

4-1-1957

A historical study of four famous Western gunfighters

William F. Cheek

Follow this and additional works at: <http://scholarship.richmond.edu/masters-theses>

Recommended Citation

Cheek, William F., "A historical study of four famous Western gunfighters" (1957). *Master's Theses*. Paper 120.

This Thesis is brought to you for free and open access by the Student Research at UR Scholarship Repository. It has been accepted for inclusion in Master's Theses by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

A HISTORICAL STUDY OF FOUR FAMOUS WESTERN
GUNFIGHTERS

A Thesis
Presented to
the Faculty of the Department of History
University of Richmond

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
William Francis Cheek
June 1957

PREFACE

In any argument that might arise concerning the question of who were the greatest gunfighters of all time, the qualifications of four men to this hallowed position will never be questioned. Indeed, the names of Billy the Kid (Henry McCarty), Wyatt Earp, John Henry "Doc" Holliday, and William Barclay "Bat" Masterson, have become symbols for the turbulent and lawless days of the 1870's and 1880's in the Southwest. In addition each man has been raised to a position alongside Paul Bunyan and Pecos Bill in the evolution of the great American legend.

What were these men really like? Is their story actually as colorful and mythical as it has been made to appear? The very nature of the West with its tendency to exaggerate an actual happening and to give its inhabitants a somewhat glorified position must in part shut the door to the answers to the above questions.

In addition to the problem of validity of the sources, writers of western history must plow through the enormous

amount of material written on the West. The writings and writers, themselves, for the most part, can be classified into three categories. One school has sought to portray only the finer points of a gunfighter's life. The subject is seen not as a superman but rather as one who was justified in every action that he undertook. A second group of writers takes the exact opposite approach, that of emphasizing only the evil deeds and maliciousness which surrounded the life of the gunfighter. Still a third class has concerned itself not merely with sticking to actual situations as far as they are known but rather to make the subject under consideration into a western legend.

With few exceptions the treatment of Messrs. McCarty, Earp, Holliday, and Masterson has fallen into one and not more than two of these classifications. The true picture of these men of the frontier seems to defy historical writing. For this reason this study is undertaken.

The full and complete biographies of these four men are beyond the scope of this work. The study seeks rather to evaluate what has been written about these four controversial figures in the hope that a more complete man will emerge. The combining of the three categories aforementioned will be used in attempting to set down the fourth consideration - the real gunfighter. The biography of each man is comprehensive only in that it seeks to introduce a human

being to the western scene. This study in treating these men will be primarily interested in the life of each man during the 1870's and 1880's when the West was in its turbulent, lawless, and transitory stage. Early life and subsequent death will be considered only in so far as it may throw some light on the nature of the gunfighter, and in order to give the biography a unity.

TABLE OF CONTENTS

CHAPTER	PAGE
I. THE SETTING.	1
II. BILLY THE KID.	29
III. WYATT EARP	73
IV. "DOC" HOLLIDAY	120
V. WILLIAM BARCLAY "BAT" MASTERSON.	153
VI. SUMMARY AND CONCLUSIONS.	184
BIBLIOGRAPHY	188

CHAPTER I

THE SETTING

Many of the colorful tales and episodes of the west center around the lives of Billy the Kid, "Bat" Masterson, "Doc" Holliday, and Wyatt Earp. Much fiction and few facts appear in novel, movie, and history. To understand these men, however, one needs to review the conditions and forces that existed in the west of the 1870's and '80's, when these four products of the last frontier achieved their place in the western sun.

Western history of the 1870's and 1880's was largely written in five states: Texas, Kansas, New Mexico, Colorado, and Arizona. The first of these is the starting point from which arose the turbulence and lawlessness that was subsequently to prevail in the states to the north and west of her boundaries. It is in Texas that the first cattle were assembled and later driven across the Chisholm and the lesser cattle trails towards the railroad junctions in the north.

Kansas was the terminus point for the great majority of these cattle that were driven from Texas during this period. It is here that Earp, Masterson, and Holliday gained considerable notice. When the cattle frontier of Kansas ceased to attract attention the aforementioned gentlemen switched their allegiance to another frontier, the mining towns of Arizona and Colorado.

In dealing with Billy the Kid the state of New Mexico comes into central focus. This state furnished the environment which occupied the greater part of the young gunfighter's life. Like Texas, New Mexico attracted the west's great gunfighter because cattle were allowed to breed here and to be driven further north for subsequent shipping to the beef industries in the east.

The story, then, in connection with the four men under study is largely in terms of two of the last frontiers, the cattle and the mining. In the 1870's and '80's the silver mining towns of Colorado and Arizona, and the cattle infested areas in Kansas, Texas and New Mexico served as the environment for four men who were to leave their names firmly imprinted on the written pages of western history. Further

investigation of these areas is thus necessary in order to properly understand the men which they influenced and conditioned.¹

In 1865 the four year struggle of North versus South was over. Arms were laid aside and once more the men of both sides started homeward. The problem was not now how to snuff out an enemy life but rather how to sustain human life. To the Southerners who returned to Texas this seemed to offer little handicap. The reason could be found in one word, cattle. During the War with the Mississippi River patrolled by Union gunboats, there was no outlet whereby Texans could market their cattle. As a consequence the stock had increased faster than the surplus could be marketed. What the Texan found on his return was a state full of beef with no ready means of turning it into economic gain. It was a known fact at this time that cattle in the North and East brought ten times the price of that offered in Texas.²

¹Stuart N. Lake, Wyatt Earp, Frontier Marshal (N. Y.: Houghton Mifflin Company, 1931), 1-397; George G. Thompson, Bat Masterson, The Dodge City Years (Fort Hays: Kansas State Printing Plant, 1943), 1-55; John Myers Myers, Doc Holliday (Boston: Little, Brown and Co., 1955), 1-287; Pat F. Garrett's Authentic Life of Billy the Kid (N. Y.: The Macmillan Company, 1927), 1-233. Afterwards referred to as Fulton.

²Joseph G. McCoy, Historic Sketches of the Cattle Trade of the West and Southwest (Glendale, California: Arthur H. Clarke Company, 1940), p. 94.

What the Texan needed was a way to get these cattle to the East with reasonable facility and celerity.

In 1867 an Illinois cattle shipper named Joseph G. McCoy arrived upon a plan which was to revitalize the cattle industry. McCoy's idea was to establish at some accessible point a depot or market to which a Texas drover could bring his stock unmolested and, there failing to find a buyer, he could go upon the public highways to any market in the country that he so desired.³

This idea reached fruition when in 1867 the Kansas Pacific Railroad reached Abilene, Kansas and thus opened up a Northern market for Texas' three and a half million cattle. The "cowboy era" had arrived.⁴

Having been provided with a means of transporting the cattle from a point in Kansas to the meat packing houses of the East, the question now remained only in finding a method of depositing the livestock in Kansas. This was solved by a number of cattle trails, the most famous of which was called the Chisholm Trail. A cattle road named for a half-breed

³Ibid. p. 112.

⁴Floyd Benjamin Streeter, Prairie Trails and Cow Towns (Boston: Chapman and Grimes, 1936), p. 63.

Indian trader, Jesse Chisholm, had been started a few years before 1867. It had run south from his ranch near present day Wichita to enable traders to obtain wagon communication with the Indians in Indian Territory. The main trail, however, ran north from Red River Station across Indian Territory and entered Kansas near Caldwell. From here it crossed the Arkansas River at Wichita and continued past the present site of Newton to Abilene.⁵

Another famous cattle road, the Goodnight-Loving Trail, extended southwest from Fort Belknap, Texas to Horsehead crossing of the Pecos River, thence northwest and north along that river to Fort Sumner and then northwest to Denver.⁶ It was over this road that John S. Chisum, who was later associated with Billy the Kid, drove his herds from New Mexico to his ranch in Roswell. Having some 75,000 cows and recognized as the largest cattle owner in the world, Chisum sent many of these cattle to Arizona and various New Mexican points in order to fulfill army and Indian Agency beef contracts.⁷

⁵Ibid. p. 64.

⁶McCoy, op. cit. p. 47.

⁷William Macleod Raine and Will C. Barnum, Cattle, Cowboys, and Rangers (New York: Grosset and Dunlap, 1930), p. 95.

McCoy, the prime instigator of the cattle movement, left a vivid impression of this period of our history in his memoirs. "Driving longhorns out of Texas to the cow towns of the northern plains," he declared, "is one of the most significant and colorful subjects in the annals of the southwest. It is the narrative of a frontier industry that pointed the way to the occupations of a vast empire previously considered a great desert. From the close of the Civil War until the nineties it attracted the attention of the whole nation, which became familiar with the terms cowboy, stampede, six-shooter, round-up, lariat, chaps, sombrero, and others connected with trading stock over the open range."⁸

As Wyatt Earp, Billy the Kid, "Bat" Masterson, and "Doc" Holliday all were connected in some way with the cowboy, it is fitting that this unique brand of American, undergo some examination as to his characteristics and life on the frontier. Most western historians agree that the cowboy was not liberally educated but rather had a strong natural sense concerning the frontier and was thoroughly drilled in the customs of frontier life. The cowboy further tended to sympathize with his own kind. He was a practical joker, a teller of tall tales, inclined toward alcohol. He had an

⁸ McCoy, op. cit. p. 17.

innate sense of right and wrong and a quick and impulsive temper. He was quick to detect an injury or insult and not slow to avenge it nor quick to forget it. Above all he was free and easy and had little love for restraint.⁹

His characteristics were an outgrowth of his early home life for each one grew up on a wild frontier with little or no schools. This environment was further darkened by a Civil War which had engendered hatred and suspicion in the lives of the Texan.¹⁰

The distance from the starting point at the Red River to the Kansas cow town was some three to four hundred miles. Over this vast expanse of relatively uninhabited and drab landscape the Texas cowboy drove his cattle to market. The conditions which he was forced to meet caused him to lead a monotonous and lonely life. The only break in his daily routine was the campfire and the evening stories which often were sacrificed for a more vitally needed sleep.¹¹

⁹Ibid., p. 127. For a thorough discussion of the life and times of the cowboy and an insight as to what he was really like, see Joe B. Frantz and Julian Ernest Choate, Jr., The American Cowboy (Norman University of Oklahoma Press, 1955), 1-232, and Andy Adams, the Log of a Cowboy (N. Y.: Houghton Mifflin Company, 1931), 1-324.

¹⁰Ibid. p. 128.

¹¹Adams, op. cit., Passim.

One writer observed that:

Each day was so like every other day and each new scene so much a repetition of the scenes already witnessed that being adrift on the prairie was similar to being out at sea--it left a vague, confused impression. After a few days of the march, a spirit of depression was often noticeable in the entire outfit.¹²

Driving cows over the various trails was by no means an easy or a safe task. The cowboy was forced to cope with the perils of the frontier which included the bad roads, the rough weather and the cattle stampedes. Moreover, the men were required to pass through Indian Territory in order to reach their destinations. The Indians encountered often demanded tributes from the cowboy as a compensation for being allowed to transverse their lands.¹³

The demands of the trail and the dangers that were naturally associated with the frontier rendered the daily use and carrying of some sort of firearms imperative; hence the habitual association with the pistol or rifle resulted in many cowboys becoming proficient marksmen.¹⁴

¹² Streeter, op. cit., Passim.

¹³ Ibid., pp. 70, 74, Adams, op. cit., Passim.

¹⁴ McCoy, op. cit., pp. 213-214.

After several months of discipling cows, the cowboys would arrive in the vicinity of their destination, the cattle town. Here they made camp and the cattle were allowed to graze and recuperate a month or two before being driven into the cow town for later eastern distribution.¹⁵

To the cowboy, the arrival at a cow town was a momentous event. The loneliness of the cattle drive caused him to look forward with great anxiety to reaching his destination in order that he might break with his previously restricted society. The conditions of the frontier and its obvious lack of law served as an impetus to the cowboy to unleash his heretofore quelled emotions with a little so-called "hurrahing the town."

The Kansas cow town grew out of the necessity to supply the range man's needs. Cattle was to give these towns their chief means of support in the two decades that the cattle business lasted. During this time some five to six million cows passed through the various shipping points on their way to market.¹⁶ Of the many towns that grew up around this prosperous enterprise, only four or five ever received a national reputation "as wild and woolly cow towns." One might list Abilene, Newton, Ellsworth, Wichita and Dodge City in this group.

¹⁵Streeter, *op. cit.*, pp. 70, 74.

¹⁶*Ibid.*, p. 65.

F. B. Streeter, one of the leading Western historians, captured the atmosphere of the cow town in his book. To the people removed from the misery and tragedy of it he remarked, "There is something romantic about the boisterous night-life in the saloons, gambling houses and dance halls; something fascinating about drunken brawls over cards and painted women; and thrilling about famous gun-fighters snuffing the life out of equally famous gunfighters with six-shooters."¹⁷

In considering the cow town, only one need be studied in ascertaining the true life and times on this frontier of the West--Dodge City, Kansas. That its fame as the roughest and toughest of the cattle communities of the 1870's and 1880's has endured is largely due to its particular make-up. Its history includes a wider environment than the ordinary town because it was the focus of a range of land some 200 miles in every direction. Dodge became the central point into which flocked the bullwhacker, the buffalo hunter, the cowboy, the soldier, the humble citizen, and the desperado. One writer has pointed out that "the character and life of this mixed class of citizenship was greatly sharpened and enhanced by reason of the strenuous and

¹⁷ Ibid, p. 80.

characteristic impulses which governed the circumstances in pursuit and development."¹⁸

Bob Wright, one of Dodge's first citizens, explained that Dodge City attracted such famous men because it was the last big frontier of the United States. People of all sorts came: some out of curiosity, others for business and the cattle market. The cowboy came for "duty as well as delight;" the hunter because Dodge was the "very heart of the greatest game country on earth;" the freighter because it was "one of the greatest overland freight depots in the U.S.;" the gambler and the bad man came because of the wealth and excitement."¹⁹

These men who inhabited Dodge and the other frontier towns were by the very nature of their occupations a rugged assortment of people. The bullwhacker drove his six oxen drawn wagon filled with hides over the Tascora Trail leading out of Dodge and into Indian Territory, Colorado, New Mexico and Texas. Due to the perils of the trail on which one would often encounter Indians, the bullwhacker usually traveled in trains consisting of six teams.²⁰ The very

¹⁸ Robert M. Wright, Dodge City, The Cowboy Capital (Wichita: Wichita Eagle Press, 1913), Preface.

¹⁹ Ibid, p. 152.

²⁰ Stanley Vestal, Queen of Cownowns Dodge City (New York: Harper and Brothers, 1952), pp. 65-67.

element in which the bullwhacker worked made it essential that he become conditioned and fitted for his environment. This resulted in the rough and ready individual who spent much of his time in and around the cattle town.

In the 1860's and early 1870's the Great Plains were covered by a blanket of buffalo. There have been estimates of from 50 to 125 million of these animals running loose on the plains at this time. A prosperous business grew up around these buffalo, the hides often bringing as much as \$4,000 a pelt. The buffalo hunter was forced to endure a hazardous and demanding life in order to make his living. When the slaughter of the buffalo rendered them extinct by the mid 1870's, the hunter turned to driving cattle and taking on law enforcement positions in the towns.²¹

The wealth of the cattle towns naturally attracted the gambler. His wizardry at the frontier games of poker, faro, and keno often resulted in his amassing a small fortune. Gambling at this time was recognized in the most fashionable circles and many of the leading townspeople were often to be found engaged in such an avocation. From 1876-1883 there was a gambling circuit in operation ranging from S. Texas to S. Dakota. The frontier gambler finding business poor

²¹Vestal, op. cit., p. 48. See also Mari Sandoz, The Buffalo Hunters (New York: Hastings House, 1954), p. XII.

in one spot would move around from place to place depending on which town was having a boom at the time. The arguments that were to inevitably arise over a turn of a card or the betting of a chip made it necessary that the professional gambler become educated with his fists and his guns.²²

The kinds of men that inhabited the frontier towns made lawlessness inevitable and a natural product of the environment. Lack of law and order was a result of the political vacuum in these communities. Two of the greatest cattle frontiers that existed in the 1870's and 1880's were in Kansas and New Mexico. The former, though a state in 1861, became the magnet for the railroad centers and brought on the rise of the Kansas cattle towns. The cattle attracted the rougher element faster than it did the permanent and law-abiding citizen. The result was a disregard for property and life which was only partly remedied by the frontier marshals and sheriffs.²³ Consequently, government had not yet caught up in its legal organization.

In New Mexico the situation was even more crucial in regard to law and order. From 1863 when it was separated from Arizona until 1912 when it became a state, New Mexico enjoyed a territorial status. This meant that the governor

²²Myers, op. cit., Passim.

²³Vestal, op. cit., Passim.

appointed by the Federal Government had sole power to administer the laws in the territory. The fact that New Mexico was a territory in the 1870's and '80's meant that something far different from organized government as it is known today existed. Again it was necessary to turn to a few frontier peace officers in order to keep some semblance of order. These men received their commissions either from the governor of the territory or extra legal organizations of prominent citizens, usually cattlemen who banded together and put up money in order to obtain the service of one who would protect their property interests.²⁴

On the mining frontiers in Colorado and Arizona the lack of organized government produced somewhat similar problems. Out beyond the pale of the law, sober citizens developed their own democratic institutions. With the initial strikes and influx of discreditable elements, there arose a need for some form of government to protect the claims of those already there and to provide for a fair division of the remaining lands. The respectable element called a mass meeting often in the camp's main thoroughfare. Here they

²⁴ John W. Poe, The Death of Billy the Kid (New York: Houghton Mifflin Company, 1933), p. xxxi.

would elect a magistrate and a sheriff to hold office during good behavior. They also provided for simple justice and jury trial. Penalties for offenders were high. Stealing a horse or gold dust worth \$100 or more were capital offenses. But conviction in minor offenses meant eviction from the camp.²⁵

This squatter government only partly achieved success because the miners lacked interest in effective government. The rough elements continued to pour into the area until the conditions became such that the very lives of the citizens were threatened. In response, the law-abiding majority took action. Vigilance committees were formed "complete with a written constitution pledging members to cooperate until order was restored."²⁶ Executions were usually carried out on the spot whenever the crime seemed grave enough. A few hangings were usually enough to drive away the bad element permanently. Organizations of this sort existed in practically all of the Colorado and Arizona camps.²⁷

²⁵Ray Allen Billington, Westward Expansion (New York: The Macmillan Company, 1949), pp. 615-632.

²⁶Ibid., p. 621.

²⁷Ibid., p. 622.

These vigilante and mass meetings were merely stopgaps, in existence only until the United States government provided the necessary effective law enforcement. What was needed most urgently was some sort of regulation concerning the distribution of the mining land and a stable government. The first and only significant legislation concerning land came forth in 1866 when Congress ruled that mining territory was open to all citizens subject to Homestead regulations. Moreover, the new law legalized the local mining rules already formulated. A similar pressure from the citizens of Colorado worked slowly to bring stable government there. When Congress failed to organize that area, the community attempted to form an independent state. As the miners refused to be governed by a central body, this experiment failed. Once the southern states completed their secession from the Union in early 1861, Congress granted territorial status to Colorado. From this time on the region developed rapidly and by 1876 Colorado was admitted to the Union. Despite her statehood, however, the wealth and excitement of the mining strikes kept Colorado in a state of disorder and chaos for another ten years.²⁸

²⁸ Ibid., p. 623.

As the mining frontier pushed further west, strikes were uncovered along the lower Colorado River. This resulted in an influx of good and bad elements and the creation of the territory of Arizona in 1863. The boom continued in the next twenty years and culminated with the Tombstone strike of 1877. Arizona proved to be a more violent frontier than Colorado and as a result it was not admitted to the Union until 1912. In the meantime the law and order was handled, for better or worse, by the officers appointed by the territorial governors and United States marshals.²⁹

It is in regard to the law that was applied in the West during the cattle and mining frontiers that two unique figures in this period of American history rise to the foreground--the frontier marshal and the western badman. Both have been the object of much criticism and because the men taken up in this thesis were either one or the other, they deserve some consideration.

In most of the frontier towns the first attempts to combat the reckless and turbulent elements were undertaken

²⁹ Ibid., p. 626; Douglas D. Martin, Tombstone's Epitaph (Albuquerque: The University of New Mexico Press, 1951), Passim.

by groups of men who banded together to form the so-called vigilante committees. These organizations, for the most, were comprised of the leading and most respected citizens. When the outlaw element proved too tough for the committees to handle, the frontier peace officer came into being.³⁰

This peculiar brand of American was a hired gunfighter who because of his dauntless spirit and deftness with a gun was expected to keep the community peaceful and prosperous. The cowboy, the bullwhacker, the bad man, all had their turn at playing the frontier peace officer. Whenever a town needed someone to help tame its citizenry and to protect their interests, they always looked to Dodge City. Here was to be found the likes of Wyatt Earp and "Bat" Masterson. These gunmen were good shots, totally lacking in fear and well trained by experience and hardships. "Most of these men were naturally brave, and their manner of living made them more so."³¹

The frontier peace officer's contribution to Western civilization is open to heated dispute. Frank Lockwood in his study of Arizona during the days when Wyatt Earp was

³⁰ Vestal, op. cit., p. 31.

³¹ Wright, op. cit., p. 169.

serving as a Deputy United States Marshal concluded that "officers of the law were often so little distinguishable from gunmen so given to drinking, gambling, and shooting that in an atmosphere where all was gray it was hard to tell white from black. It was not uncommon for a man to be an officer today and a criminal tomorrow, or vice-versa."³² Mr. Lockwood, then, would seem to champion the school of western writers who look upon the frontier marshal as an evil product of his environment and who can hardly be disassociated from the actual badman.

On the other hand, some frontier officers, public or private, gave a good account of themselves. They risked their lives to make the West safe, and more than a few carried desperadoes' bullets to their graves. Only through their work could the emerging courts gain the confidence of law-abiding citizens and the respect of wrongdoers.³³ Actually the frontier marshal was a necessary force in the settlement of the last frontier. The contribution of the

³² Frank C. Lockwood, Pioneer Days in Arizona (New York: MacMillan Company, 1932), p. 263.

³³ Wayne Gard, Frontier Justice (Norman: University of Oklahoma Press, 1949), p. 253.

western peace officer is the subject of two later chapters involving Wyatt Earp and "Bat" Masterson and further comment will be reserved until then.

If the frontier law enforcement officer is open to debate in regard to his character, there can be little doubt as to the qualities of the bad man. The very presence of this man made law necessary. The lawlessness of the West, frontier conditions, natural topography and plant life of the West, were factors in the bad man's trek West.³⁴

The bad man was a product of his environment of his period. He existed at the only time and place he could have existed; more than likely never again in this country will there be such circumstances as those in which he found himself. He was a unique breed by nature and by necessity.³⁵ His life and his character will be covered more extensively in two later chapters on Billy the Kid and "Doc" Holliday. Suffice it to say for the time being that the frontier peace officer and the western bad man played significant roles in this period of the West's development. They typified the law and lawlessness that characterized the cattle and mining towns.

³⁴George D. Hendricks, The Bad Man of the West (San Antonio: The Naylor Company, 1941), p. 8.

³⁵Ibid, p. 267.

The cattle town in which many of the above mentioned elements inhabited usually began with a few tents, some sod houses and perhaps one or two small rough frame buildings. As the railroad moved in and cattle began to graze on the outskirts of town, false fronts readily replaced the frontier shack on the main business streets. A citizen of Dodge's earliest days wrote that "there were women, dance halls, music, saloons and restaurants, equipped with every luxury, while gambling in every conceivable form, and every gambling device known at that time was in full blast."³⁶

Opinions vary concerning the evil and lawlessness that existed in the cow town. One contemporary wrote that Dodge's incorporate limits "are the rendezvous of all the unemployed scallawagism in seven states. Her principal business is polygamy without the sanction of religion, her code of morals is the honor of thieves, and decency she knows not.... The employment of many citizens is gambling. Her virtue is prostitution and her beverage is whisky. She is a merry town and the only visible means of support of a great many of her citizens is jocularly."³⁷ The above opinion was shared by many who had never seen a cattle town but had only heard of it from others.

³⁶Wright, op. cit., p. 153.

³⁷Ibid., p. 148.

The Kokomo, Indiana Dispatch of July, 1878, in an editorial entitled "The Wickedest City in America" went a long way toward portraying the true conditions that existed in the frontier town. Speaking of Dodge the editorial stated that "its character as a hell, out on the great plains will be ...maintained in the minds of traveling newspaper writers, just so long as the city shall remain a rendezvous for the broad and immense uninhabited plains, by narrating the wildest and wickedest phases of Dodge City; but we have to commend them for complimenting Dodge on its orderly character.... I was happily surprised to find the place in daytime as quiet and orderly as a country village in Indiana, and at night the traffic in the wares of the fickle Goddess and human souls was conducted with a system so orderly and quiet as to actually be painful to behold."³⁸

That the cattle and mining towns contained rough elements and made concessions to the vices of life is unquestioned. One feature, however, stands out in the midst of the evil that pervaded on the frontier. There were always enough good citizens of a town on hand to see to it that law and order eventually drove out the vices and gunplay and replaced them with virtues and farming implements. Associations

³⁸Ibid., p. 144.

and city councils were formed whereby resolutions and law enforcement bodies sought successfully to rid the towns of many of the bad men and desperadoes that were wreaking havoc in the main streets. On December 12, 1871, the city council of Abilene informed the great "Wild Bill" Hickok that his services as city marshal were no longer needed.³⁹ The same thing took place in Ellsworth, Wichita, and Dodge. The citizenry was more interested in protecting the welfare of its people than the temporary prosperity of its town. By the mid 1880's with the establishment of a more efficient law and order the bad man had swaggered his last steps jauntily across the western stage. The "forward sweep of enforced public opinion had wiped him and his lawlessness away."⁴⁰

The western badmen operated not only in cattle towns but also in the mining communities. If Dodge City can be considered the most shining example of the cattle town, then Tombstone must be regarded as its counterpart in relation to the mining community. The same conditions and factors that went to make Dodge the "Bibulous Babylon of the Frontier" were brought to bear in an even stronger light in Tombstone.

³⁹Streeter, op. cit., p. 104.

⁴⁰Raine, op. cit., p. 46.

In 1877 a wandering miner named Ed Schiefflin made a silver discovery on the eastern slope of the San Pedro Valley at a point where the Mule and Dragoon Mountains meet in a range of jagged foothills.⁴¹ One rich strike followed another and in a short while men from all over the West started the migration towards the new camp. "Miners," said D. D. Martin, "led the way across the desert and in the clouds of thick dust raised by their wheels and the hoofs of their mules and horses came gamblers, lawyers, merchants, saloon keepers, laborers, thieves, doctors, murderers, madams, ranchers, and newspapermen."⁴² Tombstone differed from Dodge and Wichita only in point of time and in the substitution of ore for cattle as the chief financial means of existence.

In 1860 the town gave refuge to some 2000 fortune seeking individuals; by 1882 the figure had been increased to 10,000.⁴³ As in Dodge and the other mining settlements, many of the Tombstone inhabitants were involved in gunplay whether it be over mining ore, property, or personal antagonism.

⁴¹Lake, op. cit., p. 32.

⁴²Douglas D. Martin, Tombstone's Epitaph (Albuquerque: New Mexico Press, 1951), p.5.

⁴³Ibid., p.7.

Death paid a visit frequently in Tombstone. George Parsons reported in his diary in the summer of 1880 that "Tombstone is getting a pretty hard name. Men are killed, shot, stabbed, suiciding, etc., every day or two."⁴⁴ "Townspeople boasted of having "a man for breakfast every morning."⁴⁵

While the town was known for its lawlessness, at the same time, it opened its doors to admit a better society and atmosphere. William Breakenridge, a deputy sheriff during the period when Tombstone was in its ascendancy, felt that for all of the town's wildness it was still orderly and law-abiding. "What little killing was done," noted Breakenridge, "there was done among the lawless element themselves. This element was very much in the minority, and during the five years I lived there, I never heard of a house being robbed, or anyone being held up in the city, and it was perfectly safe for any lady or gentlemen to pass along the streets, day or night, without being molested."⁴⁶

⁴⁴George Whitwell Parsons, The Private Journal of George Whitwell Parsons (Phoenix: Arizona Statewide Archival and Records Project, 1939), p. 151.

⁴⁵Lake, op. cit., p. 231.

⁴⁶William H. Breakenridge, Hellorado (New York: Houghton Mifflin Co., 1928), p. 102.

If Tombstone had its good and bad side at the same time, there can also be no argument that she was busy economically day and night. Her prosperity and business enterprise is evident from the pages of the town's two newspapers. On any given day one might encounter as many as twenty-mule ore-wagons rumbling in an endless train down Fremont Street. "Rich strikes", observed the Epitaph, "were reported weekly in the mines. New buildings were rising. Homes went up by the hundreds. Saloons and gambling houses spent thousands of dollars on royal furnishings and decorations and got it all back from the payroll of the hard-rock miners. The town was young, reckless, and excited by its wealth."⁴⁷

Although Tombstone may be considered as the slightly exaggerated mining town, there can be little doubt that many of the same conditions prevailed in such places as Deadwood and Trinidad. It was in the former that "Wild Bill" Hickok met his death while seeking his fortune there.⁴⁸ Trinidad became so notorious that the town once paid Bat Masterson \$10,000 in one year to keep the peace.⁴⁹

⁴⁷ Martin, op. cit., p. 56.

⁴⁸ Harry Young, Hard Knocks (Chicago: Laird and Lee, Inc., 1915), p. 220.

⁴⁹ New York Morning Telegraph, October 26, 1921.

As the boom days began to fade and civilization began to take its hold on the mining towns, the lawlessness that had heretofore played an important role was pushed into the background. In Tombstone the situation became so critical that the President of the United States was forced, early in 1882, to issue a warning to its lawless element. The town's cooperation and desire to see its boundaries cleaned up were in the main responsible for the President's proclamation being heeded.⁵⁰

By 1890 the frontier was settled. The great plains that had defied a century of attempted settlement had at last given in - to the homesteader and the farmer. Gone were the cattle drives and mining strikes. In its place stood a bulwark of law and order that had broken the will of the ruthless and turbulent.

The period had been dominated by the cowboy, the buffalo hunter, the gambler, the bad man, and the law enforcement officer. The influence of the environment, the newness of the land, the lack of organized law, the easy wealth, the abundance of liquor, and the prevalence of the six-shooter were all characteristics of the times.

⁵⁰ Martin, op. cit., p. 165.

The four men who are the subject of this study were each conditioned by the frontier environment and occupied one or more of the roles played in it. Wyatt Earp and "Bat" Masterson were both buffalo hunters, gamblers, and law enforcement officers. Billy the Kid qualified as a cowboy, gambler and desperado. "Doc" Holliday represented the professional gambler and the frontier bad man.

In subsequent chapters this study will be concerned with the lives of these men, an appraisal of their character, and the contribution that each made to this colorful period of history.

CHAPTER II

BILLY THE KID

Sometime late in the year 1872 or the first part of 1873, William H. Antrim married Catherine McCarty, a widow with two sons, in the Presbyterian Church in Santa Fe. The marriage was witnessed by the oldest son, Henry, and is the first recorded information on the youth who was later to become the scourge of the Southwest.¹

In writing of Billy the Kid, the historian has been almost entirely without a lead. For lack of information on this point, the biographers of the Kid are able to

¹Philip J. Rasch and R. L. Mullin, "New Light on the Legend of Billy the Kid" The New Mexico Folklore Record (1952-53), VII, 2. This cites records to be found in files of Chief Archivist, War Records Branch, General Services Administration, National Archives and Records Service, and the records at the First Presbyterian Church in Santa Fe.

draw only from M. A. "Ash" Upson, a newspaperman who claimed to have lived as a boarder in the houses of the McCarty's while they abided in Santa Fe and Silver City. During this time Upson became intimate with the family and learned of their previous life.²

His story has the Kid born on November 23, 1859, in New York City. This birth date has since been accepted as fact. In the year 1862, Billy came west with his parents and settled in Coffeyville, Kansas. Sometime later the father died and his mother, Billy, and the baby brother drifted to Colorado.³ They were next heard from in Santa Fe and by 1868 they had taken up residence in Silver City.⁴

Upson had always maintained that Billy the Kid's real name was William H. Bonney rather than Henry McCarty. Indeed, this was the name used on occasion by McCarty himself. In an interview for the Silver City Enterprise of January 3, 1902, Sheriff Harvey H. Whitehill disclosed that "early in his career he [the Kid] changed his name to Billy Bonney in

²George W. Coe, Frontier Fighter (Boston: Houghton Mifflin Company, 1934), p. 36.

³Pat F. Garrett, The Authentic Life of Billy the Kid (Norman: University of Oklahoma Press, 1954), p.8.

⁴Ibid.

order to keep the stigma of disgrace from his family. Billie's right name, you know, was Henry McCarty"⁵ Speculation has arisen over the years as to the origin of the Kid's alias. The William H. part of his name seems to have been derived from his stepfather, William H. Antrim. As to the source of the name Bonney, there is no certain answer. Perhaps it was his mother's maiden name or just an invention of his own. The people of Silver City think even today that he was illegitimate and this was the real reason for the name.⁶

Billy the Kid next appears in print in the Arizona Citizen of August 22, 1877. The article stated that Austrim Antrim shot E. P. Cahill near Fort Grant on the 17th of August. Cahill declared before his death that he and Antrim had had some trouble. "The coroner's jury found that the shooting was 'criminal and unjustifiable,'

⁵ Interview in the Silver City Enterprise, January 3, 1902, cited in Raschard Mullin, op. cit., p. 2.

⁶ Ibid., p. 5.

and that Henry Antrim, alias Kid is guilty thereof."⁷ Billy was known around Silver City and the surrounding area as both Henry and Billy Antrim.⁸

In 1931 Gus Geldea, an old army scout, told the Tucson Citizen that he met the Kid in the fall of 1877. "He was an easy going, likeable youth," Geldea said, "still in his teens." A blacksmith started abusing the boy in a saloon and threw him on the floor. Billy got his gun and shot the blacksmith dead.⁹ Thus at the age of seventeen Henry McCarty had started on a career of crime that was to make him one of the most famous of all desperadoes.

In seeking an answer for the reasons why such a young boy could have killed two of his fellow men, one killing obviously unjustifiable and one in self defense, the words of Maurice G. Fulton seem appropriate. Fulton maintained

⁷Article in Arizona Citizen, August 22, 1877, cited by Frazier Hunt, The Tragic Days of Billy the Kid (N.Y.: Hastings House, 1956), p.2. Garrett has the "Kid" stabbing a man in a saloon at the age of 12, but no written accounts have been found concerning this and must be considered as part of the boy's legend. Garrett, op. cit., pp. 10-11.

⁸Ibid.

⁹Tucson Citizen, January 31, 1931.

that "the Kid but showed the mettle of his pasture, which was the lawless and brutal frontier and fairly should be considered the natural product of its conditions and ideals."¹⁰ It is significant that Fulton, Frazier Hunt, and William Morrison also make out a case for the boy being a child of circumstance. More will be said about this throughout the chapter. Suffice it to say for the time being in substantiation of Fulton's claim that Silver City, where the Kid spent much of his young life was a "lawless mining town" as was Santa Fe where he also grew up.¹¹

A case is further made out by some who know him that the boy suffered from an unhappy home life in which his father was "tyrannous" and "unjust" to him. It is further stated that because of these home conditions McCarty was denied parental love at a period in his life when it was most needed. The reverence and devotion in which he is said to have held his mother, however, would seem to belie the above theory.¹² The historian has only the words of "Ash" Upson, the broken down, sometimes dissolute

¹⁰Pat F. Garrett, Authentic Life of Billy the Kid, Maurice G. Fulton (ed.) (N.Y.: The Macmillan Company, 1927), p. xvi.

¹¹Coe, op. cit., p. 37.

¹²Ibid., p. 36; Garrett, op. cit., p. 9.

newspaperman, on which to make out a case for the causes for the Kid's later career. Upson collaborated with Pat Garrett in writing a biography of the "Kid." Unfortunately he cannot be taken as a bona fide truth teller in lieu of his tendency to play up a story for the sake of an extra dollar.¹³ Henry McCarty, then, must be judged in terms of his subsequent life and not on the basis of his background.

One of the most powerful formative influences on Billy the Kid was the Lincoln County War in Lincoln County, New Mexico. This period of his life is important because the war that it produced was to provide "the motivation behind the fanatical fervor with which the Kid fought" throughout the rest of his turbulent career.¹⁴

¹³ See Garrett for a series of early adventures in which McCarty is supposed to have participated. These have never been substantiated but make for lively reading and shed further light on the writing of "Ash" Upson, who wrote the first part of the book. Garrett, op. cit., pp. 13-45. Fulton declared that these Mexican and Indian adventures "were not impossible in those times to adventurous and madcap youth." Fulton, (ed.), op. cit., p. xvi.

¹⁴ J. C. Dykes, Billy the Kid: The Bibliography of a Legend (Albuquerque: The University of New Mexico Press, 1952), p.5.

At the southeast corner of New Mexico lies Lincoln County, by 1875 the largest county in the United States in terms of area and the largest in the country in terms of population. It stretches some 150 miles east and west and 170 miles north and south. This vast stretch of unsettled country is watered by the Pecos River and its tributaries, the Rios, Hondo, Ruidoso and Bonita.¹⁵ In the western part of the county, Fort Stanton was established in 1852 as an army post to protect outlying settlements from the Indians. In 1875 it was still the only town of note in the county with perhaps the exception of Lincoln. Some years earlier in 1866, two old army men, Major Murphy and Jim Dolan, opened up a mercantile store in the county and acquired a contract giving them an exclusive right to sell supplies to the army post at Fort Stanton. Due to the undeveloped state of the area this Murphy-Dolan concern was soon able to gain a controlling interest in every line of business.¹⁶ The newness of the territory and the natural lack of law that was accustomed to be associated with the frontier caused Lincoln County to become a refuge for the lawless element. The presence of the Murphy-Dolan monopoly

¹⁵ Hunt, op. cit., p. 15; Coe, op. cit., p. 2.

¹⁶ Coe, op. cit., pp. 24-25.

and the influx of the shiftless and ruthless were to be two contributing factors in the war of some six to eight months that was in the not too distant future.

In the 1870's a young attorney named Alexander McSween was ordered to go West for his health. He was first hired by Murphy as a bookkeeper and when Colonel Emil Fritz, who owned part of the Murphy-Dolan store, died in 1874 leaving a \$10,000 insurance policy, it naturally fell to McSween to adjust the claim.¹⁷ McSween collected the policy and paid out part of the claim to Fritz' heirs. One portion of the settlement, however, was withheld because of an unaccounted for relative.¹⁸

Sometime between 1874 and 1877 while the insurance company with which Fritz was connected was investigating the whereabouts of their deceased client's heirs, McSween became disgusted with the extravagant gambling and easy credit policy of the Murphy-Dolan outfit and resigned.¹⁹ He subsequently formed a partnership with John E. Tunstall, a young Englishman, and together they opened up a mercantile business.²⁰ John S. Chisum, who owned some 1,500,000 acres

¹⁷Ibid., pp. 26 and 31.

¹⁸Ibid.

¹⁹Ibid., p. 25.

²⁰Garrett, *op. cit.*, p.48.

along the Pecos River on which grazed between 40 to 60 thousand cattle, allied himself with McSween and Tunstall at this time in the incorporation of a partnership bank. These three were thus almost immediately thrown into an economic and political battle with the Murphy-Dolan outfit for the control of the county.²¹ As added fuel to the fire, the small ranchers in Lincoln County were dissatisfied with Chisum's monopoly on cattle and felt no qualm of conscience in cutting out some of his stock and selling it to the Murphy-Dolan firm.²²

The situation had reached an impasse by the fall of 1877. At this time Lincoln County got its first look at the young man who was to become the outstanding figure in the struggle that was shortly to follow. McCarty had been hired to work on a cattle drive in Lincoln at this time. When his employer refused to pay him, Billy found himself in Lincoln County without a job.²³ He signed on with the Murphy-Dolan crowd but became dissatisfied. He subsequently met Tunstall and decided to go to work for him punching

²¹ Hunt, op. cit., p. 15; Coe, op. cit., p. 30.

²² Garrett, op. cit., p. 49; Hunt, op. cit., pp. 16-17.

²³ Coe, op. cit., p. 38.

cows along the Rio Feliz.²⁴ The Kid and Tunstall developed a friendship for each other that was to inspire Billy to a future career of lawlessness and crime.

In 1877 Henry McCarty stood five foot, seven inches tall and weighed around a hundred and thirty-five pounds. He wore a light brown beard, a darker shade of brown hair and deep blue eyes which shone "bright, expressive, and intelligent." The youth's face was molded in an oval and his most noticeable feature was two projecting upper front teeth. He had a peculiar knack for smiling even in the most dangerous situations. His attire usually included a black frock coat, dark pants and vest, a neat boot, and a Mexican sombrero to shelter him from the sometimes overbearing New Mexico sun.²⁵

While Billy the Kid was first making his presence felt on the Tunstall ranch another significant drama was unfolding. The Fritz insurance settlement, which had been legally tied up for almost three years finally came to a climax on January 26, 1878, with the publishing of a letter in the

²⁴ Garrett, op. cit., p. 50.

²⁵ Ibid., pp. 22-24.

Mesilla Independent, New Mexico. In a letter to the paper Tunstall accused William Brady, the sheriff of Lincoln County and a friend of the Murphy-Dolan faction, of collecting \$2,500 in taxes and turning it over to John Riley, an employee of Murphy and Dolan, in order to purchase cattle.²⁶ Murphy realized from these accusations that his position was in jeopardy. He retaliated by alleging that he held a policy of Fritz' which the latter had deposited with him as collateral for a debt. Through this claim Murphy was thus successful in obtaining an attachment on McSween's property. He went even further and secured an attachment on the property of Tunstall on the grounds that they were partners.²⁷

On February 18, 1878, around five o'clock a posse of some fifteen men under William S. Morton, Deputy Sheriff of Lincoln County, set out to attach the property. Tunstall at the same time was riding from his ranch on the Feliz to Brewer's ranch a few miles below Lincoln. The Kid and one or two others accompanied him along with a few ponies which they were transporting to the Brewer ranch. What happened in the next few minutes has faded into historical inaccuracy.

²⁶ Mesilla Independent, (N.M.) January 26, 1878, quoted in Hunt, op. cit., p. 28.

²⁷ Coe, op. cit., p. 31.

Most of the sources agree that Tunstall was in the rear with the ponies. McCarty and the others became conscious of a shot and when they returned their horses and rode back along the trail they found Tunstall dead with two bullet wounds in him.²⁸ Whatever actually happened, the death of Tunstall can be considered a turning point in the life of Billy the Kid. His subsequent cattle thefts, gunplay, and overall shiftlessness were certainly not so apparent before Tunstall's death.

This killing of Tunstall is generally taken as the immediate cause of the Lincoln County War. Bad feeling had been brewing for some time between the Murphy-Dolan clan and the followers of Tunstall, Chisum, and McSween. The cattle thefts and the economic prosperity of the latter faction over the Murphy-Dolan organization had in large part caused this bitterness between them. The situation was fast approaching a crisis.

The Kid immediately joined a group of former Tunstall cowhands and sanctioned by law, set out to track down Morton. Just below the Penasco River they spotted him and a man named Baker who had been in the posse. The party overtook

28

Ibid., pp. 32, 39, 40; Hunt, op. cit., pp. 33-34. Morton later claimed before he was killed that Tunstall had fired on him first. Garrett, op. cit., pp. 52-53.

them and sometime later the two men were found shot to death.²⁹ In the Mesilla Independent of March 9, 1878, Ash Epsom wrote of the Baker-Morton death, declaring he had received his information from Frank McNabb, a member of the posse. McNabb claimed that Morton had managed to slip a gun from the holster of one of the "Kid's" party and to kill him. Morton and Baker then attempted to escape but were shot down.³⁰ The revenge motive was obviously the reason for these murders and as a consequence historians haven't been as quick to condemn it so readily as the next incident of Billy the Kid and his western confreres.

It was evident that Sheriff Matthew Brady was a friend of the Dolan crowd and that the "Kid" had suffered some "harassment" at the hands of the sheriff, but this hardly seems justifiable for the killings which transpired on

²⁹ Garrett, op. cit., p. 58; Hunt, op. cit., pp. 40, 42, 45. Garrett claimed the "Kid" shot both of them. First hand accounts are nonexistent and so the question is a moot one. This, as will be seen in a later discussion, will cause the sure number of deaths at the hands of McCarty to be reduced by two.

³⁰ Mesilla Independent, (N.M.), March 9, 1878, quoted in Hunt, op. cit., p. 45.

April 1, 1878. On this date in Lincoln, Brady and a deputy, Hindman, were on their way to the courthouse when they were ambushed from an adobe wall projecting from the McSween-Tunstall store. The "Kid" and some of his ilk had lain in wait for the sheriff and the result was the death of two men. History does not record who murdered these two men but the incident left a definite stain on the character of Billy the Kid regardless of whether he did the actual shooting or not. Simply being an accomplice to this deed is enough evidence to see his lack of concern for the human life.³¹

By this time the county had been fully initiated into the lawlessness and bloodshed fomented by the war of the factions. Warrants for the arrest of the Kid and two of his associates were sworn out and now for the first official time, Henry McCarty, misfortune's child, was branded an undesirable in society.³² On April 4, 1878, his notoriety was enhanced with the affair at Blazers Mill, just above the Rio Tularosa and within the Mesquero Indian Reservation which was controlled by the United States Government. One "Buckshot Roberts," an alleged member of the group that

³¹Fulton (e.d.), op. cit., p. 78.

³²Ibid.

killed Tunstall, came riding up to the mill when Billy's party happened to be there. The group asked him to give himself up, but realizing the possible danger he was in, he refused. In the next few minutes shots were exchanged and when a halt was called, Roberts was found dead.³³

July 14, 1878, found the boy and his fellow fugitives from the law gathering in Tunstall's store in Lincoln. The men were tired of running from the law and sought once and for all to settle the war of the factions. The firing began on the morning of the fifteenth and continued for three days. Early in the morning of the third day a company of infantry, cavalry, and artillery arrived from Ft. Stanton under the command of Colonel Dudley. By seeking to frighten them with the Gatling gun and number of troops they had brought, authorities hoped that the outlaw party would surrender. When this proved of no avail, the soldiers struck upon a plan much worked over by the western movies. While one group of soldiers diverted attention to the street, another party, favorable to the Murphy-Dolan

³³Roberts in a dying statement claimed that Charley Bowdre and not the "Kid" was responsible for his shooting and subsequent death. Coe, op. cit., pp. 64-67.

organization, succeeded in setting the building on fire from the rear. When the trapped outlaws inside saw what was taking place, they were left no choice but to devise some sort of plan for an escape. They decided to wait until the fire ate its way into the room where they were stationed, at which time they would make a break for the underbrush in back of the house. Towards evening just when the blaze was beginning to find its way into the room, a round of shots were fired by the opposing forces. Several of McCarty's followers rushed out. Murphy, thinking only a few remained, ordered a charge toward the house and one Bob Beckwith was shot by the "Kid" when he attempted to enter the door. In the next moments the youth escaped as did a few of the remaining members. During the skirmish McSween had been killed and now there was no recognized leader to continue the struggle. The Lincoln County War for all practical purposes was over and there was nothing left to do but count the number of dead and injured.³⁴

After almost eight months of fighting, who could claim the victory? The affray at Lincoln had found some 150 soldiers and 40 to 50 Murphy men aligned against 14 or 15

³⁴ Garrett, op. cit., pp. 70-76. Garrett got his account from McCarty while Coe was stationed in a small house directly behind the Tunstall store. Coe, op. cit., pp. 108, 110-118.

in the McSween house. The casualties numbered 5 to 4 in favor of the Kid's side at the end of the three-day fighting plus at least a 4 to 1 margin in favor of his group in the prior months of fighting.³⁵ The most important result of the war as far as this study is concerned is that Billy the Kid came out of it as a man with at least one murder on his hands and as an accomplice in at least four other deaths. Where before he could have possibly wiped out his earlier past by settling down to a life of a cowboy, now he was a full-fledged outlaw and a man who had to be forever running from the law. If a case for the boy being a child of circumstance can ever be made out, the Lincoln County War is ample evidence for it.

In the weeks that followed, Billy and his adherents were fugitives from justice and had to take to stealing cattle in order to keep alive. When they attempted to detach some cattle from the Mesquero Indian Reservation they were confronted by a clerk named Bernstein who worked for the government agency there. He procured a gun and ran out to meet them. Sometime later he was found dead.³⁶

³⁵ Coe, op. cit., p. 123.

³⁶ Garrett, op. cit., p. 77; Hunt, op. cit., p. 109. The Cimarron News and Press, declared that Bernstein was killed by a Mexican who thought Bernstein was trying to kill him, having obviously mistaken the Mexican's party for that of McCarty's.

Despite the fact that the Lincoln County War is considered to have closed with the affray at the McSween house, Lincoln County continued to be troubled with feuding and lawlessness. The situation took such a turn that Governor Lew Wallace deemed it necessary to issue a proclamation of pardon to those who had fought in the war. This proclamation did not apply, however, to those under indictment for murder, which included McCarty. Wallace personally came to Ft. Stanton and took charge of straightening out the conflict. In a letter of March 15, 1879, Wallace offered to pardon McCarty if he would turn states evidence against the murderer of a man named Chapman, whom the boy had seen murdered. Billy wrote back on March 20, saying he would be glad to testify if Wallace would provide him with sufficient protection. The terms were complied with and the youth had his day in court. When his own trial came up in Lincoln County the case was removed to Dona Ana County where the Kid had more than a few enemies. Believing he had been tricked, McCarty walked out and fled the county.³⁷

³⁷ The Cimarron News and Press, (N.M.) August 5, 1878. Wallace said he was unable to secure a pardon for McCarty because the prosecuting attorney would not withdraw the charges made against him. New York World, June 8, 1902.

The subsequent feelings of Billy the Kid towards his "Judas" Wallace may be summed up in this letter from Susan Wallace, wife of the governor, to her son: "The Lincoln County reign of terror is not over, and we hold our lives at the mercy of desperadoes and outlaws, chief among them 'Billy the Kid,' whose boast is that he has killed a man for every year of his life. Once he was captured, and escaped after overpowering his guard, and now he swears when he has killed the sheriff and the judge who passed sentence upon him and Governor Wallace, he will surrender and be hanged."³⁸ Though the language is perhaps colored there is no doubt that McCarty harbored a hatred for Wallace the rest of his life.

Billy and what members of the Tunstall faction were left spent the months following the war in rustling cattle. The gang would sometimes steal cattle in New Mexico and take them over the line and sell them in Texas. At other times they would reverse this procedure. In between drives

³⁸Lew Wallace, Lew Wallace, An Autobiography (New York: Harper and Brothers, 1906), 11, 921. In reference to Mrs. Wallace's disclosure of McCarty's being in prison, Garrett refers to two previous incarcerations of him. Garrett, op. cit., p. 84.

Billy displayed his knack for gambling by playing monte, poker, and faro in the saloons along the Pecos River up to Anton Chico in San Miguel County. It was near the latter town in early 1880 that he became involved in another killing. A posse had been searching for him for some time, but without success until they were able to corner him and a few friends at Greathouse Ranch. When neither party seemed to be gaining the least bit of ground, one of the men trapped in the ranchhouse suggested a meeting with one of the members of the posse. One Jim Carlyle stepped forward and entered the house. Sometime later he was seen leaping out of the window only to be shot dead.³⁹ Though it has never been proved that he was directly responsible for Carlyle's death as Garrett contends; nevertheless, the latter's words no doubt summed up the feelings of the people toward the Kid at this time. "His bloody murder," Carlyles , Garrett said, "excited horror and indignation and many who had viewed the lawless career of the Kid with some degree of charity now came to hold him in unqualified

³⁹ Fulton (ed.) op. cit., pp. 133-135. Charles Sonnichsen and William Morrison after exhaustive research were unable to find any record of this murder. Charles Leland Sonnichsen, Alias Billy The Kid (Albuquerque: The University of New Mexico Press, 1955), p. 78.

execration as the murderer of an exceptionally good man and useful citizen."⁴⁰ The posse having gone without food and water for over twenty hours retired and once again the charmed life of the youth of the plains was spared.⁴¹

By 1880 the old west and the lawlessness which symbolized it in many ways was beginning to see the first wave of settlers who were determined not only to set up permanent residence but to clean up the outlawry and malignant crime and bloodshed for all time. This desire to establish law and order evidenced itself in New Mexico in the election of Pat F. Garrett as sheriff of Lincoln County in 1880.⁴² Civilization was beginning to move in on a young boy with a gun on his hip and a price on his head. A manhunt was on.

Pat Garrett had known the Kid only a year, but it was during their meetings together from time to time that he was able to find out about the boy's past life. One writer has observed that there was "such a continued association between them that possibly it should be termed a friendship."⁴³

⁴⁰ Fulton. (ed.); op. cit., p. 135.

⁴¹ Ibid.

⁴² Garrett, op. cit., p. xi.

⁴³ Fulton (ed.), op. cit., p. xiv.

The newly elected law enforcement officer was not due to take office until January of 1881, but this didn't stop him from tangling with his foe. The U.S. Marshal of New Mexico appointed Garrett and Bob Ollinger as United States Deputy Marshals.⁴⁴ It is not to be thought for a moment that Garrett was anxious to bring Billy the Kid to justice. He was not. Rather the pressure of the townspeople demanded that the law enforcement officers take immediate action. That action resulted in the capture of the Kid in December, 1880, at Stinking Springs, south of Fort Sumner in San Miguel County.⁴⁵ McCarty and three of his friends surrendered when they saw the futility of battle but only then after Garrett promised them protection and a fair trial. The destination of the posse was Santa Fe, where U. S. warrants for their arrest awaited them.⁴⁶

On the way to Santa Fe the posse stopped over in Las Vegas. The latter was a typical frontier town of the day, with narrow streets, gambling concessions in every other building and the presence of a railroad, the Santa Fe Railroad.

⁴⁴Ibid., p. 129.

⁴⁵Ibid., pp. 123-127. A previous attempt by Garrett to trap the "Kid" at Ft. Sumner had failed and made necessary the search that ended at Stinking Springs.

⁴⁶Ibid., pp. 127-128.

Albert Hyde, a townsman, was sitting on a porch in front of a hotel when he heard someone yelling that they were bringing the Kid into town as a prisoner. Since one might not have drawn too clear a picture of the youth's appearance in an earlier summary, perhaps it would be profitable to have Hyde describe the situation that took place that afternoon in Las Vegas. "Billy the Kid was in a joyous mood," Hyde said. "He was a short, slender, beardless young man. The marked peculiarity of his face was a pointed chin and a short upper lip which exposed the large front teeth and gave a chronic grin to his expression. He wore his hat pushed far back, and jocularly greeted the crowd."⁴⁷

The Vegas Gazette of December 28, 1880, reported the following interview with McCarty the morning after his arrival at the jail: "Bonney," the article reported, "was light and chipper and was very communicative, laughing, joking and chatting with the bystanders. . . . He did look human, indeed, but there was nothing very mannish about him in appearance, for he looked and acted a mere boy. He is about five feet, eight or nine inches tall, slightly built and lithe, weighing about 140" The interview

⁴⁷

Albert E. Hyde, "The Reign of the Revolver in New Mexico," Century Magazine (March, 1902), LXIII, 690-692.

continued with a revealing discourse by the boy. "I haven't stole any stock," he declared. "I made my living by gambling but that was the only way I could live. They wouldn't let me settle down; if they had I wouldn't be here today."⁴⁸

McCarty was taken to Santa Fe and remained incarcerated there until March, 1880, when he was taken to Mesilla and tried under a federal indictment for the murder of "Buckshot" Roberts. The indictment was quashed on a technicality when the murder was found to have taken place not on government land but on grounds belonging to a private citizen. He was next tried at the same term of court under a territorial indictment for the murder of Sheriff Brady. He was found guilty and sentenced to be hung on May 13, 1881, at Lincoln, the county seat of Lincoln County.⁴⁹ Henry McCarty, alias William H. Bonney, alias Billy the Kid was thus to meet his end at the length of a rope, or so citizens of Lincoln County thought.

The next incident in his short but blood-streaked career was to be one for which later day writers condemned him

⁴⁸Vegas Gazette, December 8, 1880.

⁴⁹Garrett, op. cit., p. 131; Hunt, op. cit., pp. 264 and 267.

unforgiveably. After his trial McCarty was placed in an old two story building in Lincoln to remain there until his execution. This prison, ironically enough the old Murphy-Dolan mercantile store, served as a jail since Lincoln County had no other. On April 28, 1881, while one of the guards, Bob Ollinger, assigned to him was across the street getting his supper, the Kid was engrossed in a card game with the other deputy, Charley Bell. The next few minutes must remain a mere hand me down from the boy to Garrett, for there was no one to witness the shootings that followed. Garrett said the Kid requested to go to the back corral. Bell followed him down the stairs and on their return the youth was naturally in front of Bell. On a sudden he turned on the landing so as to be hidden from the deputy. He then jumped to the head of the stairs and secured a gun from the armory in the room where the firearms were kept. The "Kid" subsequently shot Bell as the latter came forward. Next he secured a shot gun, went to the window and waited for Ollinger to return. As the deputy came into view, both barrels of McCarty's gun were released and Ollinger fell dead in the street. The latter murder is said to have been as brutal as it was because of a hatred

which the boy nursed for his adversary. Ollinger was also known to have tormented Billy during the latter's imprisonment.⁵⁰

The Santa Fe New Mexican of May 4, 1881 had this to say of the Bell-Ollinger killings:

The above the account of the Kid's escape is the record of as bold a deed as those versed in the annals of crime can recall. It surpasses anything of which the Kid had been guilty, so far that his past offenses lose much of heinousness in comparison with it, and it effectually settles the question as to whether the Kid is a cowardly cut-throat or a thoroughly reckless and fearless man. Never before has he faced death boldly or run any great risk in the perpetuation of his bloody deeds.⁵¹

Public opinion went further than just newsprint when in the winter of 1880-81 The Canadian River Association, a group of organized New Mexican cattlemen, asked John W. Poe, a U.S. Deputy Marshal and deputy sheriff and living in the Texas Panhandle at the time, to enter its employ. It was

⁵⁰Garrett, op. cit., pp. 132, 134-137, C. F. Hunt, op. cit., pp. 288-289. Hunt and Fulton through their research claim that one Sam Corbett planted a gun in the outhouse in the back corral which the boy secured when he went there. It is further stated by the researchers that while Bell was trying to get away from McCarty, the latter fired at him and the bullet ricocheted off a wall and entered Bell's body. This explanation of the "Kid's" escape seems more logical than Garrett's, but neither can really be taken as more than opinion. Fulton, (ed.), op. cit., p. 208.

⁵¹Santa Fe New Mexican, May 4, 1881.

further requested that he cooperate with the authorities in New Mexico "with the view of suppressing and putting an end to the wholesale raiding and stealing of cattle, which had been and was then carried on by Billy the Kid and his gang of desperadoes" ⁵² A future meeting in March, 1891, in White Oaks in Lincoln County was to spell finis to the career of the elusive boy they called the Kid. At this time Poe met Garrett and together they decided to cooperate in bringing about McCarty's demise. ⁵³

In the next months Garrett underwent heavy criticism from Lincoln County for not going after the boy. The sheriff, however, was inclined to believe that he had left the country and had ventured down into Old Mexico. Garrett weighed this doubt with an intuition that told him that Billy was still somewhere around Ft. Sumner where he was known to have a sweetheart. ⁵⁴ In early July, Poe was approached by a rather dissolute friend of his who informed the marshal that he had overheard talk between two friends

⁵² John W. Poe, The Death of Billy the Kid (Boston: Houghton Mifflin Company, 1933), p. 3.

⁵³ Ibid., pp. 5-6.

⁵⁴ E. A. Brininstool, assisted by John W. Poe, "Billy the Kid," The Wide World (December, 1919), p. 98; Fulton (Ed.) op.cit., p. 210.

⁵⁵ Poe, op. cit., p. 13.

of the Kid that "convinced him that the Kid was yet in the country, making his headquarters at Ft. Sumner"55 Poe told Garrett of this and though the latter was skeptical, he decided it would do no harm to run the rumor down. Together they rode to Roswell and enlisted another deputy, T. L. McKinney.⁵⁶ The three-man party arrived just below Ft. Sumner on the thirteenth of July. Since Poe was unknown in that part of the country, and since Garrett and McKinney were not, it was agreed upon that Poe would ride into the town to try and avail himself of any information concerning McCarty. Ft. Sumner at this time was a small town of some 200 to 300 inhabitants mostly Mexicans. These townfolk were either friends of the Kid or else were afraid of him. This made the situation a somewhat precarious one for Poe. Despite his caution the citizens questioned Poe extensively and as a consequence he was unable to find out anything concerning the whereabouts of his man.⁵⁷

⁵⁶ Ibid., pp. 14-15. Garrett, in an interview for the Santa Fe New Mexican reprinted in the London Times, declared that it was he and not Poe who received communication that the "Kid" was still alive. London Times, August 18, 1881.

⁵⁷ Brininstool, Loc. cit., pp. 98-100.

Failing to secure any information in the town, he rode out to meet Garrett and McKinney at the rendezvous they had previously decided upon. Poe commented in later years that the actions of the people convinced him that Billy was in the vicinity.⁵⁸ Garrett, not to be denied, decided to make one last attempt to find the object of his hunt. He told the others that he knew the location of the house formerly occupied by the outlaw's girl. Together the three officers proceeded to the back of this house and remained there until around eleven o'clock when Garrett suggested they leave. Poe, however, remained unsatisfied. He persuaded them to go to see Pete Maxwell, a man who was known to have some influence in the community and who was reputed to have had more than a passing acquaintance with the Kid.⁵⁹

Maxwell lived in a building formerly used as an officers' quarters. It was a long one-story adobe with a porch on the south side and a paling fence inclosing it. Garrett, in charge of the party, told them to wait outside while he went in to Maxwell. McKinney stationed himself on the outside of the fence and Poe sat at the edge of the porch.

⁵⁷Brininstool, loc. cit., pp. 98-100.

⁵⁸Poe, op. cit., p. 27.

⁵⁹Ibid., pp. 27-29.

Less than a minute later Poe spotted a hatless and shoeless man some 30 to 40 steps away. He had a gun in his hand and repeated "Who is it" several times in Spanish. The marshal told him not to be alarmed and within an instant the figure went through the door of Maxwell's house and disappeared into the darkness.⁶⁰

Garrett, in the meantime, had found Maxwell in bed and went over to him and sat down. He had just started to talk to Maxwell "about the object of his visit...when a man entered the room in stockinged feet, with a pistol in one hand and a knife in the other."⁶¹ Before the figure reached the bed Garrett in a whisper asked his host who it was. The latter whispered that it was the Kid. In the next moment the uninvited guest came over and placed his hand on the bed and asked Maxwell twice "Who is it," meaning Garrett. He then raised his gun and backed away repeating "Who is it." Garrett wasting no time fired twice and

⁶⁰Brininstool, loc. cit., p. 102.

⁶¹Interview of Garrett with Santa Fe New Mexican reprinted in London Times, August 18, 1861. There are several versions of how McCarty came to be at Maxwell's with a butcher knife. Hunt claims that his girl told him to go there and get some meat for a meal she was about to cook him. Hunt, op. cit., p. 313. Garrett claimed the "Kid" was in another part of the Maxwell building and feeling hungry, decided to go to his host to get some beef. Garrett, op. cit., p. 145.

a small outline dropped to the floor. Garrett then stepped over the body and ran out. He told Poe that he had just shot the "Kid." In the next few moments the four men, not knowing whether the man inside the house was dead, decided to hold a lantern up to the window to make sure. What they saw was a figure stretched out on his back. A desperado had died. The time was around midnight July 14, 1881.⁶²

Lawlessness for the most part in Lincoln County was dead. The good people's drive for law and order had inevitably won out. John Poe commented that "the taking-off of the 'Kid', had a salutary effect in New Mexico and the Panhandle most of his followers leaving the country, for the time being, at least; and a great many persons who had sympathized with him, or been terrorized by him, completely changed their attitude toward the enforcement of the law."⁶³

The question that has bothered historians and writers on the New Mexican bad man is why did McCarty, a man who had never hesitated to shoot when danger threatened his life, back off inside the room and not fire. He certainly had

⁶²Garrett, *op. cit.*, pp. 147-148; Poe, *op. cit.*, pp. 37-41; *London Times*, August 18, 1881; Coe. Disclosed Pete Maxwell's subsequent testimony to the Justice of the Peace, Alejandro Segura, of the County of Miquel. The four versions cited differ only in minor details. Coe, *op. cit.*, 63pp, 161-162.
⁶³Brininstool, *loc. cit.*, p. 104.

the drop on Garrett and what with the two men outside and a man sitting on the edge of a bed in a dark room late at night, the situation obviously implied some sort of danger. Garrett claimed the boy was reluctant to shoot for fear of hitting his friend Maxwell, and that shots would most certainly have brought the two men outside into it. By backing off in a diagonal line toward the corner, Garrett felt McCarty was doing a wise thing. This would give him a better control of the situation. The few seconds he took to do this, however, were just long enough for Garrett to draw his gun and do the resulting damage.⁶⁴

John W. Poe offered the suggestion that perhaps the youth felt he was in a house of friends and had no suspicion whatsoever that the law would ever come there.⁶⁵ This would seem to show the love of fellow man idea which Garrett and Coe maintained the boy always had. A solution that has only been hinted at in the past might also be taken into consideration here. The fact that McCarty

⁶⁴Fulton, op. cit., pp. 222-223. Garrett, in an interview with the Santa Fe New Mexican several days after McCarty's death, and reprinted in the London Times, said that he thought the "Kid" was surprised and thrown off guard. London Times, August 18, 1881.

⁶⁵Brininstool, loc. cit., p. 104.

didn't shoot when the situation almost surely called for it could lead one to conclude that perhaps he was not as trigger happy and the cold-blooded killer that his career of crime would have one believe. Whatever the answer it cannot be denied that his refusal to shoot was very unlike his past experiences in somewhat similar situations.

No overall picture of the life of Billy the Kid would be complete without an examination of a vital part of his makeup, the legend surrounding him. It is in the romantic story of misfortune's child that his fame has endured. Had it not been for the aura of romanticism that has been weaved around him it is very probable that the name of Billy the Kid would be lost in the multitudinous number of outlaws that once strolled over the southwest.

The name Billy the Kid today is associated with a kind of magic. Few people, excluding historians and inhabitants of the immediate surroundings where he lived and died, can tell you very much about the "Kid", what he did, what his real name was, or even the exact location of his desperate deeds. Even though they might be bereft of the vital statistics on him, one significant fact stands out; they do recognize his name and they do know that he was some kind of outlaw. The average western fan, particularly the younger generation is aware that he has been the subject

of at least two top grade movies and a goodly number of "B" pictures. The latter have portrayed him as a man of impeccable character, one who never failed to work on the side of the law in pursuing the lawless. This, as has been seen, is not quite true. McCarty's story, however, does not end with the movies. He has been the subject of no less than 439 written pieces. In truth, the boy has become almost as popular a subject as Abraham Lincoln on which to write. What is the answer? Wherein lies the fascination behind the outlaw who has been called by one writer "the most unaccountable figure in frontier history."⁶⁶

Undoubtedly a most important factor in the making of Henry McCarty into a legend lay in the pens and imaginations of three writers, "Ash" Upson, Charles Siringo, and Walter Noble Burns. The first, previously considered, claimed to have known the Kid from childhood; the second met the boy only briefly in the winter of 1878-79; the third never saw him at all. Despite this lack of intimacy with McCarty each writer wrote about him as if he had been a close friend. A typical passage out of Upson's book reads as follows: "All who ever knew Billy will testify that his polite, cordial, and gentlemanly bearing invited

⁶⁶Hunt, op. cit., Frontispiece.

confidence and promised protection--the first of which he never betrayed, and the latter he was never known to withhold."⁶⁷ At another point Upson referred to his subject's devotion to his mother. "Billy," his biographer wrote, "did, truly, love and revere his mother, and all his after life of crime was marked by deep devotion and respect for good women, born, doubtless, of his adoration for her."⁶⁸ Upson, through his writings, saw the boy as a frontiersman whose numerous crimes could be excused by his sterling character.

Walter Noble Burns also wove fancy into history.

J. C. Dykes in his bibliography on Billy the Kid throws the following light on his writing. "The chief defect," says Dykes, "of the book The Saga of Billy the Kid by Burns is the invented dialogue, used very freely throughout." The bibliographer further states that "Burns, the reporter, unable to ferret out the facts needed to write history, and writing folklore without saying so, makes no small contribution to the legend. For all its faults, however, it is an entertaining saga."⁶⁹

⁶⁷ Garrett, op. cit., p. 23.

⁶⁸ Ibid., p. 11.

⁶⁹ Dykes, op. cit., p. 57. See also Walter Noble Burns, The Saga of Billy the Kid (N.Y.: Doubleday, Page, and Co., 1926), 322 p.

The third biographer of the Kid, Charles Siringo, met him at the LX Ranch in the Texas Panhandle during the winter of 1878-79. He claimed to have become intimately acquainted with him during his stay there. His dramatic portrayal of the young outlaw is evident from the following passage: "Thus ended the life of William H. Bonney, one of the coolest-headed, and most daring young outlaws, that ever lived. He had dwelt upon this earth just twenty-one years, seven months and twenty-one days."⁷⁰

Though it can hardly be questioned that such a coloring of McCarty's life as these three writers were able to do was the major factor in the molding of his legend; nevertheless, the dime novels seeking to exploit him must be considered a contributing force. Indeed, this pulp fiction painted such an unreal story that Pat Garrett claimed to have written his life on Billy the Kid partly in response to the vast amount of cheap literature that was circulating on the boy soon after his death.⁷¹

Besides the highly flavored literature, there are several other factors involved in the making of the McCarty

⁷⁰ Charles A. Siringo, A Texas Cowboy - Or Fifteen Years On the Hurricane Deck of a Spanish Pony (New York: New American Library, 1950), p. 118.

⁷¹ Fulton, op. cit., p. xiii. J. C. Dykes has found at least twelve publications on the "Kid" prior to Garrett's publication in 1882. Dykes, op. cit., pp. 11-15.

legend. His nickname of "Billy the Kid" is at once a title that would in itself endear him to the public's fancy. The name arose in all probability as a result of his youth. The name suggests an unreal atmosphere and the fact that the boy behind the name wore a gun and used it only furthered his appeal.

A later historian, Marshall Fishwick, of Washington and Lee University, offers the thesis that "law-abiding citizens get a delicious, vicarious thrill from a killer's bloody progress."⁷² Fishwick, in a letter to the Saturday Review of Literature of November 29, 1952, concerning the Kid, wrote that "people settle on what they want to believe about a hero, and not on what actually happened."⁷³

McCarty, himself, added to his legend by declaring from time to time that he had killed a man for every year of his life. Though Garrett and Coe both claimed the boy was not of a boastful nature, it is evident from some of their writings in their conversations with him that he was not

⁷² Marshall Fishwick, "Billy the Kid - The Making of a Legend," Saturday Review of Literature (October 11, 1952), p. 11.

⁷³ Marshall Fishwick in a letter to the editor, Saturday Review of Literature (November 29, 1952), p. 24.

averse to talking of his deeds. In his frequent interviews with the press he was inclined to make out a case for his being a child of circumstance.⁷⁴

A most significant segment in the legend of Billy the Kid is the absolute refusal of some to believe that he died that July night in 1881 at Ft. Sumner. Practically every year since his death, the youth has been reported as living in Mexico, California, Arizona, New Mexico, Texas, and even in South America.⁷⁵ The most sensational and without a doubt the most convincing claim to the "Kid's" resurrection from the grave was offered by O. L. Roberts in 1948. A young lawyer named William Morrison spent over two years in seeking to prove Roberts' claim that he was Billy the Kid. The man was so convincing that the governor of New Mexico, Mabry, on November 29, 1950, called a meeting to hear Roberts' request for a pardon for the deeds that McCarty had done over seventy-five years before. Many of the old-timers, including "Kip" McKinney, the man who with Poe and Garrett had taken part in the Kid's death, Garrett's son, and noted western historians assembled to hear Roberts give his testimony. The old man made such a poor showing that the governor

⁷⁴ See particularly the Daily New Mexican of Santa Fe, April 17, 1881, in Fulton (ed.), op. cit., pp. 194, 198; Garrett, op. cit., p. 133.

⁷⁵ Sonnichsen, op. cit., p. 11.

dismissed the whole thing in disbelief. The strain proved too much for Roberts and shortly after he died. He had been so convincing to many of the old friends of McCarty still living, however, that more than a few of them signed affidavits to the effect that Roberts was the real McCoy.

When Morrison turned over his compiled data on his subject to the noted western historian, Charles Sonnichsen, the latter, after a thorough study of the materials, was unable to come to a conclusion other than that Roberts, because of the knowledge he had had of the "Kid's" life must have been there in the flesh when the boy was perpetrating his crimes. His book closed with a challenging question: ". . . If Brusky Bill Roberts wasn't Billy the Kid, then who was he?"⁷⁶

As the years between lawlessness and peace and order began to widen, it became rather a means of pride for one to say that he lived in the county in which Billy the Kid had once roamed. Many people forgot the killings and violence in which he had had a hand. They only knew that it was very gratifying to associate themselves with the

76

Sonnichsen, op. cit., pp. 3, 4, 9, 10, 90.

outlaw. An obvious identity of McCarty with oneself and one's native county is to be found in the following letter to the editor in the Saturday Review of Literature for November 8, 1952 written from Lincoln County:

Billy the Kid lived at a time when a man could not take the decency of his fellows for granted. He lived at a time when it was the right of a man to back up his idea with a gun. And it happened that Billy had the idea that the murderers of Tunstall, the only friend he had, were rats. He dedicated himself to the task of ridding the world of them, so the twenty-one notches on his guns were not all mere coincidence.⁷⁷

Granted that the times were turbulent and that the Murphy-Dolan crowd played rough even to the extent of killing, this seems little justification for some of the boy's behavior.

In order to have McCarty appear in a more favorable light some of the leading writers on him have tried to cut down on many of his turbulent activities. A good example of this is in the number of men that the "Kid" actually killed with his own gun. The original twenty-one is by any standards incorrect. Emerson Hough, who talked with Garrett claimed that the boy had nine to his credit.⁷⁸

⁷⁷Ruby R. Douglass, "Letter to the Editor," Saturday Review of Literature (November 8, 1952), p. 24.

⁷⁸Emerson Hough, "Traveling the Old Trails," Saturday Evening Post (October 4, 1919) p. 141; Fulton claimed that Hough had charged the "Kid" with 11-12 killings. Fulton, op. cit., p. xix.

Garrett's book on McCarty gives him credit for twelve American victims.⁷⁹ In light of recent research it would seem that he can be associated with no more than five direct killings: Cahill, the blacksmith at Ft. Sumner; Beckwith, Bell, and Ollinger. In at least seven others, however, he was on the scene and more than likely contributed to the gunplay. These are Morton, Baker, Hindman, Brady, Buckshot Roberts, Bernstein and Carlyle. Though the list has been whittled from twenty-one to a sure five, the fact cannot be overlooked that those five had their lives taken away in a manner not in accord with the accepted standards of society.

In holding Henry McCarty up for final judgment it is wise to let his contemporaries and the writers most closely associated with his career speak on his behalf. Miguel Otero, the former governor of New Mexico and an acquaintance of the outlaw in 1880. said that "Billy was a good boy, but he was

⁷⁹ Fulton, op. cit., p xix. Due to the little value that the old west placed on the lives of Mexicans and Indians, these were usually not listed in numbering a man's killings.

hounded by bad men who wanted to kill him, because they feared him, and of course he had to defend himself."⁸⁰

Another friend of the Kid wrote:

Billy was a man with a noble heart, and a perfect gentleman. He never killed a native citizen of New Mexico in all his career, and the men he killed, he simply had to in defense of his own life. He never had to borrow courage from any man as he had plenty of it himself.⁸¹

O. T. Meadows, who housed Billy sometime after the Bell-Ollinger killings, also spoke glowingly of him:

. . . There is something about the Kid that makes me think he was pretty well bred. I believe the Kid did have some pretty good feeling, he was pretty well bred and was an expert at both shooting, monte and six-shooting. He had that humane feeling that most of us have. . . . I feel good towards him. He was a creature of circumstances.⁸²

Perhaps the man who was in the best position to judge the boy was his killer, Pat Garrett. He, with the aid of "Ash" Upson, paid a fine and somewhat penetrating tribute to him:

The kid's career of crime was not the outgrowth of an evil disposition, nor was it caused by unchecked youthful indiscretions. It was the result of untoward, in fact unfortunate, circumstances, acting upon a bold, reckless, ungoverned and ungovernable

⁸⁰Miguel Antonio Otero, My Life on the Frontier (New York: Press of the Pioneers, 1935), 1, p. 215.

⁸¹Ibid., p. 215. The speaker is Don Martin Chaves of Santa Fe in a talk with Otero.

⁸²Hunt, op. cit., p. 301.

spirit, which no physical restraint could check, no danger appall, and no power less potent than death could conquer.⁸³

Picturesque and poetic, yes, but with a touch of friendship and perhaps real admiration.

Taking into consideration the fact of hero worship and the desire of Americans to create and propagate the legend, the aforementioned testimonies must in part stand as a truthful portrayal of Henry McCarty. Too many people have testified to the goodness in him for some part of it not to be true. It is not difficult to read into these opinions that many felt him to be a child of circumstance.

In passing judgment on Henry McCarty there are many factors to take into consideration. His background, though lost to history, seems to have been not all too pleasant. His environment was conducive to lawlessness, unrest, and self-assertiveness. The country was new and the people associated with it were rough and often ruthless. Though murder and gun play was certainly not the rule, it was definitely not the exception. It can be said in the "Kid's" favor that the fact that he swore allegiance to the losing faction in the Lincoln County War had much to do with his future lawless career. Contemporaries attribute many fine qualities to him.

83. Fulton, op. cit., p. xxvii.

Despite his obvious good traits and his unfortunate habit of always having had to buck his heredity and environment, Billy the Kid was the cause of much bloodshed and thievery. Perhaps had the surroundings and the situations been different, Henry McCarty would have become a fine citizen. What with his leadership qualities he might well have been. It must be concluded, however, that though legend and fortune would have him a beardless boy with a gun at his hip and a sweetheart at his side, in reality he was little more than a youthful desperado with blood on his hands and a stain on his soul.

CHAPTER III

WYATT EARP

In Monmouth, Illinois, Nicholas P. Earp was a farmer. He had moved there in 1843 after he had married Virginia Anne Cooksey.¹ On March 19, 1848, a son was born to Nicholas and Virginia Earp, named for the former's old Mexican war commander, Wyatt Berry Stapp. Wyatt was one of six sons, being fourth in seniority. Two of his brothers, Virgil and Morgan were later to figure very prominently in his life, particularly in Tombstone.²

¹Stuart N. Lake, Wyatt Earp, Frontier Marshal (New York: Houghton Mifflin Company, 1951), p. 4. Lake is the only source for Earp's early life and in the light of the whole book some of the early adventures of the boy cannot be accepted as absolutely true.

²Ibid., p. 5. See also William Barclay Masterson, "Famous Gunfighters - Wyatt Earp," Human Life (November, 1907) P. 9.

During the Civil War, Nicholas and the three oldest brothers served in the Union army, while Wyatt and the remaining Earps harvested the corn crop at home. Sometime in 1864 the father returned home and the family subsequently set out for California.³ Reaching their destination in December of the same year, the Earps bought a farm a few miles from San Bernardino.⁴

Wyatt described himself at this age as being a wiry, long-legged youth with clear cut features, a straight nose and generous mouth. He stood six feet tall and weighed around 140 pounds; his eyes were blue and his hair was blond. With the exception of adding a few more pounds and adopting the frontier mustache, Wyatt was to remain the same in physical features throughout his career on the plains.⁵

With the frontier responsibilities that made no concessions to the faint hearted, the youth soon changed into a man in the next few years. For three months in 1865 Earp drove a stage from San Bernardino to Los Angeles. In the spring of '66 he was stationed at the front of a

³ Ibid., pp. 9-11. Lake says that Nicholas Earp left the army in 1864 because he had been a slaveholder and didn't approve of Lincoln's policy on emancipation.

Ibid., p. 20.

⁵ Ibid., p. 13, Masterson, loc. cit., p. 9.

sixteen animal outfit pushing toward Salt Lake City.⁶ The young man then hired out in the spring of 1867 to Charles Chrisman, who had secured a grading contract from the Union Pacific Railroad. By the late fall of 1868 the railroad had neared its completion and Earp decided to return to Monmouth to see his grandfather. Here he married the daughter of a neighbor, but an attack of typhus was to snuff out her life before the year was out.⁷

In the summer of 1869 the frontier beckoned the twenty-three year old Earp and for the rest of his life it was to have its hold on him. In the next two years he resided in St. Louis, Springfield, and Kansas City.⁸ While in Kansas City in 1871, he decided to become a buffalo hunter for several seasons. By 1870 private businessmen began to concern themselves with the enormous profits to be made from the great buffalo herds that roamed the great plains from the Brazos River to the other side of the Canadian border. The buffalo hide and the meat which the animal yielded were in great demand and many frontiersmen soon saw their opportunity to make a killing.⁹

⁶Lake, op. cit., p. 22.

⁷Ibid., pp. 28-29.

⁸Ibid., Pp. 29-32.

⁹Stuart N. Lake, "The Buffalo Hunters," Saturday Evening Post (October 25, 1930), p. 12.

The buffalo season usually started around the first of September and terminated sometime in late March or early April. It was not unusual for a good hunter to earn as much as \$2,500 in one season.¹⁰ While frequenting the many buffalo camps on the plains, Wyatt Earp met many of the people who would later become famous in the West. That the buffalo hunter was all man, there can be little doubt. The conditions and hardships one was forced to endure while hunting out in the open would not have had it otherwise. These camps of the early seventies were to serve as the training grounds which was subsequently to unleash on the frontier some of the most talented gunfighters ever produced; gunfighters who would work behind a tin star for frontier justice or as an out and out bad man.¹¹

In the spring of 1873 after Wyatt had collected a second year's pay for his buffalo hunting, he and many other like him were becoming conscious of a great transition taking place on the prairie. The character of the plains settlements, particularly Kansas, was changing from a buffalo range to a rendezvous for beef cattle. "The tide of the

¹⁰Ibid., p. 25.

¹¹Lake, op. cit., p. 67.

great Texas trail-herds," wrote Stuart Lake, "was mounting, speeding buffalo extinction and supplanting overnight the business built up by the hunters as trading posts which had existed solely for their patronage competed for prestige as cowtowns."¹²

In 1873 Ellsworth, Kansas, was a thriving cattle town of some 1,000 inhabitants. The town was situated on the banks of the Smoky Hill River in a treeless plain of mud. Like the other cattle centers of the day, Ellsworth had its cattle pens, business streets and sod houses. By mid August 1873, the setting was just ripe to give Ellsworth "several months of fame as the wildest cow town of the West."¹³ Subsequent events not only gave Ellsworth a place in history but more important for this study, it served as the background that first provoked the later controversies over Wyatt Earp.

Earp told Stuart Lake, his biographer, that he arrived in Ellsworth in August of 1873. About the same time one of the West's greatest gunfighters, Ben Thompson, came to town and almost immediately went into the livestock

¹² Ibid., p. 68.

¹³ Floyd Benjamin Streeter, Prairie Trails and Cow Towns (Boston: Chapman and Grimes, 1936), pp. 105, 108, 113; Stuart N. Lake, "Tales of the Kansas Cow Towns," Saturday Evening Post (November 8, 1930), p. 19.

business.¹⁴ According to the Earp version, on August 15 there was a poker game running in Joe Brennan's saloon. Bill Thompson, Bill's brother, got into an argument over the game and ran across the street to get his gun. He then returned and shot the sheriff, who was in the saloon. Bill then ran back across the street and fortified himself in a building along with Ben and some fifty cohorts. Wyatt, sitting in a chair just outside the saloon, heard the commotion and rose to find out the source of the disturbance. In the next few moments he was given a badge and, strapping on a pair of guns, he walked across the street to face the Thompsons. What was supposed to have resulted in the next few moments was to make Earp a Western superman in the eyes of all of Lake's readers. He is reputed to have forced Ben Thompson to throw out his shotgun in the street and to have marched him down to the jail where he was fined \$25 for being an accessory to the murder of the sheriff. This feat was said to have been done in the presence of some fifty men who were in the building with the Thompsons.¹⁵

¹⁴ Streeter, op. cit., p. 111.

¹⁵ Lake, "Tales of the Kansas Cow Towns," Saturday Evening Post, (November 8, 1930), p. 19.

This story was the accepted version from the publishing of Lake's book in 1931 until 1936 when Floyd Benjamin Streeter, perhaps the outstanding authority on the cow town, published his book. Streeter talked to many old-timers and searched the newspapers of the day, particularly the Ellsworth Reporter. His research proved a startling fact. Wyatt Earp was not connected in any way with the August 15 episode and to make matters more humiliating for the frontier marshal, Streeter concluded that Wyatt Earp was not even in Ellsworth at the time.¹⁶ W. M. Raine, commenting on the Earp version of the Ellsworth adventure pointed up a thought that is worth noting. "The odd thing about Wyatt's recollections of the past," noted Raine, "is that he often takes hold of some incident attributed to some

¹⁶Streeter, op. cit., pp. 116-123. According to Streeter's findings in the Ellsworth Reporter, Ben and Bill were watching a poker game. One of the participants wanted to bet more than he had and Ben called to John Sterling, another observer, to back the play. Sterling said he would and told Ben if he won he would give him half. The same day Ben asked Sterling for the money and the latter responded by slapping him in the face. In the next few minutes Ben and Bill armed themselves and Bill shot the sheriff, claiming later that the gun went off accidentally. When the police refused to arrest him, Mayor Miller dismissed them. Ben then bargained with Miller agreeing to surrender if the others were disarmed. When this was done, Sheriff Hogue took Ben's guns and the hostilities ceased.

other man and applies it to himself."¹⁷ This thesis is further strengthened in later years of his career.

What Earp disclosed in his Ellsworth story, he certainly followed up in relationship to his Wichita narrative. Stuart Lake has portrayed him as the nonpareil of law officers during his residence there from early summer 1874 to May of 1876.¹⁸ Wichita during this time enjoyed Ellsworth's reputation of the 1873 season as being the toughest cow town on the frontier.

In reality the Wyatt Earp story in Wichita is a decidedly uneventful one in comparison to what Lake and Earp would have one believe. The city records show that on April 21, 1875, the newly formed city council appointed Wyatt Earp to the office of policeman.¹⁹ The records do not mention him again until April 19, 1876, at which time he failed in a vote of council to obtain a renewal on his job as policeman.²⁰ Lake, covering this same period of time, had Earp as the city marshal who had run so many men out

¹⁷Dell First Edition, Riders West (N.Y.: Dell Publishing Co., 1956), p. 36.

¹⁸Stuart N. Lake, "The Frontier Marshal," Saturday Evening Post (November 15, 1930), pp. 16-17.

¹⁹"Letter From Charley," Laugh Book Magazine (January, 1957), pp. 62-63. Hereafter cited as Laugh Book Magazine.

²⁰Ibid, p. 63.

of the town that he had decided to move to greener pastures in Dodge City.²¹

The third and last mention of the ubiquitous and fearless lawman on the city records is found in a report of the council on May 22, 1876. The report included the following statement: "Report of the Police Committee relating to the discharge of policeman Richey and also the enforcement of the vagrant act and further recommending the Script of W. Earp and John Behrens be with-held until all moneys collected by them for the city be turned over to the City Treasurer."²² Apparently Mr. Earp was not as resourceful in his duties as he tried to make out. The Wichita period of his life is at once a meaningless and misrepresented one and serves only to point up what was stated in connection with his Ellsworth claims. Wyatt Earp was ever anxious to impress one and all that he was the greatest marshal and western superman that ever lived. Earp, however, was to earn some of the reputation that he claimed for himself in the next years as peace officer in Dodge City and Tombstone.

²¹Lake, op. cit., pp. 125-133. All of the feats which Earp takes credit for in Wichita are not mentioned anywhere else except in Lake's book. For this reason it seems unnecessary to discuss them here. Lake's stories must be regarded as just another part of the Earp legend.

²²Laugh Book Magazine, loc. cit., p. 64.

On November 16, 1881, Judge Spicer of Tombstone received the following dispatch from the residents of Dodge City concerning their former marshal. It came at a time when Wyatt was on trial for having participated in the killing of three men in the streets of Tombstone. "We the undersigned residents of Dodge City, Ford County, Kansas," read the document, "do by these presents certify that we are personally acquainted with Wyatt Earp, late of this city; that he came here in the year 1876; that during the years 1877, 1878 and 1879 he was marshal of our city; that he left our place in the Fall of the year 1879; that during his whole stay here he occupied a high social position and was regarded and looked upon as a high-minded, honorable citizen; that as marshal of our city he was ever vigilant in the discharge of his duties, and while kind and courteous to all he was brave and unflinching and on all occasions proved himself the right man in the right place; . . ."²³

23

Douglas D. Martin, Tombstone's Epitaph (Albuquerque: The University of New Mexico Press, 1951), p. 194. This document was published in the November 29, 1881 issue of the Epitaph. Lake found the original document in an old adobe courthouse in Cochise County, Arizona. Lake, op. cit., pp. 236-237.

Other contemporary accounts confirm Earp's dependability. The Ford County Globe for May 14, 1878, declared that "Wyatt Earp, the most efficient officer Dodge ever had, has just returned from Texas. He was immediately reappointed marshal by our City Dads, much to their credit"24 This is no small praise from a town which boasted such frontier peace officers as "Bat" Masterson, Bill Tilghman and Charley Bassett. Even such a great debunker of the Earp legend as W. M. Raine claimed that Wyatt was a "good marshal while in Dodge."25

When Wyatt Earp arrived in Dodge in late May of 1876, at the time the town was four years old.²⁶ The Atchison Topeka and Santa Fe had reached there in September of 1872. In the early years the plains around Dodge had been teeming with buffalo. With the mass slaughter that characterized the early seventies, however, the buffalo was soon on his way to extinction and so were the businessmen of the town. Fortunately it was saved by the railroad and the cattle market. R. M. Wright wrote that "being the border railroad town, Dodge also became at once the cattle market for the

²⁴ Stanley Vestal, Queen of Cowtowns Dodge City (New York: Harper and Brothers, 1952), p. 133.

²⁵ Dell First Edition, op. cit., p. 38.

²⁶ Lake, op. cit., p. 136.

whole southwestern frontier, and, very shortly, the cattle business became enormous, being practically all of that connected with Western Kansas, eastern Colorado, New Mexico, Indian Territory (now Oklahoma), and Texas."²⁷ The main drives from Texas to Dodge started in 1875-76 with some 250,000 head being deposited there. For the next ten years Dodge was to occupy the position as the greatest cattle market in the world.²⁸

The city not only opened its doors to the cattle industry, but also played host to the frontier's toughest elements, the bullwhacker, the mule skinner and even the soldier, for Ft. Dodge was but five miles away. The situation definitely called for some sort of law enforcement. On and off for the next four years Wyatt Earp was to provide more than his share of it.²⁹

When Wyatt became a peace officer in Dodge soon after his arrival, he was forced to handle a seemingly paradoxical situation. The town was composed in the main of two factions. On the one side were the citizens that demanded law and

²⁷ Robert M. Wright, Dodge City The Cowboy Capital (Wichita: Wichita Eagle Press, 1913), p. 9.

²⁸ Ibid., p. 256.

²⁹ Vestal, op. cit., p. 142. In the docket of the public court in Dodge City Mr. Vestal found that Wyatt Earp was a peace officer during three periods: May 17-September 9, 1876; July 6-late November, 1877; May 12, 1878-September 8, 1879.

order; on the other were the wealthy merchants and railroad men who catered to the business brought in by the hunters and cowboys. The good citizens were in part satisfied by a town ordinance which provided "that no person shall in the city of Dodge City carry concealed about his or her person any pistol, Bowie Knife, slingshot or other deadly weapon except United States, county, township, or city officers."³⁰ If this "no weapon ordinance" were enforced, the cowboy and his employers would soon take their business elsewhere, for after a few months on the lonely trail, the cattle town provided the only means of relieving the emotional strain that such conditions promote. This relieving of trail frustration often took the form of what Dodge called "hurrahing the town."

During Wyatt's term of office at Dodge he in no way made concessions to his opposition. Rather he made them bend to the people's will, as the following incident shows. Bob Wright, an alderman of the city and a great friend of the cowboy by virtue of his owning the biggest mercantile store in Dodge, tried on one occasion to get Wyatt to release from jail a cattlemen who had caused trouble and whom

30

Ibid., p. 97.

Earp had locked up. Wright argued with the marshal and even tried to take the key to the jail away from him. The lawman retaliated by throwing the alderman in jail.³¹ Needless to say, Earp and Wright had little to say to each other thereafter.

The frontier policeman was forever becoming involved in some sort of gunplay. In Dodge the concentration of the West's toughest individuals intensified the killings and gunplay that pervaded the cattle and mining towns. That Wyatt Earp was responsible for only one killing during his residence in Dodge, is a tribute to the man's ability. The incident occurred in the latter part of July, 1878. Eddie Foy, a renowned comedian, was entertaining at the Comique Theatre and the whole town had turned out for it. Wyatt, on duty at the time, stationed himself just outside the doors of the theatre. He noticed a horseman in the road turn and canter by. The rider subsequently rode back by the marshal at a fast pace firing as he passed. The bullet lodged in a post by Earp's side. Several shots were fired and in the exchange, one of Wyatt's bullets hit the mark and the man fell from his horse and later died.³²

³¹ Masterson, loc. cit., p. 9; Lake, op. cit., p. 173.

³² Eddie Foy and Alvin F. Harlow, Clowning Through Life (N.Y.: E.P. Dutton and Co., 1938) pp. 112-113; Masterson, loc. cit., p. 9; Lake, op. cit., ;306.

The fact that he was involved in little shooting in Dodge was largely due to two features of his makeup. First and foremost, was that he was too proficient with the gun. "Bat" once told Stuart Lake that "Wyatt's speed and skill with a six-gun made almost any play against him with weapons, no contest."³³ It was the other factor, however, that kept Earp out of trouble when the situation suggested a gun fight. George Bolds, who knew Wyatt at Dodge, said that:

Wyatt Earp ... was a great believer in the art of the bluff, whether at the card table, or in a gunfight. Earp was a great one for making a man think he was going to draw. He would slash out instead, quick as a snake, and knock the fellow outHe had a healthy respect for the barrel of his six-shooter...."³⁴

Earp's residence in a cow town would not be complete without an invented story on his part to prove him to be the Western paragon. In Dodge's case the drummed up incident centered around Clay Allison, a bad man with a reputation for violence. Wyatt claimed that the business

³³Stuart N. Lake, "Guns and Gunfighters," Saturday Evening Post (November 1, 1930), p. 109.

³⁴James D. Horan, Across The Cimarron (New York: Crown Publishers, Inc., 1956), p. 76.

interests in the town had sent for Allison in order to get rid of the marshal. When the hired killer arrived, Wyatt with the aid of "Bat" Masterson succeeded in humiliating the man and caused him to leave town in a hurry.³⁵ It seems odd that such an incident involving a man that was regarded by many westerners as one of the real bad men would go unnoticed in the daily papers of Dodge. Mr. Lake, through the courtesy of Earp, is the only man who ever had access to such information.

After four years at Dodge, the city became too quiet for the peace officer. On September 8, 1879, the Ford County Globe announced that "Wyatt Earp, the most efficient marshal Dodge City ever had, has resigned and is leaving for Arizona."³⁶ Earp was probably attracted by two things: the silver that had been discovered in Tombstone in 1877 and the relative quietude that Dodge now presented.³⁷

On or around the first of December, 1879, Wyatt rode into Tombstone, Arizona to begin a chapter of his life that no movie or even Mr. Earp himself could have outdone. The conditions that existed there at this time were similar to

³⁵ Lake, op. cit., pp. 178-184.

³⁶ Ibid., p. 229, citing the Ford County Globe, September 9, 1879.

³⁷ Ibid., p. 228.

those that he had left at Dodge except that ore had replaced the cow as the chief business enterprise.

Ed Schieffelin, an itinerant miner, had been responsible for the birth of Tombstone, having come upon a silver vein in the desert of the San Pedro Valley in 1877.³⁸ By the early months of 1880 the town could boast of as many as 2,000 inhabitants. A typical frontier town, Tombstone had a broad street, a few good restaurants and three hotels. The main thoroughfares were Allen and Fremont Streets, both of which included a saloon for every two buildings. In reference to the law that prevailed in the town one diarist of the day recorded that there was "no law other than miner's and that doesn't sit and deliberate but acts at once."³⁹

Fortunately this wasn't exactly the case. The territory of Arizona supported the Democratic Party and as a consequence, Tombstone was represented by a democratic sheriff, John Behan.⁴⁰ Wyatt, a Republican, as was the national

³⁸William H. Breakenridge, Hellorado (N.Y.: Houghton Mifflin Co., 1928), p. 100; Martin, op. cit., p. 3.

³⁹George Whitwell Parsons, The Private Journal of George Whitwell Parsons (Phoenix: Arizona Statewide Archival and Records Project, 1939), pp. 92-93.

⁴⁰Martin, op. cit., p. 167.

administration at this time, had, prior to his arrival in Tombstone, stopped off in Tucson and been approached by the Sheriff of Pima County, of which Tombstone was a part, to take over the duties of deputy sheriff under Behan.⁴¹ The October 20, 1880, Epitaph had this to say about Earp's appointment: "The appointment of Wyatt Earp as Deputy Sheriff by Sheriff Shibell, is an eminently proper one, and we, in common with the citizens generally, congratulate the latter on his selection. Wyatt has filled various positions in which bravery and determination were requisites, and in every instance proved himself the right man in the right place."⁴²

Law in Tombstone was further represented by the city marshal. This job was elective and in case of a vacancy was to be filled by the mayor. The latter opportunity arose when on October 27, 1880, City Marshal White was shot by one of the cowboy element who was in the process of shooting up the town. The Epitaph reported in regard

⁴¹Lake, op. cit., pp. 231-233. During his early months in Tombstone Wyatt also served as a shotgun messenger for Wells Fargo. Lucius Beebe and Charles Clegg, The Saga of Wells Fargo (N.Y.: E.P. Dutton and Co., Inc., 1949) p. 196.

⁴²Martin, op. cit., p. 169.

to the incident that "Deputy Sheriff Karp, who is ever to the front when duty calls, arrived just in the nick of time. Seeing the marshal fall, he promptly knocked his assailant down with a six-shooter, and as promptly locked them sic up"43 The man responsible for the marshal's death was Curly Bill Brocius, with whom Wyatt would have considerable dealings in the future. Following White's death, Mayor John P. Clum appointed Wyatt's brother Virgil as temporary marshal and Virgil in turn appointed his brother Morgan as a deputy.44

The challenge that the three Earp brothers as law officers were required to meet during their residence in Tombstone was indeed a most formidable one. For over two years a group of outlaws, cattle rustlers, and stage robbers genially referred to as the "cowboys" in the rival Tombstone newspaper, the Nugget, were to terrorize the streets of Tombstone and the surrounding countryside by executing a number of ruthless murders, killings, stage robberies, and cattle thefts. The leaders of this faction were recognized to be the Clantons, the father known as the "Old Man" and

⁴³ Ibid.

⁴⁴ Luke, op. cit., pp. 244-245. Brocius was allowed to go free when marshal White on his death bed admitted that the whole thing had been an accident.

his sons, Ike, Phin and Billy. They owned a ranch a few miles above Charleston on the San Pedro River. Allied with the Clantons were the McLaurys (McLowrys) who owned some property and a ranch in the Sulphur Spring Valley some twenty-five miles from Tombstone. Mutual headquarters for these two groups was a smelter and mining settlement on the eastern slope of the Chiricahua Mountains at the rim of the San Simon Valley called Galeyville. Here outlaws from all over the southwest congregated. These fugitives led by the Clantons were accustomed to stealing cattle in Mexico and bringing them across the line into New Mexico and Arizona.⁴⁵ When cattle rustling ceased to be profitable, the "cowboys" turned to robbing stages filled with rich mining shipments.

By the fall of 1881 the domination of the cowboy element and the lack of law enforcement in Tombstone had provoked the governor for the territory to write the following letter to the town:

At Galeyville, San Simon and other points isolated from larger places the cowboy element at times very fully predominates, and the officers of the law at times are either unable or unwilling to control this class of outlaws, sometimes being governed by fear, at other times by a hope of reward.⁴⁶

⁴⁵

Breakenridge, op. cit., p. 104.

⁴⁶ Martin, op. cit., p. 146.

The situation in regard to the lawlessness and absence of law that prevailed in and around Tombstone was simply a prelude to the bloody events that would take place later in the fall of 1881 and the winter of 1882.

While these events were brewing, a controversial incident in Wyatt Earp's life which concerned itself in no way with the tidal wave that was building up around the marshal and the outlaws took place. Sometime prior to January 14, 1881, a mining engineer, W. P. Schneider, working out of Charleston, had his cabin robbed. A gambler with the nickname Johnny Behind the Deuce was suspected. A few days after the robbery Schneider became entangled in an argument with the suspected thief and the latter shot the engineer. The gambler with the unusual name immediately secured a horse and made his way into Tombstone, some twenty miles away, followed closely by a goodly number of miners from Charleston. Marshal Sippy, seeing the possible danger, organized a posse for the purpose of preventing a lynching. Several times the irate miners sought to back down the group of lawmen but the latter succeeded in holding them at bay. Sippy subsequently put Johnny Behind the Deuce in a wagon and guarded by Virgil Earp and Sheriff Behan, they departed for Tucson.⁴⁷

47. Parsons, op. cit., p. 199; Martin, op. cit., p. 57.

In Stuart Lake's biography on Wyatt Earp, the latter claims that when Johnny came to town, that he, Earp, quickly rushed the murderer into a bowling alley and stationed his brother Virgil and Doc Holliday to guard the entrances. Earp then went out into the street and greeted the miners. With a shotgun the frontier marshal claims to have held off some five hundred men.⁴⁸ Such a Herculean task would certainly seem to rate some comment from the papers of the time, yet neither the Nugget nor the Epitaph mentions Earp in connection with the incident. This is still another example of the intrepid peace officer who obviously couldn't be satisfied with the actual deeds of heroism with which he was connected.

If the presence of Wyatt Earp was missing in regard to the Johnny Behind the Deuce affair, it was very much on the public scene in the next fourteen months. The Tombstone Epitaph devoted no less than 17,000 words to Earp and his brothers. Aside from his courtroom testimony, however, he is quoted directly upon only three occasions.⁴⁹

⁴⁸Lake, op. cit., pp. 246-250.

⁴⁹Martin, op. cit., p. 166.

Early in the spring of 1880, John P. Clum, the man who had formerly supervised the Apache Indians at the San Carlos Indian Reservation, came to Tombstone and set up a newspaper. The law and order faction in the town welcomed the paper called the Epitaph. It further served as the spokesman for the Earp party. As a result of the careful and chronological reporting of Clum, the paper soon became involved in a newspaper struggle with the Tombstone Nugget. The latter tabloid aligned itself from the beginning with the cowboy element and sought to attack the Earps at every opportunity.⁵⁰

At this juncture, the U.S. Marshal in Arizona, Crawley P. Dale, appointed Wyatt Earp U.S. Deputy Marshal for the Tombstone District.⁵¹ A clash between the factions seemed inevitable and came shortly.

On the night of March 15, 1881, somewhere along the road between Benson and Tombstone an incident occurred which would later culminate in a showdown between the Earps and the cowboys. The Benson stage was on its regular run when it was held up by a handful of men. The driver, Bud Philpot,

⁵⁰ Ibid., p. 11; Lake, op. cit., pp. 235-236.

⁵¹ Lake, op. cit., p. 239.

was killed in the excitement along with one of the passengers.⁵² Wyatt set out with his brothers, Virgil and Morgan, to track down the robbers.

The posse succeeded in capturing Luther King, who confessed that he had held the horses for the highwaymen while they had robbed the stage. Sheriff Behan, in the meantime, had organized his own posse and, arriving on the scene, demanded that King be turned over to him. After some hesitation the Earps gave him up, but continued hunting for the robbers. A few days later they learned that he had escaped. Behan, it seems, had left King's cell unlocked while he was away drawing up a bill of sale for the purchase of the outlaw's horse.⁵³

Fury was added to the fire when the Earps returned and found that a rumor was circulating that "Doc" Holliday had been in on the robbery. The Hugget had reprinted a story from the Tucson Star, which commented on Holliday's absence from Tombstone on the day of the holdup. The frontier gambler and killer had been in Tombstone since the early part of 1880 and was the cause of much of the criticism

52

Martin, op. cit., p. 172; Breckenridge, op. cit., p. 121; Parsons, op. cit., p. 215; San Francisco Examiner, August 9, 1896.

53

Ibid.

against Wyatt Earp. Earp had become endeared to Holliday through a previous happening in Dodge and though the latter was a recognized killer, Wyatt remained loyal to him.⁵⁴

On September 10, 1881, the Epitaph reported the stage robbed near Bisbee. On the thirteenth of the same month Wyatt, Morgan and two others brought in Frank Stilwell and Pete Spence "whom the evidence strongly points out as the robbers."⁵⁵ Stilwell and Spence were recognized as bona fide members of the Clanton Gang.⁵⁶

That hard feelings were mounting between the Earps and the "cowboys" was obvious. An October issue of the

⁵⁴ Breakenridge, op. cit., p. 124.

⁵⁵ Martin, op. cit., p. 174. The Epitaph was able to make such a bold claim as to the guilt of the two men because of a boot heel print left in the mud at the place where the robbery was committed. The Earps checked with a shoemaker in Bisbee, who reported that Stilwell had had his bootheel removed soon after and found to correspond directly with the print found in the mud.

⁵⁶ Ibid.

Epitaph reported the following:

Since the arrest of Stilwell and Spence for the robbery of the Bisbee stage, there have been oft repeated threats conveyed to the Earp brothers-- Virgil, Morgan and Wyatt--that the friends of the accused, or in other words, the cow-boys, would get even with them for the part they had taken in the pursuit and arrest of Stilwell and Spence. The active part of the Earps in going after stage robbers, beginning with the one last spring where Bud Philpot lost his life, and the more recent one near Contention, has made them exceedingly obnoxious to the bad element of this county and put their lives in jeopardy every month.⁵⁷

The situation reached a climax in Tombstone when on October 26, 1881, the most famous of all Western gun battles took place. Around noon of the 26th, Virgil Earp seeing Ike Clanton armed with a gun, knocked him down and arrested him.⁵⁸ Ike had arrived in town the night before with Tom McLaury and had proceeded to get drunk and brag to "Doc" Holliday how he was going to kill Wyatt.⁵⁹ Ike's wrath and desire for bloodshed may in part be explained by a proposition Earp had made to him some months before. The marshal, seeking to recover the Wells Fargo strongbox taken the night of the Benson stage robbery, had told Ike

⁵⁷ Ibid.

⁵⁸ John P. Clum, "It All Happened in Tombstone," Arizona Historical Review (October, 1929), p. 46.

⁵⁹ Ibid., p. 47.

that if he gave Wyatt information on the whereabouts of the robbers, then Earp would arrest them and give Ike the reward.⁶⁰ Earp got a local agent of the Wells Fargo Company to wire to the main office in San Francisco for verification of this. When the agent became suspicious of what the marshal was doing, he, under intoxication, made it known to Ike that he would stand by them. Clanton, thinking he had been tricked and would thus be given away to his fellow outlaws, renounced Wyatt and began his campaign against him.

By one-thirty in the afternoon of the 26th the whole town had gotten wind of the impending crisis and had gathered on the corner of Fourth and Allen to satisfy their curiosity. The next few minutes have been reported in detail by many of the contemporaries of the time. The accounts are somewhat conflicting and to say the least, confusing. For the purposes of this study it seems necessary to report only the essential facts. The biased reports of the Nugget and the Epitaph make it impossible to do otherwise.

⁶⁰Ibid., p. 47; Lake, op. cit., p. 269. Ike being one of cowboys, was obviously acquainted with the activities of the stage robbers and so in a good position to give Earp a lead concerning them.

Between two and two-thirty, four men gathered in the middle of Fremont Street. The quartet was composed of Wyatt, Morgan, and Virgil Earp, and "Doc" Holliday. Their immediate destination was the O.K. Corral, which stood at the end of Fourth and Fremont. The Earp party was particularly interested in this spot since Tom and Frank McLaury and Ike and Billy Clanton were stationed there with their horses.⁶¹ Sheriff Behan, seeing the possible trouble that would result unless something was done, ran down to the corral to disarm the McLaury and the Clantons. He found that Tom and Ike were unarmed, though there were rifles protruding from their saddle holsters. Behan, unable to get any satisfaction from them, told them to remain there until he returned. He then went to disarm the Earp party but they obviously intended a showdown and brushed by the sheriff and headed down the street toward the corral.

When the two parties were within a few yards of each other, Virgil called to the cowboys to surrender their arms or to throw up their hands. An eyewitness, R. F. Coleman, reported the next few moments:

There was some reply made by Frank McLowry, when firing became general, over thirty shots being fired. Tom McLowry fell first, but raised and

⁶¹ Martin, op. cit., p. 180.

fired again before he died. Bill Clanton fell next... Frank McLowry ran a few rods and fell. Morgan Earp was shot through and fell. Doc Holliday was hit in the left hip but kept on firing. Virgil Earp was hit in the third or fourth fire, in the leg, which staggered him but he kept up his effective work. Wyatt Earp stood up and fired in rapid succession... and was not hit.⁶²

That same afternoon a coroner's jury rendered a decision releasing the Earp faction, which provoked the following comment from the Epitaph: "The verdict does not seem to meet with general approval, as it does not state whether the cowboys were killed by the marshal and his party in the discharge of their duty, or whether the killing was justifiable."⁶³ Upon being released, Wyatt and "Doc" were immediately rearrested on warrants sworn out by Behan and Ike and a hearing was called where Judge Spicer presided.⁶⁴

The trial began behind locked doors but the accounts that leaked out became so garbled that Spicer decided it would be best to let the public and the press have access

⁶² Ibid., pp. 177-180. See also Breckenridge, op. cit., passim; Parsons, op. cit., p. 262; Lake, op. cit., pp. 282-297; Clum, loc. cit., passim.

⁶³ Martin, op. cit., p. 182.

⁶⁴ Ibid. Morgan and Virgil were excused from the trial due to their injuries which made their presence impossible.

to the testimony. The Nugget, in the meantime, had begun a vigorous campaign against the Earps seeking to obtain a conviction against them. The paper built much of its case around the testimony of some eye witnesses that the Earps had fired while the cowboys had their hands in the air and that only two of the cowboys had been armed.⁶⁵

What saved Wyatt and his notorious friend, Holliday were largely two factors. Earp testified and it was later borne out by witnesses, that mid way during the fight Ike had run up to Wyatt and begged him not to shoot. Earp had told him either to get a gun or get out of the fight. Ike subsequently ran from the scene of battle. Any one of the Earp faction, particularly Wyatt, could have killed Ike if they had so chosen, yet he was allowed to leave the scene of battle unharmed.⁶⁶

A second factor working in the Earps' favor was the testimony given by Addie Boland, the closest eye witness to the bloody affray. Miss Boland testified that she saw five

⁶⁵ Lake, op. cit., p. 299. Testimony of six witnesses revealed that they saw the Earps fire while hands were in the air. Breakenridge, op. cit., p. 151.

⁶⁶ Martin, op. cit., pp. 196-198.

men opposite her house leaning against a small house west of Fly's Studio, just adjacent to the O.K. Corral. Four men came toward them and one of the Earps walked up to the man holding the horse and put a pistol in his stomach. The former then stepped back a few feet and the firing commenced. Miss Boland further stated that she left when the shooting began and that she didn't see any of the cowboys throw up their hands and that it looked as if all the shooting commenced at the same time.⁶⁷

The Epitaph reported Spicer's decision in the December 1, 1881, issue:

...The Earps, acted wisely, discreetly and prudentially to secure their own self-preservation--they saw at once the dire necessity of giving the first shot to save themselves from certain death. They acted; their shots were effective, and this alone saved all the Earp party from being slain....I cannot resist the conclusion that the defendants were fully justified in committing these homicides; that it was a necessary act done in the discharge of official duty.⁶⁸

Following the decision, the Nugget editorialized that "the sentiment of the community was that justice had not been done."⁶⁹ The Nugget and the writing of William Breakenridge, who was a deputy sheriff under Behan, and so

⁶⁷

Breakenridge, op. cit., p. 149. The fifth man to whom Miss Boland refers was Billy Claibourne, who was at the Corral at the time but didn't participate in the fight.

⁶⁸

Martin, op. cit., p. 199.

⁶⁹

Breakenridge, op. cit., p. 152.

a sympathizer with the cowboys, are the only contemporary accounts that seem to think that an injustice had been done to the Glantons and Tombstone; yet many of the important historians who have written histories of Arizona have sided with the Nugget. Frank C. Lockwood, after talking with many of Tombstone's old-timers, concluded that Wyatt and "Doc" were criminal and cold-blooded killers.⁷⁰

The real truth and justification, if any, for the fight that took place at the O.K. Corral will never be known. Historians and interested readers can only offer their opinions. In all fairness to the Earps, however, it seems fitting that a statement of John P. Clum be given some consideration. Clum, writing in the Arizona Historical Review in 1929, stated that he, as Mayor, had told the Earps that if shooting was necessary in regard to the impending gunfight, that they were authorized by him to do it first. Clum reasoned that one efficient peace officer was more valuable than a score or two of rustlers.⁷¹ Whether this was an attempt to justify the Earps' actions after the

⁷⁰ Frank C. Lockwood, Pioneer Days in Arizona (N.Y.: The Macmillan Company, 1932), pp. 263. See also James McClintock, Arizona (Chicago: S. J. Clarke Publishing Co., 1916), II, 480-483.

⁷¹ Clum, loc. cit., p. 52.

gunfight is not known. The answer can only lie in the reader's own mind.

The cowboy element, however, was disturbed by the fact that the Earps had gone unpunished and sporadic fighting continued. On the night of the 28th of December, 1881, Virgil Earp, while crossing to west side of Fifth Street, was fired on. The shots came from a two-story adobe on the opposite side of the street. He was hit in the left arm and also received a flesh wound above the left thigh.⁷² On the 19th of March, 1882, Morgan Earp was shot in the back and killed while shooting a game of pool with Bob Hatch in Hatch's Saloon. The shots, two or three in number, came from the alley running out to Front Street. Morgan died about forty minutes after, without regaining consciousness.⁷³ The law and order committee supported by the acting governor of the territory and Marshal Lake authorized Wyatt to appoint several deputies and serve warrants on all those who were suspected in the shootings of Virgil and Morgan Earp.⁷⁴

⁷²

Parsons, op. cit., p. 282.

⁷³

Ibid., 296; Martin, op. cit., p. 207.

⁷⁴

Martin, op. cit., p. 206; Lake, op. cit., p. 315. Clum refers to a citizens safety committee "organized for the purpose of supporting the duly authorized officers of the law. Clum, loc. cit., p. 55.

Wyatt, however, was not to be content with simply arresting the assassins. He was now only interested in avenging his brother's death. He was to taste revenge sooner than he anticipated. In a hearing that was conducted on the day following Morgan's murder, to determine his murderers, Pate Spence's wife testified that she thought a German, Freis, Spence, Frank Stilwell and an Indian named Charley had participated in Morgan's death.⁷⁵ Before Wyatt could make effective use of this information he decided to send his brother's body to his parents' home in Colton, California. Since Virgil was still badly wounded, it was deemed best that he go along too. Wyatt and several others accompanied them to Tucson. At the railroad station at Tucson the Earp party gathered and another engagement took place, the details of which are open to dispute and subject to much speculation. The only fact that historians seem to agree on is that when the

⁷⁵ Martin, op. cit., p. 212.

train pulled away from Tucson, Frank Stilwell was lying dead of shotgun wounds beside the railroad track.⁷⁶

Wyatt did not continue on to Colton but returned to Tombstone. On the following day despite a mild attempt by Sheriff Behan to arrest him, Earp and a few followers rode out of Tombstone for the last time.⁷⁷ On the 23rd of March the Epitaph reported: "A Mexican found dead this morning. The act supposed to be the work of the Earps."⁷⁸ Theodore D. Judah told the Epitaph that he had just come from Pete Spence's wood camp where Wyatt, "Doc" and several others had been on the day previous. Judah said that they had asked for Pete and Indian Charley and that he told them that Spence was in Tombstone and that the only one at the camp was a Mexican named Florentine. Judah subsequently heard shots and found the body early the next day.⁷⁹

⁷⁶ Clum, loc. cit., p. 63; Breakenridge, op. cit., p. 172; Parsons, op. cit., p. 296. Wyatt Earp told Lake that someone warned him at Tucson that Stilwell was there and looking for him. Earp spotted him running across the tracks and ran after him. Earp then told him to halt and Stilwell ran up to the Marshal and grabbed the shotgun which Wyatt was holding. The latter became enraged and let Stilwell have it with both barrels. Lake, op. cit., p. 326.

⁷⁷ Martin, op. cit., p. 213; Breakenridge, op. cit., p. 174.

⁷⁸ Martin, op. cit., p. 214.

⁷⁹ Ibid. Wyatt admitted killing the Florentine whom Earp said had stood guard for the outlaws while they shot Morgan. Lake, op. cit., pp. 334-336.

These two killings or murders have been held by many later Earp writers to constitute a real stain on the marshal's career. A letter published in the March 24, 1882 Epitaph and signed by the mayor at that time, John Carr, might throw a little light on this subject. "I am informed," Carr wrote, "by his Honor, William H. Stilwell, Judge of the District Court of the First Judicial District, Cochise County, that Wyatt S. Earp, who left the city yesterday with a posse, was intrusted with warrants for the arrest of divers persons charged with criminal offenses. I request the public within this city to abstain from any interference with the execution of said warrants."⁸⁰ This would seem some justification for the killings that resulted at the hands of Earp and his men.

The last chapter to Wyatt Earp's association with Tombstone was written at Iron Springs in the Whetstone Mountains, thirty-five miles west of the mining town. Here Wyatt or one of his party shot and killed Curly Bill Brocius, the recognized leader of the cowboys since the death of

⁸⁰ Martin, op. cit., p. 215.

Old Man Clanton some months before and one of the men under suspicion for the shooting of Virgil Earp.⁸¹

When Wyatt Earp left Tombstone in 1882, his gunfighting days, for the most part, were over. He knew that if he returned to Arizona he would have to stand trial and perhaps be convicted of murder. Another thing working against his returning was the fact that the possible police protection offered him would hardly be adequate enough to prevent his enemies from making attempts on his life. The former marshal realizing these facts decided to explore other fields.⁸²

81

Clum, loc. cit., p. 65; Masterson, loc. cit., p. 10. According to Lake, Wyatt again assumes the romantic hero role in regard to Curly Bill's death. Earp claimed that his party got to within fifty feet of where a number of cowboys were camped and Wyatt took a shotgun and walked toward the camp alone. Curly Bill with a shotgun of his own spotted the marshal and jumped to his feet. Wyatt, as usual, losing no time, brought his gun into action and splattered Bill's body over the countryside. Lake, op. cit., p. 342.

82

Breakenridge, op. cit., p. 179; Lake, op. cit., pp. 345-357. Extradition papers were served in the State of Colorado, but the governor of that state refused to honor them on the grounds that they had been filed illegally. Subsequent attempts were also avoided by legal technicalities.

For the next five years Wyatt was to be seen as a professional gambler in Colorado in Gunnison, Trinidad, and Denver.⁸³ Then he tired of the frontier ways, or else saw that his age no longer qualified or enabled him to play the role of the frontier he-man. He returned to California and spent several years investing in real estate.⁸⁴ By the late fall of 1896, he had become quite interested in sports, particularly boxing.⁸⁵ His interest in pugilism was to lead to one of the most celebrated controversies concerning him.

On December 2, 1896, Bob Fitzsimmons and Tom Sharkey fought in San Francisco to determine the heavyweight champion of the world. On the afternoon of the fight the National Athletic Club which was promoting it was unable to decide upon a referee. Knowing that Earp was in town and

⁸³ Los Angeles Times, January 14, 1929; Lake, op. cit., p. 359. Only once was this five year period in Colorado interrupted. In 1893 Wyatt was called back to Dodge in response to "Bat's" request. This resulted in the Dodge City peace commission which is covered in the chapter on Masterson. It might be added in regard to the peace commission that Earp later claimed that he was in charge of it and that he was almost solely responsible for its effectiveness. This is not borne out by the Ford County Globe which covered the story. Lake, op. cit., p. 359.

⁸⁴ Lake, op. cit., p. 366.

⁸⁵ Ibid.

having heard of the reputation, good or bad, that he had acquired, the club offered him the job and he accepted. The fight went along well until the eighth round when Fitzsimmons hit Sharkey on the jaw. As the latter fell forward, the former hit him in the groin. Sharkey subsequently collapsed. Earp immediately awarded the fight to Sharkey on an alleged foul and the controversy began. The owner of the San Francisco newspaper supported Fitzsimmons and soon began to make out a good case for a thrown fight. Fitzsimmons' manager claimed that Earp had favored Sharkey and that he had been paid off to throw the fight his way. None of these accusations were ever proved. Earp's decision was allowed to stand and when many of the people who had lost money on Fitzsimmons had time to cool off, the incident died down.⁸⁶

⁸⁶ Ibid., pp. 368-370; San Francisco Examiner, December 3, 4, 5, 1896. In the December 4 issue six physicians testified that Sharkey had a distinct swelling in the groin which had been caused by a bodily blow. Whether these physicians were bribed has never been determined. In the December 3 issue Wyatt Earp wrote his own view of the fight in which he, in typical Earp style, declared that he "decided in all fairness and with a judgment that was as true as my eyesight." San Francisco Examiner, December 4, 1896.

In 1896 Earp left for Alaska to try his luck in the gold boom that was just beginning there. Harry Young in his book, Hard Knocks, mentioned meeting Wyatt in Nome in 1900 and declared that he was running a gambling resort at Dutch Harbor.⁸⁷ He returned to the United States in 1901 and for the next few years he spent some time in California and Nevada. It was during this time that he married Josephine Sarah Marcus in San Francisco.⁸⁸ For the remaining years of his life the old frontier marshal devoted his time to his mining and oil properties which he had accumulated over the years and to the breeding of race horses. In 1927 and 1928 he spent a considerable amount of time with his biographer, Stuart Lake, helping the latter to compile and write the story of his life.⁸⁹

⁸⁷ Colonel Harry Young, Hard Knocks (Chicago: Laird and Lee, Inc., Publishers, 1915), pp.68, 238; Lake, op. cit., p.372. It was while in Alaska and parts of Canada that Earp was supposed to have been cowed by a Canadian officer. No proof of this has ever been found. "Bat" Masterson said that the story was not true for Earp was one man who could not be backed down. Masterson, loc. cit., p. 22.

⁸⁸ Lake, op. cit., pp. 371-372.

⁸⁹ Los Angeles Times, January 14, 1929; Lake, op. cit., pp. 372-373.

In Los Angeles just before daylight on Sunday, January 13, 1929, one of the last of the "picturesque gun-fighting marshals of the frontier days" lay his head to rest for the last time. Life had offered many challenges to Wyatt Earp and he had met them, for better or worse, for a little less than 81 years.⁹⁰

Since 1931 when Stuart Lake's book on Wyatt Earp was published, the American people who are somewhat concerned with the west of the 1870's and 1880's have sworn allegiance to what some writers have called "Dodge City's most efficient peace officer" and the "greatest gunfighter that the Old West ever knew." They have made him the West's greatest legend with the possible exception of Wild Bill Hickok and Billy the Kid. Lake and Earp have aroused a controversy that will take a considerable amount of time to die down and will never in toto be solved. These two men for the most part have succeeded in making a man of considerable stature in the West into a Western Hercules.

The book which Lake composed on Earp was very skillfully written and Mr. Lake obviously went to great pains to

⁹⁰ New York Times, Los Angeles Times, San Francisco Examiner,
January 14, 1929.

compile some of the materials, even to the point of digging into old records that had not been used for over forty-seven years. It is in this research that the quality of the book is seen. Yet for all the work that Lake undertook, what was it that he was unable to uncover some of the glaring fallacies in the Earp story. The fault seems not to lie in scholarship but in the sacrifice of a considerable amount of accuracy in order to capitalize on the romanticism of the reading public. In the final analysis, it seems that Lake and Earp were more interested in creating an American legend for their own monetary gains than they were in narrating a true picture of the man and the Old West.⁹¹

If Earp and Lake created the Earp legend, Walter Noble Burns certainly added to it. In his Tombstone, Burns paints the west as a melodramatic frontier with Earp the chief protagonist and all-around superman. W. M. Raine in speaking of Burns' contribution to Wyatt's fame says that he Burns does not so much give false facts as build up atmospheres that are not true.⁹²

⁹¹ Frank Waters, The Colorado (N.Y.: Rinehart and Co., Inc., 1946), p. 224.

⁹² Dell First Edition, op. cit., p. 44.

It is deplorable that the subject of this chapter was interested in self-glorification. His record, however, must not be evaluated in sole terms of his own dishonesty in regard to his true worth. It is, in the opinions of his contemporaries, friends, and enemies, and later writers, that the real contributions, if any, of Wyatt Earp can be evaluated.

"Bat" Masterson, who was intimately associated with the marshal throughout his life, said that:

Wyatt Earp, like many more men of his character who lived in the West in its earlier days, has excited, by his display of great courage and nerve under trying conditions, the envy and hatred of those small-minded creatures with which the world seems to be abundantly peopled, and whose sole delight in life seems to be in fly-specking the reputations of real men. I have known him since the early seventies and have found him a quiet, unassuming man, not given to brag or bluster, but at all times and under all circumstances a loyal friend and an equally dangerous enemy.

Dr. O. H. Simpson, a dentist who spent a considerable time in Dodge, made inquiries throughout the West some years after the frontier was settled as to who were the real genuine gunfighters of the frontier, those that will fight when the fight comes up, regardless of the odds, and not

⁹³Masterson, loc. cit., p. 22.

pick their adversary. Simpson found the names varied but that two men headed every list, those of Wyatt Earp and Bill Tilghman.⁹⁴ In relation to these two peace officers George Bolds made a remark many years after Dodge City had closed its doors to lawlessness. The remark seems pertinent since he knew both Tilghman and Earp: "It has always been a mystery to me," Bolds said, "why Wyatt Earp has been made into the great hero of the frontier. Personally, I think Bill Tilghman's contributions were far more important to our history than Earp's....Tilghman was a warm, kindly man in contrast to Wyatt Earp, whose manner was cold and impersonal. Wyatt Earp was a great Western marshal, but to my mind, Bill Tilghman was greater, both in character and deeds."⁹⁵

Frank C. Lockwood in his book, Pioneer Days in Arizona, observed that "it was not uncommon for a man to be an officer today and a criminal tomorrow, or vice-versa." He

⁹⁴ Zoe A. Tilghman, Marshal of the Last Frontier (Glendale: The Arthur H. Clark Company, 1949), pp. 168-169.

⁹⁵ Horan, op. cit., p. 72. Tilghman was a peace officer in Dodge during and after Earp's commissions there. W.M. Raine also gives Tilghman credit for being the real frontier hero. William McLeod Raine, Famous Sheriffs and Western Outlaws (Garden City: Doubleday, Doran and Company, Inc., 1929), passim.

cited Wyatt Earp and "Doc" Holliday as examples of this.⁹⁶ Another present-day writer, after talking to Virgil Earp's wife, concluded that Earp was "little more than a tin-horn outlaw operating under the protection of a tin badge...."⁹⁷

The Earp controversy seemingly is unending. The good and bad of his career and character is always subject to the interpretation of the particular writer or speaker. Evidence can be presented to substantiate claims on both sides. In making a final appraisal of the man, certain facts should not be overlooked. Wyatt Earp participated in a period of history that was known for its violence. The presence of this violence made it necessary that some semblance of law and order be initiated. The men most likely to render assistance to the frontier towns were those who were confident, brave and fast with a gun. Earp filled all three of these qualifications and so was employed as a peace officer in most of the towns in which he resided. In order to establish a frontier justice it was often necessary to kill a man. Some have contended that Wyatt Earp hid behind a badge to do it legally. The facts brought out in this paper would seem to contradict

⁹⁶Lockwood, op. cit., p. 263.

⁹⁷Waters, op. cit., p. 225.

that. The killing at Dodge City was in response to an attempt on Earp's life. In Tombstone the Earps' murders were sanctioned by the mayor and the supporters of the law and order faction who urged them to take the steps that the Earps thought necessary in bringing the cowboy element to bay.

If a man is to be condemned for undertaking what an environment and circumstances demanded of him, then Wyatt Earp is to be condemned. The fact remains that someone had to do the job that was needed on the frontier and it fell to Wyatt's lot to fill the bill. It may be contended that other marshals such as Tilghman and Tom Smith of Abilene were not involved in the killings and gunplay that fell to Earp. This point must be conceded but at the same time it is only fair to state that there were many other peace officers who were engaged in killings, witness Pat Garrett of New Mexico and "Bat" Masterson of Kansas.

Wyatt Earp was an unusual man. He was not friendly and did not possess the human characteristics that made "Bat" Masterson so popular. Gunfighting, gambling, the cattle town, Tombstone, were all part of his life. He lived every minute of it the way that many similar frontiersmen were wont to do. Men like him were a necessity to the

American West. That his actions resulted sometime in death and that his words concerning his own deeds were often colored and even stark misrepresentations is deplorable and are the same vein, so should the environment under which he lived be condemned. American history was founded by a series of frontiers in which law was at first lacking. It was the farmers and justice-seeking citizens who were responsible in the end for bringing law and order to the frontier and the results stand as a symbol of their contribution. It was men like Wyatt Earp, however, who were there to fill the gap between frontier and civilization. His contribution may not seem great in the light of western development but nevertheless it was a necessary and somewhat important one.

CHAPTER IV

"DOC" HOLLIDAY

One of the strangest and most fascinating characters that came out of the West of the 1870's and 1880's was John Henry Holliday. He was strange because his background and training qualified him for anything but a frontiersman. His fascination lay in his physical appearance and in his personality. John Henry Holliday was equipped with the proper temperament and makeup to make him a fiction writer's delight.

Little is known of his early life other than that he was born in Valdosta, Georgia, in 1853, the son of a Major Holliday who later fought in the Civil War.¹ The family

¹ John Myers Myers, Doc Holliday (Boston: Little, Brown and Co., 1955), p. 8. Mr. Myers' information is based on communication with Holliday's cousin, Mattie Holliday. Wyatt Earp and "Bat" Masterson, who knew "Doc" intimately both confirm that he was born in Valdosta.

was apparently a respectable and prominent one but were obliged like many other Southerners to undergo a rough time of it as a result of the War.² Despite this drawback, the family managed to salvage enough money to send young John off to a dental college and hence the nickname "Doc."³ That Holliday liked his profession is evident from the statement that he later made to Wyatt Earp to the effect that "the only times he wasn't nervous were when he was in a fight or working on someone's teeth."⁴

One of the tragedies in John Holliday's life was the fact that though he was a doctor of dentistry he was never able to practice his profession for any length of time. This becomes evident when the physical fitness of the man is examined. For "Doc" Holliday was endowed with a tubercular

²W. B. Masterson, "Famous Gunfighters of the Western Frontier- Doc Holliday," Human Life, (May, 1907), p. 5.

³Frank A. Dunn, "Celebrating a Holliday," Oral Hygiene, (September, 1933), p. 1338. Dr. Dunn, a well-known dental historian claims that Holliday went to Baltimore Dental College. Masterson said that Holliday attended dental school in his native state.

⁴Stuart N. Lake, Wyatt Earp, Frontier Marshal (New York: Houghton Mifflin Co., 1931), p. 195.

condition that had left him a physical weakling. He was forever coughing and of course dentistry and a tubercular cough do not make for pleasant working conditions.⁵

His tubercular state plus an incident which happened shortly after he returned from college caused the would-be dentist to move westward. There was a swimming hole not far from where Holliday lived where negroes and whites were accustomed to swim together. A group of the white boys obviously still incensed over the Civil War told the negroes on the day in question to leave. The negroes replied that if the whites didn't like the present conditions they could themselves leave. Mr. Holliday on hand at the time, ordered the negroes out. His authority lay in the shotgun which he happened to be carrying. The negroes immediately scattered and the young doctor, unsatisfied with their performance, fired into the woods where the boys had fled, and killed one or two and wounded several others.⁶ The first killing

⁵Dunn, loc. cit., pp. 1338-1339.

⁶Masterson, loc. cit., p. 5. Though the records concerning this incident are lacking, it has become accepted as fact. Masterson, who was associated with Holliday throughout the latter's career, certainly heard the doctor tell of his past life. "Bat" for the most part can be relied on for an accurate account of Holliday's activities.

by the man who was later to become a notorious badman was clearly unjustifiable and born of malice toward his fellow man.

Writers on Holliday's life have made out a good case for the reasons why he left his native state for the uncivilized West. Why would a man who was a physical weakling forsake a peaceful community for a land in which physical stamina was a requirement? If previous testimony can be believed, the reason seems obvious. "Doc" Holliday sought the frontier both to escape his past and to stimulate his health.⁷

In 1875 the shingle of "J. H. Holliday, Dentist," was hung in the city of Dallas. At this time Dallas was disposed to open her doors to a little gunplay. The tone of the Dallas Weekly Herald substantiates this idea and points up an incident in the life of the frontier dentist. "Dr. Holliday and Mr. Austen, saloon keeper," the article ran, "relieved monotony of the noise of fire crackers by taking a couple of shots at each other yesterday afternoon. The cheerful note of the six-shooter is heard once more among us. Both shooters were arrested."⁸ Bat Masterson

⁷ Ibid.

⁸ Dallas Weekly Herald, January 2, 1875.

claimed that Holliday was a recognized member of society while in Dallas, for his reputation had preceded him and the people of Dallas looked upon a murderer "as something more than an ordinary mortal."⁹ Indeed, the more civilized towns of the frontier ever stood in awe of the man with a price on his head. The doctor thinking that he had worn out his welcome, decided to leave town.¹⁰

On the northwest border of Texas stood Ft. Richardson Military Reservation. Not far from there was the town of Jacksonboro, where "Doc" Holliday shot a soldier over a card game sometime in 1876.¹¹ Since the town was composed in the main of soldiers and military sympathizers, the doctor lost no time in leaving.¹² He evidently felt that the further he traveled the better off he would be for he next is heard of in Denver some 800 miles from Jacksonboro. The feat is to be considered somewhat remarkable since the diseased young man was forced to traverse the Texan Panhandle and the hostile Indian No Man's Land in order to reach his destination.¹³

⁹ Masterson, loc. cit., p. 6.

¹⁰ Ibid. Masterson says that Holliday was forced to leave town because of his killing of a prominent local man. There is no record of this.

¹¹ Harry Van Demark "Looking-For-Trouble Holliday," The Texas Monthly (January, 1929), p. 128.

¹² Lake, op. cit., p. 196.

¹³ Masterson, op. cit., p. 6.

The doctor, somewhat infamous by now, settled down for a spell of gambling at the Denver gambling houses. The city like most Western towns of the day had an ordinance against wearing firearms. Holliday, due to the hazardous profession he had adopted for himself, felt it necessary to provide himself with some sort of protection. His needs were supplied by a lanyard which he wore around the neck and attached to the end of which was a knife. It was this knife that resulted in the serious injury of Budd Ryan. Doc and Ryan were engaged in a card game and when a dispute arose the dentist took the opportunity to carve up his opponent. Once again Mr. Holliday made his exit.¹⁴

It is fitting to pause for a moment in the turbulent career of John Henry Holliday in order to examine certain threads that ran through his life and made him the Western badman that he was. In the first place, "Doc" Holliday was a physical wreck, yet he chose to wander into a land that would tolerate no such trait. "Bat" Masterson once suggested that knowledge of these facts "was perhaps

¹⁴ Myers, op. cit., p. 35. Myers received this information from an article in the Denver Republican (date not given) Masterson relates a similar story. Masterson, loc. cit., p. 6.

why he was so ready to resort to a weapon of some kind whenever he got himself into difficulty."¹⁵

This physical weakness brought on by tuberculosis would also explain another factor in the dentist's life. All who knew him said he was a fatalist, that he put little value on another life and even less on his own. This fatalistic attitude can be justified if one subscribes to the theory that "Doc's" condition made it quite evident to him that his days were numbered and that power was not his to have it otherwise. Wyatt Earp and "Bat" Masterson, who knew him better than anyone else, both believed that this was his philosophy. Earp went so far as to say that this "fatalist", coupled with his marvelous speed and accuracy with a gun, gave Holliday the edge over any out-and-out killer I ever knew."¹⁶

If this fatalistic idea is true, it still would not explain the fact that the dentist also put such little value on the lives of his fellow men. This paper is not a thorough psychological study of the Western badman, but it does try to explain in part the motives behind his career. Too little is known of Holliday's family background

¹⁵Masterson, loc. cit., p. 6.

¹⁶Lake, op. cit., p. 196.

even to speculate on an answer there. If Earp and Masterson can be believed, however, the man would seem to have come from a respectable family as has been previously treated. Furthermore, his education would seem to serve as a deterrent to crime. Masterson said that Holliday "had a mean disposition and an ungovernable temper, and under the influence of liquor was a most dangerous man."¹⁷ An uncontrollable temper, therefore, together with an addiction for alcohol is certainly sufficient grounds for a man to lose his sense of perception from time to time. The alcoholic consumption in the case of "Doc" Holliday was recognized as somewhat out of the ordinary.¹⁸

Two other factors should be considered in attempting to gain an insight into the behavior of John Holliday.

"Doc," because of his condition which made the occupation of dentist quite unsatisfactory, became a gambler almost from the start of his western career and continued it to his death. While Earp, Masterson and others of their ilk

¹⁷Masterson, loc. cit., p. 5.

¹⁸Wyatt Earp said "Doc's outstanding peculiarity was the enormous amount of liquor he could punish." Lake, op. cit., p. 197.

were employed as stage drivers, buffalo hunters, cowboys, and peace officers at various intervals in their lives, "Doc" Holliday chose rather to become a professional gambler. Though gambling was recognized in the West at this time as highly respectable and many of the leading townsmen were often found to be engaged in such; nevertheless, the card table was one of the best places on the frontier to provoke an argument and hard feelings. Hardly a day passed in the cow towns that there was not some evidence of discord over a faro or poker game.

The last factor to be considered in seeking an answer to Holliday's actions lies in his speed and accuracy with a gun, which made him take more chances than the ordinary frontiersman. Earp claimed that the doctor practised with his Colt for hours at a time "until he knew that he could get one into action as effectively as any man he might meet."¹⁹

In summation, his inability to control his temper, his addiction toward drunkenness and gambling and his dexterity in handling a gun with deadly efficiency were strong factors that helped to guide the fortunes and actions of John Henry Holliday.

19

Ibid., 196.

From Denver, Colorado, the road led to Ft. Griffin, Texas. By the fall of 1877 Doc was once again gambling, this time in the saloon of one John Shanssey. In the meantime, Wyatt Earp, then city marshal at Dodge City, was sent out to apprehend a group of cattle thieves. Their trail led to Ft. Griffin. Wyatt went immediately to see his friend, John Shanssey, in hopes that the latter might be aware of the whereabouts of the thieves. The saloon keeper referred Earp to Holliday, who, being thrown with the itinerants over the gambling table as they came in and out, was often able to catch bits of conversations while men played cards.²⁰ Holliday was able to find out that the thieves had gone to Ft. Davis, some 1500 miles away. After being informed of this, Wyatt departed.²¹

While the marshal was away an incident occurred that almost put a finish to the career of the gunslinging Mr. Holliday and which hastened his proposed journey to Dodge City. One night in December 1877, Doc and Ed Bailey

²⁰San Francisco Examiner, August 2, 1896.

²¹Ibid., p. 198.

were engaged in a poker game. Bailey had a habit of looking at the discards which his adversary obviously didn't like. Holliday asked him to stop but Bailey paid no heed. The doctor then proceeded to rake in the pile without so much as showing his own hand. Bailey quickly pulled a gun but not before his opponent pulled out his knife and caught the former just below the stomach. The city marshal arrested "Doc" and there being no jail he was put in a hotel room under guard.²²

All the while the frontier dentist had been in Ft. Griffin he had been acquainted and indeed had some intimate relationship with a dance hall girl named "Big Nosed" Kate Fisher or Elder. Kate took this opportunity with her lover in dire need of aid to light a fire in the shed in back of the hotel. When all but the marshal who was guarding Holliday rushed out to the fire, Kate seized her chance. She secured two guns and walking into the hotel room, held up the captor, giving a gun to the doctor at the same time. They immediately left and hid out until morning when a friend of Kate's brought them two horses. The two mounted and started towards Dodge City some 400 miles away.²³

²² San Francisco Examiner, August 2, 1896.

²³ Ibid.

Sometime in late 1877 or early 1878 "Doc" and Kate reached Dodge. Here he met "Bat" Masterson, who had heard of his Texas exploits and who was to become his avowed enemy, though later he saved the dentist's life.²⁴ In the next two years he was to be in and out of Dodge. Wherever the gambling seemed to be heaviest at the time there you would find Mr. Holliday. On one such venture in Trinidad, Colorado, Kid Colton met with death as a result of a bullet from the steady gun of the card-playing dentist.²⁵

In the early months of his stay in Dodge, Holliday became acquainted with Bob Wright, the Dodge City merchant. Wright was in the Long Branch Saloon when the doctor and a man known as "Turkey" Creek walked in. "One could see at a glance," commented Wright, "they were educated and refined, and both men had lovely manners and exceedingly great persuasive powers. They were quiet and unassuming, both were liberal spenders as well as drinkers, but they were never under the influence of liquor. It was only a short time until they had captivated a lot of friends, and I among the number."²⁶

24. Masterson, loc. cit., p. 5.

25. Ibid.

26. Robert W. Wright, Dodge City, The Cowboy Capital (Wichita: Wichita Eagle Press, 1913), p. 249.

The two men told Wright that they were crooks and that they had previously passed off a number of phony gold bricks to an Ohio banker. Creek, with the aid of several accomplices, had led the banker to believe that he had taken the bricks from a stage which he had robbed. The banker, unsatisfied with a previous examination of the bricks, decided to take them to Chicago to get them appraised. Just east of the Missouri River the train on which the banker and Creek were riding was boarded by a man who told the banker that he was under arrest as an accomplice in the theft of government gold. Creek suggested that the banker try to bargain with the alleged law officer. This resulted in a \$15,000 payment being made to the latter. Needless to say the officer was none other than "Doc" Holliday.²⁷

In September of 1878, an incident occurred that was to endear Wyatt Earp to John Henry Holliday for the rest of his life. This friendship was to cause Earp much consternation in future years and was the subject of "much claptrap of mysterious motive, secret design, and fantastic surmise...."²⁸ "Bat" Masterson once said that "his [Doc's]

27. Ibid., pp. 249-251.

28. Lake, op. cit., p. 192.

whole heart and soul were wrapped up in Wyatt Earp and he was always ready to stake his life in defense of any cause in which Wyatt was interested."²⁹

Two Texans, Tobe Driskill and Ed Morrison, and their cowboy associates were drunk and hurraing the town on the night in question. Wyatt met up with them at the Long Branch Saloon but they got the drop on him and held him at gunpoint. "Doc" just inside the saloon and involved in a card game, heard the commotion outside. He, seizing his guns from the rack, ran outside the door and pointed two guns at the crowd of cowboys. One man was in the process of shooting Wyatt and Doc managed to fire ahead of the would-be assassin, hitting him in the shoulder. Wyatt later said that this was the reason for his loyalty to "Doc" thereafter.³⁰

²⁹ Masterson, loc. cit., p. 5.

³⁰ Lake, op. cit., pp. 211-214. This story reads like a western movie and is not mentioned in the Dodge City papers of the day. Most Earp writers, however, accept it as true. A strong claim can be made for its validity in that it tends to explain the strong affection Earp felt for Holliday in subsequent years. When the Tombstone story is considered, this incident seems to take on a ring of truth.

Another incident reveals Holliday had some human sympathy. In March, 1879, he asked Eddie Foy, then entertaining in Dodge, to join "Bat" Masterson's posse which was organized to straighten out the crisis that had arisen between the Santa Fe and Denver and Rio Grande Railroads. When Foy told Doc that he wasn't a good shot, Holliday replied that he could use a shotgun.³¹ Foy naturally declined. These remarks show that the man who was used to playing a lone hand was perhaps a little more warm and friendly than most have figured.

By the latter part of 1879 Dodge City was settling down to be a fairly respectable cattle town. Whether it was due to the gunfighting abilities of Dodge's peace officers or to other reasons is a matter of opinion. The town, however, was definitely not receiving lawless and derelict guests as it had so often done in the past. Wyatt Earp hearing of the possibilities of a better living and more excitement in Tombstone, Arizona decided to resign his position as marshal of Dodge and go to the mining town. He did so on September 9, 1879, and within a short time was on his way up the Western Trail towards Tombstone.³²

³¹ Eddie Foy and Alvin Harlow, Clowning Through Life (N.Y.: E. P. Dutton and Company, 1928), pp. 102-103.

³² Lake, op. cit., pp. 228-229.

Near Trail City, Wyatt was stopped by "Doc" and Kate who were on their way back to Dodge having previously spent some time gambling in the small settlements and camps on the plains.³³ Having nothing better to do, the dentist turned gambler, decided to go with his friend to Tombstone.³⁴ Around the first of November the party reached Prescott, Arizona. Holliday, receiving a run of luck at the gambling tables decided to stay on and told Earp he would join him later.³⁵

In the early part of 1880 "Doc" arrived in Las Vegas. Manuel Otero, the former governor of New Mexico, was there at the time and said that Holliday had come there to settle a score with Charley White, an old Dodge City acquaintance. White was in a saloon when Holliday entered with cocked revolver. The former ducked behind the bar and an exchange of shots was fired. White was seriously wounded but did not die, though the doctor had intended it to be otherwise.³⁶

³³ Ibid., p. 290. Lake says that Holliday had killed three men since his last stay in Dodge and that he settled down in Las Vegas for a while. The killings that Lake credits to him are otherwise unaccounted for.

³⁴ Ibid., p. 230.

³⁵ Ibid.

³⁶ Manuel Otero, My Life on the Frontier, 1804-1882 (New York: Press of the Pioneers, 1935) I, 216.

The chronology as to whether Holliday arrived in Tombstone before or after the above mentioned incident is lost to the historian. It is certain, however, that he and his pesky mistress were in the mining town within two months of the time he had last seen Earp.³⁷ From then on he would be closely allied with Wyatt and his two brothers Morgan and Virgil in their stand against the so-called cowboy element. The latter were a group of cattle rustlers and thieves who made their headquarters in and around Tombstone and who were led by a man known as "Old Man" Clanton and his sons, Phin, Ike, and Billy.³⁸

In the next two years the gambling doctor probably left Tombstone many times in order to be in on some poker games that would arise in the neighboring mining towns. It was in regard to these periodical out of town ventures that he would become involved in the feud that was culminate in a future bloodbath.

On March 15, 1881, the stage owned by the famous Wells Fargo Company running between Benson and Tombstone was held

37

Lake, op. cit., p. 238. William Breakenridge said that Holliday arrived "about the same time" as Earp, who got there in the early part of December. William H. Breakenridge, Hellorado (N.Y.: Houghton Mifflin Co., 1928), p. 100.

38

Douglas D. Martin, Tombstone's Epitaph (Albuquerque: The University of New Mexico Press, 1951) *passim*.

up and the driver, Bud Philpot and one passenger were shot.³⁹ No sooner had the word gotten back to town than a rumor began circulating that "Doc" Holliday was one of the men who had tried to rob the state and that it was he who had personally shot Philpot.⁴⁰ An article reprinted in the Tombstone Nugget from the Tucson Star a few days after the robbery strengthened the rumor. The Star stated that on the day of the robbery Holliday engaged a horse at a Tombstone livery stable and had announced that he would be gone seven or eight days or that he might return that night. He had then left the city armed with a rifle and a six-shooter. The news item continued by relating that he had started toward Charleston but about a mile below Tombstone, he had changed his course and had headed in the direction of Contention. He was next seen between ten and eleven with a fagged out horse in Tombstone. He had then called for another horse and tethered it to a hitching post in the street.⁴¹

⁴⁰ Breakenridge, op. cit., p. 123.

⁴¹ Ibid., p. 124; Lake, op. cit., pp. 262-263.

When the doctor was asked to answer these accusations his reply was anything but convincing. He said that he had gone to Charleston to play poker and because he felt that the people there didn't like him, he had decided to wear a gun.⁴² Circumstantial evidence pointed to Holliday. The posse that had been sent out after the stage robbers strongly suspected that one of the bandits had been Billy Leonard, a known member of the "cowboy element." The posse members had told a George Parsons, who reported in his diary that he knew one of the robbers. He was a man called Leonard, known to be a "hard case."⁴³ "Doc," moreover, was a good friend of Leonard, having shared the same business building together in 1879 in Old Town.⁴⁴ When he was subsequently asked about his recent trips to a certain adobe cabin outside the city where Leonard and the robbers were known to frequent, the dentist denied that he had been there on the day of the attempted hold-up.⁴⁵

⁴²

Lake, op. cit., pp. 263-264.

⁴³

George Whitwell Parsons, The Diary of George Whitwell Parsons,

(Phoenix: Arizona Statewide Archival and Records Project, 1936), p. 216.

⁴⁴

Myers, op. cit., p. 221; Lake, op. cit., p. 264.

⁴⁵

Lake, op. cit., p. 264.

The situation did not look at all well for one of the West's most notorious gunmen. The Nugget which opposed the Earp faction saw a chance to strengthen the position of their backers, the cowboy element and Sheriff John Behan. Holliday's reputation had followed him to Tombstone and now that the Earps were established as peace officers in the town and recognized friends of the doctor, it would look none too good if the law was found to be associating and indeed protecting a stage robber and murderer. In the next months the Nugget would play this story to the hilt.⁴⁶

The Wells Fargo Company aided the search by offering a \$6,000 reward for the capture of the bandits.⁴⁷ As a result, in the early part of July, 1881, Sheriff Behan arrested "Doc" on a warrant sworn out by his mistress, Kate Elder, for the killing of Bud Philpot.⁴⁸ He was released upon payment of a \$5,000 bail by Wyatt Earp and several others. On the next day Virgil Earp, the city

⁴⁶ Breakenridge, op. cit., passim.

⁴⁷ Lake, op. cit., p. 269.

⁴⁸ Ibid., p. 124.

marshal, arrested Kate on a drunken charge. At a hearing she testified that she had signed an affidavit to the effect that Holliday was guilty without knowing what she had signed. The doctor was thus discharged for insufficient evidence. Shortly thereafter Miss Elder was sent packing and she disappeared never to be seen again.⁴⁹

Whether Doc Holliday was guilty of participating in the Benson stage robbery and the two murders that resulted from it will never be known. Wyatt Earp in later years told his story to his biographer and presented many of the facts given here. If Holliday had actually been involved, Earp could not have afforded to disclose it long years after it was over because it would have jeopardized Wyatt's position as the recognized defender of law and order in the West. The testimony of Holliday concerning his activities on the day of the robbery and his known association with one of the robbers can be considered as factors definitely pointing to his guilt. Two things, however, should be said in his defense. One, it was not like him to engage in such activities as stage holdups. Doc was a

⁴⁹Ibid., pp. 124-125; Lake, op. cit., p. 265.

skillful gambler and seldom in need of money. Secondly, and more important, he was intensely loyal to Wyatt Earp and he obviously knew that if he pulled such a stunt as robbing a stage and killing a man, he risked the chance of being caught and jeopardizing Wyatt's position in Tombstone.

Whatever really happened that night of the 15th of March, 1881, it aided in setting off the charge that later exploded on the streets of Tombstone. Early in June, Wyatt, as the District United States Marshal for the Tombstone district, approached Ike Clanton with a proposition. He was one of the leaders of the outlaws who made their headquarters in and around the town and who would be in a good position to know the whereabouts of the Benson stage robbers. Earp told Clanton that he would turn over the Wells Fargo \$6,000 reward money to him in exchange for information which would lead to the capture of the robbers. The latter said he would have to talk it over with a friend of his. He returned a few days later and asked Earp if the offer would still be good if the robbers were dead when they were apprehended and turned over to the express company. The marshal said that he would wire the home office in San Francisco to find out. The telegrapher, seeing the message put two and two together and made it known to

Clanton one night while they were both drinking that he knew of the plan between Earp and Clanton. Ike figured that Wyatt had told the telegrapher and perhaps some others and this would indeed put the outlaw in a bad position. If the robbers knew that he had been responsible for revealing their whereabouts, he would be in serious danger of extermination.⁵⁰

Sometime in early October Ike further chastised Earp by telling him that Holliday now knew the scheme between them. When Wyatt and Ike questioned him, Doc denied that the marshal had said anything to him about the proposition.⁵¹

On the 25th of October Ike Clanton and a fellow outlaw, Tom McLaury, came into Tombstone.⁵² For some time now the town had sensed the feud that was going on between the Earps and the cowboys. The Epitaph had only recently printed a story in regard to the threats that had been issued against the Earps.⁵³ The bad feelings between the two factions were about ready for a showdown.

⁵⁰ Lake, op. cit., pp. 269-270.

⁵¹ Ibid.

⁵² Breakenridge, op. cit., p. 144.

⁵³ Martin, op. cit., p. 177.

During the night of the 25th Ike and Doc were thrown together. William Breakenridge, a deputy sheriff under Behan and consequently a sympathizer with the Clantons, reported that the doctor followed Ike into a restaurant and began abusing him. He then asked Clanton to go for his gun but the latter replied that he was without one. Morgan and Virgil were said to have been within shooting distance of both of them. When Clanton finished his meal he walked out and was followed by Morgan and Doc. Both now, according to Breakenridge, began to abuse Clanton and they claimed that he had been talking about Holliday and the Earps. Before a fight could be provoked the Earps took the doctor away.⁵⁴

The next afternoon between two and two-thirty the most famous gunfight in the annals of the West took place on the streets of Tombstone at the O.K. Corral. The tension that had been mounting for many months came to a climax on this occasion. The three Earps, Wyatt, Morgan, Virgil, and "Doc" Holliday shot it out with four of the cowboys, Ike and his brother Billy, and the McLaurys, Tom and Frank. After thirty seconds of continuous firing, three men,

⁵⁴ Lake, op. cit., pp. 280-281; Breakenridge, op. cit., p. 144.

Billy Clanton and the McLaurys, lay dead. Virgil and Wyatt had received slight wounds and "Doc" had incurred a slight injury in his left hip.⁵⁵

In subsequent weeks Wyatt and "Doc" were on trial for their lives, the other two Earps being too crippled to appear in court. On December 1, 1881, Judge Spicer declared that the Earp party had been "justified in committing these homicides; that it was a necessary act done in the discharge of official duty."⁵⁶

That war between the two factions had not terminated, however, was clearly evident from an incident that occurred in the middle of January, 1882. A witness remembered that "Ringo one of the cowboy elements leading gunfighters and Doc Holliday came nearly having it with pistols. I passed not knowing blood was up."⁵⁷ "Doc" had his hand in his breast pocket ready to make a play for the gun which he had slung underneath the skirt of his coat. Yet before any move could be made from either side it was broken up by the police.⁵⁸

⁵⁵Martin, op. cit., p. 150.

⁵⁶Ibid., p. 203.

⁵⁷Parsons, op. cit., p. 286.

⁵⁸Ibid; Lake, op. cit., p. 306. Breakenridge reported that soon after the battle at O.K. Corral, Holliday got drunk and went on a shooting spree. In the Oriental saloon he shot the bartender in the foot and a man named Juice in the hand. Juice then knocked him down, took his pistol away and was trying to shoot him through the head when bystanders separated them. Breakenridge, op. cit., p. 155.

It was obvious to all the townspeople that the enemies of the Earps meant business. Just prior to the Ringo-Holliday fracas, Virgil had been ambushed from an alley while walking down the street.⁵⁹ The crowning blow, however, occurred on March 19, 1882, when Morgan was shot and killed while playing a game of billiards in Hatch's saloon.⁶⁰ The shots had entered the plate glass window of the saloon from a point somewhere across the street.

To Wyatt this was the last straw. If his career as a peace officer can be deemed justifiable up to this time, he was now ready to go beyond the law and take matters into his own hands. In the next week, the marshal, "Doc", and several others deputized by Wyatt, proceeded to kill three of the men who had been suspected of being either in on the Virgil Earp wounding or the Morgan Earp murder. In all of these killings John Henry Holliday is reported as standing beside his friend Wyatt Earp, either engaging in the actual shooting or remaining at a not too distant spot from the actual proceedings.⁶¹

Following these killings, Wyatt and "Doc" said goodby to Tombstone for the last time. The old west was dying and no

⁵⁹ Martin, *op. cit.*, pp. 204-205.

⁶⁰ *Ibid.*, p. 205.

⁶¹ *Ibid.*, pp. 212-215; Lake, *op. cit.*, pp. 326-327, 335-336, 339-340; Masterson, *loc. cit.*, p. 6; John P. Clum, "It All Happened in Tombstone," Arizona Historical Review, Vol. 2 (October, 1929), pp. 62 and 65.

one knew it better than the frontier marshal and his notorious cohort. Gunplay and the killing that inevitably accompanied it were giving way to organized law-abiding communities. Concerning the departure of the Earp faction from Tombstone, Breakenridge wrote: "From this time on Cochise County became very peaceful and quiet, and Tombstone settled down to be normal once more. A lot of the rustlers had been killed off by Mexicans in rustling stock, and in quarrels among themselves when they were drinking. The stockmen had organized for self-protection, and the rustlers got out of the country as fast as possible. With most of the bad men run off there was no more trouble and there was no more cattle rustling than there is today."⁶²

For Doc Holliday, however, the west could not die. Gunplay and gambling, two symbols of the frontier, were in his blood and such a powerful force as civilization failed to move him. Wyatt and the doctor parted company soon after they left Tombstone and the latter went to Denver. Around the middle of May, 1882, he was arrested for the murder of Frank Stilwell, one of the three men killed by the Earps after Morgan was killed.⁶³ "Bat" Masterson, in

⁶² Breakenridge, op. cit., p. 179.

⁶³ Denver Republican, May 17, 1882.

in Colorado at the time, heard of the doctor's plight and resolved to help him. Masterson had never liked him and was never able to understand Wyatt's loyalty to him. What he subsequently did for Holliday was probably more out of regard for Wyatt than for his admiration for the outlaw.⁶⁴

"Bat" went to Governor Pitkin of Colorado and persuaded him not to honor the extradition papers on Holliday that had been brought from Arizona. Masterson impressed it upon Pitkin that the state officials in Arizona lacked the organization and ability to prevent Holliday's possible seizure and killing at the hands of those who wanted him out of the way. As a consequence, the governor refused to honor the extradition papers on the grounds that they had not been properly drawn up.⁶⁵ Having succeeded this far, Masterson had yet another problem to solve. Pitkin was going out of office and there was nothing to prevent the incoming governor from giving Holliday over to the Arizona authorities. Sensing this, "Bat" had a warrant sworn out against "Doc" charging him with highway robbery in Pueblo, Colorado. The doctor was thus taken from Denver to Pueblo where he was put under nominal bond and released from custody. In future months

⁶⁴Masterson, loc. cit., pp. 5-6.

⁶⁵Ibid., p. 6; Myers, op. cit., p. 245.

"Bat" succeeded in having the case put off and with a new bond always furnished, the gambler dentist was left to go his merry way.⁶⁶

In 1883 the Phoenix Herald in a column devoted to the whereabouts of the west's gunfighters, mentioned that "Doc" was the "chief engineer in three faro games."⁶⁷ By 1884 the great days of free lance gambling were over. What had been frontier mining camps had now turned into respectable towns. The west with which "Doc" Holliday had been associated for twenty years had ceded its right and heritage to the new commercial and social outlook. On November 8, 1887, John Henry Holliday gave up his claims to another inevitable force. At Glenwood Springs, Colorado consumption finally accomplished what no bullet had been able to do.⁶⁸

"Doc" Holliday qualifies as a legendary figure in the history of the west by virtue of killings alone. Writers on the man seem to take great pride in assigning deaths to

⁶⁶ Ibid.

⁶⁷ Phoenix Herald, November 15, 1883.

⁶⁸ Masterson, loc. cit., p. 6; Myers, op. cit., p. 262. Myers drawing from the "Field and Farm in Colorado" says that Holliday had been delirious two weeks prior to his death. He also recorded that "Doc's" last conscious act was to ask for a tumbler of whisky. Upon drinking it, he is supposed to have commented "This is funny." See also Dunn, loc. cit., p. 1344.

him. His biographer, John Myers Myers, is inclined to give his subject credit for any shooting that has ever been attributed to him and even adds a few of his own. The Holliday legend, however, cannot be explained simply in terms of the number of men that succumbed to his temperament and lightning draw.

Though he has not been accorded the fame of Wyatt Earp and Billy the Kid; nevertheless, "Doc" Holliday has carved out a name for himself on the western scene. His very make-up would attract attention if for no other reason. Here was an educated man from a fairly well-to-do family who became a western badman. To complete the romantic touches a severe case of tuberculosis is added and the reader is supplied with the western legend. Here is the underdog who fought the odds and won. The American people have come to admire and champion the little man who overcomes his handicaps to achieve success. The smallness of the man in size, his tubercular condition, his education and background, his gambling addiction and his deftness with a gun all are factors which go to make up the Holliday legend.

"Doc Holliday," wrote Stuart Lake, "was a hot-headed, ill-tempered, trouble-hunting, and withal, cold-blooded desperado, rightly placed by history in the gunman-killer

category...."⁶⁹ This opinion is universally shared by students of the west. With the many killings with which he was connected and by his nature, one could hardly conclude otherwise. He was catered to and more often than not spoken of with reverence by those who were associated with him. The reason for this lay in one word, fear. His quick temper and speed with the gun conditioned those with whom he came into contact. "Bat" Masterson, however, noted that with those who didn't fear him, he was sorely disliked and even challenged. Witness the fight that Ringo and Holliday almost had in Tombstone. For the most part, however, the doctor was given free rein of the gambling houses and saloons of the frontier towns. Furthermore, when one became engaged in conversation or cards with Holliday, he was taking life in his own hands. His quarrelsome nature and diseased condition invited trouble. Masterson observed that despite the many difficulties in which he always seemed to become entangled, the doctor was more often in the right than in the wrong.⁷⁰ It would seem that John Henry Holliday was that rare breed of man who naturally came by violence.

⁶⁹ Lake, op. cit., p. 192.

⁷⁰ Masterson, loc. cit., p. 5.

"Doc" Holliday will always be known as one of the West's worst badmen. His contribution to its history is all bad and when his life is examined, it is hard to evoke even a touch of sympathy for him. As it has been with other bad men, however, the dentist turned killer had some admirable traits. In his courage and allegiance to friends, Earp in particular, the man stands tall. His willingness to stand up against the greatest gunfighters in the West's most turbulent years is fair justification for remarking on his courage.

It is in his great friendship for Wyatt Earp that Holliday has shown a humanness and, indeed, a somewhat enduring quality. "Bat" Masterson, waxing poetical, once said that "Damon did no more for Pythias than Holliday did for Wyatt Earp."⁷¹ He followed the peace officer all over the southwest and was at his side at every important gunfight in which the latter participated. Though he was accused of robbing the Benson stage, which eventually led up to the O.K. Corral episode, the fight with the Clantons was clearly one involving only the Earp brothers. Yet "Doc" insisted on going into battle and was a prominent figure in what resulted. His friendship for Earp has never

⁷¹Ibid., p. 6.

been explained. All that can be offered are a few suggestions. Their relationship can in some wise be explained in terms of their characters. George Bolds, who knew them both, said that "Earp and Holliday were not the friendly type."⁷² They were both reserved and known to be preoccupied with their own affairs.

His allegiance to Earp might also be explained in terms of "Doc's" admiration of Wyatt as a man. There can be little doubt that the marshal possessed real frontier courage and seldom if ever hesitated to participate in situations that were extremely dangerous. His friendship for Wyatt would seem to lie then in the similar make-up of each man. It might well have been that Wyatt Earp had the very attributes that the doctor saw in himself.

"Doc" Holliday will always remain the great western paradox. His health always stood in his way and blocked his road to a possible successful career. He was a condemned man who chose to live out his life in excitement and lawlessness. He lived each day with an abandon that called for a bullet to end his career rather than a tubercular germ. His life was bloody and misused. He stands as one of the West's most notorious killers and in the final analysis can be regarded as a discredit to his period of history.

⁷²

James D. Horan, Across the Cimarron (New York: Crown Publishers, Inc., 1956), p. 71.

CHAPTER V

WILLIAM BARCLAY "BAT" MASTERSON

On a small farm near Fairfield, Illinois, on the 24th of November, 1853, a son was born to Thomas and Katherine McGurk Masterson.¹ The boy was named William Barclay and in future years his reputation and popularity would become such as to provoke the following comment from the New York Times: "At one time Masterson was said to have been the best known man between the Mississippi and the Pacific Coast, and his exploits and his ability as a gunfighter have become part of the tradition of the Middle West of many years ago."²

The Mastersons had seven children, three of whom, James, Ed, and William, became frontier policemen. As a boy William was attracted to the out of doors because of the

¹ George G. Thompson, Bat Masterson, The Dodge City Years (Fort Hays: Kansas State Printing Plant, 1943), p.4. This book contains interviews with Masterson's brother, Tom, concerning the childhood and family of the former.

² New York Times, October 26, 1921.

very conditions of the frontier which put little stress on fine homes and catered rather to making one's way by means of the soil and through hunting. It was the boy's great love for hunting that was to earn him his nickname, according to his later good friend, Alfred Henry Lewis. A generation before Masterson was born, a hunter named Baptiste Brown had been called "Old Bat." When the boy became engaged in buffalo hunting in the early seventies the name descended to him and for the rest of his life, William Barclay Masterson, would be known throughout the United States as "Bat" Masterson.³

For the first fourteen years of his life, "Bat" was able to gain only a rudimentary education, which was supplemented throughout his remaining years with an abundance of reading. His chief interest was hunting and at the age of twelve his father gave him an old Civil War musket. The absurdity of giving a child such a weapon must be dispensed with when one considers that on the frontier the ability to use a firearm might mean in future times the difference between food and starvation or life and death.⁴

³ Alfred Henry Lewis, "The King of the Gun-Players - William Barclay Masterson," Human Life (November, 1907) p.8.

⁴ Thompson, op. cit., pp. 4-5.

In 1867 the family decided to move further West in search of better land. Near St. Louis the Mastersons settled down to homestead a section of land. Again, finding the land and conditions unfavorable, Thomas Masterson in 1871 moved his family to the present-day site of Wichita and once more settled on government land.⁵

In 1871 the Atchison, Topeka and Santa Fe was building a railroad to Dodge City. A contract for the grading of the railroad was given to two Topeka contractors.⁶ Ed and "Bat" decided to sign on with Raymond Ritter, one of the sub-contractors. After the job was completed Ritter left the boys stranded at Dodge City and decided to leave, being careful, however, to take the proceeds of the grading contract with him. This was in the spring of 1872.⁷ "Bat" met Billy Dixon, the buffalo hunter, in Dodge and realizing the profit that might be made from Buffalo hides and meat, decided to join the latter in his business. Earlier buffalo killing had been largely for supply meat to railway construction gangs and army posts on a contract basis, with

⁵ Ibid., p. 5.

⁶ James D. Horan, Across the Cimarron (New York: Crown Publishers, 1956), p. 55; Thompson, op. cit., p. 5.

⁷ Robert W. Wright, Dodge City - The Cowboy Capital (Wichita: Wichita Eagle Press, 1913), p. 299.

little attention given to the hide. But in 1870 that private business men began to concern themselves seriously with the enormous profits to be made from the great buffalo herds that roamed plains from the Brazos River to beyond the Canadian line was no surprise. By 1871 the buyer of hides and meat was eager to pay cash to the buffalo hunter.⁸

In the years 1872 and 1873 Masterson, Dixon, and a group of fellow hunters wandered in search of the buffalo throughout the Texas Panhandle and Oklahoma.⁹ It was in these days that "Bat" gained his reputation as a marksman and practical joker. Dixon commented that "'Bat' became so proficient with the rifle that men who knew him said that even in later years his marksmanship far surpassed his skill with a six-gun, and then hastened to say that his dexterity with the Old Colt's 'Peacemaker' was excellent!"¹⁰

Buffalo hunting was lonely business. In the long prairie nights there came a need for good humor and story telling.

⁸ Stuart N. Lake, "The Buffalo Hunters," Saturday Evening Post (October 25, 1930), p. 12.

⁹ Horan, op. cit., p.55.

¹⁰ O.K. Dixon, The Life of Billy Dixon (Dallas: The Southwest Press, 1927), p. 115.

It was around the campfires such as that of the buffalo hunter that some of the West's most preposterous stories were first told. In this same environment "Bat" Masterson was to make his name as a practical joker. One one such occasion a braggart named Fairchild who was always quick to let everyone in on his bravery in the face of danger became the butt of a Masterson joke. While hunting with him one evening, "Bat" spotted a fire and told his inexperienced friend that it was an Indian campfire and that they had better leave as fast as possible. Fairchild tore off into the wilderness without so much as looking back. He was subsequently put on guard to watch out for any signs of hostile savages. When he returned to camp one night from an overly long session of guard duty, he overheard the men laughing over the trick they had played on him. Needless to say Fairchild was cured of his boasting, though his anger didn't subside for a long time thereafter.¹¹

This partiality toward making someone the butt of a harmless prank was to continue throughout "Bat" Masterson's life and, indeed, it added to his reputation as one of the most genial and likeable personalities of the old West.

¹¹Ibid., p. 115.

Frontier humor was quite often startling and nerve-testing, as well as desperate and thrilling.¹² An incident involving Masterson and Wyatt Earp proves this point. A certain professor of the so-called "occult sciences" wrote the mayor of Dodge as to the possibilities of his coming to the cowboy town for the purpose of delivering a lecture. The mayor turned the letter over to "Bat" who was sheriff there at the time. The peace officer quickly saw the opportunity that prevailed for a little horseplay. He invited the professor to come and even acted as the chairman of the program. The speaker had not long commenced his lecture when someone from the back row of the auditorium where the meeting was held hollered out that the lecturer was a liar. "Bat" demanded order, with the result that the meeting place once again became quiet. In a few minutes, however, the professor was challenged again and "Bat" and Wyatt both drew their guns and began firing over the audience. The poor professor was so scared that he hid himself under a platform table. He little knew that the bullets being used were blanks.¹³

¹²Wright, op. cit., p. 206.

¹³Andy Adams, Log of a Cowboy (N.Y.: Houghton Mifflin Co., 1931), pp. 194-197; Wright, op. cit., pp. 208-209.

An incident occurred in the early morning of June 27, 1874, that was to make William Barclay Masterson a man in the eyes of the rough and ready frontier people. It must rank as one of the great accomplishments in American frontier troubles with the Indians. The railroad and the mining establishments had, by the 1860's, reopened the white man's struggle with the Indians. What had been looked on as one big reservation was about to be washed away by a bloodbath of buffalo and Indian lives. Roaming over the Great Plains at this time were the tribes of the Sioux, Crows, Kiowa, and Comanche. They were solely dependent on the buffalo for their livelihood and sustenance and were determined to fight any force or human that attempted to interfere. The whites, seeking to exploit the profits that might be had from the buffalo meat and hides, had by the early 1870's almost extinguished the Indian's food and as a result, the red man himself.¹⁴ The skirmish that "Bat" Masterson participated in in late June of 1874 represented one of the last Indian attacks on their white adversaries.

¹⁴Ray Allen Billington, Westward Expansion (New York: The Macmillan Company, 1949), pp. 651-670.

In order that the buffalo hunters would not have to return to Dodge City for provisions during the buffalo season, the merchants of Dodge had stocked an old ruins called Adobe Walls, some 150 miles from Dodge, with supplies to sell to the hunters. The settlement, if it can be called such, was composed of two buildings, a saloon, and an outfitting store.¹⁵ On the morning of the 27th, some three hundred Indians made an attack on Adobe Walls, feeling that the buffalo hunters had poached on their lands. With considerable danger to themselves, the handful of hunters at the fort, which included Masterson and his employee Dixon, succeeded in holding off the Indians until the cavalry arrived on the fifth day. The estimates of how many Indians the hunters killed range from seventy to ninety, but it is certain that no more than three of the latter were killed.¹⁶ Billy Dixon, who

¹⁵Lewis, loc. cit., p. 10.

¹⁶New York Morning Telegraph, October 26, 1921; Horan, op. cit., p. 54; Lewis, loc. cit., p. 9. As in all Indian battles of the Old West, the number of killed and the incidents in the battle are unreliable. Dixon's book, written by his wife as he told it to her, is certainly the first book to be consulted in this matter. He was noted for his honesty and trustworthiness and there seems little reason to doubt his account. Dixon, op. cit., p. 178.

fought alongside "Bat" at the "Affair of Adobe Walls " had this to say about the boy's performance: "'Bat' Masterson should be remembered for the valor that marked his conduct. He was a good shot and not afraid."¹⁷

As a result of his accomplishments at Adobe Walls "Bat" was now a man of reputation. Following the battle he returned to Dodge City and shortly thereafter he headed a group of eighteen civilian scouts under General Miles who sought to force the hostile Indian tribes in the area to make peace treaties. It was on such a mission in 1875 that he killed his first man.¹⁸

Masterson was spending a considerable time around Sweetwater, Texas, and the reason could be seen in the person of Miss Mollie Brennan. One Sergeant King also sought to court Miss Brennan and when he found out that she was spending more time with Mr. Masterson, he became jealous. One night while Mollie and "Bat" were in the Lady Gay Saloon, having been given the key to it by the saloon keeper, who was a friend of the young man, King knocked on the door. Masterson unlocked it and the

¹⁷ Dixon, op. cit., p. 178.

¹⁸ Rufus Rockwell Wilson, Out of the West (N.Y.: Wilson-Erickson, Inc., 1936), p.443; Horan, op. cit., p. 55.

jealous man fired. Mollie, standing beside her beau, jumped in the way and the bullet from King's gun went through her and lodged itself in "Bat's" pelvis bone. The latter, on the way to the floor, shot King through the heart.¹⁹ There is no mistaking the fact that this was a clear case of self-defense and was all in accord with the code of the West.

After receiving medical care from a nearby fort and staying over to recuperate for a few months, Masterson returned to Dodge in the spring of 1876.²⁰ The town by this time was four years old and what had been little more than a wilderness around an army fort in 1872 had now become the focal point for the railroad and for buffalo hides and cattle. Cowboys and buffalo hunters had combined with the muleskinners and soldiers to make Dodge a rough and somewhat vicious frontier town. The town

¹⁹Thompson, op. cit., pp. 10-11; Horan, op. cit., p. 55; Alfred Henry Lewis, The Sunset Trail (N.Y.: A. L. Bart Company, Publishers, 1905), pp. 88, 97-98; Wyatt Earp, "Articles" Sunday Examiner Magazine (San Francisco), August 16, 1896. Earp and Lewis suggested that there was ill feeling between Masterson and King caused by other things than a mutual sweetheart. The flair for the colorful narrative, however, was a part of each author's writings and cannot be considered altogether reliable.

²⁰Horan, op. cit., p. 55.

was in fire need of law enforcement. For the latter purpose Wyatt Earp had recently come from Wichita to become city marshal of Dodge. When "Bat" came hobbling in soon after Earp arrived, the latter, needing a man with courage and the ability to take care of himself, appointed Masterson as his assistant.²¹ Wyatt later wrote an account in a San Francisco newspaper of what "Bat" was like in the heyday of Dodge's notoriety. Though the description is colorful and somewhat exaggerated, the portrait of the man emerges:

"Bat" was somewhat of a dandy in those days, but before all else he was a man.... There was something in the way his bullet-shaped head was mounted on his square shoulders, something in the grain of his crisp, wiry hair, something in the tilt of his short nose that bespoke an animal courage such as not every man is endowed withal.... "Bat" Masterson had a wealth of saving graces which shone from the honest fullness of his face.²²

Another contemporary also captures a bit of his character.

A vaudeville comedian who got his start in the West actually played Dodge in 1878 and '79. He called

²¹Stuart N. Lake, Wyatt Earp, Frontier Marshal (N.Y.: Houghton Mifflin Company, 1931), pp. 136-177, 142. Masterson received \$75 a month at this post. Thompson, op. cit., p. 12.

²²Sunday Examiner Magazine (San Francisco) August 16, 1896.

Masterson "a trim, good-looking young man with a pleasant face and carefully barbered mustache, well-tailored clothes, hat with a rakish tilt and two big silver-mounted, ivory handled pistols in a heavy belt."²³

There is also the story of a man who came to his town and wanted to see the man about whom he had heard so much. "How can I find 'Bat,' the stranger asked. "Look for one of the most perfectly made men you ever saw, as well as a well-dressed, good looking fellow, and when you see such a man call him "Bat" and you will have hit the bull's eye."²⁴ His better graces would stand him in good stead in his new years.

In July of 1876 Masterson was tempted to leave Dodge. He resigned his post under Earp and joined the masses that were flocking to the Black Hills in response to a recent gold strike.²⁵ Part way there he realized that many others had the same idea and that the best claims would already have been taken by the time he got there.

²³ Eddie Foy and Alvin F. Harlow, Clowning Through Life, (N.Y.: E.P. Dutton and Company, 1928), p. 98.

²⁴ Wright, op. cit., p. 299.

²⁵ Lake, op. cit., p. 154.

Consequently, he decided rather to stop off at Cheyenne to engage in gambling.²⁶ By September 1876 "Bat" returned to Dodge. For the next year he occupied himself with gambling.²⁷ The money that flowed in and out of the town due to the prosperous cattle business caused many profit seeking individuals to open combination saloon and gambling establishments. Men such as Earp and Masterson were often hired by the proprietors of such a trade to act as house man.

In October of 1877 he changed his occupation again. Deciding to take Wyatt Earp's advice, "Bat" began his campaign for the office of sheriff of Ford County, which was the county in which Dodge was situated. The October 13, 1877, Dodge City Times carried the following declaration of Mr. Masterson: "At the request of many citizens of Ford County, I have consented to run for the office of sheriff, at the coming election in this county.... I have no pledges to make, as pledges are usually considered, before election, to be mere claptrap. I desire to say

²⁶

Horan, op. cit., p. 56.

²⁷

Lake, op. cit., p. 155. The Dodge City Times recorded that in June, 1877, Masterson bought a part interest in the Lone Star Dance Hall. Dodge City Times, September 8, 1877.

to the voting public that I am no politician and shall make no combinations that would be likely, to, in any-wise, hamper me in the discharge of the duties of the office...."²⁸

In November, 1877, he was elected sheriff of Ford County by three votes.²⁹ Things were relatively quiet for Sheriff Masterson and Dodge City until April 9, 1878. It was at this time that Dodge's ordinance concerning the non-wearing of firearms within the city limits was to cause considerable grief to the Masterson family. On the night in question one Jack Wagner, feeling a little frisky, started to "hurrah the town." Ed Masterson, "Bat" brother and city marshal at the time, took Wagner's gun away from him. A little later in the evening Marshal Masterson and his friend, Nat Heywood, caught sight of Wagner and his boss, A. M. Walker, coming out of the Lone Star Dance Hall. The elder Masterson again seeing Wagner with a gun tried to take it away. The latter wrestled free and killed him. At the same time, "Bat" and a few

²⁸Dodge City Times, October 13, 1877.

²⁹Horan, op. cit., p. 55.

friends were walking toward the Dance Hall and upon hearing the shot they quickened their pace. Within some forty feet of Wagner "Bat" opened fire and Wagner, having been hit, stumbled back in the saloon and died. Walker, also wounded, ran through the saloon and collapsed some fifty feet away.³⁰

In the next weeks following Ed Masterson's murder, his brother captured a fugitive who was wanted at Ft. Lyons and wounded another who was attempting to shoot up the town.³¹ In August, 1878, the Times had this to say about the work of its sheriff: "Sheriff W. B. Masterson and Deputy William Duffy are indefatigable in their efforts to ferret out and arrest persons charged with crimes. Scarcely a day passes without reward for their vigilance and promptness."³² In the same month "Bat"

³⁰ Ibid., pp. 56-57. The man who saw the shooting, Ham Bell, was later interviewed by George Bolds, the subject of Horan's biography. Bell told Bolds that because of the firing that broke out following Masterson's death that it was hard to tell who shot Wagner and Walker. Prior to this revelation western writers had always attributed these two killings to "Bat." Despite Bell's testimony, however, it seems likely that Sheriff Masterson played a contributory part in the killings.

³¹ Dodge City Times, July 27, 1878.

³² Dodge City Times, August 16, 1878; Foy and Harlow, op. cit., pp. 112-113.

went to Hot Springs, Arkansas, for medical aid and rest. Masterson, it seemed, was suffering from vertigo.³³

He returned to Dodge shortly and from October 1878 to March 1879 he led a posse in tracking down the murderer of a young dance hall girl, and escorted the famous horse thief, Dutch Henry, from Trinidad to Dodge City to stand trial.³⁴ The first incident occurred when "Dog" Kelley, the owner of the Alhambra Saloon and James Kennedy got into an argument while both were drinking. Kennedy threatened Kelley and left town. While he was away, the saloon owner rented his house to Dora Hand, a dance hall girl. When Kennedy returned, he rode up to Kelley's house early one morning and fired several shots into an open door. Miss Hand, asleep at the time, was killed. A posse including Wyatt Earp and "Bat" Masterson was immediately

³³ Dodge City Times, August 30, 1878. It was during "Bat's" absence that Clay Allison, a famous gunslinger, arrived in Dodge. Dane Coolidge wrote in his book that Allison came to town to see if Masterson would fight. Coolidge claimed that "Bat" backed down and this was the reason he left town. In the light of Masterson's career it seems unlikely that he would cower to a man even of such stature as Clay Allison. Coolidge got his story from Charles Siringo, who toured the West in this period and claimed to have obtained the story from Allison. Dane Coolidge, Fighting Men of the West (N.Y.: E.P. Dutton, Inc., 1932) p. 71.

³⁴ Lake, op. cit., pp. 216-218; Dodge City Times, Jan. 25, 1879.

organized and set out in pursuit of the assassin. The group rode southward from Dodge to a point where Kennedy had to pass in order to reach his home, which was known to be Kansas City. When he arrived, the posse ordered him to throw up his hands. He refused and attempted to escape; thereupon, the posse shot him. He was hit in the left shoulder and was subsequently pinned under his horse when the animal was shot and fell on him.³⁵

In the same month as the Dora Hand murder Sheriff Masterson became involved in a railroad feud. The Santa Fe and Denver and Rio Grande Railroads were fighting for the right of way from Canyon City to Leadville, Colorado. Silver had been discovered at the latter town and the railroads were anxious to get there as soon as possible. The struggle had started when the Denver and Rio Grande accused the Atchison, Topeka and Santa Fe of not complying with the terms of lease. The former, getting no satisfaction, then decided to take the railroad in their own hands for operation. The Santa Fe asked Dodge for aid in putting down the disturbance and Sheriff Masterson deputized thirty men, only to arrive on the scene of trouble and find the situation under control.³⁶

³⁵Lake, op. cit., pp. 216-218; Zoe A. Tilgham, Marshal of the Last Frontier (Glendale, Calif.: The Arthur H. Clark Company, 1949), pp. 141-142.

³⁶Foy and Harlow, op. cit., pp. 102-103; Dodge City Times, January 14 and March 29, 1879.

The May 10, 1879, Dodge City Times reported the failure of an assassination attempt on its sheriff. Three men from Missouri had been giving Masterson a hard time, and he and Wyatt had thrown them in jail. The night following their arrest a group of men met in the rear of a store in Dodge and told a negro boy to go to the sheriff and tell him that he was wanted in that vicinity. The boy, suspicious of the men, tipped off "Bat" and the latter was quick to break up their plans by arresting and fining them. He subsequently ordered them out of town.³⁷

In the following October, William Barclay Masterson once again faced a coming election. He ran on the Independent Ticket supported by the Dodge City Times. The opposition party, the "Peoples Ticket," caused Mr. Masterson a considerable amount of trouble by calling him to account for spending too much of the tax money he had collected from the inhabitants of Ford County.³⁸ He was also accused of fraud by alleging to have given \$25 for the returning of a stolen pony. Both of the

³⁷ Dodge City Times, May 10, 1879.

³⁸ Dodge City Times, October 25, 1879; Thompson, op. cit. p. 33.

charges were never proven. The mudslinging campaign was successful, however, for "Bat" was beaten rather soundly by his opponent, George Hinkle, the final count showing the latter to have won by 136 votes.⁴⁰ The Dodge City days of William Barclay Masterson as a peace officer were over. The wildest of the cow towns, however, was still to play a considerable role in his subsequent career.

The following years were restless ones for "Bat." He left Dodge in February, 1880, to go to Leadville where he examined the prospect of going into some kind of business there.⁴¹ Hearing that the town of Gunnison was fast becoming wealthy, Masterson moved there. The rumors of the purported mining bonanza in Gunnison didn't pan out, however, and by mid July he was back in Dodge.⁴² Yet, in the latter part of 1880 the Times reported their former sheriff as being in Kansas City.⁴³

Again his stay was temporary. Early in 1881 "Bat" went to Tombstone, having accepted a job from Bill Harris of the Oriental Saloon to deal faro and poker there.⁴⁴

40

Thompson, op. cit., p. 34.

41

Dodge City Times, February 28, 1879.

42 Dodge City Times, July 17, 1880.

43 Dodge City Times, December 11, 1879.

44 Lake, op. cit., p. 253.

Tombstone at this time was the wildest town on the frontier due to the seemingly endless mining strikes that had served as a lure for some of the West's worst citizens. On March 15, 1881, he was deputized by Wyatt Earp, who had moved there from Dodge late in 1880 and who was now the Deputy U.S. Marshal for Tombstone, to serve in a posse to track down a group of stage robbers.⁴⁵

Sometime in 1881, Jim Masterson telegraphed "Bat" who by this time had drifted to New Mexico, to come back to Dodge and help him settle a dispute with A. J. Peacock and Al Updegraph. The younger Masterson and Peacock had previously gone into the saloon business together. Updegraph, a brother-in-law of Peacock, had been hired by the two saloon keepers. A disagreement arose over the caliber of Updegraph's work and Jim demanded he be discharged. His partner took offense at this and Masterson thinking there would be trouble sent for his brother.⁴⁶

No sooner had Dodge's former sheriff stepped from the train than he saw Peacock and Updegraph going toward the depot. He called to them to halt and both thinking he

⁴⁵ Lake, op. cit., p. 254.

⁴⁶ Wright, op. cit., p. 173; San Francisco Examiner, August 16, 1896.

meant to kill them, ran behind the corner of the jail. Immediately the air resounded with the noise of gun fire. Some ten minutes later Mayor A. B. Webster arrested "Bat" and fined him for disturbing the peace. The latter paid the fine and left the city.⁴⁷ It seemed that Dodge was now past its gun-loving days and wasn't able to recognize the presence of such a well-known former officer of the law.

Next, in 1882, Masterson opened up a gambling concession in Trinidad.⁴⁸ In the spring of the same year while he was in Denver he ran across his old Dodge City enemy "Doc" Holliday, who had fled to Colorado from Arizona seeking to escape a murder rap. "Bat" by talking to the Governor of Colorado succeeded in persuading the latter to refuse to honor the extradition papers that had been filed against Holliday. "Bat" did this gesture more out of his fondness for Wyatt Earp, who was a good friend of Holliday, than for his love for the frontier killer. Masterson had never liked the man because of the latter's reputation as a killer and because of his inhospitable manner.⁴⁹

⁴⁷Wright, op. cit., p. 173; Thompson, op. cit., p. 38.

⁴⁸Thompson, op. cit., p. 39.

⁴⁹William Barclay Masterson, "Doc Holliday," Human Life (November, 1907), p. 6.

Dodge's former sheriff returned again to the city in June of 1883 at the request of his old friend, Luke Short, who ran a combination saloon and gambling establishment in Dodge. Mayor Webster had issued orders denying women free access to saloons. The mayor, operating a saloon of his own, imported a piano for it in order that he might outdo his competitors, Short and Harris. Luke Short was handy with a gun. He secured a piano and hired two girls to sing and play. Webster, seeing the crowds that inhabited the rival saloon, ordered the police to arrest the two girls. Short figuring he was being mistreated wired "Bat" and asked him to put the grievance before the Governor of Kansas.⁵⁰

What resulted was the famous "Dodge City Peace Commission." The commission, organized by the Adjutant General of Kansas, included "Bat," Wyatt, and a host of gunfighters and desperadoes of earlier days. In the presence of such formidable

⁵⁰Horan, op. cit., p. 107; Thompson, op. cit., p. 42, says that the dispute arose as the result of the mayor issuing a no gambling ordinance and enforcing it only on Short. Thompson bases his claim on the Ford County Globe, June 5, 1883. Earp's version is used in the text because it would seem that he was in the best position to know the real facts. San Francisco Examiner, August 16, 1896.

company the trouble was readily straightened out and Short was soon doing a prosperous business once more.⁵¹

For the next two years "Bat" was in and out of Dodge. During this time he became associated with two diversions which would in future years stand him in good stead. In the latter part of 1884 he became the editor and proprietor of a daily paper called the Vox Populi in Dodge. Though the Trinidad News commented that he possessed "real journalistic ability," the paper failed to survive the first edition.⁵² In August of 1885 the old sheriff referred a prize fight in Denver. The Denver News called him a "ready umpire."⁵³ The gunfighting days for William Barclay Masterson were over. The time had come to take up some profession that would give him a source of stability in his last years.

With the exception of a final visit to Dodge City in 1886 in which he joined a temperance group and staged a "general clean-up of Dodge, closing the saloons and ridding the town

⁵¹ San Francisco Examiner, August 16, 1896; Thompson, op. cit., pp. 42-43, citing the Ford County Globe, June 5, 1883.

⁵² Ford County Globe, November 18, 1884, cited in Thompson, op. cit., p. 45.

⁵³ Ford County Globe, August 11, 1885, cited in Thompson, op. cit., p. 45.

of gamblers." "Bat" Masterson spent the next fifteen years in Denver.⁵⁴ Here he leased a gambling house called the Palace Theatre.⁵⁵ In between caring for his business and serving as a referee in many of Denver's prize fights, Masterson managed to court a young burlesque show girl named Emma Waters. They were married in 1891.⁵⁶

In 1902 the Mastersons moved to New York City. Shortly Teddy Roosevelt appointed "Bat" United States Deputy Marshal for the southern district of New York. After seven years of active service, he resigned this post. In 1903 Masterson was hired as a special writer on sporting and general topics for the New York Morning Telegraph. He later became its sports editor and the secretary of the Lewis Publishing Company. It was at his desk on October 26, 1921, while writing his column that he died of a heart attack.⁵⁷ One of the last of the West's frontier law officers had put away his guns for all time and had died the way any true westerner would have wanted it, with his boots on.

⁵⁴ Stanley Vestal, Queen of Cowtowns Dodge City (New York, Harper and Brothers, 1952), p. 42.

⁵⁵ The New York Morning Telegraph, October 26, 1921.

⁵⁶ The New York Morning Telegraph, October 26, 1921.

⁵⁷ The New York Morning Telegraph, October 26, 1921.

"Bat" Masterson, like many of his confreres on the Western scene has left behind him a legend. It could not be otherwise. The lawless environment, and the conditions that prevailed in the cattle towns were conducive to the fostering of the unreal. With "Bat" Masterson, as with Wyatt Earp, Henry McCarty, and John Henry Holliday, the legend was fed and nurtured by a fellow admirer or admirers. On his death in 1921 the New York Tribune had this comment: "The two men who helped to shape his career Bat's- after he left the frontier were Theodore Roosevelt and Alfred Henry Lewis, the author of Western short stories, who made Mr. Masterson the hero of many a yarn."⁵⁸

It is to Mr. Lewis that "Bat" is in debt for his becoming a frontier paragon. The author published a series of stories on the old West in which Masterson was the main character. These stories were later put into a book entitled The Sunset Trail.⁵⁹ Lewis, like Stuart N. Lake in his treatment of Wyatt Earp, saw Masterson as the law officer who could do no wrong. He has him shooting many more men than he ever did, handling melodramatic events with apparent nonchalantness, and above all, evidencing the character of a western superman.

⁵⁸ New York Tribune, October 26, 1921.

⁵⁹ Lewis, op. cit., passim.

Considering that "Bat" and his biographer were close friends, it seems somewhat peculiar that Lewis would lose his sense of perspective in handling his subject.

Masterson's career was colorful enough in the real sense to afford any reader some exciting moments without relying on excess romanticism and distortion. This fault cannot be attributed alone to Mr. Lewis, for many of the western biographers have fallen into the same snare.⁶⁰ It may be added that Mr. Masterson, himself, did nothing throughout his later career to discredit such stories.

As stated previously in the case of Billy the Kid, the western manner of dubbing a man with a nickname also added to the Masterson legend. George Bolds, who met him in Dodge when the former was just a youngster, said "I've always believed that William Barclay "Bat" Masterson's picturesque nickname had a great deal to do with his winning the public's fancy."⁶¹

Despite the fact that Masterson underwent the hero treatment at the hands of his biographer and that he was endowed with a colorful nickname, the man, himself, is

⁶⁰See particularly Lake, op. cit., 1-392; Walter Noble Burns, The Saga of Billy the Kid (Garden City, N.Y.: Doubleday, Page and Co., 1926) 1-322.

⁶¹Horan, op. cit., p. 54.

hardly recognized today as a legend--in sharp contrast to Wyatt Earp and Billy the Kid. What can be stated as the reason or reasons for this? "Bat" Masterson certainly qualified in regard to his colorful career. What then has held this man out of the legendary hall of fame?

In answering this question several phases of the man must be taken into consideration. In classifying the many frontiersmen of the 1870's and 1880's into categories, a place is always given to William Barclay Masterson in the peace officer file. Billy the Kid is classified as the frontier killer, as is John Henry Holliday. Wyatt Earp fluctuates between the two categories, depending on the particular interpreter. These are brought out to emphasize one point. The latter three men have all been associated with categories involving a considerable amount of controversy and romanticism. Furthermore, though Masterson's deeds in the old west were certainly not occurrences that would fall to the average man; nevertheless, they were not fantastic enough to qualify him as a western Paul Bunyon.

The number of men that the frontier peace officer or the western badman were reputed to have killed also added to their legend. In the case of "Bat" Masterson the number of killings at the expense of his guns total no more than three. The shooting of Sergeant King was clearly done in

in the act of self-defense. As to the Walker and Wagner killings, Masterson can be considered no more than an accessory to their deaths. This is pointed out to bring to light the thesis that "Bat" Masterson did not possess the necessary notoriety to make him a legend in the sense of Earp and McCarty.

Perhaps the greatest reason for denying him a place in the legendary western sun lies in the qualities of the man himself. Eddie Foy captured a glimpse of this when he said that "some liked me because I made them laugh and forget for a few moments the strain and ugliness of their lives. A few, like Bat Masterson, came near, I think, to knowing me as I really was."⁶² Foy wasn't the only one who saw Masterson as an understanding and true friend. Wyatt Earp expressed his views on the subject by declaring that "to me he will always be 'Bat' Masterson, the quick fighter, the square gambler, the staunch friend and the generous foe--the fastest of my frontier friends."⁶³

⁶² Foy and Harlow, op. cit., p. 160.

⁶³ San Francisco Examiner, August 16, 1896.

Every frontiersman who has written his memoirs and who knew "Bat" has nothing but the most glowing remarks to make about him. A case in point is Bob Wright, the former owner of Wright's Mercantile Store in Dodge and one of the town's leading citizens in the frontier days. "He," Wright declared in talking of Masterson, "has much natural ability and good hard common sense, and, if he had got started right, Bat, today, would have been occupying a seat in the United States Senate instead of being a reporter for a newspaper. There is nothing low-down about him. He is high-toned and broad-minded, cool and brave."⁶⁴

One needs only to ponder the testimonies of some of his more prominent associates to understand that he was well liked and respected. The obituaries concerning him offer examples of his character and friendship. Damon Runyon of the New York American wrote: "It is the loss to the Western country of one of its most splendid characters and to the nation of one of those fine, fearless men that can be illy spared....He was a magnificent man. We shall never see his like again."⁶⁵ The Brooklyn Eagle called

⁶⁴ Wright, op. cit., p. 300.

⁶⁵ The New York Morning Telegraph, October 26, 1921.

him the "1000% American."⁶⁶ The Morning Telegraph for which he worked as a sporting editor said that "he was blessed with ample courage and an ability to back it up that made him instantly a favorite character when he made his appearance in the effete East, eighteen years ago. He was never given to talking much of his exploits."⁶⁷

The aforementioned comments on Mr. Masterson are highly in favor of his exploits and of his character. The fact that they were written by competent and respected men and journals would seem to give them an additional strength. The purpose of this work is to show the whole man, his good and bad qualities and his legendary character. In the case of William Barclay Masterson the true picture seems to be most favorable. Aside from his controversies with "Doc" Holliday and the political criticism to which he suffered in his running for office in Dodge no record has yet been turned up portraying the man unfavorably.⁶⁸ As for the political criticism, it is interesting to note that the Ford County Globe, which supported the opposition

⁶⁶ The New York Morning Telegraph, October 26, 1921.

⁶⁷ The New York Morning Telegraph, October 26, 1921.

⁶⁸ Thompson, op. cit., passim.

party and which was the organ through which much of the mudslinging on Masterson was done, later had this to say of him: "Bat Masterson has his failings like other people, but he is a gentleman and does not sail under false colors."⁶⁹

William Barclay Masterson was an efficient frontier peace officer. He was endowed with a sense of humor and a wonderful faculty for making friends and keeping them. The blight on his career, if it can be considered such, is the fact that he played an active part in the West when it was just beginning to grow up and show its spurs. As Mr. Wright has suggested, "Bat" Masterson might have done great things had he not chosen to associate himself with the old West.

⁶⁹Ibid., p. 45 citing the Ford County Globe, February 17, 1885.

CONCLUSION

The four men considered in this study had several traits in common. Each was proficient with a gun. Indeed, a large part of their reputation was achieved because of this skill. Each man was responsible for the killing of his fellow man, in the cases of Holliday and Billy the Kid the deaths can be measured in two digits. Those men were all associated with the West most prominently during their early twenties and thirties. They can be considered, therefore, products of the times and somewhat typical of the period. Earp and Masterson, for the most part, represented the frontier peace officers, who were a necessary part of each lawless and turbulent town. Holliday and McCarty were western badmen that penetrated each town on the frontier. Finally, these men transcended the period and have become heroes and legends to latter-day Americans.

Henry McCarty or Billy the Kid, was a youth who, through a poor background, as far as it can be seen, some unlucky circumstances and an unhealthy environment became a killer of at least nine men. His activities centered largely in New Mexico, particularly Lincoln County. The "Kid" has never been portrayed as all bad but rather as a boy with likeable ways, leadership qualities, and a loyalty of sorts. His good qualities seem to have overshadowed his bad ones after his death as witnessed by the defense of his patrons whenever someone attempts to write his true story. His contribution to American history seems to lie in his legend rather than in his actual deeds. The American people have adopted this badman as the real darling of the Southwest.

Wyatt Earp was a frontier peace officer who seemed never contented with living an exciting life but sought to exploit himself as the only real frontier lawman. Like Holliday, he was most closely associated with Dodge City and Tombstone. It is in the latter city that Wyatt Earp is most prominently known because of the violence that centered there during the time of his position as a law enforcement officer. Since his

biography was published in 1931, he has become the most controversial of all frontier figures. Despite the tendency of his biographer and him, himself, to make him seem taller than he actually was, Wyatt Earp can be considered as playing a necessary role in the development of the last frontier. Men like Earp and Masterson were essential to obtaining a semblance of law and order in the cattle and mining towns.

John Henry Holliday was a tubercular youth who was born of fairly well to do parents in the South. His life seems to have been determined by his physical condition and an altogether disagreeable personality. He early went west to escape the stigma of murder. He was most closely associated with Dodge City and Tombstone in their heyday. His killings have never been accurately determined but it seems certain they total two digits. He is seen by all writers as a totally bad man and aside from his courage and loyalty to Wyatt Earp, little favorable can be said for him. He is one of the best examples to be cited for the real western badman and such a career as he had served as one of the main reasons why this period has undergone so much unfavorable criticism.

William Barclay Masterson was a farm boy who was excited by the new country to the west and decided to see it for himself. He became one of the frontier's best known peace officers and his duties were largely centered in and around Dodge City. He was known for his sense of humor and was considered a real man and true friend by practically all who knew him. He was above the station of most gunfighters when he early in life he married and west to New York to settle down. Prior to his death he was a successful sporting editor for a New York paper. He reflects the idea of the better peace officer of the Old West and little if any stains have been attributed to him. He seems to have justified his position and kept in a higher plane than most lawmen of the plains. No more than three deaths can be attributed to him and each one has been seen as justifiable.

These four men rode west in the early seventies and established a reputation as gunfighters. Their stories will be told and retold as long as the American people maintain their fascination for the romanticism of the Old West. It is hoped through this study that a clearer and more precise picture of the men whom Americans continue to worship has emerged.

BIBLIOGRAPHY

A. PRIMARY SOURCES

1. Books

- Adams, Andy. The Log of a Cowboy. N.Y.: Houghton Company, 1931.
One of the standard sources of the cowboy's life; chapter on Dodge City; interesting anecdote on Masterson.
- Breckenridge, William H. Helldorado. N.Y.: Houghton Mifflin Company, 1928.
Takes position of the "cowboy" element in Tombstone and tends to play down the Earp side of the story.
- Coe, George W. Frontier Fighter. N.Y.: Houghton Mifflin Company, 1934.
Author rode and fought with Billy the Kid during the Lincoln County War; intimate glimpse of the New Mexican badman that is original and seemingly true.
- Dixon, Olive K. The Life of Billy Dixon. Dallas: The Southwest Press, 1927.
Important for its account of the affair at Adobe Walls; contains words of praise for the Bat Masterson who hunted with Billy Dixon.
- Foy, Eddie and Harlow, Alvin F. Clowning Through Life. N.Y.: E.P. Dutton and Company, 1928.
Standard book on Dodge City and some of its most distinguished gunfighters; intimate and admirable portrayal of Masterson.
- Garrett, Pat F. Pat F. Garrett's Authentic Life of Billy The Kid. Edited by Maurice Garland Fulton. N.Y.: The Macmillan Company, 1927.
Reprint of the 1882 edition by Garrett; contains Garrett's story of the Kid's life but more important is the editing and important comments of Fulton who was an outstanding authority on the Lincoln County War and Billy the Kid; sympathetic account of the boy's life.

- _____. The Authentic Life of Billy The Kid.
 Norman: University of Oklahoma Press, 1954.
 Reprint of original 1882 edition; edited by J. C. Dykes who compiled a bibliography on the Kid; written by Garrett and a newspaperman named Ash Upson; barely portion of book can be considered little more than a romantic narrative; in the late 1870's; standard source for all writers on the Kid's life.
- Horan, James D. Across the Cimarron. New York: Crown Publishers, Inc., 1956.
 Life of one of Dodge City's early frontiersmen as told to author; chapter on Masterson which points up several new sidelights on his career.
- Lake, Stuart N. Wyatt Earp, Frontier Marshal. N.Y.: Houghton Mifflin Company, 1931.
 Must remain as one of the standard works on the Old West despite its flagrant errors and bold misrepresentations; author spent over with his subject in compiling the material.
- Martin, Douglas D. Tombstone's Epitaph. Albuquerque: The University of New Mexico Press, 1951.
 Makes use of the old Tombstone Epitaph which until a few years ago had thought destroyed by fire; direct quotes from the paper and tied together by other materials on Tombstone: justifies action of the Earps and Doc Holliday and is important contribution to an interpretation of their lives.
- McCoy, Joseph G. Historic Sketches of The Cattle Trade of the West and Southwest. Glendale: Arthur H. Clark Company, 1940.
 Author responsible for the first cattle town being set up in Abilene; chapters on the cattle town and on the cowboy are major sources in this field.
- Otero, Miguel Antonio. My Life on the Frontier 1864-1882.
 Vol. 1. N.Y.: The Press of the Pioneers, 1935.
 Author was former governor of New Mexico and claims to have known most of the frontier heroes; favorable towards Holliday but paints McCarty as a deadly and treacherous killer.

Parsons, George Whitwell. The Private Journal of George Whitwell Parsons. Phoenix: Arizona Statewide Archival and Records Project, 1939.

Diary of early years of Tombstone; favorable to Earps and thinks they are justified in all the killings in which they participated; intimate glimpses of town life and politics.

Poe, John W. The Death of Billy the Kid. N.Y.: Houghton Mifflin Company, 1933.

Step by step account of the last days of the outlaw's life; narrative agrees for the most part with that of Garrett.

Siringo, Charles A. A Lone Star Cowboy. Cleveland: The Arthur H. Clark Co., 1919.

A Texas Cowboy--or Fifteen Years on the Hurricane Deck of a Spanish Pony. N.Y.: The New American Library, 1950.

Author claims to have met the Kid in 1878 and to have become intimately acquainted with him; story is essentially that of Garrett and Poe.

Sutton, Fred E. and McDonald, A. B. Hands Up. Indianapolis: The Bobbs Merrill Co., 1927.

Highly flavored account of the early days in and around Kansas; good deal of material on the gun-fighters of the period.

Tilghman, Zoe A. Marshal of the Last Frontier. Glendale: The Arthur H. Clark Company, 1949.

Author writes of her husband's life as a peace officer in the days of Earp and Masterson; gives Tilghman much of the credit that had been formerly attributed to Earp.

Wallace, Lew. Lew Wallace, An Autobiography. Vol. 11. New York: Harper and Brothers, Pub., 1906.

Wright, Robert M. Dodge City, The Cowboy Capital. Wichita: Wichita Eagle Press, 1913.

Best account of Dodge City's early days as written by one of its first citizens; favorable to Masterson and Holliday; regards Earp as practically a nonentity, even to the point of spelling his name Erb; many opinions of the town as seen by other writers and newspapers.

Young, Colonel Harry. Hard Knocks. Chicago: Laird and Lee, Inc., Publishers, 1915.

2. Newspapers

Dallas Weekly Herald, January 2, 1875.

Denver Republican, May 17, 1882.

Dodge City Times, October 14, 1876-December 28, 1882.

London Times, August 18, 1881.

Los Angeles Times, January 14, 1929.

New York World, June 8, 1902.

San Francisco Examiner, August 2, 9, 16, 1896; December 3, 4, 5, 1896; January 14, 1929.

Sante Fe New Mexican, May 4, 1881.

The Morning Telegraph (N.Y.), October 26 and 27, 1921.

Tucson Citizen, January 31, 1931.

Vegas Gazette (N.M.), December 28, 1880.

3. Periodicals

Brininstool, E. A., "Billy the Kid," The Wide World, (December, 1919), 97-104.

Author gets his story from John W. Poe; more compact account of Poe's later book on Billy the Kid.

Clum, John P. "It All Happened in Tombstone," Arizona Historical Review, Vol. 2 (October, 1929), 46-72.

Author as mayor and editor of the Epitaph in Tombstone at the time of the Earp's feud with the "cowboys" writes his view of the gunfight at O.K. Corral and its aftermath; substantially the same material as that found in Martin's book on the Epitaph.

Hough, Emerson. "Traveling the Old Trails," Saturday Evening Post, (October 4, 1919), 22-23; 133-144.

Pioneers interpretation of the Old West; comment on the factors behind the ruthlessness of the West; stresses popularity of the bad man; information on Billy the Kid from Garrett.

Hyde, Albert E. "The Reign of the Revolver in New Mexico," Century Magazine, LXIII (March, 1902), 690-701.

Author in Las Vegas at the time the "Kid" was brought there by Garrett after the latter had captured him at Stinking Springs; good description of the outlaw and the town.

Jones, Charles E. "Letter From Charley," Laugh Book Magazine, Vol. 12 (January, 1957), 1; 62-64.

Makes use of the Wichita city records which reveals that Earp was not quite the dynamic peace officer that he claimed to be.

Lake, Stuart N. "The Buffalo Hunters," Saturday Evening Post, (October 25, 1930), 12-13.

First of four articles on Wyatt Earp as he told it to the author; essentially the same material as later appears in Lake's book on Earp; revealing account of the life of the buffalo hunter.

_____. "Guns and Gunfighters," Saturday Evening Post (November 1, 1930), 14-15.

Fine study of the techniques of the western gunfighters.

_____. "Tales of the Kansas Cow Towns," Saturday Evening Post, (November 8, 1930), 18-19.

Highly fictional account of Earp's career in Ellsworth.

_____. "The Frontier Marshal," Saturday Evening Post, (November 15, 1930), 16-17.

Highly fictional account of Earp's career as a peace officer in Wichita.

Lewis, Alfred Henry. "The King of the Gun-Players-- William Barclay Masterson," Human Life, (November, 1907), 9-10.

One of Masterson's closest friends gives a highly romantic account of his life; events are for the most part true but the way Masterson handles them are somewhat inaccurate.

Macdonald, A. B. "Fill Your Hand," Saturday Evening Post, (April 10, 1926), 14-15.

Author claims to have known Masterson intimately; narrative is highly colored but does give fairly accurate and important information on the times, dress, and characteristics of the gunfighter.

Masterson, W. B. "Famous Gun Fighters of the Western Frontier--Wyatt Earp," Human Life (April, 1907) 9-10.

One of a series of articles on the gunfighters of the West; author being one of Earp's best friends captures a real insight of the man; portrays Earp as a most capable peace officer.

_____. "Famous Gun Fighters of the Western Frontier--Doc Holliday," Human Life, (May, 1907), 5-6.

Material taken from the author's associations with Holliday; subject is portrayed as a killer who was afraid of no man; one of the few good sources on this frontier badman.

Rasch, Philip J. and Mullin, R. L. "New Light on the Legend of Billy the Kid," The New Mexico Folklore Record, VII (1952-53), 1-5.

Authors have uncovered for the first time the true identity of the "Kid"; article is concerned with the early life of the outlaw and quotes from several newspapers of the day.

B. SECONDARY SOURCES

1. Books.

Beebe, Lucius and Clogg, Charles. The Saga of Wells Fargo. N.Y.: E. P. Dutton and Co., Inc., 1949.

Billington, Ray Allen. Westward Expansion. New York: The Macmillan Company, 1949.

One of the outstanding books in the development of Western frontiers; well-organized and important chapters on the mining and cattle frontiers and the Indian.

Burns, Walter Noble. The Saga of Billy the Kid. Garden City: Doubleday, Page and Co., 1926.

Fictional account with major events taken from Garrett.

- _____. Tombstone, An Iliad of the Southwest. N.Y.: Doubleday and Co., Inc., 1927.
- Coolidge, Dane. Fighting Men of the West. N.Y.: E. P. Dutton and Co., 1932.
- Dell First Edition. Riders West. N.Y.: Dell Publishing Company, Inc., 1956.
Contains chapter on Wyatt Earp by one of his chief critics, W. M. Raine, points out the many fallacies in Lake's book on Earp and cites references to back up his allegations; tends to give Earp little credit for his actual deeds.
- Dykes, J. C. Billy the Kid: The Bibliography of a Legend. Albuquerque: The University of New Mexico Press, 1952.
Critical analysis of some 437 known pieces about the "Kid" including books, pamphlets, periodicals, and movies.
- Frantz, Joe E. and Choate, Julian Ernest Jr. The American Cowboy. Norman: University of Oklahoma Press, 1955.
New approach to the interpretation of the cowboy; evaluation in terms of his legend and his real self; criticism of past writers on the cowboy.
- Gard, Wayne. Frontier Justice. Norman: University of Oklahoma Press, 1949.
- Hendricks, George D. The Bad Men of the West. San Antonio: The Naylor Company, 1941.
Standard works on many of the West's most notorious badmen in order to uncover the characteristics and background of this unique individual; work suffers from incomplete research on each man; overall clear picture of the real outlaw and desperado.
- Hough, Emerson. The Story of the Outlaw. New York: Grosset and Dunlap, 1905.
- Hunt, Frazier. The Tragic Days of Billy the Kid. N.Y.: Hastings House Publishers, 1956.
Aided by the research and personal associations with Maurice G. Fulton; draws from Upson, Otero,

Garrett, Poe, Coe, interviews with many of the old-timers in Lincoln County, and available newspapers; McCarty portrayed as a most likeable youth, human and warm, and apart from the killer interpretation that most other historians have given him.

Lewis, Alfred Henry. The Sunset Trail. N.Y.: A. L. Burt Company, Publishers, 1905.

Fictional account of the life of Bat Masterson; events that transpire are for the most part true, but the subject is played up as a Western superman.

Lockwood, Frank C. Pioneer Days in Arizona. N.Y.: The Macmillan Company, 1932.

McClintock, James H. Arizona. Vol. II. Chicago: The S. J. Clarke Publishing Co., 1916.

Myers, John Myers. Doc Holliday. Boston: Little Brown and Co., 1955.

Most complete account of the life of Holliday ever written; suffers from author's willingness to accept practically every source on the outlaw as valid; draws largely from Lake, Earp, Masterson, and newspapers of the time.

Parsons, John E. The Peacemaker and Its Rivals. N.Y.: William Morrow and Company, 1950.

Haine, William MacLeod, and Brown, Will C. Cattle, Cowboys and Rangers. New York: Grosset and Dunlap, 1930.

Emphasis on the importance of cattle in the development of the great plains; gives the frontier marshal little credit for enforcing the law in the cattle towns.

_____. Famous Sheriffs and Western Outlaws. Garden City: Doubleday, Doran and Company, Inc., 1929.

Sandoz, Mari. The Buffalo Hunters. New York: Hastings House, Publishers, 1954.

Sonnichsen, Charles Leland. Alias Billy the Kid. Albuquerque: University of New Mexico Press, 1956.

Abetted by the research of one William Morrison who toured the southwest looking up records and talking to old-timers in order to prove the claim of his client,

Brushy Bill Roberts, that he was the real Billy the Kid; many new facts concerning the Kid came to light in this convincing and challenging narrative.

Streeter, Floyd Benjamin. Prairie Trails and Cow Towns. Boston: Chapman and Grimes, 1936.

Standard work on the cow town; research based on frontier newspapers and interviews with many old-timers; little mention of Earp and Masterson.

Thompson, George G. Bat Masterson; The Dodge City Years. Fort Hays: Kansas State Printing Plant, 1943.

Most thorough factual study ever done on Masterson; contains interviews with the peace officer's brother, Tom, and some of Dodge's early citizens; quotes extensively from The Dodge City Times and The Ford County Globe; fails to give more than a chronological history of Masterson's life.

Vestal, Stanley. Queen of Cowtowns Dodge City. New York: Harper and Brothers, 1952.

Makes use of all primary source materials of the period; author's interpretation is essentially in favor of the frontier peace officer.

Walters, Frank. The Colorado. N.Y.: Rinehart and Company, Incorporated, 1946.

Webb, Walter Prescott. The Great Plains. Boston: Ginn and Co., 1931.

Best known work in this field; too little to say of the individual frontier peace officers and badmen.

Wellman, Paul I. Death on the Prairies. N.Y.: Macmillan Co., 1934.

Wilson, Rufus Rockwell. Out of the West. N.Y.: Wilson-Erickson, Inc., 1936.

2. Newspapers

New York Times, October 26, 1921; January 14, 1929.

New York Tribune, October 26, 1921.

New York World, October 26, 1921.

Phoenix Herald, November 15, 1883.

3. Periodicals

Douglass, Ruby R. "Letter to the Editor," Saturday Review of Literature (November 8, 1952), 24.

Dunn, Frank A. "Celebrating a Holliday," Oral Hygiene, (September, 1933), 1338-1344.

Fishwick, Marshall. "Billy the Kid--The Making of a Legend," Saturday Review of Literature (October 11, 1952), 11-12; 34-36.

_____. "Letter to the Editor," Saturday Review of Literature, (November 29, 1952), 24.

Rister, C. C. "Outlaws and Vigilantes of the Southern Plains, 1865-1885," Mississippi Valley Historical Review, XIX (March, 1932), 537-541.

Scullin, George. "The Killer," Holiday (August, 1954), 69-73; 78.

Van Demark, Harry. "Looking-for-Trouble Holliday," The Texas Monthly, (January, 1929), 126-131.