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Article Summary: The author, using original documents from the Nebraska State Historical Society and Gage County Territorial documents, recounts a more accurate story of the widely reported Rock Creek Station incident of July 12, 1861, in which three men were killed. The incident is often reckoned as the beginning of James Butler "Wild Bill" Hickok's career as a gunfighter. The article seeks to dispel many of the sensationalized fictional accounts reported in *Harper's Magazine* and other works.

Cataloging Information:

Names: David Colbert McCanles, David McCanles, James Alexander Leroy McCanles, William Monroe McCanles, Charles McCanles, James Woods, David C Jenkins, Newton Glenn, John C Fremont, Kit Carson, Billie Hughes, Phil Dawson, Clingman McCanles, Horace [Horrace G] Wellman, J W Brink, Allen Ervin, Noah Brown, James B Hickok, Ben Holliday, Wolfe & Hagenstien, W N Glenn, Jackson Ney, Mike McWilliams, Frank Helvey, Thomas Helvey, Jasper Helvey, George Wiesel, James Blair, William Babcock, John Hughes, Wm B Hickok, F E Lenhart, Eleanor Stoll, T M Coulter, "Dutch Bill," E B Hendee, Hugh Dobbs, Mr Clyne, J B Mattingly, Emerson Hough, Wendell W McCanles, G W Nichols, Robert Y Shibley, Dr Mills, Mrs Florence Collins, W H Dozier, Walter Noble Burns, Charles Dawson, Frank J Wilstach, Kate Shell [Sarah Shull], George V Ayres, Albert Towle, Joseph McCreight, Martin Ney, Joseph Baker, Jacob Wildeboy, Jonah Brown, Joseph Holms, F L Roper, J B Mattingly, Fordyce Roper, William Tyler, H M Reynolds, H M Wickham, R C Davis, D Jimison, E C Austin

Place Names: Iredell County, North Carolina; Stateville, North Carolina; Hillsboro, North Carolina; Watauga County, North Carolina; Kansas City, Missouri; Pike's Peak; Leavenworth, Kansas; Oregon Trail; Jefferson County, Nebraska; Rock Creek Station, Nebraska Territory; Big Sandy Creek; Little Sandy Creek; Little Blue River; West Rock Creek Station; East Rock Creek Station; Brownville, Nebraska; Beatrice, Nebraska; Gage County, Nebraska; Lincoln, Nebraska; New York City, New York; Fairbury, Nebraska; Johnson County, Nebraska; Abilene, Kansas

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Photographs / Images: David Colbert McCanles; Sketch of the Oregon Trail in Jefferson County; Drawing of Rock Creek Station, Oregon Trail, 1859; Monroe McCanles as a boy of 10; James Alexander McCanles; McCanles family group: William Monroe, Julius, Clingman and Charles; Complaint against Dutch Bill; Bond for Costs, Territory of Nebraska vs Wild Bill; Warrant for the arrest of Wild Bill Hickok; Sheriff's return on the warrant for Wild Bill's arrest



David Colbert McCanles as an officer in the North Carolina Militia.
From a family tintype.

TRUE STORY OF WILD BILL— McCANLES AFFRAY IN JEFFERSON COUNTY, NEBRASKA, JULY 12, 1861

Photographic Copies of Original
Documents Never Before Published

BY

GEORGE W. HANSEN

Pioneer and Banker of Fairbury, Nebraska

The McCanles Origins.

David Colbert McCanles was born in Iredell County, North Carolina, near the town of Stateville, November 30th, 1828. His great grand-father, David McCanles, came to North Carolina from Scotland in 1770; his grandfather, David, served as a soldier thruout the war of the Revolution; his father James, born near, Hillsboro, North Carolina, moved with his family to Watauga County where young McCanles attended school, taking a six year course at an Episcopal Academy. At this school a course in military training and tactics was given, in which he became proficient. He maintained an interest in military affairs, and rose to the rank of Commander of General Musters. His sons, William Monroe McCanles of Kansas City, Missouri, and Charles, of Denver, have portraits of him in full uniform with chapeau and flowing feather, and decorated in all the panoply of a military officer of that period. At the age of 23 David was elected to the office of Sheriff of Watauga County on the Whig ticket, to which office he was elected four successive terms. He belonged to that party in North Carolina which was opposed to secession, and which kept that State from seceding until long after all surrounding States had joined the Confederacy, when it was reluctantly forced into the struggle. Whatever David's sympathies may have been for the people of his native State, he remained loyal to the Union.

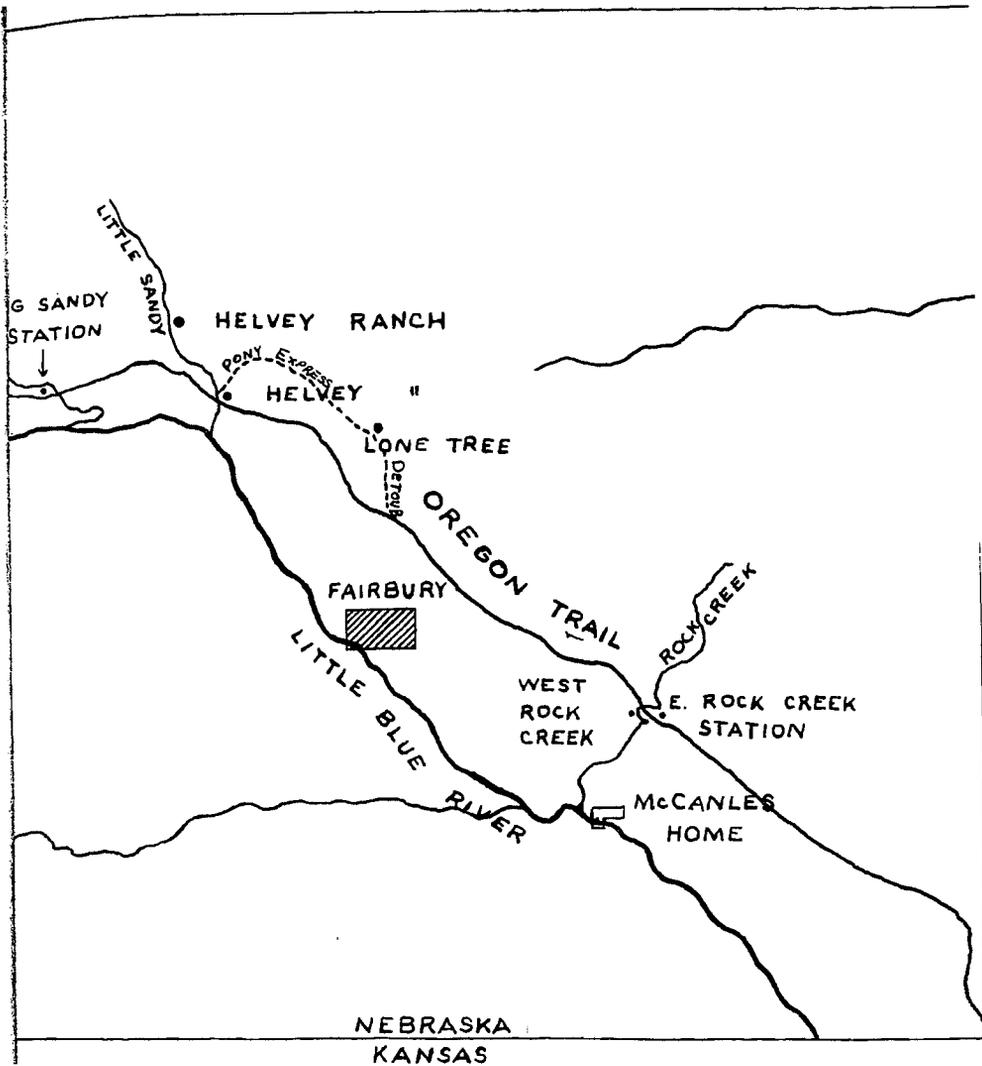
In the early part of May, 1859, David started west, accompanied by his young cousin, James Woods, his destination being the gold fields of Pike's Peak. At Leavenworth, Kansas, he procured an outfit, oxen and wagon, and pro-

ceeded west over the Oregon Trail, occasionally meeting parties returning from Pike's Peak who gave discouraging reports of the gold prospects there. He arrived at Rock Creek Station, Nebraska Territory, six miles east of the present city of Fairbury, and at Big and Little Sandy Ranches, fifteen miles farther west, early in June. Here the stories of the returning Argonauts were confirmed by D. C. Jenkins, who had gone west under the banner "Pike's Peak or Bust," and had recently returned on foot, pushing a cart before him which bore all his earthly goods and the simple legend, "Busted."

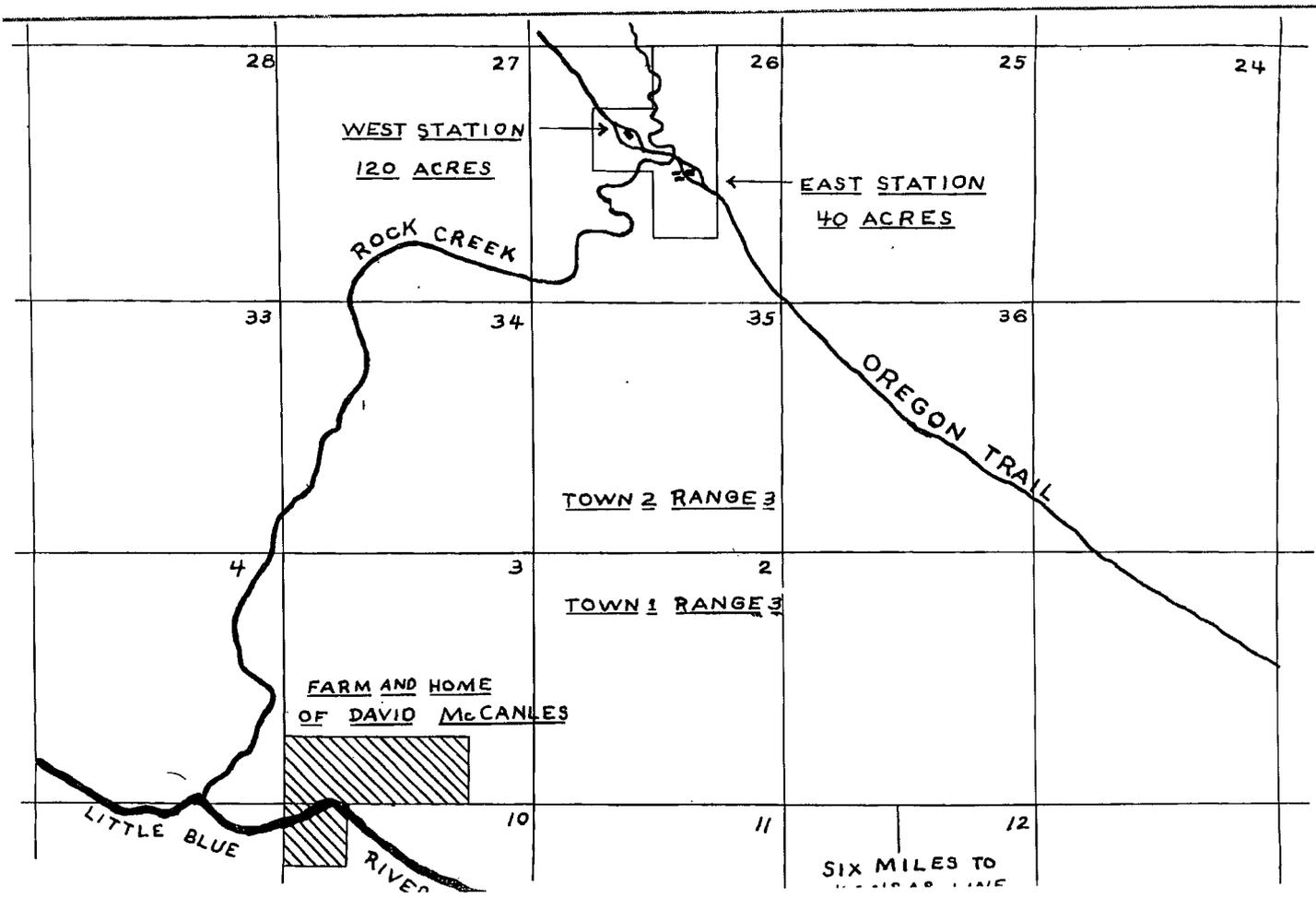
McCanles Locates on Rock Creek, Nebraska.

McCanles gave up his Great Adventure to the mountains and golden dreams of wealth. He was pleased with the country in which he found himself, a wild and unbroken prairie in a state of nature, a beautiful landscape traversed by Rock Creek, the Big and Little Sandy Creeks, and the Little Blue River with its broad and fertile bottoms, all vacant Government land, and to be had freely by settlement as squatter sovereigns or by pre-emption. D. C. Jenkins, and the Helvey families had located on the Sandys and the Little Blue in that vicinity the previous month, and they, and the two station keepers constituted almost the entire population of the county at that time, a district 24 by 48 miles in extent, then called Jones, (afterwards named Jefferson) but not organized. These settlers were not of the Wild West or Cow Boy type,—they were staunch people who built permanent homes on the borders of civilization, members of that vanguard who laid the foundations of a great Territory and State.

The Station on the west bank of Rock Creek, consisting of a log cabin, stable and corrals, kept by Newton Glenn, was for sale. It was a charming spot, rich in natural beauty and historic interest. On the smooth rock cliffs of Rock Creek were carved hundreds of names of soldiers who had camped here on their marches to western forts, to the Indian wars and to crush the so-called Mormon insurrection. Upon the highest point—above all others can still be seen



Sketch of the Oregon Trail in Jefferson County,
drawn by G. W. Hansen in 1927.



28

27

26

25

24

WEST STATION
120 ACRES

EAST STATION
40 ACRES

ROCK CREEK

OREGON TRAIL

33

34

35

36

TOWN 2 RANGE 3

4

3

2

TOWN 1 RANGE 3

FARM AND HOME
OF DAVID McCANLES

LITTLE BLUE

RIVER

10

11

12

SIX MILES TO
... LINE

the names of John C. Fremont and his scout, Kit Carson, and 1842, the date of their bivouac here. McCanles bought it, and decided to make it his permanent home. All the land in the county belonged to the U. S. Government, not an acre had yet been entered or patented by anyone. McCanles sent to Leavenworth, Kan., for a plow, the first to be brought to the county, broke the first sod, turned the first furrow, and with unbounded faith in its ultimate success made the first experiment in farming in what is now one of the richest agricultural counties in the middle west. Sod corn, melons, and squashes were planted, and the virgin soil yielded abundantly.

The Oregon Trail Crossing.

Rock Creek, with its steep and rocky banks, was one of the most difficult crossings on the Oregon Trail, often delaying travelers an entire day. Rivers could be crossed on rafts more easily. Often after heavy rains the mules or oxen would pull the heavy prairie schooners of travelers half way up the opposite bank, and then stop exhausted, the men gripping the spokes to prevent the wagon slipping back, the driver swinging his long whip, its cruel lash stinging the sweating flanks of horses and mules or raising great welts on the oxen's backs, urging them upwards.

With the same business sagacity that characterized all his enterprises, McCanless decided these obstacles could be overcome, the crossing made easier for future travelers, and a paying proposition for himself. He bridged the creek and charged a toll from ten cents to fifty cents a wagon, depending on the ability to pay and the size of the load. The travel on this great transcontinental highway was very heavy; long trains of Mormon emigrants were going west all that season, and more than 900 wagons of disillusioned Pike's Peakers returned east.

Life on the Oregon Trail.

The life on the frontier along the Oregon Trail was entirely different from frontier life as it is generally known,

far from highways or well traveled roads in lonely and un-frequented regions. Thru Rock Creek Station there passed a continual stream of humanity from every walk and station in life, and of every phase and description. The Overland Stage, carrying mail and the wealthier class of passengers, changed horses here while the occupants re-galed themselves with a cup of hot coffee or several drinks of a more fiery liquid, then hurried on. Swift running horses were kept saddled and bridled and in readiness for the ar-rival of the Pony Express rider, who changed mount and in ten seconds was racing off thru the darkness of night or the heat of the day across the continent. Twelve hundred freight wagons were upon this highway, drawn by ten thousand yoke or oxen, to the music of twelve hundred cracking whips and creaking wagon wheels. Companies, banded together for mutual protection, were on their way, some to California, some to Oregon, while others were bound for the placer diggings of Colorado. Thousands of Mormons, using every conceivable method of transporta-tion, were on their way to their Promised Land in the Salt Lake Valley—the wealthier in light, horse drawn wagons, others in wagons containing all their goods and drawn by mules or oxen, while many were on foot pushing hand carts before them, presenting a novel appearance as they wound their way across the prairie.

The Romance of Rock Creek Ranch.

No other highway on earth, either in ancient or modern times, compares with the Oregon Trail in the length of its course, the volume and importance of the various tides of emigration that have passed over it, or in its beneficial re-sults on the destinies of mankind.

Every night a new set of travelers camped under the trees and on the banks of Rock Creek, and, dazzled by the enchantment of distance, they were full of hope and con-fidence and eager to go on with the journey before them. They were not yet worn with travel, and were enjoying the excitement of their great adventure. The evenings were spent in games and dancing, and the woods and rock

walls of the creek echoed with the sound of their song and laughter. Into all these sports David McCanless entered enthusiastically, often "calling off" and fiddling for the quadrille, or charming the camp with old time tunes and melodies on his silver toned flute. Mormon emigrants often camped here, and frequently remained at rest over the Sabbath, holding their regular services of preaching, Sunday School and prayer, the woods at night resounding with their loud hozannas. McCanles was an interested attendant at these services, and delighted in debates and arguments with ministers of different denominations on questions of dogma and creed. His interest in these matters was entirely polemic. He was familiar with scripture and the poems of Shakespeare and Burns, and in public speaking or debate quoted freely from them all. In striking contrast with this phase of his character was his fondness for hard riding, horse racing, wrestling, and all the rude sports of the frontier, calling for tests of strength and endurance. He gloried in his strength and ability as a wrestler, and challenged the strongest men at local meets and in the evening camps of overland travelers, and it is a well established tradition that he defeated all comers.

Migration of McCanles Group to Nebraska.

Immediately after McCanles decided to make Rock Creek Station his permanent home, he wrote his Brother, James Alexander Leroy McCanles, describing the activities and interesting life at the Station on the great Trail, and the various profitable business enterprises he had started and contemplated, and urged him to settle up their affairs in North Carolina and come west. This his brother at once proceeded to do. With his own family and the family of his brother David, and Billie Hughs, an orphan boy David had given a home, the long journey was made by wagon, rail and steamboat to Leavenworth, Kansas, and by ox team to Rock Creek, Nebraska Territory, arriving there September 20th, 1859.

In the meantime David had, with his own hands, built a log cabin on the opposite or east bank of the creek, as a

home for his brother James and family. Standing in the doorway of his completed cabin, proud of the work of his own hands, conscious of his extraordinary physical strength and mental ability, happy in the thought of soon being reunited with his family and relatives, no prophetic vision flashed upon his mind that in two short years, standing on this self-same spot his young life would be snuffed out by a bullet, fired from his own rifle by a killer concealed in this—his own cabin.

A Memorial to McCanles.

Upon the rock foundation of this stoutly built cabin Mr. Phil Dawson, brother of the present owner of the old Rock Creek ranch, assisted by Mr. Clingman McCanles, David's third son, has placed a granite boulder to be presented to the State of Nebraska, and dedicated as a marker of the Oregon Trail, and erected as a memorial to David Colbert McCanles, Pioneer, Constructive Citizen and Home Builder of Nebraska.

Overland Stage Line and Pony Express.

In the spring of 1860, Russell, Majors and Waddell, proprietors of the Central Overland California and Pikes Peak Express Company, generally known as The Overland Stage Company, made active preparations to establish the Pony Express. They purchased 500 swift running horses and employed from 70 to 80 young men, light of build and inured to exposure and the hardships and dangers of the frontier. They established stations about fifteen miles apart from St. Joseph, Mo., to Sacramento, California, a distance of 2000 miles.

David McCanles enlarged the East Station house by adding a "lean-to" twelve feet wide, on the south side, built a bunk house and later in the season leased the property to the Stage Company. This became necessary, because the Stage Company had adopted the policy of operating all their stations. Horace Wellman and wife were placed in charge as keepers, and J. W. Brink, known as

"Dock", stock tender. These names should be kept in mind, for they loom large as accomplices of Hickok in the Hickok-McCanles tragedy.

First Claim Taken in Jefferson County.

James McCanles and family moved to a beautiful tract of land in the Little Blue river bottom, at the mouth of Rock Creek, about three miles south of the station, having previously taken possession as a squatter, and on August 2nd, 1860, he purchased it from the United States Government. This was the first tract of land entered in the county for agricultural purposes and a home.

On December 17th, 1860, David sent Allen Ervin, a trusted employee to Brownville to enter for him at the United States Land Office, the 160 tract of land on which the East and West Rock Creek Stations were located. He then became the owner of the property in fee simple, and a Patent was issued for same dated April 1st, 1861.

County Organization.

McCanles endeavored to effect a county organization in order that settlers might adjudicate minor controversies and petty criminal cases without the necessity of taking them to Beatrice, a distance of 30 and 50 miles from the respective settlements. He called a mass meeting of the residents of the county and addressed it, showing the advantages of such organization, and outlined a method of procedure. An election was held and the ballot was unanimous for organization, but authority was withheld by the Legislature by reason of scarcity of population, there being less than 20 families at that time in the district 24 by 48 miles in extent.

Hay at Sixty Dollars a Ton.

During the entire year of 1860 the McCanles brothers were actively engaged in their various business enterprises, and in improving the farm on the Little Blue with more barns and corrals for their stock, and breaking prairie sod

for more extensive farming operations. Tall blue stem grass grew luxuriantly on this fertile virgin soil and upon the adjacent Government lands, and large quantities of hay were put up and sold to the Stage Company and to travelers on the Trail at the prevailing high prices of from thirty to sixty dollars a ton. All other crops that year were a complete failure. The great drouth and hot winds burned up what the grasshoppers had not destroyed. David C. Jenkins, our first settler, in a speech at a Fourth of July celebration at Fairbury in 1876 said:

"1860 was the year of the memorable drouth which enriched Pomeroy of Kansas and others who dealt in supplies, but fortunately most of our first settlers were engaged in some manner in the overland traffic."

During the fall of that year James McCandles decided to take his share of the property and move nearer the Missouri river where the country was more thickly populated and farming had been proven a success. An agreeable division was made in which David took over the farm in the Little Blue bottom. James and family located in Johnson County, about fifty miles east of Rock Creek Station, where he bought three farms.

McCandles Finds First School.

David moved to the farm on the Little Blue which now required all of his time and attention. He built a small cabin near the home for a school house and at his own expense engaged Noah Brown, a young man who had worked for him at the Station, to give part of his time teaching his children and two Kelsey girls, step children of a stage driver. This school and a similar one in the Helvey home on the Little Sandy were the first schools in the county.

Hickok (Wild Bill) Arrives at Rock Creek.

Early in the spring of 1861 the Stage Company sent James B. Hickok, a young man 23 years of age from their headquarters at Leavenworth, Kansas, to Rock Creek Station as assistant stock tender, or stable hand-not as a

peace officer, as has so often erroneously been stated. There was not a public officer in the county, not a justice of the peace nor a constable. On account of some peculiarity of Hickok's nose and prominent upper lip, not then covered by a moustache, McCanles dubbed him "Duck Bill," which nickname stuck and irritated and exasperated him. This nickname was sometimes perverted to Dutch Bill. The significance of this digression will appear later in the records of the trial.

Overland Stage Company Buys East Rock Creek Ranch.

At the breaking out of the Civil War the Stage Company began preparations to change their semi-weekly to a daily stage, mail and passenger service, and to double the service of the Pony Express, from the Missouri river to California. The southern overland route had been abandoned and an increase in equipment of horses, coaches, and men and larger accommodations at Stations was needed for the Oregon Trail route. The Company entered into negotiations with McCanles for the purchase of the buildings of the East Rock Creek Station, and in the latter part of April, 1861, came to an agreement for their sale to the Company on their usual terms, *which was generally one third or one fourth in cash, and the balance in two or three equal monthly payments. The deferred payments were to be made thru Mr. Wellman, the Station Keeper and agent of the Company. As security for the deferred payments McCanles retained the title to the property, to-wit: the North West quarter of the South East Quarter of Section 26, Town 2 North, Range 3 East of the 6th principal meridian. The Stage Company never did make any of these deferred payments, and the legal title from the U. S. Government down is still in the name of David C. McCanles.

At this time the company was irretrievably in debt and five months later the Company lost all its properties thru foreclosure of mortgages, the entire concern passing to Ben Holliday.

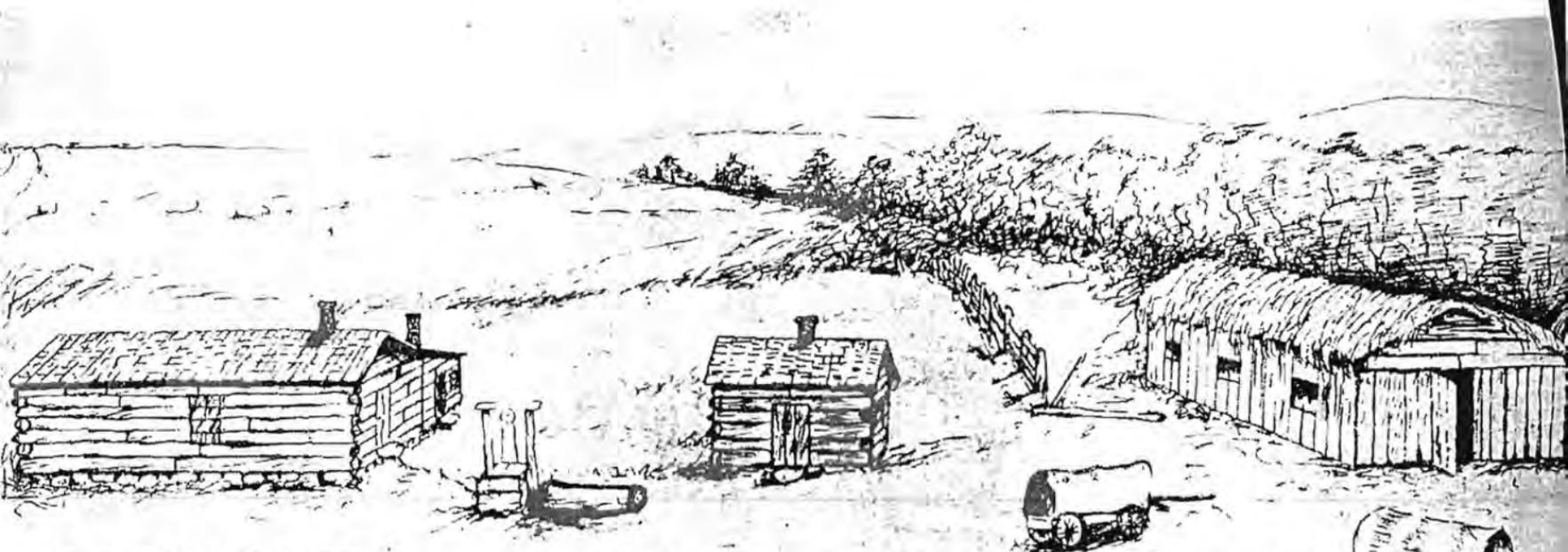
*Nebraska State Historical Society, Pub. Vol. XX, Pg. 296.

McCanles Sells West Rock Creek Ranch.

On April 22nd, 1861, McCanles sold the West Rock Creek ranch, consisting of 120 acres to Wolfe & Hagenstien, payment for the same to be made in one year from that date. He retained the title as his security, and gave the purchasers a Bond for Deed when its provisions should be fulfilled. This Bond for the sum of \$1200.00 was signed by David C. McCanles and wife and witnessed by his cousin, James Woods, and W. N. Glenn, and recorded in the office of the recorder of deeds of Gage County, Nebraska Territory.

Records of Rock Creek Ranch Sale.

In the Territorial archives of the Probate Court of Gage county, I found the original documents. "In the matter of the administration of the Estate of David C. McCanles, "deceased." On April 14th, 1862, James McCanles was appointed Administrator of this estate. On September 2nd, 1862, Wolfe & Hagenstien, having made all their payments as agreed, James McCanles as Administrator made and delivered to them a Warranty Deed for the 120 acre West Rock Creek ranch. It is interesting to notice that the first signature as surety on James McCanles' \$4,000.00 bond as Administrator is the well known name of W. W. Hackney, now a resident of Lincoln, who owned and operated the "Hackney Ranch" in 1856 and 1857, merchant of Brownville in the '60s, capitalist and one of the organizers of the Central National Bank of Lincoln, of which his son is President. Mr. Hackney, now in his 92nd year is probably the earliest settler of Nebraska now living. When the first deferred payment for East Rock Creek Station fell due McCanles called to collect it, and was told by Wellman that the money had not yet arrived. This excuse was made during the month, and on July 1st, when the final payment fell due and was not paid, McCanles demanded full payment or possession of the Station premises. Wellman replied that he would make a trip to the River at once for supplies, and would then collect the money for him. It was arranged that Monroe McCanles,



OREGON TRAIL ROCK CREEK STATION
ESTABLISHED BY DAVID C. McCANLES 1859.

Rock Creek Station, Oregon Trail, 1859. Reproduced from a drawing.



Monroe McCandles as a boy of ten. From a family photograph.

David's 12 year old son, should accompany him, and the next day, July 2nd, they started together for the Missouri River, Monroe with his child's shot gun picking off game along the road, making a perfect holiday of the trip, never dreaming of the terrible tragedy with which it would close.

The Trip to the Missouri River.

About ten days were spent in making the trip to the Missouri River and back, and Mr. Wellman and Monroe McCandles arrived at the Station about four o'clock in the afternoon of July 12th, 1861. They were expected several days sooner, but had been delayed by high water, and McCandles had called at the Station on several previous days expecting their return.

The Boy Monroe McCandles.

When Monroe McCandles reached the Station he saw horses hitched to the ranch of Jack Ney, which was situated a short distance south east of the stage station. He recognized the horses as belonging to his father, and ran over to see if he was there. He found his father, glad to see him again, asking him if he enjoyed the trip and how Wellman had treated him. Monroe says that his father appeared worried by the fact that Wellman had apparently not been successful in obtaining the money due him from the Stage Company. After a little pleasant conversation between father and son, McCandles, accompanied by his boy, immediately went to the Stage Station to talk with Wellman. Gordon and Woods went on down to the barn. These three farmers and the 12 year old boy constitute the entire posse of that notorious "McCandles gang" imposed on a gullible public during the last 60 years by sensation scribblers as a band of cut-throats, murderers and horse thieves which terrified the people of southern Nebraska and northern Kansas for years, and extended their depredations 500 miles west across an unpopulated country into the Rocky Mountains.

The Ranch Buildings in 1861.

The Station building consisted of a one room log cabin 20 feet long by 18 feet wide and a "lean-to" 20 feet long and 12 feet wide. The east ends were curtained off, forming bed rooms. The kitchen, fire place and chimney were at the west end of the building. The barn was situated a short distance to the west and south of the Station proper. Wellman was in charge of the Station, Brink was stock tender and Hickok was his assistant, or stable hand subordinate to Brink. These three men and Mrs. Wellman were positively known to have been at the Stage Station on the afternoon of July 12th, 1861.

McCanles Calls Wellman Out.

On arriving at the Stage Station McCanles and his son, Monroe, went to the kitchen door on the west. There is no reliable evidence that any of these men were armed and subsequent events prove clearly that they had no arms of any description in their possession at that time. McCanles on arriving at the kitchen door, asked for Wellman. Mrs. Wellman appeared and in reply to McCanles' question as to whether Wellman was in, said that he was. McCanles demanded that he come out. Mrs. Wellman promptly informed McCanles that he would not come out. This only added to McCanles' suspicion and anger and he told Mrs. Wellman that if Wellman would not come out he would go in and drag him out. Hickok stepped to the door. McCanles was somewhat disconcerted by Hickok's sudden appearance. He could not understand his motive in taking part in a matter in which he had no personal interest, while Wellman himself remained out of sight.

McCanles' anger at all these maneuvers and evasions increased, and he evidently believed that either the Stage Company was bankrupt and could not pay the money owed to him, or that Wellman had collected it and was planning to trick him out of it. He had mentioned his suspicions to his family frequently during the previous month. He was now determined to collect the money due him or take

possession of his property. He had been a sheriff in North Carolina, and during eight years service as such officer had learned considerable law, and now living in a country without courts of justice and peace officers, realized his best and only recourse was quick action, taking the matter in his own hands and obtaining re-possession of his premises by throwing out the occupants by physical force, if necessary. It was his only effective remedy, as there would be no court of competent jurisdiction held in the district for the next two years or more. He was powerful, courageous and unafraid of any living man, and determined on his course.

McCanles and Hickok Parley.

Not having any quarrel with Hickok, McCanles asked him if they had not always been friends and if they were not still friendly, and being assured that such was the case, asked Hickok for a drink of water. This was a strange request to make in such a tense situation, but McCanles must have sensed the fact that he was in a rather precarious position, and took this method to gain time and survey the situation. While drinking he evidently saw something that aroused his suspicions, because as soon as he had finished drinking he handed the dipper back to Hickok and quickly walked to the other door of the cabin. While he was doing so Hickok had gone behind the flimsy calico curtain which separated the rooms. McCanless realized that, while his business quarrel was with Wellman, he now had Hickok also to settle with. On the other hand, Hickok knew that by injecting himself into the controversy he had become involved and that he and Wellman together were no match in a physical encounter with a man of McCanles' well known strength and courage. McCanles called to Hickok to come out and if he had anything against him to fight it out square.

Hickok Kills McCanless with Rifle.

On this occasion, in fact at this very moment—Hickok decided on a course which in this case was so successful that he followed it the remainder of his life on the frontier.

It was to shoot to kill on his first suspicion of a physical encounter or personal danger.

From his concealed position behind the curtain he shot McCandles, using the rifle McCandles had left at the Stage Station. This shot was not fired in the heat of a conflict or in self defense, but was deliberate and calculated and well aimed and pierced McCandles in the heart.

From all accounts of killings in which Hickok subsequently took part, I have been unable to find one single authentic instance in which he fought a fair fight. To him no human life was sacred. He was a cold blooded killer without heart or conscience. The moment he scented a fight he pulled his gun and shot to kill. So great was his fear of personal harm, and so quick was he to pull the trigger that on one occasion, at Abilene, Kansas, he killed Mike McWilliams, his most intimate friend, before he recognized him.

Monroe McCandles Sees His Father Die.

McCandles fell backward from the doorstep to the ground. His son, Monroe, who was standing by him when he was shot, says: "Father fell to the ground on his back. He raised himself up to an almost sitting position, took one last look at me as tho he wanted to speak, and then fell back dead." The shot was entirely unexpected as McCandles had at no time made an effort to protect himself from rifle fire. He would never have taken his twelve year old son, Monroe, to the door or to the cabin with him had he expected any gun play. He had never in his life on the frontier used a gun nor threatened to use a gun on any man. If, or when, he fought, he fought fair and never with a deadly weapon of any kind, but with his bare fists.

Hickok Shoots Woods and Gordon.

Woods and Gordon, hearing the shots, came running to the cabin, when Hickok came to the door and fired two shots at Woods from a Colt's revolver, wounding him

severely. Woods ran around to the north of the cabin, followed by Wellman who had a heavy hoe in his hands.

Meanwhile Gordon turned and ran to get away from the gunfire and Hickok fired two shots at him, wounding him. Wellman had succeeded in dispatching Woods by crushing his skull with the heavy hoe, and, running around the house where young McCanles was kneeling over his father, stupefied at the awful horror of the things taking place around him, struck at young McCanles with the hoe yelling "Let's kill them all." Monroe dodged the blow and ran terrified away, chased by Wellman, but outran his pursuer, and, familiar with every foot of the ground, found a hiding place in the ravine south of the Stage Station.

Mrs. Wellman Urges "Kill 'Em All."

Mrs. Wellman, who was the common law wife of Wellman, stood in the doorway when the chase began, screaming: "Kill 'em all, kill 'em all." Gordon, altho severely wounded, had succeeded in getting into the brush and about 80 rods down the creek away from the cabin, where he fell exhausted from loss of blood. He was followed by the Hickok crowd and while he begged for his life, was finished with a load of buckshot fired from Brink's shot gun, thus completing the triple murder by the butchery of two of the wounded victims.

The Widow McCanles and Five Orphan Children.

During the entire time of the fracas, not a shot was fired by either McCanles, Woods or Gordon, and without any means of defense they were shot down like brutes. Even the twelve year old boy escaped only because of a lucky dodging of a blow, and the speed added to his feet by terror. After succeeding in his escape Monroe ran three miles to his home where he told his mother the horrible story. Breathless and exhausted from the long run, horrified and unnerved by the ghastly and bloody scenes he had witnessed and the same fate he himself had so narrowly escaped, Monroe was unable to return there with his mother. She resolved to go to the Rock Creek Station and face

the three murderers, hoping some spark of life might still remain in the bodies of her husband and friends and that they might be nursed back to health. But her errand was only a horror, and all in vain.

After viewing the bodies of the murdered men and realizing the helplessness of herself and five young children in this catastrophe, she sent Tom Finan, a boy employed on the McCanles farm, to the home of James McCanles in Johnson County with the news of the murder. He saddled David's favorite and fastest horse and made the journey of fifty miles during the night and early morning of the next day.

Funeral of McCanles, Gordon and Woods.

The Hickok-Wellman version of the killing was quickly carried to the neighboring ranches at Big and Little Sandy Creeks and to the settlements along the trail by stage and freight drivers. The following morning the Helvey brothers, Frank, Thomas and Jasper, came to Rock Creek Station, gathered up the bodies of McCanles, Woods and Gordon and buried them, McCanles and Woods in a rude box in one grave and Gordon in a blanket in another. Hickok told Frank Helvey that they killed these men in self defense. Frank Helvey has told me at various times, since my first acquaintance with him in 1870, particularly in 1912 when we were both associated on the committee to mark and dedicate monuments on the Oregon Trail, and again in my office a few weeks before his death, which occurred the Fourth Day of July, 1918, at which time I reduced the main points to writing,—that they found the body of McCanles lying on the ground where he fell backwards from the doorstep; Woods around the corner of the cabin with pistol shots in his body and head crushed with a heavy instrument, and Gordon about 80 rods south of the Station, filled with buckshot, and no guns near any of them, corroborating Monroe's account in its most vital and important features—that there was no fight either in the cabin or outside, and that three unarmed men, (not ten) were killed.



David Colbert McCanles as he appeared in 1861.
From a family photograph.



Mrs. David Colbert McCanles. From a family photograph.

Subpoena
Territory of Nebraska, ss,
County of Sage

Subpoena
Territory of Nebraska, ss,
County of Sage } ss.
To Nath H
Brown Appear and testify
before the Superior Court

Territory of Nebraska
County of Sage

Subpoena
Territory of Nebraska, ss,
County of Sage

County of Sage - Territory of Nebraska
August 18 1861
Chas

Territory of Nebraska
Sage County } ss

J. M. Carlos, being
duly sworn on his oath says
that Nath Bram is a material
witness in this case of Territory
of Nebraska vs Dutch Bill
Wock and Wellman, in the
charge of Murder, and that
he can not safely proceed to
trial for want of his evidence
and that he has good reason
to believe that he can procure
his attendance if a delay of two
days be granted. J. M. Carlos

Subscribed and sworn to before
me this 16th day July 1861

J. M. Coetter
Justice of the Peace

230 230
230 230
50 50
300
1000

250
210
500

250
250
50
250
1000

30 230
210
50

50
50
300

230
50
750

2	Caths	20	Justices fees	60
	Taking Bond	50	Howe Sheriffs fees	50
	Warrant	50	Meyer Constable fees	
4	Subpoenas	200	Witnesses fees	
3	Subpoenas	75	J. F. H. Gray	100
1	Subpoena	25	Mr. Wiley	50
1/2	New Wilson's	40	J. D. Baker	100
	new Bond	50	Jane Wellman	50
1	Catha	10	Ira Merrill	50
2	Subpoenas	50	Eric Hagertine	50
1	Subpoena	25	J. Holmes	50
1	Catha	10	J. H. Brown	50
2	Caths	20	Mr. McAnlas	50
3	Caths	30	Ch. Gordon	50
5	Caths	50		
	Stat. Light	40		
3	Caths	30		
	Judgments	645		
	Stamps of Justices	50		
	Bills in	695		
				1178

This is the Bill of Costs in the Case of Territory of Nebraska against Wm. B. Hickok vs. W. Brintk & Horrell & Wellman, on a charge of perjury which was not sustained, and the costs have to come off of the County. Said Cause was examined before me on July 15-16. 1875. A.D. 1861.

J. M. Ogutter J. P.

Witnesses of the Burial.

On the day following their murder, the bodies of McCanles, Woods and Gordon were buried. Besides the widow McCanles and her five fatherless children from two to twelve years of age, there were present the following named permanent settlers: Frank Helvey, Thomas Helvey, Jasper Helvey, George Weisel, David C. Jenkins, James Blair, William Babcock, John Hughes. I was well acquainted with all of them up to the time of their deaths, and with Frank Helvey, the last survivor of them, intimately for over forty seven years. They all told the same story—that three men were killed; their bodies laid on the ground where they fell, and no guns near them; that four people were implicated in the affair—Hickok, Brink, Mr. and Mrs. Wellman; that none of these persons showed a scratch or a scar as a result of the controversy.

Sensation Writers.

During the last forty years newspaper men, authors of fiction, and local historians have, at various times when writing some new version of the Wild Bill Hickok-McCanles tragedy, endeavored to find some of the official documents and records of the trial for murder in this celebrated case; but beyond the single line on the Appearance Docket in the office of the Clerk of the District Court in Gage County, reading "The Territory of Nebraska vs. Wm. B. Hickok, J. W. Brink, and Horrace G. Wellman," nothing had ever been found. Monroe McCanles had told me that there had been a trial held in the cabin of "Pap" Towle at Beatrice before a justice of the peace, after which the accused men were turned loose, that there had never been a trial in the District Court, and his Uncle James, who was the complaining witness, always claimed the trial before the justice was a sham. This turns out to be as correct a statement of the matter as a boy of-twelve could comprehend and remember.

Discovery of Original Documents on Tragedy.

With little faith, but in the hope that I might find some official document, record, or reference that would throw light on this case, where others had failed, possibly thru unfamiliarity with district and county records, I went to Beatrice on June 2nd (1926) and began a search thru old documents and records in the office of Mr. F. E. Lenhart, Clerk of the District Court, thru whose courtesy and with the help of Miss Eleanor Stoll, his assistant, soon had all the old and musty legal documents of Territorial days before me. In an envelope yellowed with age, which probably had not seen the light of day for sixty years, I finally found all the original papers in the preliminary examination before T. M. Coulter, a Justice of the Peace for Gage County. The Territorial records of the County Court and Probate Court of Gage County also yielded interesting information.

First Publication of Original Records.

With the aid of these newly discovered official documents, recent personal interviews with Monroe McCanles, who says "the recollections of those eventful days are burned into my memory and are vivid and distinct as on the days that they occurred," and with the sons of James McCanles, and the account given me by Frank Helvey, who, with his brothers buried McCanles, Woods and Gordon, we have for the first time the material from original sources, official and documentary evidence for an authentic history of this tragedy.

On receipt of the message and appeal for help from Mrs. McCanles, James McCanles went immediately to Beatrice, arriving at one o'clock, July 13th, and swore to a complaint before T. M. Coulter, a justice of the peace for Gage County, charging three men with the crime of murder committed in Jones County. Finan did not know the names of the accused men, only the nicknames by which they were generally known, and the justice wrote the title of the case in the documents, as follows:

The Territory of Nebraska
versus

Duch Bill, Dock, and Wellman, their other names unknown.

After the arrest of the accused men and their appearance in court, the later documents were entitled:

The Territory of Nebraska, against Wm. B. Hickok, J. W. Brink and Horrace G. Wellman.

Neither the Territory nor the defendants were represented by attorneys. The justice of the peace, T. M. Coulter, made out all the papers in the case, and appears thruout the preliminary examination to have acted for both parties, especially for the defendants. The warrant for the arrest of the accused men and subpoenas for eleven witnesses were delivered to the Sheriff of Gage County, E. B. Hendee, at 2 P. M., July 13th, 1861. All the parties lived a distance of thirty miles and more from Beatrice, and the sheriff and posse made the trip by wagon. The Sheriff's return shows that he "served the warrant by arresting the within Duch Bill, Dock, and Wellman this 15th day of July, 1861." He arrived in Beatrice with his prisoners late in that afternoon.

Eye Witnesses of the Murder.

The only parties who were eye witnesses to the murders were the accused men themselves, Mrs. Wellman, an accomplice, and Monroe McCanles, son of David, a boy of twelve who stood by his father's side when he was shot. Monroe was the only eye witness to the killing who was not criminally implicated in the affair. James asked for a subpoena for Monroe which was issued, but the original document shows no endorsement of its receipt or service by the sheriff. The Justice did not permit Monroe to testify nor to hear any of the testimony given by the accused men. He was excluded from the room during the entire time they were examined. Justice Coulter called Mrs. Wellman to testify "in favor of the Territory," and she being an actual accomplice and wife of one of the defendants. The Justice could have had no other reason for

calling her to testify in favor of the Territory than to break down the case for the Territory, justifying Monroe and his uncle James in their assertion that it was a sham trial. The defendants and Mrs. Wellman testified that the defendants were attacked and the killing was done in self defense. None of the other witnesses knew anything about the case except from hearsay.

Justice Coulter's Bill of Costs.

On October 7th, 1861, Justice Coulter filed his bill of costs with the County Court of Gage County, N. T. (see Appendix) with his finding in the case as follows:

This is the Bill of Costs in the case of

Territory of Nebraska,
against

Wm. B. Hickok, J. W. Brink & Horrace G. Wellman

on a charge of Murder which was not sustained, and the costs have to come off the County.

Said cause was examined before me on July 15, 16, & 18, A. D. 1861.

T. M. Coulter, J. P.

First Criminal Case in Gage County.

There were other circumstances contributing to the decision which the justice seemed to desire to make. It was the first criminal case ever heard in the county. Neither the defendants nor the men they killed were known to the few people who lived in Beatrice and they had no great interest in the case except that they would have the costs to pay, a most serious matter at that time. There was no jail in the county, and the prisoners, if bound over to the next term of district court must be guarded day and night, fed and sheltered for more than two years. There was no money in the treasury and it was difficult to obtain men to act as temporary guards during the trial. The cost for guarding and feeding the prisoners was already \$56.60,

Sheriff, witness and justice costs \$141.95 and accounts against the county were worth only fifty cents on the dollar. The only direct testimony produced or permitted regarding the shooting was that of the accused men themselves and Mrs. Wellman, who testified that they were attacked and the killing was done in self defense. None of the other witnesses knew any thing about the shooting. The defendants were employees of the Overland Stage Company, the most influential corporation west of the Missouri river and many of its stage and freight drivers were present at the trial. Coulter was a candidate for popular favor and for County Treasurer, and a few months later was elected to that office.

Justice Coulter a Convicted Defaulter.

That Justice Coulter was a man unworthy to serve as a public official is shown by his subsequent career as County Treasurer. When Coulter's term of office expired he defaulted and failed to turn over the public funds to his successor. He was sued by the county and judgment obtained against him for \$547.98 and costs. His bondsmen had the judgment to pay. In Mr. Hugh Dobbs' most excellent history of Gage County he says that T. M. Coulter was arrested for embezzlement, and as there was no jail in the county, the sheriff had to keep him under guard. The Sheriff, Mr. Clyne, was a member of the State Militia, and when in August, 1864, he was called on to go with his company to repel the Indians who had invaded Jones County and murdered people along the Oregon Trail and settlers on the Little Blue River, he was compelled to take Coulter with him, being unable to find anyone who would guard him during his absence. There was no money in the treasury and no court with jurisdiction to try the case would convene for the next two years. Coulter found himself well fed, clothed and sheltered and made no attempt to escape altho every opportunity was given him. At last the county court in sheer desperation decided on an almost inhuman experiment. Coulter was placed in care of J. B. Mattingly, a deputy sheriff, who took him to his farm where he received the regular Mattingly fare and

quality of food. After a few weeks of this heroic treatment he disappeared, and no effort was made to follow or apprehend him.

The Civil War—the Secession Story.

The killing of McCanles, Woods and Gordon occurred July 12th, 1861, three months to a day after the declaration of Civil War. War meetings were being held, volunteers enlisted, drilled and sent to the front where battles were being fought, and the slight initial successes of the rebel army filled the north with consternation. The bitterest passions of prejudice and hatred engendered by the war were loose in the country. Any outrage committed on either side of the border, if claimed to have been perpetrated by the enemy, was condoned or overlooked.

Hickok and Wellman took advantage of this hectic and inflamed condition of the public mind to circulate the report by stage and freight drivers and Pony Express riders, going east over the Trail, that they had been attacked by a gang of secessionists and in the fight which ensued they had killed three men and the remaining party escaped. This news like all stories repeated by word of mouth became still farther exaggerated and distorted and soon bore no resemblance to the original affair.

The First Printed Account of Rock Creek Tragedy.

The first contemporaneous account of the story appeared in the Brownville (Nebraska) Advertiser of July 25th, 1861. It gave no names nor its authority, but was founded on the rumors which had grown in so short a time to include the pillaging of a wagon train, as follows:

From the West—Six Men Killed—Indians—Scouting Parties.

The following we extract from a private letter just received from a reliable and well informed friend residing on the Big Blue:

"Three wagon loads of arms and ammunition passed through the neighborhood below here last week, going westward. On Friday three men were killed at Rock Creek on the Military Road about 30 or 35 miles west of this. All we know is that the difficulty originated in the distribution or division of a wagon load of stuff from the Missouri river, and it is supposed it was one of the three wagons above mentioned. During the difficulty some secessionists put a rope around a Union Man's neck, and dragged him some distance toward a tree with the avowed purpose of hanging him. He managed to escape. They then gave him notice to leave in a certain time or be hung. At the end of the time five of them went to his house to see if he had gone, when he commenced firing upon them and killed three out of the five; the other two making a hasty retreat."

Story Started by Wellman and Hickok.

The great issues of the Civil War engrossed the attention of the American people during the next five years to the exclusion of all minor tragedies,—and this account was copied only in the Nebraska City News. This earliest account was forgotten—buried in the old newspaper files to be resurrected sixty-five years afterwards. It is the story fresh from the lips of Hickok and Wellman as told by them and carried to the settlement on the Big Blue and along the Trail, and with the exception of the speculation of the correspondent and the slight exaggeration naturally accumulated in its frequent telling by word of mouth, is undoubtedly the version of the affair they desired to convey abroad. At Rock Creek, Little Sandy and Big Sandy Stations where it was well known that the Stage Company was indebted to McCanles for a large sum of money which he had been unable to collect, and that this was the cause of the quarrel, Hickok and Wellman only claimed they were attacked and killed the men in self defense.

How the Horse Stealing Story Started.

This earliest account is of importance, proving as it

does that Hickok and Wellman did not claim they were guarding the Stage Company's horses, nor that McCanles came to steal them. That story was invented twenty years afterwards by Buell in his "Heroes of the Plains," and given great publicity by Emerson Hough in 1905. It has since been used to furnish a motive for the massacre, and to maintain Hickok in the role of a hero who killed, according to the stock phrase of his admiring biographers, "only in the line of duty, or in self defense."

All Union Settlers—McCanles Fourth of July Speaker.

The names of all the residents of the county in which McCanles lived are known, and their political affiliations. They were unanimously Union men, and at a Fourth of July celebration held at Big Sandy Station in 1861, eight days before the death of McCanles, they selected him as orator of the day, and he delivered a patriotic address on that occasion.

Years afterwards, David's grandson, Wendell W. McCanles, a prominent lawyer of Kansas City, Mo., was invited to deliver a Fourth of July address near the old Rock Creek home. At the conclusion of his address an old settler mounted the platform and raised a great laugh, in which Wendell joined most heartily, by telling the audience that many, many years before, at another Fourth of July celebration, he "listened to a more eloquent, fiery, rip-roaring oration delivered by this young man's grand father, David Colbert McCanles."

The Harper's Magazine Story—1867.

In the February number of Harper's Magazine for 1867 there appeared an article written by G. W. Nichols purporting to be a personal interview with William (James) B. Hickok, and the author says it is written exactly as he received it from Hickok's lips.

Nichols says that the interview was had with Hickok at Springfield, Mo., in 1865, several months after the close of the Civil War. He says:

Wild Bill said, "You see, this McKanles was the Captain of a gang of desperadoes, horse thieves, murderers and regular cut-throats who were the terror of everybody on the border, and kept us in the mountains in hot water when ever they were around. McKanles and his gang were border ruffians in the Kansas row. This was just before the war broke out, McKanles and his gang, of course went with the rebs."

Fierce Falsehoods as Told by Wild Bill.

The Kansas border troubles closed in 1856, two years before David and James McCanles left North Carolina. David McCanles had never been twenty-five miles west of Rock Creek Station, and the mountains were over 400 miles west, across a country unpopulated except by Indians. He had never been accused of crime by the people who knew him and were in direct and constant association with him. He was absolutely honest in all his business dealings. Every man in the county knew every horse in the county by name as far as he could recognize it. These old settlers also stated that no horses were stolen in our county until August, 1864, when the Indians drove the settlers from their homes and stole a few horses that were left behind. At that time, Monroe McCanles, a boy of sixteen, took his mother and the younger children to Marysville where stockades had been built, and remained until the militia had cleared the county of Indians.

Nichols Continues His Harper's Magazine Article:

"It was in '61 when I guided a detachment of Cavalry who were coming from Camp Floyd. We had nearly reached the Kansas line and were in southern Nebraska when one afternoon I went out of camp to the cabin of an old friend of mine, Mrs. Waltman."

More Fabrication.

This is a pure fabrication. Hickok was sent to Rock Creek Station by the Stage Company, from Leavenworth,

Kansas, several weeks before the war broke out, and remained there constantly until a short time after the tragedy when he and Wellman were transferred farther east. Hickok was never a soldier; he did not enlist in the Civil War.

"The minute she saw me she screamed, 'Is that you, Bill—My God, run, they will kill you. McKanles knows you are bringing in that Yankee Cavalry, and he swears he'll cut your heart out. There's ten of them and you have no chance. They came up here five minutes ago. McKanles was draggin' poor Parson Shipley on the ground with a lariat round his neck.'"

Mrs. Wellman had seen Hickok every day during the last five months at his duties as stable hand. He boarded at the Wellmans and spent his spare time and evenings gambling with the drivers and such travelers as could be induced to come into the game. There was no Parson in the county until two years later. There was, however, a man by name of Robert Y. Shibley who settled south of the Rock Creek Station near the Nebraska-Kansas line in Kansas. Mr. Phil Dawson, a member of the Dawson family which now owns the old Rock Creek property informs me that he visited Mr. Shibley in 1923, a year before his death, and that Mr. Shibley related the story of the Rock Creek tragedy, and his version of the affair corroborated the story as given by Monroe McCanles. He said that he worked for David McCanles in 1860 and 1861 at various times, was always well treated by him, and found him a fine man to work for; that he was strictly honest in all his dealings with him and with others as far as his knowledge and acquaintance was concerned. Evidently Mr. Shibley, who was over 80 years of age when interviewed by Mr. Dawson, is the Parson Shipley of the Harper's Magazine story, and the Mr. Shapley in Buell's "Heroes of the Plains," "McCanles dragged along the ground with a rope around his neck, almost dead, and horses stamping on him."

Wild Bill's Account.

"Surround the house, and give him no quarter, yelled

McKanles. 'Come in here, you cowardly dog,' I shouted. 'Come in here and fight me.' "McKanles was no coward. He jumped inside the room with his gun levelled to shoot; but he was not quick enough. My rifle ball went through his heart. He fell back outside the door."—then the ruffians came rushing in at both doors. But I never aimed more deliberately in my life. One-two-three-four; and four men fell dead. Two of them fired their bird guns at me. One I knocked down with my fist. The second I shot dead. The other three clutched and crowded me onto the bed. Before I could get to my feet I was struck across my breast with the stock of a rifle and I felt the blood rushing out of my nose and mouth. Then I got hold of a knife—and I struck savage blows, following the devils from one side to the other of the room and into the corners striking and slashing until I knew that every one was dead. There were eleven buck shot in me. I was cut in thirteen places. All of them bad enough to let the life out of a man. Dr. Mills pulled me safe through it after a bed siege of many a week."

The Cavalry Company Falsehood.

The Soldier Camping ground was within a stone's throw of the cabin. Hickok does not explain why the cavalry company stood idly by, looking on this so-called "greatest one man gun fight in history," and made no effort to assist him in this desperate battle with ten secessionists.

Arrest of Wild Bill and Wellman.

This "fight" occurred July 12th, 1861. On July 15th, E. B. Hendee, Sheriff of Gage County, Nebraska Territory, arrested Hickok, Brink and Wellman, and produced them in court at Beatrice on the same day, having made the trip of thirty miles with the prisoners in a heavy lumber wagon. There was not a scar or a scratch on any of them.

Wild Bill Story an Impossible Absurd Lie.

The Hickok story as told in Harper's Magazine by Nichols is impossible and absurd. Nichols endeavors to as-

sure himself of its truthfulness by the following nonsensical conclusions:

"I am conscious of its extreme improbability. But when I remembered the Bible story where we are told that Sampson with the jaw bone of an ass slew one thousand men,—I looked upon Hickok as a man with the powers of a Sampson and a Hercules combined, and whether the story is true or not, in part or in whole, I believed then every word Wild Bill uttered and believe it to-day."

On such a fantastic tale as this have all the lurid stories glorifying Hickok and slandering David and James McCanles been based. No mention has been made of Wellman and Brink who finished the two victims Hickok wounded, but failed to kill thru poor markmanship. Every statement in this Nichols story has been shown to be erroneous—by people of high character who knew McCanles well during the entire time he lived in Nebraska, by the original documents in the examination before Justice Coulter, and the records of the County and Probate courts of Gage County, Nebraska.

Emerson Hough Rehashes the Old Lies.

Thirty-eight years later, in 1905, Emerson Hough, a novelist of national reputation, a charming writer with an audience of millions of readers, without investigating this affair at the place where it occurred, or any original sources of information, in his "The Story of the Outlaw" repeats the bloodthirsty tales of Nichols and Buell, adds many new thrills, promotes Hickok from a stable hand to that of Station Agent, and invests his story with greater dramatic interest by enacting it in the dark interior of a dug-out. He fixes the date of the battle on December 18th, 1861, five months later than the correct date, and the field of action at Rock Creek in the State of Kansas instead of the Territory of Nebraska, 100 miles from the place it occurred, and thru his access to popular magazines as a writer of fiction gave this story greater publicity than any other modern story

of crime has ever received. He says that after Hickok had shot four in as many seconds, six more rushed into the hole in the ground all firing at him at a range of three feet and slashing him with knives; that McCanles struck Wild Bill over the head with a rifle and jumped on him with knives as well; then Hickok killed McCanles with a shot from a revolver, and all the rest with knives, except one who escaped on horse back. Mr. Hough says the two McCanles boys were border outlaws; that in this fight James was killed first as he stepped into the door of the dugout.

Gage County Court Records Refute Wild Bill Story.

Imagine the appearance of Hickok in Justice Coulter's court on his arrest three days later, after six desperadoes had fired at him with guns loaded with buckshot at a range of three feet, struck on the head with a rifle by as powerful a man as McCanles, and stabbed by the entire party of ruffians with knives, as well.

James McCanles—Banker and Legislator.

James McCanles was not present. He was at his home fifty miles east of Rock Creek Station. James moved to Colorado in 1864. He laid out the town of Florence on his land, naming it after his daughter, now Mrs. Florence Collins, of San Jose, Cal. He founded the Bank of Florence in 1884, and in 1900 reorganized it as the First National Bank of Florence, Colorado, becoming its Vice President. He was elected a member of the Legislature of the State of Colorado in 1880, as a Republican. He was elected a member of the Colorado State Senate in 1886 and again in 1888, both times on the Republican ticket. Mr. W. H. Dozier, President of the First National Bank of Canon City, Colorado, writes me that his acquaintance with James McCanles extends over a period of more than forty years; that as a member of the House of Representatives and the Senate of the State of Colorado, he had a clean record and served his constituents in a highly satisfactory manner.

David McCandles—Sheriff and Tax Collector.

David McCandles as Sheriff in North Carolina was also tax collector, that being a part of the duties of his office. It was a position of responsibility and trust. During his four terms of office he performed this service, riding his mountainous district horseback, collecting taxes and delivering the funds with strictest fidelity and honesty to the proper authorities.

Walter Noble Burns, the only professional author and popular magazine writer to personally visit the Rock Creek Station and the scene of the tragedy for the purpose of obtaining authentic and first hand information for a history of this crime, wrote his story "Greatest Single Hand Fight in American History gives way under rigid investigation," which was published in the Dearborn Independent April 12th, 1924, and was as correct an account of the killing of McCandles and the massacre of Woods and Gordon as could be obtained at that time, Monroe McCandles having moved away from Nebraska forty years before, and the last of the "first settlers" had passed away.

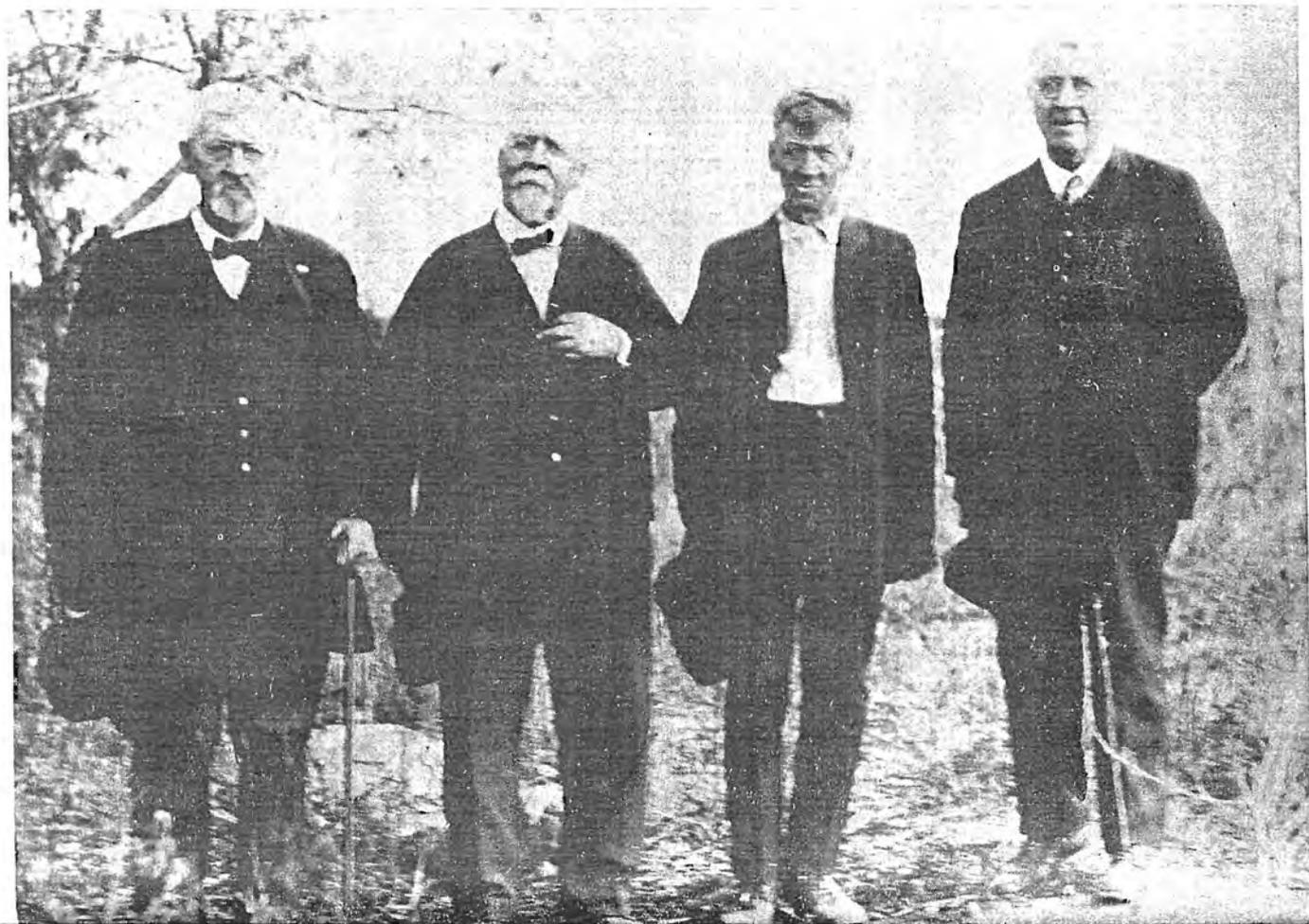
Mr. Charles Dawson, in his admirable "History of Jefferson County, Nebraska," 1912, was the first person who endeavored to obtain from authentic sources and publish the correct account of the killing of McCandles, Woods and Gordon, and to show "the wide variance between the truth and fiction as told by Emerson Hough."

The Latest Wild Bill Book.

Mr. Frank J. Wilstach of New York City, has recently (1926) published a book entitled "Wild Bill Hickok." This book represents a painstaking effort on the part of the author to obtain the true character of David C. McCandles and give the public a correct and authentic story of his murder. The errors of deduction into which the author falls are natural in view of the fact that he was not acquainted with the information and documentary evidence that has been discovered since his book went to press. He



James Alexander McCandles.



was also influenced, apparently, by the necessity for some other and more sensational "motive" than the real and sordid one, which all Hickok's admiring biographers must have, in order to retain him in heroic colors and justify the cowardly shooting of McCanles and the butchery of Woods and Gordon.

Fables of Wild Bill Exposed.

Mr. Wilstach labels the stories of Nichols, Buell and Hough as fables, and with remarkable clearness shows their absurdity and untruthfulness. He says: "The accusations that he (McCanles) was a common horse-thief, desperado and murderer seem to have no basis in fact," and, "In short, the testimony of his closest neighbor is that McCanles was a rough pioneer, arbitrary and argumentative, a loud and voluble talker, often very offensive in his language, —liable to be taken for a much worse man than he was,—but no murderer, and not one, ordinarily, to meddle with his neighbor's horse flesh." After discussing the various accounts of the affairs, he says: "It is certain, however, that instead of ten desperate ruffians being wiped out by Wild Bill in a furious hand-to-hand encounter, only three men were killed, and not one of the McCanles faction fired a shot."

The Story of Kate Shell at Rock Creek Ranch.

An unmarried woman known as Kate Shell, real name Sarah Shull, living near Rock Creek Station in the cabin of "French" Harris, was put on the stage the morning after the shooting and sent away by the station crowd. Mr. Wilstach succeeded recently in locating her. He says "It was a task of months to get anything significant from her. Some of the questions she was willing to answer were."

"Were you in the cabin when McCanles was shot?"

"No, I was at my home two miles away."

"You say McCanles stole horses?"

"Yes, he stole horses."

Attempt to Show Secession Sympathy.

Mr. Wilstach then states that her testimony establishes the motive for the renowned duel, and on this evidence, contradicted by residents of high character, reverses himself by saying "That David C. McCandles's ardent Southern sympathies led him to appropriate horses for the Confederate cavalry seems irrefutable," and "that he had previously threatened Wild Bill with personal violence for his attentions to Sarah Shull."

It is unfortunate that Sarah Shull should be injected into this story. At the great age of 93 her wishes that her identity should be kept a secret and her reluctance to discuss events in her early life should have been respected. Mr. Wilstach's allusions to her early history, and his quotations from Dawson's History of Jefferson County in relation to her, make most unsavory reading, and pictures her as a degraded character. Her evidence, therefore, has no value. It would, apparently, have been damaging to the Station men, or they would not have sent her in such hot haste out of the country to parts unknown.

Interview with Monroe McCandles, Only Surviving Witness.

During the fall of 1925 I received several letters from Mr. Wilstach requesting information about the Hickok-McCandles affair which I answered as fully as I could at that time. Monroe McCandles moved to Lincoln Center, Kansas, forty-two years ago, and it was not until after Mr. Wilstach's book went to press that I had a personal interview with him and the sons of James McCandles. In December Wilstach wrote asking my opinion regarding the story that McCandles was stealing horses from the Stage Company and running them off to the Confederate cavalry. I answered on Jan. 12th, 1926, as follows:

To do this, McCandles, his twelve year old son, Monroe, his young cousin Woods and hired hand Gordon would have to hold up the loyal and fearless riders of the Pony Express, the four horse Stages that thundered over the Oregon Trail and thru Rock Creek Station

daily, the heavy freight wagons that lined this highway,—take their horses and drive them thru the loyal and Abolitionist State of Kansas, thru Missouri or the Indian Territory, put the Union armies to flight, penetrating their lines to the armies of the Southern Confederacy. This is ridiculous stuff, and any one endeavoring to put out such a story as anything more serious than a drunken dream would be the laughing stock of the public.

McCanles Family were Whig, Union and Republican.

David and James McCanles came from North Carolina, a southern state, less than two years before the Civil War. It is not strange that some, even an old settler, hearing and reading the multiplicity of sensational tales should believe them Southern sympathizers, and thru the years build up a story as ridiculous as the discredited ones. I confess that many "traditional tales" have been relegated to limbo by a careful and critical examination of the facts and official documents in this case.

I learned recently, after much investigation and personal interviews with the sons of David and James McCanles, that during his eight years in active political life in North Carolina, David belonged to that party which was opposed to secession; that James not only received his education from his "Big Brother," his pattern and ideal, but his political training as well, and the records in the State Capitol of Colorado show that James was a life-long Republican in politics.

Relatives of David and James in Western North Carolina and Eastern Tennessee suffered severe persecution for their Union sympathies and sentiments and James removed forty-five of them to Colorado as soon as he possibly could after the close of the Civil War.

Why Wellman and Hickok Killed Woods and Gordon.

"It is inexplicable," Wilstach says, "that either Mr. or Mrs. Wellman or Wild Bill should, after McCanles

was shot, suddenly develop a frenzied desire to kill Woods and Gordon, with whom they had no apparent quarrel."

It is not inexplicable. It is a positively proven fact, and is explained by the law of self preservation. The first thing to do after the killing of McCanles was to destroy all damaging evidence of the crime. This they proceeded to do in a most brutal fashion. But unfortunately for the heroic character Hickok's biographers must sustain, Monroe McCanles escaped and lives to tell the story exactly as he told it as a truthful boy of twelve.

The "inexplicable thing" would be, that David McCanles, the largest landowner and richest man in the county, as riches went in those days, should go upon his own property, "appropriate" six horses and two ponies,—the usual number kept at the Station,—leave his wife and children,—he had five of them, two, four, seven, ten and twelve years old,—and embark on an idiotic adventure that would cost him his life before he had gone one day's journey.

"Another curious thing", Mr. Wilstach continues, "is that Monroe McCanles, who was standing by his father when he was shot by Wild Bill, was not called as a witness. J. L. McCanles was present with his nephew. He was a very able man—later a state senator of Colorado—but hearing the defense he seems to have let the case go by default. George V. Ayres, Justice Albert Towle's son-in-law spent his boyhood days near the Rock Creek Station, and he informs the writer that Wild Bill was 'bound over to the Circuit court';—Public sentiment was so strong in approval of Hickok's act that the case was dropped."

Monroe McCanles not Allowed to Testify.

As has previously been stated, Justice Coulter did not permit Monroe to testify nor to hear any of the evidence given by the accused men. He was excluded from the room during the entire time they gave their testimony. James

Territory of Nebraska
County of Gage } S.

The Complainant
and informant, Leroy M^r Charles
of the County of ~~Gage~~^{Delaware} Territory aforesaid
Made before: J. M. Coulter Esquire
one of the Justices of the Peace in and
for Gage County, on the 13th day of
July 1861, who being duly sworn on
his ^{own} oath says that the crime of Murder
has been committed, in the county of
Ohio and that Dutch Bill, Boek
and Wellman (their other names
not known) committed the same

Subscribed and
sworn to before me J. M. Charles
This 13th day of July 1861

J. M. Coulter
Justice of the Peace

1
Territory of Nebraska
versus

Such Bill, Cook, & Willman

Territory of Nebraska
County of Sage

J. Leroy McAnally, principal
and surety do
acknowledge by these presents are
firmly bound in the penal
sum of Seventy ^{and} five Dollars
And the conditions
of this bond are such that
if the action in the above
cause be duly prosecuted
the above bond to be null
and void otherwise to be
of full force and binding
in law. D. F. McAnally

Subscribed and sworn
to before me this
13th day of July A.D. 1861
J. McAnally
Justice of Peace

did not let the case go by default; he had exhausted his remedy,—he could go no farther, his only witness to the shooting was not permitted to testify, and he has told his children and others that the trial was a sham and a farce. George V. Ayres was a boy at the time and lived thirty miles east of Rock Creek, the Otoe Indian Reservation lying between. He was not acquainted with the McCanles families nor they with him. The defendants were not tried before Towle, nor bound over to the Circuit court, and all parties being strangers in Beatrice, public sentiment did not enter into the case while public necessity may have done so.

The False Wild Bill Story Often Refuted—but Refutation not Broadcast.

Mr. Wilstach says that "during all these years the grim, unpalatable story never was denied,—"

As a matter of fact the story has been truthfully told and retold in that section of Nebraska, for over sixty years, but these early settlers were not contributors to magazines, nor novelists, and their stories were not broadcast over the country.

It was told in a public address at a Fourth of July celebration in 1876 at Fairbury by Hon. D. C. Jenkins, our first settler and first member of the Legislature. At the organization of the Old Settlers Society in 1884 the widow of David C. McCanles, in an interesting address, "Reminiscences of Territorial Days," told the story to a large audience. On October 29th, 1912, at the dedication of the Winslow monument on the Oregon Trail, Frank Helvey, who unveiled the monument, in his address "Recollections of a Stage Driver and Pony Express Rider," told the story to an audience of over 500 people.

The Real and the Mythical Wild Bill.

Had Hickok been given his wish in the manner of his death, he could not have asked for a more fitting close. He died in the place he frequented most and loved best,—at the gambling table and surrounded by the vile associa-

tions of the frontier saloon. Thus died the real Hickok. The mythical Hickok, the gentlemanly gun-man, still lives in fiction and on the screen, an incitement to the youth of the country for lives of crime.

The McCanles Family Has Always Made Good.

David Colbert McCanles still lives—in his children, grandchildren and great grandchildren. His sons started in life as farmers. Clingman and his invalid sister, Elizabeth, still live on a farm near the old Rock Creek home. Monroe, Julius and Charles later engaged in the mercantile business in which they were eminently successful. Many years ago, Monroe having acquired a competence, retired from active business and with the wife of his youth, the daughter of Joseph McCreight, a pioneer farmer of Big Sandy Creek, live in their lovely home on Bellefontaine Avenue, Kansas City, Mo. Monroe inherits his father's love of music and has engaged in many old fashioned contests on the violin. His son Joseph Colbert, is professor of music in the University of the State of Kansas. His son, Guy H., is the head of the McCanles Building Company, which has constructed hotels and apartment houses in Kansas City, Mo. housing more than 50,000 people. Wendell W., is a prominent and successful attorney of Kansas City, with an extensive practice as a trial lawyer in the states of Missouri, Kansas and Oklahoma. He inherits in a remarkable degree his grandfather's talent for public speaking. John and Julian are farmers and excellent musicians. A grandson Martin, son of Guy, played the violin at the age of seven, and now at the age of thirteen is an accomplished performer on piano and violin.

David Colbert McCanles' direct descendants now number seventy-seven, all leading busy, useful and exemplary lives.

The Grave of David Colbert McCanles.

For twenty years McCanles rested peacefully in his own ground by the side of the great transcontinental trail and near the East Rock Creek Station which he had built.

For a few months after his death the riders of the Pony Express raced by his new made grave—then suddenly, on the completion of the telegraph line to the Pacific coast this romantic and spectacular episode in American history passed away forever. A few years later, on the completion of the transcontinental railroad, the stage and freight wagons were withdrawn, and the Oregon Trail, which had been the war path of the Indian, the trail of the trapper, fur trader and explorer, the highway of the Oregon, California and Mormon emigrations and the Gold Rush of 1849, the Military road and great artery of transcontinental travel and commerce, became overgrown with weeds and grass. The quiet of an earlier day—the peace of God settled over this region, but its romantic and turbulent history will live in story and song as long as the English language is spoken and people treasure and recount the heroic deeds of its pioneers.

On the building of the Burlington and Missouri River R. R. in 1885 up the narrow valley of Rock Creek it became necessary to remove the bodies buried there, and the children of David Colbert McCanles tenderly carried and reinterred the remains of their father in the beautiful cemetery at Fairbury, Nebraska, where they now rest.

APPENDIX

(By George W. Hansen)

Little regard seems to have been given to the accuracy of names or their spelling at this time. James B. Hickok's name appears on the documents in the preliminary trial after his appearance in court as "William B. Hickok," and he evidently gave that to the justice as his name. The justice wrote the name of the prosecuting witness "Leroy McCanles" in the complaint, and it was signed "L. McCanles." On other papers James signed his name "J. L. McCanles," and "J. L. McCanless." Later he dropped the name of Leroy, and retained only his given names of James Alexander.

Wild Bill (Hickok)-McCanles Fight—Copies of Original Papers Presented by Geo. W. Hansen, Fairbury, June 9, 1926, to Nebraska State Historical Society

Complaint

Territory of Nebraska

County of Gage

The Complainant and informant, Leroy McCanles, of the County

} ss

of Johnson, Territory aforesaid, made before T. M. Coulter, Esquire, one of the Justices of the Peace in and for Gage County, on the 13th day of July 1861, who being duly sworn on his oath says:

that the crime of murder has been committed in the County of Jones and that Duch Bill, Dock and Wellman (their other names unknown) committed the same.

L. M. McCanles.

Subscribed and sworn to before me
this 13th, day of July 1861.

T. M. Coulter
Justice of the Peace.

Warrant

Territory of Nebraska }
County of Gage } ss

In the Name and by the authority of the Territory of Nebraska, To all Sheriffs constables and coroners of said Territory,

It appearing that Duch Bill, Dock and Wellman has committed the crime of Murder in the County of Jones you are therefore commanded forthwith to arrest Duch Bill, Dock and Wellman and bring them before me or some other Magistrate of this County to be dealt with according to law.

T. M. Coulter,
Justice of the Peace.

Given under my hand this
13th, July A. D. 1861.

Endorsed as follows:

Warrant. The within warrant came to hand this 13th, day of July 1861 at two o'clock P. M.

Served the within warrant by arresting the within Duch Bill, Dock and Wellman this 15th, day of July 1861.

E. B. Hendee,
Sheriff of Gage Co N. T.

Sheriffs fees 5.50

Bond

Territory of Nebraska
versus
Duch Bill, Dock and Wellman
Territory of Nebraska
ss
County of Gage.

I, Leroy McCanless, Principal and.....surety, do, and by these presents are firmly bound in the penal sum of Twenty five Dollars: Now the conditions of this bond are such that if the action in the above cause be duly prosecuted the above bond to be Null and void otherwise to be in full force and binding in law.

J. L. McCanles.

Subscribed and sworn to before
me this 13th, day of July, 1861.

T. M. Coulter,
Justice of peace.

Territory of Nebraska }
Sage County } Id.

In the name ~~of~~ and by the
Authority of the Territory of
Nebraska,

To all Sheriffs Constables
and Coroners of said Territory

It appearing that Hutch Bill
Dock and Wellman, has committed the
Crime of Murder in the
County of Jones you are
therefore commanded forthwith
to arrest Hutch Bill Dock and
Wellman and bring them before
me or some other Magistrate
of this County to be dealt
with according to law.

J. M. Gaultier Justice of Peace
Given under my hand
this 13th July A.D. 1861.

Warrant

The within warrant came
to hand this 13th day of July
1861 at two o'clock P.M.

Served the within warrant
by arresting the within Dutel
Bill, D. Cr., & Wellman
this 15th day of July 1861

C. B. Bender
Sheriff of
Log Co,
Ky

Sheriff Fee \$3.50

Subpoena.

Territory of Nebraska }
 County of Gage } ss

To Martin Ney, Jackson Ney, Joseph Baker and Mrs. Wellman: You are hereby commanded to appear before me at my office in Beatrice, forthwith to testify on the part of the Territory in an action of the Territory of Nebraska vs Duch Bill, Dock and Wellman. Dated at Beatrice July 13th, A. D. 1861.

T. M. Coulter, Justice of the Peace

Endorsed as follows:

Subpoena.

the within summons came to hand this 13th, day of July 1861 at 2 P. M. Served the within subpoena by reading to each of the with in named persons this 15th, day of July 1861.

E. B. Hendee

Sheriff of Gage co

N. T.

Fees 2.90

Subpoena.

Territory of Nebraska }
 County of Gage } ss

To Jacob Wildeboy. You are hereby commanded to appear before me at my office in Beatrice forthwith to Testify on the part of the Territory of Nebraska in an action of the Territory of Nebraska vs Duch Bill, Dock and Wellman. Dated at Beatrice, N. T. July 13th, 1861.

T. M. Coulter,

Justice of the Peace

Endorsed: Recd July 15th at 1 o'clock P. M. Served by reading.

Five 40

J. A. Meyer, Constable

Subpoena.

Territory of Nebraska }
 County of Gage } ss

To Munroe McCandles: You are hereby commanded to appear before me at my office in Beatrice Forthwith to Testify on the part of the Territory against Duch Bill, Dock and Wellman Dated at Beatrice this 15th day of July 1861.

T. M. Coulter,

Justice of the Peace

Subpoena.

Territory of Nebraska }
 County of Gage } ss

To Jonah Brown, You are hereby commanded to appear before me at my office in Beatrice Forthwith to Testify on the part of the Territory of Nebraska vs Duch Bill, Dock and Wellman.

Dated at Beatrice this 15th day of July 1861.

T. M. Coulter

Justice of the peace.

Endorsed: Subpoena came to hand this July 15th 1861. Served the Witness not to be found July 16th, 1861.

E. B. Hendee.

Sheriff.

Subpoena.

Territory of Nebraska }
County of Gage } ss

To Jonah H. Brown, You are hereby commanded to appear before me at my office in Beatrice Forthwith to Testify on the part of the Territory of Nebraska in an action wherein the Territory of Nebraska is Plaintiff and Duch Bill, Dock and Wellman are Defendants on a charge of murder.

T. M. Coulter,

Justice of the Peace.

Endorsed: Recevd July 16th, 1861 at 11 o'clock A. M.

Served July 18th, 1861.

E. B. Hendee, Sheriff Gage Co. N. T.

Subpoena.

Territory of Nebraska }
County of Gage } ss

To Joseph Holms, Ira Mott and Hellen Ney, You are hereby commanded to appear before me at my office at Beatrice Forthwith to Testify on the part of the Defense in a certain action before me persiding wherein the Territory of Nebraska is plaintiff and Duch Bill, Dock and Wellman is defendants.

Dated at Beatrice this 15th day of July A. D. 1861.

T. M. Coulter

Justice of the Peace.

Endorsed: Subpoena came to hand July 16th, 1861, 9 o'clock A. M. Served this July 16th, 1861.

E. B. Hendee

Sheriff Gage Co. N. T.

Territory of Nebraska }
County of Gage } ss

J. L. McCandles being duly sworn on his oath says that Noah Brow is a material witness in this case of Territory of Nebraska vs Dutch Bill, Dock and Wellman on the charge of murder and that we can not safely proceed to trial for want of his evidence and that he has good reason to believe that he can procure his attendandance if a delay of two days be granted.

J. L. McCandles.

Subscribed and sworn to before me this 16th, day of July 1861.

T. M. Coulter,

Justice of the Peace.

Subpoena

Territory of Nebraska }
 County of Gage } ss

To Noah H. Brown. You are hereby commanded to appear before me at my office in Beatrice N. T. Forthwith to testify on the part of the Territory of Nebraska in an action wherein the Territory of Nebraska is plaintiff and Duch Bill, Dock and Wellman are Defendants on a charge of murder.

T. M. Coulter, Justice of the Peace.

Endorsed: I depitze J. L. McCanless to serve the within summons. Beatrice, July 16th, 1861. E. B. Hendee, Sheriff.

Came to hand this July 16th, 1861 at 1 o'clock P. M. not served, can not be found.

J. L. McCanless, Dept.

Bill of Costs.

TO THE Honorable
 County Court
 Gage County, Nebraska Territory.

Justice fees, 6.95, Sheriffs fees 83.10, Meyer, Constable .40

Witness fees.

Jackson & Mrs. Hellen Ney, \$10.00	Martin Ney.....	5.00
Joseph & Sarah Baker.....	10.00 Jane Wellman.....	5.00
Ira Mott.....	5.00 Fred Hagenstine.....	5.00
Joseph Holmes.....	5.50 J. H. Brown.....	.50
Munroe McCanles.....	5.00 Sanford Grayson.....	.50
	Total.....	141.95

This is the Bill of Costs in the case of

Territory of Nebraska against Wm. B. Hickok, J. W. Brink & Horrace G. Wellman on a charge of Murder which was not sustained, and the costs have to come off of the County.

Said cause was examined before me on July 15, 16, & 18 A. D. 1861.

T. M. Coulter, J. P.

Endorsed:

Laid over for a rehearing Oct 7, 1861.

Nov. 30, Laid over.

Gage County, Nebraska Territory,

August the 15 1861.

An affidavit of J. L. McCanles for a change of venue in a surtin Case whair E. B. Hendee and others Claimes the sum of Eighty three Dollars and cts. whair the Defeyant swairs that T. M. Coulter is an important witness in this case therefore he Clames a change of venue Before sum other Justice of the Pese.

J. L. McCanles.

I most solemnly swear that the above affidavit is True to the best of my knodwledge and belief, so help me God.

J. L. McCanles.

Subscribed and sworn to before me this 15th, day of August A. D. 1861.

T. M. Coulter.

Allowance of Bill of Costs.

At a regular term of the County Court held at the home of J. P. Mumford in Beatrice, Gage County, N. T. on the 6th of Jan. 1862,

Ordered,

That the account of T. M. Coulter for costs in the case wherein the Territory of Nebraska is Plaintiff, and William B. Hickok, J. W. Brink and Horrace G. Wellman are Defendants be not accepted.

That J. W. Bolinger (of Pawnee City) be retained as counsel for Gage County in a certain contemplated appeal case wherein E. B. Hendee is Plaintiff and Gage County is Defendant in a suit for recovering costs in the case of Territory of Nebraska vs William B. Hickok, J. W. Brink and Horrace G. Wellman on a charge of Murder which was not sustained.

A compromise seems to have been effected for later in the day the following entry appears:

Ordered that the account of E. B. Hendee for services in a case wherein the Territory of Nebraska was Plaintiff and Wellman and others were Defendants be approved and filed \$59.70.

Commissioners Record No. 1.

At a special Term of County Court held at the house of F. L. Roper, in Beatrice, Gage County, N. T. on the second day of August, 1862, there were present County Commissioners J. B. Mattingly, Fordyce Roper and William Tyler.

Ordered

That E. B. Hendee be allowed Twenty & 10/100 Dollars for services in the case of the Territory of Nebraska vs Wellman et als.

That H. M. Reynolds be allowed Ten Dollars for Possee Com. and Guard in the case of the Territory of Nebraska vs Wellman et als.

That H. M. Wickham be allowed Twelve & 60/100 Dollars for services in the case of Territory of Nebraska vs Wellman et als.

That R. C. Davis be allowed Six Dollars for Services in the case of Territory of Nebraska vs. Wellman et als.

That D. Jimison be allowed Eight Dollars for Services in the case of Territory of Nebraska vs Wellman et als.

That F. Roper be allowed One & 50/100 Dollars for use of horse in case of Territory of Nebraska vs Wellman et als.

That E. C. Austin be allowed One & 50/100 Dollars for use of horse in case of Territory of Nebraska vs Wellman et als.