

Williams at the store to do all the rough work. He was arrested and carried to Pilot Grove with a view of giving him the third degree in hopes of securing information which would implicate his boss, T. R. Williams. Peacock kept him there for ten or fifteen days, putting him through all kinds of tests, but he kept his lips closed and told nothing. They even stood him up against the wall telling him they were going to shoot him, but he kept faith with his employer and told nothing. Finally Ben Hays, Buck Shortridge, Colonel Jack Russell, T. R. Williams and a number of other citizens of Bonham rode to Pilot Grove to intercede with Peacock in behalf of the old negro. The result was that Peacock released Bumpas and told him to hit the road for home, which he promptly did.

Between the Mustang and Wild Cat Thickets there was a broad prairie north of the present town of Leonard. It was the custom in those days for people to stake out the hay land by driving four stakes at the corner of the tract that they wished to mow. It was known as "staking out their grass," and these temporary titles were respected. Will Smith, the son of George M. Smith who lived six miles north of the present town of Leonard, and Dan W. Lee had conflicting rights in regard to the claim of some hay land on the Leonard Prairie. Old Dan Lee got the "drop" on Will Smith in the summer of 1876, forced him to dismount, crawl over the prairie on his all-fours, and bark like a dog. Later Will Smith was released, but he went to Bonham and had Dan W. Lee (the father of the Lee Clan) indicted for assault to murder. The trial came off in Bonham and Lee came clear.

On March 18, 1877, about the middle of the afternoon the Lees started home. Fortunately, White Ragsdale was standing on the corner of the street and noted the time by his watch. A little later Will Smith and Billy Skipwith started south on the same road. When Smith and Skipwith had ridden a mile and a half they found the Lees loitering along the highway near the Bogy place. As soon as Smith and Skipwith caught up with the Lees the elder Dan Lee began

upbraiding Smith and one word led to another. Dan Lee finally reached in his saddle bag and Smith concluded that he was reaching for his pistol and immediately fired, shooting him in the right side. Smith at this time was off his horse with his gun out. Lige Miller ran toward the horse of Dan Lee and Smith shot at him and hit him on the shin bone, and this succeeded in stopping Miller. By this time the Lee boys rushed to the help of Dan Lee and Smith escaped into the thick woods and made his way back to his home neighborhood that night. Dan Lee was taken to the Bogy Place a few hundred yards distant where he lived until the next morning, March, 19, 1877, when he passed away.

Will Smith was in hiding for months and finally about March 1877, he surrendered and had his preliminary trial at Valley Creek. The writer was subpoenaed as a special guard and the day that Smith surrendered he was sent into the Lee neighborhood to subpoena the Lees as witnesses. He did not relish the mission, but on the way to the Lee home he passed by the Thomas Ox Mill a mile from Leonard, and there he met Lige Miller who agreed that he would inform all the Lees. The next morning about daylight the writer was going out to drive in the work horses on the farm of his Uncle Frank K. Taylor and he witnessed the most spectacular ride of his career. Down the road on a mustang came Aunt Betsy Lee at a sweeping gallop, following her were three others. They were on their way to Bonham to employ a lawyer. This was about five a. m. and they had already ridden nine miles and had ten to go. They reached Bonham by breakfast and had the lawyer, Col. H. W. Lyday, at Valley Creek by 11 a. m. The preliminary trial was conducted very peaceably on all sides and Will Smith was placed under bond. Later his trial came off in Bonham and he was defended by the nestor of the north Texas bar, Col. "Bob" Taylor, and by the acute and able lawyer from Clarksville, Judge Sims. The crux of the defense hinged on Dan Lee's reaching in the saddlebags. The contention of the defense was that he

was reaching for a pistol and that Will Smith shot in self defense.

The writer is indebted to many people for contributions in his preparation of this article on the Lee-Peacock Feud. The following is a list of some of the contributors:

J. Lee Tarpley and Wilbur Allison of Leonard.

Ashley Evans, Bonham.
Jesse Wilson and Mrs. John Hancock of Trenton.

John Pannel of Tom Bean.
Catherine Elliott of Texas State Library.

Professor B. B. Cobb of Waco.
Mrs. John Lee, sister-in-law of Bob Lee, now living at Upland, California.

"Black Jack," the Texas Outlaw

A. W. Thompson, in Clayton (New Mexico) News

Nearly a quarter of a century ago, on April 26, 1901, Thomas E. Ketchem, familiarly known as "Black Jack," whom the press of that day proclaimed "the leader of the most desperate gang of outlaws that ever terrorized the southwest," paid the supreme penalty for his misdeeds, rather for one of them, and was hanged before the courthouse and jail at Clayton, N. M.

Outlaw, bandit, murderer, train robber, this personage, abandoned by his associates in crime, his gang scattered, dead, or imprisoned, accepted the mandates of the court before which he had been tried, and, with apparent indifference, ascended the scaffold. A moment or so later as the trap fell, after inquiry from the sheriff of Union county, an audible, almost cheerful response came from beneath the blackcap, his body shot downward, and decapitated in its fall through miscalculation as to the length of the hangman's rope, lay lifeless before the shuddering gaze of the witnesses to this execution. By strange coincidence or mark of fate, Ketchem was never tried for any of the fifteen murders laid to his charge, but death was adjudged him for "assault upon a railway train, with intent to commit felony, which at the time of his indictment carried with it the death penalty in New Mexico.

It is a question whether this statute was not unconstitutional. But without funds or friends. "Black Jack," was unable to test this phase of jurisprudence, though an appeal had been taken from the trial court to the supreme bench of New Mexico, then composed of the

judges of the several judicial districts within her confines, which sustained the lower tribunal. Perhaps the appellate ruling concurred with popular sentiment, that human life and the public generally, would be more secure with the convicted man out of the way.

Thomas E. Ketchem was a native of Texas. Likely he was one of the many who, then as now, would excuse themselves under the cloak that they never had a chance. Cowboy and cattle worker, he was employed in the late eighties and early nineties by the big outfits of the Pecos river country, in New Mexico, and came to Clayton with the longhorns before the railroad from Amarillo to Roswell had been constructed.

In summer he treked along in the alkali dust of the dogies, and in winter, his wages gone, turned his attention to more serious and less humane callings. The taking of human life was of little import to him, and soon became a common thing. When a man can enter a frontier store, shoot the proprietor, and as wife and child rush in from a back room to see what has occurred, quickly turn his gun on them, he is case-hardened. An unusually fine shot with either right or left hand, fearlessness and cruelty were combined in his makeup. Nearly six feet tall, black hair and piercing eyes of the same hue, regular in features and erect of figure, weighing perhaps 180 pounds, he was before his incarceration pending his execution, a picture of well-developed manhood.

Of very limited education, Ketchem could read and write, and after the loss

of his right arm in his last train holdup, he had learned to scrawl his name with his left hand.

The crime for which he was hanged was committed between what is known as Twin Mountain and the station of Des Moines, N. M., some forty-five miles north of Clayton, when, alone and unaided he attempted on the night of August 16, 1899, to hold up and rob the south-bound mail and passenger train of the Colorado & Southern railroad. This train, the Denver-Fort Worth express, leaving Denver about noon reached the town of Folsom the same night at 10:30 o'clock, Ketchem, who some hours before had staked his two horses on the prairie near the site of his intended attack, had gone to Folsom, perhaps five miles away, and there boarded the blind baggage of the express car as the train left for the south.

Just after Twin Mountain was passed he crawled over the tender to the engine and commanded Engineer Kirchgraber and his fireman to stop, accompany him to the rear of the express, uncouple this and take it down the track a short distance, where the outlaw could dynamite the safe contained therein. He had, however, very seriously miscalculated in stopping the train on a curve where it was well nigh impossible for the train members to release the couplings, even after strenuous efforts to do so, lined up as they were at the point of the bandit's gun. The night was clear partially lighted by a half moon. Next behind the express car, which was attached to the engine, came the combination mail and smoker, followed in regular order by the day coaches, diner and Pullmans.

While "Black Jack" at the point of his six-shooter is urging the engineer and fireman to use greater haste and diligence, let us review for a few moments some former exploits of the bandit and his gang.

For some ten years prior to Tom Ketchem's last stand his organized associates had operated successfully in similar propaganda in Texas, Arizona, New Mexico, and Colorado. Members of his gang were composed of "Black Jack's brother, Sam Ketchem, William McGuinness, Will Carver, Broncho Bill, and others, who during this time were

responsible for more than half the daring robberies in the states above mentioned, murdering more people, it was said, than all other lawless gangs that ever, in organized array, infested this territory.

Twice before at Twin Mountain had the Fort Worth express been held up and successfully robbed of money and mail, and while, too, the train was in charge of the same conductor and crew, the first assault occurred on the night of Sept. 3, 1898, when some \$5,000 was secured. The robbers were traced to the mountains in Colfax county, but made their escape.

Again, on July 16, 1899, Sam Ketchem, Tom's brother, led a second holdup, in which for some reason "Black Jack" did not participate. In this, after the robbers had cracked the express car safe and secured a considerable booty, they made a hasty flight again toward the mountains southwest of Raton. Next day pressed by Sheriff Edward Farr of Huerfano county, Colo., and Special Agent W. H. Reno of the Colorado & Southern railroad, together with five deputies, they were forced into Turkey canyon, and there a desperate battle was fought. Round after round of shots were exchanged, the fight lasting from early morning till 6 p. m. Sam Ketchem received a wound in the arm which later caused his death, and Sheriff Farr was instantly killed by a bullet thought to have been fired by William McGuinness, who was later captured, tried and sentenced to the New Mexico penitentiary for life. Two of the deputies were wounded, one dying three days after the battle. Sam Ketchem on this occasion made his escape, but was found a few days later by Reno at the home of a rancher, where he was arrested.

"Black Jack," back on his job, on August 16, 1899, just one month after his brother's last escapade, held up the Fort Worth express. Singularly, perhaps fortunately, the train on this occasion, as on others, was in charge of Conductor Frank Harrington, hero of the night, and still a veteran employe on the Fort Worth & Denver road between Texline and Clarendon, Texas. Quite naturally Harrington, somewhat well tutored himself in the ways of the west

and experienced in the use of firearms, was more or less concerned in the attention shown by the Ketchem gang to his train, and as they stopped on Twin Mountain curve that evening and several shots were heard which came from the direction of the engine, he surmised what was going on.

More cautious than Fred Bartlett, the express messenger who put his head out of the express car door and received for his inquisitiveness a ball from "Black Jack's" gun, which pierced his jaw, Harrington crawled through the small opening from the smoking compartment to the mail portion of the same coach and extinguished the lights. He took along with him a double-barrel stub shotgun, carried on the train for emergency use. Cautiously opening an inch or so the door in the front end of the combination mail, he peered out, and to the left in the uncertain light he saw, just between the two coaches, the engineer and fireman as they pulled and pried at the patent couplers, "Black Jack" standing guardedly behind them and using such means as he thought best with his exhortations, to get this quickly done.

Watching his chance as the bandit moved out of the line between himself and the other two men, Harrington opened the car door a trifle wider and raising his shotgun, muzzle down by the side of his leg, aimed at Ketchem and fired. His salute met with almost instant return from the highwayman, who had seen the conductor's gun a second, however, too late. The charge of Harrington's buckshot entered Ketchem's right arm, deflecting the latter's aim, so much so that the ball passed through the sleeve of the conductor's coat. Shutting the door, the latter, unaware of what had occurred, waited developments.

With a shattered right arm, Ketchem immediately abandoned his enterprise and escaped in the direction of his horses, near which, after a night of intense suffering and loss of blood, he was seen early next morning by the crew of a passing freight train, who took word of this to Sheriff Pinard at Clayton. With several deputies, this official proceeded to the site of the holdup and arrested the

outlaw, who made no resistance. He was at once taken to Trinidad, where it was found necessary to amputate the injured member at the shoulder. After recovering, he was first held in Santa Fe, then in the Clayton jail, from which, later, he was escorted to the gallows.

With the departure of the bandit, after Harrington's defense the train proceeded south, its conductor uninjured.

During Ketchem's incarceration at Clayton, both before and after his trial, the writer was permitted ad libitum by Sheriff Salome Garcia to visit him. No penitence or remorse for the crimes generally laid to him were evidenced. He particularly disliked being addressed as "Black Jack," and asserted on one or more occasions that he was not that person. I had numerous long conversations as to his deeds, as well as to his associate. These matters he generally declined to discuss.

He was confined in a steel cage just off the general corridor of the Clayton jail with openings so wide that through them he could extend his hand. He made no complaints as to his situation, and asked few favors. If he expected aid and attempted rescue at the last from former associates, rumors of which were current and caused some little apprehension among officers of the law he concealed knowledge thereof.

On the day of his trial, when arraigned before the chief justice of the territory of New Mexico, William J. Mills, whose judicial district included Union county, I well recall an incident in the courtroom at Clayton. The district attorney was Jeremiah Leahy, still a prominent lawyer of Raton. "Black Jack" had been brought from the jail to court, his right sleeve, armless, tucked into the folds of his coat. Interrogated as to whether he was or was not guilty, without response he quickly walked from his seat to the front of the bench behind which sat the judge, and, leaning his left arm on this, started to address the court, who, unused to such answer, and knowing the character of the man, drew back from the figure before him. A deputy at once followed and led him back to his seat. Without funds for the retention of an attorney, one was provided for him, W. B. Bunker

of Las Vegas. But the evidence was conclusively on testimony of the engineer, fireman and conductor, and he was found guilty.

On the day before the execution, all preparations as to this had been completed. A priest visited the jail and offered the condemned man the consolation of his office, which was none too politely, refused. Guards on watch reported he slept well through the last night, and seemed indifferent to the next day's doings. Half a dozen out of town officials were on hand to aid Sheriff Garcia in carrying out the mandates of the court and law among others Sheriff Clark of Trinidad, and Capt. L. C. Fort of Las Vegas, the latter sent to Clayton by Governor M. A. Otero of Santa Fe, to direct the execution.

On the morning of April 26, a message was received purporting to have been signed by the governor ordering postponement of the hanging. This, however, was soon found to be a canard, but it was not until afternoon that the operation of the law was carried out.

About 1:12 p. m., Ketchem with the jailers emerged from the brick building where he had been confined. He was attired in a neat black suit, collar and tie. His left hand had been chained to his side, and his right sleeve was tucked into his buttoned coat. Ascending the stairs he mounted the scaffold, and onto the trap which he carefully surveyed, moving from side to side to adjust himself. The final preparations completed the trap was sprung at 1:17 p. m.

During his last morning "Black Jack" dictated a letter to President McKinley, which he later signed. It read as follows:

"Three men now confined in the penitentiary at Santa Fe, for robbing the mail at Stein's Pass, Arizona, in August, 1897, are guiltless. They are Leonard Albare, Dave Atkins and Edward Cullen. Will Carver, Sam Ketchem, Broncho Bill and I did that job. I have given my attorney the names of the articles taken and the place where they can be found. The three men mentioned first never committed any crime so far as I know. I make this statement fully realizing my end is fast ap-

proaching, and that I must very soon meet my Maker.

"(Signed) T. E. KETCHEM."

Thus ended the career of the last of this band of New Mexico's banditti. Excepting "Billy the Kid," Ketchem, at the height of his desperate work took precedence over any other person in acts of lawlessness and crime who had been known in the southwest. The latter less respected life than the "Kid" himself, and exhibited greater cruelty toward and less consideration for his victims. Happier indeed was society with him removed.

Some two or three hours after the execution an express wagon bearing a coffin containing the mortal remains of "Black Jack," wended its way along the main street of Clayton to the newly created cemetery north of town. In one portion of this, a little apart from other graves, another that morning had been dug. To this, just as the sun went down, without committal service of any kind, and with no tear from attending friend or mourner, the body of the famous outlaw was consigned, where, unmarked by headline or epitaph, it reposes.

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