

## PROLOGUE

### **Bad Guys with Badges: A Vast Amount of Trouble**

Western outlaws were losers, by and large, as criminals are today. As a rule, they weren't very bright either, which helps account for them even being outlaws. But they were tough, ruthless men, and they rode in a largely trackless, sparsely populated, rugged land that gave them plenty of shelter from the law.

The other side of the coin was the lawmen. They were just as hardy and usually somewhat smarter than the men—and the occasional woman—they pursued. The trouble was that the lawmen were generally ill paid—U.S. Deputy Marshals were paid by the arrest, for instance, and bore their own expenses.

If they had to kill an outlaw who tried to kill them—except on a “dead or alive” warrant—they even ended up paying for the burial of the bad man's remains. Moreover, their lives were in danger every day. For instance, more than sixty lawmen were killed west of Arkansas riding for Judge Parker's court in Fort Smith.

Long hours on horseback in all kinds of weather, constant danger, and miserable pay made the outlaw life sometimes seem an attractive alternative to law enforcement. Every outlaw, or would-be outlaw, dreamed of the Big Strike, financing a secure life of leisure in Bolivia, Mexico, or some place else far away. It is little wonder, then, that some peace officers turned their coats. On the other hand, the outlaw who survived often longed for

respectability, the comparative normalcy of a real town, and a real bed to which he could go home.

It took a tough man to catch a tough man, and there was no advantage in requiring a background check for honesty. There was always a market for peace officers, and as long as they did the job nobody cared much about their past. In fact, a certain reputation, a “rep,” was often a handy attribute: the lawless were less likely to take a chance on tangling with a known fast gun.

Some of them managed to play both lawman and outlaw at once. Take Burt Alvord, who served as a deputy to tough John Slaughter, the man who cleaned up Cochise County in southern Arizona. Alvord was also a town constable and a train robber, sometimes simultaneously, until he decided being a bad man was a full-time job.

The same was true of Bill Stiles, who followed Alvord to the wild side and also served as a town constable, until both he and Alvord went bad as a full-time career. The wanted pair even ordered two coffins delivered in Tombstone for their “funerals.” However, the law wasn’t having any of the tales that both men had passed on, and the pursuit continued, eventually snapping up Alvord.

Stiles later changed his name and went back to being a lawman; ironically, he ate a bullet in 1908 while lawfully employed. About the same thing happened to Matt Burts, sometime deputy town constable and sometime train robber with Alvord and company. Burts spent some time in prison for robbery and then came in second in a gunfight in 1908 or 1925, depending on the source. Whatever the year, he was permanently dead—the usual fate of the western bad man.

### All Wool and a Yard Wide

However, this was not the case for Christopher Columbus

Perry—who called himself Charles—a formidable lawman, a quick and accurate shot, and a cool hand in a crisis. Unlike most of the lawmen who went bad, he was also smart enough to realize that there wasn't much advantage in turning outlaw when the law would turn around and chase him.

Perry was city marshal of Roswell, New Mexico, and was famous for being a storied, phenomenal shot with his rifle—one head shot in darkness exterminated one of the criminal brothers Griffin at a measured 126 paces. That made it a clean sweep for the law, because Perry had already put an end to Griffin's brother a little earlier that same night.

Perry's reputation as an effective, fearless officer bloomed; he became county sheriff, then a deputy United States marshal, and the newspapers started comparing him to Pat Garrett. Perry was one of the officers who unsuccessfully worked on the mysterious disappearance and probable murder of prominent lawyer Albert Fountain and his eight-year-old son.

Perry was also the subject of the most astonishing claptrap ever written about the world of fast guns. It is well worth quoting:

[he] carries his revolver in front of his belt instead of behind, so that by a quick muscular movement of the stomach he can toss the pistol into his hand before his adversary has time to draw on him.<sup>1</sup>

Anyone who believes this is sure to love the Tooth Fairy and the Easter Bunny, as well; however, this tale does not detract from the real lethality of Perry the lawman.

There was also a dark side to Perry. Dee Harkey, a very tough hombre in his own right, commented that Perry “was mean as hell and liked to kill fellers.” Ultimately, Perry left law enforcement, not to stick up banks or stagecoaches, but to make money the easy way. He simply disappeared, and some \$7,600 in county tax money disappeared with him. Also going with him was the

inevitable mysterious woman who has never been identified. There is some reliable evidence that he showed up once in Capetown, South Africa. All that remained after that was rumor and surmise, including tales about his involvement in the Boer War. The mystery endures to this day.

### A Matter of Business

Pussycat Nell was an enterprising businesswoman as the madam of a thriving brothel in Beer City, just across the Kansas line in “No Man’s Land.” This curious appellation was the nickname given to what is now the Oklahoma panhandle, for in those wild days it was literally lawless. Because of a surveyor’s error in laying out state borders, no state or territory owned it. But it had one great advantage for the enterprising business man or woman: Kansas was dry in those days and No Man’s Land wasn’t. Carrie Nation’s ax-wielding sorties at the head of her Anti-Saloon League had seriously crippled a man’s chance to get an honest drink up in Kansas, and the thirsty men of Kansas sought an oasis at which they could have an honest drink.

This spelled opportunity for Beer City. Nearby Liberal, Kansas, was a railhead town, with the usual host of cowboys eager for booze and female companionship.

Beer City did not have a school or a church, but there was plenty of the sort of entertainment a tough young cowhand craved. Business was so good that some of the soiled doves in southern Kansas commuted to work in Beer City in a hack that made a convenient daily trip.

But there was one fly in Nell’s ointment. His name was Lew Bush; he was the town marshal, who was apparently self-appointed. He called himself the law in Beer City, and, because he apparently was unpaid, he casually levied on all the businesses in town for

his livelihood, which included not only his meals and his liquor but also his female entertainment.

Nell had her house on the second floor of the Yellowsnake Saloon, a convenient arrangement for cowboys putting away tarantula juice at the bar downstairs. All would have gone well had it not been for the intrusions of Bush. Nell was an astute businesswoman, and the time taken from her girls by Bush could have been rented to paying clients. Nell was not a retiring type and made her displeasure known. Apparently considerable friction followed, and Nell solved the Bush problem by poking her shotgun through a window of her establishment and giving Bush both barrels, of which he expired.

No punishment was ever handed out to Nell. Nobody much missed Bush, considering what he was. Furthermore, he was known to do some rustling on the side. The whole matter was a demonstration of the classic two-fold western attitude toward the sudden departure of well-known pains in the tuchus. First, “he had it coming,” and second, “who cares?”

### Sanctimonious Assassin

“Good riddance” was surely the consensus about the passing of Jim Miller, better known as “killin’ Jim” or “Deacon Jim.” He played lawman for a while, but his chief business was assassination—he was a killer for hire. What made him especially contemptible was his custom of faithfully attending church between expeditions to kill people. That habit, plus his customary sober, black, broadcloth suits and immaculate white shirts led to his nickname of “Deacon.”

Miller started going wrong early. There is substantial evidence that at the tender age of eight he may have murdered his grandparents, and at seventeen he was convicted of the murder

of his brother-in-law. He was lucky on appeal. The judgment was reversed, and he was never retried. But he learned nothing.

His associations were with the dregs of society: Mannen Clements, cousin to the deadly John Wesley Hardin; he even married Clements' sister. He hired on as a deputy sheriff in Pecos, Texas—it was wonderful cover for his rustling sideline until he was caught stealing mules and promptly fired by Sheriff Bud Frazer

In the summer of 1892, Miller opposed Frazer in the next election for sheriff and lost, but it had no effect on his reputation. He ran for city marshal, won, and began to surround himself with hardcases much like himself. Finally, in May of 1893, the gang went too far in pushing the locals around, and Sheriff Frazer, who was away at the time, hurried back to town. He came with Texas Rangers, too, warned by a citizen that Miller intended to kill him when he stepped off the train. Miller lost his chance and his job.

The quarrel went on simmering, until Frazer had enough and ambushed Miller, putting three slugs into his enemy's chest in a space no larger than a coffee cup. Miller should have been dead, but he wasn't. The rumor developed that he wore a steel plate under his omnipresent black frock coat. In spite of Miller's violence, theft, and the probability that one of his cronies had murdered the man who warned Frazer, many citizens of Pecos still supported Miller because of his sanctimonious behavior and a public "conversion" he staged.

Frazer lost the next election and left town. That should have been the end of the feud, but when Miller found out Frazer was visiting a nearby town, he stalked the ex-sheriff to a saloon where Frazer was playing cards and put both barrels of a shotgun into him. Miller was acquitted, partly it seems, because of his very public participation in his church.

At least by now, and probably earlier, Miller had begun his

career as a killer for hire. He was even beginning to “predict” the death of his next target. For instance, he forecast the death of a man who testified against him, thus:

Joe Earp turned states evidence on me, and no man can do that and live. Watch the papers, boy and you'll see where Joe Earp died.

He seems to have somehow gotten arsenic into the prosecutor's food, too, although the initial diagnosis was “peritonitis.”

Miller moved on to Fort Worth, opened a rooming house with his wife and, of course, joined the church. Meanwhile he was offering to kill sheepmen at the bargain price of \$150 a head. He expanded his line of work to include farmers—those troublesome fences—and even murdered a lawyer who had successfully represented several farms against big cattle interests.

He hired on to kill a U.S. deputy marshal at the behest of a couple of real dirtbags, the Pruitt boys. Again it was a shotgun in the night. Miller survived this one, too, although he spent some time in the calabozo prior to trial. Once that inconvenience passed, he hired on to kill really big game out in New Mexico: Pat Garrett, the lawman who had rid the world of Billy the Kid. This was a big payday: \$1,500 for the job.

His next job was an even bigger prize: \$2,000 to kill a rancher from Ada, Oklahoma, a man named Gus Bobbit, as the result of a long-standing feud with a couple of unscrupulous saloon owners. Miller held up his end, blowing Bobbitt into eternity with his favorite weapon. But this time he left enough of a trail for the law to follow.

The trail first led them to a nephew of Miller, a youngster named Williamson. He admitted that he had sheltered Miller before and after the killing and had loaned him a horse; but, Williamson said, “he said he'd kill me if I talked”—quite believable, knowing Miller. Williamson was duly arrested, along with a go-between,

and his two employers were lured back out of Texas with a simple telegram, ostensibly sent by Miller: “come to Ada at once. Need \$10,000. Miller.”

They came from their safe haven south of the Red River and ended up in jail also. But, before a trial could be held, the good citizens of Ada had already had enough of Miller. Jailed, he was putting on the dog in a most irritating way by having steak sent to him twice a day, having his cell floor carpeted, and regularly having the barber call on him, figuratively thumbing his nose at the citizenry. This did not sit well with them.

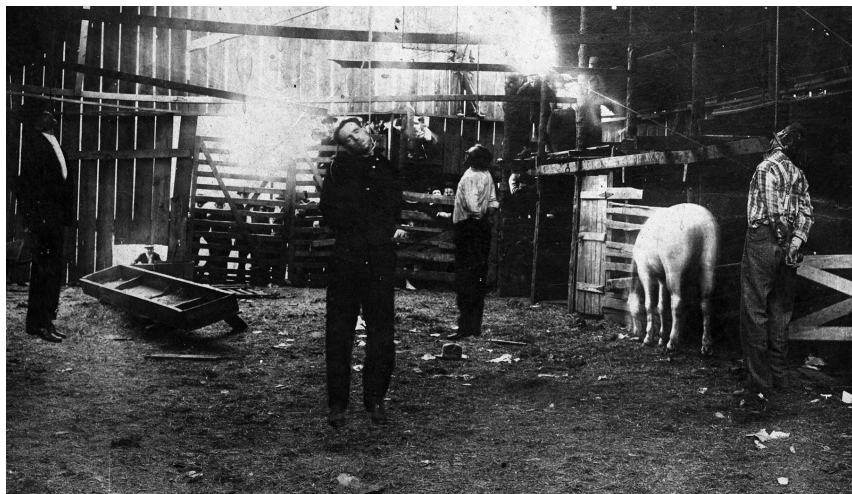
The finale came when the town learned that Miller had retained the great Moman Pruiett to defend him. Pruiett was a legend in the southwest. He had never had a client executed, and before Pruiett was through he would compile an astonishing record of 304 acquittals in 342 murder cases. This was the last straw; the citizens were almost certain that this mass murderer would go free again. The town of Ada wasn't having any.

And so a large band of good citizens went down to the jail one night, overpowered the guards, and extracted Miller, his two employers, and the go-between who had seen to the payoff. All four were dragged to a nearby stable and strung up from the rafters with little ceremony and nothing much that passed for due process of law. Before he died, Miller actually boasted of his crimes: “Let the record reflect,” he is said to have bragged, “That I've killed fifty-one men.”

Officially, nobody ever learned who the hangmen were; nobody tried very hard. An Ada historian put it succinctly, and probably spoke for the whole town:

The forty-odd men who took in the lynching were honorable men, for the most, who had patiently endured desperado rule until it could no longer be tolerated. . . . [I]t can be written down as the one mob action in America entirely justified in the eyes of God and man.





*Miller and his three co-conspirators hanging from a barn rafter in Ada*

And if that pronouncement seems somewhat presumptuous when applied to God, it sure expressed the townspeople's sentiments that Ada was a cleaner place.

### Four Sixes to Beat

There was not much to like about John Selman, whose early life in Arkansas and various Texas towns, including notorious Fort Griffin, was relatively peaceful, as far as is known. Fort Griffin was a wild town, and there Selman made a couple of dubious friends: a prostitute, intriguingly named Hurricane Minnie Martin, and John Larn, a thoroughly rotten type who specialized in rustling.

Minnie became Selman's lover, although he already had a wife and children. Larn gets a chapter of his own in this book, so suffice it to say here that as far as anybody could ever tell he had, as the judges sometimes say, no redeeming social value whatsoever.

Selman bought a saloon in wild Fort Griffin but made most of his living rustling with Larn. When Larn passed to his reward,

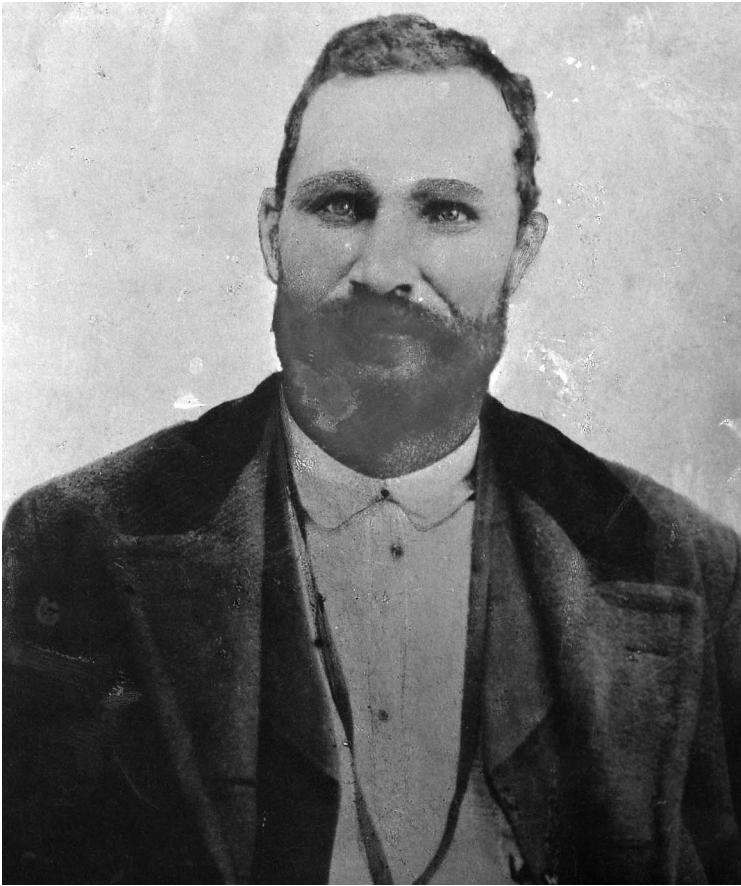
Selman and his brother—called Tom Cat—moved to New Mexico and went into the holdup business. This lasted until the Army got tired of it, at which point the Selman boys took up rustling out in west Texas.

Meanwhile, Larn went into the butcher business—one can easily guess where and how he got the raw material. For the next few years Selman was in and out of Mexico, and in and out of shady operations. Then Selman abruptly turned to the side of the angels as constable of El Paso. He enjoyed no peaceful term in office. He killed Bass Outlaw—a deputy U.S. marshal who turned savage when full of booze, which was as often as not.

Then, in 1895, he eliminated the deadly John Wesley Hardin. Hardin was a famous badman, starting at the age of eleven when he very nearly stabbed another boy to death. He had been leaving a trail of corpses across the southwest ever since, killing at least twelve men, probably more.

Selman took no chances—Hollywood gets it all wrong when it comes to old West gunfights: there wasn't any of this walking stiff-legged up to impossibly close range, saying something stupid like "this town ain't big enough for both of us," and then blazing away from the hip. Wyatt Earp is said to have commented that it was not the first shot that counted, as much as the first aimed shot, something entirely different. Earp himself has been portrayed in umpteenth movies and television shows, perhaps none capturing his story as well as *Tombstone*, or as poorly as *My Darling Clementine*. Selman saved himself a good deal of danger and trouble, and simply shot Hardin in the back while he was rolling dice in the Acme Saloon. Hardin had rolled four sixes, almost surely a winner, when Selman ushered him out of this world.

Hardin's departure was unlamented, and Selman was acquitted of murder, regardless of the fact that he had shot Hardin behind the ear and then pumped more rounds into him after he hit the



*John Selman* (Western History Collections, University of Oklahoma Libraries)

floor. It doesn't fit the Hollywood pattern, but the professional gunfighter was interested in only one thing as quickly and easily as possible—staying alive, and ensuring that the other guy didn't. Selman won a measure of renown for ridding the world of Hardin, but he had little time left to enjoy it; less than a year after Hardin was shot, Selman was shot down by lawman George Scarborough.

## Never Bring a Cane to a Gunfight

Barney Riggs came by the vocation of gunman naturally. Two of his brothers stood trial for murder and were acquitted, and Riggs carried on, killing at least four men, maybe more. He settled, if one can call it that, in Cochise County, Arizona, and is rumored to have had a hand in killing two Mexican men and three women while returning from a horse-stealing expedition.

Riggs couldn't stay out of trouble for long, and trouble came not only in the form of stolen horses, but also in the form of a woman—his wife Vennie who, it appeared, had been playing unseemly games with a man named Hudson in her husband's absence. Riggs was apparently willing to forget that fact, but when Hudson bragged publicly about his conquest of Vennie, Hudson's reward was three bullets out of the darkness and a trip out of this world.

The law began their search for the shooter, and Riggs wasn't hard to find. The law simply watched Vennie and followed her when she rode out to bring supplies to her husband. Riggs' trial had its high moment when the prosecution, in one of the flowery orations common in the courts of the day, equated him with a renegade Indian. Riggs' response was typical of the man: "yes, you son-of-a-bitch, and I'll murder you!"—not the sort of thing you should say in front of a judge and jury. Riggs went to prison with a life sentence in the hellhole of Yuma, the end of the world even for free and honest men.

He would, however, be out more quickly than that, for in less than a year a major convict rebellion convulsed the prison. Riggs immediately put himself on the side of the angels, took a pistol away from one of the rebels, and killed him with it. In the process he saved the warden's life. Being the hero of the moment, Riggs was granted a pardon, on the condition that he depart Arizona Territory and never return.

Riggs did so. He headed off to California, but not for long. Texas beckoned, and in 1893 he became a deputy sheriff down in Pecos County, where he became famous, not only for his prowess with a Colt but also for his coolness in time of crisis. In his time he faced down some of the toughest badmen the country had to offer—and won.

Riggs married again, although it is unclear whether he and Vennie were ever divorced. The feud between Deacon Jim Miller and Sheriff Bud Frazer—his new father-in-law—was at its height, and when Miller murdered Frazer, Riggs sought revenge.

Miller tried to beat him to it and sent a couple of hired guns to take out Riggs. Both men, like Miller, wore steel vests, but it didn't do them any good. After Riggs won that confrontation two-to-nothing with a pair of head-shots, he was again charged with murder, but the jury was only out about long enough on this one to roll and smoke a cigarette.

The verdict was not guilty. Riggs settled on his ranch in Pecos County, but this “wizard with the gun,” as one cowboy called him, started hitting the bottle harder and more often. His wife left him, and understandably so, because one day, boozed to the eyelids, he poured coal oil on Mrs. Riggs and threatened to set fire to her.

The last act for Riggs came about when he again lost the foul, mercurial temper that had haunted him all his life. Ordered to pay child support, he took umbrage at the young trustee appointed by the court to receive the money. He abused the young man in public and struck him with the cane he carried. The last act came when Riggs again approached the young man with his cane. What happened then is not entirely clear. Whether Riggs reached toward one pocket or simply attacked the trustee again with his cane, the trustee's response was a bullet in the chest for Riggs. He staggered off down the street and died the next day.

It was a sad end for a man who had been a fearless lawman, unflappable in times of crisis. As one man said, “One may as well try to excite a hippopotamus as fluster Barney Riggs.”<sup>2</sup> In spite of his violent temper, Riggs was admired by many for facing up a variety of hardcases and driving them out of the country. Ironically, his killer went on to a long, illustrious career as a peace officer.

Thus, this concludes some general observations on that tough breed who worked both sides of the law. The following chapters deal with some extra tough, extra mean, extra nasty men, and a good place to begin is the abiding tragedy that came to be known as the Lincoln County War.