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Article Summary: Buffalo Bill Cody and Doc Carver were partners during the 1883 season of *Cody and Carver's Wild West*, a touring outdoor western show. Their partnership dissolved after one year, and their bitter legal dispute over control of the name "Wild West" made them adversaries for the rest of their lives.

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Photographs / Images: William F "Buffalo Bill" Cody (2 images); William F "Doc" Carver (3 images); cast of *Cody and Carver's Wild West*; Carver at a shooting match with Adam Bogardus; cowboys and Indians recruited by Carver; inset advertisement for Carver, "The Champion Rifle Shot of the World"



BUFFALO BILL CODY

V.

DOC CARVER

THE BATTLE OVER THE WILD WEST

By Sandra K. Sagala

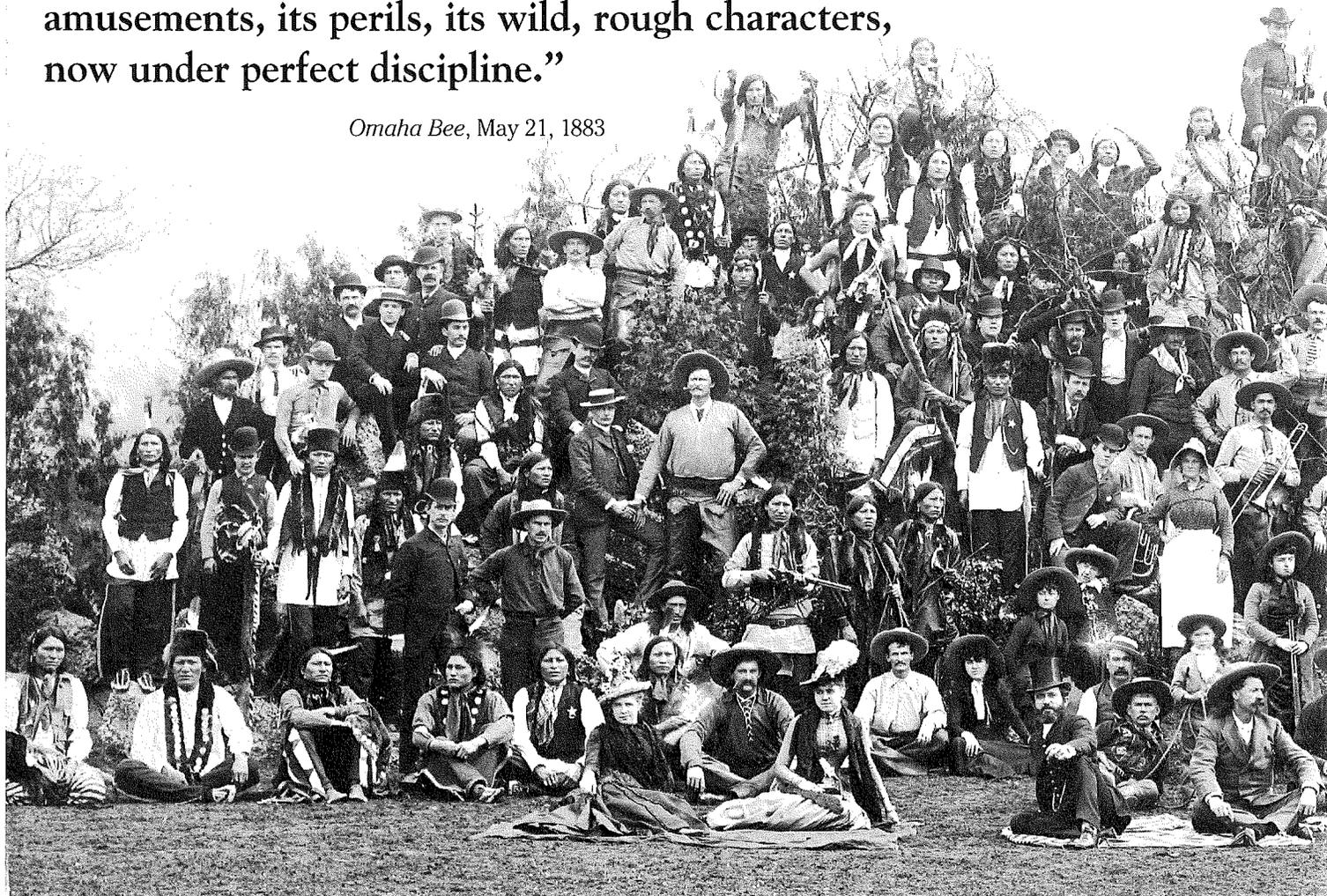


On May 19, 1883, William F. “Buffalo Bill” Cody and William F. “Doc” Carver opened their Wild West Rocky Mountain and Prairie Exhibition at the Omaha, Nebraska, fairgrounds. Theirs was a timely endeavor; the outdoor exhibit and show format was coming into its own in popularity and the two frontiersmen expected to cash in on a lucrative enterprise.

William F. “Buffalo Bill” Cody (opposite) and William F. “Doc” Carver (left) were partners for the 1883 season of Cody and Carver’s Wild West, a touring outdoor western show. Their legal—and personal—dispute began the following year. Buffalo Bill Historical Center, Cody, Wyo. P.69.2088; NSHS RG3623-5

“Buffalo Bill has . . . out-Barnumed Barnum in his novel show, with its barbaric splendor, its amusements, its perils, its wild, rough characters, now under perfect discipline.”

Omaha Bee, May 21, 1883



Buffalo Bill Cody was already well known; his exploits as a skilled buffalo hunter, Army scout, and Indian fighter had been reported in legitimate newspapers and glamorized in the pages of countless dime novels. His legendary reputation had been enhanced by his recent activities as a stage actor and star of his own traveling troupe. Doc Carver, however, whose skill as a marksman was good enough to set records in the United States and Europe, remained virtually unknown except to devoted shootists.

Trained as a dentist, he invented a glamorous early life and claimed that his title “Doctor” had been conferred by Indians who, because of his deadly rifle, had named him “The Great Bad Medicine.”¹

The two men are thought to have met in Nebraska in the summer of 1874 when Cody was hired to escort the hunting party of Thomas Medley, an “English gentleman.”² Carver, then a resident of North Platte, went along. After the hunt, Cody returned to his theatrical company and Carver moved for a brief period to Cheyenne, Wyoming Territory, where he practiced dentistry. Later he began to appear in shooting exhibitions.

A self-proclaimed “world champion

marksman,” Doc also claimed that he had been nicknamed “Evil Spirit of the Plains” by Indians. Had Cody been intuitive, he might have taken Carver’s moniker more seriously. For what began as mutual respect and enthusiasm for an exciting venture rapidly deteriorated into a verbal battle of epic proportions waged by lawyers for both sides. But the outcome meant that Buffalo Bill’s Wild West would be under his control and, despite many imitators, it remained a distinctive form of indoor entertainment.

After ten years Cody’s theatrical show had outgrown the limitations of an outdoor stage, and he considered the idea of an outdoor extravaganza. Coinciden-

Sandra K. Sagala, of Erie, PA, is the author of Buffalo Bill, Actor: A Chronicle of Cody's Theatrical Career, Heritage Books, 2002.



tally, in 1882 troubadour Nate Salsbury approached him with the concept of an outdoor show, thinking that Cody's name associated with such a venture would be profitable. Though both were enthusiastic, they made no commitment at the time. Instead, on July 4, 1882, Cody produced his "Old Glory Blowout" in North Platte, Nebraska, and it proved so popular he was eager to expand it.

In January 1883 Carver and Cody met up again in New Haven, Connecticut, where Carver now resided. Cody was high on the success of his "Old Glory Blowout." Aware of Carver's shooting prowess, Cody, without consulting Nate Salsbury, asked Carver to go in as partner.

Later, a bitter Salsbury remembered his disappointment and disapproval. He had wanted nothing further to do with the enterprise because, as far as he was concerned, Carver was "a fakir in the show business."³

Carver's version of the Wild West proposal differs. He claimed that he had been the originator of the "wild west show" while "Bill Cody was on the stage killing painted white men."⁴ In fact, he reported, Cody came to him penniless after years on stage, his total assets amounting to seventeen dollars. Hearing that Carver was starting an outdoor show, Cody begged to be a part of it. Carver agreed to take him on only if he

would stop drinking, saying, "I can't have a drunk on my hands."⁵ Cody eagerly agreed to the stipulation. But, like many claims made by Carver, there is nothing to substantiate the account.

Far from penniless, by January 1883 Cody was the successful star of his own western dramas. He had amassed enough capital to acquire an estate of fifteen hundred acres and six thousand head of livestock. Receipts from his previous season's drama, *The Prairie Wait*, had netted him forty to fifty thousand dollars. Only months previously, Cody had written to his former partner Jack Crawford that his business was "something wonderful."⁶

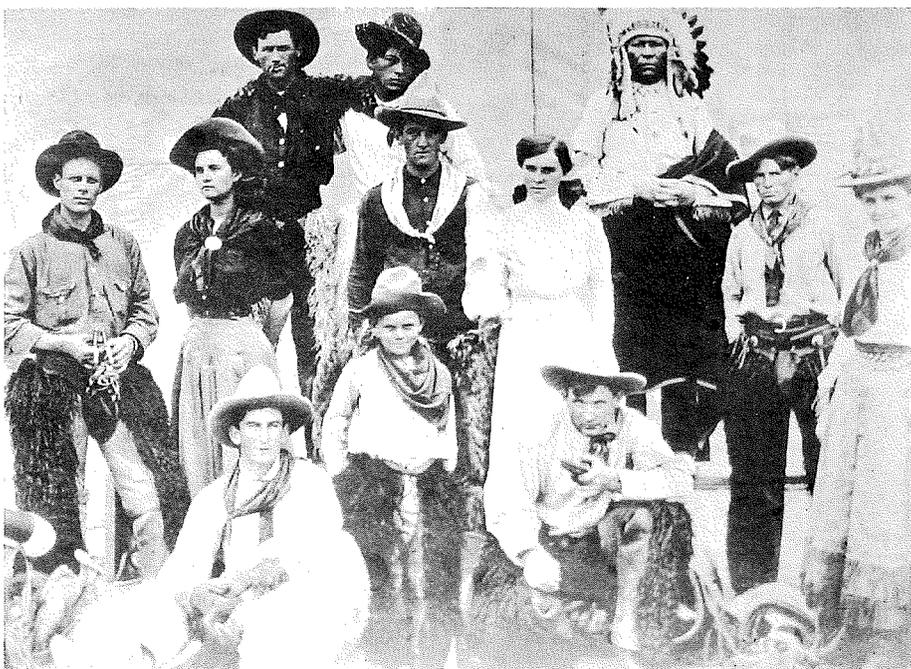
When Cody and Carver became partners, one of their first steps was to choose a name for the show. Both men liked "The Wild West," while Hugh Dailey, Carver's brother-in-law, who was at the meeting, suggested the "Golden West," which Carver also favored. By March, the press was reporting that the two had entered into "a novel enterprise to be known as the Golden West."⁷ The Chicago *Sunday Herald* confirmed the name.⁸ In its April 16, 1883, issue The New Haven *Palladium* implied that Buffalo Bill would be aided in his wild western drama by Dr. Carver with his skillful marksmanship.

While Cody was in North Platte putting up his own cash, recruiting the cast, and acquiring livestock and the Deadwood stagecoach Carver remained in the East competing in shooting demonstrations against Adam Bogardus, a renowned marksman. Arriving during rehearsals at Columbus, Nebraska, Carver discovered that the show's name had been changed from Carver and Cody's Golden West to Cody and Carver's Wild West. It made sense, for Carver's name was unknown in the entertainment world, whereas Cody's was familiar throughout the country, so Carver wisely "pocketed his pride."⁹

Following opening day, the show received rave reviews from the local press. The *Omaha Bee* reported,

Buffalo Bill has certainly shown that he possesses great talent for organization, having put on the road in the 'Wild West' one of the most enjoyable entertainments ever seen, and far ahead of the regular circus as a popular show, for one can see all the details of border life, Indians, buffalos, kicking horses, Texas Cowboys, lasso throwing, wonderful horsemanship, marvelous marksmanship, an attack on an overland stage-coach by Indians and its rescue by scouts on horseback, the desperate fight of a white man against redskins, and in fact all that goes to make up wild western scenes.

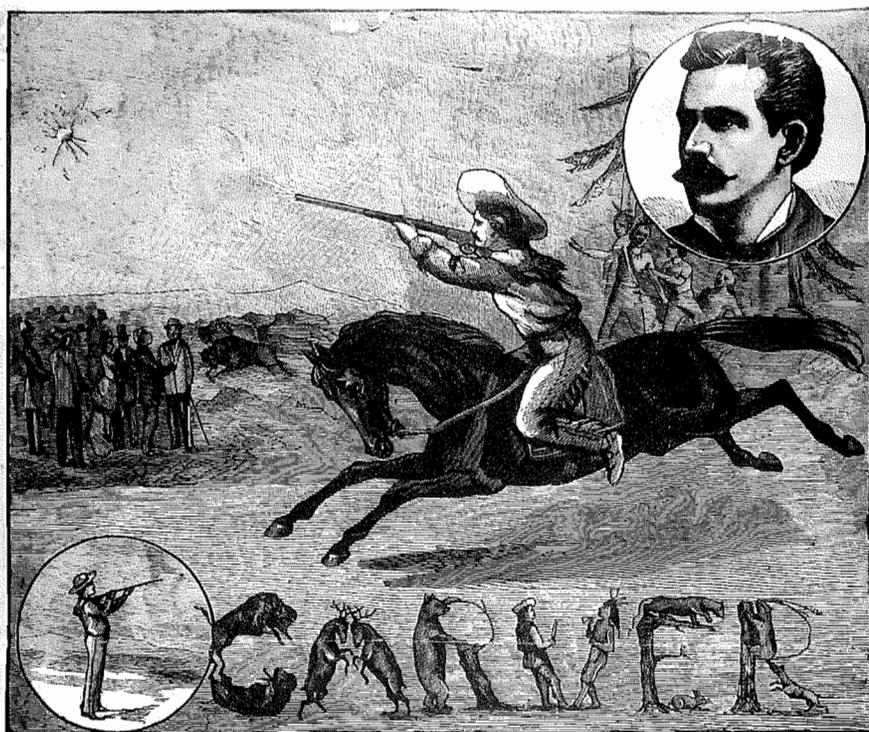
Then there are the stars, Buffalo Bill, Doctor Carver and Captain Bogardus, with Major Frank North, the white Chief of the Pawnees, Buck Taylor, the King of the Cowboys, and others that form a group of famous bordermen.



Carver, shown here at a shooting match with Adam Bogardus, (top) was a skilled marksman. In 1883 he joined Cody to produce an outdoor western show, but the partnership dissolved after one season, and they toured competing shows. Carver also recruited cowboys and Indians (above) but the core of their dispute was control of the name "Wild West." NSHS RG3623-12; RG3623-9

Buffalo Bill Cody v. Doc Carver

The California Sensation!!



DR. W. F. CARVER,

OF CALIFORNIA.

THE CHAMPION RIFLE SHOT OF THE WORLD,

Having so far a half interest in his Phenomenal Rifle Exhibitions during next season throughout Europe for the sum of **\$25,000,**

is open for engagements to give Exhibitions of his Wonderful Shooting on Foot or on Horseback, or both, throughout the United States and Canada, until Christmas, when he will return to California, proceeding to Europe in the Spring.

Dr. Carver will engage to shoot Glass Balls at from twenty-one to thirty yards also, while riding bareback at full speed, upon his famous

BUFFALO HUNTING AND TRICK HORSE "SURPRISE,"

jumping hurdles and fences, breaking the balls while the horse is in the air! He will ride bareback any wild or untrained horse that can be forced into a run, breaking a glass ball while the horse is at full speed!

Dr. Carver is the originator of Glass Ball Shooting with a rifle, and is the only man in the world who shoots Glass Balls from a horse's back, the horse running at full speed!

Dr. Carver will break more Glass Balls, and perform more numerous and astounding feats, with either Rifle or Shot-Gun, than any man in the world.

At Oakland, Cal., in December, 1877, Dr. Carver broke 1,000 glass balls in 41 minutes with Winchester rifle. At Brooklyn Driving Park, N. Y., July 4, Dr. Carver broke 100 glass balls in 33 minutes with Winchester rifle. At Brooklyn Driving Park, N. Y., July 13, Dr. Carver broke 5,000 glass balls in 7 hours 39 1/2 minutes with Winchester rifle. At Hampton Horseshoe Lodge by breaking 60 straight balls, horses running at full speed. At New Haven, Conn., June 12, 1878, Dr. Carver broke 1,000 glass balls in 73 1/2 minutes, with Winchester rifle. At Honomo Park, Boston, June 29, 1878, Dr. Carver broke 100 glass balls in 41 minutes with Winchester rifle. At Brooklyn Driving Park, N. Y., July 13, Dr. Carver broke 5,000 glass balls in 7 hours 39 1/2 minutes with Winchester rifle. In performing the latter feat he raised to his shoulder over eight hundred tons more weight and broke 500 more balls in the same time than did Capt. Bogardus when attempting to break 5,000 glass balls with a shot-gun. Dr. Carver stood firmly on his feet throughout the trial, while Capt. Bogardus was compelled to shoot a portion of the time seated in a chair.

FOLLOWING IS A PARTIAL LIST OF HIS OTHER AMAZING FEATS WITH WINCHESTER RIFLES: shooting glass ball, thrown up in the air, the shooter lying on his back over a stool. Shooting 60 glass balls out of 100 thrown into the air, with a Winchester rifle. First shooting with a Winchester rifle—breaking in half in 25 seconds. Shooting glass balls thrown 20 to 30 yards high. The Winchester Rifle—shooting glass balls without aiming, loading the gun on the hip, and the mark wonderful of all (except about). The Captain's Translucent—breaking 100 glass balls thrown into the air at the same time, making a double shot, and loading the gun once while the ball is in the air. Shooting glass ball thrown from a distance of 30 yards straight at the shooter; this is one of the most difficult shots that can be made. The most wonderful shot ever made, a flying object with a rifle—shooting a glass ball thrown into the air 20 to 30 feet high, breaking it with the rifle, three times while the ball is in the air, and breaking it with the fourth shot before the ball reaches the ground. Shooting at and hitting a brick thrown into the air, reloading the gun, and hitting one of the flying pieces. Shooting lead pellets thrown into the air. Shooting corks thrown into the air—single corks, 50, 10, 10, 5 and 1-cent pieces.

The following challenge, issued by Dr. Carver Dec. 12, 1877, has never been accepted:

1. I will wager from \$200 to \$500 that I can beat any man in the world shooting the following matches, or any one of them:
 1. I can break more glass balls thrown from a Bagatelle trap, 25 yards off, than any man in the world.
 2. I can break 1,000 glass balls quicker with a single gun than any man in the world.
 3. I can break more glass balls, shooting from a horse's back, than any man in the world.
 4. I can break more glass balls, than any man in the world, in 100 yards, than any man in the world can break with a shot-gun.
 5. I can break more glass balls with a rifle, than any man in the world, in 100 yards, than any man in the world can break with a shot-gun.
 6. I can break more glass balls quicker with a Winchester rifle than any man in the world can break with a shot-gun.
 7. I can break more glass balls thrown in the air at the same time, making a double shot, loading the gun once while the ball is in the air, using a Winchester rifle.
 8. I can break more glass balls, than any man in the world, in 100 yards, than any man in the world can break with a shot-gun.
 9. I will wager \$1,000 that I can kill more birds in one day, shooting from a horse's back, than any man in the world, and if he fails to do so, I will give him \$100.

Parties wishing to contract with Dr. Carver for his exhibitions on foot, on horseback or both, for one or more days, or to shoot over a circuit for a stated period, please apply for terms and dates to

E. C. HAYNES, Agent,

No. 835 ARCH ST., PHILADELPHIA, PA.

DATES FILLED UP TO OCTOBER 12, 1878.

The following challenge, dated Aug. 19, was issued by Dr. Carver, and published in the New York Sun, Aug. 20, 1878, and the money deposited. It has not as yet been accepted:

Permit me through the columns of the Sun to accept three of the challenges of Capt. A. H. Bogardus put to challenge him for four more matches with shot-guns. The matches I have accepted are as follows:

1. To break 50 out of 100 glass balls, distance 30 feet, one ball to be thrown straight or pitched in the air, a distance of from 10 to 25 feet.

2. To shoot at a target for 200 glass balls, the articles of agreement and the money to be deposited with the Winchester Arms Company.

A further challenge, Capt. Bogardus shot three pigeon matches for \$200 each and the Championship of the World. The first two matches he shot at 25 yards, the third each, two bags, ordinary fly and regular trap case rules. The third pigeon match to be at 100 yards, one bag, one trap case, and one regular trap case rules. The money to be deposited with the Winchester Arms Company.

The third match to be at 100 yards, one bag, one trap case, and one regular trap case rules. The money to be deposited with the Winchester Arms Company.

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The tenth match to be at 100 yards, one bag, one trap case, and one regular trap case rules. The money to be deposited with the Winchester Arms Company.

Buffalo Bill has certainly out-Barnumed Barnum in his novel show, with its barbaric splendor, its amusements, its perils, its wild, rough characters, now under perfect discipline. It is as decorous as a Sunday-school, and far more interesting than a circus, besides being something special that all should see, as within a few years scenes of the wild west will have gone to the forgotten past. Those, therefore, who can go, ought to see it now.¹⁰

As the season progressed, the company became aware of a growing rift between the partners. Carver's ego could not abide the lavish praise heaped on Cody and he complained that Cody was drunk all summer, although he himself was known to have imbibed heavily.¹¹ Ineffective management did not improve the situation. Matters worsened daily, and by October 1883 Buffalo Bill had had it with Carver. For Cody, the last straw came when, after the contentious summer, Carver proposed a winter tour. They dissolved the show by mutual consent, and its assets were divided equally by the toss of a coin.

Carver later stated that they broke up over "a little difference" and then reconciled. "There ain't a braver man or a kinder man in the West than Bill Cody."¹² Yet in later years, he never had a good word for Buffalo Bill.

Carver took his half of the show on a winter tour accompanied by Jack Crawford, Cody's former partner in his frontier dramas, and John J. McCafferty, a Texas rancher, as proprietor of his show.¹³ Carver had no trouble recruiting Crawford, who still blamed Buffalo Bill for an 1877 shooting accident during a theatrical performance in Nevada. Crawford claimed that Cody appeared on stage drunk and accidentally fired a blank cartridge into Jack's groin, inflicting a painful wound.

Cody, with his share of the show, turned to Nate Salsbury, taking him on as partner. In December 1883 Cody and Salsbury filed a copyright claim for the narrative of the "Wild West," but it wasn't granted until June 1885. In fact, Cody had applied for the copyright in order to establish a legal claim to the

Billing himself "The Champion Rifle Shot of the World" and advertising his skills with illustrations and tales of entirely fictional exploits in the West, Carver, like Cody, saw the potential success of a touring outdoor Western exhibition. RG3623-28

entertainment narrative because by 1883, competition for the Wild West name included not only Carver and Crawford's Wild West, but also Fargo's Wild West and Hennessey's Wild West. The Carver and Cody shows, using basically the same format of Indians and cowboys riding, roping, and shooting, often found themselves on the same circuit, fiercely competing with fifty circuses, buffalo hunts, dog and pony shows, and traveling Indian exhibitions. Finally Carver and Salsbury met and agreed on separate routes thereafter.¹⁴

The spring of 1884, however, found Cody hot on the heels of Carver in St. Louis, Missouri. Both shows were still traveling the country under the title "Wild West." Carver now with new partners C. J. Whitney and William C. Coup. Even before either show officially arrived in St. Louis, Prentiss Ingraham, Cody's press representative, filed a petition in the St. Louis Circuit Court for an injunction restraining Carver from giving his exhibition at the race track, contending that the "Wild West" was copyrighted and was the sole property of Cody, even though copyright had yet to be granted. On April 25, when Carver arrived from Memphis, a deputy surprised him at the Anchor Line Wharf with the injunction. The deputy also attached thirty-one horses and other show properties. Carver consulted with his attorney and arranged to replevin (repossess) the attached properties and to fight the injunction.

Interviewed by a St. Louis *Globe-Democrat* reporter, Carver declared that he and Cody were both entitled to use the name "Wild West." No decision about the name had been decided at their breakup, he said, and he thought Cody was only trying to spoil his business by starting a legal fight. The article reported that Carver promised "even if he had to give a free exhibition or [operate] under another name," his show would go on. Ingraham ignored him and insisted that Cody's claims were justified on the grounds that the title was indeed copyrighted by Cody.¹⁵

The *Globe-Democrat* printed an account of Carver's program on May 2, calling his show the original Wild West Company. It was so realistic, the newspaper reported, that when it played in Texas, some native Texans, "unconsciously sought their revolvers to assist the white men in their combat with the Indians." In the same issue, however, Ingraham asserted that Cody was the originator of "this novel entertainment." Adding that, after the partnership was dissolved, Carver had organized a new "Wild West" and met with "indifferent success." That was the show was now advertised in St. Louis as the "Original Wild West" and it had arrived only one week ahead of "Buffalo Bill's Wild West." Ingraham complained that Carver jumped in ahead of Cody to take advantage of Cody's advance billing. In the spirit of fair play, Ingraham invited readers to visit Cody's show and see if the "old saying that 'comparisons are odious' is not faithfully shown."¹⁶

On April 26 the injunction came up before a judge, but was laid over. A deputy stood guard over Carver's equipment at the fairgrounds because he had failed to post an indemnifying bond. Nevertheless, Carver's show was allowed to go on, and several thousand people attended. Two days later, a bondsman provided four thousand dollars and claimed Carver's property in Circuit Court. The judge granted the delivery order and the sheriff turned over the property.¹⁷

Meanwhile, Cody and his public relations manager, John Burke, who had been with him since his theatrical days, arrived in St. Louis to prepare for their upcoming show. Cowboys, Indians, and 125 head of stock were gathered at the Jockey Club track, where tents were erected to hold them and the additional troupers and animals that would be arriving. After checking the preparations at the track, Buffalo Bill stopped to see Carver at the fairgrounds. The performers gathered around, offering convivial greetings. Carver and Cody "took a friendly drink,"

but did not completely bury the hatchet.¹⁸

In 1890 when the topic of their continued animosity again surfaced in St. Louis, Carver's manager disclosed that both men were spoiling to get at each other. When Carver was told that Cody was on the street, he approached with gun drawn. Cody, nonplussed, drew his own pistol. Before shots could be fired, friends intervened.¹⁹

In 1884 the *Globe-Democrat* carried advertisements for both Wild West shows, Cody's ad advising readers to wait for his show. Carver charged adults twenty-five cents admission and children ten cents, undercutting Cody's fifty- and twenty-five-cent prices. This difference would prove to be a prime factor in future Cody-Carver battles.²⁰ But for now the feud seemed to be on hold. Both shows went on as scheduled and even rain could not dampen the enthusiasm of the performers or the St. Louis audiences.

In summer 1885 Cody and Carver once again crossed paths and harassed each other in print. John Burke flooded towns where Carver was scheduled with playbills attacking him as a fraud. Carver responded in the same vein, saturating towns with circulars touting his success, and calling himself "King of the Wild West—The Original—The Genuine—The Best." He listed a number of other companies as imitators and, to no one's surprise, Buffalo Bill's show topped the list. He warned that "All other shows using the title Wild West are unscrupulous imitations, who, to cover their inferiority and mislead the public, maliciously pirate and assume the trade mark of Dr. Carver's Great American Exhibition."²¹ Cody's declarations were similar, objecting to other shows "upon the theory that when they call themselves the 'Wild West' they are encroaching upon his possessions, taking advantage of his discovery, and staking a claim on ground already claimed."²²

Events finally came to a head in Connecticut. On July 1, Doc Carver's show appeared in New Haven. The

Buffalo Bill Cody v. Doc Carver



Unlike Cody, a genuine frontiersman, buffalo hunter, Army scout, and Indian fighter, Carver had invented his own colorful past as "Evil Spirit of the Plains." He claimed that his title "Doctor" had been conferred by Indians who, because of his deadly marksmanship, had named him "The Great Bad Medicine." RG3623-21

police learned that Cody's agents planned to appear on the streets with a wagon adorned with posters denouncing Carver as a fraud and including the statement that his "Deadwood stage" had never seen Deadwood.²³ The wagon did not appear. From New Haven, Carver moved on to Bridgeport then to Norwich, where Buffalo Bill attached his show in a libel suit for sixteen thousand dollars. Anthony [sic] C. McCafferty, one of Carver's backers, replevined the show and Carver proceeded to Willimantic.

On July 6, the New Haven *Daily Morning Journal and Courier* reported that handbills distributed in retaliation by the Carver party had led to his arrest. The New Haven *Evening Register* added that the McCafferty brothers were also named in the suit. Since Carver was unable to procure bonds, he was held at the Brainard House in Willimantic. No habeas corpus was issued, but the sheriff would procure a writ to take Carver back to New Haven.²⁴ Carver told a Willimantic reporter that he had put all

of his personal effects, worth sixty thousand dollars, out of his hands to avoid having it attached, too.²⁵ Because of the attachment the troupe was unable to leave Willimantic the following day for its engagement in Woonsocket, Rhode Island. Carver paid off his more than forty men and disbanded the troupe save for a few retained to handle livestock. His expenses in Willimantic for wages and to feed the idle men and stock already totaled about two thousand dollars.²⁶



Because of a “technical defect” in the writ of attachment, Carver was held in Willimantic for four days illegally and “someone,” he said, would be held responsible. “Mrs. Carver . . . said . . . that if her husband met Cody they would probably shake hands, make up and arrange a combination show. Perhaps so, said Dr. Carver, as he negatively shook his head.”²⁷

Anticipating legal action, each showman hired a cadre of lawyers. Buffalo Bill and Salsbury retained John W. Alling and James H. Webb. Carver hired his brother-in-law, Hugh Dailey, and former judge Levi N. Blydenburgh.

Press reports suggested that the “[w]hole trouble grows out of the fact that Dr. Carver only charged 25 cents to see his show, while Buffalo Bill charges 50 cents, and he wants to crowd the doctor out of the state.” It was Cody’s “game,” Hugh Dailey thought, to detain the Carver show long enough to make him miss scheduled dates. Carver would not be able to re-bill the towns and hire the parks again, so would lose out for the season. As for the title “Wild West,” Dailey claimed that Buffalo Bill did not have copyright to the name and asserted, “the doctor had just as much interest in the show . . . when it started out and so has as much right of copyright as Buffalo Bill.”²⁸

Carver arrived in New Haven from Willimantic on July 9 after his attorney furnished a bond of fifteen thousand dollars. Despite Salsbury’s protests to the contrary, Carver believed that Cody would push the case to trial. The Cody faction assumed that the McCaffertys provided Carver’s troupers with tickets to Omaha expecting them to dispose of the tickets, reorganize, and appear on the road a few days ahead of Cody to beat him at his own game. The press supported this allegation, maintaining that only a few performers had left and that the show could ostensibly be put back together in two days. However, that was unlikely. The relationship between the McCafferty brothers and Carver had chilled, each blaming the

other for the current troubles.²⁹

Afraid that Carver might attach their show in retaliation, Cody and Salsbury placed ten thousand dollars with their lawyers, who asked Superior Court Judge Henry Stoddard for an injunction against any kind of attachment. In the courtroom an impatient Carver, dressed in a light suit, his “long, auburn locks” hanging about his shoulders, sat fuming as Cody and his attorneys gathered. The requested injunction would protect Buffalo Bill by preventing Carver from stopping Cody’s show for even an hour. Judge Stoddard, however, refused to grant the restriction, pronouncing that anyone could bring suit in good faith. Instead, he ordered that a bond of five thousand dollars be posted by the petitioner, after which he would issue an order allowing eighteen hours for him to apply for bail reduction. Buffalo Bill’s attorney furnished the required five thousand dollars bond. When court adjourned, a disgruntled attorney for Carver observed that after what they did to his client, the owners of Buffalo Bill’s show “do not like to take their own medicine.” “It takes money to get the law on your side in Connecticut,” he despaired.³⁰

Three days later, on July 13, when Cody’s show appeared in Norwalk, Carver retaliated as expected by bringing suit against Cody and Salsbury for twenty-five thousand dollars, charging libel, false imprisonment, illegal detention, and malicious prosecution.³¹ The county sheriff served the papers and demanded ten thousand dollars from Cody’s attorneys. Alling refused, saying the money could be attached, but no cash would be handed over. Carver’s attorney wired Judge Stoddard, who was out of town, filing a motion to set aside the injunction. Later, when attorneys for both sides met with Stoddard in Milford, Carver’s attorney, Levi Blydenburgh, argued that the injunction should be dissolved because the bond furnished by Cody’s attorney was not satisfactory. He wanted ten thousand dollars in cash. Alling agreed to deposit that sum in the

Buffalo Bill Cody v. Doc Carver

First National Bank under custody of the court clerk until the case was decided. Stoddard refused to modify the injunction and the attachment was allowed to stand. He then removed himself from the case, citing family illness. Henceforth, the lawyers should argue to Superior Court Judge David Torrance. That evening, Carver's attorney reported that "a writ of attachment on the body of Buffalo Bill," now in Danbury, had been issued in the amount of sixteen thousand dollars for malicious imprisonment.³²

Attorney Willett, of Carver's defense team, traveled to Danbury to make sure none of the conditions of the latest attachment were violated. Buffalo Bill was taken into custody and spent the night in New Haven, but his show had been permitted to proceed to Bridgeport. The day before, the show had played in the rain to a thousand people in Danbury, but Cody said he did not plan to play in New Haven because of poor park conditions. Carver's attorney suspected Cody skipped New Haven because that was where Carver lived and "the people here would not treat him right." The next day Cody again explained that he was bypassing New Haven because there were no adequate grounds available. He said nothing about being afraid of Carver.³³

On July 15 Judge Torrance heard arguments regarding Cody's substituting money in lieu of imprisonment. Buffalo Bill, "his long black hair brushed back from his low forehead, and a huge cluster of diamonds gleaming from his shirt front," but, "a pygmy when compared to Carver," was accompanied in the courtroom by "black-bearded" Nate Salsbury. Levi Blydenburgh began by accusing John Alling, Cody's lawyer, of misquoting Carver's brother-in-law as having said he would "break up Cody when he came into the State." Then Blydenburgh produced a green paper circular, "the same as the one alleged to have been issued by Dr. Carver and for which he was arrested for libel. This circular was issued by Buffalo Bill and Dr. Carver's name substituted," he said. Blydenburgh

argued that the name "Wild West" had originated with Carver:

"That is a fact and I can prove it."

Cody shook his head: "You can't do it."

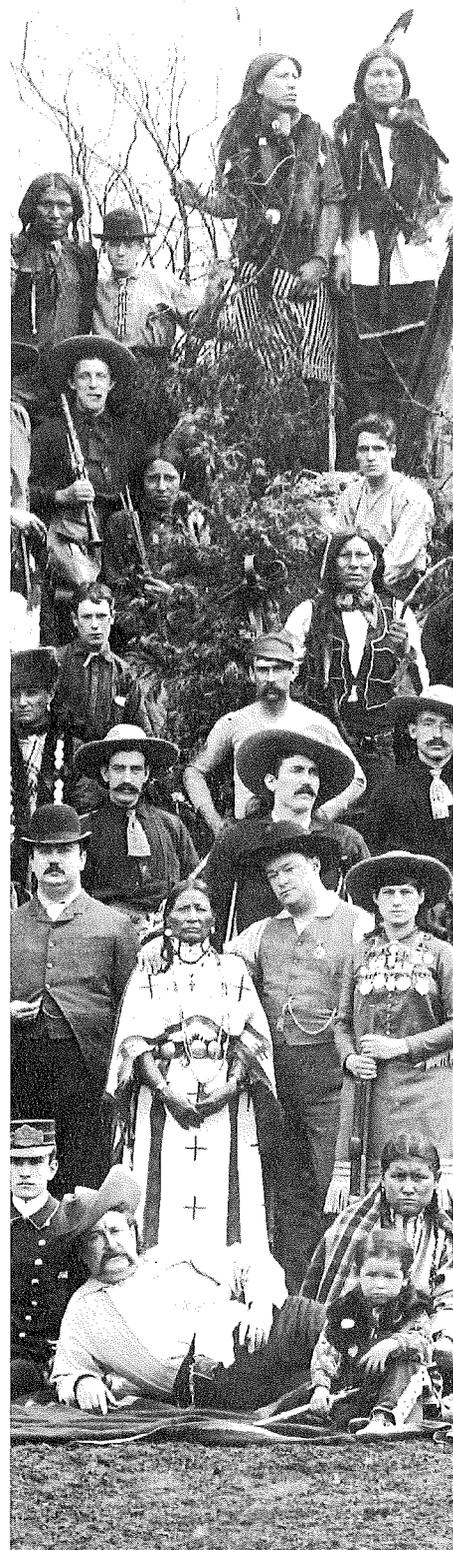
Blydenburgh insisted it was the truth, and when Cody continued to shake his head, Blydenburgh stated, "He will shake it more before we get through with him." At that, Cody shouted back, "You can't do it."

Cody's attorney interrupted before further argument ensued and asked that the attachments be withdrawn. Since they were prepared to give reasonable bail, would sixteen thousand dollars be satisfactory in the suit for malicious arrest? "The right of personal liberty is to be respected and guarded . . . Mr. Cody is at present unjustly detained."

It was a hefty sum, but Cody was worth a hundred thousand dollars, and Salsbury "worth half that."³⁴ To verify the figures, Alling called Salsbury to the stand who testified that "the property . . . is worth between \$7,000 and \$8,000. I own a half interest." Blydenburgh accepted the offer. After arguments, Cody furnished bond of sixteen thousand dollars in the malicious arrest case and ten thousand dollars in the libel suit against Carver. Carver himself was also under a fifteen thousand dollar bond for libeling Cody. During these proceedings, the two former partners "eyed each other with the utmost hatred and defiance."³⁵

With bail accepted, Cody rose to leave for Bridgeport; but before he reached the door, a constable ordered him to appear before Justice of the Peace Charles R. Whedon to have his deposition as a non-resident taken in his suit against Carver. His attorney told Cody to go on to Bridgeport, while Salsbury, a man identified as Sitting Bull's interpreter, and two cowboys remained in the courtroom.³⁶

When Cody had gone, Alling referred to the green handbill saying that the libel was not similar in the two cases. Carver had published a statement claiming that Chief Sitting Bull was so "disgusted with the tricks of Buffalo Bill





that he would be glad when his term of service would be over,” a statement Alling called “wholly false.”³⁷ In regard to statements of Carver and Cody who both claimed to have originated the Wild West idea, Alling said, “I believe Salisbury claims to have been the first to suggest it, too.”

“Henry Tuttle [the bondsman] will claim it next,” rejoined Blydenburgh. “Mr. Doolittle [the State Attorney] at least invented the Wild East show,” joked another.³⁸

While one lawyer from each side argued before Judge Torrance, another lawyer from each side traveled to Mitford to talk to Judge Stoddard. Cody’s lawyer tried to get an injunction to prohibit an arrest warrant from being issued if Cody should fail to appear for his deposition. We may never know for certain what Judge Stoddard decided, for upon returning to New Haven, Cody’s lawyer reported that Stoddard favored such an injunction, but Carver’s lawyer contradicted him, saying Stoddard refused to grant any injunction. The only thing the lawyers agreed on was that Stoddard said the matter should be submitted to Justice Whedon, who would hear Cody’s deposition. Judge Torrance compromised, ruling that Carver had a right to Cody’s deposition, but could not interfere with Cody’s show.

Alling contested the decision, asserting that if Cody were not present, there would be no show and suggested morning and evening sessions to accommodate him. Blydenburgh objected to molly-coddling Cody. Alling offered to pay expenses to have the deposition taken in Meriden and Hartford, cities where Cody’s show was performing. He also offered to post reasonable bond to insure Cody’s presence after the

season was over, because Blydenburgh was afraid that Cody would not return to Connecticut once he left.

Judge Torrance turned the matter over to Justice Whedon as Judge Stoddard had ordered. When attorneys, bondsmen, and reporters were assembled in his office, Whedon said he was pleased to learn that he would receive free passes to Cody’s show if he agreed to Alling’s solution, but declared that a magistrate could not comply with one side’s solution unless the other side agreed to it. Blydenburgh would not. Whedon then promised to issue an arrest warrant if Cody did not appear.³⁹

Cody’s deposition began in Whedon’s office on the morning of July 16, 1885. All parties made themselves comfortable despite the heat. Cody, in black checked linen shirt, stretched out on an antique sofa, and the lawyers lit up cigars as they dug out their notebooks. Carver’s attorney Blydenburgh began the questioning. Cody swore as to his name and residence at North Platte, Nebraska. He related his past residences and occupations. He was questioned about his boyhood days in Salt Creek, Kansas, “one of the prettiest spots on God’s footstool, and nobody who ever saw it could laugh at it.” Blydenburgh remarked that he was glad to know where Salt Creek is, “so that we can know where people are who go there.”⁴⁰

When Blydenburgh asked if Cody was an actor or a performer, Cody replied that he was both, “although I might have been a d—d poor one.” Cody was then led to talk about his recent career as lead actor in his own theatrical troupe. Testimony proceeded slowly, with all questions and answers written out verbatim in longhand.⁴¹ As noon approached, Blydenburgh asked to

have copies of all of the dramas presented when the case came up for trial. Justice Whedon then adjourned the session. Buffalo Bill, accompanied by his lawyers and a constable, headed for Meriden.

That evening the hearing resumed. The courtroom door was held open by a section of petrified snake from the Black Hills. Various bottles stood on the sideboard. Cody, in a polka-dot shirt, propped his feet on the table and continued to describe his frontier dramas.⁴² Questioned about the title of his play, *Knight of the Plains*, Cody said it referred to any man who had done a brave deed. Any country, Cody opined, could have knights as well as “Evil Spirits”—a dig at Carver who billed himself the Evil Spirit of the Plains.

He hadn’t played the next drama, *Buffalo Bill at Bay*, long enough to remember any particular incident in it except that he had escaped trouble and he would “get out of this as I did out of that scrape. Anyhow, I didn’t try to keep out of this state.” Blydenburgh remarked that they only wanted Cody to stay in Connecticut for a while. Cody quipped that when he returned, “I’m a-goin’ to have the New-haven lawyers for comedians,” but “I’d never put them at the door to watch receipts.”⁴³

Finally, the deposition came to the matter at hand. From 1883, the Cody-Carver Wild West show had been advertised as “Buffalo Bill’s Wild West” because Cody’s was a more familiar name than Carver’s. Cody testified that, “it was quite a while before we could settle upon the name of the show. Dr. Carver proposed the name of the Golden West and called it that in the New Haven papers . . . In the meantime I had named the show Cody & Carver’s

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Wild West. I notified Carver that I had done so." Asked if he recollected being at New Haven during the organization of the show, Cody replied, "I think it was in January or February 1883, but at that time there was no Wild West show being organized between Dr. Carver and myself . . . I mentioned to Dr. Carver that I was going to start a show of this description." Cody said he had asked Carver if he would like to be connected with such a concern, and Carver had said he would.

Following an adjournment, attorneys for both sides remarked on the proximity of the two principals in the courtroom, thinking they "would get along all right if they were together." Cody then offered a large sum to be alone with Carver for a little while, at which Blydenburgh urged him to "put up your money." Outside the courtroom, Carver again stated that he had named the show Wild West. "I wrote off a lot of names at Bill's request. I preferred 'Wild West' but Bill thought there was too much wild about it."⁴⁴

On Saturday, July 18, the day Cody was scheduled to perform his last show in Connecticut, at Hartford, another attachment for malicious prosecution was served on Cody and Salsbury, charging them with conspiracy against Carver to ruin him in business.⁴⁵ Contemporary newspapers disagreed on the amount of the attachment. The *Evening Register* and the *Union* reported that it was for fifty thousand dollars, while the *Journal and Courier* claimed it was for twenty thousand. The complaint stated that Cody had incited dissatisfaction among Carver's employees and had distributed libelous circulars. It was also alleged that because of a letter Salsbury had written to Detroit promoter Fred Whitney, Whitney had refused to take Carver to Europe. According to the New Haven *Union* of July 18, this suit would be the "most severe one of all."

In the meantime the hearing continued before Justice Whedon, but nothing much was accomplished. The lawyers were tired, the weather was hot. At

times curious individuals poked their heads in the doorway to get a look at Buffalo Bill, who wore an expression of "for-Heaven's-sake-I-wish-I-was-out-of-this-infernal-racket." Replying to a question from Blydenburgh, Cody answered, "I might have written to Dr. Carver that I liked the name of Wild West the best. I cannot state who first proposed the name. I think I have home in my Nebraska safe all of Dr. Carver's letters, which if possible I will produce at the trial."

Again, Cody was shown a green circular, and he admitted that he knew his people were distributing them but was unaware of their content. As for the distribution of the property after the Cody-Carver dissolution, Cody said, "The only condition was that he would pay then and there. He knew I was on to him and would not trust him for a cent."⁴⁶

When the deposition ended, Carver's attorney Blydenburgh went to Hartford, where he found several lawyers retained by Buffalo Bill who were willing to post bonds in any amount desired. Blydenburgh said he would be satisfied with fifty-two thousand dollars, and it was so ordered. The bondsmen then became responsible for the appearance of Buffalo Bill and Nate Salsbury before Superior Court for New Haven County. Cody's cowboys took the legal proceedings meekly. Not a threat was uttered, only: "When will we ever get out of this d— Connecticut?"⁴⁷

Cody then left Connecticut and traveled to Providence, Rhode Island. If Cody showed up in New Haven again, "probably the biggest fight" would occur, but none of Carver's side expected to see him, despite his lawyers' assurances that he would be there.⁴⁸ Many doubted that any of the suits would ever come to trial. A newspaper reporter speculated that Cody wanted to shut down Carver's show over the admission price, and others thought that if Carver had only compromised, both shows "could have gone through the country and made money."⁴⁹

So much attention was focused on the Cody-Carver debate for several reasons. On July 19 the New Haven *Evening Register* questioned the law that permitted the attachment of property, which was exemplified in the *Carver v. Cody* case, pointing out two defects: Anyone could attach another's property and tie it up for an indefinite time without being required at the time of the attachment to post a bond of indemnity. Indeed, any Superior Court commissioner or justice of the peace could issue a writ of attachment for anyone who asked for it in any amount and without giving security for any wrong that might be caused by the writ.

"The thing is monstrous in principle and oftentimes outrageous in effect," wrote the editor. Irresponsible lawyers could cause great damage by choosing a time when court was adjourned, thus resulting in delayed hearings. Also, the attachment could be put on property located at the most inconvenient distance from a "receiptsman." In fact, Carver was attached far from friends who could have secured a bondsman, but the process had been served, he was temporarily restrained, and he lost contacts and business. Buffalo Bill was successful in his attempts to derail Carver's show. However, Carver had similarly retaliated against Cody.

The court proceedings between the showmen prompted much comment. "The disgrace of the case lies in the fact that the law is permitting these two scouts to abuse each others [*sic*] liberty and break up each others [*sic*] business." Only a year previously, State Representative James Pigott had introduced bills into the Connecticut legislature dealing with this issue. One would provide that no attachments could be made except upon orders of the court, and the other required that only lawyers could be made commissioners of the superior court. "Had these bills been made laws, both Carver and Cody would have been protected under the law and not persecuted under it," opined the *Evening Register's* editor on July 20.⁵⁰ The *Journal*

and *Courier* editor concurred: “Everybody who has watched the quibble feels contempt for the law which has made it possible.”⁵¹

Besides the entire New Haven populace, others, among them showmen around the country, particularly in New York City, a mere seventy miles away, watched the proceedings with interest. Traveling shows were expensive, and balancing costs of transportation, wages, and advertising made outdoor companies keenly aware of the fiscal damage libelous charges and monetary settlements could incur. Show-business rivalry could be dangerous and costly.

In hindsight, what are we to make of the tangled maneuverings of the New Haven attorneys, the confusing charges and counter-charges, the outrageous sums attached and replevined? The fierce competition that existed between the two former partners whose shows were so disparate in vision and concept makes rivalry ludicrous. Buffalo Bill, despite the fictional plots, designed his program as an exhibition of authentic western characters, their skills, and the events that he had personally witnessed or participated in. His familiarity with the narrative structure of border dramas garnered from his years as an actor helped him dramatize the arena spectacles. Doc Carver, however, had no such background and can be said to be guilty of attempting to garner fame by association. He was in Europe during Cody’s “Old Glory Blowout” and, by his own accounts, was busy engaged in shooting exhibitions while Cody organized their combined program. Though his later shows contained the same elements as Cody’s, the underlying narrative was absent.

Like all outdoor companies, their advertising teams aggressively—sometimes violently—attempted to secure the most favorable locations for posters and handbills in order to shut out competitors. Cody’s claim to exclusive use of the name “Wild West” in all advertising seems justified if only by precedence. How unreasonable would it have been



Animosity between the rival showmen continued for the remainder of their lives. Had the two been able to set aside their own egos, they might have made a great double act. NSHS RG3004-149; NSHS RG 1730-5-2

for Carver to resort to calling his program the “Golden West” as he initially preferred? His poster complaining, “unscrupulous men have tried to foist an imitation of the original idea upon the American people” could be construed to accuse him of similar tactics.⁵²

Cody was scheduled to appear in Justice Whedon’s court on July 20, 1885. Attorneys were on hand, but there was no sign of the showman. His lawyers finally informed the opposition that he had gone to Providence and would not be present. They requested that the case be continued in November. Carver’s lawyers protested and a *capias* (arrest warrant) was issued so that if Cody returned to Connecticut he would be arrested for contempt of court.⁵³

A month later, Doc Carver “in a black summer serge jacket with his golden locks carefully combed back from his abundant forehead,” sat in his attorney’s office signing his name to three thousand letters offering his services to any county fair for three hundred dollars. Carver observed to the *New Haven Register* that before Cody got into show business, he was “a pretty square chap. His associations corrupted his western nature, and he got filled chock up with ambition to shine as a big gun of the heaviest caliber.” By then Carver was tired of the courts and wanted to settle the quarrel “out on a western prairie and under a western sky.” According to Raymond Thorp, his biographer, Carver despaired of ever collecting his money and settled for ten thousand dollars in cash and accepting Salsbury’s offer to pay all court costs, taking the offers as an admission by Cody that all Carver had said about him was true.⁵⁴

Cody’s show season ended at St. Louis in October 1885. Two years later he and Salsbury took the show to Europe. In 1886 Carver joined W. W. Cole’s *New Colossal Show*, and later moved to Adam Forepaugh’s circus, his marksmanship a main attraction. From 1889 to 1893, Carver toured his “Wild America” outdoor show in America,

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Europe, and Australia and starred in a western theatrical drama similar to Cody's early productions.⁵⁵

According to the San Francisco *Examiner* of August 28, 1890, the two Wild West shows played simultaneously in Hamburg, Germany. Carver had followed Cody throughout his tour of the continent, but had arrived in Hamburg ahead of Cody and claimed exclusive rights to the supply of electric lights, leaving Cody in the dark. Competition was still fierce and it was feared that fights would break out between the cowboys and Indians from the two companies. The St. Louis *Globe Democrat* of September 22, 1890, quoted Carver's manager as having said that Carver and Cody still "hate each other like poison and it is all that the police, soldiery and friends can do to keep them from attacking each other."

Cody did not return to Connecticut for eleven years after the imbroglio with Carver, and newspapers in 1895 did not address the grievances. Indeed, perhaps reporters were unaware of the decade-old lawsuits. The only hint of trouble occurred when John Hunt, the head canvasman, claimed two hundred dollars for services. The Wild West show was delayed for several hours until the cash was paid and the attachment released.⁵⁶

Buffalo Bill Cody achieved greatness with his outdoor show and was still a worldwide attraction up to the time of his death on January 10, 1917. Though Carver became popular and proved himself a champion marksman, he never became the household name that Buffalo Bill did. His animosity toward Cody continued unabated until his death in 1927.⁵⁷ A partnership rooted in the promise of profits for both men had irredeemably soured, never again to be sweetened with the joy of friendship or financial affiliation. Perhaps, had both men been less concerned with their own egos, they would have made a great double act.

Notes

¹ "Dr. Carver. In the West. Among the Sioux Indians." *Sporting Standard*, Dec. 23, 1890, Carver scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

² William F. Cody, *The Life of Hon. William F. Cody, Known as Buffalo Bill, The Famous Hunter, Scout and Guide: An Autobiography*. (Hartford, 1879. London: Studio Editions Ltd., 1994), 337.

³ Nate Salsbury, "The Origin of the Wild West Show," *The Colorado Magazine*, Vol. XXXII, No. 3 (July 1955), 206-7.

⁴ "To invade Europe," Carver's green/ brown scrapbook c. May 1899, Buffalo Bill Historical Center, Cody, Wyo.

⁵ Raymond W. Thorp, *Doc Carver vs. Buffalo Bill, The Bitter Battle of the Wild West Shows*, n.p, n.d., 20, Library of Congress Rare Book Collection, GV 1821.B8.B825.

⁶ Sandra Sagala, *Buffalo Bill, Actor: A Chronicle of Cody's Theatrical Career* (Bowie, Md: Heritage Books, 2002), 244; William F. Cody letter to Jack Crawford, Apr. 8, 1882, Denver Public Library, Western History Dept., Collection Box 1, No. 36.

⁷ St. Joseph [MO] *Daily Herald*, Mar. 15, 1883.

⁸ Unidentified newspaper clipping, Mar. 4, 1883, Carver's tan scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

⁹ Thorp, *Doc Carver vs. Buffalo Bill*, 19.

¹⁰ "A Grand Success," *Omaha Bee*, May 21, 1883.

¹¹ Joseph G. Rosa and Robin May, *Buffalo Bill and His Wild West* (Lawrence: University Press of Kansas, 1989), 72.

¹² Unidentified newspaper clipping, Carver's tan scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

¹³ Don Russell, *The Wild West, A History of the Wild West Shows*, (Tulsa: Amon Carter Museum of Western Art, 1961), 299; William Deahl, "Buffalo Bill's Wild West Show, 1885," *Annals of Wyoming* 47, No. 3 (Fall 1975), 142.

¹⁴ Joy Kasson, *Buffalo Bill's Wild West: Celebrity, Memory and Popular History* (New York: Hill and Wang, 2000), 44.

¹⁵ St. Louis *Globe-Democrat*, Apr. 26, 1884.

¹⁶ *Ibid.*, Apr. 26, May 2, 1884.

¹⁷ *Ibid.*, Apr. 29, 1884.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, Sept. 22, 1890.

²⁰ *Ibid.*, May 4, 1884.

²¹ Thorp, *Doc Carver vs. Buffalo Bill*.

²² Deahl, "Buffalo Bill's Wild West Show," 142, quoting the *Chicago Tribune*, May 26, 1885.

²³ New Haven *Evening Register*, July 5, 1885.

²⁴ New Haven *Journal and Courier*, July 7, 1885; New Haven *Evening Register*, July 6, 1885.

²⁵ Unidentified newspaper clipping headlined "The Fighting Showmen," Carver's red scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

²⁶ New Haven *Journal and Courier*, July 10, 1885; New Haven *Evening Register* July 6, 1885.

²⁷ "The Fighting Showmen," Carver's red scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

²⁸ New Haven *Journal and Courier*, July 10, 1885.

²⁹ New Haven *Evening Register*, July 9, 1885.

³⁰ *Ibid.*, July 11, 1885.

³¹ *Ibid.*, July 13, 1885; New Haven *Journal and Courier*, July 14, 1885.

³² *Ibid.*, July 14, 1885.

³³ *Ibid.*, July 15, 1885; New Haven *Evening Register*, July 15, 1885.

³⁴ *Ibid.*, July 16, 1885.

³⁵ Unidentified newspaper clipping headlined "Dr. Carver And Buffalo Bill In Court," Carver's red scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

³⁶ New Haven *Journal and Courier*, July 16, 1885.

³⁷ New Haven *Evening Register*, July 15, 1885.

³⁸ *Ibid.*

³⁹ New Haven *Journal and Courier*, July 16, 1885.

⁴⁰ New Haven *Evening Register*, July 16, 1885.

⁴¹ New Haven *Journal and Courier*, July 17, 1885.

⁴² New Haven *Evening Register*, July 17, 1885.

⁴³ Unidentified newspaper clipping headlined "No Lawyers at His Door," July 17, 1885, Carver's red scrapbook, Buffalo Bill Historical Center, Cody, Wyo.

⁴⁴ New Haven *Journal and Courier*, July 18, 1885.

⁴⁵ New Haven *Evening Register*, July 19, 1885.

⁴⁶ New Haven *Union*, July 18, 1885.

⁴⁷ New Haven *The Sunday Union*, July 19, 1885.

⁴⁸ New Haven *Union*, July 19, 1885.

⁴⁹ New Haven *Journal and Courier*, July 20, 1885.

⁵⁰ New Haven *Evening Register*, July 19, 20, 1885.

⁵¹ New Haven *Journal and Courier*, July 21, 1885.

⁵² Thorp, *Doc Carver vs. Buffalo Bill*, 73.

⁵³ New Haven *Journal and Courier*, July 20, 21, 1885; Thorp, *Doc Carver vs. Buffalo Bill*, 73.

⁵⁴ New Haven *Evening Register*, Aug. 23, 1885.

⁵⁵ Deahl, "Buffalo Bill's Wild West Show," 150; Russell, *The Wild West*, (Tulsa: Amon Carter Museum of Western Art, 1961) 31.

⁵⁶ New Haven *Register*, May 31, 1895.

⁵⁷ Rosa & May, *Buffalo Bill and His Wild West*, 73.