

Some Notes on Kansas Cowtown Police Officers and Gun Fighters—Continued

NYLE H. MILLER AND JOSEPH W. SNELL

MATHER, DAVE

(1845-)

MYSTERIOUS Dave Mather was one of many colorful frontier characters who found themselves equally comfortable on either side of the line dividing lawlessness from order. Of course, there is a possibility that some of the early reports of Mysterious Dave, especially those which mentioned no last name, were not the Mather of Dodge City fame.

The first time the name "Mysterious Dave" appeared in the Dodge City newspapers was January 7, 1879, when the *Ford County Globe* reported that "Dutch Henry was at Trinidad in company with . . . Mysterious Dave and others. . . ." [This article, complete, was reprinted in the section on W. B. Masterson.] Was this Dave Mather or some other David?

On March 9, 1880, the *Globe*, copying from the Las Vegas (N. M.), *Optic*, said that James Allen, who had shot and killed one James Morehead in that New Mexican town, "was arrested by Officer Dave Mather, the writer accompanying him into the dining room, where Allen was found quietly preparing the tables for dinner." Was this the "Mysterious" Dave Mather?

A few weeks later, on April 27, 1880, the *Globe* mentioned that Mysterious Dave, along with Charley Bassett and two other prospectors, had left Dodge City "in search of 'greener fields and pastures new.'" The Dodge City *Times*, May 1, 1880, left no doubt that this was the Dodge City character, the subject of this sketch: "Chas E. Bassett, 'Mysterious Dave' Mather and two others left Saturday, in a wagon well equipped, for the Gunnison country."

On November 16, 1880, the *Globe* again copied an article from the Las Vegas *Optic*, this time about an escape from the city jail. The *Optic*, November 10, had ended its article with this statement: "The friends who assisted in the escape are the dreaded gang of

NYLE H. MILLER and JOSEPH W. SNELL are members of the staff of the Kansas State Historical Society.

NOTE: These articles on Kansas cowtown officers and gun fighters, with additional information and an index, are expected to be reprinted and offered for sale under one cover, upon completion of the series in the *Quarterly*.

© Nyle H. Miller and Joseph W. Snell, 1961.

'killers' who infested Las Vegas last winter and made times lively for newspaper reporters. Dave Rudabaugh, 'Mysterious Dave,' 'Little Allen,' Bennett and others . . . are known to be the most desperate men on the plains." The *Dodge City Times*, November 20, 1880, repeated the gist of the statement, adding, however, no last name for "Mysterious Dave."

A man with that appellation was in Texas in March, 1883. In a letter to Kansas Gov. G. W. Glick, a Texan had this question concerning Mysterious Dave:

MANCHACO TEXAS March 29 83

HIS EXCELLENCY GOVERNOR OF KANSAS

is there any reward offered by your State for a man is a desperado and gambler goes under the name of Mysterious Dave I have been told he is wanted in Kansas for Murder I do not know his real name but I can get him at any time please answer if he is wanted

address

J C MARTIN
Manchaco
Travis co
Texas

The letter and Governor Glick's answer are both on file in the archives of the Kansas State Historical Society:

April 2-nd, 1883.

J. C. MARTIN, Esq.,
Manchaco, Texas.

Dear Sir:

Your letter of March 25-th [sic], inquiring whether the Governor of the state of Kansas offered any reward for a murderer whom you call "Mysterious Dave," is at hand. I have no information upon that subject. If I could learn the name of the individual, something might be learned in relation to the matter.

I am sir,

Your obedient servant,
G. W. GLICK

The compilers of this sketch do not have sufficient information at hand to attempt to say whether all of these persons were the same Mysterious Dave. However, Mysterious Dave Mather of Dodge City notoriety was, according to the *Ford County Globe*, June 5, 1883, appointed assistant marshal of that Kansas cowtown about June 1, 1883. Dave's salary was \$75 per month but on July 6, 1883, the city council raised his pay to \$125. The marshal, Jack Bridges, received \$150 under the new pay scale. At the end of the cattle season both salaries were dropped to \$100.¹

The appointment of Mather to the police force did not meet

with universal approval. One disturbed Dodgeite wrote this letter to Gov. G. W. Glick:

June 30th 1883

To

GOVERNOR GLICK

From J. De Grass of Dodge City Kansas

Dr Sir I write to you for protection which is due every Citizen of the U. S. I applied to the Justice here for a warrant to arrest a man and also called on an Officer for Assistance and he Cooly told me he would put me in the Lock up if I spoke of the Affair again. I was assaulted and abused on the Public Streets because I was not a Blackleg and gambler by the Officer and one of his Subordinate's They are running this town and a Decent Family Cannot be Tolerated by them or their Minions the aforesaid officer was taken from a Cold Deck Table and made Assistant Marshal inside of a few hours and no question's asked. I am a Stranger here only been here 6 week's but came to Settle and try to gain an Honest living for my Wife and Children I have been threatened and my Liberty has been Intimidated by a man who should give us their assistance and the other man has been held up to the public as a hero because he has the reputation of being a bad man and he has done his Man as they term it here the Town is being run by such a Class and the State of Kansas or anyone does not say Boo. I sincerely trust that you will give me your assistance or at least take some Steps to allow me to protect myself if only my Life as he has already Killed one Man in Cold Blood and got out of it and I am in danger of my Life here hoping to hear from you I Remain Your

Obedient Sevt,

JAMES DE GRASS
Dodge City
Kans.

P. S. the man that Struck me had a gun in his pocket at the time and I was not armed as I never carry Arms. he is around the Town now and I am sick in Bed with the Doctor's attending me.²

Assistant Marshal Mather's first newspaper appearance by office and name—though misspelled—added no lustre to his career. The role he played was of a minor nature. The *Ford County Globe*, September 25, 1883, reported:

THE CITY vs. JOHN SHERIDAN.

About a week ago our city attorney filed a complaint against John Sheridan, charging him with vagrancy, which came before Police Judge Bobby Burns. The case was called and considerable evidence was offered to show that John Sheridan had visible means of support, and that he had employment at the very time he was charged with vagrancy. It was also in evidence that Sheridan had been a gambler and had paid his monthly tax for that privilege; that on or before the first day of September he notified the city marshal that after the first of said month he would no longer follow the profession of gambling and hence could not be called on to pay a tax to the city, as he had found other employment. He was legitimately employed by Spencer & Drew to take charge of a certain shipment of cattle from here to Kansas City; he made one trip and returned to Dodge and arranged for another trip.

While he was waiting for the time to roll around for this second shipment of stock, he was arrested and brought before the city extortion mill and fined ten dollars and costs, amounting to \$25.60. He refused to pay the fine and costs and was jailed,—placed in the county jail and locked up in a cell with a darkey; finding that the only relief he could get would be to pay the fine and costs, he did so and was released. In connection with the above facts we desire to say that the only evidence against this man was assistant marshal Dave Mathews, who testified that he was "loitering about saloons and had no employment or means of support so far as he knew," or against positive evidence, not only of ready means at his command for his support, but that he was actually employed in a legitimate avocation of life, and in no sense a vagrant, as charged. But the court held that he was a vagrant and that he must shell out or go to jail. This is reform with a vengeance. If a gambler gives notice that his game is closed, and that his employment is to be changed, and it is actually done, what right has a court to declare a fellow mortal a vagrant, a tramp, or anything else they failed to prove him to be. What can be the motive of these exalted dispensers of justice?

In addition to being on the city police force, Mysterious Dave also served as a deputy under Sheriff Patrick F. Sughrue. It was in this capacity that Dave took a small posse to Coolidge on September 29 in search of train robbers. The *Dodge City Times*, October 4, 1893, reported the incident:

TRAIN ROBBERS

ATTEMPT TO ROB THE CANNON BALL AT COOLIDGE.

ENGINEER JOHN HILTON KILLED—FIREMAN GEORGE FADEL BADLY WOUNDED.

Saturday morning Dodge was thrown into a high pitch of excitement by a report that a gang of roughs had attempted to rob the westward bound cannon ball at Coolidge that morning, and that engineer Hilton and fireman Fadel were killed.

It was soon learned that John Hilton was dead and his body at the Fireman's Hall, and George Fadel was at Coolidge badly wounded, and dying. A short time after he was reported dead, but we are glad to say that he is still alive and will undoubtedly recover.

The cannon ball in charge of conductor Greeley and engineer Hilton pulled into Coolidge shortly before one o'clock. After standing some ten minutes three masked men, heavily armed, appeared upon the platform, and while two of them attacked the express car one of them mounted the engine. One of them ordered Hilton to "pull out," and at the same instant sent a ball through his heart. The next instant he placed his pistol almost against George Fadel's face and fired, the ball going in the cheek and coming out of the neck. The express messenger, Peterson, promptly returned the fire into his car and repulsed the robber; several shots were then fired at the conductor, when the villains withdrew.

Dave Mather, of this city, was speedily notified to gather a posse and start in pursuit, which he did, leaving here about 4 o'clock a. m. on a special train. Another special from the west brought Sheriff Parsons and deputies from Bent county, Colo., into Coolidge about the same time. Acting in concert with Sheriff Parsons, Mather arrested two men during the day, Luny and Chambers, and the next morning Dean and Harry Donnelly were arrested at Garden City and brought down on the cannon ball, and lodged in jail.

Engineer Hilton's body reached the city on the train he ran from La Junta to Coolidge, and Fadel was taken to the hotel in Coolidge, where he remained until Tuesday, when he was brought to his brother's residence in this city. Upon his arrival here a *Times* representative obtained from him the following account of the shooting:

The train arrived at Coolidge on time and laid there some six or eight minutes, the time being occupied by Hilton and himself in oiling the engine, Hilton on the right and he on the left. This brought him next to the platform, and when nearly done his attention was drawn to a man standing on the platform by the side of the tender. This man had his hat pulled well down over his face, and as Fadel got on the cab he followed, Hilton being already up.

At this instant Hilton had his hand on the lever about to start, in response to the signal already given by Conductor Greeley. The stranger had a pistol now in each hand, and pointing one at Hilton ordered him to "pull out," at the same moment firing, and Hilton fell, reeling backwards and falling in the gangway. Almost simultaneously he fired from the other revolver at Fadel, who fell by the side of Hilton. He lay for a few moments insensible, and then regaining consciousness attempted to revive poor Hilton, who was dead, having been shot through the heart, the ball going in the shoulder and coming out the side. Fadel was shot in the cheek, the ball passing by the base of the ear and out the back of the head.

Of the four prisoners now in jail it is thought that at least two were implicated in the shooting, and the others were present to aid. But of course no investigation can be had until Fadel has recovered sufficiently to take the stand, as he thinks he can positively identify the man who did the shooting.³

The four suspected train robbers were tried and freed in short order. Notice of their trial and dismissal appeared in the *Ford County Globe*, October 9, 1883:

THE COOLIDGE TRAIN ROBBERIES.

Judge Cook's court was in session each day since last Monday, before whom were arraigned four parties brought here charged with complicity in the attempted train robbery at Coolidge a week ago Friday night. The names of the individuals are Mack Dean, Harry Doneley, Lon Chambers and Jim Looney. County Attorney J. T. Whitelaw prosecuting, and H. E. Gryden defending three of the prisoners, and E. D. Swan the other. The case has been continued from day to day and but little evidence has been developed up to Saturday as to who the real parties were in this drama. The cases were again called yesterday and dismissed for want of evidence.

About the middle of November, 1883, Mather journeyed to Texas after William Byrd, an accused cattle thief out on bond who had failed to appear when summoned before court. Byrd's Dodge City bondsmen sent Mysterious Dave after him, but, if the *Ford County Globe*, November 20, 1883, were correct, Dave was not too anxious to capture his man:

WILL THE "BYRD" RETURN?

Just now a great effort is being put forth by the bondsmen of Wm. M. Byrd, charged with cattle stealing, to have him returned and again incarcerated

in our jail in order that he may be here when the next term of court convenes, in February next, as it is feared he may again fail to put in an appearance when his case is called for trial the second time. If this question is to be left with Byrd himself, we do not hesitate in saying as we did before, "he will not be here." But as an officer has been dispatched for him, armed with a requisition from the Governor of this State to the Governor of Texas, it is generally supposed that he will be brought back,—that is he might have been had the officer that was sent for him kept himself and business out of print. But as soon as he arrived at Kansas City an associated press dispatch is made up for the Kansas City Times,—it being the only paper that published it—purporting to have been sent from Austin, Texas, and to the effect that Dave Mathews, of Dodge City, had arrived in that city with a requisition on the Governor of that state for the arrest of Wm. M. Byrd, a notorious cattle thief, and that he had his man, etc. The peculiarity of this special to the Times is that Mathews was in Kansas City on the very day when the supposed special came from Austin.

Why this was done is not known to us. It certainly would not have been done by an ordinarily cautious and prudent officer before he had his man secure, as it might give him the very information he would not care to have him receive, to-wit: That an officer was after him, and thus give him another chance for his freedom. On the other hand if the officer wanted to impart such information, this was an excellent method to resort to. The question is daily asked us "will Mathews get his man?" Not under such broad-gauged tracks that he is making in his questionable efforts in endeavoring to secure him. We haven't the slightest hesitancy in saying that we don't believe that Wm. M. Byrd will ever come back, and more particularly with Dave Mathews; so Byrd's bondsmen must content themselves with Mathews' return.

On November 27, 1883, *The Globe* was able to confirm its own prediction: "Dave Mathews returned home yesterday from his trip to Texas, but minus the 'Byrd,' who is still in the bush. We said HE WOULD return without him, and so he did."⁴

Byrd did not escape completely, however, for in June, 1884, Sheriff Pat Sughrue "found his man" at Fort Worth and returned him to Dodge for trial.⁵

A more favorable report of Mysterious Dave's activities appeared in the *Dodge City Times*, December 27, 1883:

Patsey Barrett, the boy enticed from his home in Topeka, by Crider, alias Hull, was returned to his brother, who furnished transportation for the boy. Assistant Marshal Dave Mather is entitled to a good deal of credit for the feeling and interest shown in this case, and his exhibition of humanity will certainly weigh considerably in his favor.

On January 5, 1884, the *Dodge City Democrat* reported that Mysterious Dave had thwarted a break from the county jail:

Chas. Ellsworth, the accomplished young horsethief and jail breaker, was on Thursday morning discovered by deputy sheriff Mathers in possession of a vial of aqua fortis and a small saw. Dave, prying his detective nose further

into the matter, discovered that the vial of strong-water was purchased by a female resident of the court house from Gallagher's drug store. Dave will probably reconstruct matters about the bastille?

In February Dave ran for constable of Dodge township. The election was held on February 5 and he was defeated by Nelson Cary and O. D. Wilson, thus placing third in the field of five.⁶

Dodge City's annual municipal election was held April 7, 1884, and George M. Hoover was elected mayor over George S. Emerson by a large majority. The new city council met in special session on April 10 and approved Mayor Hoover's appointments to the police force. William M. Tilghman replaced Jack Bridges as city marshal and Thomas C. Nixon assumed Mysterious Dave's post as assistant. No policemen were appointed.⁷

Dave still held his deputy sheriff's appointment, however, for on June 4 "A man named Frank Denson stole a mule from S. O. Aubery, in this city on Wednesday, and took it to Lakin and sold it. Deputies Mike Sughrue and Dave Mather captured the thief at Cimarron. Judge Cook held him in \$1,000 for trial, and he is now in jail." On June 28, 1884, the Dodge City *Democrat* stated further that Dave, as deputy sheriff, had accompanied three other officers who were taking prisoners to the state penitentiary.⁸

On the night of July 18, 1884, the new assistant marshal took a pot shot at the old assistant marshal. The *Democrat* reported the incident on July 19:

ANOTHER SHOOTING.

About 9 o'clock last night the city was thrown into considerable excitement by the report that Deputy Marshal Thos. Nixon had shot ex-Marshal Dave Mather. Investigation showed that Nixon had fired one shot from his six-shooter at Mather from the foot of the Opera House stairs, Mather at the time standing at the head of the stairs. The bullet went wild, and struck in the woodwork of the porch. Mather's face was considerably powder burned, and the little finger of his left hand was injured by a splinter. The shooting was the result of an old feud, and as both men tell different stories about the shooting, and there were no witnesses, it is impossible to state who provoked the quarrel. Sheriff Sughrue promptly disarmed Nixon and he was taken to jail. Mather claims to have been unarmed, while Nixon claims Dave reached for his gun before he attempted to draw his own. Mather says he will make no complaint, but from all appearances the end is not yet.

Nixon gave bonds before Judge Cook in the sum of \$800 for his appearance at the next term of court. The charge is assault with intent to kill.

Three days later Nixon was dead, shot by Mysterious Dave. The *Globe Live Stock Journal*, July 22, 1884, reported the homicide:

THE MURDER.

ASS'T. MARSHAL THOMAS NIXON KILLED BY DAVE MATHERS.

At about 10 o'clock last evening, while assistant Marshal Thos. Nixon was on duty at the corner of Front street and First Avenue, Mysterious Dave, (Dave Mather), who keeps a saloon in the Opera House, came down stairs and deliberately shot him through.

The facts as near as we could learn are as follows: Mathers came down the stairs from his saloon and on his arrival at the foot he called to Nixon who was standing at the corner, and as Nixon turned around Mather commenced shooting at him, firing four shots, two of them striking him in the right side, one in the left side and one passed through the left nipple, killing him instantly.

Mather was immediately disarmed and lodged in jail. A cow boy, whose name we could not learn, was hit in the leg and severely wounded by a ball that had passed through Nixon's body.

Thomas Nixon was one of the oldest citizens of our city, coming here years ago to hunt the buffalo. He was made assistant marshal at the election last spring and has been an officer in our city off and on for several years, being once city marshal. He was well liked by all who knew him and a vast number of friends will miss Tom from his accustomed beat on front street. He leaves a wife and two children to mourn the loss of a loving husband and kind father.

Of Dave Mather we have but little to say. He is known at Las Vegas and wherever he has been as a dangerous man to have a quarrel with. He was once assistant marshal in this city, up to last spring when Tom Nixon took his place. While constable at Las Vegas, he killed several men, and killed his man while in a quarrel at Mobeetie, some time ago. After he had killed Nixon he said "I ought to have killed him six months ago," and as they had not been on good terms for a long time it is supposed that it was the result of an old feud.⁹

The preliminary examination of Mather was held July 31, the *Globe Live Stock Journal*, August 5, 1884, reported:

THE MATHER MURDER CASE.

The case of the State of Kansas vs. Dave Mather, who shot and killed Assistant Marshal Tom Nixon in this city on the night of July 21st, on preliminary examination was called up before Justice [W. H.] LyBrand. County [city] attorney H. E. Cryden prosecuted and Messrs. [T. S.] Haun, [E. D.] Swan and [M. W.] Sutton appeared for the defense. Considerable sparring and cross-firing was indulged in by the attorneys present on sundry motions, such as the separation of witnesses on the part of the state, which of course was all proper enough, but when it came to a similar treatment of witnesses for the defense the attorneys for the prosecution were astonished to find that there were no witnesses docketed for the defense and it was further claimed that possibly they would have none, yet desired to reserve the right to call a dozen or more should they need them. The court decided the question by ordering the witnesses for the state to be called and sworn, after which they were to be separated; the defense was not compelled to present their witnesses at this stage of the proceeding.

Just before the evidence on the part of the state was introduced county attorney [J. T.] Whitelaw was upon his feet and appealed to the court that all newspaper reporters be excluded from the room. He was afraid to have the testimony go abroad for the flimsy pretext that the reading of the same would so bias and prejudice the minds of the people of the county against the defendant, Mather, that it would be impossible to get an impartial jury in the county on the final trial of the case; that unless they would promise not to report the evidence he would move their expulsion from the court room. This was certainly an unwarranted as well as unheard of procedure on the part of the high functionary who claims to be the prosecuting attorney.

But he was met by the only representative of the press present, and by one that had seen this gag rule enforced by border ruffians during the early period of Kansas history, when Missourians made our laws as well as our law officers, the same being the Hon. John Speer, who at present is managing the Cow-boy, and to whom we are indebted for the full and complete testimony. He informed the court that it was a simple duty he owed to his employer, Col. [S. S.] Prouty and the readers of the Cow-boy that caused him to be there, and no selfish desire of his own. He knew not what other representatives of the press might be there and within the hearing of his voice, who perhaps desired the same facts that he himself was seeking. The *GLOBE*, he said, had made a promise that it would have a full and complete report of the proceedings, and as present manager of the Cow-boy, he did not propose to be outwitted in this matter. The court promptly sat down on Mr. County Attorney by allowing the reporters to retain their seats. (Applause in the gallery.)

The following witnesses were sworn: Dr. [C. A.] Milton, Fred Boyd, Bud Gehins, H. V. Cook, Andrew Faulkner, and Archie Franklin.

Dr. Milton was the first witness called. He stated, in reply to interrogatories, that he practiced about two and a half years in Ford County, and was a graduate of Rush Medical College, Chicago. He had examined the body of Mr. Nixon. He found seven wounds and one ball under the skin, which showed four shots in the body. The examination was not thorough enough to make a definite statement. Some things he could state positively and others only to the best of his knowledge.

I found a ball lodged in the skin of the body under upper portion of right arm. Probably all fatal—three certainly; the one which came out near the nipple must have passed through the heart and been instantly fatal. He did not anticipate answering minutely as a witness or he should have made a post mortem. Made examination about ten o'clock of next day after he was shot, July 22d.

Mr. Boyd sworn:

On the night of the 22d he was in the opera house. I was there at the time of the shooting of Thomas Nixon. I did not see the deceased when he was shot. I saw his back. I was about 8 rods and 10 feet distant. When I first noticed him he was standing talking, and I heard his name called—Tom. I looked around. He was standing leaning against the east door looking in to the right—against the north door. He had his left hand on his hip—the right hand against the door. Here he described his position as looking into the door at the game. Immediately the report of a revolver followed. Nixon exclaimed "Oh! I am shot" or "Oh! I am killed." I think he said I am killed. He turned before the revolver was fired. There was nothing in either of his hands as I

could see. Nixon fell immediately on the first fire, and there were three shots in quick succession. He fell to the ground before the last three shots were fired. Tom Nixon neither drew nor attempted to draw any weapons. When he fell he was out of my sight. I did not see the party who fired at the time; but I did some time before.

Cross examined:

I was standing south of center of the gambling table towards the door at the time of the shooting. I had stood there five or ten minutes—perhaps not over five. Al Rudy was standing with me. We had just met as I heard the name "Tom" called. I came from the oil-house, there. I did not discover Nixon till his name was called. I can't say how long he stood there. I don't know where or from what direction he came there. The first call "Tom," Nixon did nothing—he was called twice—at the second call he turned around. Here he described his left hand behind his back—right hand elevated and elbow crooked. He turned to the right. On first shot he turned around outside of the door from where he was standing. It wasn't over a breath from when he turned around till I heard the second shot. I did not see his back then. As he turned around I just got a glimpse of his back, and then he was out of sight. Yes, I said the other three shots immediately followed the first. I did not see Nixon when he fell. He fell immediately after the first shot. I heard him fall. It was after first shot he said "I'm killed," when I heard that I moved ten or fifteen feet north toward the restaurant door, and remained 10 or 15 minutes. I swear positively I saw Tom at the door before any shot was fired.—I am positive I cannot be mistaken—I swear positively.

Andrew Faulkner sworn:

I was in Dodge City on the night of the 22d July. I was at the opera house, sitting outside of the saloon. I was at the head of the stairs of the opera house the time Tom Nixon was killed. I did not see him until after the first shot was fired. I saw him a second or two afterwards—did not know who it was—but found afterwards it was Tom Nixon. He was lying down when I saw him at the east door of the house. I could not see the whole body. I only saw one man around him that I know—took him to be Dave Mather. He was four or five feet from Nixon—this defendant here was the man I took him to be. When I first saw him he was standing with a revolver in his hand pointed downward, and afterwards I heard three reports of a revolver. Mather after the shooting, walked to the foot of the stairs and came up the steps. I recognized him, and it was Dave Mather. He had a revolver in his right hand as he was going up the stairs. There were four shots fired. I walked right down afterwards and looked at the dead man, he was Tom Nixon.

Cross examined:

Yes, I saw his body lying on the side walk. That was after the first shot. The man's head lay upon the door step, his feet out to the sidewalk. I saw his body at first from his feet to here (the witness putting his hand on his waist) I was standing at the head of the stairs against the banister looking into the window. When I first looked at the body it had not been moved. He was lying on his right side, and back, his feet due east or a little north of east.

(At this point the court adjourned to the residence of Mr. Cook, who was sick.)

[H. V. Cook] Sworn: I was at the opera house the night Tom Nixon was

killed. Tom Nixon was close to the east door walking up to it. I saw Dave Mather. I saw Tom Nixon when the defendant shot him. Defendant said "Oh, Tom" immediately preceding the shooting Nixon was then walking toward the door of the saloon—the east door. He turned to the right when Mather spoke to him. As he wheeled Mather shot. When Mather shot him I did not see anything unusual in Nixons hands and he had nothing in his hands after he fell. He made no demonstration I could see. He fired four shots at Nixon. When he fired the three last shots Nixon was lying on the floor. He fell immediately on his firing the first shot. He advanced as he fired the three last shots till he came within four feet of Nixon. Mather then left. I think he went up stairs—at least I saw a person go up I took to be him. Tom Nixon came from the north to the door.

Cross examined:

The exact locality where I stood was on the east edge of the sidewalk. I did not stand there; I moved this way (north) probably got ahead 12 feet when the last shot was fired. Nixon was not leaning up against the door, he was walking and turned. Nixon was struggling a little when he got the last three shots. He fell on his left side and back. His feet were north east, on left side, struggling. Nixon was 18 inches or two feet from the door when he received the first shot. The last three shots after he was down. He did not step up and lean against the door before he was shot. Mather was 10 or 12 feet north from the place where he first shot.

Re-examined by State.

He fell on his left side and back, I am not positive—it might have been the reverse. It is possible he might have leaned against the door, but he must have done it quick, if so, and when I was not noticing him. I did not hear Nixon speak at all after he was shot.

Re-crossed-examined:

It was a very short time he leaned against the door if at all. He might have been. I saw one shot fired, and passed on, but stopped when I heard the other. I did see him lean against the door when the first shot was fired. He was now about 12 feet distant.

Adjourned to restaurant, to take the testimony of Archie Franklin, the cowboy who was shot accidentally by one of the balls, and was unable to appear in court. This witness was found in bed and is still suffering pretty severely.

Archie Franklin sworn:

The night Tom Nixon was shot I was standing leaning up against one of those upright pieces that hold the portico at the opera house. I had been there about 10 minutes. A young fellow of the name of Bud Gohins was standing with Tom Nixon was a little north of me—he was walking along. I couldn't say he was facing north or facing the man that fired at him. He was making no demonstrations of any kind towards defendant when first shot was fired. Both spoke but I did not understand either one. Mather fired four shots. Nixon did not fall after the first shot. He fell between the second and third shots. The second shot hit me. Mather advanced after the first shot was fired. I could not say he shot him after the first shot. Mather told him before he shot that he was going to kill him. That was before the first shot was fired, and he immediately commenced to fire. Nixon had no weapon of any kind at that time. He made no effort to get his gun that I saw.

Cross examined:

I first saw Mr. Nixon that night at the dance hall, over here. The next time I saw him was right down at the corner where the shooting was done. I went with him from the dance hall to Wright & Beverlys. Then I sat down. He sat down. We sat together 15 or 10 minutes. Potter came along the man I was working for, and we got some money from him, and walked down the street together. I next saw Nixon at the corner where the shooting was. We came from the west, and when he was shot he was coming from the west. When he was on the corner Mr. Nixon came down to that corner. As I got a little east past the door, he, Mather, came walking around the corner before I heard them exchange any words. Mather was then at the foot of the stairs. Tom advanced about two steps toward Mather, and Mather towards him, and then he commenced shooting. He told him just before he shot, that he was going to kill him. I cannot tell exactly what, but he didn't say he would "go him one," I will swear to that. I wouldn't swear to the part I did not understand. I don't swear he did not say he would go him one, in that part I did not understand. The exact words were, he would kill him. I kind of think he said "you have lived long enough," but I do not know it well enough to swear to it. Mather spoke first. I can't tell how many were there. I was leaning against a sidewalk post, about the center of the walk going north and south. Bud Cohens stood right beside me. There was no man on the east of the side walk near me. There might have been after the shooting commenced, I should judge Nixon was about five feet from the door.

Re-direct:

It is not probable Nixon could have leaned up against the door without me seeing him, he fell right by the door, could not say which side.

Bat Masterson sworn:

I was among the first to get to the body of Nixon after he was killed. I think I was the first to take hold of him. He was lying on his right side and back, and had his feet to the northeast, his head southwest, his left hand down by his left leg, his right hand up. That was just a minute after the last shot was fired. He had his revolver on him. He was lying on it. It was partially drawn out. He had no other weapons that I saw.

Cross-examination.

He had a leather scabbard made for a short Colt's revolver, heavy leather. The revolver was put in with the handle reversed. His legs from the knee down were slightly drawn up. His head lay on the door sill:

P. F. Sughrue sworn:

I was the officer that arrested the defendant. It was a Colt's 42 that he shot Nixon with.

Cross-examination.

I did not see the pistol at the time it was being shot. I did not see the shooting.

The defense offered no testimony.

After a long discussion on the question of admitting the prisoner to bail, the court over-ruled the motion and remanded the prisoner to jail for trial in the district court.¹⁰

The *Topeka Commonwealth*, August 3, 1884, included some observations on the defendant in its description of the examination:

The prisoner was brought in by Sheriff Sughrue, and as he was seated by

the side of THE COMMONWEALTH reporter, we had a good opportunity of observing his demeanor. He was calm and collected, and being unrestrained, the best observer of human nature could not have selected him as the man whose life was in jeopardy. He is known to the plains men as "Mysterious Dave," was born in Connecticut, and claims to be a lineal descendant of Cotton Mather. He has been a resident of Dodge City, off and on, for several years, and has served both as Marshal and Assistant Marshal of the city. He has acted in similar capacities at other pioneer cities and mining camps, and is reported to have killed several men, but I could not hear that the charge was made that he had ever before killed a man except in the discharge of his duties. It is said that at Las Vegas he came near hanging by a mob and was saved greatly through the instrumentality of a present citizen of Dodge City. . . . The firm of Mather & Black formerly ran a dance hall in the opera house, which was suppressed, and he laid its suppression to Nixon. Nixon was an old citizen of Dodge, a buffalo hunter before the city had "a local habitation or a name," and had quite a number of men in his employ. Though rough, he is generally spoken of as a warm-hearted man and had many friends here.

During the trial, Mather sat quietly and apparently little concerned, whittling the edge of his chair, but to a close observer evidently taking every word. Observing a reporter of THE COMMONWEALTH present, he turned and advised us to give him a fair show when the other side of the story came to be told. This remark was made in an as nonchalant a manner as if we had been reporting the [recent] bull fight. . . .

The Dodge City *Kansas Cowboy*, August 16, 1884, made some comparisons between the Mathers, Dodge City Dave, and his noted kin, Cotton:

THE MATHER FAMILY.

"Since Dave got the drop on his man," his great-great-great-several-times-great-grandfather, old Cotton Mather, has become a person of historical interest. As soon as he told us who he was, we knew his family. Old Cotton is dead, or ought to be by this time. He was an eminent divine of New England, and was very active in putting down witchcraft at Salem in 1692, and wrote a book on witchcraft, in which he proved conclusively there were numerous and divers witches around Salem who were doing more devilry than his descendant, Dave, ever did in Dodge City, or in the "great boundless west." He was, however, a man of great influence, piety, and usefulness, and with remarkable industry, wrote 382 works. His *Essay to do Good* was among his best, and was highly commended by Benjamin Franklin. In his witchcraft works, he claimed that persons possessed as well as devils, were familiar with foreign and dead languages without classical education. Spiritualists claim the same in regard to mediums to-day, but David and his contemporaries show no disposition to hang them; but when a man got "possessed" in Dodge Dave pulled his little gun, and put an end to him.

We do not know whether old Cotton was so much to blame for hanging the witches as most people imagine at this day. It was a strange infatuation. But it must be remembered that Sir Mathew Hale, one of the greatest jurists and purest of men, tried witches and even Blackstone said that to deny their existence was to deny revelation. For ought we know there may be witches in Dodge, for one of old Cotton's arguments in favor of witchcraft we see all around us, that people act queerly and seem to be possessed of spirits, and

speak if not in dead in devilish languages. We have seen the witches of night around us with more devils in them than Mary Magdalena, and some of them look as pretty as the original Mary, when she donned her new hat and red stockings. In the afternoon and evenings they seem more "possessed" with spirits than any other period, unless it be near the midnight hour. The moon seems to affect them, and they sing "meet me by moonlight alone," but they are not so very particular about being alone either. The favorite hymn of the Dodge witches is

Blessed is the man who hath a little jug,
And in it some good rum,
Who passeth it about,
And gives his neighbor some.

Toward the end of August Dave was freed on bail. The *Cowboy*, August 23, 1884, reported his release:

DAVID MATHER RELEASED.

Judge [J. C.] Strang granted a writ of *habeas corpus* in the case of David Mather charged with the murder of Nixon, and after a hearing of testimony decided that it was a bailable case, and fixed his bond at \$8,000. The bond was promptly given, Messrs. Digger, Drake, Emerson, Crane, Crawford, Bullard, Haun and Sutton filling the bond. They are of the best, most solid and substantial men of Ford county, representing a capital of more than \$100,000. David is therefore again at large among the people. He seems to have had no difficulty in getting a bond.¹¹

At the October, 1884, term of the Ford county district court Dave Mather's case was granted a change of venue to Edwards county. He was to be tried at the December term of that court, in Kinsley.¹²

Meantime it was reported that Mysterious Dave had been killed in Washington territory. The *Dodge City Times*, November 20, 1884, quoted and commented on the rumor as printed in the *Larned Optic*:

The Las Vegas *Optic* says a brother of Dan Mather, who is employed at a brickyard in that city, is in receipt of a letter from Washington Territory, announcing that "Mysterious Dave" was recently shot and killed by a party who quietly followed him all the way from Dodge City. It will be remembered that Dave was released from jail at the latter place on \$10,000 bail.—*Larned Optic*.

Dave was in the city Saturday and was looking hale and hearty. He is engaged in some business at Coolidge in the west line of the State. He has not been out of the State of Kansas for some months.

Commenting on the same rumor the *Dodge City Democrat*, November 15, 1884, said: "We heard from Dave yesterday, he is 'just as well and hearty as ever he was in his life,' and is stopping at Coolidge, Kansas."

The jury in the case of State of Kansas vs. Mather rendered its verdict on December 30, 1884, after deliberating only half an hour. The *Dodge City Times*, January 8, 1885, reported the trial:

THE MATHER TRIAL.

Dave Mather, who was charged with killing City Marshal Nixon, in this city, in July last, was acquitted before a jury in the District Court at Kinsley last week. The trial occupied the time from Monday morning until Wednesday night, at 10 o'clock, at which time the jury returned a verdict of acquittal, after being out 27 minutes. The jury was composed of the very best men of Edwards county. The case was ably prosecuted by the State, being represented by Robert McCanse, county attorney, assisted by Samuel Vandivert, Esq. The defense was represented by M. W. Sutton, of Dodge City, and T. S. Haun, of Jetmore. Messrs. Sutton and Haun devoted considerable time in the preparation of the defense, and have won fame by their indefatigable and successful efforts. The reading of the verdict by the court was interrupted by demonstrations of approval by the audience. Of the trial the Kinsley Mercury says:

The trial of the case of the state against Mather was commenced on Monday and after a trial of two days and a half the jury returned a verdict of not guilty. The verdict was undoubtedly a proper one as the weight of the testimony showed that Nixon was the aggressor in the affray and that Mather was justified in shooting.

The Kinsley Graphic says:

The jury in the case Dave Mather found the defendant "not guilty" after a very few minutes deliberation. The State was represented by County Attorney McCanse and his partner, Mr. Vandivert. The defendant appeared by M. W. Sutton and T. B. Haun. The jury was a good one, and the verdict is generally regarded as the right thing under the evidence.¹³

The 1885 Kansas state census, enumerated as of March 1, listed Dave Mather a farmer, 40 years old, and a resident of Dodge City.

On May 10, 1885, Mysterious Dave was involved in another shooting, this one resulting in the death of an Ashland resident named Dave Barnes. The *Globe Live Stock Journal*, May 12, 1885, was the first to report the incident:

A DESPERATE FIGHT.—

ONE MAN KILLED AND THREE WOUNDED.

Sunday evening, at half past eight, the quiet of the city was broken by the sharp quick reports of fire-arms in the saloon known as Junction's, and to those in the immediate vicinity it was evident that a desperate battle was going on within. It was some time after the firing ceased before any one ventured in, when it was found that David Barnes was shot dead, James Wall, who had nothing to do with the trouble, wounded in the calf of his right leg, C. P. Camp, who was in the door, shot through both legs, and Dave Mathers cut across the forehead, the ball passing out through his hat.

The origin of the trouble as near as we can learn from the many reports, which cannot be given as facts until an investigation is made by the courts, are, that Dave Mathers and Dave Barnes were playing cards for money. Mathers won the first game and Barnes the second, when Mathers got up from the table and took the money. Barnes claimed the money was his, and said he was not treated fair. One word brought on another until Mathers made for Barnes when Sheriff Sughrue, who was present stopped him; a moment afterwards Mathers struck Barnes, and almost instantly a dozen shots were fired

with the result above stated, but by whom at this time cannot be said. When the firing commenced Sheriff Sughrue caught John Barnes, a brother of the man that was killed, just as he was drawing his revolver, and held him until the firing ceased, when he arrested Cyrus Mathers, a brother of Dave, and locked him up in the county jail, and in a few minutes after arrested Dave Mathers and locked him up with his brother.

Owing to the fact that our district court convenes the ninth of next month the jury already being drawn, and the many conflicting reports, we refrain from expressing an opinion as to who is guilty of the murder, or in fault in the first place. From the statements made by parties present the firing was so rapid and the excitement so great it could not be told who all were engaged in the shooting.

The Coroner's court investigating the trouble has adjourned until Thursday.

The Dodge City *Democrat's* story of the shooting, May 16, 1885, included statements of the murdered man's brother and Sheriff Sughrue:

SUNDAY'S SHOOTING.

On last Sunday evening about 9 o'clock, a dispute arose in the Junction saloon between Dave Mather and David Barnes, over a game of cards. They were playing "seven up" at fifty cents a game, and after three games had been played, Mather got up and putting the money that was on the table in his pocket, walked over to the bar. Barnes followed him and claimed the money. Mather then struck him. Immediately the shooting commenced which resulted in the killing of Barnes, and the wounding of Mather in the head, John Wall in the leg, and C. C. Camp shot through both legs. Sheriff Sughrue happened to be there at the time, and no doubt saved two [or] three more from getting killed, as every body who had a pistol was firing. After the shooting was over the sheriff arrested Dave and Josiah Mather and lodged them in jail.

As yet nothing has been produced to show who killed Barnes, or who commenced the shooting. It is claimed, however, that after Mather struck Barnes, he (Barnes) drew his pistol and fired, striking Mather in the forehead, and that a dozen shots were fired within the next ten seconds. Below we give what the brother of the deceased has to say, also Sheriff Pat Sughrue.

STATEMENT OF JOHN BARNES.

My brother told me Saturday evening that he would have to come in to prove up on some land. I came in with him on Sunday. We got here about 3 o'clock. We stopped on the other side of the bridge. We came over to the city to get our mail. My brother said: "We will go down street and see if I can find Doc Neil," who was a friend of my brother. A little boy was with us, by the name of Frank Eastman. We went into a saloon opposite the railroad track, the second door from the corner. My brother went back to look at a game of keno and afterwards came back to the counter. He was talking to two men. I do not know what they said, but heard my brother say: "I will play one or two games for pastime." One of the strangers went behind the bar and got some cards and checks. My brother and the stranger sat down to the table and commenced playing "seven up." They were playing for a dollar a game. The name of the man was Mather or Matthews, I do not know which. My brother won the first game, the other man the second and my brother the third. After my brother went out on the game the man picked up the money with his

right hand and shoved the cards over to my brother with the left, then got up and walked around the table and back of my brother. My brother got up and backed away, and said: "I want my money." The man then jumped toward my brother and tried to get his hand inside of his coat. My brother pulled his coat together with both hands, the man then struck him. My brother fell back considerably and his hat fell off; he may have caught himself on his right hand. My brother had his money purse in the inside pocket of his vest or coat, I do not know which. He had exposed his money when he started to play cards.

When my brother was struck I stepped up and said to this man: "That man has some friends here and he can't be robbed in such a manner." He shoved me back and said: "What have you got to do with this?" I then attempted to pull my revolver which I carried in my hip pocket, when a man caught my hand just as [I] got hold of it, and told me to hold up. Some one caught hold of my other hand and the man had hold of my revolver with both hands. I did not know that he was the sheriff, and thought that if I gave up the revolver he would kill me. He told me he was the sheriff. I heard a ball go by my head, and turned to see where my brother was. I saw him standing at the door with his side toward me acting like he was trying to get out, and then he fell down, easy like. I think that about five shots were fired, and that three revolvers fired at once. The man that was playing with my brother stood about eight feet from me and about fifteen feet from my brother. When I turned to look this man was facing my brother and had his arm out, pointing toward him. I do not know whether he had a gun or not. The man behind the bar was doing something with his arms, and either had one or both of them stretched out. My brother was twenty-four years old this coming birthday. He sold groceries at his residence and had followed that business for six years.

STATEMENT OF SHERIFF SUCHRUE.

Last Sunday evening as I [was] passing the Junction saloon I saw quite a crowd inside, and I went in. A large number were playing keno, and Dave Mather and a stranger were playing "seven up" at a table by themselves. They seemed to be laughing and talking to each other, and I stood behind the stranger and watched the game for a while. They were playing for fifty cents a game, and I believe had played three games, at the end of which Dave Mather got up from the table and picking up the money with one hand threw the cards over toward the stranger with the other. Mather walked around the table and the stranger got up and backed off a little. The stranger then told Dave that he wanted his money, as he had won it fairly. Mather then struck the stranger, and at the same time seemed to be trying to get his hand in the inside of the strangers coat. I said to Mather: "Here, that won't do!" Just then some one in the back part of the room cried out, "Look out, he is pulling a gun!"

I turned around and saw a man trying to get his gun out. I rushed at him and grabbed his hand and revolver at the same time. The shooting then commenced. The man that I was holding did not know me. I could not see who [was] doing the shooting while wrestling with the man. I told him I was the sheriff, and he finally let go of the gun. I then turned around and saw the stranger who was playing with Mather, standing at the door, and in a few seconds he fell to the floor. Josiah Mather was behind the bar, and had a gun in his hand. While I was looking he fired three times in the direction of the stranger at the door. I immediately arrested Josiah Mather. Dave Mather

had a gun on when I arrested him but it was loaded and no empty shells were in it. I then learned that the name of the deceased was David Barnes, and the man I took the gun from was John Barnes.

The preliminary will take place next Monday afternoon, and it is hoped that more light may be thrown on the case.

Deceased and John Barnes lived in Clark county, about eight miles from Fowler City, and deceased sold groceries at his residence. He leaves a wife and two children.¹⁴

An inquest was held on May 11 and 14 and reported in the *Globe Live Stock Journal*, May 19, 1885:

STATE OF KANSAS, }
County of Ford, } ss

An inquisition holden at Dodge City, in Ford county, on the 11th and 14th days of May, 1885, before me, R. G. Cook, J. P., Dodge township, Ford county, and acting coroner of said county, on the body of D. Barnes, there lying dead, by the jurors whose names are hereto subscribed,

The said jurors on their oaths do say that the deceased, D. Barnes, came to his death on the 10th day of May, 1885, from a gun shot wound received at the hands of David Mathers and Josiah Mathers, by means of revolvers by them fired, and that the said shooting was feloniously done.

In witness whereof the said jurors have hereto set their hands this 14th day of May, 1885.

Foreman, H. C. BAKER,
A. C. LANGLEY,
A. McCLEOD,
ANDY FALKNER,
G. T. LOGAN,
B. J. JACKSON.

Attest: R. G. Cook, Justice of the Peace, acting as Coroner.

The Mathers' preliminary examination was held on May 22. The Dodge City *Democrat* reported the hearing next day:

THE SHOOTING.

The preliminary trial of David and Josiah Mather took place yesterday, but nothing, to the testimony given at the coroner's inquest, which appeared in our last issue, was shown. Several witnesses were examined, and their testimony was all about the same. The case shows that D. Barnes was killed at the Junction saloon, and that himself and brother had gone there armed. That D. Barnes had shot at Dave Mather, (the ball going through his hat), with the intention to kill. That John Barnes attempted to pull a revolver but was hindered by the sheriff. That Josiah Mather was seen shooting over the bar. That Dave Mather was not seen to fire a shot.

That is all that has been produced so far, and the case will be very difficult to unravel. There is liable to be more light thrown on it, however, at the trial which takes place at the next term of court in June. . . .¹⁵

On June 11, 1885, the Dodge City *Times* said:

David and Josiah Mather, charged with murdering D. Barnes at Dodge City two or three weeks ago, after being committed to jail without bond were brought before Judge Strang at chambers in Kinsley, Tuesday upon habeas

corpus. After hearing the testimony presented in support of the petition for the writ, the court permitted each of said defendants to be discharged on bond in the sum of three thousand dollars. The defendants are held for bail which they will probably be able to give.—Kinsley Mercury.

Mather apparently was able to raise the required bond for on August 4, 1885, the *Globe Live Stock Journal* reported that he was in Topeka:

Fred Singer and Dave Mathers, alias 'Mysterious Dave,' were registered at the Windsor Hotel on the 31st ult, while Mike Sutton was booked at the Copeland. We failed to see any notice of either having been interviewed by Topeka newspaper reporters.

In the same issue the *Globe* carried this item from the Kinsley Mercury:

The murderer, Dave Mathers, left Dodge City last Wednesday night as Jeff Davis left the Southern Confederacy—in boots petticoats and hoopskirts. It had come time to kill Dave, and not desiring to be present on that occasion he disguised himself as Jeff Davis and took his hoops in hand and walked. His whereabouts will probably be known when it comes time for his next killing.—Kinsley Mercury.

Dave did leave the city, but not in petticoats, the reports of his going, like others from this city, become wonderfully magnified as they travel from home.

Next, Mather, perhaps not so surprisingly, became a lawman again. The Dodge City Times, August 20, 1885, recorded his appointment in a Barber county town:

Dave Mather, on Friday last was appointed City Marshal of New Kiowa, and at once entered upon the duties of the office. Dave was marshal at Dodge City, and also assistant marshal for a long time. Dave makes a good officer.¹⁶

The Mather brothers apparently never stood trial for the murder of Barnes, escaping that ordeal by jumping their \$3,000 bonds. The *Globe Live Stock Journal*, December 8, 1885, reported the act: "In the Mathers case they failed to appear, and their bonds were forfeited."

1. Ford County Globe, July 17, 24, August 14, September 11, 1883; Dodge City Times, November 15, 1883. 2. "Governors' Correspondence," archives division, Kansas State Historical Society. 3. See, also, Ford County Globe, October 2, 1883. 4. See, also, Dodge City Times, November 29, 1883. 5. Ford County Globe, June 10, 1884; Dodge City Times, June 12, 1884. 6. "Ford County Commissioners' Journals," v. A, p. 444; Dodge City Democrat, February 2, 9, 1884. 7. Dodge City Times, April 10, 1884; Ford County Kansas Cowboy, June 28, 1884. 8. Dodge City Democrat, June 7, 1884, see, also, Dodge City Democrat, July 26, 1884; Dodge City Kansas Cowboy, July 26, 1884. 9. See, also, Dodge City Times, July 24, 1884; Dodge City Democrat, August 2, 1884; Dodge City Kansas Cowboy, August 2, 1884; Dodge City Times, August 7, 1884. 10. See, also, Dodge City Kansas Cowboy, August 9, 1884; Dodge City Democrat, August 16, 1884. 11. See, also, Dodge City Times, October 28, 1884; Dodge City Democrat, December 20, 1884. 12. See, also, Dodge City Democrat, January 3, 1885. 13. See, also, Dodge City Times, May 14, 1885. 14. See, also, Dodge City Times, May 28, 1885; Dodge City Democrat, May 30, 1885. 15. See, also, Dodge City Democrat, August 22, 1885.

MEAGHER, MICHAEL

(1844?-1881)

In the spring of 1871 Wichita was a rapidly growing trading center, officially less than one year old. Though the Chisholm trail ended at Wichita, the cattle trade had bypassed the town and continued on north via Joseph G. McCoy's trail extension to Abilene. Not until May, 1872, when the Wichita and Southwestern provided rail connections to the Santa Fe main line at Newton, did Wichita achieve status as a major cowtown and cattle shipping center.

Those first years were not ones of tranquility and even tenored growth, however. From the time the town was incorporated, July, 1870, until its elevation to a city of the third class, April, 1871, at least three marshals were appointed only to resign or leave for unexplained reasons. Nor was death on the city streets unknown as the shooting of J. E. Ledford (which was detailed in the section on Jack Bridges), February 26, 1871, testifies.

Becoming a city of the third class meant that an election had to be held in order for a mayor and city council to be chosen to replace the old board of trustees. Shortly after the election, the new mayor, E. B. Allen, and the council appointed William Smith marshal of the town. Three days later, on April 13, Smith resigned; the council then appointed Mike Meagher. The assistant marshal was Meagher's brother, John. In addition two policemen were appointed, Bradford Dean and Adam Roberts.¹ Each of the officers was formally notified of his selection and was required to complete an oath of office. That of Marshal Meagher was typical:

WICHITA KANSAS

April 13th 1871

MR MICHAEL MEAGHER

SIR

You have this day been duly appointed *City Marshal* in and for the city of Wichita by the City Council of said City. You will proceed at once to be duly qualified.

E B ALLEN

Mayor of the City of Wichita

Attest

O. W. BROMWELL

Clerk

THE STATE OF KANSAS)

County of Sedgwick)

City of Wichita)

I Michael Meagher do solemnly swear that I will support the constitution of the United States, the constitution of the State of Kansas, and faithfully discharge the duties of the office of City Marshal in and for the City of Wichita, so help me God.

MICHAEL MEAGHER

Subscribed and sworn to before me this 13th day of April A. D. 1871.

W. B. HUTCHINSON, Deputy Clerk²

The first city council of Wichita lost little time in making preparations for the suppression of lawlessness and disorder. On April 15 motions were carried which instructed the city attorney, D. C. Hackett, "to draft an Ordinance prohibiting the carrying of deadly weapons concealed or otherwise," and by which "the City Marshal and two members of the Council (to be selected by the Mayor) [would] be appointed as a committee to ascertain the probable cost of building a suitable City Jail or Calaboose. . . ." On April 29 the council authorized the marshal to "procure six suitable badges to be worn by himself, Asst. Marshal & Policemen."³

The fifth and sixth badges were put to use on May 7, 1871, with the appointment of Policemen William E. Reid and Charles W. Allen. On May 25 another man was added when Daniel Parks was named second assistant marshal. The same day, however, the resignations of Bradford Dean and Adam Roberts were accepted.⁴

The contract for building the city jail was let on June 1, 1871, early construction to be paid for by poll and dog taxes.⁵ So quickly was the work accomplished that by June 22, 1871, the *Wichita Tribune* was able to say: "Our saloon keepers sell the drinks, and next week Marshal Meagher will be ready to cell the drinker's.— In the new calaboose."

At a meeting held June 28 the council authorized acceptance of the new jail provided the "committee on calaboose" judged it satisfactory after a careful inspection.

With a new jail open for business and five men on the police force the city council apparently felt ready to enforce its ordinances. At the June 28 meeting Mike Meagher was instructed to procure at the expense of the City two pine boards 3 X 4 feet and have the following inscribed thereon.

NOTICE.

All persons are hereby forbidden the carrying of firearms or other dangerous weapons within the city limits of Wichita under penalty of fine and imprisonment.

By Order of the Mayor

M. MEAGHER
City Marshal

The Marshal is furthermore instructed to have one of the boards erected at the River ford at the foot of Douglas Avenue and the other near the Harris House or some prominent place near the Emporia Road.⁶

The summer of 1871 was apparently peaceful enough. One of the main police duties was the retention of stray hogs. As the summer progressed the force experienced a heavy turnover in personnel,

including all positions except that of marshal. On August 16 Assistant Marshal John Meagher resigned and upon the recommendation of the marshal Policeman S. K. Ohmert was promoted. Others who served on the force included George D'Amour and Charles Bratton.⁷

On November 15, 1871, Emil Werner, a local saloon keeper, filed a letter with the city council protesting the treatment he had received at the hands of the Wichita police force:

TO HIS HONOR THE MAYOR & COUNCILMEN OF THE CITY OF WICHITA

I Emil Werner your petitioner would respectfully beg leave to represent to your Honorable body that on the 25th day of October A. D. 1871, Michael Meagher, City Marshal, S. K. Ohmert, Deputy Marshal & Charles Bratton, policemen, Entered my saloon situated on Main Street, No. 17, Wichita, Kansas, and arrested and took from thence a Soldier who was sleeping at one of my tables. In a short time they returned and Charles Bratton entered the saloon the other two, viz: Meagher & Ohmert remaining at the door. Bratton spoke to me, telling me, that I would get myself into trouble, selling liquor to men and getting them drunk. I replied that I paid license for selling liquor, and that what I paid to the city, helped to pay his Salary. He (Bratton) without any further provocation, struck me with a revolver and knocked me down and before I could get up the others (Meagher & Ohmert) rushed in, and all three of them struck me with revolvers and sling shots and took me off to the Calaboose, without Coat or hat, tearing my shirt off of my back, locking my door and taking possession of my keys.

I was finally released upon the payment of the sum of \$5.00 into the City Treasury, together with the costs of Suit. Amounting in all to Eight Dollars. Now therefore I would respectfully request your Honorable Body to examine into these Statements that I have here made, and if you find them correct & true, to remit & repay the fine & costs imposed upon me, Otherwise to act as in your judgment you deem best

And this your Petitioner humbly prays

EMIL WERNER.

WICHITA NOV. 15th 1871.

Apparently little came of Emil Werner's protest. At the council meeting of December 6, 1871, it was decided that "action on the petition of Emil Werner complaining of certain acts of the City Police be indefinitely postponed."⁸

In spite of the fact that it was not stimulated by the Texas cattle trade, Wichita was a fast-growing city. Before the next annual election it was elevated to city of the second class, and by law the city marshal was elected by the people, not appointed by the council. The Wichita City *Eagle*, April 12, 1872, reported:

THE CITY ELECTION

The City election in Wichita, under the special act making it a City of the second class, on the 2nd passed off pleasantly and with no particular excitement, and no trouble of whatever character. The men chosen to fill both the offices

of the city and school board are among our most substantial and leading men, in which we congratulate our citizens. The following are the names of those chosen for the various positions and are taken from our contemporary the *Vidette*.

Dr E. B. Allen was elected Mayor, J. M. Atwood, Police Judge, . . . M. Meagher, Marshal, . . . S. K. Ohmert and George D'Amour, Constables.⁹

On April 12, 1872, only a month before the Wichita and Southwestern guaranteed the town temporary supremacy in the Texas cattle trade, the *Wichita Eagle* described the place as a model of propriety:

The Sabbath day is as strictly observed—Sunday as quiet, upon the streets of Wichita, as in any town of the west. It is remarked by strangers, who, almost unanimously, wonder and congratulate. No drunkenness or street brawling can be seen or heard at any time, notwithstanding the place is a frontier town not three years old, containing all the elements, excepting those of drunkenness and rowdiness, to be found usually in frontier towns. For this moral state of affairs much is due the city government and the wholesome manner in which its ordinances are administered, as also, to the intelligent and moral element that predominates in the society of the place. None others than members of the police force are permitted to carry arms. Upon each avenue leading into the city is a large sign prohibiting the carrying of deadly weapons under penalty of both fine and imprisonment. We can assure all who contemplate making this live city their home, immunity from all danger, and from even disagreeable disturbances.

Six weeks later the railroad had arrived and things were immediately different. Foreseeing a riotous summer's cattle season, the *Eagle*, May 24, 1872, suggested:

It must be evident to every one that the police force of this city should be uniformed, that is, the members should be compelled to wear such a suit as would be recognizable upon the instant. Another thing, each man's beat should be prescribed and in that quarter he should stay except when called upon for assistance by the chief or some other member. We have seen men whooping full of whisky and no police in sight. It is also evident that ways and means must be devised for doubling up the force for at least two or three months during the summer. Should our authorities fail in holding their present power woe will be the sure result.

The newspaper's advice was heeded to an extent. On June 7, 1872, the *Eagle* reported that more men had been hired for the force:

The city council at their meeting on Wednesday night appointed two additional men on the police force of the city, viz: Geo. D'Amour and D. F. Parks. Two secret police were also appointed for a certain duty. The council also incorporated a certain piece of ground near the bridge and extended police authority over it.

A few days later the city council commissioned even more policemen. The minutes of the city council record the appointments:

On motion of Mr Schattner the following resolution was adopted

Resolved that the Mayor be empowered to appoint as special police men the men acting as toll keepers on the bridge whose duty it shall be to take possession of and safely keep all fire arms carried by parties crossing the bridge into the City of Wichita said policemen to receive such salary as may be paid them by the bridge company. . . .

Resolved that the Mayor be empowered to purchase fifty brass copper or tin checks to be supplied to said toll keepers and it shall be the duty of the said toll keepers upon receiving any fire arms from any person crossing the bridge into the City of Wichita to give one of the checks for the same and upon the presentation of which when leaving the City the party owning the fire arm shall be entitled to receive the same.¹⁰

Much of the time of the police force continued to be taken up with the collection of fines, shooting stray dogs, and other routine duties. Occasionally things would get lively but usually were stopped before they could get well developed. The *Wichita Eagle*, June 14, 1872, reported such an incident:

The efficiency of our police was exemplified on Wednesday night, Mike Meagher, city marshal, went into a saloon and took a knife from a fellow's girdle that looked like a butcher's cleaver elongated. There were two together, and they had concluded to stand him off, but finally were persuaded not to do so.

A week later the *Eagle* reported a similar happening:

A fellow that said he would get away with a policeman before night, kept his word. We saw them going toward the calaboose early in the evening. Several of them have got away with the police the same way this week.

The only incident of continued interest that summer of 1872, was the arrest, escape and re-arrest of a man named Sam Teets whom Mike Meagher had captured for the authorities of a Pennsylvania town. The crime charged, seduction, was of minor importance in light of the strange transactions carried on through legal channels. The *Wichita Eagle*, July 26, 1872, reported the first arrest:

One Samuel Teets was arrested here on Saturday, by Marshal Mike Meagher, upon a telegram from the sheriff of Alleghany, Penn. Teets is charged with seduction, under a promise of marriage, which is a crime under the laws of Pennsylvania punishable by imprisonment in the penitentiary. We understand that Meagher had previously received a descriptive letter from the authorities in Alleghany, which enclosed a photograph, so there remains little room for mistake. The reward offered for his arrest was \$1,000. Teets was taken before Squire Van Trees and in default of proper bail was committed to prison until such time as the Pennsylvania authorities can be heard from.

Further developments were reported in the *Eagle*, August 2, 1872:

Last week we noticed that one Samuel Teets had been arrested by Mike Meagher, upon a telegram from Alleghany City, Penn. Within a day or two after the arrest, a man representing himself as B. F. Clark, chief of police of the above city, made his appearance, provided with a requisition from the governor of Pennsylvania. The night of Clark's arrival Teets, with other prisoners, was furnished tools, and, but for timely discovery, would have made his escape in a few minutes. The next night Clark hand-cuffed Teets and put him aboard the north-bound train. While he was procuring his tickets his prisoner walked out of the car and out into the dark and liberty. The pretended chief made no attempt to recapture his bird, but took the train and left. There is a strong suspicion that all is not as it should be. A thousand dollars had been offered for the arrest of Teets, a per cent. of which Clark forked over to Mr. Meagher. We believe the latter officer has addressed the city authorities of Alleghany upon the subject.

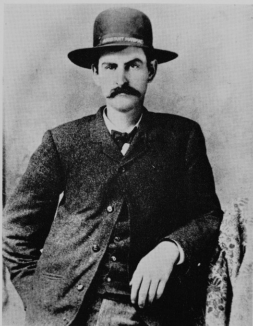
A week later, August 9, 1872, the Teets affair was again on the *Eagle's* pages:

The B. F. Clark great detective embroilment caused some little talk and feeling among our citizens and officers. The associate dispatches, as also Clark's affidavit, both of which set forth that our officers connived at Teets' escape, are a complete tissue of lies, colored only by circumstantial truths. Unfortunately for the great shyster detective, some half dozen of our best citizens were perfectly cognizant of all that occurred at the depot. John Meagher, the sheriff [elected November 14, 1871], Mike Meagher, city marshal, J. C. Morehouse, deputy sheriff, and Jim Antrim, policeman, are too well known, and have had their courage and honor too often tested, for the affidavit of a cowardly sneak to affect them in Wichita. Clark was either bribed by Teets or scared out of his wits, and from the fact that Teets offered \$500 for his release, and the other fact that Clark had a long private conversation with his prisoner, our people entertain but little doubt that Clark was bought. The *Pittsburgh Dispatch* divines the whole matter in the following brief paragraph, which, although misapprehending the facts as far as our officers are concerned, lays Mr. Clark, the pusillanimous coward, wide open:

"While we do not doubt that the town officials of Wichita, Kansas, when Chief Clark went to receive the prisoner Teets, acted very strangely and did all they could do to prevent his being brought away, we cannot help feeling surprised that an experienced detective like Mr. Clark should have left his prisoner in charge of any one for a moment, especially on so trivial an excuse as that of purchasing a ticket. He surely ought to have known that none of the other officers had any authority to hold Teets, after he had been delivered to him and receipted for."

On August 16, 1872, the *Eagle* reported the end of the Samuel Teets case:

The Teets affair has had at last a practical solution, and a solution that proves our boys not only honest, but entirely too sharp for the boobies who undertook to slander them. After all the blowing that was done, the boys quietly made up their minds that Mr. Teets should be put into the hands of the governor of Kansas. To this end they went quietly to work. Nobody



Mysterious Dave Mather, all decked out, about 1883, in his Dodge City policeman's "uniform."

GOVERNOR'S PROCLAMATION.

\$1700 REWARD!

STATE OF KANSAS.

Executive Department, Topeka, Dec. 9, 1882.

I, JOHN P. ST. JOHN, Governor of the State of Kansas, by virtue of the authority vested in me by law, do hereby offer a reward of **FIVE HUNDRED DOLLARS** for the arrest and conviction of one Jim. Talbott, as principal, and **THREE HUNDRED DOLLARS** each, for the arrest and conviction of Jim. Martin, Bob. Munson, Bob. Bigtree, and Dug. Hill, as accessories, to the murder of **MIKE. MEACHER**, in Sumner County, Kansas, on or about the 17th day of December, 1881.

[L.S.]

In Testimony Whereof, I have hereunto subscribed my name, and affixed the Great Seal of the State, at Topeka, the day and year first above written.

JOHN P. ST. JOHN.

By the Governor:

JAMES SMITH,

Secretary of State.

Reward poster issued by the state of Kansas for the apprehension of the murderers of Mike Meagher at Caldwell, December 17, 1881.

suspicioned anything, or knew that the boys were up to anything until Mike Meagher and George D'Amour came marching into town the other night with the escaped bird. He had been caught at a camp on the high prairies, fifty miles northwest of Wichita, near Hutchinson. The old calaboose was not to be trusted, and Mr. Teets now lies in the Topeka jail awaiting orders from the governor of Pennsylvania. The boys have been at great pains and expense in maintaining their honor against the foul slander of Clark, and we congratulate them upon the happy turn of affairs.

It is possible that Mike Meagher held a commission as either a township or county officer in addition to his office of city marshal for on August 9, 1872, the *Wichita Eagle* reported that he had made an arrest far from the boundaries of the town: "Mike Meagher rode sixty miles day before yesterday and arrested two persons who had stolen a team of horses from a Missourian."

In October Mike again stopped a disturbance before it had a chance to make much headway. The *Eagle*, October 10, 1872, said: "Our efficient city marshal, with his usual promptness and unflinching bravery, on last Tuesday [October 8] quelled a disturbance which was fast assuming dangerous proportions by promptly arresting and lodging the leaders in the calaboose."

Two weeks later Mike prevented a fight between two Wichita lawyers from taking disastrous proportions. The *Eagle*, October 24, 1872, stated:

A slight difference of opinion arose between two law partners of our city, on Tuesday afternoon, which they concluded to decide with their muscle. After taking several rounds on the sidewalk in front of their office, and failing to come to any definite decision, they were invited by the city marshal to postpone further trial until the opening of the police judge's court next morning.

As the *Eagle* said in the same issue: "As far as we know, we believe the boys who look after the good order of the city are seldom complained of."

Within two months, however, a local gambler found something to complain about. It was explained in his petition to the Wichita city council:

TO THE HONORABLE MEMBERS OF THE COUNCIL OF THE CITY OF WICHITA.

Your petitioner I Thayer states that in the year 1872 he was running a room for gambling purposes & paying for the privilege therefore into the City Treasury of Wichita City the Sum of fifty dollars per month. Your petitioner further states that having paid said sum of money to said city he was allowed to run his the said Gambling room that during this time the Marshal of said city demanded the further sum of twenty five dollars which sum was paid the said marshal. Your petitioner states that it was stipulated & agreed upon that it was to cost your petitioner no more than fifty dollars for running said gambling rooms. that the said city of Wichita was not Entitled to the further

sum of twenty five dollars which your petitioner paid to said city of Wichita, wherefore your petitioner prays that said twenty five dollars be remitted to him, or be applied on his saloon license for the month of February 1873.

I THAYER ¹¹

Except for the disappearance of Assistant Marshal George D'Amour (which was covered in the section on D'Amour) police business in Wichita was slow indeed until well into the spring of 1873. True, the annual city election in April enlivened the scene somewhat but the new mayor, James G. Hope, and the city council, in retaining Meagher in the marshal's office (his post was once again appointive), removed the trauma of change from the police department. Except for William Dibbs, who was named policeman, all were veterans in the business. Dan Parks, the new assistant marshal and W. E. Harwig, policeman, had both served on the Wichita force before. Meagher, of course, was beginning his third term.

In May, Mike nabbed two robbers from eastern Kansas. The *Eagle*, May 15, 1873, reported:

Two criminals, Clark Whisner and Tom Preston, who robbed a store at Twin Springs, Linn county, last week, were arrested by Marshal Meagher, ironed and in the calaboose within an hour after their arrival in town. The only means he had for identifying the thieves was a letter which he had received from the authorities of Linn, which speaks well for his efficiency and discretion as an officer. Wichita is a poor rendezvous for rogues.

A few days later Meagher prevented possible bloodshed. The *Eagle*, June 5, 1873, stated:

A drunken man assaulted Mr. Fox, the omnibus agent, last Thursday night, with a pistol. The owner of the pistol would have figured in the hearse at a funeral next day, but for the opportune appearance of the city marshal.

Apparently Mike Meagher sought to resign from the police force but his resignation was laid over at the July 9, 1873, meeting of the city council. At the meeting of July 16 a motion was made to increase the marshal's salary but this too was postponed. Judging from later salary payments neither the resignation nor the increase was approved.¹²

On July 24, 1873, the police force came in for some criticism from the *Wichita Eagle*:

Two horse races occurred last Saturday, upon one of which \$800 was staked. Of course the decision was unsatisfactory, and much loud talk during the evening was indulged in upon the street, especially at the postoffice crossing on Douglas avenue, where three or four fellows on horses blocked up the walk and cursed and swore, and used vile epithets at a fearful rate, regardless of passing ladies. We noticed two policemen in the crowd who never raised a hand to clear the walk, to stop the oaths or to make an arrest. At last

John M. Steele [Mike Meagher's brother-in-law] stepped forward and told the horseman to clear the track.

On Christmas day, 1873, Wichita was thrown into a frenzy of excitement by what appeared to be an accidental fire and death. Subsequent investigation indicated, however, that neither the fire nor the death was accidental. For weeks the case of the "Christmas Cremation" was the big news in Wichita and little else in the way of police activity was reported upon. Though Mike Meagher was city marshal at the time of the fire the role he played in the drama was small and his name appeared in the cast only infrequently. Finally the climax was reached and two young men, Arthur Winner and Joseph W. McNutt were convicted of the murder of one W. W. Sevier and sentenced to be hanged. The most active police role was taken by an ex-policeman, William Smith, and further details of the crime will appear in the section devoted to him.

Possibly because of the excellent job of detection done by Smith in the Christmas cremation case he was appointed Wichita city marshal by the mayor and city council who were elected in April, 1874. Thus on April 15, 1874, Mike Meagher, after serving three years, was no longer on the city police force.¹³

For a while Mike stayed in Wichita, then went into the Indian territory. He was in Wichita when the *Eagle*, May 7, 1874, reported:

Ex-Marshal Mike Meagher, with a long whip in hand, and astride of a vicious kicking mustang, to which was attached a shaky buggy containing two men, presented such an unusual scene as to frighten a pair of long eared mules, attached to a lumber wagon, into a stampede, for which the colored driver was arrested and fined \$3.00 and costs for reckless driving; all of which had the effect to heighten the usual stir on Douglas avenue of our lively city, on Tuesday afternoon.

Mike then went south but was back in Wichita early in June. The *Eagle*, June 11, 1874, noted his visit:

Our ex-marshal, Mike Meagher, put in an appearance in Wichita last week. He has been milling around through the Indian Territory and the western part of the state. Mike made a good officer, and has hosts of friends in the city where he stood so long as its chief sentinel.

Meagher served as a deputy United States marshal that summer but no record has been found of the terminal dates of his appointment. As a deputy marshal he was mentioned only twice by the Wichita newspapers. The *Eagle*, June 18, 1874, said:

Deputy U. S. Marshal Mike Meagher arrested Frenchy last Sabbath evening in this city, and started for Fort Sill, Indian Territory, with his prisoner last Monday morning.

The second article appeared the following week and once more dealt with "Frenchy":

Mike Meagher, U. S. deputy marshal, returned from Ft. Sill last Monday, having safely delivered French into the hands of the U. S. officers. This French acknowledged that he had himself been, and had put the Indians up to much of the devilment of the last year. He is a desperate character, and it is supposed he had a hand in the murdering of that young doctor at the fort last spring. Sheriff [P. H.] Massey showed us a letter yesterday which made inquiries about French. It was from the great spiritualist E. V. Wilson, and announced that French's father's vessel had arrived in New York 9th inst., it appearing that his father was a sea-captain sailing out of the port of New York. The time French was in Wichita he had two stolen horses and it is supposed that he was on his way east. These facts we gain from Meagher and Massey.¹⁴

While Mike was acting as a deputy U. S. marshal, the *Topeka Commonwealth*, June 14, 1874, reported that he was first lieutenant in a newly formed militia company then engaged in scouting possible Indian difficulties along the southern Kansas border.

With the return of spring and the city elections approaching once again Mike began to eye the office of Wichita city marshal. In 1875, as in 1872, the marshal was to be elected by the people. Both Mike Meagher and incumbent Smith made a bid for the office in the *Eagle* of April 1, 1875. Mike announced:

EDITOR EAGLE:

At the earnest solicitation of business men, and the urgency of many Texas men, by letter, I take this opportunity of announcing myself as a candidate for the office of city marshal, at the ensuing spring election.

Respectfully,
MIKE MEAGHER

A third candidate for the office was Dan Parks who had served as assistant marshal since 1873. When the election was over, April 5, 1875, Mike had won easily, garnering 340 votes to Parks' 311 and Smith's 65.¹⁵

The newly elected mayor, George E. Harris, and city council met on April 21, 1875, naming John Behrens assistant marshal and Wyatt Earp and James Cairns policemen.¹⁶

Mike had hardly begun his fourth term as marshal when he captured two horse thieves. The *Wichita Beacon*, May 5, 1875, reported the arrest:

Last week city marshal Meagher received a postal card from Kalida, Woodson county, giving the description of a mare and three horses that had been stolen from Mr. Stewart, a farmer living four miles this side of Kalida. Taking a turn about town, the marshal struck the trail of two men whose actions excited his suspicions, and tracing them up he found that they had a couple of horses at a livery stable, on Douglas avenue. The horses corresponding to the

description given on the postal card, Mike took possession of them, and afterwards arrested the two men, who gave their names as Thos. Cook and Charley Glosfelter. The fact of their arrest was telegraphed to the Sheriff of Woodson county, who arrived here on Thursday night, accompanied by Mr. Stewart. The men and stock were identified, taken possession of, and on Saturday morning departed for Woodson county, where they will probably receive a full reward for their love of horse flesh and their fondness for traveling at the expense of others.

The cowboys who frequented Wichita's entertainment areas were no respecters of the Sabbath. The *Wichita Eagle*, May 27, 1875, told of one such herder who successfully eluded the city's police:

The three shots that were fired on Main street between the Occidental and Empire last Sunday night, were showered into the innocent air by a hilarious party of the name of Higinbotham, who was a horse back, and heavily armed for the sport. The police chased him to the corporate limits, but could go no further.¹⁷

On August 11, 1875, the *Beacon* reported that

Mike Meagher received a telegram from the sheriff of Douglas county, Tuesday of last week, requesting the arrest of a colored man, named Jesse Harrington, for stealing a horse near Lawrence. The arrest was made but no response to the information sent the sheriff having been received up to Saturday night, Mike released his prisoner Sunday morning.

Also in August the city council relieved James Cairns from the force. The *Eagle* reported the action on August 12: "The city authorities have reduced the police force. This was wise. They might have done the same thing months ago, which would have been wiser." Remaining on the staff were Meagher, Behrens and Earp.

Toward the end of August, 1875, 32-year-old Mike married a 24-year-old Ohio girl named Jenny. The city little suspected Mike of romantic intentions as the *Beacon*, September 1, 1875, indicated in this article:

The marriage of Mike Meagher was quite a surprise, but an agreeable one, to his many friends here. That our popular city marshal should go off and "do so," without consulting some of the old "roadsters," was unexpected by them, to say the least. We wish him, for ourselves, a long, brilliant and happy wedded career with a life lived long enough to get up a full force of his own.¹⁸

Several disturbances of minor importance kept the police force busy in September. A lady of questionable virtue enlivened Main street on September 10, the *Beacon* reporting on September 15, 1875:

A soiled dove got her guzzle full of whisky last Friday and with a fast team drove single handed up and down Main Street, swearing and howling like a wolf. She was finally gathered by a "nabbing guy," following third on the booze register, under charge of loose and "laskivious" conduct.

The next night, Saturday, again saw Main as a place of lively spirits. The *Beacon* reported in the same issue (September 15):

A Main street dive furnished a sufficient amount of generic force to create a first class sceance last Saturday night, which was afterwards transferred to the cooler. The register showed enough names for a full game of eucher. Several of this party were married and reported themselves as lost on a hunt, but didn't tell what kind of a hunt.

In reporting similar disturbances the next week, the *Beacon* September 22, 1875, felt the police were not fully performing their duty:

Several night brawls of a disgraceful character, have occurred lately, between the hours of 12 and 2 o'clock. The scene dragged in front of the Occidental Hotel last Saturday morning was of this kind. Aside from thefts and even burglaries, such might not be worth mentioning, if they did not raise a question as to the whereabouts of our night police. Several citizens have complained of this already, and have intimated in a disreputable way as to the whereabouts of the police at these hours. When our officers do their duty no one is so quick to give them the meed of praise as the *BEACON*, and it is our equal duty to condemn them for any dereliction.

In November Mike Meagher arrested Bill Potts with the assistance of Wyatt Earp (*see* the section on Earp) and Ed Hays with the assistance of John Behrens (*see* the section on Behrens). The *Beacon* said of the latter capture:

One Ed. Hays came riding down from Little Rattlesnake, Tuesday, "smoothing his horse's chestnut mane," and all unaware that Mike Meagher knew of his coming, had his description, and true to his nature would, and did have him safely lodged in jail before night, charged with passing counterfeit money at Big Bend.¹⁹

After Potts was tried, and released, Meagher served another warrant on him. The *Beacon* reported the second arrest on November 17, 1875:

Bill Potts and the two colored men, an account of whose arrest was given in last week's issue, were brought before Justice Misner on Wednesday last, on a writ of *habeas corpus* and released. Marshal Meagher immediately served a state warrant on them, and they are now under charge of the sheriff. The stolen cattle belonged to a Mr. Saunders, of Fort Sill, for whom these men were working. Mr. Saunders arrived here on Friday night last.

Meagher was re-elected to the office of city marshal on April 4, 1876, in spite of the difficulty his policeman, Wyatt Earp, had caused shortly before the election by striking the rival candidate, William Smith. (*See* the section on Earp.) Mike won a handsome majority over Smith, the votes totalling 477 to 249.²⁰

Wichita's cattle business had begun to fall off sharply after the season of 1874. In both 1875 and 1876 shipments declined ap-

proximately one-half each year. By 1877 only 4,102 head were shipped out. With increased settlement around the older established routes the cattle trails were shifting westward to avoid the barbed wire of the nesters. Dodge City was fast becoming the most popular shipping center and in the years that Wichita's trade fell off, Dodge's increased by even greater percentages. For a while it seemed that the northern end of the Chisholm trail was doomed to a certain death but in the spring of 1880 it was given a transfusion by the completion of the Cowley, Sumner & Fort Smith railroad to Caldwell. From that time until the end of Kansas' trail-driving days Caldwell was booming, boisterous and bloody, aptly named by her residents, "the Border Queen."

Sometime before the completion of the railroad Mike Meagher had moved the scene of his own operations to Caldwell. He had served out his term as Wichita city marshal but between April, 1877, and April, 1880, transferred his loyalties to the Border Queen. On April 5, 1880, ten weeks before the first steam engine puffed into town Mike was elected mayor.²¹ He was Caldwell's second chief executive.

One of Mike's first official acts was to appoint a police force. The mayor nominated William Horseman, marshal; Dan Jones, assistant marshal, and James Johnson, policeman. All of the appointments were confirmed by the council.²² (See the sections devoted to each of these persons.)

On June 5, 1880, the United States census taker enumerated the city of Caldwell, listing Mike Meagher on page 18. Mike then was 37 years old; his brother John, 35, was also listed as being in the town. Both were born in Ireland.

When George Flatt was killed on the night of June 19, 1880, Mayor Mike Meagher, the city marshal, and several others were soon on the scene. Little could be done, however, for Flatt died instantly and the assassin was unknown. (See the section on Flatt.) A few days later Mike and his police force were arrested by county authorities, charged with complicity in the Flatt killing. The *Caldwell Commercial*, July 1, 1880, reported:

THE CITY GOVERNMENT ARRESTED.

Last Friday Sheriff Thralls came down with three or four deputies and warrants for the arrest of Mike Meagher, Mayor of the city, Wm. Horseman, City Marshal; Frank Hunt, James Johnson, Policemen; Dan Jones, Constable; and Geo. W. McFarland and R. H. Collins, charged with complicity in the killing of Geo. Flatt. The Sheriff also summoned Hugh A. Ross, Dr. [D.] MacMillan, Dan Rogers, Charles Spear and William Thompson, as witnesses on the part of the prosecution. No information could be obtained as to whether these ar-

rests were made on a verdict rendered by the Coroner's jury or at the instigation of outside parties.

Hasty preparations were made by prisoners and witnesses, and at 2:20 the party boarded the passenger train and went to Wellington. Arriving there they found that County Attorney Wilsie was sick and that no examination could be had before Tuesday. Steps were at once taken to sue out a writ of habeas corpus, which was done on Saturday and trial under the writ set for Monday before Judge Evans.

On Wednesday evening the trial closed, resulting in the discharge of all the parties except Horseman and Hunt. Warrants were immediately issued and the entire party re-arrested, but on second thought the Justice of the Peace issuing the warrants discharged Mr. Collins.

At noon to-day Meagher, Johnson, Jones and Collins came down, Collins to stay, but the others to return by the afternoon train. What the result of all this will be it is impossible to say, but, if we are correctly informed, the whole thing has the appearance of a put up job. So far no evidence has been offered—except that given by Thompson, a boy employed in the Varieties, who swore that he had been offered money to testify as he did; and the testimony of a man named Sexton, living at Missouri Flatts, who acknowledged that he had offered Thompson \$50 to testify against the parties—against any of the parties charged.

We are told that the Justice of the Peace—whose name we have forgotten—was indignant because the case was taken out of his hands and brought before the Probate Judge, and for that reason he issued the second batch of warrants. Be that as it may, all accounts agree that he showed an unusual personal interest in having any or all of the parties held for the killing of Flatt, regardless of evidence or any thing else.²³

Meagher's second examination was held July 3 before Justice of the Peace I. N. King at Wellington. Though Meagher was discharged, Horseman, Hunt, Jones, and Johnson were bound over for the next term of the district court. The *Caldwell Commercial*, July 8, 1880, indicated there never were any valid grounds for the arrests, that the whole thing was a money making scheme on the part of Wellington officials:

We have endeavored to obtain the evidence given in the trial before the Probate Judge and also before the Justice of the Peace, but have been unable to do so. Statements of its purport have been given by several who were present at both examinations, and from these statements we believe the desire on the part of the officials at Wellington was to bring business to their town and make money out of it rather than to discover who killed Flatt. It looks not only like a money making scheme, but also a scheme to cast odium upon the city of Caldwell, and to injure it in so far as could be done by conveying the impression that our people were a set of thugs and assassins. . . .

As with our other well known frontier characters, Mike was only human, and even the exalted office of mayor did not restrain him from engaging in a business common to his kind. On August 2, 1880, for instance, Mike was arrested for running a keno game. He was fined \$5 and costs by Police Judge James D. Kelly.²⁴

Meagher did not run for re-election in 1881 but on July 18 he was nominated for city marshal. The nomination was rejected by the city council.²⁵ There were those in the city who still wanted Mike to be marshal, however, and on July 21, 1881, the *Commercial* said:

Mike Meagher has taken to the saw and plane. Several of our citizens who know his qualifications for the position, have been anxious to have him appointed City Marshal, but Mike says he has had enough of that kind of business and believes he will stick to his present job.

But next week, on July 28, the *Commercial* announced Mike's appointment: "At the request of Mayor Hubbell, M. Meagher consented yesterday to act as City Marshal for the present."

Mike served as marshal of Caldwell for only five days. At a council meeting held August 1, 1881, the mayor placed both Mike's name and that of James Roberts in nomination for the position. Roberts received three council votes to Mike's one.²⁶ Thus was settled, temporarily, a police problem which had been before the mayor and city council for weeks. The *Commercial*, however, did not think highly of the decision, saying on August 4 that "we presume [the council] feel as proud as peacocks over the wisdom and able statesmanship they have exhibited in settling the vexed question for the time being at least."

The problem reappeared in October and Mike was again offered the marshal's position. He declined, however, as did George Brown and Dan Jones. The man finally selected was John Wilson.²⁷

A few weeks later Mike Meagher was cut down by an assassin's bullet. It happened on December 17, 1881, and was reported by the *Caldwell Post*, December 22:

WAR ON THE BORDER.
TWO MEN KILLED AND ONE WOUNDED.
A DESPERATE FIGHT WITH OUTLAWS.

To begin at the beginning of this affair, one would have to get into the secrets of men's hearts; so we will only begin at the apparent beginning. One Jim Talbot who has been around the city about a month, gambling, drinking, bullying, and attempting to bulldoze every one, was the leader of the party. He has a wife and little boy and girl living on Chisholm street, in this city, and came up the trail with Millett's herd this fall. On Friday night at the play he became very much incensed at the writer hereof, and swore he would kill him before he left the city. He repeated the threat on Saturday morning on the streets; but one editor was too sharp for him, and was out of his way. The aforesaid editor was not aware that the threat had been made until after the shooting on the street had occurred.

With Talbot on the drinking spree during the night were Jim Martin, Bob Bigtree, Tom Love, Bob Munsen, Dick Eddleman and George Speers. Speers did none of the shooting, but was in the act of saddling one of Talbot's horses

when he was shot. Talbot, Martin, Bigtree, Munson and Doug Hill were standing holding their horses near Speers, waiting for him to saddle up.

After the fighting in the city, and Mike Meagher and George Speers were killed, the five outlaws—Jim Talbot, Bob Bigtree, Bob Munson, Jim Martin, and Doug Hill—rode off to the east of town, across the railroad track. Some one of the citizens fired at and killed a horse from under one of them. He got up behind one of the other men. A party of citizens organized, mounted horses and started in pursuit.

The outlaws met a man bringing hay to town, with a lead horse in the rear of the wagon. They cut the horse loose and rode it off. At W. E. Campbell's they got two more horses, those they were riding having been wounded. The party of citizens got sight of them just before they crossed Bluff creek into the I. T. There were five of the outlaws then, but after they appeared on the prairie beyond, there were only four. They followed at a break-neck pace, both parties keeping up a constant fire for about twelve miles.

The outlaws headed for Deutcher Bros.'s horse ranch on Deer creek, intending to get fresh horses there, but were so closely pressed by the pursuing party that they could not make the change and get away. When they reached the ranch the citizens were only a few hundred feet away. The outlaws passed on to the bluff and creek about six hundred feet south of the ranch, dismounted and took to the brush and rocks, firing all the time at the citizens. The citizens finally drove them over the bluff and into a canyon, where there had been a stone dugout. Into this three of the outlaws went, threw up breast-works of stone, got behind them and would bang away at any one who showed an inch of his person to their view.

The citizens surrounded the gulch and kept up a constant firing at the fort, but without effect. One of the outlaws took refuge up in a small gulch leading to the west, and was not seen until he fired at W. E. Campbell, who was sliding down the hill on his face to get a commanding point above the fort. The outlaw's ball took effect in Campbell's wrist, passing between the two bones. Another ball passed through his clothes six or seven times, and made a small flesh wound on the thigh. This disconcerted the citizens to a certain extent, and, it being dark, they could do but little good in fighting. Being above the outlaws, they were splendid marks for their fire, while the outlaws were in the shadows, so that their position could not be distinguished. Had the fourth man been anywhere else in the gulch the citizens could have taken them in; but his position covered every point that the others were exposed from; in fact, he held the key to the situation. Thirty minutes more daylight would have told the tale for the outlaws; or had Campbell escaped the fire of the villain that shot him, he could have killed the other three in as many minutes, as his position commanded the fort in every corner. The two parties were not over seventy-five feet apart at any time during the battle, while Campbell's man was not over twenty-five feet from him when he shot. Johnny Hall got a bullet through the top of his hat, missing his head about an inch.

Reinforcements arrived at the ranch from town about ten o'clock. Pickets were formed around the gulch, but the outlaws had flown before that time. There were only about fifteen men at the place during the evening fight, and most of them returned to town as soon as Campbell was shot, leaving only six men to guard the gulch and over thirty head of horses. The horses required the attention of at least four men, for they were what the outlaws needed.

The morning round-up revealed the fact that the outlaws had escaped. The entire party, except Sheriff Thralls, Frank Evans, Bob Harrington, Jim Dobson, Sam Swayser, Mr. Freeman, A. Rhodes, another man and the writer hereof, came to town. About thirty-five came in, leaving the small party to look up the outlaws, inform the camps below to look out for stolen stock, etc. Our party visited two or three camps on Deer creek and started home. We met several parties coming out from town, most of them for fun, others for business. They all returned before night.

A party of fifteen was organized by the Mayor and started out Sunday evening to guard certain cow camps to see that no horses were stolen from them. The outlaws traveled six or seven miles, or possibly ten, Saturday night.

Two freighters were camped on Bullwhacker creek about eighteen miles south of this city Sunday night, when Talbot's party, five in number this time, rounded them up and took five horses from them. Two of the party were bare-headed, and one had a slight wound in his foot. The outlaws started south.

The freighters came in Monday about two o'clock, when Sheriff Thralls, with a posse, started in pursuit. Another party of freighters passed the outlaws near Pond creek during the night. The outlaws were going south.

A party was organized Tuesday evening and started to Cantonment to intercept them there. Mr. George Brown was in charge of the party.

SYNOPSIS OF EVIDENCE

before Coroner's jury concerning the death of Mike Meagher:

Dr. Noble's evidence was to the effect that Meagher died from the effects of a gunshot wound through the lungs, the ball passing through the fleshy part of the right arm, thence through the body, producing death in about twenty-five or thirty minutes from the time of the infliction of the wound. Dr. West assisted in the *post mortem* examination, and verifies Dr. Noble's evidence. John Wilson, City Marshal, says, in his evidence, that early in the morning (Saturday) Mike Meagher came to his residence and asked him to come down town and stop a riot; that Jim Talbot and party were wanting to kill him. He came down town with Meagher, went to Moores Bros.' saloon, arrested Tom Love for firing a revolver in the building. Bill Mankin, Bob Munson, Dick Eddleman and Jim Talbot were with him, armed with revolvers, needle guns and Winchesters. "I started to take Tom Love to the calaboose, when he resisted. I called Mike Meagher to assist me, when the party made a rush for us and made an attack upon Meagher. Meagher went up the Opera House stair way, and I stood at the bottom. Jim Talbot and Tom Love were loudest in their threats against his life. I stopped at entrance of stairs, and told them I would shoot the first making the attempt. Had been compelled to release Love in the meantime. The party then dispersed.

"About one o'clock I arrested Jim Martin, who was still armed; took him before Judge Kelly, who fined him. Started him to York & Co.'s with Assistant Fosset to get money. He passed down on street, where Love, Talbot, Munson and Eddleman took the prisoner away from Fossett. Talbot started to run south, turned around and fired two shots at me. I followed down sidewalk on east side, passed through alley way south of Pulaski's store, Mike Meagher with me. Stopped in alley back of store. Jim Talbot commenced firing at us from north of Opera House on sidewalk with Winchester rifle. No one was with him. Saw Talbot take aim in the direction we were in. I took hold of

Meagher and warned him to look out. I heard the report of the gun, and Meagher said, 'I am hit, and hit hard.' Took hold of him and helped him to a box. Then left him and went with Hubbell to laundry back of Hubbell's, and began firing at Talbot, Bob Bigtree and three others who were on horses returning fire at citizens. Talbot took a six-shooter from Meagher in the morning in Meagher's saloon."

Ed. F. Rathbun said: "I was with Meagher and Wilson at the rear of Pulaski's store. We were firing at Bob Bigtree near the Chinese laundry, they returning our fire. I looked north toward the M. & D. Bank building. Saw Talbot standing with a Winchester rifle aimed at Meagher or myself. Saw the smoke issue from the gun, heard the report and saw Meagher begin to sink down. Said, 'Good God, Mike, are you hit?' He said, 'Yes; tell my wife I have got it at last.' Mike was standing with his six-shooter in his right hand and rifle under left arm, aiming at Talbot. I assisted him to the south side of Pulaski's store, from where he was removed into the barber shop."

W. D. Fossett: "I was crossing Main St. with Jim Martin in my custody, when Talbot and gang came up to us. Talbot said that Martin need not pay his fine if he did not want to. Wilson saw that two of the party were armed, and ordered them to give up their arms. They refused and scattered. Talbot ran down the street, turned and fired two shots at Wilson, ran between the building east, yelling to the boys to get their Winchesters. He ran to his residence, got his gun, came up 5th street to the rear of Opera House, and began firing at me. I was then at rear of Hockaday's store. Meagher and Rathbun were near me. Doug Hill and Bigtree were firing at me from the east, and Talbot from the north. After the heavy firing ceased up town, I saw Munsen and Bigtree come from Talbot's house, armed with Winchesters."

George S. Brown says: "I was standing on the street about eight o'clock in the morning. Saw Wilson arrest Tom Love. Mike Meagher came to his assistance. Talbot's gang and Comanche Bill rushed in and began to threaten Meagher. They went up street and a short distance. Meagher stepped up the Opera House stairs. Was in the rear of my shop when the fight was going on in the afternoon. Saw Talbot shoot at me from rear of Opera House. Ball struck barrel near me. I returned into my shop."

W. H. Reilly says: "I was in the street. Saw Wilson arrest a man for shooting off his revolver. Meagher came to Wilson's assistance. Before they got away with prisoner an armed party of men came down street and took prisoner from officers. Talbot remarked, 'Meagher is the man we want, and Meagher is the man we will have.' This happened about 8 o'clock in the morning."

Richard Wilson says: "About 2 o'clock p. m. I was at George Kalbflesch's stable. During a lull in the fighting Doug Hill, Bob Bigtree, Bob Munson, Jim Martin, Dick Addleman, Jim Talbot, and two others came to the barn, presented rifles and ordered us to saddle horses. They chose four horses and made us saddle them. They took an extra saddle with them. After they left Dick Addleman presented a revolver and ordered us to saddle a horse for him. We refused. He put up his revolver, asked us to not give him away, and left."

Andy Caylor's evidence verifies that of Richard Wilson's with reference to taking horses.

Nellie Whitson says: "I saw Jim Martin run to Talbot's house. Doug Hill and Bob Munson came soon after. The door seemed to be locked. Talbot

told the boys to break the door in. They did so. Immediately they came out armed with guns. In the morning a lot of men, Jim in the number, came to our house. Jackson and Comanche Bill were with them, and were trying to get them to lay down their arms and be still. They all did so except Jim Talbot, who for a time refused and swore he would kill Mike Meagher before he left town, if it cost him his life. The guns were taken to Talbot's house. They then left, except Tom Love and Comanche Bill, who went to sleep. About 1 p. m. Talbot, Hill and Munson came back, woke Love and Bill up. Took Love up town with them. Bill would not go with them. When Doug Hill quit firing at Bill Fossett, he directed his fire at two men in the rear of Pulaski's store. After his last shot I saw this man stagger and fall. I saw Rathbun pick him up."

Edward Hefflinger said that he saw Comanche Bill take a pistol away from Love, who was trying to shoot Meagher in his saloon early in the morning.

William Mankin (Comanche Bill) says: "On Saturday morning, about sunrise, I, with Challes, Dave and George Speers, Jim Talbot and five others, were in Robison's saloon, talking and drinking, when John Wilson came in and asked the boys to keep quiet. He asked me to keep them quiet. I wanted them to go with me to breakfast at the Clifton House. Munson objected. Finally got them to go. Got the guns away from the boys, except Jim Talbot. I also got two revolvers from the party. The party were seated at the table. Jim Talbot would not come in. Jim said: 'Boys, they have arrested one of the boys; let's take him away from them.' They started out of the hotel with their guns. I went with them up the street to the Opera House stairs, where two of the boys had their guns down on Meagher. I took them away from them or got them away. I got them to give up their guns. Talbot insisted on having the guns taken to his house, which was done. Tom Love laid down on my bed after the others left. I went to sleep, and woke up when I heard the firing. Before I went to sleep, I went up town to see Wilson, he asking me to do so. Went to Meagher's saloon, where I was sworn in as special police. Did not fire a shot all day, as I had no arms of any kind."

The Coroner's jury returned a verdict to the effect that Mike Meagher came to his death from the effect of a gun shot wound from a gun in the hands of Jim Talbot, and that Bob Bigtree, Jim Martin, Tom Love, Dick Eddleman, Bob Munson and Doug Hill were accessories.

Warrants were issued for the arrest of the above named men. Tom Love and Dick Eddleman were arrested Tuesday and sent up to Wellington. The others escaped into the I. T.

Up to a late hour last night no news had been received from the outlaws below, nor from the Sheriff Thralls party. The party that started out Tuesday evening returned Wednesday morning, six men being too small a party to try a racket with the five outlaws.

Mayor Burrus offers a reward of \$500, Sheriff Thralls \$200, W. E. Campbell \$200 and J. M. Steele, of Wichita, \$200 for the outlaws, dead or alive.

Mike's body was taken to Wichita for burial. Two days later, December 22, 1881, the *Wichita Eagle* printed a glowing tribute to the former marshal:

A BRAVE MAN GONE.

When the history of the daring spirits of the Kansas border are written up, there will be found few brighter than he whose mortal remains were consigned to the grave in this city yesterday. With nothing of the dare-devil or reckless bravado in his composition, nevertheless Mike Meagher did not know the meaning of personal fear. As marshal of this city in the day when one-half of our residents were of the worst desperadoes between the Missouri and the Rio Grande, large numbers of whom boasted the blood of fellow beings, reckless, red-handed manslaughterers, whose only notion of heroism was embodied in the expression that "he had killed his man," Mike Meagher, by his consummate coolness and wonderful bravery, preserved the lives and property of our people. Many a time and oft has he faced death upon these streets with a bravery, fortitude and composure beyond the power of words to describe. He has fallen at last, fallen only at the hands of an assassin—at the hands of one who has threatened his life for years, but who would never have accomplished his awful work in an open field and equal chances. The brave spirit before whom murderers have quailed and mobs slunk away, was freed only by deadly stealth. Kind of heart, gentle as a child, generous and open in all things, always helpful and never overbearing, his life was a heroic ideal. His remains were brought to this city by Captain J. M. Steele, his brother-in-law, attended by his sorrowing wife and relations, and were buried on Tuesday, being followed to the grave by a very large concourse of people, most of whom were his fast friends in life, and who regret and mourn his untimely taking off. "After life's fitful fever he sleeps well."

Not often does one hear two sides of such rows as that which resulted in the death of Mike Meagher, especially when the "other side" has made a successful escape. The Caldwell fracas was an exception, however, for on January 12, 1882, the killers wrote an indignant letter to the Kansas City (Mo.) *Times* explaining things as they saw it. The letter was copied in the *Caldwell Commercial*, January 26, 1882:

THE CALDWELL COW BOYS

PUT IN A DEFENCE FOR THEIR RECENT FIGHT DOWN THERE.

TO THE KANSAS CITY SUNDAY TIMES.

IN CAMP, January 12.—We have noticed through the columns of your paper the account of the so called cut-throats. You are aware of the fact that every story has two sides, so we wish to inform the readers of the *Times* that we have been very basely misrepresented. In the first place we were not drunk at the time of the fight. In the next place we never rode into the city of Caldwell. We had been in town about one month and had always abided by its laws, and as far as helping ourselves to anything it is false. We never molested any thing that was not our own. As for Meagher when he was killed we were not mounted. He had two six shooters in his hands at the time he was shot; and more he went to Hubbell's store and borrowed the pistols. It seems to be the general opinion that Meagher was a leading man in Caldwell. Do you know his business? He was nothing more than a saloon keeper and ran a keno table. Just a few days before the row he was arrested and had to give bond for selling whisky in Caldwell. It has been published that the row

grew out of the killing of George Flat, this is also false. It never entered our minds.

The very reason the row came up was that the honorable Marshal of Caldwell, John Wilson, was on a protracted drunk and stationed a posse of men in the Exchange saloon and told them to shoot every man that moved—that is, cowboys—then arming himself with two pistols, and then throwing them down on every one of the cow boys, telling them to throw up our hands, which we refused to do. He then withdrew his weapons and proceeded to organize a mob to take or kill us. We went and got our guns and marched to the front and engaged in a fight, which lasted about an hour. We then went and got our horses and started to leave town and then we were fired on from every and all concealed place imaginable. The second skirmish lasted about thirty minutes and then we were forced to ride. We were pursued by about 100 armed men. They at length got us rounded up in a washout and there we stayed until night; then we got together and left. After the mob had dispersed Wilson turned to shoot one of the boys in the back, and this is why the row came up. George Spears was shot by the town mob. He had no hand in the fight whatever. He was a friend to the cow boys and that was the cause of his death. He was just as honorable a citizen as Caldwell had. The Assistant Marshal acknowledged that Wilson was drunk, and that if he (Wilson) had let things alone every thing would have been all right and there would have been no row.

We did take the freighters' horses and told them that we would return their horses in six or eight days, and on the seventh day we took them back. They told us that if they were situated in the same position that they would do the same thing and did not blame us. Caldwell citizens seem to think that Talbot was one of Billy the Kid's gang. This is a bare falsehood, he has never seen the Kid and has never had any acquaintance with him whatever. We notice that it was stated we had a fight at a ranch on Wagon creek; this is a mistake; we never was at Wagon creek and took saddles and horses. We never took any horses but the freighters. We are willing to go and stand our trial if we thought we could get justice, but this we know we cannot get. This is the true facts of the row.

[Signed] JIM TALBOT,
DUG HILL,
BOB MUNSON,
JIM MARTIN,
BOB BIGTREE.

On January 24, 1882, Tom Love, one of the two who were captured shortly after the Meagher murder, was acquitted at his preliminary examination in Wellington.²⁸ Dick Eddleman, the other prisoner, escaped from the Sumner county jail three days later. The Caldwell *Post*, February 2, 1882, reported his flight and recapture:

JAIL DELIVERY.

Dick Eddleman, who has been confined in the county jail in Wellington for some time for participation in the Talbot riot, succeeded in walking out Saturday evening while the guards were feeding the prisoners. The cage door was open and Eddleman climbed upon the cell and was locked out when the cage

was shut. Deputy Sheriff Thralls missed his man at bed time, and, supposing he had skipped for Caldwell, procured a team and drove to this city and notified his brother, Sheriff Thralls. They together drove north on the road towards Wellington. When out about three miles they met Eddleman on horseback, and commanded him to halt; he heeded not the command, but skipped out at a lively pace.

The Sheriff's party fired upon the escaped prisoner, and suppose they wounded the horse, as, after he had gone a short distance the horse was unable to go faster than a walk. The prisoner wandered around the north part of town for a short time, then went around to the north-east part of town where he unsaddled his horse and turned him loose, then struck off in a northwesterly direction. The Sheriff's party soon rounded him up over by the Avery place, brought him into the city and sent him up to Wellington in charge of Deputy Sheriff Thralls. Eddleman will probably get about seven years for breaking jail and stealing a horse. This will be rather rough on the boy if he could have escaped the charge of participating in the Talbot riot. It was rather convenient this time for Sheriff Thralls that he was at his branch office in this city.

Doug Hill was arrested in 1887 and placed on trial for murder. He pleaded guilty to manslaughter in the fourth degree, was convicted, and given six months in the county jail. Jim Talbot, the supposed leader of the bunch, did not stand trial for the crime until 1895. His first trial ended in a deadlocked jury and in the second he was acquitted. He returned to his home in Ukiah, Calif., where in the late summer of 1896 he was killed by an unknown assassin. It was rumored that Talbot, whose real name was James D. Sherman, was killed by his wife's lover.²⁹

The fate of the remainder of the gang remains unknown.

1. "Miscellaneous Papers," Records of the City of Wichita. 2. *Ibid.* 3. "Proceedings of the Governing Body," Records of the City of Wichita, Journal A, pp. 44, 46, 55. 4. *Ibid.*, pp. 75, 76; "Miscellaneous Papers," Records of the City of Wichita. 5. "Proceedings of the Governing Body," Records of the City of Wichita, Journal A, pp. 78, 81. 6. *Ibid.*, pp. 89, 90. 7. "Miscellaneous Papers," Records of the City of Wichita. 8. "Proceedings of the Governing Body," Records of the City of Wichita, Journal A, p. 128. 9. See, also, *ibid.*, p. 159. 10. *Ibid.*, pp. 186, 187. 11. "Miscellaneous Papers," Records of the City of Wichita. 12. "Proceedings of the Governing Body," Records of the City of Wichita, Journal A, pp. 318, 320; many routine official records bearing the name of Mike Meagher have not been included in this sketch since their presence would contribute little in proportion to the space they would require. 13. "Proceedings of the Governing Body," Records of the City of Wichita, Journal A, p. 371; Wichita Eagle, April 23, 1874. 14. *Ibid.*, June 25, 1874. 15. "Proceedings of the Governing Body," Journal B, p. 42. 16. *Ibid.*, p. 44; Wichita Weekly Beacon, April 28, 1875. 17. See, also, *ibid.*, May 26, 1875. 18. See, also, "United States Census," 1880, Caldwell, Sumner county, Kansas, p. 18. 19. November 10, 1875. 20. "Proceedings of the Governing Body," Records of the City of Wichita, Journal B, p. 103. 21. Caldwell Post, April 8, 1880. 22. *Ibid.*, April 15, 1880. 23. See, also, *ibid.*, July 1, 1880. 24. "Police Court Docket," Records of the City of Caldwell. 25. Caldwell Commercial, July 21, 1881. 26. *Ibid.*, August 4, 1881; Caldwell Post, August 4, 1881. 27. Caldwell Commercial, November 3, 1881. 28. Caldwell Post, January 26, 1882. 29. Caldwell News, April 18, 25, September 19, 1895; September 3, 1896; Caldwell Messenger, April 30, 1956.

MORCO, JOHN

(-1873)

In the summer of 1873 there were five "Jacks" manning the Ellsworth police force, a situation that was not to endure for long. John H. (or W.) "Brocky Jack" Norton, one of Wild Bill Hickok's policemen at Abilene in November, 1871, was city marshal. John "Happy Jack" Morco, John S. "High Low Jack" Branham, Long Jack, and Short Jack were policemen.¹ When their terms began has not been determined.

On July 15 Brocky Jack and Happy Jack rode over to Fort Harker, four miles east, and arrested a thief. The *Ellsworth Reporter*, July 17, 1873, stated:

POLICE ITEMS.—John Smith and another man whose name we did not get, were arrested about sunrise Tuesday morning, for breaking into Davis' store. Smith had a preliminary trial yesterday, and will have some more today. It is reported that he has been engaged in extensive steals in the Territories. Smith was captured by "Brocky Jack" and "Happy Jack," at Fort Harker, after a careful, determined chase and search on horseback. It is supposed that Smith's companion escaped, and that the second man arrested will be discharged.

Ellsworth county Sheriff Chauncey B. Whitney was murdered by Billy Thompson on the streets of Ellsworth on August 15, 1873. Billy's brother, Ben, would not surrender his weapons until Happy Jack had been disarmed since the Thompson brothers seemed to have a bitter grudge against Morco. The full story of the Whitney killing will be presented in the section on C. B. Whitney.

Because of their apparent inefficiency during the Whitney-Thompson episode, the entire police force of Ellsworth was discharged by the mayor. Happy Jack, who declined to stop wearing his weapons in accordance with city ordinance, traveled to Salina but on his arrival there was arrested on order from Ellsworth. The *Saline County Journal*, September 4, 1873, reported the facts:

"Happy Jack," ex-policeman of Ellsworth, whom the wayward Texans especially dread, was arrested upon a dispatch from Ellsworth, last Thursday evening [August 28], on the eastern bound train, after it had stopped at our depot. We are informed that there is a division of feeling among the Ellsworth people as to how their present troubles with lawless Texans should be managed—one party advocating enforcement of the laws on every occasion, the other clamoring for great leniency towards Texas law-breakers, whose trade they desire to retain. The latter party has lately obtained the ascendancy and through their influence Jack was removed from office, as the Texans had threatened to withdraw their herds from Ellsworth provided it was not done. Upon his discharge Jack was asked to give up his arms—to comply with a city

ordinance which would not permit him to carry weapons. This he refused to do, as desperadoes were awaiting the first favorable opportunity to take his life, and he was only safe when armed. To avoid what he considered was personal danger he jumped on to the train and came to Salina, when he was arrested as above stated. He was confined in jail for a day or so and then was released. Several parties from Ellsworth came by carriage and demanded that he should be turned over to them unarmed, which our officers refused to do, suspecting some intended foul play. Since Jack has been domesticated in Salina he has been the center of attraction.

Happy Jack returned to Ellsworth on September 3 and next evening was killed by Policeman Charles Brown. His death was recorded in the *Ellsworth Reporter*, September 11, 1873:

"HAPPY JACK" KILLED.

Last Thursday evening during the time between early twilight and dark, we heard the report of a revolver, and a second report the next instant told us that it might "mean something."—These shots were for "Happy Jack," and before the sound of them had died away upon the evening air, "Happy Jack" was not of this world. He was shot through the heart and he died without a struggle, a word or an audible groan. The circumstances causing his death are somewhat difficult to get at, but as nearly as we can ascertain, are as follows:

It will be remembered that Happy Jack was discharged with the balance of the police force about three weeks ago. Jack remained here for several days thereafter and then went to Salina. On arriving there he was arrested on an order from the authorities here, for carrying off a pair of pistols. He was kept in prison a day, and no one appearing against him, was released.—These pistols that he was accused of taking, belonged to John Good, and are said to have cost \$100. At the request of Mayor Miller, policeman Brown went to Salina to give in his testimony, as he had some knowledge of the matter.—Brown wanted a warrant, but was told that none was needed. Accordingly he went to Salina. But no trial was had; Good, for some reason, hurried back to Ellsworth.

At Salina, Brown advised Jack not to come to Ellsworth, telling him that he would send him anything he wanted, and he did express his things to Salina after reaching home.—But Happy Jack was determined to come, against the advice of his friends at Salina, and the entire population seemed to be his friends; at Brookville where he stopped and purchased ammunition he was also told to keep away, but he said "he was good for all his enemies up there." He arrived here during the night on the freight train. During the following day, Thursday, he was on the street armed with his revolvers, but making no trouble.—He refused to give up his arms, however, with an oath, and threatened to "make way" with some one before morning. Repeatedly he was urged to obey the ordinance but he was obstinate and determined to die rather than surrender his revolver. As night was coming on the police for the last time approached him and told him he must give up his revolvers. Still persisting he was shot, the first ball passing thro' his heart; as he was falling a second shot went through his head. He fell to the ground in front of the sidewalk and died without a struggle.

Thus ended a career that is sure to come to all who live such lives as he claims to have led. Happy Jack came here last spring from California. He

claimed to have fought the Modocs, to have killed twelve men in Portland, Oregon, in self defence. His wife, who came here with a theatrical troupe from Wichita recently, says that it was four men he killed—that he used to get drunk and abuse her—that one time she called for help while they were living in Portland and that Jack shot four good citizens who came to her relief. He was put in jail but managed to escape. It was at this time that he had his arm broken. Jack and his wife had not met for several years, and she was three days in town before he recognized her.

We write the above with the desire to do full justice to all. It is possible that fuller particulars may be gained in time. Policeman Brown has always had our respect, and he denies most emphatically that he was "hired or asked to kill Happy Jack," claims that he was obliged to do it; that to have arrested him would have cost his own life. We are sorry for the unfortunate event, Jack was a man, and not without good qualities. But he invited his fate; it came quickly and he is at rest.

Jack's friends back in Salina thought he had been purposely murdered. The *Saline County Journal*, September 11, 1873, said:

"Happy Jack" has met the fate of many like him—"died with his boots on." We gave an account of his arrest and release at this place, last week. Last Thursday he returned to Ellsworth. While there, he is reported to have acted properly and shown no disposition to disobey the laws. But he would not give up his arms, though the city ordinance was strict in that respect. He considered that his life hung by a brittle cord when deprived of his weapons, (as the Texans were undoubtedly ready to take advantage of his being unarmed) and he acted as nine out of ten would have done under like circumstances. The demand by policeman Brown to give them up was not acceded to, and Jack was brutally murdered, as we think, by this cowardly officer. One bullet went through his brain and another through his heart. Justice would demand that Brown should be tried for murder. In the unsettled state in which Ellsworth is now in, it is not probable that the murderer will be brought to trial. Jack may have been too reckless in re-visiting Ellsworth, but under no circumstances can a murder of this kind be justified.

A coroner's jury acquitted Policeman Brown. See the section on J. Charles Brown.

1. *Ellsworth Reporter*, July 3, 1873.

(To Be Continued in the Spring, 1962, Issue.)