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The Coming Back of Denver Boggs

I do not know just when the elder Boggs, yielding to the lure of the West, loaded his young wife and possibly a child or two into a wagon and trekked across the far reaches of gently rolling prairie land that lay between the Missouri River and the foothills of the Rockies. At any rate it was before the present capital of the great state of Colorado had been laid out in that great cup in the mountains and men were sluicing the sands of Cherry Creek for gold.

Here on the site of the future city, the Boggs family located and here a year or so afterward a boy was born, the first white baby born on the townsite. In honor of the event his parents named him Denver.

The man born amid the glory and grandeur of the mountains does not often stray to the plains and for that reason it was somewhat remarkable that when Denver Boggs had reached years of maturity he came back and settled in Kansas. I first met him in the Medicine country, a mild, good natured, quiet man, who had managed to accumulate a wife and numerous children and very little else. He and his wife were uncomplaining souls and seemed to be reasonably cheerful, although there must have been times when there was little on the table and no reserve in the larder.

Denver had managed somehow to acquire a fair education. His speech was unusually accurate and unseasoned with profanity, which I may say in passing

was somewhat rare among the men of that locality at that time. I do not think he drank or used tobacco and so far as speech and general conduct were concerned he was really a model citizen. He worked at such jobs as offered, sometimes riding the range and sometimes working about the little frontier town, doing odd jobs. Occasionally he canvassed for subscribers for the local paper after it was started and sometimes furnished a column of country correspondence, for he had some facility as a writer.

The only criticism I ever heard of him was that he lacked force and ambition. He seemed to have a fair equipment of brains, but apparently was content to live a hand-to-mouth existence, letting the morrow take care of itself.

It was, therefore, with some surprise that along in the later nineties I heard that Denver Boggs had blossomed out as a cattleman and according to report was succeeding. It was in the time when there was a great boom in the cattle business, especially in the business of raising cattle on the range. The long depression in prices of beef cattle was succeeded by a brisk demand and constantly rising prices. Money to invest in cattle was easy to obtain. Commission firms seemed willing to stake almost any man who was ready to promise them big dividends on their investment. As a result of this condition there was witnessed the astounding and most spectacular career of Grant Gillette, known for a time as the "cowboy cattle king." Starting with no capital, in an amazingly short while he had managed to borrow more than $2,000,000 and had herds scattered from the Red River in Texas to the Nebraska line. At one time he traveled about accompanied by his famous cowboy band, numbering perhaps twenty-five or thirty musicians who did nothing but furnish entertainment and advertise their employer.

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But the rise and fall of Grant Gillette is enough material for another story.

Denver Boggs was not so spectacular, but something had stirred his ambition; opportunity was at his door and he mounted and rode. Most men and women like to live up to their reputation. With seeming prosperity, Denver Boggs and family were no longer content with the old simplicity of dress and economy of household management. There was a temptation to live beyond his means and to it Denver yielded. He sold the cattle or part of them which were mortgaged to secure his indebtedness. Perhaps if he had frankly stated the case to his creditors, he might have made arrangements to pay out when he could, but he made the fatal mistake of concealment until he could see no way out and the doors of the penitentiary opening before him. Then he fled. It was a good many months before any news came from the fugitive.

He made his way to Cuba; then across the gulf to Mexico. All the time his conscience was goading him and he was weighed down by an almost intolerable burden of homesickness and longing to get back and have it all over with. Denver Boggs was not a criminal at heart; he was in fact a kindly man who had yielded to temptation and was paying a fearful penalty. The day came when he could stand the strain no longer and crossing the bridge which separates El Paso from the old Mexican town of Juarez, he hunted up the Texas sheriff and told him that he was wanted up in Kansas and had come in to surrender. The sheriff was somewhat surprised and after looking through all of his lists of men wanted could find no mention of a man by the name or fitting the description of Denver Boggs. But the man was insistent and so the sheriff to accommodate him wired the Kansas authorities that he had a man there who insisted that he had committed a crime and

wanted to go to the penitentiary. The Kansas sheriff wired that the story of the wanderer was true; and so without guard and gladly, Denver came back to Kansas and surrendered himself to the officers of the law. All he asked was to have the matter over with as soon as possible so that he might begin serving his sentence, with the hope when he had paid the penalty he might be given a chance to reinstate himself in the opinion of his old neighbors.

The court heard the story and declaring that in his opinion Denver had already been punished sufficiently for his fault, gave him the lowest sentence permissible under the law, one year in the penitentiary. That was in the days before the indeterminate sentence or the power of the judge to grant a parole. In the penitentiary he was a model prisoner and was given all the good time possible on a sentence of that duration. At the end of the eleventh month Denver Boggs stepped forth a free man.

During his wanderings he had traveled through the then territory of Arizona and perhaps by reason of the environment of his boyhood, was something of a mineralogist. As he traveled he observed and marked the location of rich copper deposits. When he had finished his term in the penitentiary he went back to Arizona and found that the properties he had noted were still open to entry. He located a number of claims and then got in touch with some men of means who were looking for mining investments.

Denver Boggs was not a success as a cattle man but he was a pleasing conversationalist and persuaded these capitalists to send their hired experts to look at his claims.

As a result he sold them an interest for $125,000 cash.

Let it be said to his credit that one of his first acts

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was to square up with his creditors, who had long before marked off the Boggs cattle account as uncollectible.

It has been a good many years since I last heard from Denver Boggs. I have always regarded his case as a remarkable instance of a man coming back out of the depths and beginning his real success in life after serving a term in the penitentiary. I hope that success has followed him, because, notwithstanding his one grave mistake, he was a good man.

When Bill Backslid

Among the cowboys who ranged from Dodge City to the Panhandle of Texas was one whose baptismal name as I recall was William Patrick Hogan. But on account of an adventure he had had with a prairie rattler, which, according to William and his contemporaries, would have resulted in his premature demise if it had not been for the prompt administration of snakebite remedy in copious quantities, he was generally known on the range as "Rattlesnake Bill."

If the modern descriptive adjective, "hard boiled," had been invented at that time, it would have fitted "Rattlesnake Bill" to a dot. When he was "lit up," as the slangful phrase had it, he was something of a holy terror, and even when sober was not particularly averse to trouble, either with gun or fist or quirt, although it should be said to his credit that he never craved the reputation of being a "gunman." His natural inclination, after the manner of his race, was to settle arguments with the two hands furnished by nature, and if he had lived in the land and time of his forebears he would have been a leader with the blackthorn and engaged joyously in breaking the heads of

his opponents. It must be confessed here that religion did not have much of a foothold on the range. A preacher was likely to be looked upon by the herders as rather an effeminate individual, who might do all right to talk to women's aid societies, but who lacked the virility admired by the men who rode through the silent watches of the night, or at breakneck speed through the storm with the stampeded herd, risking death every moment. It was, therefore, an amazing thing when "Rattlesnake Bill" happened to come under the spell of a traveling evangelist and became a humble suppliant at the mercy seat.

And it should be said for Bill that he took his religion seriously. He felt that he ought to do something to make up for the years he had wasted in the service of Satan while ambling down the broad road which led to destruction. It occurred to him that he might and should become a living example of the power of grace, and show to the unregenerate cowboys that he could demonstrate the long suffering patience of the Nazarene.

The other herders were, therefore, considerably surprised when they learned that "Rattlesnake Bill" had not only got religion, but that on a certain evening he proposed to make a talk to his unregenerate fellow cowpunchers and show them that he had so completely changed that they could heap upon him any indignity without causing anger or resentment on his part. The herders discussed the matter among themselves with varying opinions. Some of them said that they believed Bill was really in earnest, while others contended that he must have been eating loco and had bats in his garret as a result. It was generally conceded, however, that it would be a good idea to go and hear what Bill had to say and likewise to give him a tryout. So it happened that there was a rather large and in-

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terested crowd present on the evening when the new convert proposed to give an exhibition of the genuineness of his conversion.

His opening statement was somewhat crude but easily understood. In substance he said: "You range riders and mule skinners hev knowed me for several years. You all know that I never took no stock in no kind of religion and if there was any kind of general ornery-ness that I hain't indulged in I can't call it to mind, and at that I ain't no worse than a lot of you geezers. What I'm aimin' at is to show you birds that a man who is genuinely converted can stand the gaff and not let his temper rise. Now I propose to demonstrate to you unregenerate cusses that you can heap any sort of insults and abuse on me and I won't resent it. Go to it."

They took him at his word. Some of them, indeed, had come prepared to make it interesting for Bill if he really meant it. "Arkansas Pete," who had suffered at the hands of "Rattlesnake Bill" in a fistic argument, saw an opportunity to play even and landed a kick on Bill's person that almost made his teeth rattle. For an instant there was a dangerous expression on Bill's countenance, but he made no attempt to resent the indignity. "Texas Sam" took from his cheek a well-chewed quid of longgreen tobacco and snapped it against the bronzed cheek of the amateur evangelist and demonstrator of Christian forbearance. "Sour Dough Jake," the cook, who had been the butt of a good many jibes from Bill in his unregenerate days, plastered his head with a batch of spoiled dough, and "Bitter Creek Slim" tried him out with a vigorous application of the quirt on an unprotected part of his person. "Rattlesnake Bill" winced a trifle under the punishment, but made no complaint and gave no indication of anger. It was at this point that Ike Timberlake, from the

Brazos country, commonly known on the ranges as "Alkali Ike," took from his side pocket a turkey egg in an advanced state of decomposition and, with well-directed aim, hurled it at Bill's head. The new convert was just opening his mouth to assure the audience he was unmoved by their treatment, when the wild turkey egg of advanced age and powerful vintage hit him fair and square in the face. It broke with a loud sound and a considerable part of the contents of the shell went between his teeth. He gagged, spat out the putrid egg with great promptness and considerable violence, wiped the loud smelling mess from his countenance, and then made the following announcement, as he shed his coat preparatory to going into action: "Gents, I don't intend to give up permanently this here Christian life, but there will be an adjournment for fifteen minutes of this here exhibition of long-sufferin' meekness and patience while I whip the low-down, measly, sheep-stealin' son of a coyote who throwed that turkey egg." Those who witnessed the fight declared that "Rattlesnake Bill" was never in better form, and when the battle ended, "Alkali Ike" was a wreck, while "Arkansas Pete," "Texas Sam," "Sour Dough Jake" and "Bitter Creek Slim" had fled from the wrath to come.

The Rise and Fall of Grant Gillette

About thirty years ago a young telegraph operator out in Marion County was accused of putting up a job to defraud the railroad company, which seems so simple in its conception that one marvels that it should have worked, even for a limited period. The scheme was to put a few bushels of grain in a freight car, bill it out as a full car and collect from the railroad company on the basis of the full car-load.

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Naturally, as might be supposed, the young man got into trouble and left that section of the country for a year or two. He seems to have been able to satisfy the railroad company in some way, however, and was never prosecuted.

It was a year or two after that, that this same young man sought the job of deputy sheriff in Dickinson County. The emoluments of this office at that time amounted to some fifty dollars per month. He did not get the job.

Possibly the necessity for making a living suggested to him that there ought to be some shorter road to fortune than working as an underling at the modest stipend of fifty per month. At any rate, there seemed to be a change come over the spirit of his dreams. He evidently decided that the world was his oyster and he proposed to open it.

The young man was Grant Gillette, of Woodbine, who within the next four or five years furnished the most spectacular example of frenzied finance ever seen in the Middle West.

Within these few brief years this young man, still under thirty years of age, with little business experience and only local acquaintance, bought herds of cattle from Texas to the Canadian line, and from the Pacific coast to the Missouri River, all on borrowed money, advanced by experienced bankers and commission men, and even by the great leader of the packing industry, Philip D. Armour.

When the crash finally came his indebtedness had mounted to the dizzy height of $2,000,000, or somewhere in that neighborhood. The men who had advanced the money were holding chattel mortgages on herds, as they supposed, aggregating 60,000 cattle, of all grades from long horned Texans, to the highest grade Herefords. His methods were bizarre and, it

would have seemed, not calculated to appeal to a careful, hard-headed business man, but the astonishing fact was that somehow he did appeal to them, so that they advanced large sums of money on his unsupported promise and even seemed eager to do it. On one occasion he stepped into a commission house in St. Joseph and nonchalantly asked the broker to cash his check for $10,000, saying that he would have a few carloads of cattle on the market within a week and would then settle. The commission house promptly cashed the check which they were still holding after the crash came.

Possibly there was an element of greed in the case, for Gillette promised his backers large profits on their investments. It is probable also that his breezy confidence impressed these men, for in the heyday of his career Grant Gillette was the personification of confidence in his own ability. True, there was much of the grand stand in his methods. He hired and uniformed a large band, known all over the country as Gillette's cowboy band. This band he carried about on special trains to cattle conventions and other gatherings. He rejoiced in the title of the cattle king of Kansas. His shirt front and fingers were decorated with large and glittering diamonds and he had a peculiar habit of carrying a handful of diamonds in his pocket which he would carelessly jingle in his hand when engaged in conversation.

He cherished political ambitions and was talked of as a candidate for the Legislature and even Congress.

The crash came in 1898 when some bank or commission house began to get uneasy about its paper, and then it developed that Gillette's creditors did not know within $1,000,000 how much money had been advanced to the young Napoleon of finance.

On November 27, 1898, the following telegram was

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received at Woodbine, "Will leave today for Spain. Cable me at Cadiz, how are my wife and baby." However, he was not sailing for Spain but was heading for old Mexico.

It was three years afterward that a Kansan returning from Mexico brought the news that he had met Grant Gillette in the city of Chihuahua, where he was living in a state of poverty. His baby had died. His wife had been taken down with the smallpox and Grant himself had nearly died from accidental poisoning. He had been running a dairy, but had lost that when sickness came on, and was then earning a somewhat precarious living by making and selling shirtwaists to the Mexican maidens. However, Gillette was not the kind of a man to get discouraged by fickle fortune. Five years after he had disappeared, leaving his creditors to gather up what they could, he returned to the United States.

He called some of his creditors and informed them that he had procured a large interest in a valuable mine and wanted them to take stock in the same to the extent at least of his obligations to them, and perhaps some more to finance the proposition. How many of them took stock I do not know, but at any rate all talk of prosecution of the erstwhile cattle king was dropped and my last word concerning his whereabouts was that he was living quietly near Fostoria, Ohio, was accumulating land, and was on the road to fortune.

Having seen and having tried to study the character of Grant Gillette, I have often wondered how he was able to go as far as he did. I have often wondered how a man like him could so impress a man like P. D. Armour, who had the reputation of being an excellent judge of human nature, that he would back the speculations of the young adventurer to the extent of thousands of dollars.

Possibly the explanation may be that of the western man who loved to sit in a poker game, who declared that a bob-tailed flush was just as good as the real thing if you only had the nerve to bet it high enough, and at the same time look as if you really held the cards.

Convicted under His Own Law

One of the members of the first Oklahoma territorial legislature was Ira N. Terrill, who had gone into the new territory with the first spectacular run and driven his stake in a choice quarter section of virgin Oklahoma land. If it had not been for the fact that another man also decided that he wanted this particular quarter section of land this story would never have been written, with its intermingling of comedy and tragedy. As a legislator Terrill determined to leave his impress on the laws of the new territory and future commonwealth. He introduced and successfully urged for passage a law providing for capital punishment by hanging for first degree murder, treason, and possibly some other offenses.

The session had not much more than adjourned, however, when the quarrel between Terrill and the man who was contesting his right to the claim, culminated in a shooting. Perhaps Terrill took the advantage; perhaps he was simply the better marksman, or maybe he got his gun out first. Anyway, the other man was dead and Ira N. Terrill was arrested charged with murder. It seemed a queer irony of fate that he was the first man charged with murder and tried under the provisions of the bill he had introduced and caused to become a law. He was convicted of murder in the second degree on September 26, 1892, and as the territory of Oklahoma had no penitentiary, he was sent to the Kansas

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penitentiary under an arrangement made with the Kansas governor and warden, by which the state was paid so much per prisoner by the territory.

Terrill had made some study of law before his conviction and was a zealous student of jurisprudence during the period of his incarceration. Acting as his own lawyer, he brought a habeas corpus proceeding in the supreme court of Kansas, demanding his release on the ground that the court which convicted him in Payne County, Oklahoma, was without jurisdiction, because the term of court had lapsed by the failure of the judge to put in an appearance within the time fixed by statute. The supreme court held that he was right in his contention, granted the writ, and ordered him released from the penitentiary, but did not discharge him entirely. He was ordered to be delivered to the sheriff of Payne County for such further proceedings as the prosecuting officer of that county might desire. The result was a new indictment, a new trial, and another conviction, but this time for first degree manslaughter. He was then sentenced to twelve years in the penitentiary and again lodged in the Kansas penitentiary.

Again Terrill applied for a writ of habeas corpus on the ground that the killing for which he had been tried and convicted had taken place on a government reservation (the shooting occurred in Guthrie on the government acre reserved for the United States land office). The supreme court this time ruled against Terrill, holding that the question as to where the killing had taken place was one of fact and if an error of jurisdiction had occurred it could only be taken advantage of on appeal.

Having failed on this Terrill proceeded on a new theory, that no authority existed for holding in Kansas a man whose liberty was restrained by an Oklahoma court and that there was no law in Kansas which justified or attempted to justify such detention. Acting on this theory, all the time he was in the penitentiary he was in a state of chronic insurrection, refusing to work and even resisting the officer when that gentleman undertook to compel him to toil.

In the early part of 1903 he again succeeded in getting the attention of the supreme court with another application for a writ of habeas corpus, based on the ground above stated. The court refused to grant the writ on the ground that the state of Kansas by permitting the warden of the penitentiary to enter into this contract with the territory of Oklahoma to care for the convicts had recognized the validity of the contract although it was not authorized by any act of the legislature. Two members of the court dissented from this decision. This ended the incursions of Terrill into the courts and he sullenly served out the rest of his term.

At the time of his third application for a writ of habeas corpus, I had written a story about him in which I stated that he was the first victim of his own law and that he had been convicted of murder in the first degree and sentenced to be hanged. This was a mistake on my part, but was innocently made and then it furnished the material for a better human interest story.

A short time after he had obtained his liberty I was surprised to receive a visit from the noted ex-convict, who had somehow obtained a paper containing the story I had written. He had this with him and proceeded without much preliminary statement to inform me that I had libeled him and that his reputation and feelings were lacerated to the extent that it would require $10,000 to heal the wounds. In support of his demand, he called attention to the fact that he had not been

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convicted of first degree murder or sentenced to be hanged.

I countered first by deploring the fact that I lacked something like $9,998.50 of having the $10,000 about my person, then proceeded to argue that, granting what he said to be true about the convictions in court, he really had no ground for complaint; that having been twice sentenced to imprisonment, once for life and once for twelve years, the sum total was really worse than only being sentenced to hang once. I argued with considerable earnestness that to be sentenced to serve at hard labor in the penitentiary after a man was dead was a punishment more to be dreaded than the brief inconvenience of hanging, which would be over with in less than sixty seconds. I also urged that to have been sentenced to be hung gave him a prominence he never could achieve by mere confinement in the penitentiary. Not many men have been sentenced to be hung and escaped, but millions of men have spent more or less of their lives in penitentiaries.

I must say, however, he did not seem to be much impressed with my argument and insisted that it was either a financial settlement or a suit for libel. He also included Senator Capper in his suit and made the same demand on him, but Mr. Capper mildly but rather firmly declined to dig up and the suit was brought. As this was the only time that any one ever considered it worth while to make me a defendant in a $10,000 libel suit I was somewhat puffed up about it and interested in the outcome.

The case came on to be heard before the late Judge A. W. Dana. The defendants were represented by ex-Lieutenant Governor Troutman, while Ira N. Terrill was his own lawyer. When the jury had been duly impaneled and sworn, there commenced perhaps the most peculiar trial ever seen in a Kansas court.

Terrill acted in a double capacity of lawyer and witness and with meticulous care maintained the distinction between attorney and client and attorney and witness. He announced to the court in an apparently wholly impersonal way: "Ira N. Terrill will now be sworn."

"Mr. Terrill will take the witness stand."

He then gravely asked, "Please state your name, age, and residence to the court and jury."

Having asked the question, he stepped up on the little platform, seated himself in the witness chair, and proceeded to answer the questions. He then stepped down and, again assuming the rôle of attorney, asked, "Are you the plaintiff in this case?" then took the witness chair and answered the question.

"Have you, Mr. Terrill, in your possession a copy of the *Farmers' Mail and Breeze* of ——— date owned by one of these defendants and edited by the other?"

Again seating himself as a witness he answered, "I have."

Then assuming again the position of attorney for the plaintiff he announced, "We now wish to introduce this paper containing the libelous article, in evidence and mark it 'Exhibit A.' "

This proceeded through the trial of the case, the prosecutor alternating between the witness stand and the floor. The judge with great dignity and self-restraint preserved decorum in the court, although one fat juryman, in his efforts at self-repression, showed evidences of pain and indications of apoplexy.

I may say in conclusion that the jury very kindly refused to find for the plaintiff, which relieved both Mr. Capper and the writer from financial loss and as Terrill had filed, as I recall, a poverty affidavit when he started the suit and as his only witness was himself it was inexpensive, if fruitless, legal action.

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What has become of this picturesque and peculiar character I do not know. For a few years after his release from the penitentiary I heard occasionally of his bringing suits for damages against various officials in Oklahoma and Kansas, but think they all ended about as did the one described. So far as I know, however, he holds the record for at least two things: he is the only man in the United States convicted of a capital offense under a criminal statute of which he was the author and also the only man who, while in the penitentiary, acting as his own lawyer, brought three habeas corpus proceedings before the supreme court of a state.

The Last Raid of the Daltons

One day in the late summer of the year 1907 I was taking a plain and not very satisfactory meal in a Topeka restaurant when there came in and sat down at the table with me a tall, well built, and rather strikingly handsome man. His face had that peculiar pallor that comes from long confinement within prison walls and I noticed that he seemed to have little use of one of his arms. A well known Topeka physician accompanied him and introduced him as Emmett Dalton, the only survivor of one of the bloodiest bandit battles that ever took place on the Kansas border.

For fifteen years Emmett Dalton had been an inmate of the Kansas penitentiary under sentence of death, for in those days Kansas had a peculiar law under which a man might be convicted of murder in the first degree, in which case it became the duty of the judge presiding at the trial to sentence him to be hanged by the neck until dead, but with the proviso that the sentence of death should not be carried into effect until after the condemned had been confined for

one year in the Kansas penitentiary and then only on order of the governor. As no governor cared to take the responsibility of ordering a wholesale execution, the number of men convicted of first degree murder increased until at one time there were about one hundred in the Kansas penitentiary, with sentence of death hanging over them awaiting the order for their execution.

Of these the one who excited the greatest interest among the visitors to the penitentiary and the most striking figure among the more than one thousand convicts (for at that time Kansas was taking care of convicts from the territory of Oklahoma), was the young man Emmett Dalton.

Among the boldest of the deputy United States marshals who preserved a semblance of order and law in the wild land known as the Indian Territory during the latter half of the last century was Bob Dalton. Fearless to the point of recklessness, deadly in his aim, and quicker to draw than most gunmen, he possessed to a very considerable extent the confidence of the department of justice at Washington, until it was discovered that he was selling protection to outlaws. Confronted with the evidence, he excused his action by claiming that the Government owed him a considerable sum for his services as deputy marshal, which he had not been able to get on account of the red tape connected with Government dealings, and he was just getting even. He was not punished further than being dismissed from the service. His deals with the outlaws showed the criminal bent of his mind and shortly after he determined to cut loose from all restraints of law and become a leader of a bandit band.

It must be said for Bob Dalton that he had the qualities of leadership which made him a most dangerous outlaw. Nature had dowered him with a more than ordinarily keen, though crooked brain. His fol-

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lowers feared but also loved him, for he was generous as well as bold. They were ready to follow him into any danger even against their better judgment, and die with him if that was to be the fortune of the fight. For some months after the organization of his band he had uninterrupted success. There were train robberies as bold and spectacular as were ever undertaken by the James and Younger gangs, and the name of Dalton became notorious in the annals of border outlawry.

One mild October day—October 4, 1892, to be exact—Bob Dalton gathered his band together and outlined his plans for a raid on the banks of the town of Coffeyville. With him were his two younger brothers, Grattin and Emmett, then a boy of barely nineteen, Bill Powers, and Dick Broadwell. Broadwell was the son of Major Broadwell, whose cattle ranged in the Medicine country. I had seen the boy Dick often. He had always seemed to me to be a rather overgrown, awkward, good-natured youth, not naturally a tough, but of that impressionable nature which would be influenced and greatly attracted by a man like Bob Dalton. So, with visions of adventure and riches easily obtained, young Broadwell had joined the gang and afterward, as this story will show, paid for his folly with his life.

To his companions Bob Dalton told of the large accumulation of cash in the Coffeyville banks, the Condon and the First National. They were to ride boldly into town. Two of them, Bob and Emmett Dalton, were to hold up the First National, while Grat Dalton, Bill Powers, and Dick Broadwell were to loot the Condon bank. Some of the members of the gang objected. They said that Coffeyville was a town in which many men were accustomed to carry arms. The Daltons, too, had lived in Coffeyville and were known to many Coffeyville people. The risk seemed too great. The

bandit leader listened to the objections and then told them that he had determined on the raid. He was going to pull off a bank robbery more sensational than any the James boys or the Youngers had undertaken and would carry away a bigger loot. If any of them did not dare to go with him it was because he was a coward. That settled it. His was the dominating mind and none of them would acknowledge to Bob Dalton that they were cowards. To Emmett, the boy, his brother Bob was a demigod. He had been the hero of his boyhood and was still his hero, whom he was willing to follow anywhere and for whom he was willing, if necessary, to die.

A few minutes after the opening of the banks on October 5, Grat Dalton, Bill Powers, and Dick Broadwell dismounted in front of the Condon bank and entered. A moment afterward the cashier and his assistant were facing the revolvers of the bandits. The cashier was ordered to open the safe, but replied that it was a time lock and he could not open it. "How soon will it be open?" asked Grat Dalton. "In ten minutes," answered the cashier. "We will wait," coolly announced Dalton.

That ten minutes was a fateful period of time. Had the bandits been content to have taken what cash there was in sight, they might have escaped, but during the wait the citizens became aware of what was going on. Resolute men began to get their guns and the battle opened. It was short but bloody. When it ended the city marshal, Connelly, and three other citizens, L. M. Baldwin, C. J. Brown and Thomas G. Ayers, and four of the bandits, Bob Dalton, Grattin Dalton, Bill Powers, and Dick Broadwell were either dead or dying and Emmett Dalton, his shoulder shattered by a Winchester bullet and his back torn by a load of buckshot, was supposed to be mortally wounded.

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Bob Dalton, cool and desperate to the last and deadly in his aim, was responsible for the death of most of the citizens.

In an alley afterward known as "bloody alley" the bandits went to death as they were attempting to escape. Emmett might have escaped with the wound in his shoulder but his love for his brother and boyhood hero was stronger than his love of life, so he turned back amid a hail of bullets to try to rescue Bob. With one arm disabled he tried to raise the dying bandit from the ground. "It is no use. I am done for. Save yourself if you can," gasped the leader, and Emmett reluctantly mounted to ride away when he received a charge of shot in his back and fell from his horse, as it was supposed mortally wounded.

Ninety-nine men out of a hundred would not have survived the wounds inflicted on Emmett Dalton, but he was not an ordinary man. The doctor who looked him over and dressed his wounds pronounced him the finest specimen of physical manhood he had ever seen, but at that gave no hope of his recovery. There was talk among the indignant citizens of lynching the boy, but the majority did not favor the idea of hanging a man who was supposed to be dying. So Emmett Dalton lived. For weeks he hovered between life and death. It was just touch and go whether he lived or died, but his magnificent strength triumphed. When he was convalescent he was taken before the court, plead guilty, and was sentenced to be hanged under the provisions of the peculiar Kansas law.

Wardens generally had little complaint of his conduct as a prisoner. He learned the trade of a tailor and became something of an expert. But the desperate wounds he had received never entirely healed, and after a time began to grow worse instead of better, until finally the prison physician declared that there must either be an operation or Dalton would lose his arm.

Governor Hoch, acting on the recommendation of the prison doctor, granted the ex-bandit a parole for four months in order that he might go where he could have proper surgical treatment. He had come to Topeka for that purpose and it was then I met him. Whatever may have been in the heart of the man, he was outwardly frank and attractive. He perhaps did not have great educational advantages, but he talked well and frankly. He insisted that he had killed no one that terrible day in Coffeyville, but made no complaint about his conviction. "I was guilty," he said frankly, "because I was with the crowd that planned the crime and murdered the citizens. I was with the gang because I loved my brother Bob. Whatever he may have been, however much of a criminal, he was good to me and I loved him. I might have gotten away, I think, but I could not bear the thought of leaving him there weltering in his blood, and so I rode back and tried to save him. It seemed to me that the air was full of bullets and I cannot understand how I escaped with my life. I guess it was a good thing that I was shot and sent to prison, for I have learned a lesson, and that is that crime does not pay. My family are not all criminals. I have brothers who are law-abiding and successful business men, and the law that I and my other brothers were violating protects the lives and property of these law-abiding brothers of mine. I want to get a pardon and go out a free man to show the world that I can make good."

Emmett's mother, a sweet-faced, white-haired old lady of three score and ten, had during all the years her youngest born was in prison, worked unceasingly for his release. His conduct during the time of his parole helped and at the end of it Governor Hoch granted him a full and unconditional pardon, incurring by his act a good deal of criticism, especially from the people of Coffeyville, many of whom still had a vivid recollec-

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tion of the tragedy of the fifteen years before. Personally I have never blamed the governor. Had I been in his place I think I would have pardoned the ex-bandit, for I believed in his avowal that he intended to make good.

A short time after his release Dalton married the widow of a bank robber who was killed by an officer who was attempting his arrest. Not long after he undertook a reproduction of the crimes of the Daltons for moving picture purposes. He offered as an excuse for this that it would furnish an object lesson to warn young men against engaging in crime, but the general sentiment was that it was an attempt to capitalize his crimes and make of himself a movie hero.

Then came rumors of disgraceful domestic brawls, of dissipation and disreputable episodes. How much truth there was in these rumors I cannot say. They may have been very much exaggerated, for it is true now as always that the way of the transgressor is hard and the man who has spent years within prison walls as a convict, walks ever after in the shadow of his crime with suspicion dogging his footsteps.

Chester I. Long

Along in the middle eighties a young man, who had finished his law course, largely under the tutelage of George R. Peck, hung out his shingle in Medicine Lodge. In his youth he was a teacher of elocution, but had long since lived that down. His library at first, as I recall, consisted of a copy of the revised statutes of 1868, two volumes of Blackstone, and a few other textbooks, while the rest of the space in the bookcase was mostly taken up with agricultural reports and other light literature. Chester I. Long was a good

student and hard worker and soon began to get his share of such law business as there was in a frontier town like Medicine Lodge. This story, however, has to do with his political rather than his business career.

His first serious attempt to break into politics was in the year 1889. Senator F. C. Price had resigned his place in the state Senate to take the judgeship of the newly created judicial district. The senatorial district consisted of the counties of Harper, Barber, Comanche, Clark, and Meade. There were three candidates to fill the vacancy caused by the resignation of Senator Price, George Finch, of Harper, Chester I. Long, of Medicine Lodge, and George Willis Emerson, banker, novelist and promoter, of Meade.

Finch had opposition in his own county but had enough delegates to control the county convention and selected the delegates to the senatorial convention. He made the mistake of naming his leading opponents as members of his delegation to the Coldwater convention. They intended to stay with him only so long as there was no danger that he would be nominated, which I may remark in passing is not a good kind of delegate to have, so far as the candidate is concerned. None of the three candidates had enough votes to nominate, but after a considerable amount of balloting enough of the supporters of Emerson were ready to leave him and go to Finch to nominate him, provided all of his own delegates would stand hitched. Immediately a part of the Harper delegates forsook their own candidate, voted for Long and nominated him.

A year later the nomination would have been an empty honor, for the Populist wave swept the district, but the wave had not started to roll yet when the election to fill the vacancy was held and Mr. Long was triumphantly elected. In that way he became a member of the hold-over Republican Senate which tried the

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impeachment case of Judge Theodocius Botkin, who had been impeached by the Populist house elected in 1890. The triumphant election of Jerry Simpson in 1890 had a tendency to discourage Republicans in that district who had ambitions to go to Congress, so that when it became known that Senator Long was willing to offer himself a living sacrifice in 1892, he had no particular trouble in getting the nomination. He made a strenuous campaign, and apparently a reasonably effective one, as he managed to reduce the Populist majority of more than 8,000 in 1890, to less than 3,000 in 1892.

Long was a tireless worker and developed into an effective campaign speaker, but some of the arts of the politician he never learned. Cordial to those with whom he was acquainted, he never really developed that peculiar ability to mingle with the promiscuous crowd and appear to be nearly tickled to death to see and shake hands with people he had never met before. He tried to do it, but somehow or other there were a lot of the people he shook hands with who never seemed to be satisfied that he meant it. He was a man who never used tobacco or intoxicating liquor in any form at that time and I think has never acquired the habit since. Some of his supporters during his first campaign made him believe that passing the cigars was necessary and he fell for it. He knew nothing whatever about a cigar. All looked alike to him. Simon Lebrecht, the Hebrew merchant, of Medicine Lodge, had somewhere gotten hold of a large quantity of cigars, I think possibly at auction. In those days I used to smoke and tried one of these cigars. That satisfied me fully. I never had either desire or curiosity to try another.

I do not know who helped put up that job on Chester I. Long, who was persuaded to believe that these

Lebrecht cigars were really a choice article and bought several boxes for campaign purposes. Campaign cigars at best are bad, but these were the limit. They might have been made useful in curing young boys who had an ambition to learn to smoke. If one of them had not killed the boy he would have resolved with little "Robert Reed," of old school reader fame, never again to touch the filthy weed. In the first crowd the congressional candidate handed round his box of cigars. They were taken readily and lighted. The smokers were hardened frontiersmen in large part, inured to hardships and accustomed to the odor of the corrals, but when forty or fifty of those cigars began to burn more or less freely, those men began to cast on each other looks of suspicion. One of them intimated to his neighbor that it was all right, of course, to kill the pesky varmints that came prowling round the place, but a man ought at least hang his clothes out in the air for a few hours before coming into a crowd that way. When the real cause of the trouble was determined a friend of the candidate called him to one side and said: "Of course, Mr. Long, we old regulars who vote our tickets straight are goin' to stay with you. We are willin' to make even greater sacrifices for the Grand Old Party than this, but there are a lot of independent voters in this district who went off and voted the Pop ticket two years ago. If they are handled right they will come back this year and vote with us, but if you go to distributin' them cigars regular there is simply no hope. The impression is likely to get out that you are tryin' to poison your constituents."

In 1894 Chester was renominated and the tide of Populism had so far waned that he was elected. He was renominated again in 1896, but the free silver sentiment was so powerful that year in Kansas that

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Jerry Simpson defeated him by something over 3,000 majority, although Long made a thorough and strong campaign in opposition to the silver theory. That ended the free silver issue and the Populist party went out of business as a party. Mr. Long was elected in 1898, 1900 and 1902 by comfortable majorities, but was elected to the United States Senate by the legislature of 1903 and therefore did not serve his fourth term in the lower house. In the United States Senate Chester I. Long was counted a "standpatter" while the sentiment of Kansas was tending more and more strongly toward a more radical brand of politics. It was this popular tendency that caused his defeat for renomination and swept Joseph L. Bristow into a seat among the mighty.

I have heard men attribute Long's defeat to his lack of ability as a "mixer." All that is necessary to refute that theory is to gaze for a few brief moments on the attenuated and also elongated form of Joe Bristow. In comparison with Joe Bristow an icicle seems like concentrated sunshine or a modern heater in action. I have my doubts, anyway, about the efficacy of the made-to-order smile and the glad hand in politics in Kansas. The Kansas voter is peculiar in that he is liable to conclude that the candidate who is particularly effusive in his handshaking and verbal glucose, is trying to put something over on the sovereign squatter who does the voting. Mr. Long was defeated not because the voters of Kansas doubted his ability or his integrity, but because a majority of them did not believe that he at that time represented their political views. Bristow was nominated and elected because the majority believed he did represent their views.

Governor Allen's Maiden Speech

In Hillsdale County, Michigan, lives an old farmer, Ben E. Kies, who in the days when the Farmers' Alliance was the dominant power in Kansas, was a prime mover and trusted adviser of the organization. Kies was a shoe merchant in Medicine Lodge, the trusted friend and admirer of Jerry Simpson, and more than any other man responsible for Jerry's entry into politics. It was he who induced the "sockless statesman" to become a candidate for the legislature and afterward at the Kinsley convention waved aside the proffered honor of a nomination to Congress and urged instead the nomination of Jerry Simpson. He afterward quit the business of selling shoes, started the publication of the Wichita *Commoner*, beating William J. Bryan to the name by several years, and as publisher for the few hectic years while the Populist party was a potent force in politics, his paper wielded perhaps the greatest influence of any publication of that political faith. All this is preparatory to the statement that it was Ben E. Kies, the old Michigan farmer, who first brought the now celebrated Governor of Kansas before an audience, hostile to the last degree and under circumstances most painful and embarrassing to the boy orator, who, with most unpropitious environment and with exceedingly serious handicaps, by the exercise of ready wit and resourcefulness saved himself from disastrous consequences, if he did not score an oratorical triumph.

Henry J. Allen was not cradled in luxury. He worked during his young manhood as a barber in the city of Topeka to earn money enough to pay his way through college and after he had finished his college experience got a job as reporter on the Salina *Repub-*

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lican, then owned and edited by J. L. Bristow, afterward United States senator. In October, 1891, the Farmers' Alliance had reached and passed the zenith of its influence and power. The evidences of dissolution were already discernible to the closely observing, but like a great flywheel which continues to revolve for a good while after the force which put it in motion has abated, the Alliance was still, to the superficial observer, a powerful organization. It was in this mild October of 1891 that some five hundred delegates met in Salina in the annual Alliance convention. Major J. K. Hudson was then the militant proprietor of the Topeka *Daily Capital* and fighting the Alliance and Populism with his usual uncompromising vigor. He called a young reporter, L. L. Kiene, and told him to go to Salina and get a report of the Alliance convention.

"They don't like me or my paper," said the major, "but I want you to find out what they do and report the meeting as accurately as possible."

Kiene went to Salina and there entered into a sort of offensive and defensive alliance with young Allen, the object being somehow or other to get the proceedings of that secret convention. The first day the task was easy, for the two reporters found a disgruntled delegate who was sore on the Alliance and ready to give away its deliberations. The reports published in the *Capital* and *Republican* caused great excitement among the delegates who were still loyal, but they could not tell whether they were being betrayed by a traitor in their own camp or a spy who had managed somehow to get into the building. On the second or third day of the convention the disgruntled delegate went home and that shut off the reporters' source of news. The next day they managed to bribe the janitor of the building to leave a side door unlocked during the noon

hour, and through this they slipped in, and then up to the dark attic, where they concealed themselves near a ventilator shaft that connected the assembly room with the upper room. The attic was unfloored, dark as a dungeon, and covered with a tin roof which concentrated the heat rays from the Kansas sun. October in Kansas is often decidedly like summer and with the sun beating down on the tin roof the temperature rose nearly to the boiling point. Neither of these reporters had reached the degree of fatness they have acquired since, but at that they were a couple of most uncomfortable young men. Pretty soon they heard the tramp of the delegates filing into the hall, and then the rapping of the chairman's gavel as he called the assembly to order.

The president of the Alliance was Captain Frank McGrath, of Beloit. He had been one of the most celebrated and efficient of the frontier sheriffs who made a marvelous record for daring and efficiency. Frank McGrath was a born hunter of criminals. Fearless and untiring, and with an almost uncanny knowledge of the habits of the bad men who infested the border, he rarely, if ever, failed to get a man when he started after him. He was often in positions of great danger, but never hesitated to take the chance and seemed to bear a charmed life. McGrath was instinctively against mob law, which fact had a bearing on the results told in this story. Hardly had the president rapped for order and the delegates become quiet when he announced that there must be either spies or a traitor in the building and the first business would be to appoint a committee of three to search the building. "On that committee," said the president, "I will appoint brother B. F. Kies and two others," mentioning them. "They will proceed at once to make a thorough search and find the culprit."

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Although the temperature in the attic was well up toward a hundred, the two reporters experienced something of a chill when they heard that announcement. They decided that it would be best for them to separate as far as possible, lie flat between the joists and trust to the darkness of the unlighted attic for escape. The future governor took one corner of the attic and Kiene the other. The committee headed by Ben Kies came clumping up the attic stairs. Tramping carefully but with determination from one joist to another, they lighted matches to dissipate the gloom. Allen was lying low in one corner, with nothing to support him but the frail laths that held the plastering, trusting to luck and a kindly Providence.

It was Kies who discovered him and announced his discovery with triumphant voice.

"You may as well get up and come along with us," commanded Kies.

The future governor announced with as steady tones as he could command that he was perfectly willing to go. He felt, however, that his wishes in the matter would cut little figure, which conclusion was confirmed by the firm grasp the committeemen took on various parts of his person and the forcible way in which they hustled him toward the attic stair. When he was brought before the assembled delegates there was a moment's hush and then a general yell, "Kill the spy! Kill the spy! He is one of Joe Hudson's hirelings. Kill him!"

There was a rush toward the stage and it would have gone hard with the young reporter if it had not been that McGrath was chairman. As I have said, he was instinctively opposed to mob law and he was able to control that assembly.

"Be quiet, brothers," he said, "we will hear what this young man has to say." Then, turning to the

dust-begrimed, cobweb-covered and freely perspiring reporter, he said: "Young man, why were you in that attic and what have you to say for yourself?"

It was Henry Allen's maiden effort as a speaker before a large crowd, but he rose to the occasion. As he stood there he was not a presentable figure, dirty, sweaty, and generally disheveled, but that may have helped him. He probably was not in a mirthful frame of mind, but he managed to face the crowd with the semblance of a grin and said: "Gentlemen of the Alliance, you don't know how much it pains me to appear before you in this condition."

In those days the average Alliance man was disposed to take matters very seriously. They had visions of the "Great Red Dragon," the "Altar of Mammon," and the "Seven Great Conspiracies," but there were men in that audience who had a saving sense of humor and the opening statement of the young reporter sort of caught them, and when he followed with the further statement, "I assure you, gentlemen, that this reception is wholly unexpected. I hardly supposed that I would be greeted with so much enthusiasm," several of the delegates laughed aloud.

"I admit, gentlemen," continued Allen, "that I was in the attic, and if you want further evidence the gentlemen composing this committee who have so insistently escorted me to this platform, will testify to the fact, but I am not there now. However, I have heard one charge made against me which I most emphatically deny; it is that I am one of Joe Hudson's men. I never worked for Joe Hudson in my life and don't know what he looks like. I am a reporter on the Salina *Republican* and will confess that I was in the attic to get a report of your meeting."

At this point a number of delegates started another movement toward the platform but were checked by the

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chairman, and Henry, with renewed confidence, seeing that President McGrath did not intend to permit personal violence, proceeded with his remarks.

"When I went into the attic I did so simply in the line of duty. It was my business to get the news and you gentlemen guard your proceedings with so much care that I was driven to this as a last resort. I admit that it was not the right thing to do, but I am only a poor reporter and my bread and butter depend on my ability to get the news. I am sorry this occurred and assure you that it will never happen again."

His ready wit, resourcefulness, and apparent frankness of statement won him some friends even in that hostile audience and there was some scattering applause when he closed. Then President McGrath demanded that he give up his notes.

"I have no notes," said the reporter.

"Who was with you?" asked McGrath.

It was at this point that Kiene, listening at the ventilator shaft, felt the hot and cold flashes chase each other up and down his spine, but to his relief the future governor lied promptly and calmly like a gentleman. It was then that Kiene realized the force of the little Sunday-school girl's definition of a lie when she said, "A lie is an abomination in the sight of the Lord and a very pleasant help in time of trouble."

In answer to the question Allen promptly and with an expression of almost cherubic innocence said, "There was no one."

Kiene breathed easier.

"Is there any other reporter in the house to your knowledge?" asked McGrath.

"No, sir."

"Will you promise never to attempt anything of this kind again?"

"Yes, sir."

Then the young reporter was taken before the county attorney and an effort was made to find a law under which he could be prosecuted, but as there was no such law, he was released.

The convention passed some red hot resolutions denouncing Allen personally and the paper which employed him. Allen somewhat surprised the chairman of the committee on resolutions by asking for a copy of the resolution for publication.

Freed, as they supposed, from spying ears and eyes, the delegates proceeded with their secret conference while Kiene, sweating, but happy in the attic, took notes of the deliberations and furnished a full report both to the *Capital* and the Salina *Republican*.

During the nearly twenty-nine years which have elapsed since that hot October day, the young reporter has acquired nation-wide fame as an orator and as the chief executive of the great state in which he was born, but never did his natural facility as a speaker stand him so much in hand as when he was dragged before that convention of wrathful delegates, the majority of whom would just then have watched him hang, if not with positive satisfaction, at least with a feeling that justice had been in a measure satisfied.

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