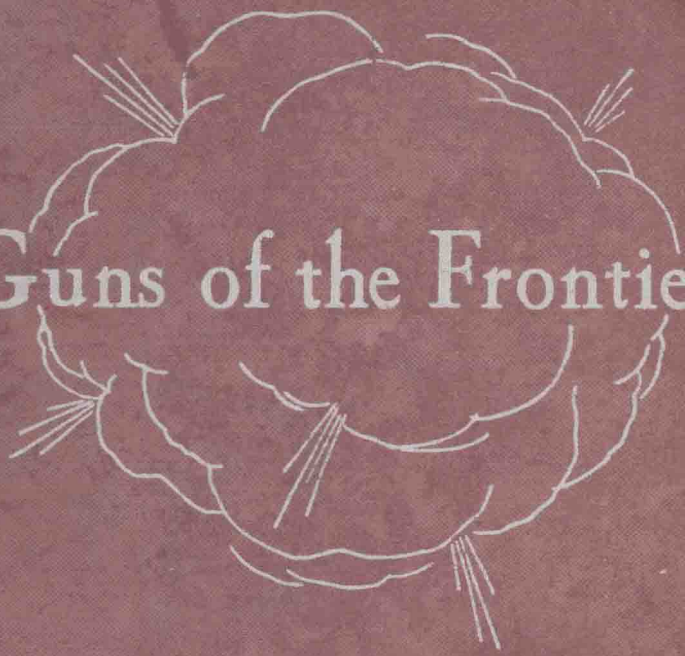
Guns of the Frontier

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THE STORY OF HOW LAW CAME TO THE WEST

BY WILLIAM MACLEOD RAINE

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'I drink alone in silence to the builders of the West...
Long life to the hearts still beating, and peace to the hearts at rest.'

ROLLIN M. DAGGETT

Foreword

THE West was won by the pioneer. He blazed trails, gutted mountains, ran furrows, and planted corn on the prairies. His cattle roamed where the buffalo and the Indian had been. Small clearings in great forests marked his determination to wrest a living from the soil. Towns grew up to supply the needs of the settlers. The men who made the West were the farmers, the cattlemen, the merchants, the miners, the railroad builders, the carpenters, the stage-drivers. Every man and woman who snatched from the desert a little patch they called home contributed his or her share.

But the pioneer had pushed far ahead of the law. He had to be strong to hold his own against the Apache and the Sioux, to drag a living from a rough and barren land. Other difficulties confronted him. Nine out of ten of those who moved into the unknown West were good citizens and hard workers. Of the remaining ten per cent a large number were riffraff, scoundrels, and criminals. Professional gamblers, thugs, and parasites on society flocked to the frontier towns and mining camps, drawn by the rich pickings to be had in settlements where spending was free and

order not yet entrenched. More than four thousand homicides were committed in California during the five years which followed the discovery of gold. The Texas Rangers had a crime book which contained the names of thousands wanted by the law. Many of them had gone to Texas to escape punishment. In the early days the cattle industry was a constant temptation to the rustler. Every big outfit had on its outskirts bands of thieves who were stealing calves and blotting brands.

The frontier tried a man. Conditions on the plains were hard. It was easier to idle in a town and let others do the hot and wearing work. It was safer to live by one's wits — to gamble, drink, steal, ally oneself with the worse element — than to plow the desert with the risk often present of Indian attack.

The settlers wanted law. They drew together and formulated codes. Strong fighting men were chosen to see that order was enforced. All along the changing borderland which reached from Mexico to Canada, a line as shifting and as broken as that of the tide along a rugged coast, there was for years a struggle between honesty and crime, decency and shame, order and disorder.

The sheriff, the marshal, the ranger, were the agents who fought the battle for their communities. Sometimes they were killers themselves, chosen because of their expertness with weapons in the hope of discouraging lesser gunmen. 'Wild Bill' Hickok, Ben Thompson, and King Fisher were of this class. Sometimes they were good citizens, hard and resolute, who took their lives in their hands to bring order out of chaotic turbulence. Such men were John Poe of the Panhandle, Tom Smith of Abilene, W. H. Middaugh

of Denver, and William Tilghman of Oklahoma. There were occasions when crime had so trodden down the law that private citizens by sheer force of character organized movements, sometimes extra-legal, to stamp out evil by means of people's courts or an aroused public opinion. Among these were Colonel Sanders of Montana, William T. Coleman of California, and Judge H. Clay Pleasants of Texas.

Many a good citizen and many an officer gave his life in trying to bring wrongdoers to justice, but it is heartening to know that in the long run what they stood for prevailed. The good man was stronger, more enduring, than the bad one. Captain Bill McDonald of the Texas Rangers put the case in one of his salty sayings: 'No man in the wrong can stand up against a fellow that's in the right and keeps a-coming.' The sheriffs, the marshals, and the rangers knew they were in the right and kept a-coming. In the end they rubbed out the bad man.

Often the 'bad man' was not all bad. He might be a cowpuncher gone wrong, one with his thinking twisted, looking for an easy way and a short cut to make money. The Daltons were enemies to society, but they kept faith with one another even to death. Ben Thompson could do generous and friendly actions. King Fisher was a good husband and father. The Taylors and the Suttons were for the most part honest cattlemen living in a torn and distracted land, dragged into dreadful deeds by passion and anger and a mistaken loyalty to their living and dead kin. I have known more than one oldtimer who once followed crooked trails and cut loose from them to follow straight and honorable ones.

But a peace officer had to deal with facts and not explanations. He had to wipe out the lawbreaker to protect his community. There is a tendency to build up a maudlin sympathy for murderers like Jesse James and Billy the Kid, to give a Robin Hood slant to their atrocious careers. They have been turned into near-heroes by books and movies. The plain truth is that they were cold-blooded killers who had to be exterminated for the benefit of society. It is a travesty on justice to hold them up as Western heroes and to forget the millions of gallant souls who lived and died bravely as good and useful citizens.

In these true stories I have tried to show the conditions that made it possible for the bad man to flourish for a time. They lived by the sword and most of them perished by it. The killer had his day, then came to a swift and violent end. There were exceptions, but so few as to emphasize the rule. If the law did not get them another bad man did. They were out of step with civilization.

W. M. R.

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I

In the Arizona Chaparral

IN PIONEER days one had to view Arizona with the eyes of faith to escape discouragement. The Apache chiefs Mangas Colorados, Cochise, and Geronimo plundered wagon trains, ran off stock, captured stages, and murdered settlers. Their smoke signals on far hills sent terror to the hearts of travelers and ranchmen. The toll of life taken by the Indians mounted into the thousands.

Moreover, the desert was grim, stark, and inhospitable. Everything within reach of its dry winds fought for existence. Vegetation was barbed and stinging, animal life savage and poisonous. Those who ventured there saw drought, starvation, fierce struggle, bleaching bones, intolerable heat. To survive they had to take on the attributes of the country — the toughness of the sahuaro and the lean vitality of the coyote. That some of the pioneers, the small minority of scalawags, picked up too the poison of the sidewinder and the pouncing lust to kill of the wolf, is not surprising. They had been driven from their homes on account of their worthlessness. In their

new environment the evil in them might be expected to develop.

But if Arizona in those days had its Duffield, its Tewksburys, and its Clantons, it was the home also of Charles D. Poston, Judge Titus, John Slaughter, Don Estevan Ochoa, and Henry Garfias, strong and good men who helped to bring law and order to the desert settlements.

J. Ross Browne gives a description of Tucson in the early years: 'Scraggy bushes of mesquite, bunches of sage and greasewood ... a city of mud-boxes, dingy and dilapidated, cracked and baked into a composite of dust and filth ... littered about with broken corrals, sheds, bake-ovens, carcasses of dead animals, and broken pottery, sore-backed burros, coyote dogs and terra-cotta children ... barren of verdure, parched, and naked.' He adds that if the world were searched he does not think there could be found another set of villains so degraded as those forming the principal society of the town.

His judgment is less than fair, for there were good citizens in Tucson even then, as Captain John G. Bourke testifies in his book, *On the Border With Crook*. He found the little Mexican settlement the home of an unusual number of interesting men, individual and picturesque. Nor does the physical aspect of the town depress him, though he sees all that Browne did — the pigs staked out to wallow in mire, the unchained dogs running amuck, the burros browsing on tin cans. He notices too the fringe of emerald green in the 'bottom' of the cultivated land, the gently waving cottonwoods, the dark, waxy-green foliage of the pomegranates, and the crimson *rastras* of chile hanging like mediaeval banners along the house walls. And no

doubt he saw too the porphyry mountain-peaks reaching up on every side of the town to the unmatched blue sky, the enchanted mesas blooming with color, the cañons of the Rincons and the Catalinas deepening at sunset into blue and purple lakes and the ridges edged with glittering flame. No man of imagination ever saw the Arizona Desert in its thousand changing aspects and forgot it.

Time in Tucson then was marked by notable events rather than by the calendar. 'The night afore Duffield drawed on Judge Titus' was a more easily remembered date-post than June 15 would be. There was no need of hurry or of specific accuracy. One sunny day followed another lazily. Editor Wasson of the *Citizen* tried to bring American efficiency into the sleepy Spanish village. Week after week his editorials hammered away about the dead burro on Main Street. Why did the authorities not remove it? The brown-faced Mexican alcalde shrugged his shoulders. 'What is the matter with the man?' he asked, perplexed at such impatience. 'Why is he in such a hurry? Only last week Ramon and I talked it over and decided it had better be taken away. But his team has been busy. One of these days he will get round to it. Of a certainty, yes.'

Though Tucson did not have street lights or sewers or sidewalks, life generally moved on very pleasantly in the little sunbaked Spanish town. It had its unwashed and its ruffians, but it had too its good citizens, both Mexican and American, some of them well educated and trained to courteous, friendly ways of life. The best of the thick-walled adobe houses held enclosed patios, with raised flowerbeds and ollas of spring water hanging from the roofs

of shaded porches, the walks flagged and kept cool by fountains sprinkling on them.

At Levine's garden, at the foot of Congress Street, the people met for evening entertainment, as they did at *bailes* held at the Orndorff Hotel and elsewhere. A Mexican band played Sundays at the hotel. There were Japanese lanterns in the patio. Families promenaded up and down, coming in for dinner at the restaurant, where a specialty was made of wild game.

The orchestra at the *baile*, consisting very likely of a flute, Pan's pipes, a bull fiddle, and a bass drum, worked tirelessly all through the night. Officers and their wives came in from Fort Lowell to join the townspeople. They rode back to the fort under a desert sky flushed with the pink and mauve and violet lights of dawn. After the *baile* young men serenaded the pretty señoritas, singing to the windows above 'La Paloma' and other love songs.

All the men met in the gambling-houses, where Mexicans, Chinese, miners, merchant, muleskinners, and 'bummers' brushed shoulders round the wheel and at faro tables. They met too in the early days at the Shoo Fly Restaurant, run by Mrs. Wallen. It was domiciled in a long, low-ceiled adobe building, the floor of rammed earth, the walls washed in a yellow tint. The tables had lead casters with yellow glass bottles. The chairs were home-made, with rawhide bottoms. The waiters, in white suits with red sashes, carried fly-flappers which they wielded vigorously. But Mrs. Wallen gave her customers good food, including such luxuries as were obtainable. She served chicken, mutton, kid meat, jerked beef in stews, black frijoles, tomatoes, lettuce, and fine oranges from Mexico.

Also, there was always the famous Pete Kitchen bacon, made from pigs that very likely had known the sting of Apache arrows. (Pete had a standing order at the ranch for his employees to pull out all the arrows — if any — left during the night in his stock. Wags called his pigs Apache pincushions.)

Sentinel Mountain stands back of the town, and there a man was posted to keep watch for the Apaches. Usually the Indians were not bold enough to raid a town, but they might swoop down on the horses and the cattle in the outskirts. Travelers were sometimes cut off within a mile or two of Tucson's walls. Pete Kitchen's ranch near Nogales was raided and his son killed while at work in a field. A mail-carrier, trapped near the mission San Xavier, was filled with arrows. In 1871 the Prescott *Miner* published a list of over three hundred whites and Mexicans who had been murdered by Apaches in the preceding six years.

Pete Kitchen's ranch was a standing temptation to the Apaches. He had built his house on the top of a hill commanding a view of the valley below. A guard walked the flat roof of the adobe building constantly, and if there was any sign of a raid he fired his gun and brought the hands in the fields back to the forted house on the run. Many times the place was attacked, but Pete gave the painted braves as good as they sent. He killed so many of them that at last they gave his ranch a wide berth. Travelers all spent the night at his place, both because it was safe and because of its almost feudal hospitality. He had a thousand acres of good land on Potrero Creek, and on it he raised grains, vegetables, fruits, and melons. His special pride was his

herd of fine hogs. For hundreds of miles his hams and bacon were famous.

Pete was a character. Like most men of the frontier, he was an inveterate gambler. All the sporting houses of Tucson knew him as one who played for high stakes. He was a tough nut, and the man who got ahead of him had to be good. On one occasion he followed three horse-thieves across the border, shot two of them, and captured the third. On the way back to the ranch Kitchen got sleepy (so he afterward told the story) and took a nap at the foot of a tree. Before doing so he tied a rope round the neck of his prisoner, whose hands were bound behind him, mounted him on a horse, and flung the rope over the limb of the cottonwood under which the horse stood. The other end of the rope he fastened to the trunk of the tree. 'And do you know,' Pete always finished the story, 'that when I woke up I found that damned horse had walked away and left the rustler hanging there.' To emphasize the point, Pete would always at this stage of the yarn nudge the listener in the ribs and burst into raucous laughter.

Toward the end of his life Pete sold his ranch for sixty thousand dollars, went to Tucson, and gambled away the money within three weeks.

When Arizona was organized as a territory, Milton B. Duffield of California arrived as United States marshal. Mr. Duffield stood six foot three, was broad of shoulder, powerful, and quick on his feet. He was dark of complexion, had black hair, and very keen eyes. Every day Marshal Duffield drove a tenpenny nail into an adobe wall with a bullet from a distance of twenty paces. Since he was disputatious, in fact quarrelsome when he had a few under

his belt, it may be guessed that citizens walked warily when in his neighborhood. Only one man in Arizona at that time wore a high silk hat. This was not generally considered safe. But on top of the marshal's head the 'stovepipe' hat was no signal for merriment. For it was currently reported that he had eleven notches on his guns.

'Waco Bill' came to town and started on a tear. He announced that he would like to see Duffield, since it was his night to howl and the marshal was his meat. Milton B. arrived, all six feet three of him, lashed out with his fist, and sent the muleskinner spinning. Bill reached for a gun, but he was too late. A bullet ripped through the officer's coat-pocket and struck 'Waco Bill' in the groin. Duffield had not wasted time in drawing the weapon.

'I'm the gentleman you were seeking, sir, and I have just sent you my card,' the marshal mentioned, with a bow.

Captain Bourke tells that on one occasion, when friends were gathered around the wassail bowl, Duffield was induced to exhibit all the weapons he carried. He drew from his person eleven lethal instruments of war. From belt, holsters, pockets, boot legs, and other convenient places came bowie knives, derringers, daggers, and revolvers. Even this multiplicity of weapons failed in the end to save their owner. Mr. Duffield migrated to Tombstone and had a dispute with a young man named Holmes about an interest in a mine. Holmes was working the property when the ex-marshal went out there to run him off. Though covered by a double-barreled shotgun, Duffield would not stop at the order of the other. He continued steadily to advance and was filled with buckshot.

It is impossible to read the history of our Indian trou-

bles without realizing that the Apaches, the Sioux, and the Cheyennes, as well as other tribes, were driven to warfare by unfair treatment on the part of whites and were kept in the field much longer than was necessary by the unwise negotiations of government representatives, both military and civil. Mangas Colorados and Cochise were originally friendly to Americans. Mangas is described by Lieutenant Coutts as a stalwart man, six foot two in height, with a fine, intelligent face. For years his name spelled terror over New Mexico and Arizona. A great leader to his people, he fought ferociously and without mercy. No Indians were more cruel than the Apaches under his direction. The record of the thousands slain by him is a horrible one in the story of the winning of the Southwest. Jack Swilling, one of the first settlers in the Salt River Valley, persuaded him to surrender, and he was treacherously murdered by soldiers that night. An account of this appears in Frank C. Lockwood's excellent book, *Pioneer Days in Arizona.*

Like Mangas Colorados, Cochise was driven to put on the war paint by the amazing folly of the whites. A band of Apaches had plundered the home of a settler on the Sonoita River and taken away the son of a Mexican woman, the lad Mickey Free, who later became a great trailer but was otherwise worthless. Cochise and his men were camped near Apache Station. Lieutenant George N. Bascom was sent to find out from him where the boy could be found.

There was a conference, during which Cochise denied any complicity in the raid. Bascom arrested him and his companions. Cochise escaped, though wounded. He tried to exchange some of his prisoners for the Apaches detained