. The camels finished the race in two and a half days while the mules took four.

On October 17, 1857 the camels arrived at the Colorado River and encountered a military steamboat. This had to be one of the most unusual occurrences in the annals of the American West.

With Hi Jolly singing to encourage his camels to swim the swift current of the river they successfully crossed with no losses. Two horses and ten mules were lost on the crossing. The camel caravan reached Fort Tejon, California in November still carrying their loads of 600 to 800 pounds. Their historic mission was accomplished.

The outbreak of the Civil War in 1861 ended any hope for the building of a railroad along the 35th Parallel in the near future. The government had no more use for its camels and they were either sold as military surplus or turned loose to roam the western deserts of Arizona and California. The last camel from the original group died at the age of 80 in 1934 at a zoo in Los Angeles. The average life of a camel is fifty. The last camel, a descendant of the original herd was captured in the wilds of Arizona in 1946.

Hi Jolly remained in Arizona, married and spent his remaining years roaming the deserts of western Arizona prospecting for gold. He died in 1902 and a pyramid with a cutout of a camel on top marks his grave at Quartzsite.

When the rails did cross Arizona in 1883 they closely followed the survey Beale and his camels made nearly a quarter century earlier. In 1912 the wagon road became part of the National Trails Highway aka the Ocean-to-Ocean Highway from the Atlantic to the Pacific.

On November 11, 1926, federal highway officials put the finishing touches on the new 2,400-mile interstate between the Chicago and Los Angeles and named it Route 66. But that’s a story for another time.

A sign at the site of Hi Jolly’s tomb reads:
The famous camel herd with which the name of Hi Jolly is linked constitutes an interesting sidelight of Arizona history ... Jefferson Davis (afterward President of the Southern Confederacy) as secretary of war approved a plan to experiment with camels for freighting and communication in the arid Southwest ... Major Henry C. Wayne, of the U.S. Army, and Lt. D.D. Porter (later a distinguished admiral of the Civil War) visited the Levant with the storeship "Supply" and procured 33 camels which were landed at Indianola, Texas, February 10, 1856. 41 were added on a second voyage ... With the first camels came, as caretaker, Hadji Ali, whose Arabic name was promptly changed to “Hi Jolly” by the soldiers, and by this name he became universally known. His Greek name was Phillip Tedro ... On the Beale expedition (1857) to open a wagon road across Arizona from Fort Defiance to California, the camels, under Jolly’s charge, proved their worth ... Nevertheless the war department abandoned the experiment and the camels were left on the Arizona desert to shift for themselves, chiefly roaming this particular section. They survived for many years, creating interest and excitement ... Officially the camel experiment was a failure, but both Lt. Beale and Major Wayne were enthusiastic in praise of the animals. A fair trial might have resulted in complete success.
Mark Dworkin

The Slaying of Walter H. Auble, Police Chief of Los Angeles

“My uncle by marriage was Wyatt Earp, the wiper-out of the Curly Bill gang at Tombstone.”
Carl Sutherland

Los Angeles Police Department photo of Captain Auble
(Photograph from Los Angeles Herald obituary)

In 1908 Walter H. Auble was just two years past his term as Police Chief of the City Los Angeles, and was still serving as a police captain, when he was tragically murdered by petty criminal Carl Sutherland. Born in 1861, Auble was the longest-serving Los Angeles Police Department member at the time he was shot. As Captain of Detectives, he was the highest ranking officer in the history of that department to have been killed in the line of duty. He left behind a wife and three children. In a confessional note, his killer, Carl Sutherland, mentioned his one-time Uncle Wyatt Earp as cited above. It is interesting to note, says Wyatt Earp biographer Casey Tefertiller, Los Angeles newspapers allowed the reference to Earp to stand alone, assuming its readers would be able to recognize the name of the one-time western lawman. One explanation for this may be the popularity of Human Life Magazine, which carried a widely commented upon laudatory portrait of Wyatt Earp by his friend and associate Bat Masterson in its February 1907 issue.

The story of Auble’s death has its own intrinsic interest as a brutal slaying of a fine officer in a Los Angeles in a manner not far removed from the Wild West days. But the Auble case interests students of the period for another reason: Carl Sutherland was a nephew by marriage of Wyatt Earp. Carl’s father was Fred Sutherland, one of the ten children of William and Permelia Sutherland, and brother of Aurilla Sutherland, later Aurilla Earp (1849-1870). In the 1870s William ran a hotel and worked as a harness maker in Lamar, Missouri, now famous as the birthplace of Harry Truman. Carl Sutherland (born in 1882) and Wyatt Earp probably never met, but Wyatt and Fred did. Wyatt’s father, Justice of the Peace Nicholas Porter Earp, married Earp to Fred’s sister Aurilla on January 10, 1870 in Lamar. The couple settled in Lamar, but within a year Aurilla died.

The exact date and cause of Aurilla’s death are uncertain. Her death, in 1870 or 1871, has been attributed to typhoid fever. She may, however, have died in childbirth, or an infant may have died with her, according to an unconfirmed report from relative Reba Earp Young. There are few hard facts, although Earp’s sale of his home in November of 1870 might be seen as an indication Aurilla was dead by then. After his young wife’s death, there are reports of a brawl between Wyatt and his brothers on the one hand and Aurilla’s brothers, Fred and Burt, and the Brummett brothers on the other. The cause of the brawl is uncertain, and even how the sides lined up is not firmly known; reports vary as to which side the Sutherlands supported, the Earps or the Brummetts. Fred Sutherland has four grandsons alive as of this writing, but none of them can cast any light upon the details of the brawl.

Aurilla’s death was followed by a difficult time for young Wyatt Earp (born 1848). After Wyatt’s defeat of his brother Newton to become
town constable, on March 14, 1871, Barton County officials filed a lawsuit against him alleging that while collecting license fees for Lamar’s schools, he had appropriated funds for his own use. The charges were eventually dismissed for reasons unknown. Within the same month one James Cromwell sued Earp in a dispute over a judgment collection. Cromwell claimed Earp credited him with $75.00 less than Cromwell had paid him. The court seized Cromwell’s mowing machine in order to make up the difference between what Earp turned in and what Cromwell allegedly still owed. Cromwell claimed Earp owed him the value of the mowing machine, $75.00. The disposition of the suit is also unknown.

The day following the filing of the Cromwell suit, Wyatt Earp, John Shown, and Edward Kennedy (or Kenedy) were indicted for grand larceny in the theft of stealing two horses, “each of the value of one hundred dollars,” from William Keys in the Indian Territory. Less than a week later Earp was arrested by Deputy United States Marshal J.G. Owens, with bail put at $500. Shown’s wife Anna later claimed Earp and Kennedy got her husband drunk, then forced him to join in the scheme by threatening his life. Kennedy was acquitted of the charges. Earp and Shown were arrested, and either paid their bail or broke jail, promptly disappearing from the district. They became fugitives from justice after failing to appear as required at the Fort Smith court on November 13, 1871.
An undated early Lamar tavern photo, perhaps Bert Sutherland’s
(Courtesy David Clow)

An early Lamar street scene
(Courtesy David Clow)
It is worth noting that Earp was never rearrested, even after his location became well known when he served as a law officer in Wichita and Dodge City. The disposition of the warrant is a mystery, as is much from this period of Wyatt Earp’s life. Critics and defenders of Wyatt Earp have debated the morality of his actions ever since. Before he would achieve success as a lawman leading to lasting fame, he would follow this dark period with further fights and with arrests over pimping charges. Were these merely youthful indiscretions in a well-lived life, or symptoms of a criminal bent that would turn up time and again? Or was he even guilty in the first place—in light of Kennedy’s acquittal might it be assumed there was no crime to begin with?

WALTER H. AUBLE

Captain Walter H. Auble was a highly respected Los Angeles policeman. If the reaction of Angelenos to his murder is any measure, he was held in high esteem and was well liked. After being shot at close range four times by Carl Sutherland while trying to arrest him on Sept. 9, 1908, Auble was taken to the Receiving Hospital on First Street where a large crowd gathered. His death came six hours later. Hardened police officers were seen to weep. Auble had patrolled the Chinatown beat, and community flew flags at half staff. According to the Los Angeles Times two thousand officers surrounding the police station were “stilled into respectful, touching silence as the dead officer was carried from the station door to the undertaker’s wagon. . . .”

The Los Angeles Herald headlined its’ obituary for Captain Auble:

HAD LONG AND CLEAN RECORD

Rose From Bottom Rung of Ladder by Ability

Career as Detective Marked by Special Brilliance

Auble’s obituary told of the 47-year-old’s birth in Illinois, his marriage in 1888 to Florence Andrews, and his three children, Julia, Gladys and Earl. It recalled his reputation as one of the Police Department’s most respected officers. Auble had worked his way up from patrolman to police chief through talent and hard work. The Times ran a story entitled “Grieving Chinese Make Weird Call,” which related how deeply his death was lamented in the city’s Chinatown, so much so that one Chinese visitor to the funeral home, overcome with grief, passed out. The article told how the officer had been a friend to the “celestials,” often intervening with City Hall on their behalf. Chinese flags flew at half-staff, punk-sticks were burned for the captain’s spirit, and a request was made by Chinatown representative to enable the community to care for the slain officer’s remains. According to the Times they also presented suggestions for the disposition of the murderer’s remains. They wanted “to boil it in a preparation of acids and then after heaping further abuse upon it to throw it out on a refuse heap where it could rot in the sun with none of the sacred Chinese emblems to drive away the evil spirits.” The request was politely turned down as arrangements had been made to turn the remains over to the widow.

After killing Auble on September 9, 1908, Sutherland escaped immediate capture. Police issued a “Dead or Alive” order for him, with a thousand officers participating in the search. Three policemen located and surrounded him in a home at 79th Street and Moneta Avenue. Seeing no escape from an inevitable fate at the hands of a hangman, Sutherland swallowed liquid cyanide of potassium and died almost instantly. A farewell note to his wife Nanny (Nancy Sinclair) composed earlier told how he would carry out his suicide in order to provide for her and their child.

In its account of the Auble murder, the Times described Sutherland a socialist. Sutherland had led a wildcat walkout of café employees some months earlier, probably the origin of the Times’ socialist charge, although that paper used the term broadly as a libel for its perceived enemies. It seems more likely Sutherland was an apolitical, narcissistic and cowardly sociopath who simply believed crime was more lucrative
than trying to make an honest living. At least one doctor who had treated him called him mentally unbalanced and delusional.

The Times presented an article about how the death of Captain Auble reawakened interest in a proposed monument memorializing officers slain in the line of duty. It posited that a memorial would be good for officer morale and would set an example for young officers. The memorial wouldn’t be completed until 1971, in the midst of controversy surrounding charges that police sided against war protestors during the Vietnam War. KABC-TV began fund raising for the memorial and "Support Your Local Police" bumper stickers appeared. Jack Webb, star of the hit TV series Dragnet, which portrayed the L. A. Police Department, spoke at the dedication. In recent years as tensions have faded over the Vietnam War, the memorial has been generally accepted. Detective Auble is one of three officers from the first decade of the twentieth century whose name is carved in the memorial.

According to a story in the Herald, the landlady of a rooming house on Georgia Street reported suspicious behavior of two tenants to the police. The men under suspicion, Sutherland and Fred Horning, came and went at all hours of the day and night. Their room was filled with burglary tools, masks and pistols, morphine and whiskey. Most importantly, she found a letter detailing a criminal plot.

The next day Detective Auble and his ten-year partner, Paul Flammer, investigated and were ushered into an adjoining room by Mrs. Walters. The detectives peered through a connecting transom, saw the faces of Sutherland and Horning, and eavesdropped on their conversation. They overheard the men planning to commit “the biggest robbery they had yet attempted in this city.” After Sutherland and Horning left, the detectives searched the room, cataloguing electric lamps, saws, jimmys, keys, two large revolvers and other weapons. The police filed the triggers on the guns found in a drawer, but the criminals discovered the filing, and were on their way to get the guns repaired when they ran into the detectives. At close range, the guns unfortunately still worked.

The detectives also discovered a letter signed by Sutherland inside a drawer, telling Horning to come at once as he had selected “two dandy cribs to crack, in which there would be no trouble whatever, and hundreds of dollars’ worth of loot as a reward.” The “cribs” named were a home belonging to Wright & Callender Company president Gilbert S. Wright, on Wilshire Blvd., and a building owned by Fielding J. Stimson on West Kensington Road. The letter also mentioned a plan to kidnap a millionaire named Newhall and hold him for ransom.

Even as a report the suspects had skipped town was being investigated, the officers spotted them from an East Ninth Street car. Another report had the two detectives, rather than spotting them by chance, deliberately trailing Sutherland and Horning. When they spotted them, the officers jumped off the car and chased the fugitives along Grand Avenue. When they caught up to the suspects, Captain Auble was reported as saying, “We are police officers, and you two boys are under arrest.” A fight ensued, with Flammer throwing Horning head first into a carpet cleaning business at Ninth and Grand. Auble again yelled, “Surrender, I am an officer.” At this point Sutherland drew a revolver wrapped in paper from his coat and fired point blank, hitting Auble in the neck.

The mortally wounded Auble attempted to wrestle the gun from Sutherland. The malefactor was able to get off a second shot, this one hitting his own arm. According to a witness Sutherland then shouted, “Let me go, damn you, let me go…” while he placed the gun against Auble’s stomach and shot again. Auble cried “I am done for!” and fell. Sutherland for good measure fired one more time at point blank range into Auble’s chest.

Flammer held Horning down and instructed a nearby man to “Get that man’s [Auble’s] handcuffs from his pocket and bring them here.” After cuffing Horning and asking several witnesses to restrain him, he went to his wounded partner, asking “Are you hurt, Walter?” Auble’s reply in a weak voice was “I am shot, Paul, and done for. Get him if you can.” Flammer flagged down an automobile, put Auble in the front seat and or-
dered the driver to speed to the hospital. Three doctors immediately attended Auble. As word spread and concerned citizens began to converge on the hospital. His wife and children were summoned.

The Herald reported that after the shooting, Sutherland ran west on Ninth, gun in hand. At one point, he stopped, ejected his spent cartridges, and reloaded. He later stopped again, somehow bound up his bleeding wrist, and lit a cigarette. Then he went to his rooming house and wrote a note stating, “You will never get me alive. I will kill myself before I allow you to capture me.” At this point he apparently put a two-ounce bottle of cyanide in his pocket, left, and was seen to flee south. Captain Flammer trailed him by the blood he shed from his wound, as police search parties were organized. The Herald reported that the Sheriff’s Office joined in with “the big red automobile with Sheriff Hammel and several deputies [reaching] the station in record-breaking time.”

Meanwhile, according to the Examiner, Captain Auble underwent an operation presumably to remove the slugs. Initially he rallied, but the shock was too much, and he grew weak and oxygen was administered. The Examiner, reported that just before he passed away, he said, “It was my last fight — good bye.” Volunteers for the manhunt converged on Sutherland’s rooming house, coming on “motorcycles, horseback, automobiles and on foot.” Many were off work because it was the 58th anniversary of the admission of California to the Union. Described as a throng, and as a posse in another paper, the men walked where Sutherland had last been seen going, but were thrown off the trail. The detectives began following a trail of blood, only to find “a small boy holding a handkerchief to a bleeding nose.” Another false sighting led a group of men with tracking hounds and armed with rifles on a fruitless pursuit toward the Pacific shore.

Sutherland had worked as a waiter at the California and University clubs, and in an attempt to locate him Los Angeles Police Chief Kern sent detectives to interview his co-workers. They found Sutherland’s friend Charles Weihe, who told officers he would probably try to seek assistance from him or another friend after dark. According to the Herald, three officers, Sgt. Benedict, and patrolmen Bert Smith and Leo W. Marden went to Weihe’s home where Sutherland was holed up.

Just after 9 PM police Sgt. Benedict spotted Sutherland approaching on a path. He pointed his loaded shotgun at him, shouting, “Throw up your hands!” Sutherland immediately pointed his weapon at the officer, the same weapon that had been used to kill Captain Auble. According to reports Benedict then shouted “Drop that gun or I will riddle you with buckshot!” Sutherland said, “All right, boys, you have got me and I will surrender,” tossed his revolver to the ground and raised his right hand. But his left hand, grasping a small object, remained at chest level, and Benedict ordered him to raise it as well. At this point, Sutherland said “All right,” and raised his left hand to his mouth and brought a small object to his lips, swallowing its contents. Benedict jumped Sutherland and handcuffed him. According to the news report, Sutherland said to the capturing officers, “I guess you’ve got me all right, boys…I feel pretty weak, boys; haven’t had anything to eat since last night.” They gave him a swig of whisky before he collapsed into convulsions. Officers at once administered a strong emetic and, according to the Examiner, performed artificial respiration. All was for naught; Sutherland died in the patrol wagon on the way to the hospital. Twelve hours had elapsed between the slaying of Captain Auble and the death of his assassin.

In Sutherland’s bag detectives found a revolver, hypodermic syringes, and unspecified drugs. Horning, when told by a jailer that his partner in crime was dead, was reported to have rolled over sleepily in his cell, saying, “He had his boots on, didn’t he?” Horning would later confess that the plan was to break into a gathering of wealthy society merrymakers at the University Club in Chester Place and hold them up, robbing them of jewels and money. He also confirmed the plan to kidnap a millionaire clubman named Newhall.
Carl Sutherland surrenders to Los Angeles police officers as depicted in the Los Angeles Daily Times, September 10, 1908 in article entitled “Killer of Brave Officer Takes His Own Worthless Life”

A sketch of the room of Carl Sutherland and Fred Hornung

Sketch of Sutherland shooting Auble, while Flammer and Horning wrestle in the background. Unlike as shown, Auble was probably not in uniform.

This composite sketch appeared in the Los Angeles Herald, September 10, 1908, as do all sketches below unless otherwise noted

Photograph in the Los Angeles Herald, September 10, 1908
The Times ran an article on September 11th headlined Strange Confessions of a Fiend, citing self-pitying letters found among the effects on Sutherland’s body the day of his death. The letter to his young wife, a long-distance operator at the Hotel Virginia, read:

To my wife: I deceived you as to my character, but believe me, dear, I am not half so bad as they will paint me.

Picture to yourself a boy but 12 years old, slim and delicate, and nervous and more of a studious disposition than anything else, turned out to make his living among rough men, many of whom tried to take advantage of his youth and weakness in brutal ways.

Picture to yourself a boy, tender-hearted, almost cowardly, becoming worse unjustly, too, and I am about to lose our little farm, and I can’t get a job and can’t bear to see you sick and working and me lying around. “

I became a robber but was betrayed when I tried to earn an honest living and was sent to the reform school. After my release I joined the Army hoping to become an officer, but my past blocked my progress, and I deserted and tried to work, but I got it in the neck at the University Club just as I was beginning to get a start. I was discharged, and unjustly, too, and I am about to lose our little farm, and I can’t get a job and can’t bear to see you sick and working and me lying around.

I am mad, desperate, and I don’t give a damn what anyone thinks. I want you to know that I would do anything to work for you and be happy, but they won’t let me.

If I die, I will die thinking of you, and if I live you will never know. I love you, my dear, my darling, my love, but I hate that insect at the University Club, that they call ‘The Professor’ with my last breath. Damn him.

Forgive me, dear, goodbye.

In a letter Sutherland wrote to his brother-in-law, Charles Sinclair, he sought to justify his criminal acts, and asked him to care for his widow. He also willed Sinclair his revolvers to pay off a $35 debt, requesting that any reward money Sinclair received should go to purchasing a farm for his widow. He wrote

I have been an outlaw all my life, but I swear I tried to reform when I married Nanny, But it seems fate was against me...Probably I couldn’t force myself to be quite servile enough to make a success at the profession I was unfortunate to take up in lieu of something better... I guess I deserve all I get....It was my only chance.

Sutherland also wrote his own story down, including mention of his famous uncle by a brief marriage that preceded his birth.

I was born at Lamar...Mo., September 29, 1882. My father was Fred B. Sutherland, first marshal of Pittsburg, Kan., in the early days. He was also a deputy sheriff and an officer of the law and was fearless as he was honest.

My uncle by marriage was Wyatt Earp, the wiper-out of the Curly Bill gang at Tombstone. On both sides my blood relatives have fought in every war of this country from 1775 down to the Spanish-American War. I tried to enlist then, but I was too young, and they refused me.

I am the last of a race of fighters and the only black sheep in the crowd.

My mother died when I was 3 years old and my brother shortly thereafter. My father married when I was 12 years old, and I could not get along with the other woman and was forced to foot it alone. I became a chore boy, but the thugs about the farm abused me fearfully. I was timid and afraid until in my fury I turned on one and struck him in the head with a pitchfork. That made me bolder. The work was too hard for my slight stature and ill health, and I became desperate.

I could shoot at the drop of a hat. I have always been able to . . . get my gun in action faster than any officer I have ever met. It will go hard with the man who tries to take me, if it is a case of gun work.

On February 20, 1927 the Los Angeles Times in an article graphically entitled “Confes-
sions of Crime Orgy Dug Up,” reported that a tin box had been found in Glendale, California by a citizen crawling under his house to get his police dog. The contents were fifty pages written by Carl Sutherland, containing scores of details about robberies he had committed in the Midwest and California. Some were committed when he was a youth.

Sutherland told of shooting a boatman to steal his boat following a train robbery in Oswego, Kansas, a depot robbery at Lamar, a Denison, Texas, train robbery, a train robbery at Rock Island, Oklahoma, the Iron Mountain train robbery at Malvern, Arkansas, and a holdup of a Cherryville, Kansas miner against whom one of Sutherland’s gang had a grudge. He also wrote of escapes and of train, assaults, shootings, and other streetcar and stage holdups. (This author has not been able to trace the whereabouts of the tin box.)

Sutherland, who used many aliases over the years,* appears to have written these accounts because he knew his capture for the Auble slaying was certain and his suicide inevitable. The yellowed papers contained a note to Jack Hendrickson of the Chester Place secret service, whom he regarded as a man to be feared by criminals. Perhaps revealingly, Sutherland thought Hendrickson resembled his father. He asked Hendrickson to sell the contents, with proceeds turned over to his widow. Sadly, in 1916 Hendrickson had been killed in circumstances similar to Auble, while attempting to make an arrest.

Carl claimed that he had been innocent of horse stealing, the crime that sent him to reform school. He wrote about the Boonville Reform School,

*I promised myself when I got out that I would never again enter a jail. I would kill any man who tried to put me there. I enlisted in the army as a musician and was sent to Monterey, Cal., with the Fifteenth Infantry. I deserted, and secured work with the University Club. I had a quarrel there and had to leave. I went to ‘Frisco, where with a pal, we stuck up several cars.

Carl’s suicide was not his first attempt. A report in the Pittsburg, Kansas Headlight, just days after Carl’s death, recounted his nefarious activities there, including his arrest for robbing the Frisco depot in September 1902. The sheriff later found him hanging from a jail bedpost, his face blackened with suffocation. He was cut down, and after some time, revived.

As for the fate of Carl’s partner, Fred Horning, after some legal maneuvering, a judge decided to free him because he was feeling good on his fiftieth birthday. Horning was rearrested after an appeal reversed the judge’s decision, and was sentenced to serve time in Folsom Prison. He would admit to hooking up with Sutherland in San Francisco just after the 1906 earthquake, working with him as a waiter in a grading camp. Horning confessed he and Sutherland had robbed streetcar passengers, taking money and jewelry, and held up a freight train at Dolgeville. Horning claimed it was Sutherland who shot a railroad fireman through the hand, and Sutherland confirmed in his written confession it was so.

Horning became infatuated with a waitress in a Japanese restaurant. When she told him that the restaurant owner had insulted her, he and Sutherland decided to become her defenders. They lay in wait for the owner one night in a dark alley where they misidentified Cesar Ver-

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* Joseph Palmer, Jack Amos, Carl Sherwood, perhaps a dozen more.
woort, a nearby resident, as the owner and attacked him. Vervoort was shot in the shoulder, but survived. Horning was sentenced to fourteen years for assault with intent to commit murder, however, a Superior Court judge released him on the technicality that the weapon was not specified in the charge. The State Supreme Court later overturned this decision.

While Carl’s cowardly actions cannot be excused in any way, he had spent time in the late 1800s in the notorious Boonville, Missouri reformatory school for committing robbery. Such places in that period often made hardened criminals out of troubled youngsters. He may well have been, as he wrote, “fearfully” abused as a boy. He may also have had some good qualities. He was reputed to be a talented musician, and certainly loved his wife. But Carl wasn’t exaggerating when he wrote that he was the black sheep of the family, given the law careers of his father Fred and his half-brother Emmett, born nine years after Carl’s death (see sidebars). And while the Wyatt Earp connection is tenuous, Carl’s respectful mention of the distant relationship suggests how the family passed it down to him. This implies that perhaps the Sutherlands had not fought against the Earps after Aurilla’s death, but had fought with him against the Brummetts.

Fred and Emmett Sutherland’s Police Careers

As far as the author can determine, the Sutherland stories have not been published before. Fred Sutherland, Carl’s father, was born in 1851 in Illinois. He stayed on the right side of the law, serving at times as a police officer while pursuing his trade as a harness maker. Fred’s four living grandsons know nothing about Carl, their uncle, or about the slaying of Officer Auble. But they do know about Fred, who lived to age 93 and died in 1944, and of their father Emmett, Fred’s son, who was an honored lawman. Fred’s brother Burt (Burdette) died at age 65 in 1913 in Columbus, Kansas of cancer, his death certificate witnessed by Fred. He is buried next to an infant daughter and his first wife Sarah who died in 1880. He was divorced from his second wife. In the 1900 census his nephew Carl Sutherland was living with Burt and working as a farm laborer.

Fred’s first wife Sarah, Carl’s mother, died in 1883. Perhaps it was fortunate she did not live long enough to see the death of her son Carl in such circumstances. Fred married Maggie Mann Parker in 1893. She was blamed by her stepson for causing him to run away from home. An obituary in The Modern Light of Columbus, Kansas shows her life span to have been 1856 to 1903. The same obituary indicates her “husband, F. B. Sutherland, was city marshal of Pitts-Columbus several years ago.” Fred’s obituary in the Columbus Advocate confirms he was “the first Marshal of Pittsburg in 1873 and was the only recognized authority there at that time.” He served another term as City Marshal during 1880-1881. Unfortunately, because there was no town newspaper until 1886, there are no newspaper stories of his term in office. Carl wrote of his father Fred, “He was also a deputy sheriff and an officer of the law and was as fearless as he was honest.”

Fred Sutherland, father of Carl and one-time brother-in-law of Wyatt Earp, in later ears. (Photo courtesy of grandson and namesake Fred Sutherland)

In 1912 Fred, 61, married widow Emma L. Hills, 37. They lived together until 1918, when they separated, although there are census indications they may have reunited from time to time. The marriage produced two boys, future lawman Emmett, (1918-1985), and James, still living in 2007 at age 92, half-brothers to Carl. Emma accused Fred of extreme cruelty, gross neglect of
duty, and abuse of the children with a large whip called a black snake, and sometimes with his fists. Indeed, this is confirmed by family memories of Sutherland descendents. The divorce was granted and Fred was compelled to pay Emma’s attorney fees and six dollars per week child support. He was, perhaps tellingly, restrained from setting foot on Emma’s property.

Stories about Fred Sutherland abound, as this writer has learned in interviews with his four grandsons and others. One grandson says he was told of him walking all the way from Columbus, Kansas to Wichita, and back over a weekend, a 330 mile round trip! He loved to whistle, and had a prize bird dog “Sport.” Apparently he was so dexterous with a knife, he ate with one, disdaining forks.

Emmett Sutherland in the 1940s
From the Galena Sentinel obituary, August 21, 1945

Emmett, known as “T-Bone”, half brother to Carl, served in the Navy in World War II. Later he was appointed for two terms as Cherokee County, Missouri undersheriff. There is a family story of him arresting wayward boys, and, not wishing them to spend a night in jail, taking them home with him. He was elected sheriff from 1951 to 1955. During this time he was elected state secretary of the Kansas State Peace Officers Association, and was editor and publisher of the Kansas State Police Officer’s Magazine. He later became Galena Postmaster, serving until 1979, and held high offices in the National Association of Postmasters, including the vice-presidency. Emmett was married twice, and, as of this writing, his former wife, Corinne, and his widow, Lola, survive, as do his three sons. One surviving incident had Emmett getting into trouble with his first wife Corrine after flirting with another woman in a tavern. He would be involved in his own legal dispute when in 1946 he sued the Kansas City, Fort Scott and Gulf Railroad Company and the Missouri, Kansas and Northeastern Railroad over property his wife had inherited.

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http://www.ulwaf.com/LA-1900s/SpecialReports/Police/Auble.html.

“Capt. Auble and Family - The Latest Photograph”
Los Angeles Herald, September 10, 1908
(Newspaper Reproduction)
AT NOON 37 MEN, WITH FRANK JAMES IN THE CENTER, LINED UP IN FRONT OF A STAKE AND RIDER FENCE. 
*The St. Louis Republic*, Sunday, October 2, 1898
Frank James and Other Men of Quantrell’s Band
Come Together for a Talk Over the Past.

He was known to be able to shoot with his left hand as well as with his right, and more often he used both hands effectively at once. He was the embodiment of all that is dastardly in horsemanship. Quantrill used to expect all of his inspiration for his band to come from Gregg. Before a hot skirmish he would call him to him and say:

"Boy! I want you to expose yourself recklessly, ride down the line and shoot at the rebels at once. Don't get killed, boy, but I couldn't get along without you. What I want you to do is to play hell in looks and not all the right out of the men that you've got in them."

Many a time Gregg was hit, but he was never unseated. Now his hair is white and his face is leprous. Nothing can embitter this noble band; but under his bushy eyebrows there are eyes that gleam and glitter when the stories of the old days are told over again.

Although there was much talk at this remarkable meeting last week, there was little reference to the Centralia massacre, and to the Lawrence raid. These episodes are the only ones that ever rankle in the breasts of the people who opposed the Quantrill methods in these days. James refuses to talk of other except in the most reserved way to personal friends. An old Captain, who was at Centralia, insists that the train load of Federal soldiers who were taken out and shot by direction of Bill Anderson, in the '60s, showed light, and they were known to be against whom the guerrillas had personal grievances of the bitterest sort; and that they deserved, their fate. On the other hand, it has long been asserted that the soldiers were in most cases sick, that they were marched unarmed, into the open and there standing and killed, one in front of the other, and one another until the whole body, some 60, was exterminated. The men were buried in a single grave.

At the conclusion of the meeting at Smo- th's the other day, Frank James was empowered to call the next meeting of the Quantrill survivors at the town of Lee's Summit, not far from this city, at the time of the Lee's Summit fair, next fall. It is the intention of the men to make a permanent organization. It will be unique in the history of social bodies. There is not a man in the band who would not have been subject to execution as a guerrilla 25 years ago. Now there is hardly a member of the band who is not a reputable citizen and a really valuable one in the community in which he lives. Frank James had a soft, a bright young man, Mr. James is in the 88th Kansas, a commissioned officer in the Second Civil War.

It is an interesting fact that he enlisted side by side with a young man, whose father was a New Hampshire soldier in the Civil War; yet there are no better friends, than these two sons of fathers who fought each other bitterly 80 years ago. Frank James is now the most enthusiastic of Americanism. He is very proud of the boy, who is ready to fight for the flag which he, the father, struck years ago, by all of the methods known in the art of the border guerrilla.
Off the Press, August 2015

Alphabetically arranged first by Publisher and then by author.

Note: Publishers and authors are requested to submit books for this department. Send to: Roy B. Young, Book Review Editor, P.O. Box 759, Apache, OK 73006

Self-Published:


This new book from historian Erik Wright explores the history of Arizona Territory’s dangerous gambling fraternity, the death of gunman Jim Leavy and the notorious Top & Bottom Gang. Additionally, contains new, previously unpublished research on gambler, mankiller and murderer of Leavy, William Moyer. Foreword by Peter Brand, Epilogue by Casey Tefertiller, both WWHA members. Signed and personalized upon request: ewright@paragoulddailypress.com or arizonahistorical@gmail.com

University of New Mexico Press:


Surprisingly, few authors and scholars have never really described this shadowy entity, which to this day remains a kind of black hole in New Mexico’s territorial history. Who were its supposed members? What did they do to deserve their unsavory reputation? Were their actions illegal or unethical? What were the roles of leading figures like Stephen B. Elkins and Thomas B. Catron? Caffey’s book tells the story of the rise and fall of this remarkably durable alliance.


Through this revised and expanded edition you will learn about the people, geological features,
and historical events that have made the Land of Enchantment a place unlike any other. This edition provides information on approximately 100 new markers, 65 of which document the contribution of women to the history of New Mexico.

University of North Texas Press:


A long overdue biography of one of the Wild West’s most famous gamblers and sporting men. Both authors are members of WWHA, as is Rick Miller who did the foreword. Luke Short’s career started as a cowboy, moved along as a scout for the U.S. Army during the Indian Wars period, and ultimately as a gambler in such locales as Leadville, Tombstone, Dodge City and Fort Worth. He is well-known for his showdowns with Charlie Storms in Tombstone and Jim Courtright in Fort Worth. He was friends with the likes of Wyatt Earp and Bat Masterson. Well written, chock-full of photos and never before published information. Highly recommended.

University of Oklahoma Press:


A new book by WWHA member Candy Moulton who has written some 13 books on western history. McGillycuddy was doctor to such frontier characters as Crazy Horse, Calamity Jane, and Red Cloud. His other occupations included topographer, cartographer, and Indian agent. A long overdue biography with great insight into a period of tumultuous change in the American West.


Some may dismiss Buffalo Bill Cody’s world-famous Wild West shows as promoters of stereotypes and clichés, but looking at this unique American genre from the Native American point of view provides thought-provoking new perspectives. Focusing on the Native performers, the author begins with Buffalo Bill’s 1880s pageants and then traces continuing performances of these acts in regional celebrations in Canada and the United States – and even Euro Disney.

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Outlaw – Lawman Poetry

The following poem is anonymous and was collected by John A. Lomax for his book *Cowboy Songs and Other Frontier Ballads* (New York: The MacMillan Company, 1931).

COLE YOUNGER

Am one of a band of highwaymen, Cole Younger is my name;  
My crimes and depredations have brought my friends to shame;  
The robbing of the Northfield Bank, the same I can’t deny,  
For now I am a prisoner, in the Stillwater jail I lie.

‘Tis for a bold, high robbery, a story to you I’ll tell,  
Of a California miner who unto us befell;  
We robbed him of his money and bid him go his way;  
For which I will be sorry until my dying day.

And then we started homeward, when brother Bob did say:  
“Now, Cole, we will buy fast horses and on them ride away.  
We will ride to avenge our father’s death and try to win the prize;  
We will fight those anti-guerrillas until the day we die.”

And then we rode towards Texas, that good old Lone Star State,  
But on Nebraska’s prairies the James boys we did meet;  
With knives, guns, and revolvers we all sat down to play,  
A-drinking of good whiskey to pass the time away.

A Union Pacific railway train was the next we did surprise,  
And the crimes done by our bloody hands bring tears into my eyes.  
The engineer and fireman killed, the conductor escaped alive,  
And now their bones lie mouldering beneath Nebraska’s skies.

Then we saddled horses, northwestern we did go,  
To the God-forsaken country called Min-ne-so-te-o;  
I had my eye on the Northfield bank when brother Bob did say,  
“Now, Cole, if you undertake the job, you will surely curse the day.”

But I stationed out my pickets and up to the bank did go,  
And there upon the counter I struck my fatal blow.  
“Just hand us over your money and make no further delay,  
We are the famous Younger brothers, we spare no time to pray.”
After 20 years with the Texas Rangers, German Jack is forced into retirement by reconstruction after the Civil War. His peaceful life with Bessie is destroyed when killers from his past seek revenge by kidnapping Bessie, killing their new born baby & burning down their house. In this story of love, sacrifice, gumption, & perseverance, in 1867, Captain Jack embarks upon a hunt for the worst outlaws of his career. This pursuit requires him & his closest ranger friends to use all of the skills they have honed in a lifetime of service to the Cinco Peso.

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Not only does Johnny Baker tell a spellbinding tale, he does so with grace and incredible attention to the details of the "cowboy" life in 1800's Texas. Texas History comes alive in remains of a burnt out prairie house.

Johnny Baker Jr. is a writer from Dallas, TX. Earning degrees in English and History from Dallas Baptist University, he has read & studied Texas History since childhood & in the past has taught history several years in local Community colleges.
An interesting advertisement from *Golden West*, July 1965

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