

7-1-1956

John Simpson Chisum, 1877–1884

Harwood P. Hinton

Follow this and additional works at: <https://digitalrepository.unm.edu/nmhr>

Recommended Citation

Hinton, Harwood P.. "John Simpson Chisum, 1877–1884." *New Mexico Historical Review* 31, 3 (1956).
<https://digitalrepository.unm.edu/nmhr/vol31/iss3/2>

This Article is brought to you for free and open access by UNM Digital Repository. It has been accepted for inclusion in *New Mexico Historical Review* by an authorized editor of UNM Digital Repository. For more information, please contact amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

NEW MEXICO HISTORICAL REVIEW

VOL. XXXI

JULY, 1956

No. 3

JOHN SIMPSON CHISUM, 1877-84

By HARWOOD P. HINTON, JR.*

Preface

John Simpson Chisum was probably the most widely known cattleman of the American Southwest during the 1870's. This notoriety arose in part from the erroneous association of his name, by its pronunciation, with the Chisholm Trail, but more directly from the immensity of his stock operations. At this time, his Rail brand and Jinglebob earmark for cattle symbolized a veritable empire which stretched for over one hundred miles along the Pecos River in the southeastern part of the Territory of New Mexico. In this strip of unoccupied federal domain, over seventy thousand head of half-wild cattle grazed and drifted in bunches under the watchful care of dozens of well mounted, heavily armed herders who served as range crews as well as protection against inroads by renegade Indians and rapacious stock thieves.

A definitive biography of John Chisum may never be written, for there is quite a paucity of information not only concerning his life but also his stock dealings which spanned the Southwest for thirty years. Then too, legend, in fortunately rescuing him from mere allusion in formal history, has, through the years, crystallized conjecture and hearsay into a fabric wholly lacking in veracity and uncomplimentary in nature. Today, we have only a blurred picture of a misrepresented and uninterpreted individual, living in the shadows of a bygone era.

* Master of Arts thesis, Faculty of Political Science, Columbia University.

This paper embodies research into the last seven years of Chisum's life, 1877-84, and in no way purports to be a full or complete account of the period. By presenting new facts and discarding old suppositions, it does suggest a re-interpretation of a controversial part of his business career. A special effort has been made to deal objectively with Chisum's role in the Lincoln County War, the acme of his ranching troubles in the lower Pecos country. No critical investigation has ever been made of the causes for this struggle, which in the main was economic, and no attempt is made here to analyze the multiplicity of factors involved. Only those incidents of the conflict implicating Chisum or his interests are stressed.

Field work for this thesis was extensive, encompassing old newspaper files; county, territorial and national records; various historical societies and personal collections; and private interviews. William J. Chisum, nephew of the subject and in whose household he resided for six years, has patiently and conscientiously answered countless letters. Colonel Maurice G. Fulton, who has studied the history and personalities of Lincoln County, New Mexico, for over a quarter of a century, furnished much invaluable information from his files, and through counsel and field trips provided a great deal of insight into the period under study. Last, but certainly not least, Professor Richard B. Morris has, at intervals, constructively criticized my materials and kindly read the drafts.

Cattle King of the Pecos

By the mid 1870's, John S. Chisum had been in the open range cattle business for twenty years. Since 1872, the year of his locating in New Mexico, his name and magnitude of operations had elicited increasing comment in frontier news organs. For example, on April 11, 1875, *The Grant County Herald*, at Silver City, New Mexico, elaborated:

We hear of cotton being king, of railroad kings. But J. S. Chisum of Bosque Grande is our stock king of New Mexico. We remember upon one occasion, when finding our stock king in a deep reverie, of asking him why he was in such a 'deep study?' Chisum looked up and said: 'I'm in great trouble because I cannot dispose of my stock as fast as it increases.'

Such concern, however, was usually settled quickly or assigned to the future by the cattleman, who although in his early fifties reflected little to indicate worry or debility.

In appearance, he continued to be the unpretentious, unassuming individual of former days. A. M. Gildea, who met him in 1876, later recalled:

Chisum himself was a medium-sized hombre with shrewd eyes, his face sunbaked to the color of leather, but unless his appearance and methods of working cattle were deceptive he was a man of forceful action. . . .¹

In height, he was about five feet eight inches, firmly built and had dark brown hair and a heavy mustache. His gray-blue eyes were sun-squinted and deeply set in a face which seemed thin due to a long jaw and prominent chin and nose. When on the ranch, Chisum was repeatedly mistaken for an ordinary cowboy by his rough attire, but when traveling or visiting in distant cities, he appeared in clothing befitting his prominence.²

In considering his nature and drives, the Pecos stockman seems to have been inconsistent and paradoxical. J. Smith Lea, an early resident of Lincoln County, New Mexico, some years ago prepared a lengthy statement containing recollections of his association with Chisum. In this, he succinctly

1. *Dallas Semi-Weekly Farm News*, March 20, 1930. A. M. Gildea, who was a temporary Chisum employee during the period, 1876-78, relates his experiences to Cora Melton Cross.

2. William J. Chisum to Harwood P. Hinton (cited hereafter WC to HPH), February 1, 1954; Tape Nos. 8 and 9, from recordings of interviews between William Chisum and Allen A. Erwin, during the summer of 1952, in the Arizona Pioneers' Historical Society, Tucson (cited hereafter as Tape—); Mary H. Brothers, *A Pecos Pioneer*. (Albuquerque, The University of New Mexico Press, 1943), p. 43. Mrs. Brothers edited the notes of her father, Bell Hudson, who worked on the Jinglebob ranch in the early 1880's. The chapter which contains Hudson's recollections of the Chisums is highly informative, fairly accurate and refreshing. The overall historical value of the book, however, is somewhat invalidated by the author's attempt to "re-write" instead of reproducing the notes with appropriate commentary. James Cox, *Historical and Biographical Record of the Cattle Industry of Texas and Adjacent Territory*. (St. Louis, Woodward & Tiernan Printing Co., 1895), p. 299. This volume contains a reprint of the most complete summary of Chisum's life ever published. Cox states that it initially appeared in the *Santa Fe New Mexico Stock Grower*, but gives no date. However, a condensation of the same article has been found in the *Kansas City Livestock Indicator*, Kansas City, Missouri, on February 19, 1885, approximately two months following the cattleman's death on December 22, 1884. The author is unknown, but the great amount of facts it carries intimates that it is from a very reliable source. Photographs of Chisum are in Cox, opposite page 299, and in the possession of Joe D. Waide, Denton, Texas.

pointed to the singularness of the Pecos rancher's character and personality by simply stating that Chisum was:

... one of the smartest men I have ever known, although he did not have that appearance and was rather inclined to make people believe that he was not so bright. He was never afraid of anything or anybody, and if he ever got mad, no one ever knew it, and he would never, to save his life, change a position he had once taken.³

Other observations were made by Miss Mary V. Daniel, in whose home he often visited during the latter years of his life. She avers rather emphatically that "John loved money ... was very dictatorial and was accused of 'cutting corners' when to his advantage."⁴ This comment is typical of those voiced by the cattleman's critics, yet suggests, in truth, fundamentals which undoubtedly influenced many of his decisions.

In manner and speech, Chisum was simple, straightforward and engaging. Regarding her first acquaintance with him, Sophie A. Poe stated:

Somehow I liked him instantly, as he held my small hand in a viselike grip. I realized his strong, frank personality. His dignity showed him to be a man of importance, and his genial laugh showed that he knew how to be human.⁵

Whether in the parlor of a lady, the office of a capitalist, or lounging with cowboys around a campfire in the evening far out on the prairies, he appeared ever at ease. Slow to anger, he dealt with friend and foe with consummate tact and diplomacy, always saying that "... if in an argument he could get a man down to a talk he was all right."⁶ Chisum's speech, enunciated in a kindly tone, was slow, expressive and colored with droll frontier colloquialisms. He chuckled considerably

3. "Statement of Mr. J. Smith Lea in Regard to John Chisum," (cited hereafter as Lea Statement) in the possession of Mrs. J. E. Balmer, Wahiawa, Oahu, Hawaii. Dane Coolidge, in his *Fighting Men of the West*, published in 1932, used much of this Statement in his portrayal of Chisum.

4. Mary V. Daniel to HPH, March 27, 1954. Miss Daniel's father, Captain J. M. Daniel, was a close friend of the Chisum brothers.

5. Sophie A. Poe, *Buckboard Days*. (ed. by Eugene Cunningham). (Caldwell, Idaho: The Caxton Printers, Ltd., 1936), p. 158. Mrs. Poe was a visitor at the Chisum ranch during the early 1880's.

6. WC to HPH, February 1, 1954.

in conversation and invariably terminated the relation of an anecdote with deep, explosive laughter.⁷

By many, Chisum was regarded as eccentric. As jokes were a constant source of amusement to him, he undoubtedly originated and promoted a number about himself, all the more to relish the incredulity evinced, especially by strangers. For example, he told a young visitor to the ranch on one occasion that he habitually rolled up in several blankets and slept cowboy fashion on the floor of his room, rather than disturb the covers of his bed. Will Chisum, his nephew, explains that he knew of this story, but discounts it as another of his Uncle's fabled "Tall Tales."⁸ Further evidence of Chisum's singular personality is found in the Lea deposition. The author relates that on passing the ranch sometime during the early 1880's he saw the cattleman:

... dressed in a 25¢ straw hat, 35¢ hickory shirt, and \$1.50 pair of overalls. He had on no underclothes and no socks and a pair of \$1.25 brogan shoes. He took some pride in telling me of the outfit's cost . . . this was just one of his peculiarities.⁹

Although he never married, Chisum did not experience the dreary existence of the proverbial miser. Busily occupied with the affairs of the ranch and traveling quite often and extensively, he perhaps felt there was no place for a wife in his itinerant frontier way of living. A reliable source, however, claims he remained a bachelor because "... he was plain too hard to get along with."¹⁰ Rumors of his courtships were always in the air. But invariably, upon being questioned about such affairs, Chisum would laughingly reply that his interest had ended and add: "The girl didn't court me enough."¹¹ His social ardor was never dampened though. Periodically, the ranch was the scene of large scale, well attended dances, the festivities often continuing for days.

7. *Ibid.*, and March 5, 1954; Tape Nos. 4 and 5; Poe, *Buckboard Days*, pp. 159-60; Brothers, *A Pecos Pioneer*, p. 43, 50; Cox, *Historical and Biographical Record*, p. 299. In reply to an inquiry concerning Chisum's jokes, Will Chisum wrote HPH, April 24, 1954, that he knew of a few of his Uncle's stories, but added: "They would not look good in writing."

8. Poe, *Buckboard Days*, p. 161; WC to HPH, March 5, 1954.

9. Lea Statement.

10. Mary V. Daniel to HPH, March 27, 1954.

11. Tape No. 5.

And entertainment for his employees did not end here. Often when on the trail with a herd, an old cowhide would be rolled out in the evening near the campfire, and booted cowboys would stamp around on it to the mournful strains of a battered fiddle and the clapping of hands.¹²

Of all the compliments tendered John Chisum by his contemporaries, the most generally encountered concern the regard and esteem which his employees held for him. His conscientiousness quickly won their admiration and respect. Many, over a period of time, were transients; others were law-dodgers. Chisum, however, asked no questions about a man's past; he was concerned only with his ability to handle stock and obey orders. This is aptly illustrated by an experience told by his nephew. One night on the plains a herder abandoned his guard post and rode into camp several hours before proper relief was due. Chisum awoke, instantly realized the stock could begin drifting and possibly stampede, and without a word fired the man immediately.¹³

From time to time, he accompanied west bound herds, mingling freely with the employees and sharing the rigors of the trail. The following incident, one of his favorite stories, exemplifies the business-like attitude and humor his men appreciated. Three mounts were stolen one day from a horse remuda following a drive, and Chisum and a dozen men set out in pursuit. The next evening one of the thieves was captured; justice, frontier style, followed in quick order. The cattleman usually concluded his relation of this episode by saying:

We asked him no questions. Vegetation was scant there, but we took the highest we could find and dragged him up until his head was within two inches of the limb. . . . The buttons of his clothing gave way, and when we left him he was almost as naked as when he was born.¹⁴

Contrary to popular history and legend, Chisum always

12. *Ibid.*; WC to HPH, March 22, 1954. For references to the dances, see Poe, *Buckboard Days*, p. 164; Tape No. 8; and Edgar A. Harral to HPH, November 26, 1954. Harral, now in his 90's, attended many of the Chisum dances.

13. WC to HPH, October 12, 1954.

14. *Kansas City Livestock Indicator*, March 7, 1889. Chisum related this episode to the reporter some years previous.

kept a firearm, generally a single action Colt .45, within reach, whether riding horseback or traveling by buggy, which was his usual wont.¹⁵ Certainly, he did not wear a revolver strapped around his waist, cowboy-like, but it is foolish to believe that he went unarmed. Will Chisum disposes of this persisting contention quite emphatically:

I never saw him buckle a gun on, but carried it in a holster, buckled to the right side of his saddle horn. I never saw him shoot at anything.¹⁶

Actually, the cattle king's life was rarely in danger, for some employee or friend always traveled with him, particularly through unsettled areas.

Chisum, in later years, never rode the "circle," the practice of dropping off crews at designated points during roundup season; he was ever on hand, however, to watch the marking and branding activities that annually transpired near his headquarters below Roswell. Mounted on a roan horse, called Old Steady, and carrying binoculars, he was a familiar sight, riding around inspecting and, at times, commenting on the operations. On spotting a mistake involving his livestock, Chisum would chide and admonish the responsible crew in some humorous or inoffensive manner.¹⁷

The handling of stock was not only a devoted vocation but a serious undertaking to Chisum, who knew its every phase. Charles Goodnight, with whom he was associated for three years, once remarked:

No one had any advantage of him as an old-fashioned cowman, and he was the best counter I ever saw. He could count three grades of cattle at once, and count them thoroughly even if they were going in a trot.¹⁸

15. Tape No. 8; WC to HPH, February 15, March 22, 1954.

16. WC to HPH, March 22, 1954.

17. *Ibid.*, February 1, 15, 1954; Tape No. 5. James E. Haley, *George W. Littlefield, Texan*. (Norman: University of Oklahoma Press, 1943), pp. 151-2. Haley relates a humorous incident involving Chisum that he heard from C. D. Bonney on March 6, 1937. At one roundup, the cattleman saw an LFD brand put on a calf whose mother bore the Chisum U brand. According to Bonney, Chisum rode up to Phelps White, in charge of branding, said the calf had bawled to its mother of the mistake, then added, "... I wish you'd be a little careful hereafter."

18. John M. Hunter (ed.). *The Trail Drivers of Texas*. (Nashville: Cokesbury Press, 1925), p. 952. This compendium includes an article by Charles Goodnight, who was associated with Chisum during the period, 1868-71.

Further corroboration of the Pecos rancher's "cow sense" is drawn from the account of an incident which occurred during the early 1870's, when the bulk of his stock was being trailed from West Texas to a new range on the Pecos River in New Mexico. During one of the drives, it came to his attention that a herd following his was having recurrent stampedes; he rode back to investigate, after bedding his animals down one evening. A. B. (Sug) Robertson, a cattle inspector at the time, accompanied him. Upon reaching the herd, they requested and received permission to ride out through the animals. Within twenty minutes, according to Robertson, Chisum had located the trouble. It was:

... a steer with extremely wide and crooked horns, with one eye, and narrow between the eyes. Mr. Chisum ordered that the steer be cut out, driven down the river and killed . . . there were no more stampedes on that trip.¹⁹

In summary, John Chisum, by the early 1870's, was a recognized, successful, open range cattle entrepreneur. By all, he was regarded as a shrewd businessman, honest yet quick to exploit the main chance. He exercised stringent defensive and punitive measures when necessary to protect his vast, drifting herds that monopolized an extensive strip of federal domain. He was singular and shadowy in character, but in personality and manner an extrovert in the fullest sense. He was plain, unpretentious and well-liked by his employees. He headed what was perhaps the largest ranch of his day.

Unlike many early day cowmen whose youth was spent on the frontier handling stock, Chisum did not begin ranching until about the age of thirty, and then on a partnership basis. The first thirteen years of his life were spent in Western Tennessee on his grandfather's extensive plantation, where his parents, Claiborne and Lucy Chisum, had resided since his birth on August 16, 1824. Undoubtedly, a part of his pre-adolescent observations centered around the management of land, slaves and livestock. Family tradition has it

¹⁹. *Prose and Poetry of the Livestock Industry of the United States*. (Denver: National Livestock Historical Association, 1904), pp. 502-3. Recollections by Robertson are included in this volume.

that he was nicknamed "Cow John" as a boy because of his interest in cattle.²⁰

In the fall of 1837, the Claiborne Chisums settled within the limits of present-day Paris, Texas, and subsequently became prominent members of that growing community. As there is no record of his attending school, John Chisum probably helped his father with farming or did odd jobs around town until his majority.²¹ At the age of twenty-seven, though, he was still undecided about his future. In a letter dated September 29, 1851, to a relative in Tennessee, he wrote: "I am selling groceries in Paris for M. M. Grant, but I can't tell what I will do next year."²²

In August 1852, Chisum was sworn in as County Clerk of Lamar County, and in addition to regular duties during the next two years he began speculating on a modest scale in real estate in the neighboring counties.²³ By the spring of 1854, he had made the acquaintance of Stephen K. Fowler, an Easterner interested in ranching possibilities in Texas. They formed a partnership and agreed to a ten year contract. Fowler advanced six thousand dollars to purchase cattle. By

20. Major James Chisum, John's grandfather and a state senator, 1821-3, in Tennessee, died intestate. His will, probated in April 1835, indicated he owned seventeen slaves, a lumber mill, several farms, and an extensive plantation. See "Inventory and Account Sales of the Property of Maj. James Chisum and return to April Term, 1835," in *Settlements and Wills*, Book I, pp. 389-91, Hardeman County (Bolivar), Tennessee. Mrs. C. L. Taylor, a descendant of the Chisums, states that John was born "... about 1½ miles west of Cloverport," which is north of Bolivar, Tennessee. Mrs. C. L. Taylor to HPH, February 16, 1954. Mrs. J. M. Pipkin, a second cousin to John Chisum, wrote of his early boyhood, the nickname, his visits to Tennessee, and in general had collected quite a bit of Chisum genealogy prior to her death. Mrs. J. M. Pipkin to Roy W. Black, October 17, 1939, in personal files of Roy W. Black, Bolivar, Tennessee.

21. The Claiborne Chisums settled in what is now Lamar County, Texas, on September 28, 1837. See Abstract No. 176, Certificate No. 91, 7-14-45, Patent No. 351, Vol. I, Lamar 2nd Class, File No. 38, in General Land Office, Austin, Texas. Further corroboration of 1837 as year of arrival is from MVD to HPH, March 27, 1954. Miss Daniel states that she has seen a Powers of Attorney which was executed by Claiborne to Pitzer Miller, a lawyer and friend in Bolivar, Tennessee, and dated in 1837. In 1850, Claiborne was listed by the census enumerator as owning 3480 acres, valued at \$5280, livestock, valued at \$1465, and great quantities of forage. See Lamar County, Texas, in the Seventh Census: 1850. Microfilm copy in State Archives, Austin. In the *Paris Daily Press* (Paris, Texas), September 16, 1878, Ed Gibbons, an early settler in Paris, recalled that he and John Chisum helped construct the first court house in Lamar County in 1847.

22. John S. Chisum to James Vernon, September 29, 1851. In the personal files of Roy W. Black, Bolivar, Tennessee.

23. Chisum's election was announced in *The Standard* (Clarksville, Texas), on August 14, 1852. For references to land speculations, see Deed Book G, p. 540, Lamar County, Paris, Texas.

the end of the year, Chisum had acquired twelve hundred head of scrub stock in Lamar and Colorado counties and located them in Denton County, north of present-day Fort Worth. In the spring of 1855, he applied for a patent to a tract in the extreme northwestern corner of that County, which contemporaries regarded as primarily a stock area in those days.²⁴

This location, then on the western frontier of Texas, was an ideal ranching situation—good grass, abundant water, and few settlers. The Indian menace had been quieted by the United States Army, which had settled all renegades in that region on a reservation at Fort Sill, in the Indian Territory. The Fowler-Chisum herds increased, and in the 1860 Census the former public servant valued his share of the livestock at \$50,000.²⁵

When Texas seceded from the Union and joined the Confederacy in the spring of 1861, Chisum was exempt from service and designated a beef supplier to troops in the Trans-Mississippi Department. In the months that followed, ranching became precarious, particularly on the frontier. This is readily inferred from a letter Chisum wrote James Waide on March 7, 1862. After commenting at length on the condition of the latter's cattle, which he had agreed to tend, the Denton rancher tersely pointed up his circumstances:

I got back from Vicksburg a few days since. I find the Prairies all burnt off and we have had no rain hear since last spring. . . . All my hands are gon, all my horses are gon. I am left behind in charge of 6 other stocks besides own. . . .²⁶

Horse losses to Indian marauders, loosed when Fort Sill was evacuated at the outbreak of hostilities, further complicated

24. Information regarding the Chisum-Fowler partnership: Edward F. Bates, *History and Reminiscences of Denton County*. (Denton, Texas: McNitzky Printing Company, 1918), p. 305. Bates came to Denton County in 1851. Cox, *Historical and Biographical Record*, p. 300. *The Standard*, May 5, 1855. The Chisum patent, which states that he settled in Denton County in February 1855, is recorded in the General Land Office, Austin. See Abstract No. 278, Pre-emption Certificate No. 156, 3-16-59, Patent No. 39, Vol. 24, Fannin 3rd Class, File No. 2396.

25. Cox, *Historical and Biographical Record*, p. 300; Denton County, Texas, in the Eighth Census: 1860. Microfilm Copy in State Archives, Austin, Texas.

26. John S. Chisum to James Waide, March 7, 1862. In the personal files of Joe D. Waide, Denton, Texas.

Chisum's operations and obligations. He soon cast about for a new range.

In November 1863, about fifteen hundred head of cattle were located by Chisum cowboys near the confluence of the Concho and Colorado Rivers in West Texas. M. C. Smith, Sr., who participated in this drive, later wrote:

Chisum selected a place for his ranch buildings in a monte of pecan trees. . . . We began building log huts and pens. Jim Spoon, John McGee, Bob Johnson, Henry Settles, Fitzgerald, Felix McCittric and myself were left to improve the ranch; the other hands going back to Denton County. Ours was the outside ranch; our nearest neighbor was twenty-five miles East. . . .²⁷

With the capture of the Mississippi and its adjacent areas by the Federals, Chisum's beef obligations to the Confederacy quickly dwindled. Trailing of stock cattle west to the Concho range increased, so that by the end of the War the bulk of his herds had been located in what is today the southern part of Coleman County. New markets opened to the west, and during 1865-6, cattle buyers and drovers trailed herds from the ranges of Chisum and others in West Texas to various military and Indian reservations in New Mexico and Arizona.²⁸

By this time, the former Denton rancher had originated distinctive and ingenious markings for his livestock. His brand, generally called the "Long Rail," was a single line burned from shoulder to hip on the left flank of his stock. One end of a straight metal rod was bent into a half circle and heated to "run" this mark. Alterations were easy but readily discernible. Executed in conjunction with this brand was Chisum's indelible mark on the cattle industry, the "Jinglebob" earmark. Will Chisum explains its uniqueness and practicability by saying: "When the hair was long it was sometimes almost impossible to see a brand, but almost

27. Sidney W. Smith, *From the Cow Camp to the Pulpit*. (Cincinnati: The Christian Lead Corporation, 1927), p. 89. Included as a separate chapter in this book are the personal recollections of Matt C. Smith, Sr., a forebear of the author. They concern his period of association with John Chisum, a relative, during the 1860's.

28. Cox, *Historical and Biographical Record*, p. 300. Partnership dissolution mentioned. For allusions to Patterson, see Smith, *Cow Camp*, pp. 102-17.

a blind man could see this mark."²⁹ Jack Potter, a cowboy on the Pecos during the early 1880's, succinctly points up the correct procedure in effecting the Jinglebob as follows:

Catch the calf by the ear and stick the knife into the lower part next to the root . . . then start a short up slope bringing the knife blade out on the top side of the ear and about half way between the root of the ear and the end. This will let 2/3rds of the ear drop down and swing around just like earrings. . . .³⁰

Nearly a thousand head of beeves bearing these markings reached Bosque Grande, a cattle exchange point on the east bank of the Pecos River, thirty-five miles north of present-day Roswell, New Mexico, in August 1867. Ostensibly driven for quick sale to government contractors in or near Fort Sumner, this herd was the first that John Chisum personally accompanied from his West Texas range to the neighboring Territory. Throughout the fall and winter as the cattle were disposed of to interested parties, he surveyed the possibilities of the Pecos country for stock ranching. Before his trail outfit left Bosque Grande the following spring, Chisum entered into a verbal agreement with Charles Goodnight, a Texas drover who had found a lucrative market at Fort Sumner two years previous. As many cattle as possible were to be delivered by Chisum herders to Bosque Grande. Goodnight's trail outfits would then take charge and drive them north to points of sale in Colorado, Kansas and elsewhere. In a matter of months, these operations were begun and successfully continued until 1871, when the so-called partnership ended, as Chisum was planning to locate permanently in New Mexico. At the close of the following year, an estimated twenty thousand head of Jinglebob stock cattle were grazing the banks of the Pecos south of Bosque Grande. This site had been acquired by Chisum from James Patterson as the seat of operations for his new and greater cattle empire. Pitzer M. Chisum, a younger brother, was placed in charge of the range activities. Rail cattle multiplied rapidly in the new pastures and quickly found markets, locally and otherwise. However,

29. WC to Maurice G. Fulton, April 4, 1940, in files of Chaves County Historical Society, Roswell, New Mexico; and WC to HPH, April 9, 1954.

30. Jack Potter, *Lead Steer and Other Tales*. (Clayton, New Mexico: Leader Press, 1939), p. 86. Potter's association with the Chisums and their ranch began in 1885.

it was soon realized that a location to the south, near the confluence of the Hondo and Pecos Rivers, might be more desirable. So, during the spring of 1875, the ranch headquarters was again moved.³¹

The previous December, Chisum had traded James Patterson twenty-four hundred head of cattle for forty acres and improvements on South Spring River, a large artesian stream which headed about five miles south of Roswell and flowed five miles due east to the Pecos. The principal adobe structure on this tract was situated on the south bank of South Spring River, about a mile east of its head. Commonly referred to as the "Square House," it consisted of eight small rooms surrounding a patio, which measured about twenty feet square. Its only entrance was through a roofed-over passage in the center of the west wall, to which was attached the only corral in the vicinity. Surrounding the establishment in every direction was an undulating wasteland, dotted here and there with small clumps of straggling bushes, indicating living streams of water. For Chisum's purposes the new headquarters site was ideal.³²

Jinglebob herds, by 1875, numbered about 80,000 head. Although natural increase had been and continued to be tremendous, this stock build-up had resulted, in the main, from Chisum's inability to round up and trail cattle regularly. His horse herds had repeatedly suffered crippling blows from bands of predatory Indians.³³ New reservation policies and

31. Cox, *Historical and Biographical Record*, p. 301, 365; *Prose and Poetry*, p. 479; E. A. Cahoon Notes, published in the *Roswell Record*, October 7, 1937. Regarding these Notes, C. F. Ward, in the same issue, explained: "The source of these is not known, but they are in the handwriting of Mr. E. A. Cahoon, who evidently obtained them from a source reliable enough to make him feel they were worth preserving." For information on the Chisum-Goodnight arrangements: Hunter, *Trail Drivers*, pp. 951-2; Henry W. Strong, *My Frontier Days and Indian Fights on the Plains of Texas*. (n.p., circa 1926), p. 10. Strong recounts his association with the Chisums and their activities in Denton and Coleman Counties in Texas during the period 1860-70. He also includes a letter from Goodnight, dated December 21, 1925, regarding the Chisum cattle arrangement.

32. Deed executed by James Patterson to John Chisum, December 15, 1874, was published in the *Roswell Record* on October 7, 1937. Description of the new headquarters is from WC to HPH, January 21, March 22, April 9, and May 24, 1954.

33. Estimate is noted in *Santa Fe New Mexican*, November 23, 1875. *Mesilla News* (Mesilla, New Mexico), July 25, 1874, gives a good idea of the Indian inroads on the Chisums. Also see Pitcher (sic) M. Chisum's claim, No. 8801, filed December 24, 1892; and James Chisum's claim, No. 5388, filed originally on October 29, 1891, in the United

the activities of the United States Cavalry had, by late 1874, arrested these depredations, however. So by the time the Jinglebob began operating from South Spring, its range claim was relatively safe. Rail cattle soon began pacing already well-marked trails. West along the Hondo, which paralleled South Spring River five miles to the north, drove the Chisum outfits for nearly sixty miles. Then they turned slightly southwest and followed the Ruidoso up and through the White Mountains. Still angling south of west, the route skirted the southern extremity of the White Sands until the formidable Organ Mountains reared into sight. Up their southeastern slope crawled the herd to San Augustine Pass, thence down the western side it snaked to a vast plain, with the Rio Grande in the distance. Forging the river below present-day Las Cruces, men and animals headed almost due west through Cook's Canyon and by Stein's Peak to the beef markets in Arizona. Chisum dispatched more than ten thousand head over this route in 1875, in addition to the twenty thousand his herders walked north to Colorado, Kansas and Missouri.³⁴

Sometime during the fall of 1875, probably November, John Chisum transferred the majority of his stock holdings on the Pecos to Hunter, Evans and Company, a prominent beef commission concern in Saint Louis. Public announcement of the transaction was made by the Pueblo *Colorado Chieftain* on December 3:

The ranch of John S. Chisum, of Bosque Grande, New Mexico, was sold to Col R. D. Hunter of St. Louis, the other day for \$219,000, one half cash down. Col Hunter . . . will engage more extensively than Mr. Chisum in the breeding business.

This move by the Pecos cattleman, at the height of his prosperity, seems paradoxical. However, several probable reasons can be inferred from a consideration of the nature and future

States Court of Claims, Washington. No. 8801 for \$41,165 was dismissed by defendant's motions on December 10, 1906; and No. 5388 for \$143,955 was settled on February 16, 1903, by payment of \$24,755.

34. For a description of Chisum's western route: Hunter, *Trail Drivers*, pp. 976-86; *Dallas Semi-Weekly Farm News*, March 20, 1930; *Mesilla Valley Independent* (Mesilla, New Mexico), September 1, 1877. For number of cattle driven in 1875, see *Colorado Chieftain* (Pueblo), December 3, 1875.

of his ranching situation at this juncture. In the most basic sense, this stock reduction was practical and inevitable. Then too, ranchers and homesteaders were trickling in and settling near or within his range claim. This meant restricted pasturage. Lastly, Chisum had by no means ignored the obvious market trend toward graded, quality beef, and by the sale of a majority of his stock probably anticipated an early move toward the build-up of a small select herd.

At the outset, it was understood by all parties concerned that the assigned cattle would remain temporarily on the Pecos, titularly in Chisum's charge; removal was to be piecemeal and according to orders from the new owners. Comparing calf crops to probable annual government commitments to Hunter, Evans and Company, or any of its members, it was quickly realized that this transfer would require several years for consummation.

The problem that waxed more bitter with the passing years concerned the settlement of small ranchers within Chisum's range south of the Hondo. Inevitably, cattle belonging to these newcomers naturally drifted into the vast herds of the Jinglebob, and soon the cattleman was being accused of driving off the nestor's stock with his deliveries. He countered by pointing out their invasion of his pastures and the impossibility of keeping small bunches of animals separated from his cattle; he added that certain inroads had been made on his cattle also. Both arguments were valid. The cattle king, however, knew his control, by right of occupation, was slipping away, but felt compelled to assert himself, pending the fulfillment of the Hunter agreement.

During the late fall and early winter of 1876, reports of stock losses on the Jinglebob became more frequent. Chisum range and line riders were alerted and cautioned accordingly. Particularly did the situation worsen in the vicinity of Seven Rivers, a cowboy trading point on the Pecos, some sixty miles south of South Spring. Also about this time, Chisum learned that obvious alterations of his Rail brand were appearing in the small droves of beeves periodically turned in by local contractors at Fort Stanton, a cavalry post located about seventy miles west of the ranch. Such unrecorded mark-

ings as the "pitchfork," the "lazy P attached to a rail," and the "pigpen," were noted at the military slaughter pens.³⁵ Upon being shown the last named brand, Chisum is said to have sternly remarked: "When they get to using my rail to build a pigpen, it is time for me to squeal."³⁶ Especially suspect were the activities of James J. Dolan who was operating a cow camp at Seven Rivers and held the local beef commitment. The irritated cattleman quite openly but vainly aimed complaints, then threats, not only to Dolan but also to Lawrence G. Murphy, head of the Murphy-Dolan store at Lincoln, the county seat of Lincoln, which was about ten miles east of Stanton.

Murphy's record in Lincoln County had been far from exemplary. At the close of the Civil War, he, as many others who were mustered out of the service at Fort Stanton, saw lucrative business opportunities in the locale. Together with Emil Fritz, a fellow soldier, he petitioned for and received appointment as civilian sutler at the Fort. In 1873, subsequent to their dismissal for intimidating agents at the nearby Mescalero Indian Reservation, the pair opened a general store at Lincoln; soon they enjoyed a monopoly over the trade in the County.

At Fritz's demise, during the summer of 1874, Dolan, also a soldier-turned-rancher, joined Murphy in perpetuating the business. Within two years they were dominating the local Indian affairs, having found a willing ear when Fred C. Godfroy assumed charge of the Mescaleros on July 1, 1876.

35. Pat F. Garrett, *The Authentic Life of Billy the Kid*. (ed. by Maurice G. Fulton) (New York: McMillan Company, 1927), pp. 51-3. Views on the causes for dissension among ranchers along the Pecos River in New Mexico in the early 1870's differ, but those advanced by Garrett, Sheriff of Lincoln County, 1881-3, seem the most generally accepted. This book, written in collaboration with Marshall A. Upson, a contemporary itinerant newspaperman in the Territory, was first published in 1882. Other opinions appear in the *Roswell Record*, April 29, 1892, to the effect that the feud between Chisum and all other ranchers combined, "... grew out of contested rights to grass-ranges and water-rights." In the *Roswell Record*, October 7, 1937, J. B. Matthews, an early Lincoln County resident, intimates that Chisum became enraged when his competitors underbid him. A simple, yet highly enlightening summary of cattle thieving in the Seven Rivers locale in 1877 is found in a fragment of a letter accompanying "Statements by the Kid [William H. Bonney] made Sunday Night, March 23rd," 1879 at Lincoln to Governor Lew Wallace. In the Lew Wallace Collection, Indiana Historical Society, Indianapolis.

36. George W. Coe, *Frontier Fighter*. (New York: Houghton Mifflin Company, 1934), p. 98. Coe settled on Ruidoso Creek, southeast of Lincoln, in the middle 1870's and was sympathetic toward the Chisum interests.

Through the agent's patronage, J. J. Dolan & Company came into being and consistently received the local Indian beef and flour contract for the next few years. The power Murphy and Dolan wielded was later explained at length in an official report by Frank W. Angel, a government investigator who visited Lincoln County during the later spring of 1878. In part it said:

L. G. Murphy & Co. had the monopoly of all business in the county—they controlled government contracts and used their power to oppress and grind out all they could from the farmers and force those who were opposed to leave the county.³⁷

Murphy, however, was only the local manipulator of favors; a more powerful interest was involved.

Thomas B. Catron, Attorney General of New Mexico, President of the First National Bank at Santa Fe, and rancher and land speculator, dictated activities in Lincoln County. The Murphy-Dolan store, its stock of merchandise, and a cattle ranch thirty miles west of the county seat were all under heavy mortgage to him.³⁸ To oversee these interests, he sent Edgar A. Walz, a brother-in-law, to Lincoln in 1877. Years later, Walz wrote:

Mr. Catron . . . had given me a powers of attorney and full authority to conduct the business of Dolan . . . Murphy organization. The instructions included about 2000 head of cattle scattered over many square miles of territory along the Pecos River in New Mexico and Texas. Mixed with these was a much larger lot belonging to Mr. Chisum. . . .³⁹

Chisum had been confronted by Catron in court on various occasions, the lawyer as prosecuting attorney as a rule. And

37. For an excellent review of Murphy's activities, see Frank D. Reeve, "The Federal Indian Policy," *New Mexico Historical Review*, XIII (July 1938), pp. 261-313. George Taylor to Rutherford B. Hayes, April 4, 1879, in Hayes Memorial Library, Fremont, Ohio. "Report on the Death of John H. Tunstall by Frank W. Angel, Special Agent, 1878," in File No. 44-4-8, Record Group 60, Department of Justice Records, National Archives, Washington, D. C.

38. For a survey of Catron's position of influence in New Mexico at this time, see: Garrett, *Authentic Life*, p. 112, Note A; *Las Vegas Gazette* (Las Vegas, New Mexico), November 11, 1882; Charles A. Siringo, *A Texas Cowboy*. (New York: William Sloan Associates, Inc., 1950), pp. 141-2. This book was originally published by: Chicago: M. Umbdenstock & Co., Publishers, 1885. William F. Keleher, *The Fabulous Frontier*. (Santa Fe: The Rydal Press, 1945), p. 102.

39. Edgar A. Walz, "Retrospection," MSS. Copy in the Library of the Museum of New Mexico, Santa Fe.

it is generally believed that his personal aim was to cripple the cattleman's prestige and therefore endanger his range claim, so as to occupy parts of it to his advantage.⁴⁰ By the middle 1870's, however, Catron found himself on the defensive in Lincoln County, for Chisum's influence by that time had been bolstered and amplified by new business ties.

Alexander A. McSween and his wife settled in Lincoln during the spring of 1875. They were from the East and in search of relief for McSween's asthma and a promising location to begin the practice of law. Bringing a touch of refinement and notoriety to the adobe hamlet on the Hondo, the couple were soon integrated into frontier life. The attorney in a matter of months found himself busy with legal cases, civil in the main. Murphy, Dolan, Chisum, and many others retained him as the need arose to draw up papers, collect debts, and act as counsel in court.⁴¹

While in Santa Fe on business in the late fall of 1876, McSween made the acquaintance of John H. Tunstall, a wealthy young Englishman interested in ranching, and suggested that he visit Lincoln County.⁴² Tunstall was by no means unaware of the potentialities of the lower Pecos country or the operations of its largest ranch. The preceding June, while stopping temporarily at a sheep baron's ranch at Laguna, California, he had written his parents in England to the effect:

Now I want you to look at the southeastern corner of the Map of New Mexico and you will see a spot on the Pecos river, marked Chisum's ranche. This man Chisum started raising cattle without a rod of land 15 years ago. . . .⁴³

Tunstall settled in Lincoln during the early spring of 1877, temporarily taking lodgings with the McSweens; sub-

40. *Mesilla News*, June 10, 24, 1876. Mention of Chisum under arraignment.

41. For information regarding McSween, see Emerson Hough, *The Story of the Outlaw*. (New York: Grosset and Dunlap, 1905), p. 203. Hough, as a young lawyer, came to Lincoln County in 1883 and became interested in its history and personalities. *Roswell Record*, October 7, 1937. A. McCabe to Johnny Brown, November 24, 1875, in the Chaves County Historical Society, Roswell. McCabe, Chisum's bookkeeper at Bosque Grande, wrote that McSween was under hire at the time by the cattleman to collect many small and scattered debts.

42. *Roswell Record*, October 7, 1937.

43. Excerpt from letter, John H. Tunstall to John P. and Emily Tunstall, June 24, 1876, in Chaves County Historical Society.

sequently he was introduced to Chisum. Probably at the advice of both the attorney and the cattleman, he filed on 2300 acres which lay along the Feliz River, thirty miles southeast of town. In the months that followed, four hundred head of cattle, obtained by McSween at a sheriff's sale, were located on this claim; a horse ranch was put into operation several miles to the west.⁴⁴ The wealthy Tunstall, however, soon launched another venture which once in operation drew open hostility from Murphy and Dolan.

A combination general store and bank was erected on McSween's property, several yards east of his residence. Construction was well under way by early summer, and Tunstall left on a trip east to purchase goods for the concern, which was due to open in October.⁴⁵ The Lincoln County Bank began operating in August, for the *Mesilla Independent*, on the 25th, briefly commented:

We had heard that something of the kind was contemplated, but this is the first intimation we have received that the Bank was really in existence. We are informed that John S. Chisum and A. A. McSween are the principal managers.

More specifically, Chisum was president, Tunstall, vice president, and McSween, the secretary-treasurer.

The Englishman returned to Lincoln early in October, much distressed over reported losses to his horse herd. A day or two following his arrival, he loaded a wagon with goods that Chisum had ordered for his commissary and headed east along the Hondo. Before reaching South Spring, he met Sheriff Brady's posse with several thieves in custody and was relieved to learn that his stock had been found. After unloading the consignment at the Jinglebob headquarters, Tunstall rode north to Bosque Grande, where Chisum was staying. It is certain they discussed the growing tension which their

44. Maurice G. Fulton interview with HPH, November 26, 1954. Colonel Fulton, a retired member of the faculty at New Mexico Military Institute, Roswell, has delved into the history of southeastern New Mexico for nearly thirty years and helped many old-timers in that region prepare their recollections for publication. He is intimately acquainted with Chisum history and legend and for all practical purposes is a veritable mine of information. He has corresponded with the Tunstall family in England for many years and has collected quite a bit of Tunstall data that is pertinent to Lincoln County.

45. *Ibid.*

moves to offset the Murphy-Dolan control of the County had caused, but it is unknown whether a definite course of action was agreed upon against rustling.⁴⁶

Stock thievery in Lincoln County, which at that time included practically all of southeastern New Mexico, had been on the increase for several years. Ready markets had not only been developed to the south along the Mexican border, but also, to a lesser degree, locally. Especially had cattle operations in the Seven Rivers area by men under hire to James Dolan been the object of suspicion. But a lack of concrete evidence concerning outright theft precluded any arresting action, so the situation continued nebulous. Seemingly, however, it was a forecast of something portentous.

A Hectic Year

1877 was the most demanding year of Chisum's ranching career. Early in the spring, his range crews and trail outfits were set in motion by the receipt of large stock orders from Robert D. Hunter, his assignee and member of the firm, Hunter, Evans and Company, of Kansas City. Concurrent with these operations, however, clouds of suspicion and tension, generated by a startling increase in the theft of Rail cattle, quickly settled over the southern cow camps of the Jinglebob. In this atmosphere flared a chain of events that almost precipitated a range war.

For some time, the Seven Rivers region, by its proximity to Chisum's winter ranges and the nature and questionable activities of some of its population, had been a source of annoyance to the cattle king. Yet, from time to time and because of need, he temporarily employed many of the residents of that locale. Several were known to have been on the Jinglebob payroll during the winter of 1876-77, when a rash of personal altercations, arising primarily from exchanges of insinuations regarding cattle rustling, resulted in two murders.

Both affairs occurred on the range south of the South

46. *Ibid.* For an interesting, yet somewhat unlikely account of the Chisum-Tunstall meeting see Max M. Coleman, "J. K. Millwee, Frontiersman," *Frontier Times*, V (August 1923), pp. 222-4.

Spring headquarters, and in each case a foreman for the Chisum interests was killed. The first episode took place in January in the cow camps of Robert K. Wiley, a Texas stockman who was wintering a herd ostensibly under consignment to Chisum, near present-day Carlsbad. Yopp, whose given name is unknown, was in charge of the cattle and over a period of weeks had developed a personal animosity toward Buck Powell, an employee from Seven Rivers. Feelings snapped one morning when the range boss, in rage, fired several wild shots at the sleeping herder. Powell awoke, seized a firearm, and in the exchange that followed killed his superior. The Santa Fe *New Mexican*, sympathetic to Seven Rivers, reported the incident on February 8 and added that Powell "... wanted to go some 150 miles (to Mesilla) and give himself up, but was persuaded not to."

On March 28, Richard Smith, a sometime Wiley foreman, was mortally wounded by James M. Highsaw. According to George Coe, a rancher near Lincoln at the time, Highsaw and several cowboys found a few gallons of freshly cut Jinglebobs in a public corral one day. Approaching Smith, who was in the vicinity, they plied questions which by nature implied his guilt. Guns were drawn and when the smoke cleared the erstwhile foreman was found dead.¹ It is not definitely known that Smith was involved in stealing cattle or changing markings, but reason for doubt as to his complete innocence arose when Powell and other suspect ranchers in the Seven Rivers region subsequently pressed hard for Highsaw's arrest. As deaths on the far flung range of the Jinglebob were not uncommon, Chisum made no move to indicate concern. However, he undoubtedly felt that the recent incidents, both occurring in the same area and arising indirectly from arguments and accusations over the theft of his stock, reflected conditions that could not be long ignored.

1. *Mesilla Valley Independent* (Mesilla, New Mexico), June 23, 1877. This issue carried a rather lengthy report by Deputy Sheriff Andrew Boyle, Seven Rivers, to Thomas B. Catron, United States Attorney, Mesilla, concerning the troubles along the lower Pecos during the spring of 1877. Bias is evident, but the facts, at face value, are reliable, that is, moves, dates of moves, and results. For a more popular version, see Coe, *Frontier Fighter*, pp. 98-9. Coe was a Chisum sympathizer, while Boyle definitely was not.

Two weeks later, on April 10, the situation worsened. Nath Underwood, a small rancher and subcontractor, upon receiving a beef order from James J. Dolan, set out with a group of riders from Seven Rivers for his cattle pens to the south. On the public road and near Wiley's camp, they saw six Jinglebob cowboys appear in the distance, dismount and enter a dried-up ditch. Fearing ambush, the detail spurred their mounts, fired several volleys into the watercourse, then rode out of sight.² When news of this encounter reached Chisum, he set about to legally contain or suppress what he considered a serious and immediate threat to his range operations.

Within a few days he was en route west along the Hondo by buggy to obtain aid or counsel. At Fort Stanton, the cattleman discussed his circumstances at length with Colonel George E. Purrington, the commanding officer. The soldier flatly refused to consider the employment of cavalry for punitive measures in Seven Rivers for such an act would be deemed for private protection and aggrandisement. Realizing further suggestions useless, Chisum returned east to Lincoln. Here, his case was presented to Sheriff William G. Brady, but again no action was forthcoming. Brady explained that Seven Rivers was in Dona Ana County and thus out of his jurisdiction.³ As appeals to appropriate authorities had proved futile, Chisum drove back to South Spring, undoubtedly feeling bitter and predisposed to retributive action.

About the middle of April, a Chisum trail outfit returned from Arizona bearing news of the death of another Jinglebob foreman, James Wall Lockhart. According to Walter L. Vail, a prominent rancher near Tucson who accompanied the drovers to purchase bulls along the Pecos, Lockhart had accidentally shot himself fatally while at a ranch some thirty-five miles south of Fort Grant, Arizona. Although the incident involved no malice, it served to further irritate Chisum's nerves. Vail remained at South Spring more than a week, and in later years described at length his experiences on the ranch. Edward Vail wrote that his brother said:

2. Boyle Report.

3. *Ibid.*

. . . there was a regular war going on there between Chisum and the other factions. One day he was riding one of Chisum's mules and unknowingly rode into the hostile camp; they held him up and were going to shoot him as a spy, when a man known as 'Yankee Miller' stepped out and said, 'I know Vail, and all about him and what he is in this country for. I sold a herd of cattle to him in Arizona; he has nothing to do with this fight.'⁴

On April 20, John Chisum exploded into action. With Wiley and thirty heavily armed riders, he left his cow camps in the Carlsbad vicinity and headed north up the west bank of the Pecos. Ostensibly they were bound for the Hugh W. Beckwith ranch, where a sizable group of local cattlemen were reportedly gathering, bent on trouble. Skirting the few adobes of Seven Rivers, Chisum's private army continued up the river several miles and soon were in sight of their walled objective. Jinglebob cowboys quickly drove off all the horses and mules within sight and then proceeded to obstruct the water supply flowing south to the ranchhouse. By late afternoon, the Beckwith residence was under virtual siege.⁵

The inmates of the citadel received a note from Chisum the next day. In short, he requested all women and children therein to leave. But according to a subsequent review of this episode, the reply was that:

Mrs. Stafford, Miss Helen Beckwith, and two of Mr. Beckwith's younger children were all the family who were present . . . they refused to leave the house as they would not trust themselves to Chisum's men.⁶

It also became known that Buck Powell and Charles W. Woolsey had escaped the premises during the night and were on their way to the county seat at Mesilla, one hundred and fifty miles to the west, to secure warrants and aid to arrest the attack.⁷

On the third day of the investment, Chisum cowboys were

4. Walter L. Vail to Edward Vail, March 24, 1877; and Edward Vail, "Reminiscences," in Arizona Pioneers' Historical Society. For a newspaper account of Lockhart's death, see *The Grant County Herald* (Silver City, New Mexico), March 31, 1877.

5. Boyle Report.

6. *Ibid.*

7. *Ibid.*

directed to advance on the walls. Rather hesitantly they moved forward, then stopped altogether. Men hired to herd cattle suddenly realized the imminency of death. A representative from the Jinglebob interests was then sent under a flag of truce to the ranchhouse, and a parley with William A. Johnson, Beckwith's son-in-law, was requested. Johnson answered that he was unable to act as spokesman for the others, for many were former Chisum employees who were due back wages, and that until all debts were cleared, negotiations were out of the question. Chisum did not press the discussion any further, undoubtedly knowing that any elaboration of such neglect on his part might alienate those in his present hire. The ditch was cleared, all livestock returned and the Beckwith ranch evacuated. Chisum and Wiley headed south to superintend spring roundups.⁸

Within two weeks, Andrew Boyle, a deputy sheriff at Seven Rivers, received several warrants from Powell, who demanded immediate service. On May 7, Boyle's posse of fourteen men rode into Wiley's camp, but found only Chisum, who was seriously ill with smallpox. Learning that the others had fled north to the security of the old fort-like adobe at South Spring, Boyle's party quickly turned in pursuit. The deputy later wrote:

On May 10, got to Chisum's ranche. Wylie [sic], seeing we were there, sent out a man . . . with a note stating that there were men in there who did not want to fight. . . . I sent him an answer that we did not want to kill any person, that I had warrants to serve and I was going to serve them.⁹

Mediation was suggested, and Wiley met Buck Powell and Robert W. Beckwith half way to the house. He told them that Chisum would issue the required checks if they, and others, would make out their claims. In conclusion, Boyle stated:

. . . we all went down and saw Chisum, and Wylie got the checks and paid the men and I served the warrant on John S. Chisum and placed him under bond as he was still sick. . . .¹⁰

8. *Ibid.*

9. *Ibid.*

10. *Ibid.* Also see *Arizona Star* (Prescott), July 13, 1877.

Warrants covering five replevin suits, larceny, and rioting had been filed against the cattleman by Seven Rivers ranchers. However, by the time Powell returned much of the controversy had been settled, and all charges were either subsequently dropped or stricken from the docket.¹¹ Seemingly, the "Pecos War" was over.

On July 28, the *Independent* published a letter from Ash Upson, Postmaster at Roswell. In it, he reviewed the agricultural attempts undertaken locally during the previous spring, then added:

. . . everything has been very quiet in this vicinity—disgustingly, aggravatingly so. . . . It is probable that he [Chisum] will drive over 10,000 head of cattle this year, and mark and brand near 20,000 head of calves. His principal, Col. R. D. Hunter, has already sent for and received about 3,000 head of select beef cattle, which are on their way to Kansas. The remainder will go to Arizona. . . .

Rail cattle were already on the move west before the publication of Upson's correspondence. One herd reportedly forded the Rio Grande near the site of Fort Craig, some one hundred miles north of the usual cattle crossing above Mesilla. Chisum had changed its route ". . . upon learning that the organized band of thieves that infests . . . [Dona Ana] county was lying in wait to plunder him."¹²

The very nature of Lincoln County and its environs fostered the practice of rustling. Trail herds were on the move, Army installations undermanned, and no concerted civil authority could be maintained to pursue the predatory bands that indiscriminately swept along the Ruidoso, Peñasco and Hondo. Cause and support for these escapades were laid bare by a letter published in the *Independent* that fall. In part, it explained:

For a long time our country has been infested with a band of thieves, desperadoes and outlaws, who have openly defied the laws. . . . Their enmity appears to have been directed against

11. District Court Records, Dona Ana County, New Mexico (Las Cruces) indicate that Chisum was involved in the following suits: five replevin suits—Case Nos. 368-72; larceny—Case No. 449; and rioting—Case No. 448. This information was obtained in 1926 by Maurice G. Fulton and is on file in the Chaves County Historical Society.

12. *Independent*, July 21, 1877.

our largest tax payers, evidently for the purpose of alarming them into buying their safety . . . when some uncommon atrocity would arouse public sentiment against them they would flee to Dona Ana County to rusticate, generally taking with them a drove of horses or herd of cattle from our citizens.¹³

Such was the state of affairs when another herd was started west from the Hondo for Arizona early in August.

Emory B. Peter, a Jinglebob employee for over fifteen years, was in charge of the drove, numbering about 2,350 head. He had been directed to move the cattle over the regular route, that is through the outlaw infested county south of Lincoln. Trouble was expected, for a reliable correspondent had publicly cautioned :

The 'boys' have boasted that they intend to capture Peters [sic] and herd if it takes 100 men to accomplish the job. The 'boys' have gone so far as to sell these beeves at \$10 per head in advance.¹⁴

With the consignment under way, Chisum rode to Lincoln with George Hogg, a foreman, to spend Sunday, August 12, with the McSweens.

Late Sunday evening, Frank Freeman and Charles Bowdre, small ranchers on the Ruidoso, rode into Lincoln and forced Jose Montana to open his saloon. In a matter of hours they were roaring drunk, staggering about town, and firing wildly into the houses. Approaching the McSween residence in the east end of town, the two men reloaded their weapons and shouted that if ". . . John S. Chisum or his corpse was not turned over to them, they would burn the d—d house down."¹⁵ The inmates, including two women and five children, fled for shelter as the would-be assassins broke open a window and riddled furniture with bullets. Only when one of the attorney's Mexican servants fired at Freeman did they leave the premises.

In the meantime, Sheriff Brady had been notified of the disturbance. Hurrying into Lincoln from his farm outside of town, he obtained warrants from Justice of the Peace John

13. *Ibid.*, September 8, 1877.

14. *Ibid.*, September 1, 1877.

15. *Ibid.*, August 18, September 8, 1877.

B. Wilson and deputized several men. Entering the Murphy-Dolan store, they quickly subdued and arrested the two drunken ranchers, who had sought temporary shelter there. Bowdre's assessed five hundred dollar bond was posted and he was released. Freeman, some hours later, successfully escaped from the cavalry detail that had started him to Fort Stanton. His freedom, however, was short-lived. Several days later, a combined military and civil force cornered and killed him at Bowdre's ranch.¹⁶

Although not directed against stock thieves, this show of force did temporarily cause a shift in their activities. On August 18, the *Independent* addressed comment to Lincoln County and added:

You have driven the Banditti from the Rio Pecos, I think; they number at least 20. There are five in one bunch prowling around Seven Rivers, and various other small parties of the same band are ranging up and down the country. They stole a bunch of horses from Black River two or three days ago. These men are threatening to kill Chisum wherever they can find him.

Several days later, though, rustler's threats were momentarily forgotten. Word reached Lincoln that the Peter trail outfit had suffered injury.

Soon after the cattle passed Dowlin's Mill in the Mescalero Indian Reservation, that is about the 23rd, some of the herders were allowed to double back for a supply of whiskey. Several were drunk in a few hours. Johnny Ewer wounded himself seriously and was hurried north to Fort Stanton for medical attention. J. M. Franklin was shot in the back and killed instantly by Ramon Garcia, a fellow herder. The episode ended when:

Some men from Mesilla rode up and discovered Franklin . . . and seeing Geo. Hogg and others of the Chisum party approaching, they held Ramon. . . . He was bound and started for the guard-house at Stanton. . . . he was started—well he hasn't got there yet. . . . He is reputed to be half Comanche, and likely is hunting cows in the happy hunting grounds of his tribe. . . . Chisum is starting more men to join the herd.¹⁷

16. *Ibid.*

17. *Ibid.*, September 8, 1877.

Newspaper articles concerning the cattleman's activities generally drew little comment. However, much public sentiment was stirred during the summer by the publication of Deputy Boyle's report on the Beckwith affair. An attempt at rebuttal appeared in the *Independent* on September 22. Specifically, this statement was composed and endorsed by representatives of the several Mormon families who had settled in the Roswell locale the preceding March. Appended was an affidavit by Heiskell Jones and Martin Sanchez, friends of Chisum's for over nine years.¹⁸

In refocusing the blame for the local unrest, the deposition stated:

This slander, we find, is being industriously circulated by Chisum's enemies, most of whom are indebted to him for their substance, and are using these subtle means to prejudice public sentiment against him for no other reason than that he objects to their longer preying upon him, killing, driving off and selling his stock.¹⁹

It then described the Mormons' circumstances at locating near the confluence of the Hondo and Pecos. Chisum, it averred, cordially welcomed them, offered land along his acequia for planting, furnished provisions from his store, and provided assistance in erecting buildings. In conclusion, it reviewed recent moves in the Roswell area:

No less than three farmers from Seven Rivers have taken up ranches here within the past three weeks, and a half dozen others, Americans, are negotiating for lands. Each and every one of them have either come at the solicitation of John Chisum, or have been encouraged by him to settle here, by offers of assistance.²⁰

So far as is known, the cattleman issued no public comment regarding this lengthy retort.

With fall roundups came a resurgence of stock theft in Southeastern New Mexico. Jinglebob trail herds again traveled with secure escorts, and scattered line and range riders were alerted. All strangers on horseback were re-

18. *Ibid.*, September 22, 1877.

19. *Ibid.*

20. *Ibid.*

garded with suspicion until proven friend or foe. Even the United States Mail gingerly avoided heavily armed groups, as evidenced by the following note which appeared in the *Independent*, at Mesilla, on October 6:

The mail rider who left here for Silver City on Tuesday discovered some of Chisum's men camped near the road, got an Indian scare on, run his mule down, and returned to town on foot Wednesday, bringing the mail with him.

Two weeks later, a great deal of the apprehension was quieted. Jesse Evans, leader of the principal rustling element, was cornered with several of his band at the Beckwith ranch and taken into custody by Sheriff Brady's posse. Horses stolen from John H. Tunstall and Pitzer Chisum were returned.²¹

One evening during the latter part of October and while riding with a cattle crew several miles above Roswell, Chisum met two strangers, Doctor Henry Hoyt and Hugh McCune. These young Midwesterners, looking for new fields and opportunities, had been told in Santa Fe that the Jinglebob might employ them. That night in camp they broached the subject. To McCune's inquiry regarding hire and letting cattle out on the shares, Chisum replied he was shorthanded, but had not made it a practice to farm out his stock. Then turning to the physician, the cattleman pointed to the north-east and said: "Doc, over yonder is the Panhandle of Texas, a big country, full of people, an epidemic of smallpox, and no doctor. There's the place you're looking for."²²

Later, as the fire burned low and the herders rolled into their blankets, the two young adventurers conferred and decided to follow Chisum's advice. The next morning, Jinglebob cowboys loaded their wagon with fresh beef, ammunition and water, and with best wishes by all, the travelers disappeared north up the Pecos.²³

(To be continued)

21. *Ibid.*, October 27, 1877.

22. Henry F. Hoyt, *A Frontier Doctor*. (Boston: Houghton Mifflin Company, 1929), pp. 50-1. Excellent source material. Hoyt later became Surgeon General of the United States Army.

23. *Ibid.*