

Having ended my story of the Johnson County Invasion and the small part played therein by my chum, Négus and myself, I will add a few pages to my narrative, this by way of summing things up. In this, my summing up, I am going to touch briefly on some of the matters spoken of by John Clay, in his book, MY LIFE ON THE RANGE, as well as relate what actually happened in Johnson County after the invaders left.

As to how the cattlemen got out of the scrape they were in and the part played by Acting Governor Barber, the Wyoming Senators and others, this has all been well and ably told by Mercer. He gives the different telegrams exchanged, shows how things were "hushed up," etc. All this is a matter of history. To be sure, by the Stock Association, Mercer is eternally damned. Still the fact remains, that in three and thirty years they have been unable to bring evidence to successfully contradict him. Now that Clay is out with his book, in even the little he has to say anent the matter, Mercer is proven right. Mercer tells us, and we have always understood that the invasion was planned in the winter of 1891-2. This, at Cheyenne, Clay admits the plot was unfolded to him in the summer of 1891. We quote Clay: "Some thirty three years ago, in the summer of 1891, Major Wolcott and I were walking across a beautiful alfalfa meadow at Deer Creek, a short distance from his house. The great waves of thick hay lay glistening in the sun and, abeing a holiday (July 4) as it was, there was no cessation of work. The rakes and the wagons were gathering the green alfalfa into stacks. Their hay lifters elevated load after load, and winter feed was rapidly accumulating. The subject of stealing on the range came up and after a good deal of discussion, the gallant Major said that there was urgent necessity for a lynching bee, especially in the northern part of the state, and he deveoped a plan he had in mind. (Clay's words, the italics are mine.)

At this time, like many other cowmen, I had thrown discretion to the winds (reader, try and imagine Johnnie throwing discretion, or anything else to the winds) and was quite willing to draw a rope on a cattle thief, if necessary, yet his scheme was so bold and open that I told him it was an impossible one and that, so far as I was concered, TO COUNT ME OUT. (Evidently, daylight hanging, shooting and burning did not appeal to Johnnie!) After sleeping over it a night, I talked to him again and strongly advised against any such action.

Thus Clay, and now we quote Mercer:

"Nothing so cold-blooded, so brutal, so bold and yet so cowardly was ever before recorded in the annals of the world's history."

Here are the words of the two writers: Clay, for the stockmen and Mercer, for the small rancher and homesteader. Evidently the plan, as carried out, was the plan outlined to Clay who knowing the plot against the lives of citizens and the peace of the country and state, kept quiet. Now after three and thirty years, he must need boast a bit, and thus we learn the truth. The old saying has it, "When thieves and rogues fall out, honest men get their dues." So, in this instance, when an old time cowman goes into his life's history, "murder will out" and we learn the truth of things long hidden in mystery.

Thus, you see the stockmen had the invasion in view long months before it was even rumored.

Again, Mercer tells us how witnesses were gotten rid of. Clay comes in with corroborative proof. He admits that he took hold and cleaned the slate at the cost of approximately \$100,000. But we will let Clay tell it in his own words:

"Here I had unfortunately to come in and stand up to the racket with every ounce of nerve in my body. The whole affair had been blundered from first to last. (It lacked Johnnie's divine guiding hand.) It had started out in a blaze of glory

and enthusiasm and it finished up in a fiasco, two worthless characters being the net results." (Hark back to the quoted words of Reverend Rader and McCullom.) Now we will skip a page or two. Too bad we cannot quote it all, as all but goes to verify Mercer's statements. He, Clay, tells us how lawyers got witnesses out of the country. (Such as Harvey and his work with Jones and Walker.), built up 'mountains out of molehills' in technicalities, etc." Then at last he says:

"It cost the cattle owners around \$100,000. They responded freely although it was the panic year of 1893. But money counts for little when placed beside nobility of character, (shooting and burning men?) of patient self denial, of loyal friendship; the strong supporting the weak (at the muzzle of Winchesters, sixty to two?) morally and financially. From the fiery furnace of trial and tribulation came pure gold, no tawdry counterfeit, but the real stuff, represented by splendid examples of courage, honesty and everlasting belief in the justice of their cause."

Truly Johnnie groweth eloquent in his old age and, Scotch-like, the worse his cause the more eloquent he becomes. But, enough! All Mercer's statements are borne out by Clay's accounts.

The old saying has it, "Birds of a feather flock together." Clay has been very kind to his favorites - the many ranchmen, cowboys, law officers, or others who worked with the cattlemen. Did a man dare to differ from them, he became at once and for all time, a rustler. Witness Jack Flagg. According to Major Wolcott and others of his ilk, Jack Flagg was a notorious rustler. What had Flagg done to deserve this reputation? Again Clay "lets the cat out of the bag." He tells us:

"The spring round-up for the district was on the head waters of the Powder River. Working south and westward from that point. The cowpunchers, led by Jack Flagg and men of his stripe struck for higher wages. This was in 1884, yet in all these years, from 1884 to 1892, Jack Flagg had gone on unmolested. Rather patient with rustlers were these stockmen of these ancient days!"

Now I will not more than allude to a few of Johnnie's friends. It so happens that these men - most of them at least, were well known to me. I knew them from the poor man's standpoint, or viewpoint, from that of the working man, cowboy or ranch hand. Therefore, I may, and do, look^{at} many of them in a very different light. For instance, in speaking of the early days of the Wyoming Stock Association he says anent its early trials and the men employed, "Convictions were hard to get and the Association had an up-hill fight. It employed a corps of detectives, headed by that famous sleuth, N. K. Bosworth, of Laramie City, Wyoming, who did splendid work not only for the Association but for the state in general. But in pursuing this class of work, the Association got into politics, more or less (decidedly MORE), and politics, in Wyoming, then as now, is a very sordid kind. We give Johnnie credit with knowing THE TRUTH AND SPEAKING IT. If the Association started out in politics this early (1883) it surely had time to grow and learn things, and how to manage them by 1892. Thus, again, Clay admits the truth of Mercer's statements.

As to N. K. Bosworth! I knew him well. I can vouch for every word Clay has said about him, so far as his efficiency is concerned. Bosworth was a man absolutely without fear. When he went after a man he brought him back, dead or alive. That he was one of the cattlemen's "pets" I also know. His sympathies were with them, and with them alone. I know the Bosworth Ranch on the Big Laramie River, have known it more than forty years. I know his son-in-law and manager, C. D. Oviat, and think highly of him. I have camped, many times, at what is known as "Bosworth Springs," north of Laramie City, toward McGills, the place where Bosworth captured a desperado who had sworn never to be taken. The account of that capture is an epic in itself and is but one in a chain of like incidents.

But before commenting on Clay's account of the murder of Jim Averill and Ella Watson (Cattle Kate) I want to give a quotation or two from Clay's book thus showing, in his own words, just what sort of people these Sweet Water assassins were.

Clay says:

"Since then I have come across many sets of cowboys, but I must say this Sweet Water crew was as mean a lot as ever got together. Dorr Clark, in the old days on the Belle Fourche, congregated a lot of ruffians full of fight, more especially when there was booze on tap, but they were honest, loyal and capable. The Sweet Water lot had capacity but they were light fingered, inclined to gamble, and held human life of little value." The time of which Johnnie is speaking is 1883. This is the class of men on the Sweet Water at the time yet when Averill came in some three or four years later he was called a rustler and lynched as one later. But, according to Clay, he was hung, as was Ella Watson, for living in adultery.

Let us listen to Clay again, "The whole Sweet Water Valley was filled with this class of range help. They seem to have flocked there as they did, later, in the Hole-in-the-Wall country. Over and above them were a lot of small owners who were also handy with their ropes. Most of them have disappeared. (Dry-gulched, Johnnie?) Fred French was one of them. He ranged over toward the head of Powder River. We bought his bunch of cattle at \$32.50 per head, counted out. A good many of them had been mavericked, a practice we all followed in those good old days. There are a number of very respectable cattle owners of the present day who did likewise and some went further." Now for his account of Averill and Cattle Kate.

"Down the Sweet Water, near the Botwell ranch, a man of the name of Jim Averill had started a road house and saloon and nearby in a cabin lived Ella Watson, known as Cattle Kate. The Yellow Press, then very aggressive in the west, had written up this lady. She had ridden into Casper and from the pen of the scribes you would think she was a second Elizabeth visiting Leicester. As a matter of fact, she was

a prostitute of the lowest type and while Averill and a man named Buchanan were her intimates, she was the common property of the cowboys for miles around. If they could not pay her the price of virtue in cash, they agreed to brand a maverick or two for her behoof. It was a kind of problem difficult to fathom, much less meet successfully. It was impossible to get a conviction if they were arrested even in the act.

One morning, in the summer of 1869, after these parties had been repeatedly warned that this objectionable class of business must stop, this man and woman were hanged. The man wilted and begged for mercy. (How does Johnnie know? Was he there? Is he the "visiting cowman in sympathy with the natives, the "unknown" who figures in myth and tradition?) The woman died game. This, of course, was a horrible piece of business, more especially the lynching of the woman, and in many ways, indefensible, and yet what are you to do. Are you to sit still and see your property ruined with no redress in sight?"

As will be seen, even Johnnie does not accuse Averill of being a rustler, although surrounded by admitted rustlers. If we follow Johnnie's book we must come to the conclusion that he was lynched because he was living with Cattle Kate. Now this care for the public's morals is something strange on the part of our stockmen, especially such stockmen as Johnnie has just described along the Sweet Water. The truth is Averill was a small rancher, a homesteader, and the friend of the small ranchers and homesteaders, therefore his morals must be looked into. About this time, near Laramie City, Charlies Hutton, a large ranch owner, favorably spoken of by Clay, was leading just such a life. Now had the good and moral people of Laramie City taken Charlie and HIS Katie out and lynched them what would our stockmen, Clay and his companions, have said anent the matter? It is, as Clay says, "A great difference whose goose is cooked."

Johnnie says that the hanging, in some ways, was "indefensible." In what ways, we wonder! Was it indefensible because it was found out and the names of Johnnie's

friends made known at home and abroad? To Johnnie the act was "justifiable" yet, in some ways, "indefensible." Strange the workings of the cowman's mind. "Yet what are you to do? Are you to sit still and see your property ruined with no redress in sight?" What redress had Averill and Cattle Kate? Within a year or two after their hanging their lands were in the hands of Bothwell, the leader of the hangmen.

Truth is mighty and will prevail. Jim Averill and Cattle Kate were lynched, not for rustling, not for living in adultery, but because they had taken up claims on grazing ground used by Bothwell and his neighbors.

That Johnnie was a bluffer and not above running one at times (a knack still unforgotten) he shows when his handy Winchester caused a disgusted cowboy to take a check instead of the money coming to him. To be sure Johnnie claims the gun was unloaded, maybe it was.

That he was not above taking his share of the mavericks, Johnnie, too, admits. To be sure, Johnnie's "Scotch conscience" still reproves him but its call has never been strong enough to induce him to replace and make good. Let Johnnie himself tell us how his conscience hurts him.

"There was an instant response by the majority of owners to the call of the committee but several large outfits would not join. They had an idea that we had not the moral courage to pass up their strays, but we did. I have never quite squared my conscience to the appropriation of other men's property in this way, but there was no other course possible."

Truly, the condition of the poor cattlemen, as Johnnie points them out, were terrible. No law! Johnnie told us, did he not! that the Stock Association was in politics? "The dry farmer" and the "nester" had run them out of the country. People caught in the act of butchering cattle belonging to stockmen were turned loose by the juries (the cattlemen must have been too poor to employ lawyers and where were their friends, the sheriffs, judges, and other county and state officials?)

and then, released, the rustlers would bring charges for "false arrest," "defamation of character," etc. No wonder they rebelled and Indian-like, murdered any person they came in contact with. After telling all about these real, or imaginary woes, Johnnie says:

"While this case is being gotten ready for trial, as you are on the defensive, your burglar comes again and tries to help himself once more then, if you are a man of spirit, what do you do - take down your gun and let him have it?"

Johnnie further says, "Now this is a parallel of what was happening all over the west. I refer particularly to Wyoming because I was there and went through such scenes. Put yourself, reader, in the place of these men whose herds had been cut in two in 1886-7; who were poor, discredited, in many cases disheartened although they did not show it and then, if you have a heart, cast a stone (is Johnnie now posing as a cowman's Jesus?) at the men who made an effort to defend themselves. All this is a prelude for springing his side of the Johnson County Invasion. Truly, Johnny is an eloquent advocate and should hie himself to California to defend Hickman or to the north to shed his blarney in defense of the modern Wolcott, Canton, Smith or others who hacked to pieces the Schneider girl. Johnnie would probably shrug his snug shoulder in horror at the comparison, but where is the difference? Waggoner was hung and his babes orphaned; Tisdale was shot and his fatherless children left to mourn; Champion and Ray were surrounded, shot and burned - sixty to two - and Johnnie praises their assassins.

Johnnie further says, "Following the lynching of Cattle Kate and her companion in sin (evidently Johnnie believes they were lynched for living in adultery, not for cattle stealing) several cattle thieves had been hanged or shot." What plainer evidence is wanted than that Waggoner, Jones, Tisdale and others were slain by order of the cattlemen! These were the only men shot or hanged in the country

at this time. And now to make it plainer, Johnnie adds, "They had it coming to them, without a doubt."

There are many more points in Clay's book that I would like to touch on, but it is not necessary. I have mentioned enough to show the reader that Mercer was absolutely right; that he wrote real facts and that his evidence is real evidence. Clay writes from the viewpoint of the cattlemen, the so-called "Cattle Barons;" Mercer from the viewpoint of the home-seeker, the homesteader and small ranchman. Beyond all question there was right and wrong on both sides, but deliberate cold-blooded murder never righted any wrong. Clay must even sing the praises of Tom Horn and if ever a low-down, dirty murderer lived and cursed the earth with his presence, it was Tom Horn. To be sure, Tom was faithful to the stockmen. Had Tom "squealed" many a big man today if justice were done, would be behind bars or under the sod. Tom Horn was no squaler. This, alone, we can say to his credit. We knew him fairly well, Knew all the men he killed (the known men) except the Nickels boy. Clay may feel that he can, honestly, from the stockman's viewpoint, sing his praises. From any viewpoint, we cannot and will not.

Now, on leaving Clay, we have just a few more words to say: Clay, personally is a fine man. His book is well-written and is well worth reading. We have enjoyed going over it and meeting again, men, unknown for more than a generation. We are not criticizing Johnnie's book, we are merely pointing out where he verified Mercer's statements and proves the truth of the matter recorded by that early day sage and prophet. Mercer, the man who could see fields of grain, sugar beets and alfalfa in place of sage-brush, grease wood, cacti, buffalo and gramma grasses.

A little more and I will have finished. The truth of the Johnson County rustling as well as the despicable lies of the cattlemen and the Stock Association was shown that fall after the invaders had left the country and the fall round-up was on. Sheriff Angus sent out notices to all absent stockmen either to come in person, or send representatives with books and tally sheets, showing their possessions.

Many came, others (more fearful) sent representatives. Angus, personally, guaranteed their safety. The results fairly staggered cattlemen and the Stock Association (the honest and honorable men therein). In most cases more stock of every description was found bearing the brands of the companies backing the invaders than their records showed them possessed of. Now for a few more quotations from Mercer and we close.

"Readers of these pages can but be impressed with the knowledge that the whole cry of the invaders and their promoters was the decimation of their herds by the rustlers. Thief! Thief! was their constant yell, and charge was always made that 'if the thieves are not wiped out our herds will be.' So they went to battle to destroy the men who had thus driven the cattle from the ranges of the state. That this was a false cry the following story abundantly proves.

The Western Union Beef Company, of which George W. Baxter was, and still is, General Manager, had a herd located in Johnson County with Mike Shonsy as foreman. The grass was short and the company had decided to move the herd to Montana in hopes of securing a better range. In the early autumn of 1892, four or five months after the invasion, the herd was gathered for the drive to Montana and behold, there were found and rounded into the moving bunches about 2,000 more cattle than the company's books called for. The rustlers had not taken many of these cattle surely, yet no man was a more vigorous thief howler than this man, Baxter."

Mercer then goes on to relate that some people have been uncharitable enough to accuse Baxter and Shonsy of putting up a job on the company, insinuating that they had "doctored the tally sheets" and would, when the stock were gathered, share between themselves these extra head. They would gather up somewhere near the number called for by the tally sheets and then buy, for almost a song, the few remaining head ungathered. Thus, with a little effort, they would become possessors of some

2,000 head of cattle. If such were the plans, suspected and openly hinted, the invasion knocked things in the head. Baxter and Shonsy were away and the herd was gathered by Johnson County Cowboys (rustlers?) and found to contain 2,000 more cattle than the books called for.

We alluded earlier in our narrative to the Dudley Champion murder and of Shonsy's escape. Mercer says:

Some weeks after the discharge of the invaders, Dudley Champion, a brother of Nathan, was shot and killed by Mike Shonsy, one of the late prisoners. Champion came down the cattle trail in search of work, at a point about twenty miles north of Lusk he fell in with an outfit from Texas. During the evening meal Shonsy rode up and for a time pleasant conversation was carried on between the entire party. Suddenly, Shonsy raised his gun and fired killing Champion instantly. Shonsy, accompanied by a lad who was in the employ of the Texans, immediately started for Lusk where he gave himself up to the officers. A preliminary hearing was at once had, the boy swearing that Champion drew his revolver first and that Shonsy fired in self defense. This, of course, relieved Shonsy of all blame and he was released. A few hours later he took the train for Cheyenne, arriving in that city at midnight. The next morning he settled up with George W. Baxter, in whose employ he had been, and took the afternoon train south, presumably going to Mexico and out of reach of the law."

"Twenty-four hours after Shonsy's release by the court at Lusk, other witnesses arrived, and it was ascertained that Champion made no gun play and that his killing was unprovoked, cold-blooded murder on the part of Shonsy. But the information came too late, the murderer was flying southward and out of reach. Thus, was added another crime to the long list of White Camp influence."

Clay, while claiming to be innocent of any knowledge of the Johnson County raid, admits that he helped the stockmen get out of their difficulties.

One other little item, however, I wish to bring out. At the meeting of the

Wyoming Stock Grower's Association held April 4, 1893, at the Court House, in the city of Cheyenne, John Clay, Jr. of Chicago, President of the Association, had something to say anent the matter. Clay made quite a lengthy address and then, coming to the point, said:

"Not content with the imposition of climatic and financial troubles another burden had to be added to our lot. After a long period of forbearance and patience from range depredations both petty and wholesale, the trouble culminated a year ago and the, so-called, Invasion of Johnson County took place which ended unfortunately and gave rise to an almost interminable amount of bad blood, politically and socially." Some more talking and moralizing was done by Clay and then this comes:

"While the invasion is now consigned to history, it developed during its progress last spring and the long summer months which followed a spirit of admiration from all classes of the men (the very flower of Wyoming's citizens) who had taken part in the expedition. Under the most trying circumstances they stood shoulder to shoulder, scarce a murmur escaping them. Gentlemen, I am not here to defend these parties, technically, legally, they did wrong, but I consider it no mean privilege to stand in this prominent position today and say that I count everyone of them a friend. Notwithstanding their errors in judgment, we respect them for their manliness, for their supreme courage under the fire of calumny and the usual kicking a man gets when he is down. There will be a day of retribution, and the traitors in the camp and in the field will be winnowed like wheat from the chaff."
 (As always, the words are Clay's and the italics mine.)

Need I say more? Let the reader compare Mercer's little booklet, plain and unassuming, with truth in every word and line and Clay's book, MY LIFE ON THE RANGE, filled with his bombastic utterances. Every statement made by Mercer is verified by a close study of Clay's pages. One need but compare the two. There is no occasion to read between the lines nor is an interpreter needed.

And now I close this narrative of mine. Shall I ever publish it? I know not. It is not written for publication, merely to make a written and more or less permanent record of what I personally knew and of what happened to my friend and companion, Negus. So many years have passed away and so many changes have been made that it would benefit no one to have the matter, at this late date, again argued. All our arguments will be unavailing, they cannot bring Cattle Kate and Jim Averill to life; cannot bring Jones to his bride to be, or Waggoner and Tisdale again to the bosom of their mourning families. Champion and Ray sleep in their bloody graves, unavenged, but the country they gave their lives for is now a country of peace and prosperity. Law reigns and justice hovers ever aloft to guard and protect her trusting children. Border annals bristle with such crimes. Averill, Waggoner, Jones, Tisdale, Champion and Ray were but a few among legions who gave their lives that this great country of ours might be made a country "by the people, for the people and of the people."

To be sure, Claw's book may be but the first crude attempt of cattlemen and their fellow conspirators to change the verdict of history, to try and "white-wash" Wolcott, Canton, Smith and their fellow conspirators and hirelings, the blood thirsty beings who planned and carried out the unwarranted invasion of Johnson County and the cowardly murder of her peaceful citizens. Should this futile attempt be followed by others, I will bring this before the public. Should I pass away it will remain a record witnessing the fact, and be found in the hands of my children and grandchildren.

Waverly, Colorado

January, 1928.

(William Augustus Martin)