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

Nyle H. Miller and Joseph W. Snell

DEGER, LAWRENCE E.

(1845?—____)

The earliest issue of the Dodge City Times in the files of the State Historical Society, October 14, 1876, lists L. E. Deger as city marshal. His deputy was Wyatt Earp.

In March, 1877, the Times told of a chase after a horse thief with Sheriff C. E. Bassett. This short item may be found in the section on Bassett.

Deger was reappointed in April, 1877. The Times, April 7, reported:

L. E. Deger has been re-appointed City Marshal, to serve under the new administration. It was thought by many that a change would be made in this branch of the government, but the Mayor and Council wisely concluded that no better man for the place could be found.

Marshall Deger’s salary was $75 per month. In his spare time he was a partner in the saloon firm of McGinty & Deger.

In June, 1877, while providing Bobby Gill with incentive, in the form of “paternal kicks in the rear,” to move more rapidly toward the city jail, Deger was set upon by young Bat Masterson who objected to his methods. With the help of a policeman and six or so Texans, Deger subdued Bat and jailed both him and Bobby. The Dodge City Times article describing this episode may be found in the section on Masterson.

Because it was a city of transients during the summer when trail hands swarmed over the plains, Dodge City suffered from countless fly-by-night operators, con men and petty thieves. In July, 1877, one such person, who was called “Curley” for want of a better name, set up shop on the streets of Dodge and began to offer “chances” on jewelry which he displayed on a portable showcase. The day Curley set up business emigrants were passing through the town who soon became the victims of his chicanery.

Finally, as it began to dawn on the visitors that they were being

Nyle H. Miller and Joseph W. Snell are members of the staff of the Kansas State Historical Society.

Note: If interest in the series on Kansas cowtown police officers continues, the several installments will be reprinted with additional information and an index, and offered for sale under one cover.

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duped, they appealed to the authorities. The Dodge City Times, July 14, 1877, reported that the
City Marshal, speaking as a private citizen, said that he would squelch the institution if the vox populi would back him. The word was said. The Marshal hesitated not a moment, but repaired to the scene, and gathering the show-case in his brawny arms, pitched it into the street, contents and all. Smash! Silver watches, jewelry, silver cutlery, diamond pins and other valuables rolled in the dust.
There are no jewelry stores in Dodge City at the present writing. It is not considered a safe business.

Next, Marshal Deger and Dodge City Mayor James H. Kelley had a set-to which the Times described in its July 21, 1877, issue:

THE MAYOR AND CITY MARSHAL BOTH BEFORE HIS HONOR.

It is seldom we are compelled to give the particulars of an affair in which the public manifest a deeper interest than the difficulty which terminated yesterday morning in an open rupture between Mayor Kelley and City Marshal L. E. Deger. There may be some personal matters which had something to do with bringing about the result, but of these we will not make mention, briefly stating what happened at the time of the difficulty:
Yesterday morning about 2 o’clock the Marshal arrested and confined Mr. Chas. Ronan in the city jail. Immediately after the arrest Mayor Kelley ordered the Marshal to release the prisoner, and the Marshal positively refused to do so. Finding his orders not obeyed, the Mayor ordered the Marshal to cease performing the duties of City Marshal, deliver his badge to one of the other officers and consider himself suspended. The Marshal refused to recognize the order of the Mayor and continued to act as Marshal, whereupon the Mayor ordered the Assistant Marshal [Edward J. Masterson] and policeman [Joe Mason] to arrest him. The Marshal at first refused to be arrested, and drawing his revolver ordered the Mayor and officers not to approach him. Here the Assistant Marshal and policeman were placed in a doubtful position, not knowing their exact duty in the matter. In order to settle the difficulty in the easiest manner, Mr. Masterson, the Assistant Marshal, suggested to the Marshal that he submit to arrest in order to prevent further collision, until the disagreement between himself and the Mayor could be investigated. This the Marshal consented to and allowed himself to be confined in the city jail, where he remained only about ten minutes, being released on his own reconnoissance.

During the forenoon a complaint was filed against Mayor Kelley for interfering with an officer in the discharge of his duty and he was also placed under arrest. The Marshal’s case was tried first. No complaint was filed against him, and the officers who made the arrest were the only witnesses. The decision of the Police Judge was that the Marshal had committed no offense against any of the city ordinances. He was therefore released. The Mayor’s case was postponed until this afternoon at 4 o’clock. Before that hour a meeting of the City Council was held, and an order passed directing Mr. L. E. Deger to resume his duties as City Marshal. When the trial came up for hearing a petition was presented, signed by a majority of the Council,
favoring the entry of a nolle prosequi in the case, and all parties consenting it was so entered and the Mayor discharged. The municipal machinery is now running smoothly.

Marshal Deger was instrumental in raising funds for Bobby Gill to leave Dodge City according to this article from the Times, July 21, 1877:

LEAVES FROM THE DOCKET.

A WEEK OF HISTORICAL INCIDENTS IN THE DODGE CITY POLICE COURT.

We are loth to believe that Dodge City is retrograding in its morals, or that its people are becoming more wicked and lawless, although it might seem so to those not understanding the causes leading to some of the difficulties which stained the records of our police court this week. . . .

The City of Dodge City against Robert Gilmore, charged with vagrancy and having no visible means of support. Robert's sensitive feelings were very greatly hurt upon hearing that charge, and his plea was not guilty. He said he knew he was a sinful man and pursued a calling which was not of the highest order. All he asked of this court was a chance for his life. He asked the mercy of the Police Judge unto him as a sinner, stating as a precedent that Christ died to save just such sinners. The witnesses for the city testified that they knew of no visible means whereby he gained a support. Also that he was the instigator of many quarrels and street fights—that he was not a law-abiding, peaceable citizen. In defense, several witnesses were sworn who testified that the prisoner had money to pay his bills, and that he had means of support. On this evidence the Judge was compelled to render a decision of not guilty. But public sentiment was so strongly antagonistic to Mr. Gilmore's remaining in the city, and he had cost the officers so much annoyance, that Robert consented to seek a livelihood elsewhere, if a donation could be secured to pay his fare to Emporia. Through the efforts of the City Marshal the money was soon raised, and Mr. Gilmore gathered about him his earthly treasures and departed. This is the second time Bobbey has shook the dust of the city from his feet by request, and we hope some day to see him conducting himself in a more exemplary manner than he has heretofore. He is not a desperate character, and has good sound sense, which only needs a proper application to business. . . .

On August 4, 1877, the Dodge City Times noted that "Marshal Deger resigned his position of Deputy Sheriff this week, at the request of Under Sheriff [Bat] Masterson."

In spite of its wild reputation, Dodge City had docketed only 204 cases before the police court between the date of the city's incorporation, November 2, 1875, and August 16, 1877, reported the Times, August 18, 1877.

Deger's size (he weighed nearly 300 pounds) hampered his efforts at law enforcement, as this article in the Times, September 8, 1877, disclosed:
FLEEING FROM THE WRATH TO COME.

To Mr. William Brady, a gentleman from Texas, belongs the credit of creating the most profound sensation of the week. Mr. Brady came to the city last Sunday, and during that hour when our citizens were assembled to worship at the church on Gospel Ridge, did carry strapped to his manly person a navy revolver of a deadly character. William says he did not intend to make a killing; he only carried the gun as an ornament; but a policeman took him under his wing all the same and steered him to the dog house. When Monday morning came, William, not being ready for trial, succeeded in getting Jim Anderson to go his bail until 4 o'clock, placing his horse in Anderson’s stable for security. But while William was waiting for 4 o’clock to come, he went against the boose joint to such an extent as to make him feel like a giant among small men. He resolved and finally decided, that no court or no officers or no town could hold him. He secured his revolvers, went to Anderson’s livery stable, and finding no one but old uncle Huggins around, presented his revolvers to the old man in a hostile attitude and ordered him to saddle up the horse he had left there for security. Of course the old man obeyed, and William was seen soon after riding recklessly out of town. As soon as the police heard what had happened their wrath was up and they decided to give chase. Assistant Marshal Masterson was the first to get started, and Marshal Deger next, mounted on a horse about half as large as himself. On his shoulder he carried a shot-gun, and blood was in his eye. A few moments after the Marshal started, Jim Anderson learned what had been done, and feeling himself interested, took out his fastest horse, and said “we’ll catch ’im.”

The news had spread over town and the population could be counted by hundreds on the tops of freight cars, on the roofs of buildings and other high places. William crossed the river and started east on the run. He had a good horse, and a hot race was expected, and a fight when the officers came in contact with him. Anderson’s horse soon passed Deger, whose pony grunted at every jump under its heavy load, and afterwards passed Masterson, and was gaining on the fugitive, whose courage seemed to have failed, inasmuch as he slackened his speed when he saw Anderson coming. Anderson rode up to him and they both stopped. The lookers-on expected to see some shooting at this stage of the game, but Anderson made no move to shoot, and Brady only placed his hands on his revolver in a playful manner. Just then Masterson came up, and before Brady saw him ordered him to throw up his hands or be killed. Brady threw up his hands and Anderson took his revolvers. Deger soon arrived, but was too late to use the shot gun. Brady begged Anderson's pardon and said he would never have acted so had he been sober. He was confined in the calaboose until the next day, when he was brought before Judge Frost and fined $10 and costs, which he paid.

On October 2, 1877, the police force was reduced so that only Marshal Deger and Assistant Marshal Ed Masterson remained. 8

Since Sheriff C. E. Bassett could not run for re-election in 1877, due to a constitutional limitation, the office was sought by Deger, George T. Hinkle, and Bat Masterson. Deger announced in the Times of October 13, 1877, that he would run: “At the solicitation
of many of my friends I hereby announce myself as a candidate for the office of Sheriff of Ford county. If elected I shall spare no effort to fill the office honestly and faithfully.” The editor of the Times wrote: “The most of the voters of Ford county know Larry better than we do—at least have known him longer. He has been City Marshal of this city for a long time, and his ability to keep the peace has been often tested. Give him a fair consideration. He is a substantial, honest and upright man.”

Toward the end of October Hinkle stepped out of the race and declared in the October 27, 1877, issue of the Times that he would support Deger.

The day Hinkle’s announcement was made a “Peoples’ Mass Convention” assembled in the Lady Gay saloon to nominate candidates for the November election. Both Deger and Bat Masterson were suggested to the convention as the candidate for sheriff. After seconding speeches by W. N. Morphy, who in two months would cofound the Ford County Globe, in favor of Deger, and M. W. Sutton, Dodge City attorney, in favor of Masterson a ballot was taken in which Masterson received the majority of votes. Though he had not been chosen by the convention, Deger stated that “I am still in the field as a candidate for the office of Sheriff of Ford County.”

At the election held November 6, 1877, W. B. Masterson edged out Deger with a three-vote majority, he having received 166 votes to Deger’s 163.

On November 10, 1877, the Times noted:

Two worthy birds, “Stock Yards Shorty” and a cow boy, participated in a little slugology yesterday morning, in front of Jake Collar’s store. After exchanging a few slugs, Shorty knocked the cow boy through one of Mr. Collar’s large window lights. The cow boy in return drew a crimson stream from Shorty’s proboscis. Our worthy Marshal interfered in their innocent amusement, and took them off to the lime kiln.

And on December 1, 1877, the Times reported:

DARING THEFT.

While the excitement caused by the burning of the Great Bend City Jail was attracting everybody to that part of the city, one day last week, a thief quietly unhitched a farmer’s team from a post in front of one of the Great Bend stores, seated himself in the wagon and drove westward. He reached this city this week and camped out in the adjacent hills. The proprietor of the team got track of the thief and followed him to Dodge City. Learning that his thief was somewhere near around he informed Marshal Deger of his errand and straightway search was instituted. The Marshal soon succeeded in finding and recovering the team, but the thieves made a hasty
flight. Great was the joy of the farmer when he recovered his stolen property, and he even went so far as to give his horses a fond embrace.

The city council of Dodge City, at its meeting of December 4, 1877, relieved Deger from the marshalship and the mayor appointed Ed Masterson in his place. The editor of the Times wrote on December 8, 1877:

City Marshal Edward Masterson receives the congratulations of his many friends without a show of exultation. Notwithstanding the fact that considerable feeling was manifested against the removal of Mr. Deger, no one accuses Mr. Masterson of seeking the position. In fact he preferred to retain his old position as Assistant, which gave him the same salary and engendered less responsibilities. As an officer his reputation is made, and it is a good one.

In justice to Mr. Deger we will say that no charge of misconduct was brought against him. He has been an excellent officer, and retires with no stain upon his official character. The powers that be saw fit to make the change, and it was made. It was made on the principal that "there are just as good men in the party as out of it."

Deger had filed a contest of election suit against Bat Masterson which he withdrew in January, 1878. On January 15 the Ford County Globe printed his explanation:

COMMUNICATED.

DODGE CITY, Jan. 11, 1878.

EDITOR GLOBE. As considerable inquiry and comment has been made respecting the withdrawal of my contest for the Sheriff's office, to satisfy my friends and the public generally, I submit the following: Not wishing to involve my friends in trouble or expense, politically or financially when nothing could be accomplished thereby, I concluded when the appointment of Judges had been made by the Probate Court that it would be folly to proceed when I was sure of getting the worst of it. When I filed my papers of contest I expected to get a square deal from the Probate Court. One of the judges selected to try the contest had previously voted in the city council for my removal from the office of City Marshal because I would not withdraw the contest. As I understand the position of both parties in the contest, and know that it was convenient for this councilman to vote as he did, I have nothing to say except that a much fairer selection of judges could have been made.

Aside from the glaring injustice done me in the appointment of judges I wish further to say to the City Council, that, as the contest was a county affair and could not interfere with the discharge of my duties as City Marshal. I cannot understand why they should have taken upon themselves to establish an arbitrary precedent which will work no good to them or the men who advised it. The sympathy of such men who degrade their official positions I scorn. I always endeavored to perform my duty as an officer, impartially, friends and foes I treated alike—my conduct, good, bad, and indifferent have approved. I ask no favors from anyone other than what common decency would dictate.

L. E. DEGER.
The Dodge City Times, January 12, 1878, said of the withdrawal:

THE CONTEST WITHDRAWN.

The contest suit of Larry E. Deger vs. W. B. Masterson, for the office of Sheriff of Ford county, has been withdrawn, and thus the agony is over. Contest suits are prolific endless sources of bad blood, and rarely end in success to the contestor.

It is true the election was a close one, but an opening of the ballots would only tend to make hostility more bitter and to open wounds that would be running sores in future election contests.

Mr. Deger's efficiency and popularity will secure him confidence for a future race before the people, which he cannot forego for the sake of a fruitless and prolonged contest suit, which could be carried to the end of the term for which he sought. Mr. Masterson will make a capable and energetic officer, and we trust will receive the support of every one in the execution of his official duties.

The attorneys in this matter were fully prepared for the tug of war, but their legal swords have been turned into tuning forks, and the Russian harp is made to discourse its sweet delightful strains a la Brokhisstiffneck.

On January 22, 1878, the Globe printed this exchange, which implied that Deger was incapable of composing the January 11 letter:

DODGE CITY, }
Jan. 21st., '78. }

The following innuendo appeared in the "Dodge City times," Jan. 19th:}

QUESTION.

"Will the wise man who wrote the communication for Deger, please inform an inquiring public, if a City Marshall degrades his official position, by standing in with (so called) show case game for ten per cent of the games."

SUBSCRiBER.

In reply I have but this to say: I wrote the communication referred to, myself. And although I don't pretend to much wisdom, I try to live honestly and tell the truth. I consider that the City Marshall, who would take any per cent. of any show case game, or other game of like character, not only degrades his official position, but becomes a scoundrel. Sign your name next time.

L. E. Deger.

For a while it was believed by some that Deger had been a member of the gang which attempted to rob a Santa Fe train at Kinsley on January 27, 1878. The Globe, February 5, 1878, reported:

One of the most laughable things connected with the late train robbery, was, a detective shadowed Larry Deger for two days, supposing him to be the big fellow who put the pistol to the engineers head. Another is that a stranger in Kinsley, while eating supper at the hotel, supposing our respected townsman, A. B. Webster, to be [William M.] Tilgman, one of the arrested parties, extended his sympathy to Web. assuring him that he didn't believe he was guilty. Web. promptly assured him that he was innocent, and didn't believe that the prosecution could convict him.
On June 2, 1880, Deger was listed by the United States census as being a resident of Dodge township, a laborer, and 35 years old.

In April, 1883, Deger defeated W. H. Harris for mayor of Dodge City by a vote of 214 to 143.⁶ “The true city issue was whisky vs. whisky or Indian fight Indian, in which the Globe had no particular interest, but could quietly stand by and watch the result, which was sure to prove beneficial to the best interests of this city. The more fight among the Indians the less Indians,” said the Ford County Globe, April 3, 1883.

Within a month of Deger’s election the so-called “Dodge City War” erupted. Lawrence E. Deger, not A. B. Webster as so many sources state, was the Dodge City mayor who had Luke Short arrested and subsequently run out of town for having female “entertainers” in his saloon in violation of city ordinance. The story of the “war” will be presented in the section on Luke Short.

On July 26, 1883, a disgruntled Globe reader accused Deger of misconduct in 1876, when he was city marshal. The letter, which was printed in the Ford County Globe, July 31, may be found in the section on C. E. Chipman. The matter to which the letter referred was tried as a civil case before the June, 1877, term of the Ford county district court and was reported in the Dodge City Times, June 30, 1877:

THE JUNE TERM OF COURT.

... By far the most important case, however, was the case of John Blake vs. Dodge City. The allegations of the complaint were that Blake was incarcerated by a judgment of the Police Court in a 10 x 12 cell, that against his remonstrance there were confined with him three desperadoes (two of whom were afterwards hung,) that these three men were allowed to have in their possession a knife and pistol, that they assaulted Blake and shot out his left eye, and otherwise injured him, for which he claimed damages in $5,000. The suit was brought by Messrs. [M. W.] Sutton and [Harry E.] Gryden, and came up on a demurrer to the reply. Mr. [E. F.] Colborn, for the city, cited a number of authorities, making a strong case of non-liability for the city. Mr. Gryden followed. He argued that where there is a wrong committed, there must be a remedy, that the age of the Seal Chambers of Venice and the Black Hole of Calcutta were past, that if the city could confine an old man in a den of murderers, who had vowed to kill him, they could also incarcerate the maiden with the raving maniac, or employ the thumbscrews and the iron boots of the inquisition as their agents. Mr. Gryden’s argument occupied about one hour, and was spoken of by the bar with flattering encomiums. Captain [J. C.] Waters closed the argument for the city, showing by a long list of authorities that a city occupied the position of a State in the regulating of her municipal affairs, that if a liability existed, it was against the agents of the city. That she could be no more liable in this case than would the
Warden of the Penitentiary be responsible for the killing of one convict of another. Strong and able arguments were, of course, expected from City Attorney Colborn and Captain Waters, and they were in this case fully realized. The court sustained the demurrer, and rendered judgment for costs against Blake, to which plaintiff excepted, and gave notice of appeal to the Supreme Court.

No record was found of a subsequent hearing before the supreme court in the case of Blake vs. Dodge City.

As a postscript to the spring “war,” the Dodge City council passed an ordinance on August 31, 1883, making it illegal for music of any type to be played publicly except for purposes “literary or scientific.” This, of course, was aimed at the female “entertainers” of the local saloons and dance halls. Mayor Deger, having borne the responsibility for most of the actions of and reactions to the “Dodge City War,” wrote to William A. Johnston, Kansas’ attorney general, for legal opinion on the validity of the ordinance:

Office of the Mayor of
DODGE CITY KANSAS Dec 18/83

ATTERNY GENERLL
STATE OF KANSAS
SIR

I enclose you a copy of an Ordinace the Validity of which I would most respectfully ask your Opinion. I order the dance Halls closed under this Ordinace and have Stoped the Musick and free & Easeys in the Salons Some of our attornys here claim that they can Beat the Ordinance in the Dis Court as the Ordecne is to sweaping in its natur and the parties therin to open and see if they could beat it. but I inform them if the did I would have complint made in the Dis Court and try them under the Statut which had the desierd affect. but I if I am Sertin that the Ordinance is good would rather have them brought in the City Courts I would Respectfully as these questions

1st. upon the face of this Ordinance is it within the Power of the Mayor & Council to Pas and Inferse it.

2nd—Can the Police Court take Judicial Knowlage of the Vices & Eves this Ordiance atents to Surpress

3rd If Vallid will the Intenton of the Mayor and Counsel be the Gide for the Courts.

4th Will an Ordinance Passed by the Mayor & Council prohibiting the Sale of Liquor Except on pharmacy licence under the Licens Sistem Still remain Vallid and in force or must the M. & C. pass a new ordonce under the new order of things. Yours L E DEGER Mayor Dodge City

In answer, Attorney General Johnston informed Mayor Deger that the ordinance was too general to be valid, that the disturbances it was designed to suppress were already taken care of by powers granted to cities by state statute and that moreover there were
“uses of music other than for literary and scientific purposes which would not be vicious, immoral or disorderly.”

After serving only one term as mayor of Dodge City, Lawrence E. Deger retired to private life. In September, 1885, he moved to Kiowa in Barber county. 8

1. Dodge City Times, April 7, May 6, June 9, July 7, August 11, September 8, October 6, November 10, December 8, 1877. 2. Ibid., May 6, 1877. 3. Ibid., October 6, 1877. 4. Ibid., November 3, 1877. 5. Ibid., November 10, 1877. 6. Ibid., April 5, 1883. 7. “Correspondence of the Attorneys General,” archives division, Kansas State Historical Society. 8. The Globe Live Stock Journal, September 8, 1885.

DIBBS, WILLIAM
(1850?——)

William Dibbs was appointed policeman on the Wichita force, April 15, 1873; Mike Meagher was renamed city marshal for the third consecutive year and Daniel Parks became assistant marshal. 1

On April 15, 1874, Mike Meagher was replaced by William Smith. Dan Parks and William Dibbs were reappointed to their respective positions and James Cairns became the fourth member of the force. 2 Other policemen were added as the season progressed.

In July Dibbs’ treatment of a prisoner caused the captive to disarm and tree the policeman. The Wichita Weekly Beacon, July 29, 1874, reported:

A SHOOTING AFFRAY.
The Pursued Turned Pursuer.
A Brave “Cope” Makes Time.

Last Friday afternoon a shooting affray occurred on Second street, between the Beacon office and the Occidental hotel, which happily resulted in nothing more than frightening a policeman, and arousing the indignation of all who witnessed the affair, at his brutality and cowardice. The particulars of the affair are as follows:

A young man, said to be a gambler, by the name of Thomas McGrath, had been arrested on a charge of vagrancy and fined. Unable to pay the amount, he and another were put at work on the streets, under charge of policeman Wm. Dibbs. While they were at work Dibbs, for some cause, threatened to put a ball and chain upon McGrath, when the latter started to run away. Dibbs pursued, pistol in hand, and overtaking the fleeing man on Main street, struck and pulled him around as if he was a dog. Coming back with his prisoner, Dibbs heaped upon him a volley of oaths and threats, which were replied to by McGrath in much the same style of language. Turning the corner of Main and second streets, Dibbs, in an angry and excited tone said he could put a ball and chain on McGrath if he wished, and could kill him if he wanted to. In reply to McGrath’s denial of his assertions, Dibbs ordered him to shut up. This, McGrath said he would not do, when, without warning and to the astonishment of those who had been attracted to the scene, Dibbs with his left fist dealt the prisoner a blow in the face, and followed it up by another with his right. McGrath attempted to ward off the blows, when the parties clinched, and in
the struggle McGrath managed to get possession of one of Dibbs' pistols, and at once prepared for defense and attack.

So soon as Dibbs saw the revolver in the hands of McGrath, a deadly pallor o'er spread his face and he turned and fled, his ashen lips crying, "Hold on, hold on! Don't shoot." In his flight Dibbs ran towards the rear of the Beacon office, but before he reached the sidewalk McGrath managed to fire one shot at him, which only served to increase his speed. McGrath in turn became the pursuer, and followed Dibbs, who ran, like a scared wolf, behind the buildings. In the flight Dibbs managed to fire one shot from his remaining revolver, while his pursuer fired twice. None of the shots took effect. McGrath finally overhauled Dibbs as he reached the rear of Dr. Gray's house, where he attempted to wrest the other pistol from the city guardian. In the struggle Dibbs' pistol was discharged, the ball striking McGrath on the lower part of the left hand, inflicting a slight wound.

About this time Mr. Newman came up and separated the parties, and almost simultaneously policemen [Samuel] Botts and [John] Behrens came up and seized McGrath, while Dibbs limped off with the assistance of two gentlemen, fully impressed with the idea that he was fatally shot. He was taken to the office of the police judge for attention. Arriving there, an examination disclosed the fact that he was only frightened, not hurt. Then his courage returned, and seizing his revolvers he thrust them into his belt; then taking the triangle he rushed to the door and rang an alarm which brought together a large number of armed citizens.

McGrath, meantime, was being taken to the calaboose by Botts and Behrens. We are informed that while on the way, and after arriving at the calaboose, Botts showed his brutality by beating the prisoner over the head, and was only prevented from further fiendishness by the efforts of the other policeman.

The above is a plain statement of the affair, without attempt at coloring or giving the minute particulars. It requires no comment. We could not make it appear worse for Dibbs were we so disposed. If a full investigation and a thorough overhauling of the police force fails to result from it, then a total disregard of the people's wishes will be shown, and lack of a sense of justice exhibited we are loth to attribute to our Mayor and Councilmen.

The Wichita City Eagle, July 30, 1874, in reporting the affair said:

... We hope the incident will prove of value to incautious and over brave officers, if we have any more upon the force. No ordinary sized policeman with only two revolvers should attempt to handle one of these small red-whiskered fellows single handed. Seriously we think that whenever it comes to the pitch that vagrants or others defy our authorities and on the pretense of the disgrace resist and threaten officers it is well for the mayor to shut down most vigorously. As to the police force, it will be remembered that we asked for a re-organization this spring. All the people desire is such men upon that force as are respectable and as will command the respect of good citizens and be dreaded by rogues. We have some good men on the police, but there are others who, however brave, should never be officers of the law. ...

Immediately after the Beacon reached the streets, Dibbs stormed into the office of Milton Gabel, the editor. Gabel described the resulting scene in the August 5, 1874, issue:
A CARD.

DIBBS—BURRIS—BOTTS.

To the Citizens of Wichita:—As many false rumors are afloat respecting a little difficulty which occurred in this office last Wednesday afternoon, I desire to give the facts in the case, in order to correct the erroneous impressions concerning the affair. It grew out of an article, which appeared in Wednesday’s Beacon, criticizing the action of policeman Dibbs for mistreating a prisoner.

About three o’clock in the afternoon Mr. Sowers and myself were sitting by a table in this office, when Wm. Dibbs entered the room accompanied by an armed ex-policeman. Dibbs came up to the table, and in a threatening, angry and excited manner demanded to know “who put that piece in the paper?” when I answered that I did. Dibbs then said, “The man that put that in is a liar;” (this was emphasized by three loud and well-rounded oaths,) after which he received my undivided attention for a few moments; but seeing his confederate, [Sam] Burris, who stood in the background eyeing me closely, place his hand on his hip as if ready to draw his revolver, I quite naturally watched the latter while dealing with Dibbs. When Dibbs called me a liar, I hurried around the railing in front of the table towards him, and, just as I got outside the railing, he struck at me. I warded off the blow and struck him a very slight blow while looking at Burris. Dibbs then struck again when I dodged to one side, the blow merely grazing my hair on the left side of my head, and knocking off my hat. I then ordered him out of the office, when he and Burris both left the room. He then hurried to the police office anxious to plead guilty to fighting and having whipped me. Right here I wish it understood that he did not do this—in fact, neither of us were hurt in the least. But his cowardice may be known by the fact of his coming to my office, not alone like a man, but with an armed man to back him; and this action only confirms to me what he has previously shown himself to be, a villainous coward. Besides this, Wm. Dibbs, though a weak man generally, has proven himself an able-bodied liar. He stated in the police court that Burris had no revolver, and that Burris walked from the Beacon office down town on the east side of Main street with him, when in fact, Burris crossed Main street directly opposite this office, and went down the street on the west side. This we can prove by Mr. Kramer, and one other gentleman, whose reputation for truth and veracity will certainly have more weight in this community than that of Wm. Dibbs or Sam. Burris. Again, Sam. Burris has perjured himself. He swore positively in the police court that he had no revolver on his person, when two of the employees in this office saw it, and, it was also seen by Mr. James Davidson and a boy at Hills & Kramers store, just as he started up the stairway leading to this office.

Late Wednesday evening I remarked to Burris, “All your actions plainly indicated to me that you came there to aid Dibbs.” “Yes,” said he, “I intended to see him through.” This needs no comment. As to Dibbs striking McGrath in the manner as given by me in Wednesday’s article, I can only reiterate that, and, in fact, everything concerning Dibbs as to what occurred afterwards. This matter is narrowed down to a question of veracity between Wm. Dibbs on the one side, and myself and quite a number of our best citizens on the other, and if he undertakes to “clean out” everyone who asserts the facts as we
gave them, he will certainly find it extremely laborious to entirely complete his work.

With regard to the conduct of Samuel Botts (who was in no way connected with Wednesday's affair), it is claimed by him that he did not strike McGrath, yet he admits that he "chucked him about roughly," and says that under the excitement—coming up as he did after the shooting had begun, and while McGrath was shooting at Dibbs the second time—thinking that Dibbs was fatally wounded, &c., and, in his over-zealous efforts to save him, etc. etc., he treated McGrath more roughly than he intended to, and, under the excitement, and what he considers aggravating circumstances, more so than he otherwise would have done, and thinks that should at least partially excuse the rough treatment, which we characterized brutality, and of which we made mention in Wednesday's article. This may in a measure palliate the offense, but it shows inefficiency, and even this I think will not justify the mistreatment of a prisoner disarmed, and on the way to the calaboose, and I will not alter my judgment on this matter as heretofore expressed. I gave the facts as they came under my own observation, together with the evidence of others, the truth of which can be substantiated by sworn statements of at least seven witnesses.

I do not seek difficulties; on the other hand try to avoid them. But the affair of Wednesday was thrust upon me. I regret exceedingly to have had any connection with the difficulty, and, if my friends will forgive me, I promise that such a thing shall not occur again, at least until another villainous fiend, hungry for trouble, presents himself in the same manner. I would not willfully wrong or injure any one, but I have a duty to perform as a public journalist, and that I purpose doing let come what may.

Milton Gabel.

Dibbs apparently was relieved from the force because of the McGrath affair but on September 2, 1874, the city paid him $3 for "Disbursing Money Cleaning Calaboose," and on January 5, 1876, he was paid $4 for two days' duty as special policeman at Wichita's December 17, 1875, fire.


DUFFEY, WILLIAM

(-----)

Deputy Sheriff William Duffey first appeared in the Dodge City newspapers as a law officer on August 17, 1878, when the Dodge City Times reported:

Sheriff W. B. Masterson and Deputy Sheriff Win. Duffy, are indefatigable in their efforts to ferret out and arrest persons charged with crimes. Scarcely a night or day passes without a reward for their vigilance and promptness. We do not record all these happenings, because evil doing is of such common occurrence. There is a pleasant contemplation in the fact that we have officers
who are determined to rid the community of a horde that is a blight upon the well being of this over ridden section.

On the next page the *Times* noted that “Sheriff W. B. Masterson and Deputy Duffy Monday night, arrested one James Smith, three and a half miles from town, on a charge of horse stealing. The prisoner is bound over for ten days to await trial and identification by parties in Ellis county.”

In September, 1878, Duffey was responsible for the escape of two county prisoners. The articles reporting this may be found in the section on Bat Masterson.

Duffey, in October, 1878, was a member of the posse which captured James Kennedy, the supposed murderer of Dora Hand. The report of this, too, may be found in the section on Masterson.

The *Ford County Globe*, October 29, 1878, reported that “Deputy Sheriff Duffy had an unruly prisoner last week who undertook to purloin the six-shooter worn by his keeper, who was giving him a promenade in the hallway, but was unsuccessful.”

On December 6, 1878, four prisoners escaped from the county jail. On December 17 the *Globe* reported the unsuccessful pursuit of one of the escapees:

Deputy Sheriff Duffey, in company with Archie Keach left here a week ago yesterday, in search of the missing prisoner Brown, who, it is supposed, stole [C. S.] Hungerford’s fine grey mare and made good his escape. After a fruitless search for nearly a week they return to Dodge, Keach arriving here Saturday and Duffey Sunday. They report a very rough trip.¹

Duffey shared in the praise given the Ford county officers (mentioned earlier in the section on C. E. Bassett) by the Dodge City *Times*, January 11, 1879. These men, the paper said, had “earned the high praise accorded to them for their vigilance and prompt action in the arrest of offenders of the law.”

In March, 1879, Duffey and Bat Masterson participated in the struggle between the Atchison, Topeka and Santa Fe and the Denver and Rio Grande Western railroads for the right of way through the Grand Canyon of the Arkansas—the Royal Gorge. The Dodge City phase of this fight may be found in the section on Masterson.

Deputy Sheriff Duffey, on April 5, 1879, disarmed Levi Richardson, the loser of a duel fought with Frank Loving in the Long Branch saloon. This was reported in the section on Charles E. Bassett.

Later in April Duffey accompanied Mike Sutton to Garden City after a prisoner. Sequoyah (Finney) county, in which Garden City
was located, was one of 13 unorganized counties attached to Ford county for judicial purposes. The *Times*, April 28, 1879, reported:

County Attorney Sutton and officer Wm. Duffy went up to Garden City Thursday. They caused the arrest of L. T. Walker, who stabbed D. R. Menke. Both are citizens of Garden City. The cause of the stabbing grew out of some words over a business transaction. Mr. Menke was stabbed in the abdomen, and is in a dangerous condition. Walker was brought to this city and placed in jail.

On August 30, 1879, the *Times* noticed that "Officer Duffy arrested a man Thursday on a telegram from Colorado," and on September 9, 1879, the *Globe* recorded this episode:

**ANOTHER LUNATIC.**

For some time past the Bohemian named Szinek, confined in the county jail awaiting his trial in the district court on the charge of attempting to steal Mr. Cotton's horses, has been acting queer. In fact he has been acting very queer, cutting various kinds of pranks, and even going so far as to try to but[t] his brains out against the sides of the prison wall. He said he wanted to die, and when Mr. Duffy kindly offered to shoot him he was perfectly willing and even anxious for the shooting to commense, but Mr. Duffy was compelled by a feeling of delicacy to politely decline the honor. On Saturday he was taken before Probate Judge Klaine, who impaneled a jury and gave him an examination. He was adjudged insane and will be sent to the asylum. The cause of his lunacy is undoubtedly an abominable crime against nature which he has practiced.

The *Ford County Globe*, November 18, 1879, again mentioned an adventure of Duffy's:

**FIRE GUARDS.**

Our tenacious Deputy Sheriff Mr. William Duffy, had a novel experience last week with a gentleman of color whom he wished to "see" in regard to bad intentions. It was night, and as Mr. Duffy rapped at the front door of his victim's palliative residence and announced his errand, there was a slight rustle of bed clothing and then all was still. Mr. Duffy effected a forcible entrance and was shocked to find that his bird had flown through the back window.

Duffy apparently left his public office at the end of the Bat Masterson administration. On October 13, 1881, the Dodge City *Times*, quoting a colorful story in the Las Vegas (N. M.) *Optic*, reported that he was fighting Apaches with Col. Ranald Mackenzie's 4th cavalry:

"Duffy," the veteran scout, is with MacKensey's outfit and will prove a valuable acquisition to his forces. Duff is an old-timer and will be remembered by all the boys of Dodge City and other western Kansas towns. It is said of him that once upon the frontier of Texas a company of buffalo soldiers was sent to arrest him for some trivial offense, and before they were aware of what was ahead of them he had sent the entire outfit to the happy hunting
grounds. He was for a long time the deputy and trusted henchman of the somewhat famous Bat Masterson, in Ford county, Kansas, and shared with him the dangers of holding down the hardest town on the continent. He is an experienced Indian fighter, and will, if given a chance, adorn his wigwam with many an Apache’s scalp before winter. If the Government would employ a number of such men and leave the cadets at home to court their girls, the Indian war would progress more satisfactorily.—[Las Vegas Optic.

1. See, also, Dodge City Times, December 21, 1878.

**EARP, WYATT BERRY STAPP**

(1848-1929)

In spite of Wyatt Earp’s own statement, recorded by a biographer over 50 years after the event, that he had been the one who disarmed Ben Thompson after the fatal shooting of Sheriff Chauncey B. Whitney in Ellsworth that August day in 1873, no contemporary record is known to exist which places Earp in the town at that time.

Similarly, though Earp, through his biographer, stated that he arrived in Wichita in May, 1874, and was soon hired as deputy marshal, no evidence of his official police employment could be found in the Wichita city records or in either of the town’s newspapers until April, 1875.

In May, 1874, the police force consisted of Marshal William Smith, Assistant Marshal Daniel Parks, and Policeman James Cairns, Joe Hooker, John Behrens, and William Dibbs. In June Sam Botts was added as policeman. During the summer several others, but apparently not Earp, served as special policemen for short periods.

The first known Wichita mention of Wyatt Earp appeared in the Wichita City Eagle, October 29, 1874. Though the article referred to him as an “officer,” it did not state whether he was a city, county, federal, or private officer. It is not likely that as a city police officer he would have made the collection described so far from the limits of the town, yet his partner, John Behrens, was probably still on the city force at the time. It would seem more likely that Behrens and Earp were hired as private officers to collect an unpaid private debt. The article is presented here for the reader’s own interpretation:

The Higgenbottom outfit, who attempted to jump the country at an expense of twenty or thirty thousand dollars to Wichita, it appears had, among other games, stuck M. R. Moser for a new wagon, who instead of putting himself in communication, by telegraph, with the outside world just got two officers, John Behrens and Watt Erp, to light out upon the trail. These boys fear nothing and fear nobody. They made about seventy-five miles from sun to sun, across trackless prairies, striking the property and the thieves near the Indian line. To make a long and exciting story short, they just levelled a shotgun and six-shooter upon the scalawags as they lay concealed in some
brush, and told them to “dough over,” which they did, to the amount of $146, one of them remarking that he was not going to die for the price of a wagon. It is amusing to hear Moser tell how slick the boys did the work.

The official Kansas state census, 1875, purportedly showing the occupation and ages of all individuals, reported as follows on three Earps who were living in Wichita:

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Sex</th>
<th>Color</th>
<th>Occupation</th>
<th>Place of birth</th>
<th>Where from to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bessie Earp</td>
<td>32</td>
<td>F</td>
<td>W</td>
<td>Sporting</td>
<td>New York</td>
<td>Iowa</td>
</tr>
<tr>
<td>Jas. Earp</td>
<td>34</td>
<td>M</td>
<td>W</td>
<td></td>
<td>Kentucky</td>
<td>Iowa</td>
</tr>
<tr>
<td>W. S. Earp</td>
<td>26</td>
<td>M</td>
<td>W</td>
<td></td>
<td>Illinois</td>
<td>Illinois</td>
</tr>
</tbody>
</table>

Though the census was supposed to have been taken as of March 1, 1875, there is strong evidence to indicate that the Wichita portion, at least, was prepared between April 6 and April 21. Since all the known policemen of Wichita were so indicated in the occupation columns of the census, the compilers of this sketch feel that had Earp been on the force prior to April 21, 1875, his occupation would have been listed similarly.

On April 21, 1875, Wyatt Earp was appointed policeman on the Wichita force, and the appointment entered on the records of the city. This was, by the way, the first time that Earp’s name appeared in the city’s official records. Wichita’s police force now consisted of Marshal Mike Meagher, Assistant Marshal John Behrens, and Policemen James Cairns and Earp. The marshal’s salary was $91.66, Behrens earned $75.00, and Cairns and Earp each were paid $60.00 a month.

Wyatt’s first recorded Wichita arrest was reported in the Weekly Beacon, May 12, 1875:

**AN ARISTOCRATIC HORSE THIEF.**

On Tuesday evening of last week, policeman Erp, in his rounds ran across a chap whose general appearance and get up answered to a description given of one W. W. Compton, who was said to have stolen two horses and a mule from the vicinity of Le Roy, in Coffey county. Erp took him in tow, and inquired his name. He gave it as “Jones.” This didn’t satisfy the officer, who took Mr. Jones into the Gold Room, on Douglass avenue, in order that he might fully examine him by lamp light. Mr. Jones not liking the looks of things, lit out, running to the rear of Demison’s stables. Erp fired one shot across his poop deck to bring him to, to use a naughty-cal phrase, and just as he did so, the man cast anchor near a clothes line, hauled down his colors and
surrendered without firing a gun. The officer laid hold of him before he could recover his feet for another run, and taking him to the jail placed him in the keeping of the sheriff. On the way "Jones" acknowledged that he was the man wanted. The fact of the arrest was telegraphed to the sheriff of Coffey county, who came down on Thursday night and removed Compton to the jail of that county. A black horse and a buggy was found at one of the feed stables, where Compton had left them. After stealing the stock from Coffey county, he went to Independence, where he traded them for a buggy, stole the black horse and came to this place. He will probably have an opportunity to do the state some service for a number of years, only to come out and go to horse stealing again, until a piece of twisted hemp or a stray bullet puts an end to his hankering after horse flesh.

The Wichita *City Eagle*, May 6, 1875, merely stated: "Behrens and Earp picked up a horse thief by the name of Compton from Coffey County, yesterday, with the property in his possession."

A ruckus loving young cowboy successfully eluded the Wichita police on May 23. The *Eagle*, May 27, 1875, reported:

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.3

About August 4, 1875, Cairns and John Martin, who had been appointed in April, were dropped from the force, leaving only the marshal, Assistant Behrens, and Policeman Earp.4

On November 10, 1875, the *Beacon* reported an arrest by Marshal Meagher and Earp:

THE TERRORS AND TEMPTATIONS OF BULL WHACKING.

Last Friday, being hangman's day and generally regarded by the superstitious as the twenty-four hours in all the week, for all time, which the devil has reserved for himself against the holy Sabbath, appropriated by his enemies, it befell three turbulent twirlers of the long lash, stimulators of the patient ox, to be woed into ways that are dark and tricks that proved vain, and on the devil's own day. A bull train, consisting of two large wagons and eight yoke of oxen, had arrived at West Wichita, corralled and went into camp early that morning. There was nothing very remarkable in this fact, being of daily, almost hourly occurrence, but in the sequel, in the reproof of chance lay the proof of crime, with an apology; if it so please you, for spoiling one of Williams best and most quoted. Marshal Meagher, as the wires and mails would so have it, had a description of this identical outfit in his pocket, with the names of the parties to it. The intelligence conveyed to him was that one Bill Potts, assisted by two gentlemen of color, had actually stolen these oxen and wagons, and stranger yet, under the very nose of their owner, and as slow as oxen travel, had most miraculously succeeded in eluding pursuit, evading highways and coming through the long prairie grass, reached Wichita,
from Fort Sill, where this wholesale theft was committed. If nothing of reputation is left this little crowd of preachers, one thing will ever remain tenaciously with their names, that they made the best bull time on record and are therefore entitled to the name of being the champion bull whackers of the Sill. We expect to see a dime edition out soon, with such sordid title and the usual daredevil wood cut, emblazoning in red, yellow and magenta this identical trio, whipping, goading and spurring amain the frantic longhorns.

Be that as it may, Mike Meagher soon spotted good M. Potts, the only white man in the crowd, who was threading his way through the busy throng on lower Main street making with all possible speed and with a business-like air, towards the individual whom he had put up to be the innocent purchaser. He sought out several buyers. In the meantime, Marshal Meagher, having business always near by. At last Mr. Potts betook himself to Davidson's stables and securing a horse for himself, had old Mr. Davidson to mount another and together they crossed the long bridge, Mr. Davidson going to look at the cattle and make up his mind whether to buy or not. Mike Meagher with Policeman Erp, also took an airing on horseback about the same time clattering the bridge with the music of their horses' hoofs in beautiful quartette with those that bore Mr. Potts and his victim, and so, until all the parties halted in the marauders' camp, when good Mr. Potts and his two able assistants were compelled to surrender at the point of the six shooter and were, when we saw them, marching up the center of Main street, three abreast, with the two mounted officers in the rear, herding them to jail. There they now are, waiting the certainty of that hour that will bring them to face offended law, and to go hence and be forgot, at least for a term of years. That is to say, and it is written with this express understanding, if they do not break jail.

The *Eagle*, November 11, 1875, said the arrest was made by Meagher and Behrens:

Wm. Potts and two colored men were arrested here last Friday by city Marshal Mike Meagher and Assistant John Behrens, charged with stealing eight yoke of cattle and two wagons at Fort Sill, which property was found in their possession. The parties were lodged in jail.

Realizing it had erred, the *Beacon* corrected itself on November 17, 1875:

While we are not aware that Deputy Marshal Behrens cares a fig for official honors, yet when he is justly entitled to credit it is due him to have the same. Far be it from us to withhold from so efficient an officer what belongs to him, much less give the praise to others. We say this much without the knowledge of Mr. Behrens, in order to set ourselves right in the matter of several arrests made last week; one of them Ed Hays, the other Bill Potts and his two associates. Deputy Marshal Behrens spotted all these parties, arrested Hays, himself; and traced the others to their lair, assisting Mike Meagher in the arrests.

On December 15, 1875, the *Beacon* again mentioned Wyatt Earp:

On last Wednesday, Policeman Erp found a stranger lying near the bridge in a drunken stupor. He took him to the “cooler” and on searching him found in the neighborhood of $500 on his person. He was taken next morning before
his honor, the police judge, paid his fine for his fun like a little man and went on his way rejoicing. He may congratulate himself that his lines, while he was drunk, were cast in such a pleasant place as Wichita as there are but few other places where that $500 roll would ever been heard from. The integrity of our police force has never been seriously questioned.

In April, 1876, the tables were turned and Policeman Earp found himself on the receiving end of law enforcement. The trouble was recorded in the Wichita Weekly Beacon, April 5, as follows:

On last Sunday night a difficulty occurred between Policeman Erp and Wm. Smith, candidate for city marshal. Erp was arrested for violation of the peace and order of the city and was fined on Monday afternoon by his honor Judge Atwood, $30 and cost, and was relieved from the police force. Occurring on the eve of the city election, and having its origin in the canvass, it aroused general partisan interest throughout the city. The rumors, freely circulated Monday morning, reflected very severely upon our city marshal. It was stated and quite get [sic] generally credited that it was a put up job on the part of the city marshal and his assistant, to put the rival candidate for marshal hors de combat and thus remove an obstacle in the way of the re-election of the city marshal. These rumors, we say, were quite largely credited, notwithstanding their essential improbability and their inconsistency with the well known character of Mike Meagher, who is noted for his manly bearing and personal courage. The evidence before the court fully exonerated Meagher from the charge of a cowardly conspiracy to mutilate and disable a rival candidate, but showed that he repeatedly ordered his subordinate to avoid any personal collision with Smith, and when the encounter took place, Mike used his utmost endeavor to separate the combatants. If there is any room to reflect on the marshal, it is that he did not order his subordinate out of Smith's room as soon as he entered, knowing as he did, that Erp had fight on the brain. It is well known that in periods of excitement people do not always act as they would when perfectly collected and unexcited. The remarks that Smith was said to have made in regard to the marshal sending for Erp's brothers to put them on the police force furnished no just grounds for an attack, and upon ordinary occasions we doubt if Erp would have given them a second thought. The good order of the city was properly vindicated in the fining and dismissal of Erp. It is but justice to Erp to say he has made an excellent officer, and hitherto his conduct has been unexceptionable.

At the city election held the day before the Beacon came out Meagher had defeated Smith for the marshalship. The new city council, which had also been elected on April 4, met on the 19th and included among other business the nomination of police officers. The city clerk recorded the nominations and appointments in the minute book:

Numerous nominations were made for policeman the vote on Mr. Wyatt Earp stood 2 for and 6 against.

Mr. R. C. Richey was elected policeman vote standing 6 for and 2 against.

Mr. Dan Parks was also duly elected policeman vote standing-5 for and 3
against. On motion the vote taken on Mr. Earp was reconsidered the result of the ballots showing—4 for and 4 against. On motion of Mr. Walker to defer the appointment of more policemen until next regular meeting—was carried.  

When the city council met on May 8 it allowed Wyatt Earp $40 for 20 days' work on the force in April. The councilmen also ordered the committee on jail and police to investigate "the matter relating to the collection of moneys due the City by persons not authorized. . . ."  

On May 10, 1876, the police committee wrote this report:  

We the police com. Respectfully submit the following report. That Policeman L. Rickey be relieved from further duty & that the marshal enforce the vagrant act in the case of the 2 Earps [Wyatt?, James?, Bessie?], the long haired man, the man whose trial has been postponed, Sil Woodmansey & "Red." That the scrip of W. Earp and John Behrens be with-held from payment until all moneys collected by him for the city be turned over to the city treasurer.  

The city council received the report at its meeting on May 22:  

Report of the Police Committee relating to the discharging of policeman Rickey and also to the enforcement of the vagrant act and further recommending that Scrip of W. Earp & John Behrens be with held until all moneys collected by them for the City be turned over to the City Treasurer was sanctioned and accepted.  

With that, Wyatt Earp apparently bowed out of Wichita, for no other contemporary mention was found of him in that place. Further, on May 24, 1876, the Wichita Weekly Beacon reported: "Wyatt Erp has been put on the police force at Dodge City."

Little is known about Wyatt Earp in Dodge during 1876 and 1877. The only 1876 Dodge City newspaper in the files of the State Historical Society is a single issue of the Times dated October 14. On the first page, in a box labeled "Official Directory," Earp's name appeared as deputy city marshal. The next issue of this paper in the Society's files is that of March 24, 1877. Earp was similarly listed in the directory of this issue as well as in that of March 31. However, the Times of April 7, 1877, in reporting the proceedings of the city council meeting of April 4, said the salary of Marshal Lawrence E. Deger was allowed for March, but no mention was made of Wyatt Earp.

On July 7, 1877, the Dodge City Times noted:  

Wyatt Earp, who was on our city police force last summer, is in town again. We hope he will accept a position on the force once more. He had a quiet
way of taking the most desperate characters into custody which invariably gave
one the impression that the city was able to enforce her mandates and preserve
her dignity. It wasn’t considered policy to draw a gun on Wyatt unless you
got the drop and meant to burn powder without any preliminary talk.

Earp was still in Dodge City two weeks later according to this article from the *Times* of July 21, 1877:

... Miss Frankie Bell, who wears the belt for superiority in point of
muscular ability, heaped epithets upon the unoffending head of Mr. Earp to
such an extent as to provoke a slap from the ex-officer, besides creating a
disturbance of the quiet and dignity of the city, for which she received a
night’s lodging in the dog house and a reception at the police court next
morning, the expense of which was about $20.00. Wyatt Earp was assessed
the lowest limit of the law, one dollar.

The Dodge City papers did not mention Earp again until January
22, 1878, when the *Ford County Globe* noted that “Wyatt Earp,
our old assistant Marshal, is at Ft. Clark, Texas.”

The ex-officer returned to Dodge on May 8, 1878. Said the
*Times*, May 11: “Mr. Wyatt Earp, who has during the past served
with credit on the police arrived in this city from Texas last
Wednesday. We predict that his services as an officer will again
be required this Summer.”

By May 14 the *Ford County Globe* was able to report that
“Wyatt Earp, one of the most efficient officers Dodge ever had, has
just returned from Fort Worth, Texas. He was immediately ap-
pointed Asst. Marshal, by our City dads, much to their credit.”

This time Earp served under City Marshal Charles E. Bassett,
appointed to replace Edward J. Masterson who had been killed
on April 9, 1878. Ed’s brother, Bat, was sheriff of Ford county
and James H. Kelley served as mayor of Dodge City. Earp’s salary
now was $75.00 per month.10

For the first two months of Wyatt Earp’s second tour of duty on
the Dodge City police force the newspapers had little to report
in the way of excitement. On June 11, 1878, the *Ford County
Globe* felt that “Marshal Earp deserves credit for his endeavors to
stop that ‘bean business’ at the Theatre the other night.” On June
18 it stated that “Wyatt Earp is doing his duty as Ass’t Marshal in
a very creditable manner.—Adding new laurels to his splendid
record every day.”

On July 26 Dodge’s second fatal shooting within two weeks oc-
curred. The *Times* reported the affair in these words:
BULLETS IN THE AIR.

MUSIC FROM THE FESTIVE REVOLVER.

TWENTY SHOTS FIRED AND ONLY ONE MAN WOUNDED.

Yesterday morning about 3 o'clock this peaceful suburban city was thrown into unusual excitement, and the turmoil was all caused by a rantankerous cow boy who started the mischief by a too free use of his little revolver.

In Dodge City, after dark, the report of a revolver generally means business and is an indication that somebody is on the war path, therefore when the noise of this shooting and the yells of excited voices rang out on the midnight breeze, the sleeping community awoke from their slumbers, listened a while to the click of the revolver, wondered who was shot this time, and then went to sleep again. But in the morning many dreaded to hear the result of the war lest it should be a story of bloodshed and carnage, or of death to some familiar friend. But in this instance there was an abundance of noise and smoke, with no very terrible results.

It seems that three or four herders were paying their respects to the city and its institutions, and as is usually their custom, remained until about 3 o'clock in the morning, when they prepared to return to their camps. They buckled on their revolvers, which they were not allowed to wear around town, and mounted their horses, when all at once one of them conceived the idea that to finish the night's revelry and give the natives due warning of his departure, he must do some shooting, and forthwith he commenced to bang away, one of the bullets whizzing into a dance hall near by, causing no little commotion among the participants in the "dreamy waltz" and quadrille. Policemen Earp and [James] Masterson made a raid on the shootist who gave them two or three volleys, but fortunately without effect. The policemen returned the fire and followed the herders with the intention of arresting them. The firing then became general, and some rooster who did not exactly understand the situation, perched himself in the window of the dance hall and indulged in a promiscuous shoot all by himself. The herders rode across the bridge followed by the officers. A few yards from the bridge one of the herders fell from his horse from weakness caused by a wound in the arm which he had received during the fracas. The other herder made good his escape. The wounded man was properly cared for and his wound, which proved to be a bad one, was dressed by Dr. [T. L.] McCarty. His name is George Hoy, and he is rather an intelligent looking young man.11

Hoy died on August 21, 1878. The Ford County Globe, August 27, said of him:

Died.—On Wednesday last, George Hoy, the young Texan who was wounded some weeks since in the midnight scrimmage, died from the effects of his wound. George was apparently rather a good young man, having those chivalrous qualities, so common to frontiersmen, well developed. He was, at the time of his death, under a bond of $1,500 for his appearance in Texas on account of some cattle scrape, wherein he was charged with aiding and assisting some other men in "rounding up" about 1,000 head of cattle which were claimed by other parties. He had many friends and no enemies among Texas men who knew him. George was nothing but a poor cow boy, but his brother cow-boys permitted him to want for nothing during his illness, and
buried him in grand style when dead, which was very creditable to them. We have been informed by those who pretend to know, that the deceased, although under bond for a misdemeanor in Texas, was in no wise a criminal, and would have been released at the next setting of the court if he had not been removed by death from its jurisdiction. “Let his faults, if he had any, be hidden in the grave.”

Earp may have been one of the policemen who “interfered” in this melee reported by the Globe, August 20, 1878:

Another shooting affair occurred on the “south side” Saturday night. It appears that one of the cow boys, becoming intoxicated and quarrelsome, undertook to take possession of the bar in the Comique. To this the bar keeper objected and a row ensued. Our policemen interfered and had some difficulty in handling their man. Several cattle men then engaged in the brawl and in the excitement some of them were bruised on the head with six shooters. Several shots were accidentally fired which created general confusion among the crowd of persons present. We are glad to chronicle the fact that none were seriously hurt and nobody shot. We however, cannot help but regret the too ready use of pistols in all rows of such character and would like to see a greater spirit of harmony exist between our officers and cattle men so that snarling cayotes and killers could make their own fights without interesting or dragging good men into them.

Early in the morning of October 4, 1878, one James Kennedy fired two shots into the small frame house occupied by Fannie Keenan, a vocalist whom the Dodge City Times once described as a “general favorite” of the town. Miss Keenan, alias Dora Hand, was killed and within half a day a Dodge City posse was on Kennedy’s trail. Earp was a part of that posse but since its direction properly came under the duties of the sheriff of Ford county, the full story may be found under W. B. Masterson.

The shooting of Dora Hand and the capture of James Kennedy was the last excitement in which Earp participated for quite some time judging from the Dodge City newspapers.

In December, 1878, the city council cut the salaries of the assistant marshal and the single policeman, but on April 9, 1879, about the time the season’s trail herds began to arrive, it more than restored the cut. The Ford County Globe, April 15, 1879, carried the following story:

City Finances.

The City Council did a wise thing in endeavoring to wipe out the city indebtedness by raising the dram shop license from one hundred to three hundred dollars. The city has a debt of nearly $3,000 hanging over it. But while the Council had their eyes on a depleted treasury they also had their attention called to the large pockets of our police force and City Attorney, to whom they have allowed an additional amount for their invaluable services. While they
have left the City Marshal's salary at $100, they have raised the salary of Assistant Marshal and Policeman from $50 to $100 per month, making the expense of police force $300 per month. ... When an officer makes an arrest he is allowed a fee of $2.

The Dodge City Times, in its article on the same subject, April 12, 1879, added: "The revenue derived from fines on gambling and prostitution, which will be revived next month, will pay the police force."

The local papers carried no items about arrests made by Earp until May 24, 1879, when the Dodge City Times reported:

Officers Earp and Jas. Masterson served a writ on a horse drover, out on Duck Creek, Wednesday, in order to obtain the claim of a darkey against the drover, for services rendered by the aforesaid colored individual. Seven brave horse herders stood against the two officers, who, showing no signs of "weakening," soon obtained satisfaction of the claim, the drover promptly paying the debt when resistance was no longer available.

On September 5, 1879, some of Dodge's characters engaged in what the editor of the Globe headlined "A Day of Carnival." This is the story:

It was casually observed several times by several old timers last Friday that Dodge City was redeeming herself. By this remark they intended to convey the idea that we were extricating ourselves from that stupid lethargy which had fallen upon us of late, and were giving vent to our uncurbed hilarity—"getting to the booze joint," as it were, in good shape, and "making a ranikaboo play for ourselves." We speak in the plural number because a large portion of our community were "to the joint" and we cannot mention the pranks of each without overlooking some and causing them to feel slighted. The signal for the tournament to begin was given by a slender young man of handsome external appearance who regaled his friends with a pail of water. The water racket was kept up until it merged into the slop racket, then the potatoe and cucumber racket, and finally the rotten egg racket, with all its magnificent odors. This was continued until the faces, eyes, noses, mouths and shirt bosoms of several of the boys were comfortably filled with the juicy substance of the choicest rotten eggs, compelling them to retire from the field, which they did in a very warlike manner. As the evening shades began to appear the skirmishers were soon actively engaged, and at a little before the usual hour slugging commenced all along the line. One or two "gun plays" were made, but by reason of a lack of execution, were not effective. We cannot indulge our readers with a lengthy description of the scenes of this glorious occasion. It is described by many eye witnesses as being equal to the famous "Mystery of Gil-Cal," where the inspired poet says:

"They piled the 'stiffs' outside the door,
I reckon there was a cord or more,
And that winter, as a rule,
The girls went alone to spelling-school."

Upon the sidewalks ran streams of the blood of brave men, and the dead and wounded wrestled with each other like butchered whales on harpooning
day. The "finest work" and neatest polishes were said to have been executed by Mr. Wyatt Earp, who has been our efficient assistant marshal for the past year.

The finest specimen of a polished head and ornamented eyes was bestowed upon "Crazy Horse." It is said that his head presented the appearance of a clothes basket, and his eyes, like ripe apples, could have been knocked off with a stick. He was last seen walking up the railroad track, on his way to Las Vegas. It was not until towards morning that the smoke cleared away, the din of battle subsided and the bibulous city found a little repose. And such is life in the far, far West. 14

In the same issue, September 9, the Globe reported that "Mr. Wyatt Earp, who has been on our police force for several months, resigned his position last week and took his departure for Las Vegas, New Mexico." The Globe of September 30 mentioned that he was still in Las Vegas but by March 30, 1880, he was in Tombstone and said to be a rich man:

We understand that our fellow townsman Mr. Harry Finaty is contemplating a trip to the Tombstone district of Arizona to look after his interest in a mine which was recently sold by his partner Mr. Wyatt Earp for thirty thousand dollars. The mine is called the "Cooper Lode" and is not worked at present owing to the quantity of foul air that has accumulated in the shaft. . . . 15

Late in November it was reported that Earp had been killed. The Times reprinted the story and added its own thoughts on the matter in its issue of November 27, 1880:

It is reported that Wyatt Earp, at one time a policeman in Wichita, but more recently of Dodge City, was shot and killed on Sand Creek, Colorado, by Jas. Kennedy, of Texas, a week or two ago. Earp had shot and wounded Kennedy in the shoulder a year or two since, and meeting at Sand Creek both pulled their revolvers, but Kennedy got his work in first, killing Earp instantly.—Caldwell Commercial.

The above statement is not believed in Dodge City. Earp is engaged as a special messenger by Wells, Fargo & Co., on a division of the railroad in New Mexico. The story looks like a fabrication. Earp was never engaged in a difficulty with Kennedy. The latter was shot in the shoulder by a posse of officers at one time in pursuit of him. Earp was not of that party.

By January 18, 1881, Earp was back in Tombstone. The Ford County Globe wrote: "Wyatt Earp, ex-City Marshal of Dodge City, and W. H. Harris, C. M. Beeson's partner, are at Tombstone, Arizona, one of the promising young cities of that Territory."

Within a few months Earp's supposed wealth was mentioned again. The Globe on October 11, 1881, said that "Wyat Carp [sic], formerly a policeman in this city, is now one of the wealthy men of Tombstone. He owns a large portion of the land on which the town is built, and some valuable mining property."
Two weeks later the famous gunfight at the OK Corral occurred. The Globe reported the shootout in these words:

A Tombstone, Arizona, dispatch says: Four cow boys, Ike and Billy Clanton and Frank and Tom McLowery, have been parading the town for several days, drinking heavily and making themselves obnoxious. On Wednesday last the city marshal arrested Ike Clanton. Soon after his release the four met the marshal, his brother Morgan and Wyatt Earp, and a citizen named Holliday. The marshal ordered them to give up their weapons, when a fight commenced. About thirty shots were fired rapidly. Both the McLowery boys were killed. Bill Clanton was mortally wounded, dying soon after. Ike was slightly wounded in the shoulder. Wyatt Earp was slightly wounded, and the others were unhurt.12

On November 8, 1881, the Globe added:

The Earp boys, who had the fight with the cow boys, at Tombstone, Arizona, which resulted in the killing of three cow boys, have been arrested by the friends of the men who were killed. The Earp boys were acting as peace officers, and from all reports were justified in doing what they did. Wyatt Earp was formerly city marshal of Dodge City, and a paper setting forth his good qualities was circulated last week and signed by all the prominent citizens.

Trouble is likely to arise from the recent shooting of cowboys by Marshal Earp and posse, at Tombstone. Earp to-day telegraphed Gen. Wilcox to send a company of cavalry to protect him from the cowboys. Wilcox referred the matter to Acting Governor Gospers and ordered a company of cavalry at Huachua to be ready to march if required. Sheriff Bedau, of Tombstone, telegraphs that everything is quiet there. The examination of the Marshal's posse is going on with closed doors. A large amount of money has been raised to assist the prosecution by the friends of the cowboys.

The Times of December 8, 1881, reported Earp's acquittal:

Wyatt Earp, formerly a city marshal in this city, was recently under trial before a magistrate in Tombstone, Arizona, charged with homicide. Great interest was taken in trial which lasted four weeks. From the voluminous testimony taken the Justice makes a long review of the case and discharges the defendant. The following is an extract from his decision: "In view of all the facts and circumstances of the case; considering the threats made, the character and position of the parties, and the tragical results accomplished, in manner and form as they were, with all surrounding influences bearing upon the res gestae of the affair, I cannot resist the conclusion that the defendants were fully justified in committing these homicides; that it was a necessary act, done in the discharge of an official duty."

An Earp was shot on December 28, 1881, and the incident was reported in the Dodge City Times, January 5, 1882:

ATTEMPTED ASSASSINATION.

A Tombstone, Arizona, dispatch of Dec. 29, to the St. Louis Globe-Democrat says when the Clanton and McClary gang were shot by the Earps and Doc Holliday, about six weeks ago, the friends of the cow boys vowed they would
have revenge for what they called the cold-blooded murder of their friends. Only a fortnight ago, Mayor Clum, of Tombstone, was shot at in a stage near the city and one bullet grazed his head. Clum was a warm sympathizer with the Earps, and did much to secure their acquittal at the preliminary examination. Wednesday night, just before midnight, an attempt was made on the life of United States Deputy Marshal Earp, as he was crossing the street, between the Oriental Saloon and the Eagle Brewery. When in the middle of the street he was fired upon with double-barreled shotguns, loaded with buckshot, by three men concealed in an unfinished building diagonally across on Allen street. Five shots were fired in rapid succession. Earp was wounded in the left arm just above the elbow, producing a longitudinal fracture of the bone. One shot struck him above the groin, coming out near the spine. The wounds are very dangerous, and possibly fatal. The men ran through the rear of the building and escaped in the darkness.

Nineteen shots struck the side of the Eagle Brewery, three going through the window and one passing about a foot over the heads of some men standing by a faro-table. The shooting caused the wildest excitement in the town, where the feeling between the two factions runs high.17

On an inside page of the same issue, the Times said: “Virgil Earp, and not Wyatt Earp, was shot at Tombstone. At last accounts he was resting easy with chances of recovery. The wounded arm will probably have to be amputated.”

In May, 1882, Ed Colborn, a Dodge City attorney visiting in Gunnison, Colo., wrote the Ford County Globe of an “absorbing” conversation with Wyatt Earp about the Tombstone business and Wyatt’s somewhat grandiose plans for the future. The Globe printed Colborn’s letter on May 23, 1882:

LETTER FROM E. F. COLBORN.

GUNNISON, COL., May 20.

Editor Globe:

. . . Wyatt and Warren Earp arrived here some days ago and will remain awhile. Wyatt is more robust than when a resident of Dodge, but in other respects is unchanged. His story of the long contest with the cow boys of Arizona is of absorbing interest. Of the five brothers four yet live, and in return for the assassination of Morgan Earp they have handed seven cow boys “over to the majority.”

Of the six who actually participated in the assassination they have killed three—among them, Curly Bill, whom Wyatt believes killed Mike Mayer [Meagher], at Caldwell, last summer. Stillwell, Curly Bill and party ambuscaded the Earp party and poured a deadly fire into them, Wyatt receiving a charge of buckshot through his overcoat on each side of his body and having the horn of his saddle shot off. Wyatt says after the first shock he could distinguish David Rudabaugh and Curly Bill, the latter’s body showing well among the bushes. Wyatt lost no time in taking him in, and will receive the reward of $1,000 offered. From what I could learn, the Earps have killed all, or nearly all of the leaders of the element of cow boys, who number in all
about 150, and the troubles in Arizona will, so far as they are concerned, be over.

Wyatt expects to become a candidate for sheriff of Cochise county this fall, and as he stands very near to the Governor and all the good citizens of Tombstone and other camps in Cochise county he will without doubt be elected. The office is said to be worth $25,000 per annum and will not be bad to take.

Late in April, 1883, trouble broke out in Dodge City. Luke Short, part owner of the Long Branch saloon, and several other gamblers were run out of town by city authorities. At his request, some of Short’s old friends came back to Dodge to help him regain his property and position. Wyatt Earp was one of these. He arrived in Dodge City on May 31, 1883, and the Ford County Globe, in reporting his coming, said nothing about the purpose of the visit: “Wyatt Earp, a former city marshal of Dodge City arrived in the city from the west, last Thursday. Wyatt is looking well and glad to get back to his old haunts, where he is well and favorably known.”

For the next ten days Earp was in and out of Dodge City. Finally the trouble was settled; seven friends of Short gathered for a group photograph and Dodge fell back into its normal ways. (A full account of the “Dodge City War” will be included in the section on Luke Short.)

Earp visited Dodge City again during its cowtown days. In November, 1883, it was recorded:

W. B. Masterson, formerly sheriff and ex-city marshal, and Wyat Earp, ex-city marshal of this city quietly and unostentatiously dropped in onto our inhabitants early last Tuesday morning, and their presence about the polls on that day had a moral effect on our would-be moral element, that was truly surprising. It is needless to say every thing passed off quietly at the city precinct on election day.

FLATT, GEORGE W.
(1837-1880)

Though “old” by frontier standards, Caldwell was not yet incorporated and consequently had no police force of its own when the Caldwell Post printed this exciting news story on July 10, 1879:

A TERRIBLE TRAGEDY!
A LAWLESS MOB MAKES AN ATTACK UPON THE OFFICERS—
TWO OF THE MOB KILLED OUTRIGHT!
ONE OFFICER TWICE WOUNDED AND STILL VICTORIOUS—
INQUEST AND BURIAL.

Last Monday evening [July 7] our usual quiet little city was thrown into intense excitement by an attack upon our officers of the law by a couple of desperadoes from the Chickasaw Nation, who came into town during the afternoon of the day above mentioned, and commenced spreading themselves over a sufficient quantity of “rot-gut” whiskey to become very troublesome. Agged on by one H. F. Harris, a sneak-thief ruffian, who has been a terrible bore to the citizens of the town for the past few weeks, they concluded to “take the town,” and began to fire their six-shooters promiscuously on the streets, endangering the lives of our citizens. They finally went back into the Occidental Saloon where they had been, threatening and bragging about the poor victims who had heretofore fallen before the muzzles of their pistols. Dave Spear, who was in the saloon at the time started out, when one of the men cocked his pistol and sprang at him exclaiming at the same time, “that boy is going to give me away,” James Moreland caught him and prevented his shooting. About this time Constable W. C. Kelly, and Deputy Constable John Wilson who had summoned a posse, among whom was the brave and daring George Flatt, to go and suppress them in their lawlessness, came up; Wilson entered the front door and past to the back part of the room near the middle door, Flatt followed stopping at the bar, in front of the room where the men were standing. They dropped on the object of Wilson and Flatt, and cocking their pistols, which was distinctly heard by the officers and holding them down by their sides at the same time making for the door, but Flatt seeing their object was to get between him and the door backed out right in front of them, on reaching the door they both leveled their six-shooters on him demanding his arms; Flatt replied: “I’ll die first;” and at that instant one of the fellows fired; the ball passing close by Flatt’s head and grazed the temple of W. H. Kiser, who stood a little in the rear. Flatt then drew both of his pistols which he had kept concealed behind him, and fired with the one in his right hand at the man who had got farthest out the door, the ball taking effect on the right hand, taking off the end of the fore-finger, and also the trigger the finger was on and penetrating the body in the upper part of the right breast ranging downward passing through both lungs and coming out a little below the left shoulder blade, which caused him to drop heavily to the sidewalk and rolling off in the street died almost instantly.

The man who stood in the door and shot first, received a ball in the right side, which passed straight through his body, from the pistol held in Flatt’s
left hand; the man returned the fire at Flatt, and then turned and fired at Wilson, who was closing in the rear, the ball glazed Wilson's wrist, making a slight flesh wound, Wilson returned the fire so rapidly that the man failed to get his work in, although he is said to have been an expert with a six-shooter. Wilson's first shot took effect in the right hand of the fellow, and the second in the abdomen just below the short-ribs, from which he fell, shooting Wilson in the thigh as he went down. After the excitement subsided somewhat, Esq. Thomas acting as coroner summoned a jury of six men and held an inquest over the dead bodies of the two men. From what testimony could be gathered their names were supposed to be George Wood and Jack Adams. They had just arrived from the Chickasaw Nation with Johny Nicholson with a herd of cattle, had been discharged and came in for a spree. The jury, after a partial examination adjourned until nine o'clock the next day, at which time a number of witnesses were examined. The jury returned the following verdict: "That said men came to their death by pistol shots fired from the hands of the officers of the law and their deputies, while in the act of performing their duties." Their bodies were properly interred.

Later.—Coroner J. H. Folks arrived about forty-eight hours after the fatal shooting; summoned a jury; raised the bodies, which had been buried, and held another inquest, with about the same result—that the killing was done by officers in the discharge of their duties, and in self-defense.

Rumor and legend being at least half of a gun fighter's reputation, little time was lost in adding to Flatt's prowess with a six shooter. The Post, July 24, 1879, squelched the attempt with this paragraph, ending in a commercial:

The rumor of "George Flatt killing another man," as was reported in the Vidette of last week is a false report. A more peaceable and quiet citizen cannot be scared up in Caldwell or any other place than George. But when it comes down to the work and our citizens' lives are in danger he is always there, ready to uphold law and order. And we will take occasion to state right here that Flatt & Horseman have just opened an elegant saloon south of the City Hotel one door, where they would be pleased to see their friends at any time, and where you can always find that "that's good for shore."

On July 22, 1879, Caldwell was incorporated under order of W. P. Campbell, judge of the Sumner county district court, and an election for city officers was ordered held on August 7. The first mayor and the first city council, who were elected at that time, adopted, on August 14, an ordinance which created the office of city marshal. The Post, August 21, 1879, printed the ordinance which also defined the duties of the officer and established his rate of remuneration:

ORDINANCE No. 3.

An Ordinance providing for the appointment of City Marshal, and relating to his duties and compensation.

Be it ordained by the Mayor and Councilmen of the city of Caldwell:

Sec. 1. The Mayor shall, by and with the consent of the Council, appoint some suitable person to the office of City Marshal.
Sec. 2. The Marshal shall, in addition to the powers, duties, privileges and liabilities prescribed by the laws of the State, file complaints for any and all violations of the city ordinances; provided, however, that he shall not be liable for costs in any action so instituted by him.

Sec. 3. He shall have charge of the city prison, and any person arrested for the violation of state or city laws may be given into his custody for safe keeping.

Sec. 4. He may appoint any number of assistants, or deputies, for whose official acts he shall be liable, but they shall have no claim against the city for services.

Sec. 5. The Marshal, or any assistant, or deputy, or other officer of the city empowered to make arrests, is hereby authorized to call upon any male inhabitant of the city to assist him in making an arrest, or in quelling a disturbance of the public peace. Whoever neglects or refuses in said case, when called upon to assist said officer, shall be liable to a fine of not less than five dollars and not exceeding ten dollars.

Sec. 6. Whoever commits an assault upon, or resists, an officer in the discharge of his duty, or attempts to rescue a person lawfully arrested, shall be liable to a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

Sec. 7. The Marshal shall receive for his services, $33.33 dollars per month, and in addition thereto, the following fees, viz: For making an arrest authorized by law, two dollars; for serving legal process, the same fee as Sheriffs in like cases; provided, however, that in no case shall the city be liable for said fees.

Sec. 8. Before entering upon the duties of his office, the Marshal shall execute, to the city of Caldwell, a bond, with sufficient surety to be approved by the Mayor, in the penal sum of two hundred dollars, conditioned to faithfully discharge the duties of his office, and file the same with the City Clerk.

Sec. 9. This ordinance shall take effect from and after the date of its first publication in The Caldwell Post.

Approved August 14th, 1879,

Attest:

J. D. Kelly, Jr.,
City Clerk.

[N. S.]
Published August 21st.

The man named to the position created by this ordinance was George W. Flatt.

The first arrest recorded in the Caldwell police court docket, September 6, 1879, was made by Marshal Flatt. "J. H. Wendels was arraigned and plead guilty to the charge of fast driving . . . ," wrote the police judge, James D. Kelly. Wendels was fined $3 and cost but the fine was remitted on October 13.

On October 30, 1879, the Caldwell Post printed this story of a successful getaway:

John Dean came into town yesterday afternoon and after getting a little full concluded that he was a second Henion, swore he would not be arrested in Caldwell. Some one discovering fire-arms on his person, informed the
marshal of the fact, he at once, accompanied by his deputy Wm. Jones, better known as "Red Bill" proceeded to hunt him up and inform him of the fact that it was against the city ordinance to carry fire-arms in the city limits. Mr. Dean getting wind of their intentions and determined not to be disarmed, mounted his horse and started out of town firing his revolver promiscuously. The marshal started in pursuit and commanded him under arrest, he answered their summons with a shot from his six-shooter. At the crack of his pistol the marshal and deputy turned loose with their six-shooters. Dean being mounted and moving pretty lively, the distance between the parties became so great, the marshal and deputy being pretty well out of wind, they did no very accurate shooting, although they emptied their revolvers at him before he got out of the corporation. The papers are in the constable's hands for his arrest, for assaulting the officers with a deadly weapon.

Flatt served as marshal probably until the city election of April 5, 1880. The last arrest credited to him in the police court docket was dated March 23. On April 5, Mike Meagher, ex-city marshal of Wichita, was elected mayor and he, with the city council, named William Horseman to Flatt's post.¹

The United States census of 1880, enumerated in Caldwell on June 5, listed both George Flatt and his wife, Fanny. Flatt, then 27, was born in Tennessee and was a detective, according to the record. Fanny was just 18 and had married Flatt within the 1879-1880 census year.

On June 19, 1880, George Flatt was gunned down on a Caldwell street by apparently unknown assailants. The Post, June 24, 1880, reported:

THE BULLET DOES ITS WORK.

George W. Flatt Assassinated—
A Deliberately Planned and Executed Murder.

This city has for months been exceedingly free from any serious disturbances—and the citizens of Caldwell began to flatter themselves with the idea that the day of the shot-gun and the revolver had forever departed from its limits, but last Saturday morning between twelve and one o'clock this notion was suddenly and forcibly dispelled. The saloons were all closed and the quiet of the night was unbroken, when all of a sudden there rang out upon the air the reports of several firearms fired in quick succession. The people rushed out of their houses towards the place from which the shooting seemed to come, and found George W. Flatt weltering in his blood. The police force was immediately upon the ground and shortly after Justice Kelly and Dr. Noble arrived upon the scene. Upon the examination of the body by Dr. Noble, it was found that life was entirely extinguished, and the remains were, upon the direction of Justice Kelly, removed to Mr. Hohler's new barber shop adjoining the Caldwell Post building. The coroner, Mr. Folks, came down on the construction train Saturday morning and an inquest was commenced shortly after his arrival. An extract of the inquest up to Monday evening will give our readers some information of the assassination of George Flatt.

From
Tuesday morning the examination was held in secret. The following gentlemen were summoned as a coroner’s jury:


The jury after being sworn proceeded to view the body, and Drs. Noble and MacMillan exhibited and explained the wounds. The coroner and jury then adjourned to the room in the rear of Meagher & Shea’s saloon where the examination of witnesses took place. Doctor Noble testified that he was called to examine the body of George W. Flatt about half past one that morning. When he arrived the body was lying on the sidewalk in front of Bailey’s harness shop on Main street. Flatt was lying on his back with his head lying to the southwest, but he had evidently fallen forward. On examination he found that one ball entered at the base of the skull almost in the center; he also found a wound just under the right shoulder and that morning he found two more wounds which he did not detect when he examined the body on the sidewalk. He did not find any ball or leaden missel of any kind. He did probe the wound and struck either a bone or bullet of some kind but could not tell which. The ball which entered the base of the skull proved fatal, that which entered the neck might also prove fatal but not necessarily so. He could not say what killed Flatt, whether it was buckshot or pistol balls. He could of course give closer and more correct opinion by more minute examination. The coroner then issued an order to Drs. Noble and MacMillan to make a post mortem examination of the body of George W. Flatt.

Samuel H. Rogers was the next witness who was called. He testified in substance—that he is a member of the city police force, was acquainted with Flatt in his lifetime. The last time he saw him alive, was when he was walking with him about one o’clock that morning—Saturday—in front of Bailey’s harness shop, on south side of Main street. He was walking south in company with Flatt and C. L. Spear. Spear was nearest the buildings and a little ahead of Flatt, then came Flatt, and he, the witness, was on the outside and about a step behind Flatt. When about one hundred feet from the northwest corner of Main and Fifth streets, heard a report of a firearm, and Flatt fell forward and a little in front of the witness, several shots were then fired in rapid succession, the balls striking the buildings all around him. The witness immediately backed out. He thought about a dozen shots were fired. The first shot was fired so close to his left ear that it deafened him, should say it was fired a little above, as if coming from the awning. The other shots came from across the street, from about the scales or well. He backed off about thirty feet and hallooed, “Let up, you have killed that man.” At the first report he saw sparks fall off Flatt’s head, the blaze of the fire arms seemed to be all around them. He, the witness, had no knowledge that shots would be fired. Had seen Flatt off and on during the preceding evening, he went to the dance hall to get him away. The witness had heard that Flatt had had trouble with Frank Hunt and others and he went to get him to go home, fearing that he might cause trouble, went with Flatt and others from the dance hall to the Kentucky Saloon, and then went over to the I. X. L. Saloon. Flatt was accustomed to sleep in rear of that saloon, tried to get Flatt to bed, he said, “I want to go and take a lunch first,” or words to that effect. Flatt, Spear and the witness then started for Louis Segerman’s restaurant to get some lunch, did not see any one on the street,
nor heard any noise as if persons were walking, the first witness, saw after the shots were fired and Flatt fell, were the city marshal, the mayor, Dan Rogers, Dan Jones and Spear, who came back. The first man he spoke to was Dan Jones. The marshal, mayor and Spear came from the south. This was the last witness examined before the noon hour.

Upon the reassembling of the jury after dinner, the coroner informed the jury that his business and sickness in his family did not permit him to remain any longer that day, and would therefore adjourn the inquest till Monday, the 21st inst., at one o'clock p. m.

The first witness examined on Monday afternoon was C. L. Spear, one of the persons who were with Flatt at the time he was shot.

Mr. Spear testified substantially that he had been acquainted with Geo. W. Flatt for about one year and a half, saw Flatt last alive in front of the barber shop on Main street about seventy-five feet from the corner of Fifth street, between twelve and one o'clock last Saturday morning. Flatt was walking south on Main street between Sam Rogers and witness, witness was on the inside on the sidewalk, Flatt was on his right and a little behind, and Rogers to the right of Flatt and about a step behind him. They were all coming from the I. X. L. Saloon and were going to Louis Segerman's for a lunch. The first that happened was the firing, and he, Flatt, fell, and the shot was so close that the light shone on him. The shot came from the rear of us. Flatt fell forward on his face and right side. Witness stopped at once, but somebody commenced firing from the opposite side of the street and he ran around Meagher & Shea's saloon building. Didn't see Flatt move after he fell, believe he died at once. The witness testified further: There might have been two shots fired from a double barreled shot gun, both barrels going off at the same time; then came a moment's lull and then commenced the other firing, which seemed to come from near some salt barrels by Smith & Ross' grocery store. There were between six and a dozen shots fired. When the bullets commenced to strike the building, he ran away to escape being hit, saw flashes around the hay scales and stairway between Smith & Ross' and Thrall-kill's stores, met Mike Meagher and the city marshal and some third person, whom the witness believed was Frank Hunt. When the witness turned the corner of Meagher & Shea's saloon, those persons were coming from the other side of the building. They asked "what shooting that was," and he replied that some one had shot Flatt. Mike was the first he saw, the others came after him, then all walked to where Flatt lay. It was not more than a minute from the time he left Flatt till he returned. Dan W. Jones, Sam Rogers and some other persons were at the body, when they came up, Flatt had two pistols on his body, and witness had one, don't know whether Rogers had any pistol or not. The witness then testified regarding his habit of carrying a weapon at night when he went from his saloon to his home.

Question by Mr. Cooksey—Did you see any persons with shot guns in their hands?

Answer—Those parties I met when I came around the corner had guns, also Dan Jones had a gun, I don't know whether they were shot guns or rifles.

Doctors Nobles and MacMillen testified similarly in regard to the post mortem examination of the body of George Flatt. They found that the bullet which entered at the base of the brain had severed the spinal cord, and striking the spheroid bone, glanced off, passing either out of the neck or down the
spinal column. The wounds were not made by anything larger than No. 1 buckshot. The tendency of the balls were very slightly upwards, and were evidently made by the same sized balls. The wounds might have been made by No. 2 buckshots. The course of the balls for the four wounds were the same. Flatt was killed instantly by the shot which severed the spinal cord, and was the only shot which brought him down. Both doctors were of the opinion that he received the four wounds at one fire.

James Johnson testified that he was on duty as policeman at the time of the firing, and was then sitting at a front window in Reily’s new building, saw and heard the firing on the street down by Canida’s barber shop, there were between six and a dozen shots fired, heard Flatt talking down the street immediately before the shooting. He started at once for the place where the firing was. Came across Sam Rogers, then the crowd seemed to come from every direction. Johnson further testified to the actions of Flatt during the evening previous to the murder, that he pulled his revolver on the witness and threatened to shoot his feet off, and also that he drew his revolver to shoot Policeman Hunt. Witness said he saw no one on the street immediately preceding the firing.

The next witness was H. A. Ross, the jeweler, who testified substantially as follows: I was acquainted with Flatt during his life time, my place of business is at Horner’s drug store, saw Flatt Saturday morning about forty rods from where he was killed, he was coming down the street, saw him when he was killed in front of the saddler shop, two gentlemen were with him, one of whom I recognized as Sam Rogers, as they walked past the bank building, Flatt said, he was the “cock of the walk of Caldwell,” and just then he was killed. The shots came from the north of him, and he, Flatt, dropped. I think the shot which brought him down came from the alley-way north of the bank building; can’t tell how many shots was fired, I was scared so bad that I couldn’t tell, some shots came from my side of the street. I was sitting in front of my shop, didn’t see any person on my side of the street, there is an opening between the buildings near the stairway on my side of the street, heard Sam Rogers say, “Let up, the man is dead or killed,” or words to that effect, then I saw Rogers fall back and the other man ran ahead. I sat quite still while the shooting was going on, was rather scared, saw Dan Jones after the firing, he was standing south from where I was, on the sidewalk on the same side of the street I was, I followed Dan Jones across the street. Rogers came from the north. Dan Jones had a gun when he crossed the street, can’t tell whether it was a shot gun or rifle.

Mr. Ross’ testimony closed the examination on Monday evening, at which time the inquest was adjourned till the following day at the school house. The coroner at the beginning of the examination on that day, announced that the inquest would be secret after that time. Nothing is therefore known of the proceedings from that time except that an adjournment was ordered on Wednesday, until Friday afternoon at 2 o’clock.2

The death of Flatt had several political ramifications which will be presented in the section on Mike Meagher.

Flatt was buried the afternoon of the same day he was killed. The Post, June 24, 1880, said:
The funeral of Geo W. Flatt took place Saturday afternoon. At the Sunday morning services, at the school house, Rev. S. Wood, made some appropriate remarks upon the death of Mr. Flatt, and expressing feelingly the sympathy he felt, with many others, for the young widow left to mourn such a fearful death of one who to her, at least, was very dear.

A tragic part of Flatt’s death was an event which occurred only four days after he was shot: “Mrs. Flatt, the widow of George Flatt, gave birth yesterday to a fine boy. Mother and child are doing well,” reported the Caldwell Commercial, June 24, 1880.

The decision of the coroner’s jury, if ever made available, was not disclosed in the newspapers of Caldwell. However, in the spring of 1881 William Horseman, city marshal at the time of Flatt’s death, was tried for the murder but was acquitted.³

1. Caldwell Post, April 15, 1880. 2. See, also, Caldwell Commercial, June 24, 1880. 3. Ibid., April 28, 1881.

GAINSFORD, JAMES

(1840?—1870)

On November 5, 1870, James Gainsford and C. C. Kuney captured Moses Miles and Andrew McConnell, the men who had killed and nearly beheaded Abilene Chief of Police Thomas J. Smith on November 2. The Abilene Chronicle, November 10, 1870, reported:

Capture of the Murderers.—Miles and McConnell, the murderers of U. S. Marshal and Chief of Police, Thos. J. Smith, were captured on last Saturday morning by Police Magistrate C. C. Kuney, and James Gainsford, of this place. These gentlemen with a large number of others repaired to the scene of the murder on last Wednesday afternoon. Kuney and Gainsford were the only persons who started in pursuit and continued on the trail until the murderers were captured. They traveled almost day and night; they lost track of the murderers on the Republican river, some ten miles from Junction City and traveled nearly one hundred miles out of the way, going nearly to Waterville and back before they got on the trail again, which they found at Milford, ten miles north of Junction, from whence they traveled to Clay Center, where they were joined by Sheriff Rodman, M’Laughlin and Mr. Lindsey. Knowing that they were now close upon the fleeing criminals the party renewed the pursuit at 3 o’clock on Saturday morning, and about sunrise reached a farm house fifteen miles northwest of Clay Center. Before reaching the house they learned upon inquiry that two men had stopped there the previous evening. On reaching the house, Mr. Gainsford made for the rear door, while Squire Kuney entered the house at the front door. Gainsford met Miles outside of and in the rear of the house, while Kuney encountered M’Connell immediately upon entering. Both criminals surrendered without offering resistance, although M’Connell could have used his gun had he been so disposed—but it is probable that he considered it useless to do so with any prospect of escape.

The murderers were brought to Abilene, reaching town on the Sunday morning train. From a telegraphic dispatch, sent from Junction City, news got out that they were captured, and a large crowd gathered at the depot
on the arrival of the train, and deep threats were made of lynching the prisoners—but the officers were on the alert and hurried them into a room in the second story of the court house, where they were securely guarded until Monday when they were brought before Esquire Barber. They waived an examination, and were remanded to the custody of the sheriff. Court is in session and we presume their trial will take place during the present week. Too much praise cannot be awarded to Messrs. Kuney and Gainsford, for the persistent and unflagging pursuit which resulted in the capture of the fugitives, who were making their way for the mountains in Colorado, where it seems that one or both once resided for a period of ten or twelve years. It is said that both have been desperadoes, and it is probable that they have more than once imbrued their hands in the blood of their fellow men. In all human probability their stay in this world is short. God have mercy upon their souls.

For their work, Kuney and Gainsford were each rewarded with $100 by the Abilene board of trustees on March 11, 1871.1

In April Gainsford was elected constable of Grant township, in which Abilene is located.2

The city clerk of Abilene made this entry in the city council minute book on June 16, 1871: “James Gainesford and J. H. McDonald were appointed as policemen by the mayor at the unanimous request of the Council. The mayor protesting against the appointment of McDonald.” 3

The only mention found of a duty performed by Gainsford as a member of the Abilene police force was the gathering of “names of lewd women, Gaming tables &c.”4

Gainsford was relieved from the Abilene force on September 2, 1871. The minute book of the city council, pp. 86 and 87, carried this entry:

The propriety of reducing police force was discussed by Mayor and Council and after due deliberation and consideration the following resolution was adopted and ordered recorded.

Be it resolved by the Mayor and Council of the City of Abilene

That J. H. McDonald and James Gainsford be discharged from the Police Force of said City from and after this 2d day of Sept. A. D. 1871, and that a copy of this resolution be given by City Clerk to City Marshall [James B. Hickok] and to be served upon said J. H. McDonald and James Gainesford by the said City Marshall

2d Be it further resolved that the said J. H. McDonald and James Gainsford are discharged by reason that their services are no longer needed.

Passed the Council
September 2d A.D. 1871
E. H. Kilpatrick
City Clerk


(To Be Continued in the Winter, 1960, Issue.)