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## Article Title: The Law at the End of the Trail: Ogallala, 1873-1887

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Article Summary: Ogallala's fame as the wild and woolly "Cowboy Capital" rests on a few well-publicized incidents. Providing law enforcement at the end of the Texas longhorns' trail usually involved no more than tracking down local rustlers and horse thieves.

### Cataloging Information:

Names: Beach Hinman, Louis Aufdengarten, Robert S Webster, Woolsey, W P P St Clair, John McCaffery, William Coffman, William Bland, Joseph Hayden, Pedro, William "Billy" Campbell, Ed Lemmon, James Cook, Andy Moye, Alfred "Babe" Moye, James E "Little Jim" Alby, John Bratt, Frank "Shorty" Stevens, Thomas Harrison, Henry M Gaylord, William Gaslin, C M Richardson, Robert Olive ("Bob Stevens"), Luther Mitchell, Ami Ketchum, Isom Prentice "Print" Olive, Edgar Beecher Bronson, Bill Thompson, Bill Tucker, W B "Bat" Masterson, Thomas Scott Gray, Thomas "Arkansas" Hare, Peter King, Ed Worley, Lang (or Lank) Keyes, Flora Rayner

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Photographs / Images: detail of Ogallala and Union Pacific cattle-loading pens, redrawn from original plat dated December 1883; Louis Aufdengarten's store, mid 1880's; William Faslin; engraving of a Texas shootout (*Frank Leslie's Illustrated Newspaper*, January 14, 1882); "A Rogue's Gallery": Keith and Cheyenne County Criminals, 1874-82; Martin DePriest

# The Law at the End of the Trail

# OGALLALA

# 1873-1887

By Karyn Stansbery

Texas longhorns were trailed into Nebraska soon after the end of the Civil War. They provided stock for ranches across the Northern Plains and supplied beef to army posts and Indian agencies. Between 1875 and 1884 Ogallala was the last of a series of end-of-trail towns in the state that served as focal points for Texas herds.

Union Pacific executives, observing that shipping cattle to eastern packers was profitable for Kansas railroads, believed they could undercut Kansas freight rates in Nebraska and still make money. At the same time Texas drovers, dissatisfied with facilities at Abilene, began to seek Nebraska shipping points for their herds. In 1870 the railroad established a loading facility at Schuyler. Local pressure shut it down after a single season. Kearney as an end-of-trail town was used only three seasons before tension between local residents and trail hands led to the October 1874 "Kearney War," which made that town untenable. In North Platte, the Fremont Slough south of town precluded holding herds close to the rail yards, and the tableland south to the Republican River was already claimed by local ranchers.<sup>1</sup>

Ogallala, however, suited. It was already a shipping point for buffalo byproducts via Louis Aufdengarten's trading post, established in 1869.<sup>2</sup> And pasture south to Stinking Water Creek was unclaimed, primarily because the tableland was dry, although the stretch

between the head of the creek and the South Platte River was only one long day's drive for trail herds.

A group of North Platte businessmen and ranchers, allied with the Union Pacific, organized Keith County from Lincoln County's Alkali, Ogallala, and a portion of Big Springs precincts. It was named after cattleman Morell Case Keith. The group included lawyer Beach Hinman, rancher and politician Guy C. Barton, and rancher Isaac Dillon, nephew of Union Pacific President Sidney Dillon. None of them ever lived in Keith County, and Hinman, the active partner in developing Ogallala, did not buy the site and plat the town until 1875.<sup>3</sup>

The motive for organizing the county was understood from the beginning by the few local residents. Louis Aufdengarten was already calling his trading post "The Drovers' Store" in early February 1873, more than a year before the railroad constructed shipping pens. The county's lack of population was a virtue for a terminus for Texas cattle.<sup>4</sup>

When Keith County was officially organized on May 3, 1873, there were barely enough literate permanent residents to fill required county offices. Edwin M. Searle, James W. Miller, and John Dowd were appointed county commissioners. Louis Aufdengarten was county clerk; Scott Keith, probate judge; Robert Law, county treasurer; Asa H. Bradley, county sheriff; George Van Camp, superintendent of schools; and John Gordon, surveyor. All but one were railroad employees. "Permanent" was ephemeral; only four of the initial appointees were still available to hold office in October when the first election

was held. Bradley, the sheriff, still lived in Keith County that fall and was confirmed in office with a total of fifty-three of fifty-six votes cast.<sup>5</sup>

Asa Bradley was a twenty-eight-year-old railroad engineer from Ohio, and whether he had law enforcement experience is not known. The demands of office were not heavy, however. During his two years as sheriff the only incident of consequence was the arrest of eighteen-year-old William Blyer, who pleaded guilty on June 19, 1874, to stealing "one coat worth \$13, one hat worth \$13, one hat worth \$2, and \$34 in money."<sup>6</sup>

Keith County had no jail, so Blyer was incarcerated in North Platte and became a serious financial burden. By January 1875 the commissioners were chafing under the ongoing expense. They signed a \$2,500 contract with Louis Aufdengarten to construct a sixteen-by-twenty-four-foot rock jail with walls ten feet high, iron bars on the windows, a door covered with boiler iron, a floor made of two-inch oak, and a ceiling of one-inch oak flooring. On May 3 they decided to increase the length of the proposed jail by two feet.<sup>7</sup>

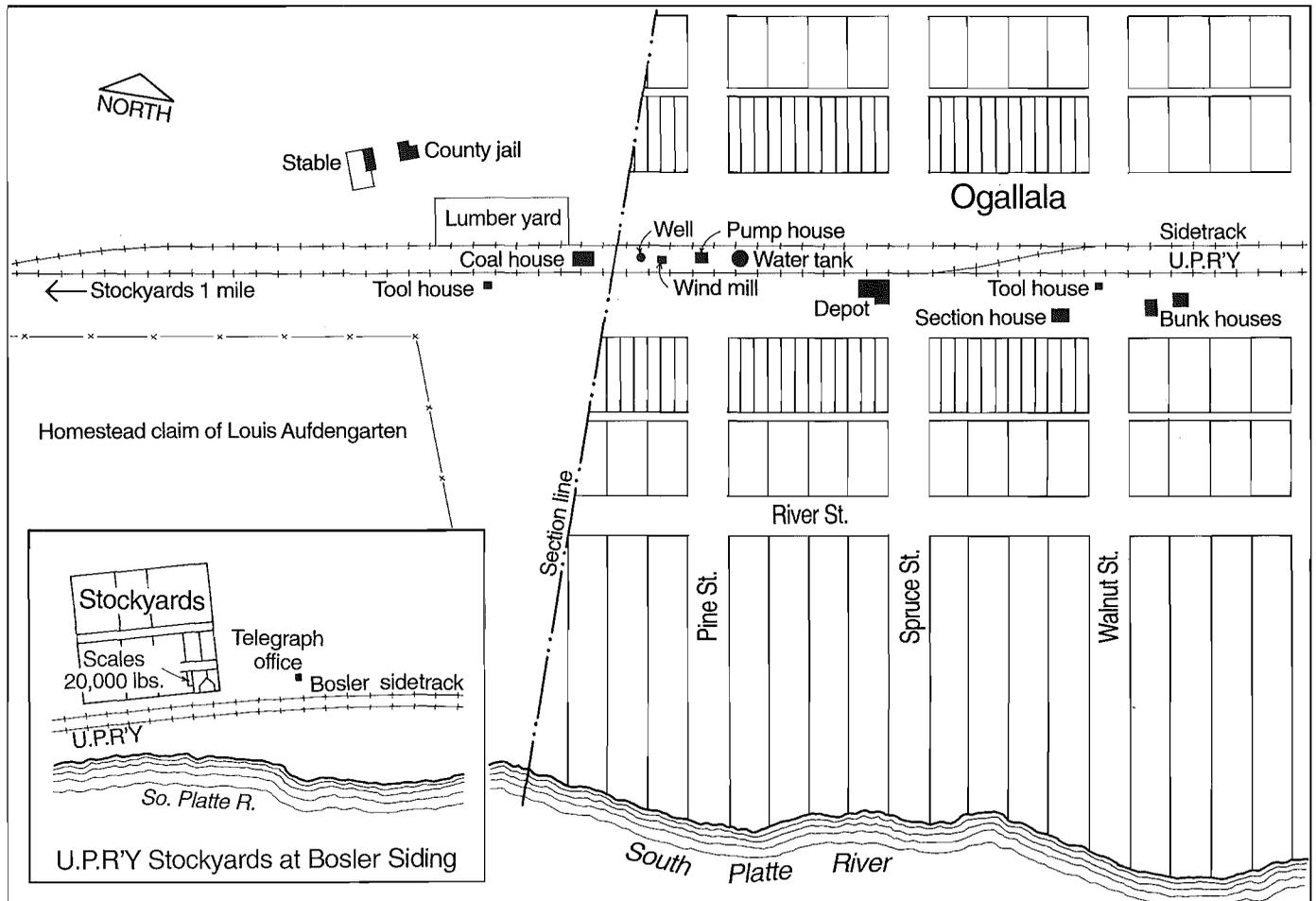
At the same May meeting Bradley resigned. He moved to North Platte, where he became the Lincoln County sheriff. Perhaps he had concluded that law enforcement paid better in Lincoln County. It was more than five years until Keith County commissioners paid the sheriff a salary. Until then the men who held the office were paid only a fee per incident plus mileage and expenses.<sup>8</sup>

The commissioners asked Frank McAuliff to fill the sheriff's office, but he refused the job and soon thereafter

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## Ogallala



Detail of Ogallala and Union Pacific cattle-loading pens (inset), redrawn from original plat dated December 1883. Courtesy of author and Union Pacific Railroad Museum.

became a county commissioner. The county was without a sheriff for two months until the commissioners next met on July 6, 1875. Then "Frank McAuliff not having accepted the Office of Sheriff of Keith Co. Geo. Carothers was appointed Sherrief [sic] filed his Bond, and the same was approved by the Board."<sup>9</sup> Carothers was a clerk at Aufdengarten's store and "was quite a favorite among the boys," probably as good a law enforcement attribute as Keith County could hope for.<sup>10</sup> He was in office a month when the county's first recorded murder occurred.

Robert Webster in 1875 was working as a drover with one of the more than thirty herds of Texas cattle driven north

that year.<sup>11</sup> His crew was encamped about twenty miles northwest of Ogallala on the morning of August 5 when the crew's black cook went hunting for wild game to add variety to the monotonous diet. A herder known as Woolsey disguised himself as an Indian and rode down on the cook, who set out for camp at a run. At least one of Woolsey's companions participating in the plot fired shots over the herder's head to lend credence to the appearance of an Indian attack, and some of the shots nearly hit Woolsey. Later he located Webster, his co-conspirator, bathing in the Platte River and shot him to death in revenge. Woolsey then mounted his pony and rode off.<sup>12</sup>

*The Western Nebraskian*, a North Platte newspaper, commented:

It is said that both men [Woolsey and Webster] were hard cases; but no words are too strong with which to denounce the deep-seated cowardice of shooting a man under such circumstances.<sup>13</sup>

County court was immediately called into session. Probate Judge W. P. P. St. Clair found that "murder has been committed in the County of Keith by shooting Robert S. Webster and that the same was committed by one Woolsey whose other name is not known. . . . Woolsey could not be found, information having been telegraphed to Great Bend, Hayes City and Buffalo."<sup>14</sup> Following a coroner's inquest, which found five bullet wounds in

Webster's body, his remains were "buried at the foot of the hill north of town."<sup>15</sup> Woolsey was not heard from again.

Carothers arrested two thieves that fall. On September 11, 1875, E. F. Baker faced the county court concerning the theft of two horses, and on September 27, John McCaffery (or McCaffey) appeared on the docket charged with stealing \$175.<sup>16</sup> Apparently they were the first incarcerated in Ogallala's new jail, and McCaffery was the first of many who escaped (October 24) and disappeared.

There were no more murders that year, but another death came to the sheriff's attention. On December 15, Edwin Searle telegraphed area rancher Russell Watts in North Platte that "William Coffman was found dead at your ranch, today, shot through the heart." He was "boss herder" at Watts's ranch just west of Alkali. An inquest found he had been shot through the head, apparently while cleaning a gun on December 14.<sup>17</sup>

Joseph G. Hughes conducted the inquest on Coffman's body. For the next forty years Hughes appeared and reappeared as Keith County coroner, assessor, judge of elections, jailer, deputy sheriff, sheriff, and, occasionally, courthouse janitor. He was also a professional hunter, farmer and stockman, well-driller, horse-trainer, and farrier, acquiring whatever skill was useful on the frontier.

Carothers refiled his bond January 7, 1876, but resigned April 17. The commissioners held his resignation a week, perhaps because they were hard pressed to find a replacement. Then Edwin M. Searle took the sheriff's job.<sup>18</sup>

Searle was eighteen years old in 1867 when the Union Pacific hired him as telegrapher at Alkali Station. He served Lincoln County as Alkali constable from 1868 to 1873. The Union Pacific transferred him to Ogallala about the time the county was organized. He lived in Keith County the rest of his life, acknowledged as the county's first permanent resident and one of the original county commissioners.<sup>19</sup>



Louis Aufdengarten's store, mid-1880s. Keith County Historical Society

The year 1876 was a wild season in Ogallala. At least as many herds came up the trail as in 1875. Their arrival coincided with the year's first killing. A few cattle from one herd had become mixed in with those of another. When William Bland tried to cut out his branded stock from the herd managed by Joseph Hayden, Hayden resisted. A heated verbal exchange escalated to gunfire when Hayden shot Bland in the shoulder.<sup>20</sup>

"Damn you," said Bland, "If that's your game I'll give you enough of it," and returned fire. In the ensuing fusillade by both men, Bland shot Hayden in the neck, killing him instantly. After Hayden had expired, Bland gave him two more shots for good measure. A coroner's jury ruled Bland acted in self-defense. Hayden's body was shipped off to Cheyenne for burial.<sup>21</sup>

In town, Railroad Street was a jamboree day and night with horse races and buffalo riding and other bravado stunts and drunken cowboys roaming back and forth between the village's two saloons and two identifiable houses of prostitution.<sup>22</sup>

At the same time every westbound train that chugged through Ogallala carried emigrants heading for Cheyenne

and Salt Lake City and California who had discovered that the railroad was cheaper and easier travel than wagons. They gaped out of grimy windows at the cowtown uproar, and some of the bravest stepped onto the platform and rushed across the street to the Drover's Store to replenish their supplies or ducked into the section house to buy a meal or into the OK Saloon or the Crystal Palace to see if Ogallala whiskey was any worse than North Platte whiskey.<sup>23</sup>

Professional gamblers had discovered the town, and three-card monte, faro, and other games of chance ran twenty-four hours a day. An unnamed cardsharp won \$10,000 paid in gold and his victims were determined he was not going to leave town with it. According to a story in the September 2, 1876, edition of *The Western Nebraskian*, reprinted from the *Kansas City Times*, he succeeded

after much strategy, in skipping the town. A train passed Ogallala about 2 o'clock in the morning and on this train the hero of the deal and chip made his escape.

The enraged cattle men, however, were determined to get their money back. They immediately telegraphed ahead of the train to friends at Alkali. . . . When the train arrived . . . the cattle men of that place boarded the train and were not long in

## Ogallala

finding the little joker pretending to be fast asleep in a berth in the middle of the Pullman. The trouble then commenced and a lively time was had for a few minutes. . . .

The cattle men finally dragged out their victim, tied him to a mule, and started away with him. The fate of the gambler was not ascertained. The Pullman car was pretty freely perforated by the bullets.<sup>24</sup>

Searle's tenure as sheriff concluded shortly thereafter. The commissioners fired him. It came about because "Pedro, other name unknown" was killed near Roscoe September 10 by Cheyenne County temporary deputies.<sup>25</sup>

Pedro, a Mexican citizen working at a Sidney livery stable, one day in late August disappeared with two horses. He was traced to Ogallala and from there to cattleman James Ellison's camp near Roscoe by Cheyenne County Deputy Sheriff John Zweifel and two temporary deputies from Sidney. One of the deputies, Harry Gaylord, shot Pedro during an escape attempt. His body was brought to Ogallala, and after an inquest conducted by Joe Hughes, buried on Boot Hill.<sup>26</sup>

The *Sidney Telegraph* reported that "Ed. Searls [*sic*], Sheriff of Keith county was in the city on Monday last," September 11, the Monday following Pedro's Sunday night killing.<sup>27</sup> There is no indication why he was in Sidney or how long he had been away from Keith County. But the following Monday, September 18, the commissioners fired Searle, replacing him with Frederick W. Gasmann. It is not clear whether the board was miffed because Searle had not been on hand to help intercept Pedro or because the incident was a culmination of other, unnamed, derelictions of duty.<sup>28</sup>

Gasmann's appointment was an obvious stopgap. He served just fifty-four days, all of them after most cowboys had gone south, and there was not a single incident noted during his term. On November 11, 1876, he accepted the probate (county) judge position vacated when W. P. P. St. Clair left to represent the Forty-ninth District in the Legislature. Millard F. Leech accepted the sheriff's job.<sup>29</sup>

Leech, with his father David, ran a herd of cattle near Ogallala and operated a dry goods store in town. He had just finished constructing Spofford House, Ogallala's second hotel. Leech had real law enforcement ability. He had already run down a horse and mule thief as a Lincoln-Keith County stock inspector. But he did not use his talents long as Keith County sheriff, and his term was almost as uneventful as Gasmann's. The day Leech resigned, February 20, 1877, he billed the county \$20 for guarding and boarding one prisoner, perhaps the horse and mule thief, and went back to work as a range enforcer, this time for the newly organized Stock Association of Western Nebraska. He was later hired as a troubleshooter by the Union Pacific Railroad.<sup>30</sup>

Joseph G. Hughes was then appointed sheriff. It may have seemed to the county commissioners that they had scraped the bottom of the barrel. It was one thing to have an ex-buffalo hunter as temporary coroner—that work wasn't for the squeamish—but another to put him in a job that, even in Keith County, required some public relations skill.

Hughes came to Keith County from Indiana in 1873 and was soon joined by his wife, Elizabeth Anne Southard Hughes, and the eldest son of what became a family of four sons and a daughter. He hunted the buffalo that crowded the river valley between Ogallala and North Platte and when the buffalo were gone a year later, claimed farm land near Roscoe. In 1874 Jasper Southard, his widowed brother-in-law, came to live with them and through the wildest years helped with family and farm and pitched in as a law officer when Hughes needed help.<sup>31</sup>

The winter of 1876–77 was quiet except for one unusual incident: "A couple of fellows with their heads bashed in" were discovered lying behind one of Ogallala's saloons. Hughes buried them, but never discovered who killed them.<sup>32</sup>

Hughes had no further business of note until August 1, 1877, when William

"Billy" Campbell was killed in a gunfight. Campbell was famous across the cattlemen's West. Most memorable of his feats was the occasion in 1868 when Joseph G. McCoy, founder of the Abilene cattle market, hired Campbell and five other premier ropers to capture buffalo bulls to send East by rail to advertise the availability of western cattle at Abilene.<sup>33</sup>

Ed Lemmon, a veteran drover, worked with Campbell that summer moving Bosler Brothers cattle north to the reservations. According to Lemmon, they had delivered one herd and had come back to Ogallala to pick up another. He was to meet Campbell at "Tuck's" saloon "but when I got there they were just picking up Bill's remains to take to the undertaker."<sup>34</sup>

James Cook, a trail hand who later settled in Sioux County on land he named Agate Springs Ranch, was an eyewitness to the shooting. He was eating supper early that evening, he said, when a pair of neatly dressed hands entered the Ogallala House dining room. They were soon followed by an inebriated Bill Campbell, who overheard the trail hands ordering baked beans. Campbell jumped to his feet and shouted, "Just what I thought; a couple of damned Yankee bean eaters." He then proceeded with the most abusive language at his command. Brothers Andy and Alfred "Babe" Moye left the table quietly and walked out. Campbell, who was armed, followed and shouted insults.<sup>35</sup>

Born in Georgia and reared in Texas, the Moyes kept their tempers, Cook said, and went to W. H. Tucker's saloon to pick up their revolvers preliminary to leaving town. But Campbell, spoiling for a fight, closely followed and as he entered the saloon, Andy Moye and Campbell fired simultaneously. Campbell was killed instantly, and the Moyes fled the saloon and escaped south.<sup>36</sup>

Lemmon's version of the story was that Campbell's insult had to do with a plate of hash, that Andy Moye was drunk, that neither Campbell nor Moye was armed when they left the hotel but

both retrieved their guns and met at the saloon by prearrangement; and that the other brother, the “sober” Moye, shot Campbell in the back.<sup>37</sup> The *Sidney Telegraph*, reporting the shooting three days later, said gunfire erupted between Campbell and one of the Moyes before they left the hotel.<sup>38</sup> All three versions agreed that several innocent bystanders were injured.

With Campbell dead and the Moyes having fled, there was not much that Hughes or Ogallala’s fledgling legal system could do. Nonetheless, when the first term of district court was held in Keith County the next year, “Thomas Moy” was indicted by a grand jury for the murder of William Campbell.<sup>39</sup>

The week after the Campbell killing, Hughes, Lincoln County Sheriff Asa Bradley, and a stock inspector named Barney Gillan caught three horse thieves: Dick Ruble, George Leavenworth, and Peter Wilson. They were tried in Cheyenne County District Court, convicted of grand larceny, and sent to the penitentiary for five years.<sup>40</sup>

Then in early September blood was spilled again. James E. “Little Jim” Alby, John Bratt’s wrangler, took exception to being “blacksnaked” by the foreman of one of Dillard Fant’s herds and shot him. Bratt in his *Trails to Yesterday* recalled that Alby stopped at his ranch southeast of North Platte during his successful escape attempt and that pursuing Sheriff Joe Hughes also stopped at the ranch. “I learned later that the sheriff never caught him.”<sup>41</sup>

Hughes charged the county \$164.13 for chasing Alby. The amount suggests that this was the instance recalled recently by Hughes’ great-grandson, John Walraven, when “the old buffalo hunter” followed his man “clear to Texas.”<sup>42</sup>

In September 1877 Frank Stephens, alias “Shorty,” assaulted Thomas Harrison. Whether the two were cowhands or not is unknown. The county provided medical care for the severely injured Harrison and in December sent him to St. Joseph’s Hospital in Omaha for treatment at a cost of \$7 per week.<sup>43</sup>

Harrison improved enough that he could return to Ogallala in the spring of 1878 to testify at district court when “Shorty” was indicted for the beating.<sup>44</sup> Evidently Harrison continued to suffer from his injuries for he returned to St. Joseph’s in Omaha in the spring of 1880 and must have died; the county bought a coffin for him in June.<sup>45</sup> The Stephens indictment, like that against Moye, never led to an arrest.



**William Gaslin, pictured here later in life, was a formidable presence on the bench during his tenure as district judge.** NSHS-P983

Barney Gillan, active in August as a stock inspector in Leech’s territory, was elected Keith County sheriff on November 6, 1877. Soon he arrested William Harris and Henry M. Gaylord for horse stealing—probably the same Gaylord who was involved in shooting Pedro, the horse thief.<sup>46</sup>

On January 26, 1878, Gillan reported that he had three more men in jail. The commissioners instructed the county clerk to “write Wm Gaslin Dist. Judge to ascertain how soon he could arrange for a term of Court in Keith County to have said prisoners tried, and if he thought it would be less expensive to

have said prisoners tried in another county.”<sup>47</sup> Judge Gaslin ignored the expense question and said he would be pleased to set a term of court in mid-April “provided it would suit.”<sup>48</sup>

On April 8, Jake J. Brown, Michael Veach, and James Farley were tried for “branding cattle not belonging to them.” Brown was acquitted; Veach and Farley were sentenced to thirty additional days in jail. Twenty days later “the Clerk was instructed to notify the sherief (*sic*) to discharge the prisoners when the Thirty days for which they were sentenced were up.”<sup>49</sup> The county had heated the jail and housed and fed the men most of that bitter winter, and the commissioners didn’t want to prolong the matter.

The summer of 1878 was comparatively quiet on Railroad Street. Barney Gillan was a cattleman’s sheriff, ignoring cowboys’ high spirits and concentrating on controlling rustlers and horse thieves. C. M. Richardson was arraigned for stealing horses August 17, and the commissioners requested Judge Gaslin to visit Keith County again. Richardson went to the penitentiary for three years. In November Jack Howard was sentenced to ten years.<sup>50</sup> Howard had stolen Louis Aufdengarten’s horses. Aufdengarten posted a reward for his apprehension, but the commissioners took responsibility for paying it and the following spring established a standing offer of \$200 for the capture of horse thieves and cattle rustlers.<sup>51</sup>

A few weeks later another drama occurred. Isom Prentice “Print” Olive and his brothers Ira and Robert (who used the name “Bob Stevens”) had left Texas in 1876 and claimed a range on the Middle Loup River in what soon became Custer County. Settlers were already taking homesteads on the eastern edge of the territory. The Olives had no sympathy for farmers, particularly those who helped themselves to ranchers’ beef—and most settlers did. Ami Ketchum and Luther Mitchell were accused of stealing Olive cattle. Robert Olive, deputized by the Buffalo County sheriff, rode into Mitchell’s yard to serve a warrant, and a

## Ogallala

gunfight broke out. Olive was mortally wounded. The Howard and Merrick county sheriffs captured Mitchell and Ketchum and took them to the Kearney jail. Print Olive wanted the men tried on his Custer County home ground and turned to an old friend from Texas, Barney Gillan, to pick up the grangers in Kearney and transport them to the Custer County courthouse.<sup>52</sup>

On December 9, 1878, Gillan, with Phil DuFran, a Custer County deputy sheriff and Olive cowboy, brought the prisoners by train to Plum Creek, now Lexington, and took them north by carriage. The next morning Olive met the group on the road and took charge of Mitchell and Ketchum. Gillan and DuFran were barely out of sight before Olive shot Mitchell and then hung both men, still manacled together. Somehow the bodies were burned, and when they were found it was widely assumed that the victims had been burned alive. The horror of what became known as "The Nebraska Man-burner Case" aroused near hysteria.

Gillan's participation seemed particularly ugly: a sheriff operating several counties away from his jurisdiction, knowingly carrying two men to their deaths. Keith countians, although often tolerant of cattlemen's misdeeds, quickly petitioned the commissioners to force Gillan's resignation "as his conduct was unbecoming to an officer of the law." After a delay of three weeks, the commissioners reappointed Joe Hughes sheriff.<sup>53</sup>

Gillan was arrested, but escaped from jail early in 1879. Though his whereabouts were known that summer, no effort was made to recapture him, and Gillan later fled the state.<sup>54</sup>

The cast of characters at the end of the trail, and the cattle industry itself, was changing. The number of foreign owners and investors was increasing. Stock growers organizations, originally set up to fend off rustlers and horse thieves and to fix grazing boundaries, in 1879 jointly formed the Wyoming Stock Growers Association with an elegant clubhouse and headquarters in Chey-



Though the setting is Texas in this engraving, Ogallala witnessed a similar scene during the 1879 shootout between Sheriff Hughes and Hunter and Evans cowhands.

*Frank Leslie's Illustrated Newspaper*, January 14, 1882

enne.<sup>55</sup> Members began to wield its marketing influence among themselves and in the East, and a few years later joined Texas cattlemen and Midwest packers in a futile effort to maintain an open trail from Texas to the northern ranges in the face of increasing settlement.<sup>56</sup>

The longhorn blood was being bred out. Cattle began to look more like Short-horns, Durhams, and Herefords. Barbed wire was coming into use by cattlemen as well as by grangers. An overstocked range was breaking down. Grasses and forbs that formerly broke the runoff, were grazed so low that rain falling on the tablelands flowed unimpeded to the rivers. Ogallala, located in a narrow valley, was particularly prone to flash floods, and 1879 was a wet summer.<sup>57</sup>

According to end-of-trail narrator Edgar Beecher Bronson, there was a prodigious flash flood three days before the next major Railroad Street bloodletting. Contemporary newspaper reports disagree on the details of the happenings on July 8 and 9, 1879, but local records help clarify events.<sup>58</sup>

Drovers working for Hunter and Evans arrived in the vicinity of Ogallala

with a herd at about the same time as the sky opened. Some of the crew braved the high-flowing South Platte River to "Hurrah" the town. Four or five of them were arrested for promiscuous shooting, but escaped from the jail and dared the sheriff to rearrest them. Then they shot into the jail building.<sup>59</sup>

Hughes formed a posse and ordered the rioters to surrender. In return the cowboys pulled out their revolvers:

Sheriff Hughes then fired his revolver at one of them, Wm. Shook, the ball entering his neck. This did not stop his warlike movements and the sheriff discharged one barrel of his shot gun at him, the contents taking effect in the left side of Shooks [sic], killing him instantly. The rest of the mob ran out of the saloon at another entrance and made for their homes. The sheriff and posse followed and ordered a halt, which was not heeded, and the sheriff discharged the second barrel of his shot gun at Henry Parker [sic], killing the horse which he was about to mount, and severely wounding him in the abdomen.<sup>60</sup>

A coroner's jury exonerated Hughes and the *North Platte Republican* commented,

We do not know who the sheriff is, not even his name; but he has a way of deal-

ing with unruly cases which, considering it is sometimes the only way, is commendable, and makes us think that he is the right man in the right place.<sup>61</sup>

The 1880 census mortality schedule for Ogallala lists the shooting deaths in July 1879 of cowhands William Shook, age twenty, and William H. Brewton or Breuton, age nineteen. It does not list Henry Parker. Some accounts say a wounded cowhand was carried back to camp. This could have been Parker, whose death, if it occurred, might have been unknown to the census taker nearly a year later. Another possibility is that the newspapers had the name wrong and Brueton and Parker were one and the same. The county commissioners, however, on October 11, 1879, paid three men for digging a grave apiece.<sup>62</sup> Jasper Southard, Hughes's brother-in-law, built Shook's and Breuton's coffins and acted as their undertaker; the county paid extra for some "hevy cloth" with which the coffins were lined.<sup>63</sup>

Nearly a century later, in August 1978, five bodies were unearthed on the northeast slope of old Boot Hill. Three of them lay side by side in similar coffins. Michael Gunn, a University of Nebraska graduate student working under the direction of anthropologist Richard McWilliams, reported that they were between the ages of eighteen and twenty-one, sixteen and eighteen, and seventeen and twenty, respectively. Two were men. It was difficult to determine the sex of the third. It appeared that the first two bodies had been interred by the same hand—"both in brown wool suits, both with porcelain-headed tacks in their coffins," while the third body was interred in an adjoining grave, but the coffin and clothing were different. No causes of death could be determined.<sup>64</sup>

The shootout had another result: "Under the new police regulations inaugurated by the authorities in Keith County, the cowboys, as soon as they enter Ogallala, have to turn over their revolvers and guns to the officers. . . . The strict enforcement of this order should be insisted upon in every western town."<sup>65</sup>

The balance of Joe Hughes's term was uneventful. On November 4 the *Omaha Daily Bee* noted with wonder, "Keith County has not a single prisoner in her jail, nor a single case on her district court docket."<sup>66</sup> That November livery stable owner Martin DePriest was elected sheriff. Although a decade later when residents talked about end-of-trail law enforcement they remembered DePriest and his deputy Joe Hughes, always armed with his shotgun or his buffalo gun, Hughes disappeared from the records of law enforcement for two and one-half years. In the 1880 census his occupation is given as rancher and herder, indicating a return to more peaceful pursuits.<sup>67</sup>

DePriest was a Texan born in Alabama and a Democrat in a county that was increasingly Republican, but people liked him. His first recorded official act was to sit as coroner at the inquest into the death of Michael Kearney, a section hand who was found crumpled beside the track on January 16, 1880. Jurors concluded he had died of a stroke.<sup>68</sup>

In February a herder found the body of a dead tramp on a South Platte River sandbar east of the village. Inquest jurors determined that he died of blows to the head. His description was circulated, and the commissioners offered a \$200 reward for the identification and conviction of his killer, but neither his identity nor his murderer was ever discovered. The county boxed his remains and buried them on Boot Hill.<sup>69</sup>

In May the sheriff arrested Henry Gaylord (again) and John Walters for stealing beer from a Union Pacific boxcar. Both men were sent to the penitentiary following their trial in district court.<sup>70</sup>

On June 21, 1880, Bill Thompson, younger brother of Ben Thompson, one of the West's most notorious gunmen, precipitated a shootout with Bill Tucker, owner of the Cowboy's Rest saloon. The two men had disliked each other for some time. On June 21, both had been drinking, and Thompson decided the time had come to settle old scores. He stepped inside the saloon door and fired

a shot at Tucker, which cut off one of Tucker's fingers and mutilated several others. The victim slumped to the floor behind the bar. Thompson, satisfied, sauntered away down the street. Tucker recovered quickly, grabbed a double-barreled shotgun from behind the bar, and ran out in the street. He fired at Thompson, "fairly filling that individual's rear, almost from his neck to his heels, with the assorted shot which the gun contained."<sup>71</sup> Bystanders hauled Thompson off to his room at the Ogallala House.

Charges of assault with intent to kill were filed against Thompson in county court.<sup>72</sup> He was patched up by a North Platte doctor and spent the next seventeen days lying on his stomach under guard, afraid that Tucker and his friends intended to lynch him as soon as he was healthy enough to hang. Word had also gotten out that Ben Thompson was en route to Ogallala. Sheriff DePriest appointed deputies "and will use every effort to keep the peace, but his ability to do that is questioned by those who judge the Thompson family from an intimate acquaintance with that member of it."<sup>73</sup>

The Ford County, Kansas, *Globe* reported July 6, 1880, that W. B. "Bat" Masterson had gone to Ogallala on behalf of Ben Thompson. According to Masterson, he spirited the younger Thompson out of Ogallala one night while a community celebration was going full-blast at the school house.<sup>74</sup> The Sidney newspaper merely reported on July 17 that "Bill Thompson, who figured so conspicuously in the recent shooting affray at Ogallala, has shipped out of that burg. A case of French leave."<sup>75</sup> Despite Thompson's departure, he was later indicted in district court for shooting with intent to kill, but was never brought to trial.<sup>76</sup>

They may have laughed long and loud at DePriest's expense in Dodge City, but Ogallalans were satisfied with their sheriff. Two days after the Thompson-Tucker incident the commissioners made the sheriff's position salaried—\$500 annually plus fees, mileage, and expenses, but it

# A Rogue's Gallery

## Keith & Cheyenne County Criminals, 1874-82



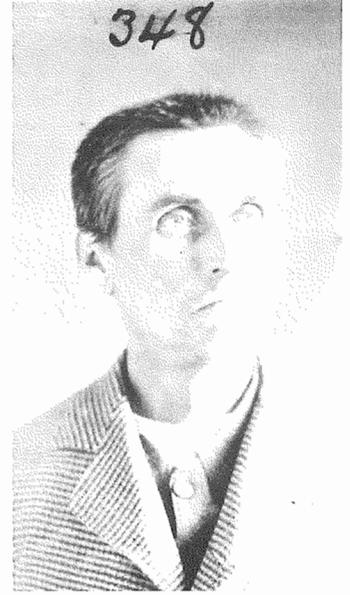
Peter Wilson  
horse theft, 1877



George Leavenworth  
horse theft, 1877



Dick Ruble  
horse theft, 1877



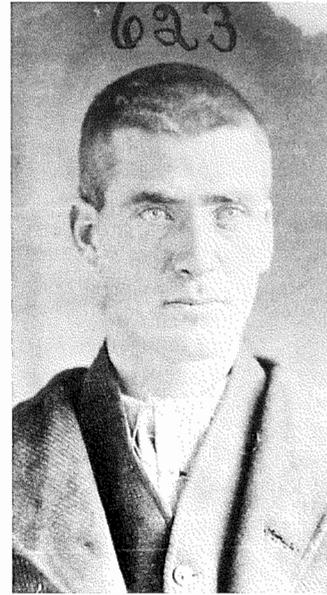
C. M. Richardson  
horse theft, 1878



William A. Blyer  
larceny, 1874  
horse theft, 1878



John Walters  
burglary, 1880



Thomas Gray  
highway robbery, 1882

No one charged with murder in Keith County during the end-of-trail period was ever brought to trial.

All photographs from  
NSHS-RG2418

took them two more years to set aside an additional \$200 to pay deputies.<sup>77</sup>

Judge Gaslin arrived again in the spring of 1882 and tried Thomas Scott Gray for highway robbery and the court indicted Thomas “Arkansas” Ware or Hare, probably Aufdengarten’s horse thief. Hare later jumped bail and left several Ogallala citizens holding the bag for his bond.<sup>78</sup> After holding up a companion on November 30, 1881, Gray had escaped to Denver where Sheriff DePriest captured him. Gray’s trial was noteworthy for its brevity, a mere three hours from the grand jury indictment to Judge Gaslin’s sentence of ten years in the penitentiary. A newspaper correspondent expressed surprise that the “cowboys” who made up both the grand and petit juries did not let their “natural sympathy for their kind . . . deter them summarily visiting upon him the consequences of his crime.”<sup>79</sup> In reality, court records reveal that the jury was drawn from among the permanent citizens of the county. Given the small population, many of these long-suffering individuals were called as jurors repeatedly.

Gunfire was a common occurrence in Ogallala, but in May 1882 two cowboys went too far. The commissioners offered a \$100 reward for the capture of drovers who shot holes in the town’s water tank and into Louis Aufdengarten’s house. A spent bullet fell into the baby’s cradle. No one collected the reward. The commissioners renewed DePriest’s salary anyway.<sup>80</sup>

And in May 1882, Joe Hughes reappeared. He was paid \$74.40 as a temporary deputy sheriff.<sup>81</sup> It was probably about this time, as his wife later remembered, that he moved his family to Ogallala and into semipermanent residence in the jail shanty and became the permanent jailer and intermittent deputy sheriff, census enumerator, election canvasser, and man of all county work.

Criminal behavior in 1883 and early 1884 consisted of more horse thieves and more drifters—with the notable exception of the case involving saloon owner Bill Tucker. The *Omaha Daily*

*Bee*, after receiving information from an Ogallala correspondent, reported that thirteen-year-old Flora Rayner of Ogallala had been raped by Tucker on May 14 during a buggy ride. Tucker had tried “to purchase peace from the parents,” the *Bee* said, and added that because Tucker had threatened the editors, only brief reports of the incident had been published in North Platte newspapers, and those urged the public not to rush to judgment. Apparently the uproar died quietly for no further reference to the case appeared in available newspapers or court records.<sup>82</sup>

The Tucker scandal overshadowed the June 1883 trial of Peter King for shooting at Martin DePriest with intent to kill. DePriest was wounded in the leg, and King was sentenced to five years in the penitentiary.<sup>83</sup>

In early fall DePriest, Hughes, and Elmer Leech collected fees from the county for arresting horse thieves named Snell or Sell and Oscar Tobin, who were given four years and three years in prison, respectively. Locally, horse thieving had subsided enough so that on October 29, 1883, the commissioners revoked the \$200 reward that had been in effect since April 1879.<sup>84</sup>

DePriest increasingly dealt with another kind of criminal, city punks rather than Texas desperados. By the end of the 1884 season Ogallala was becoming a farming community, and across the cattlemen’s West the trail driving culture was sputtering out. For example, on April 15, 1884, Charles James killed himself in the Keith County jail. He used a .32 revolver, rarely a cowboy’s weapon.<sup>85</sup>

Then on August 16, 1884, Ed Worley was shot to death by Lang or Lank Keyes. Keyes was a well-known Omaha gambler and “sporting man” and the brother of John Keyes, also notorious as the former sheriff of Cherry County who had (while in office) killed two men in a fashion that looked suspiciously like murder and then another in Omaha. Worley also brought a reputation with him. He had retreated suddenly from Wyoming to Sidney. He left there after

he attacked a man with an axe and had stolen money, crimes for which he spent time in jail.<sup>86</sup>

This time the trouble occurred at the Crystal Palace Saloon, recently purchased by DePriest from William Phebus.<sup>87</sup> Contemporary reports of the Worley killing contradict one another. Some say that Worley was playing three-card monte with Keyes and asked for \$9 to continue gambling. Other accounts have both men planning to go to Wyoming, with Worley needing a loan for a train ticket. Whatever the reason, when Keyes refused to give him the money Worley became angry, threatened to kill Keyes, and flashed a knife. Keyes jumped up from the table and shot him.<sup>88</sup>

Though the newspaper said Worley died on the spot, in fact the county paid for housing him and for his medical treatment.<sup>89</sup> He could not have lived long, however. A coroner’s jury disagreed on whether the shooting was justified, and Keyes was arrested. A few days later DePriest turned him loose because “all of the witnesses had been gotten out of the way” before a preliminary hearing could be held.<sup>90</sup> The divided coroner’s jury indicates that some in Ogallala thought the shooting was murder. After a little thought, however, most residents probably decided that killing Worley was not a great evil. Keyes drifted off to Valentine where, less than a year later, he murdered his mistress during a drunken spree.<sup>91</sup>

After ten years as the legendary “town at the end of the trail,” Ogallala was formally incorporated November 25, 1884.<sup>92</sup> Joe Hughes was appointed town marshal. There had never been more than about 125 residents in Ogallala including a fluctuating number of section hands and whatever tramps and criminals were in jail, and there probably never were more than another eighty people living elsewhere in the county, including the tiny settlements of Alkali and Brule and at two or three permanent ranch headquarters.<sup>93</sup> That total did not include a peripatetic population of Texas drovers that during the height

## Ogallala

of the trail season fluctuated between three and nine hundred men. Then suddenly the permanent populations of both town and county boomed. The 1885 census put the count at about 250 in Ogallala and some nine hundred in the county.

Settlers came crowding in. All available land as far west as the North Platte area had been claimed as early as 1879, but then even the land-starved hesitated. Not only were they wary of the unfenced herds that swarmed over Keith County, but the traditional fear of farming west of the 100th Meridian slowed them. But a respected University of Nebraska scientist, Dr. Samuel Aughey, announced in 1883 that "rain follows the plow," a view widely encouraged by the Union Pacific Railroad, desperate to sell land cattlemen had been grazing free for more than fifteen years.<sup>94</sup>

By September 1885 Ogallala boasted at least three doctors, three drug stores, two banks, six real estate offices, five general stores, a furniture store, two butcher shops, an implement dealer, two hardware stores, three lumber companies, a brick kiln, a skating rink-community hall, and a second newspaper.<sup>95</sup> The town built a new courthouse and school. Most of the new businesses and several of those that had burned in August 1884, were constructed north of the railroad tracks. Louis Aufdengarten, always good at spotting local trends, changed his emporium's name from the Drover's Store to the Keith County Market, and, as the agricultural focus in Keith County changed from cattle to crops, opened a flour mill.<sup>96</sup> In April 1885 the cornerstone of a Congregational church, Ogallala's first house of worship, was laid.<sup>97</sup>

All was not peaceful, however. Riley Thompson shot Town Marshal Joe Hughes in the hand August 8, 1885. Thomas Newdick was arrested on a charge of assault with intent to kill at about the same time. Both men served time in the county jail.<sup>98</sup>

The trail by then was largely irrelevant. Settlers in early 1885 prevailed upon the Kansas legislature to prohibit



**Sheriff Martin DePriest.** Keith County Historical Society

Texas cattle drives and then camped at the southern border of that state to enforce the ban. Northern Plains ranchers, frightened by a new outbreak of Texas fever in 1884, joined forces with the grangers to make the ban stick. Except for a few herds that sneaked through, the Texas Trail closed forever that spring.<sup>99</sup>

Ogallala as a shipping point was irrelevant, too. The railroad for four years or more had been constructing sidings anywhere a village or rancher built a set of loading pens.<sup>100</sup> The open-range cattle industry itself was undergoing massive changes. At the very time profits from ranging semi-wild cattle on free grass promised to spiral endlessly upward, the boom began to collapse. Wild speculation that gripped the industry in the early and mid-1880s was a sign of impending disaster. Though "The Big Die-up" of the winter of 1886-87 is a legend on the range, losses were severe every winter from 1882-83 through 1887-88.<sup>101</sup>

It took years for end-of-the-trail behavior to disappear entirely, but by 1887 the desire for respectability had taken a

firm hold on the Ogallala community. That December William Muland of the *Keith County News* editorialized,

For shameless, brazen faced corruption, Tuesday night's proceedings at one of our saloons certainly takes the lead. When prostitutes enter and carouse in plain view of passersby on the street, and without even a screen to hide their iniquity, we have reached a condition which could make the cheek of every honest citizen burn with shame and indignation that such things should exist in a town that makes any pretensions to decency and morality.<sup>102</sup>

Doubtless such activities would have been ignored only a few years earlier.

The open-range cattlemen who survived into 1888, except for William Paxton, John Bratt, and a few others, moved west and north out of Nebraska.<sup>103</sup> But thanks to Paxton and his successors who had learned to build fences, dig wells, and lay up hay; to homesteaders who turned to stock raising to survive; and to old-time cowboys who moved into the vacuum left when the huge outfits moved out, Ogallala remained, and still remains to the extent any modern city can, a cowtown.

Martin DePriest was sheriff until 1888. When Perkins County was organized November 8, 1887, the farm he bought after he relinquished his claim near Ogallala was within the boundaries of the new county, and he was asked to resign. He retained his Ogallala saloon, however, and moved back and forth across the divide. By 1890 he was again the Keith County sheriff. Local people believe he retired in New Mexico.<sup>104</sup>

Joseph Hughes lived a long, useful life and was buried in the Ogallala Cemetery following his death on March 4, 1915, his grave marked by a headstone with his name misspelled.<sup>105</sup> But that hard-working man, who stepped more than once into the breach when law enforcement in Keith County threatened to collapse, never filed for election as sheriff. His great-grandson, John Walraven, remembered his great-grandmother saying, "No, he didn't really relish the aggravation."<sup>106</sup>

Providing a semblance of law enforcement was a continuing problem for Ogallala's city fathers during the trail-driving days. The tiny, permanent population of Keith County provided only a minimal tax base from which to fund basic services such as jails, courts, and even the sheriff's salary. The sheriff's office, along with other county offices, suffered from high turnover, and its occupants were rarely well-qualified. Some officers, such as Barney Gillan, later ended up on the wrong side of the law. Even the well-respected Martin DePriest found it necessary to supplement his salary by running one of Ogallala's saloons, an institution that, itself, contributed mightily to the community's law enforcement problems.

Given the large numbers of cowhands, gamblers, and prostitutes who invaded the otherwise sleepy village each summer, coupled with the shortcomings of Keith County's criminal justice system, one would expect to find a community plagued with a high level of violent crime. Yet the overall level of lethal violence during Ogallala's trail driving days seems remarkably low. Between 1875 and 1884 only six fatalities from gun-related altercations can be firmly documented, and no one from Keith County was sent to jail for murder. Several other shooting scrapes, such as the Thompson-Tucker affair in 1880 and the assault on Sheriff DePriest in 1883, while adding color to Ogallala's cowntown reputation, did not terminate fatally.

Though Ogallala's fame as the wild and woolly "Cowboy Capital" rests mostly on a few well-publicized incidents such as the Campbell-Moye, Tucker-Thompson, and Worley-Keyes shootouts, violent crimes were relatively rare. For Joseph Hughes, Martin DePriest, and other Keith County lawmen, providing law at the end of the trail more often meant tracking down local rustlers and horse thieves, acting as coroner, or sweeping out the jail.

### Notes

<sup>1</sup> Many books and articles address the early range cattle industry. Those providing background

for this article included J. Marvin Hunter, ed., *The Trail Drivers of Texas*, 2d ed. (Nashville: Cokesbury Press, 1925); Nellie Snyder Yost, *The Call of the Range* (Denver: Sage/Swallow Books, 1966); Yost, *Boss Cowman: The Recollections of Ed Lemmon, 1857-1946* (Lincoln: University of Nebraska Press, 1969); James C. Olson, *History of Nebraska* (Lincoln: University of Nebraska Press, 1955); Norbert Mahnken, "Early Nebraska Markets for Texas Cattle," *Nebraska History* 26 (Jan.-Mar. 1945): 3-25 and (Apr.-June 1945):91-103; Mahnken, "Ogallala: Nebraska's Cowboy Capital," *Nebraska History* 28 (Apr. - June 1947):85-109; John Bratt, *Trails of Yesterday* (Lincoln: University of Nebraska Press, 1980, rpt. of 1921 ed.); James H. Cook, "Early Days in Ogallala," *Nebraska History* 14 (Apr.-June 1933):86-99; Harry Chrisman, *Ladder of Rivers: The Story of I. P. (Print) Olive* (Denver: Sage/Swallow Books, 1962); Edgar Beecher Bronson, *Reminiscences of a Ranchman* (New York: Doubleday, 1909); and John Clay, *My Life on the Range* (Norman: University of Oklahoma Press, 1962 rpt. of 1916 ed.).

<sup>2</sup> *Compendium of History, Reminiscence and Biography of Western Nebraska* (Chicago: Alden Publishing Co., 1909), 279-80.

<sup>3</sup> Lincoln County, Nebraska, Commissioners Proceedings, vol. A, Aug. 15, Oct. 16, 1868; Apr. 4, Aug. 28, 1871, RG218, microfilm at Nebraska State Historical Society, Lincoln (hereafter NSHS); A. B. Wood, *Pioneer Tales of the North Platte Valley and Nebraska Panhandle* (Gering, Nebr.: Courier Press, 1938), 65; Grant L. Shumway, ed., *History of Western Nebraska and Its People* (Lincoln: Western Publishing and Engraving Co., 1921) 2:106-7; *Omaha Weekly Bee*, Sept. 8, 1875.

<sup>4</sup> *North Platte Enterprise*, Feb. 8, 1873.

<sup>5</sup> Keith County, Nebraska, Commissioners Proceedings, vol. A, June 9 and 30, Oct. 14, 1873, RG273, microfilm at NSHS (hereafter cited as Commissioners' Proceedings).

<sup>6</sup> Population Schedules of the Ninth Census of the United States, 1870, Lincoln County, Brule Precinct, microfilm at NSHS; Keith County, Nebraska, Probate Judge's Term Docket, vol. A, June 19, 1874 (hereafter cited as Probate Judge's Docket).

<sup>7</sup> Commissioners' Proceedings, July 20, Nov. 5, Dec. 16, 1874; Jan. 19, Feb. 15, Apr. 6, May 3, 1875.

<sup>8</sup> *Sidney Telegraph*, June 17, 1876; Commissioners' Proceedings, June 23, 1880.

<sup>9</sup> Commissioners' Proceedings, July 6, 1875.

<sup>10</sup> *Omaha Weekly Bee*, Sept. 8, 1875.

<sup>11</sup> Wayne Gard, *The Chisholm Trail* (Norman: University of Oklahoma Press, 1954), 218.

<sup>12</sup> *The Western Nebraskian* (North Platte), Aug. 6, 1875.

<sup>13</sup> *Ibid.*

<sup>14</sup> Probate Judge's Docket, Aug. 5, 1875.

<sup>15</sup> *The Western Nebraskian*, Aug. 21, 1875.

<sup>16</sup> Probate Judge's Docket, Sept. 11 and 27, 1875.

<sup>17</sup> *The Western Nebraskian*, Dec. 15, 1875; *North Platte Republican*, Dec. 18, 1875.

<sup>18</sup> Commissioners' Proceedings, Jan. 7, Apr. 17 and 22, 1876.

<sup>19</sup> 1870 Census, Lincoln County, Alkali Precinct; Lincoln County Commissioners' Proceedings, Oct. 23, 1868; Aug. 28, 1871.

<sup>20</sup> *Cheyenne Daily Leader*, July 14, 1876.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Sidney Telegraph*, June 24, 1876. Two lots directly north across the railroad tracks from Front Street were sold in the mid-1870s to women who did not have any proclaimed occupation in the community, not even as the wife, daughter, or mother of a local businessman. Both were nonresidents, i.e. women who maintained a North Platte residence, but who apparently spent the summer in Ogallala. Census records of 1880 reveal that neither of the two hotels had women living on the premises.

<sup>23</sup> Robert G. Athearn, *Union Pacific Country* (New York: Rand, McNally & Co., 1971), 158.

<sup>24</sup> *The Western Nebraskian*, Sept. 2, 1876.

<sup>25</sup> *Sidney Telegraph*, Sept. 16, 1876; *The Western Nebraskian*, Sept. 16, 1876.

<sup>26</sup> *Ibid.*; Commissioners' Proceedings, Oct [10], 1876.

<sup>27</sup> *Sidney Telegraph*, Sept. 16, 1876.

<sup>28</sup> Commissioners' Proceedings, Sept. 18, 1876.

<sup>29</sup> *Ibid.*, Nov. 11, 1876.

<sup>30</sup> *Omaha Weekly Bee*, Oct. 11, 1876; *Sidney Telegraph*, Apr. 7, 1877; Commissioners' Proceedings, Feb. 20, 1877; John Carson, *The Union Pacific: Hell on Wheels* (Santa Fe: Press of the Territorian, 1968), 31.

<sup>31</sup> *Keith County News*, Oct. 9, 1885; Feb. 7, 1935; Mar. 11, 1915; Population Schedules of the Tenth Census, 1880, Keith County, Brule Precinct, microfilm at NSHS.

<sup>32</sup> Delbert H. Baggott to author, Feb. 14, 1987; Yost, *Call of the Range*, 57; Commissioners' Proceedings, Apr. 27, 1877. The commissioners allowed Joe Hughes \$4 "for services performed by A. S. & L. Burger as jurymen on dead bodies."

<sup>33</sup> Hunter, *Trail Drivers*, 99.

<sup>34</sup> Yost, *Boss Cowman*, 88-89.

<sup>35</sup> Cook, "Early Days," 88-89.

<sup>36</sup> Hunter, *Trail Drivers*, 455-57; Cook, "Early Days," 88-89.

<sup>37</sup> Yost, *Boss Cowman*, 88-89.

<sup>38</sup> *Sidney Telegraph*, Aug. 4, 1877.

<sup>39</sup> Keith County District Court Journal A, Apr. 8, 1878, term, NSHS (hereafter cited as District Court Journal A).

## Ogallala

- <sup>40</sup> Commissioners' Proceedings, Oct. 22, 1877; Inmates No. 296, 297, 298, General Index and Descriptive Record of Inmates, Nebraska State Penitentiary, Feb. 22, 1867–Dec. 6, 1926, RG34, microfilm at NSHS (hereafter cited as Inmate Record).
- <sup>41</sup> Bratt, *Trails of Yesterday*, 209.
- <sup>42</sup> Commissioners Proceedings, Oct. 2, 1877; interview by author with John J. Walraven, Sterling, Colo., Jan. 4, 1987.
- <sup>43</sup> Commissioners' Proceedings, Oct. 8, Nov. 7, Dec. 3 and Dec. 20, 1877; Jan. 3, Jan. 8, July 1, 1878.
- <sup>44</sup> District Court Journal A, Apr. 8, 1878, term.
- <sup>45</sup> Commissioners' Proceedings, Apr. 6, June 21, 1880.
- <sup>46</sup> *Sidney Telegraph*, Apr. 7, 1877; Probate Judge's Docket, Aug. 10, 1877; Commissioners' Proceedings, Nov. 6, Dec. 3, 1877.
- <sup>47</sup> Commissioners' Proceedings, Jan. 26, 1878.
- <sup>48</sup> *Ibid.*, Feb. 7, 1878.
- <sup>49</sup> John Armknecht, ed., "How the West Was Lost: A History of Ogallala and Keith County" (Ogallala Youth Council: July 1965), 8–9; Commissioners' Proceedings, Apr. 28, 1878; District Court Journal A, Apr. 8, 1878, term.
- <sup>50</sup> District Court Journal A, Oct. 11, Nov. 23, 1878, terms; Inmates No. 348, 369, Inmate Record; Yost, *Call of the Range*, 61; Probate Judge's Docket, Aug. 17, 1878.
- <sup>51</sup> Commissioners' Proceedings, Nov. 6 and 16, 1878; Apr. 24, 1879.
- <sup>52</sup> For the story of the Olive-Mitchell-Ketchum affair, see Chrisman, *Ladder of Rivers*.
- <sup>53</sup> Commissioners' Proceedings, Dec. 21, 1878; Jan. 31, 1879.
- <sup>54</sup> *Sidney Telegraph*, Jan. 11, 1879; *The Western Nebraskian*, July 26, 1879; *North Platte Republican*, Aug. 9, 1879; *Omaha Daily Bee*, Sept. 1, 1879.
- <sup>55</sup> *Cheyenne Daily Leader*, July 11, 1879.
- <sup>56</sup> Clay, *My Life on the Range*, 116–17; Theodore Lewis, "The National Cattle Trail, 1883–1886," *Nebraska History* 52 (Summer 1971):205–20. For foreign investment in the range cattle industry see Gene M. Gressley, *Bankers and Cattlemen* (New York: Alfred A. Knopf, 1966).
- <sup>57</sup> *Records of Weather, U.S. Army Observer, 1874–1886*, entry for July 1879, NOAA Office, North Platte, Nebr.
- <sup>58</sup> Bronson, *Reminiscences of a Ranchman*, has this shootout occurring in 1880. Several of his recollections of events do not conform to the historical record.
- <sup>59</sup> *Cheyenne Daily Leader*, July 11, 1879; *Sidney Telegraph*, July 12, 1879; *North Platte Republican*, July 12, 1879; *Omaha Daily Bee*, July 14, 1879.
- <sup>60</sup> *Cheyenne Daily Leader*, July 11, 1879.
- <sup>61</sup> *North Platte Republican*, July 12, 1879.
- <sup>62</sup> 1880 Census, Supplemental Schedule 5, Mortality, Ogallala Precinct; Commissioners' Proceedings, Oct. 11, 1879.
- <sup>63</sup> Commissioners' Proceedings, July 16, 1879.
- <sup>64</sup> *Keith County News*, Aug. 17, Sept. 7, Oct. 19, 1878.
- <sup>65</sup> *The Western Nebraskian*, July 26, 1879.
- <sup>66</sup> *Omaha Daily Bee*, Nov. 4, 1879.
- <sup>67</sup> Commissioners' Proceedings, Nov. 21, Dec. 14, 1879; 1880 census, Ogallala.
- <sup>68</sup> Nebraska State Census of 1885, Keith County, Ogallala Precinct, microfilm at NSHS; *Keith County News*, Oct. 9, 1885; Commissioners' Proceedings, Jan. 16, Feb. 6, 1880; 1880 Census, Mortality Schedule, Keith County.
- <sup>69</sup> *The Western Nebraskian*, Feb. 28, 1880; Commissioners' Proceedings, Mar. 3, 1880.
- <sup>70</sup> District Court Journal A, June 11, 1880, term; Inmates No. 496, 497, Inmate Record.
- <sup>71</sup> *Sidney Telegraph*, June 26, 1880. The 1880 census for Ogallala, taken just before the shooting, records a William Thompson, age thirty-five, born in Texas, a boarder at Sam Roney's hotel. His occupation was listed as "printer."
- <sup>72</sup> Probate Judge's Docket, June 21, 1880; Commissioners' Proceedings, Aug. 2, 1880.
- <sup>73</sup> *Sidney Telegraph*, June 26, 1880.
- <sup>74</sup> Robert K. DeArment, *Bat Masterson: The Man and the Legend* (Norman: University of Oklahoma Press, 1979), 185–192. Contemporary newspaper accounts make no mention of Masterson's role in Thompson's departure from Ogallala.
- <sup>75</sup> *Sidney Telegraph*, July 17, 1880.
- <sup>76</sup> District Court Journal A, June 20, 1883, term.
- <sup>77</sup> Commissioners' Proceedings, June 23, 1880; Aug. 5, 1882.
- <sup>78</sup> District Court Journal A, Feb. 27, 1882, term; Apr. 11, 1883, term.
- <sup>79</sup> *Omaha Weekly Bee*, Mar. 15, 1882; Inmate No. 623, Inmate Record.
- <sup>80</sup> Commissioners' Proceedings, May 6 and 8, 1882; Eloise Bradley Walker, "Suttler [sic] to Early Settler: The Story of L. Aufdengarten," an unpublished typescript of a speech given by a granddaughter of Louis Aufdengarten, now owned by Elaine Nielsen, Ogallala.
- <sup>81</sup> Commissioners' Proceedings, May 20, 1882.
- <sup>82</sup> *Omaha Daily Bee*, June 14, 1883.
- <sup>83</sup> *Sidney Telegraph*, May 19, 1883; District Court Journal A, June 20, 1883, term.
- <sup>84</sup> *Nebraska State Journal* (Lincoln), Nov. 7, 1883; Commissioners' Proceedings, Sept. 9, Oct. 1 and 29, 1883; District Court Journal A, Oct. 27, 1883, term. The journal records the name of the second man as Robert Sell.
- <sup>85</sup> Commissioners' Proceedings, Apr. 15, 1884.
- <sup>86</sup> *Keith County News*, Feb. 7, 1935 (rpt. from *Ogallala Reflector*); Dec. 29, 1938, reprint of article from *The Western Nebraskian*, n.d.; *Omaha Daily Bee*, Oct. 22, 23, 31, 1883; Aug. 19 and 20, 1884; *Omaha Weekly Bee*, Aug. 27, 1884; *Sidney Plaindealer-Telegraph*, Aug. 23, 1884.
- <sup>87</sup> Commissioners' Proceedings, Apr. 20, 1884.
- <sup>88</sup> *Sidney Plaindealer-Telegraph*, Aug. 23, 1884; *Omaha Weekly Bee*, Aug. 27, 1884.
- <sup>89</sup> Commissioners' Proceedings, Sept. 8, 1884; Jan. 13, 1885.
- <sup>90</sup> *Daily Nebraska State Journal*, Sept. 3, 1884; *Omaha Weekly Bee*, Aug. 27, 1884.
- <sup>91</sup> *Sidney Telegraph*, Apr. 25, 1885.
- <sup>92</sup> *Keith County News*, Golden Anniversary Issue, Feb. 7, 1935.
- <sup>93</sup> The statistical abstracts of the 1880 census give the population of Ogallala as 114, with an additional eighty residents elsewhere in the county.
- <sup>94</sup> *Omaha Daily Bee*, Nov. 4, 1879; Olson, *History of Nebraska, 173–74*; Athearn, *Union Pacific Country*, 181, 184.
- <sup>95</sup> 1885 State Census, Ogallala Precinct; Commissioners' Proceedings, June 2, 1885; *Keith County News*, Sept. 18, 1885; Interview by author with Robert "Butch" Hillyer, Ogallala, Apr. 3, 1990.
- <sup>96</sup> *Keith County News*, Mar. 18, 1887; *Compendium of History*, 279–80.
- <sup>97</sup> *Keith County News*, Feb. 7, 1935.
- <sup>98</sup> *Ibid.*, Sept. 18, 1885; Commissioners' Proceedings, Sept. 5, 1885; Probate Judge's Docket, Nov. 23, 1885; District Court Journal A, Nov. 23, 1885, term.
- <sup>99</sup> *Ibid.* Clay, *My Life on the Range*, 277. "Cattle Raising on the Plains," *The West: A Collection From Harper's Magazine* (New York: Gallery Books, W. H. Smith Publishers, Inc., 1990), 119–26.
- <sup>100</sup> *Omaha Daily Bee*, June 22, 1883; Athearn, *Union Pacific Country*, 293.
- <sup>101</sup> Clay, *My Life on the Range*, 73, 79, 172–73. *Weather Records*, Dec. through Mar., 1879–88.
- <sup>102</sup> *Keith County News*, Dec. 9, 1887.
- <sup>103</sup> Wood, *Pioneer Tales*, 74, 262.
- <sup>104</sup> Yost, *Call of the Range*, 139; Commissioners' Proceedings, June 23, 1890; *Keith County News*, Feb. 7, 1935, quoting *Ogallala Reflector*, Apr. 18, 1886.
- <sup>105</sup> *Keith County News*, Mar. 11, 1915.
- <sup>106</sup> *Ogallala Cemetery Records*; John J. Walraven interview.