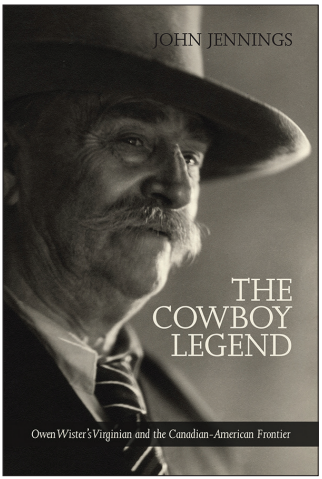

THE COWBOY LEGEND: OWEN WISTER'S VIRGINIAN AND THE CANADIAN-AMERICAN FRONTIER by John Jennings

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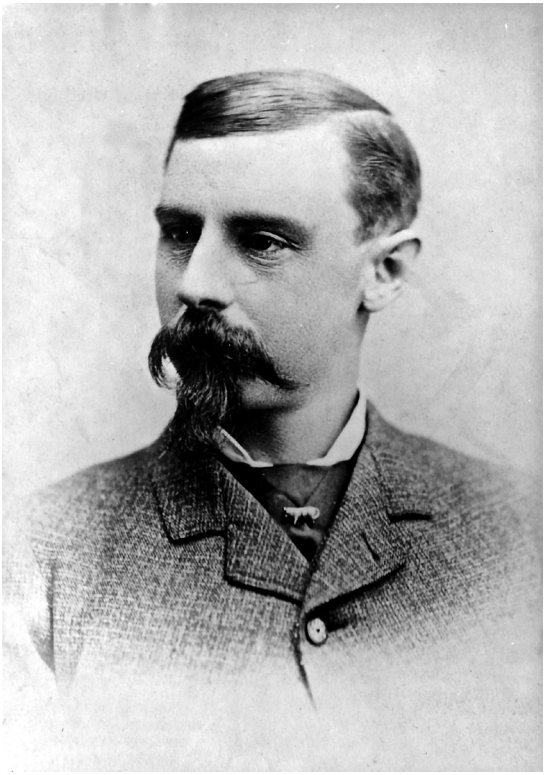
4: *Wyoming* (1878–88)

While in Cheyenne, in 1878, Johnson met a man who would greatly influence his life. Johnson, now eighteen, had experienced more than most men twice his age. For the moment, he seemed content to drift from one experience to the next. Fred Hesse changed all that. Hesse was an Englishman who had come to the American West in 1873. He first went to Texas, where he worked as a cowboy. Four years later, he came north as the trail boss of a herd belonging to John Slaughter, one of Texas' most famous cattle barons. When Johnson met him, he was working for John Sparks, a stockman who ranched in the Cheyenne district and later became Governor of Nevada. Hesse was to become, the following year, foreman of the Frewen brothers' newly formed 76 Ranch on the Powder River. Johnson's friendship with Hesse would result in Johnson, too, signing on with the 76, a decision that would shape the next, and most significant, decade of his life.

In 1878 there was, as yet, no settlement in northern Wyoming. Among the first to venture into the country as prospective ranchers, and the first to stake a claim in the Powder River country, were the two eccentric English brothers, Richard (Dick) and Moreton Frewen. The Frewen brothers came west to hunt in the Yellowstone and Jackson Hole country of northern Wyoming in the fall of 1878. Although they had been warned to leave before the heavy snowfall came, they did not start east until December. Typical of a certain type of Englishman, they ignored the warnings, but somehow managed to bumble through, taking their pack train up Ten Sleep Canyon and crossing the Big Horn Mountains through a barely navigable pass. When they reached the lower slopes of the Big Horns and the upper branches of the Powder River, they were so taken with the country that they decided to



Fred Hesse, the foreman of the Powder River Cattle Company, who hired Johnson in 1878. He became Johnson's mentor and lifelong friend. In 1892, Hesse was one of the leaders of the Johnson County war. American Heritage Center, University of Wyoming.

locate a ranch there, which they called the Big Horn. When they returned the next year to establish the ranch, one of the first things they did was to hire Fred Hesse as foreman, and Hesse, in turn, hired Johnson as a ranch hand, partly because Johnson was one of the few non-Natives at the time who was familiar with the Powder River country. Hesse continued as foreman until 1890, when he started his own ranch, the 28, south of Buffalo on Crazy Woman Creek.

The Frewen brothers were among the very first to take advantage of the fact that two major impediments to ranching had recently been removed from northern Wyoming – the buffalo and the Native population – thus leaving the region free for cattlemen to grab one of the finest cattle ranges in America. Before 1878, cattle had already populated southern Wyoming, but farther north the hostile Native frontier had prevented settlement. The census of 1880 listed only 637 people in Johnson County, where the Frewen brothers located in northern Wyoming.

1882 Studio portrait of Everett Johnson, Kirkland Studio, Cheyenne, Wyoming. Glenbow Archives, NA 2924-12.

The census of 1880 gives a rather surprising picture of how the Wyoming cattle frontier was evolving from virgin range to serious overcrowding. Although northern Wyoming was very sparsely settled in 1880, the census gave a very good indication of how Wyoming's cattle frontier was developing. Of 311 men listed as "stock growers," only two were from Texas, far outnumbered by the 29 from New York, the 26 from Pennsylvania, the 29 from England and the 19 from Canada. Ownership of the big Wyoming ranches was largely in the hands of those from the Northeast, the Midwest, and England, Scotland, and Ireland. And the picture is consistent when it comes to cowboys. Of the 669 listed in 1880, only 25 came from Texas, far outnumbered by the 58 from New York, and roughly the same as the 23 from Massachusetts and the 22 from England. At least in Wyoming in 1880, the vast majority of cowboys came from the North, and about two from the Midwest for every one from the Northeast. Besides Texas, the only other southern state with a significant representation was Missouri (53). Given the recent claim that up to one-third of cowboys on the western range were

Black, it is surprising that only two Blacks were listed as cowboys on the Wyoming range (and nine Indians.)[1]

Everett Johnson is listed in the 1880 census as a former Virginian, twenty years old, living with Effingham and William D. Warner in Crook County. He is termed a "cattle herder." Also listed for Crook County is Michael Henry, thirty-eight years old, his wife, Catharine, thirty-five years old, and their daughter Elizabeth, eighteen years old. More of her later! Mike Henry is listed as the owner of a "road ranch."

If even the Frewen brothers could recognize superb cattle range in the dead of winter, then it takes little imagination to understand the Native population's determination to defend one of the finest buffalo ranges on the Plains from white encroachment. The dry, elevated climate of Wyoming produced native grass that cured on the stalk and did not lose its value when frost came. This simple fact explains much of the blood that flowed in the Native peoples' attempt to block white migration into northern Wyoming.

Before the Frewen brothers first glimpsed the Powder River country from the top of Ten Sleep, this future cattle empire had been, for over a decade, a battle zone between Native people and whites. Several important incidents occurred in the struggle for the Powder River country, which involved close friends of Johnson's. These incidents formed a vital prelude to the Wyoming cattle empire; Johnson's recounting of them to his daughter-in-law Jean, especially the information he passed on to Jean regarding the Wagon Box Fight of 1867, sheds some important new light on early Wyoming history. This information came from his good friend Bill Reid, who was involved in the battle. Reid's account of the Wagon Box Fight has not appeared before in print, except for a brief version in Andy Russell's *The Canadian Cowboy*, which Russell got from Reid's son Jack.[2]

NORTHERN WYOMING AND THE WAGON BOX FIGHT

White pressure on this area of northern Wyoming began the moment the Civil War no longer distracted Americans. Once again, the nation's focus was on the West and many thousands poured westward, many of them rootless victims of the dislocation of war. The vast majority of them were seeking economic opportunity, which is no surprise. But this wave had been hardened by war, so their inevitable clash with those who considered the Great Plains their home was to be even more ruthless than usual. And

the Native people of the Plains, for their part, had a clear sense that their backs were to the wall, so they fought this white advance with ruthless determination.

Before the Civil War, the line of white advance had already crossed the Mississippi, once thought to be the dividing line between America and the "permanent Indian frontier." The Native peoples of the Plains in the 1830s and 1840s had watched the seemingly endless migration of wagon trains cross the so-called Great American Desert on the way to Oregon and California. So now, after 1865, California and Oregon were relatively settled and whites were closing in on the Great Plains, America's last frontier. It is easy to understand both the Native peoples' anxiety and their intransigence. The earlier facile rationalization of Indian removal was no longer possible. There was no more unwanted land to dump them on. So the people of the Plains faced the stark prospect of dispossession and forced confinement on reservations. Small wonder they fought with such determined ferocity.

There was no solution to this clash of cultures. Neither side would bend sufficiently to find a middle ground. Plains culture simply could not find a meeting ground with the most powerful force in American culture – the idea of progress. At the raw, grassroots level, this idea was largely an aggressive economic imperative, and woe to anyone who got in the way of the plainsmen's pursuit of happiness.

Americans headed west into this last Native bastion with few restrictions. The Northwest Ordinance of 1787 was the blueprint of western development; it spelled out a policy of local self-determination for most aspects of the American advancement across the continent. The army, of course, was on the frontier to uphold federal policy, but the army had practically no control over that element at the edge of white advancement that caused most of the trouble with Native people. As has already been seen in the Black Hills gold rush, the army was reluctant, and largely powerless, to curb the aggressive push of Americans westward, whether guaranteed by treaty or not. By and large, the army in the West, from top to bottom, shared the frontiersman's antipathy toward Native peoples and believed equally in the American dream of replacing them since Native peoples were perceived as just drifting over vast tracts of virgin land that could be put to better use. In a somewhat fuzzy way, a great many Americans held the belief, some honestly and many fraudulently, that it was ordained by God that the land be tilled and made productive. Clearly, the Native peoples were not living up to God's definition of effective land use. Thus, there was no moral dilemma in dispossessing them and shunting them on to reservations, where agents of civilization could offer them the blessings of Christian salvation

and instruction in proper land owning. Then there were those who did not go in for fancy philosophizing and just believed that Natives should just be got rid of at any opportunity.

Before the Civil War, many thousands of Americans followed the Oregon Trail along the North Platte and into the area that would become, in 1868, Wyoming Territory as they made their way to California and Oregon. The vast majority had stopped in Wyoming Territory only long enough to scratch their names on Independence Rock.

But this was to change dramatically in the 1860s, due largely to the coming of the Union Pacific, which reached Wyoming in 1867, and the emergence of a mining frontier in Montana and Idaho. Even before the railway came, large numbers of emigrants were drawn to the newly developed Bozeman Trail, which branched off the Oregon Trail at Bridger's Crossing in southeastern Wyoming and headed north through the Powder River country to the new diggings in Montana.

John Bozeman, a Georgian, had pioneered the shortcut from the Oregon Trail to Montana Territory in 1863 and by the next year, despite intense hostility, the trail was in heavy use, since it was faster and less expensive than the river route by way of the Missouri River to the Montana diggings. The next decade of northern Wyoming's history was to consist primarily of Native hostility along the Bozeman Trail. Strangely, the fighting was with the Sioux and Cheyenne, who did not even belong there. The entire length of the trail was in Crow country, recognized as their land under the Horse Creek Treaty (or Fort Laramie Treaty) of 1851. But, beginning in the 1850s, the Sioux and Cheyenne began to invade Crow territory and drove the less numerous Crow westward beyond the Big Horn Mountains in north-central Wyoming.

The Bozeman Trail ran through the last good hunting grounds east of the Big Horn Mountains, in the valleys of the Big Horn, Rosebud, Tongue, and Powder rivers, as these rivers made their way to the Yellowstone. By midcentury, the powerful Lakota Sioux, who could mount over 3,000 warriors, and their allies, the northern Cheyennes and Arapahos, were pushing the far less numerous Crow and Shoshoni west into the mountains. Despite the Treaty of Laramie, the Sioux, Cheyennes, and Arapahos in 1857 waged war against the Crow and appropriated important parts of their buffalo hunting territory.[3]

Contrary to the general belief, the wars of the Bozeman Trail had nothing to do with the violation of treaty rights. All the skirmishes and battles between the army and the Sioux and Cheyenne in the decade following the Civil War – the Fetterman Massacre, the Wagon Box and Hayfield fights, the

Battle of Rosebud Creek, the Custer battle, the Dull Knife battle – were all fought in Crow territory. And it is no surprise that the Crow sided with the American army in all these engagements against their traditional enemies.[4]

From the inception of the Bozeman Trail in the 1860s until the subjugation of the Sioux and Cheyenne in the wake of the Custer fight in 1876, there was an almost constant state of turmoil along the trail, as the Sioux, Cheyenne, and Arapaho attempted to stem the white migration into their newly acquired hunting grounds. And, after the massacre of peaceful Cheyennes under Chief Black Kettle at Sand Creek in late November 1864 by Colonel Chivington's Colorado militia, the Native peoples of the northern plains took on a new ferocity. Sand Creek was the turning point and it became the symbol of a war to avenge that cowardly and duplicitous action.[5] Native attempts in 1864 to close the route to whites travelling from the Oregon Trail to Montana prompted, first, the Connor expedition of 1865 and, subsequently, the policy of establishing military posts along the trail to facilitate the white migration into land guaranteed by treaty to Native peoples. General Patrick Connor, in 1865, led a column of roughly a thousand men up the trail to subdue the Native population. Connor was accompanied by 179 Pawnee and Winnebago scouts. There was no love lost between these Native groups. He surprised a group of Arapaho and extracted a promise of peace. But this left the Sioux and Cheyenne still intractably unreformed. Their uncharitable attitude toward sharing their territory with the military column invading their country might just possibly have had something to do with one of General Connor's orders to his men:

> … you will not receive overtures of peace or submission from Indians, but will attack and kill every male Indian over 12 years of age.[6]

General Connor's orders were "bluntly genocidal."[7]

Several years earlier, Connor – then a colonel – on January 29, 1863, with his California volunteers, had attacked a Shoshone camp in the southwest corner of present day Idaho. In "one of the deadliest massacres in American Indian history," now known as the Bear River Massacre, Connor and his men killed at least 250 men, women, and children. One man said he counted 493 dead Shoshone

In 1866, Colonel Henry B. Carrington was ordered to consolidate the work of the Connor expedition by establishing a chain of forts along the Bozeman, including Fort Reno at the Powder River crossing, Fort Phil Kearny near present-day Sheridan, and Fort C. F. Smith in southern

Montana. Carrington's army, starting with Carrington himself, was not very prepossessing. Carrington was a political appointee, generally resented by officers who had survived the Civil War, and few of his men were veterans. Under Carrington, they would receive little training. The post commander at Fort Laramie remarked, as they departed for the Powder River country, that they were "the worst cavalry I have ever seen."[8] These were the poor devils that the government was sending to subdue the Sioux and Cheyenne nations!

The US Army after the post-Civil War demobilization was a rather pathetic affair, badly paid and little respected. By 1874, Congress would budget for only 27,000 soldiers to patrol both the West and the South at the height of Reconstruction. But recruitment was so dismal that the army could muster only about 19,000 poorly armed and provisioned soldiers.[9] The army in the West suffered from low morale and serious levels of desertion. In the 1870s, the army lost one-quarter of its strength from desertion; over a longer period, from 1867 to the 1890s, one-third of the western army deserted, perhaps partly due to the regular soldier's pay – a measly fifty cents a day![10] And this western army was a very mixed lot. Half were immigrants, desperate to have any sort of job; one-third of Custer's army were Irish.

It is worth pointing out, considering the importance of Frederic Remington to this story, that it was Remington who created a very different image of the western army in the public eye. His drawings and paintings – more than 700 of them on the themes of western war and violence – changed the public's perception of that army. Remington was intent on depicting reality and generally he did so, but his army was relentlessly Anglo-Saxon, and his record of the passing of the frontier, with all its dust, sweat and violence, pictured the western army in a very heroic light. Americans couldn't get enough of it.[11]

The army in northern Wyoming spent most of its time constructing forts and providing protection for wagon trains headed for Montana. Large parties were generally safe from raids, but many stragglers were picked off. Then, on December 21, 1866, a small contingent of soldiers was sent out from Fort Phil Kearny under Captain W. J. Fetterman to protect a party of civilian woodcutters.

Captain Fetterman, a Civil War veteran, held a pronounced contempt for both his commanding officer's caution and for the fighting ability of the Sioux and Cheyenne. Clearly disobeying Carrington's orders to refrain from pursuing hostiles beyond a certain point, he allowed himself, in a very Custeresque fashion, to be drawn into a carefully prepared ambush led by Crazy Horse. Fetterman was completely taken in by the old decoy trick, a

favourite in Plains Indian warfare. His small force suddenly faced several thousand Sioux, Cheyennes, and Arapahos, who swarmed up out of nowhere to overwhelm these green recruits who fumbled frantically with their muzzle-loading Springfield rifles or the cavalry's unfamiliar new Spencer carbines.[12] The two civilians accompanying the soldiers, who were armed with Henry repeating rifles, could make little difference to the outcome, although, from the very large number of Henry casings surrounding them, it appears that these two civilians fought to the bitter end.[13] His entire force of eighty-one was destroyed. No one was left alive and only one was spared the indignity of scalping and mutilation. Those who came to their relief found what appeared from a distance to be a scattered collection of pincushions; the Sioux, Cheyenne, and Arapaho released roughly 40,000 arrows that day. The Native force was armed mostly with bows and a smattering of smoothbore trade guns, acquired from Métis traders.[14] Inept troops with muzzle-loading rifles were no match for Native warriors who could put half a dozen arrows into the air at the same time. Almost before it started, the worst defeat inflicted on the army in the West thus far was over. Fetterman, the architect of this total slaughter, perhaps had a last-minute change of mind concerning the effectiveness of Native warfare as he was run over by American Horse's mount and clubbed to death.[15]

The estimate of the number of Native warriors killed or wounded ranges from a mere handful to Utley's estimate of as many as one hundred. Bray argues that as few as eleven were killed and roughly sixty wounded.[16]

Understandably, the troops at Fort Phil Kearny were in a profound state of shock when they saw the dismembered bodies of their comrades.[17] The wide reporting of this scene would later reinforce the view on the frontier and in American society generally that the only proper fate for Native people was to be swept from the face of the earth. Even if the beleaguered garrison understood Native motivation, which is unlikely, they undoubtedly would not have sympathized with the Native religious belief that the body entered the spirit world in the condition in which it left its other world. By depriving them of their limbs and other parts, they were consigning these soldiers to hell.[18]

Those left at Phil Kearny expected an attack at any moment. The weather was bitterly cold, and help was depressingly far away. Only 119 men, including civilians, survived to fend off the expected attack. The nearest relief was Fort Laramie, more than two hundred miles away. And those who were left to defend the fort had no illusions concerning their fate should the enemy overwhelm them. No one slept that night, least of all Colonel Carrington, who wrote to his superiors, "No such mutilation as that today on record."[19]

Obviously, word of the disaster must be got out. John Phillips, later to be a close friend of Johnson's, volunteered to run the gauntlet through the surrounding enemy; there ensued one of the most famous rides of the West, a ride that was far more spectacular than Paul Revere's modest little ride, and one that was far more dangerous. Revere, when captured, merely had his horse confiscated. Phillips, if captured, faced death and dismemberment.

John "Portuguese" Phillips, born Manuel Filipe Cartoso in the Portuguese Azores, was a well-known figure on the frontier. He happened to be at Phil Kearny waiting for the mining season to open. On the night following the massacre, he volunteered, at a price, to attempt to slip past the enemy and take dispatches to the nearest telegraph, 190 miles away at Horseshoe Station (south of present-day Douglas, Wyoming). He set off in a raging blizzard on Carrington's favourite Thoroughbred, with his saddle bags stuffed with hardtack and oats.[20] Phillips made the ride in three and a half days, arriving on Christmas Eve at the telegraph station to alert the outside world of the Fetterman disaster. He then continued on to Fort Laramie, arriving the next night in dramatic fashion at the garrison's Christmas ball, staggering from fatigue and barely able to speak. Phillips' horse, which had so gallantly made the 236 miles in four days, through intense cold and huge drifts, died soon after. Phillips collapsed and took weeks to recover.

Portuguese Phillips' ride has become a part of American folklore and, over time, has become almost as distorted as Cody's later affray with Yellow Hair. Popular accounts have him galloping non-stop to Fort Laramie through hordes of bloodthirsty savages. But even the respectable accounts do not agree. Two of the leading experts, Dee Brown and Robert Murray, disagree on key points. This underscores the difficulty of verifying the actions of minor players like Johnson who, at this stage in his life, was primarily a witness, either first or second hand, to the opening of the West.

The nation was in a state of shock at the news of the Fetterman massacre, and a majority of Americans probably agreed with the sentiments of General Sherman's telegram to President Grant:

> We must act with the utmost vindictive earnestness against the Sioux even to their extermination, men, women and children.[21]

Red Cloud, the leader of the force that annihilated Fetterman's troops, also called for the extermination of the American troops invading his country. And it should be remembered that, after the wanton butchery of Black Kettle's band of peaceful Cheyennes at Sand Creek in 1864, Colonel Chivington's Colorado militia had mutilated many of the dead and skinned a

number of women to make purses.[22] It was a period of savage war on both sides, with plenty of incidents of barbarity to harden frontier attitudes into intransigence.

Johnson was a good friend of Phillips in later years and considered him to be one of the most remarkable men he ever met. He first met Phillips through Bill Reid, who was also at Phil Kearny at the time of the Fetterman disaster. Phillips had been a frontiersman and civilian scout and had developed the typical hatred of Indians associated with that type. He would not hesitate to shoot an Indian on sight and counselled Johnson to do the same as a matter of self-preservation.

On one occasion, Phillips and Johnson were riding down toward a ford on Crazy Woman Creek when they saw a Native man ahead of them driving a few cattle. Phillips simply shot him, took his knife and scooped out his insides, filled his stomach with rocks, and sank him in the river. He then took the cattle and, with Johnson, trailed them south until they reached a place where they could be left. It clearly never occurred to Phillips to stop the man and question him about the ownership of the cattle. The frontier bred hard attitudes, with little room for seeking a middle ground of understanding. And it does not seem that Johnson protested Phillip's actions; he probably fully agreed with them.

Natives believed that Phillips was a devil; according to Johnson, he looked the part – high cheekbones, a black pointed beard, and narrow black eyes "sometimes terrible, sometimes gleaming with malicious amusement." Even in later years, he was incredibly wiry and active. Johnson had a huge admiration for his courage and daring and considered him invincible. He regarded him as one of his very special friends.

There were many Native attempts on his life, but Phillips always escaped. Johnson recounted one story about four Natives who ambushed him and dragged him from his horse. But he managed to draw his knife, cut the rope, and stab two of his attackers. The others tried to escape, but Phillips got to his horse and rifle and shot them both. He became the constant target of ambushes; on one occasion, his ranch buildings on the Chugwater were burned down and all his cattle killed. Yet, despite his enemy's best efforts, he died in his bed in Cheyenne in 1883 at the age of fifty-one.

* * * * *

Johnson's other great friend in early Wyoming days was Bill Reid, previously mentioned as a good friend of Bill Cody. Reid was one of that breed of plainsmen who made the West – tough, fearless, and without guile. In 1866,

he was part of the group of civilian contractors, hired to build the forts on the Bozeman Trail, who had accompanied Colonel Carrington. He too was a close friend of Portuguese Phillips. It was Jack Reid, Bill Reid's youngest son and one of my father's greatest friends, who gave his account of his father's time at Fort Phil Kearny to Jean Johnson.

Bill Reid had earlier been a Pony Express agent and stagecoach driver; he must have been an expert driver to have been chosen for the job of driving Grand Duke Alexis on his tour of the West in 1872. And by the time he signed on to accompany the army on the Bozeman Trail, he was a seasoned Indian fighter, a skill that was to prove very useful the next year when he was at the centre of the Wagon Box Fight of August 1867. His account of the Wagon Box Fight is included here because it was part of Johnson's story and, more importantly, because it provides important new information about that rather neglected moment in western history.

Reid's skill as an Indian fighter was much in evidence, for instance, in the fall of 1861 while stationed at Rocky Ridge, Wyoming, on the Rocky Ridge–Salt Lake City run. A group of Arapahos stole a large number of Shoshoni horses and then drove off all the stock at the stage station. Reid and a number of Shoshonis under Chief Washakee set off on foot in pursuit and came on the Arapaho camp in the Wind River Mountains. Reid and the Shoshonis hid for the night and then attacked at dawn, first setting fire to the long grass and brush. The Arapahos tried to fight their way out, but were all killed. Not only were all the horses recovered, but about two hundred Arapaho horses were also taken. A grand celebration and war dance followed, and then the victors returned home, Reid with a trophy for his wife, which he casually dropped in her lap – the ear of an enemy who had wounded him with an arrow. Her reaction to the gift is not recorded. She had an especially warm welcome for Chief Washakee, whose very ill son she had once nursed back to health.

On another occasion, about 150 warriors attacked Reid and some others while he was driving stage near the Sweetwater. He and the others cut the horses loose and, in a sort of rehearsal for the Wagon Box Fight, turned the coaches on their sides to form breastworks. The fight lasted for two days. Reid was shot through the back and had to be brought out on the running gear of one of the coaches. Several of the defenders were wounded by arrows, but Reid said that when they discovered that the arrows were not poisoned, no one worried much about the wounds.

In 1876, Reid was to become chief of scouts under General Crook at the Battle of Rosebud Creek, just nine days before Custer's fateful decision to split his command and attack the largest known camp of Sioux ever

assembled, presided over by the cream of Sioux leadership – Crazy Horse, Gall, Little Wolf, and, of course, Sitting Bull.[23]

By the time that Reid hired on in 1866 to provide timber for Fort Phil Kearny, he was clearly a very seasoned Indian fighter, far more experienced than the green troops who were there to protect him and his companions. In fairness, after the Fetterman debacle, the army did send out more competent troops and officers and armed them with the new retooled breech-loading Springfield rifles. By the summer of 1867, the troops at Phil Kearny were no longer the disgrace they had been the previous winter. But they were now fighting enemies emboldened by the ease with which they had snuffed out inept troops armed with old, muzzle-loading rifles. In the spring of 1867, the Sioux and Cheyenne began to lay elaborate plans for a campaign to drive the intruders from their hunting grounds for good. The plan, as it unfolded under the direction of Red Cloud, was to mount simultaneous attacks at both Fort Phil Kearny and C. F. Smith. These two battles would be the climax of Sioux and Cheyenne hostility along the Bozeman Trail until the Custer disaster almost a decade later.

Throughout June and July, they intensified the level of harassment at both forts and then, on August 1, they launched a major attack against the soldiers and civilians at work in a hayfield near Fort C. F. Smith. The next day, they unleashed a similar attack against the woodcutters and their military escort on a high meadow, six miles west of Fort Phil Kearny. In the open high meadow, Company C of the Twenty-Seventh Infantry had constructed a defensive enclosure using fourteen overturned wagon boxes, stripped of their running gear. They then drilled firing ports through the floors of the wagon boxes.

By July of 1867, the army along the Bozeman Trail now numbered about 900 officers and men at the three forts, Reno, Phil Kearny, and C. F. Smith, and another 500 building Fort Fetterman as the southern anchor of the system. Meanwhile, during July, after the annual Sun Dance, a large group of Sioux and Cheyenne gathered on the Little Bighorn River to plot strategy for further attacks on the forts. Unfortunately for their cause, they couldn't decide which fort to attack first, so, after much bitter argument, they finally decided to split the force, 500 to 800 mostly Cheyenne opting to attack Fort C. F. Smith, and about one thousand Sioux and Cheyenne making Fort Phil Kearny their target, under the leadership of Red Cloud.[24] The force that attacked Fort Phil Kearny was comprised mainly of Oglalas, Sans Arcs, some Miniconjous, and a number of Cheyennes. Crazy Horse and Man Afraid of His Horse were the principal leaders.[25] It is interesting to speculate what

Site of the Wagon Box Fight, 1867, in nothern Wyoming. Author's photo.

might have been the outcome if these two forces had remained united against one objective.

The Wagon Box Fight of August 2, 1867, has become an important part of western American folklore. Here the army took its revenge for the humiliation of the Fetterman disaster. The clear message of the Wagon Box Fight has come down to us that a small number of troops, entrenched behind overturned wagons and using improved firearms, were able to hold off huge numbers of Native attackers. Later Red Cloud was to say that he lost the flower of his fighting force at the Wagon Box Fight.[26] For the Sioux and Cheyenne, the Wagon Box Fight was a major humiliation; they were not to attempt another major offensive until forced into one a decade later by another Fetterman – the supremely overconfident George Armstrong Custer – who became the victim of his overweening ambition and disastrous judgment.

The attack on the wagon box camp began at six o'clock in the morning with the attackers driving off the mule herd. Crazy Horse led the initial attack on the woodcutters' camp in the woods, where they were felling trees. Four woodcutters and two soldiers were killed at this point. The rest raced to the wagon box defences. Red Cloud orchestrated the overall attacks, but he was unable to copy the tight unity of purpose of the Fetterman fight. The bank of Piny Creek gave the warriors protection until the last hundred yards, and then the attack required a charge over completely open ground,

except for a dry gully, which gave further protection. Those with guns were concentrated here. Also, from the protection of this gully, the attackers lobbed fire arrows into the enclosure to ignite the hay and manure.

Certainly, the defenders behind the fourteen overturned wagons thought that their time had come as they watched what seemed like thousands of Sioux and Cheyenne swarm toward them on that clear summer morning. Acting Corporal Samuel Gibson, one of the defenders, said he would never forget the looks of grim determination on the faces of his comrades. They knew they had little chance; the fate of those with Fetterman crowded out all other thoughts. As they waited, Gibson watched Sgt. Frank Robertson, a veteran of Indian wars, calmly and deliberately unlace his shoes and tie the laces together with a loop at one end for his foot and another at the other end to fit over the trigger of his rifle. Other veterans followed suit. No one spoke.[27] It was better to end your own life than to die by torture.

The initial tactic of the enemy was the one that had always proved successful in fighting the army. They rode to within 150 yards and waited for the discharge of the defenders' rifles and the glint of the ramrods as they reloaded. This was the signal to ride the defenders down. But there were no ramrods; instead, for the first time in their wars with the army, they met a steady field of fire. Repeated charges on horseback throughout the morning and early afternoon took a terrible toll, with virtually no effect on the defenders.

The battle lasted until mid-afternoon, when the attackers made their last desperate attempt to overrun the defences. Suddenly, the tense silence was broken by an eerie humming and a low chant, and then the chilling sight of many hundreds of the attackers, naked except for a breechcloth, advancing in a wedge, slowly and deliberately, led by Red Cloud's nephew, Lone Man. They continued to advance through murderous fire until they were almost touching the defences. But they could not withstand the intensity of the fire and finally broke and fled. Their extraordinary courage accomplished nothing. Further charges were equally futile. Finally, a general mounted charge was driven off.[28]

Soon after, the booming of a howitzer was the first indication that a relief column was approaching. As the tension broke, the grim silence changed to whooping and sobbing.[29] Their last sight of the attackers, as the defenders returned to the fort, was a long train of horses three or four abreast and a quarter-mile long, carrying away the dead and wounded. Only six soldiers were killed and two wounded that day, while estimates of Native losses range from thousands (more than were actually there!) to the estimate of Captain James Powell, who thought about sixty Natives were killed and

twice that many wounded. Robert Utley put the number of Sioux and Cheyenne at the Wagon Box Fight at between 1,500 and 4,000, with casualties at between 400 and 1,000.[30]

The outcome of the Wagon Box Fight, needless to say, was an enormous relief to both the defenders and the army, which could not afford the indignity of another Fetterman fiasco. The army had acquitted itself well. But there is a degree of unfairness in the established verdict on this incident. On the monument at the site of the fight, which describes the engagement as "one of the famous battles of history," are listed by name the soldiers of Company C, Twenty-Seventh US Infantry, who took part in the fight – two officers and twenty-six soldiers. The plaque also states that "four unknown civilians" helped to repel the three thousand warriors under Red Cloud whom the army claimed took part in the Wagon Box Fight. Most of the literature on this fight echoes this plaque, leaving the impression that the civilians were, at best, incidental to the fight.

Bill Reid was one of those "unnamed" civilians and, if his account is to be believed, he and the other woodcutters were anything but incidental. Reid, at the time, was wagon boss for the group of woodcutters that the firm of Proctor and Gilmore had contracted out to build forts for the army and to provide the forts with firewood. As Robert Murray has noted, these civilian employees at western military posts have not received the recognition they deserve. Many of them, like Bill Reid, were seasoned frontiersmen. Often their steady, cool behaviour was vital to the success of a military defence against hostiles.[31]

The established wisdom seems to be that in the interval between the Fetterman disaster and the Wagon Box Fight, the quality of troops, leadership, and arms at Fort Phil Kearny improved markedly. Thus, when seasoned troops with improved weapons faced even overwhelming numbers at the Wagon Box Fight, the new discipline, coupled with the improved firepower of the new breech-loading "trap door" Springfields, were more than a match for the enemy. The real significance of the Wagon Box Fight, it is said, is that it was the first time that the army in the West had used breech-loading rifles against Native enemies; their devastating effect left the Sioux and Cheyenne chastened for a decade.

The biggest advances in weaponry from the Civil War to the western frontier period were in the development of breech-loading rifles and metallic cartridges, replacing muzzle-loading rifles and paper cartridges. But the new metal cartridges could pose one very serious problem. In some rifles, and especially the retooled Springfield, the hot metal of the cartridges in extended firing expanded and tended to jam in the chamber.[32]

There is clearly some truth in the army's argument that the breech-loading Springfields were a significant improvement, but their argument was too pat. First, it is not quite realistic to argue that this metamorphosis in the quality of the troops took place between December 1866 and August 1867. And were these new breech-loading Springfields really such a vast improvement over the old muzzle-loading variety? The accepted accounts of the engagement, for the most part, are based on the official army reports of Captain James Powell, who commanded the troops, and of Major B. F. Smith, who led the relief column. Understandably, they would portray the role of the army in the best possible light, especially with regard to the increased firepower of the new rifles. But these same rifles a decade later were involved in the other total massacre of troops in the West. Custer's men, too, were armed with breech-loading Springfields, while many of the Sioux and Cheyenne now carried "Spirit Guns," the much superior Henry and Spencer repeating rifles. About a quarter of them had the new Winchester repeating rifle, which the army refused to buy because of its expense.[33] According to Douglas D. Scott and Richard A. Fox Jr. in *Archeological Insights into the Custer Battle*, their conservative estimate of Native firearms at the Custer fight put them at 370, of which at least 192 were repeating rifles.[34] In fact, the army continued to fight in the West with the decidedly inferior Springfield until the 1890s, when it adopted the Krag repeating rifle. The Springfields had a superior stopping power, range, and accuracy to the Henry and Spencer repeating rifles, but at close range there was no contest; the speed of the repeating rifle, as an 1879 Army Ordinance Report made clear, made them far superior in close combat.[35]

In July 1867, the troops at Phil Kearny were issued with .50-calibre Springfield-Allin breech-loading rifles, to replace the old .58-calibre Civil War Springfield muzzle-loaders that the infantry had previously used. But these rifles were by no means the best ones available. They were a quick and easy adaptation of the old Springfields. The National Armory in Springfield, Massachusetts, developed a method of converting the muzzle-loaders to single shot breech-loaders and, at the same time, reducing the rifles from .58- to .50-calibre by reaming the bores to accept .50-calibre liners, which were then brazed into place.[36] These rifles were a distinct improvement over the old ones, but the army was clearly more concerned with economy than with efficiency in its decision to remodel the old rifles. The remodelled Springfields were still distinctly inferior to other newly developed rifles. And to make matters worse, in an engagement like the Wagon Box Fight, where rifle barrels became too hot to touch, the Springfield became "slower than Hell" because, when the breech became hot, the spent casings were

often hard to extract. This, too, was to become an important issue in the Custer disaster.

William Murphy, a soldier who witnessed the Wagon Box Fight from a distance, remarked that the Springfields were only good for eight or ten shots and then it became necessary to eject the cartridge with a ramrod, since the ejector cut a groove in the rim of the cartridge.[37] To make matters worse, as the post records of Phil Kearny show, the soldiers had only used the rifles for about two weeks before the Wagon Box Fight and had not had any target practice with them.[38]

The same problem with the overheated Springfields was recorded a decade later at the Custer battle. By then, it had become a Native tactic when facing Springfields to wait until Army rifles became heated and started to jam. Unlike the brass shell casings of today, the copper casings of the .45-calibre ammunition were far more malleable. After rapid fire, "the extractor mechanism had a tendency to rip through the flange at the bottom of the heat-softened shell, leaving the barrel clogged with remnants of the exploded casing." The soldiers' only recourse was to try to dislodge the mangled shell with a knife – a laborious and increasingly nerve-racking procedure, especially when the enemy was massing for a charge.[39]

Bill Reid said that most of the woodcutters were armed with .44-rimfire Henry repeating rifles and Colt revolvers that used the same ammunition; each wagon had a case of 500 rounds of ammunition. One, at least, of the civilians was armed with a Spencer repeating rifle. A civilian teamster named Smyth stated that he had two Spencer carbines and two colt revolvers, which he fired through auger holes in the wagon boxes.[40]

The Henrys were vastly superior to the Springfields, taking sixteen shells at a time, loaded through the butt. The Henry was unquestionably the finest American rifle of the period. It had been developed by B. Tyler Henry, who worked for Oliver Winchester; it was the first really successful rifle to be manufactured by Winchester's company, the New Haven Arms Company.[41] It became the most feared gun of the Civil War and soon became the favourite gun of western Indian fighters. Its only drawback was that it was too heavy and the barrel too long to be an effective cavalry weapon. Military reports during the Civil War stressed that it was almost impossible to overrun a position defended by Henrys. As Confederate general John Singleton Mosby stated, "It was useless to fight against them." Confederate troops echoed his sentiments. When Sherman's troops used the Henry on their march through Georgia, Confederates described it as "that damned Yankee rifle that you loaded on Sunday and fired all week." The promotional literature boasted that it was capable of firing sixty shots a minute, putting

it in a class all of its own. Despite this marked superiority, the Union army during the Civil War did not purchase many and continued, to the end of the Indian wars in the West, to supply its troops with the decidedly inferior Springfields.[42]

There is certainly more than a little irony in the fact that Custer himself attributed the great success of his Fifth Michigan troops at the decisive battle of Gettysburg to the firepower of the Spencer repeating rifle, a rifle not even as good as the Henry.[43] And again, in 1868, Custer's cavalry was armed with the Spencer carbines when they attacked a peaceful Native camp on the Washita River.[44] As one authority on Civil War guns has said, "The army [in the post–Civil War period] repeatedly found itself outclassed by Indian warriors bearing superior rifles and revolvers."[45]

Various accounts state that there were either four, five, or six civilians in the Wagon Box Fight.[46] Reid said there were five.[47] It is plausible to argue that the firepower of five men with Henrys equalled or exceeded that of four or five times that number of soldiers with Springfields. No attempt is being made here to belittle the soldiers, but it is realistic to argue that the woodcutters had a crucial role in the fight. Indeed, several soldiers in the fight stated later that they thought they were all going to be killed and that their time had come. It could be that their time would, indeed, have come except for the devastating power at critical moments of the Henrys. Many of the Native corpses were piled within yards of the barricades. Is it possible that the Native peoples' new respect for the army, which was the chief legacy of the Wagon Box Fight, was based on misconception, on the belief that it was the soldiers, not the civilians, who could unleash such devastating firepower? It is quite likely that it was the coolness of experienced civilian frontiersmen, armed with the latest weapons, which saved the day at the Wagon Box Fight. These woodcutters were all seasoned marksmen; the soldiers were anything but!

Reid held the Springfields in contempt but not the soldiers who had to use them. He had only praise for them. The soldiers were rather less charitable toward the woodcutters. They are scarcely mentioned in the official reports; there is certainly no indication that they made a significant contribution to the battle. Soldiers who were there have left several reminiscences of the fight, and they, too, hardly mention the civilians. Two such accounts, by Private Samuel Gibson and by Corporal Max Littman, make it appear that the woodcutters took little or no part in the battle. Another, by Private Frederic Claus, leaves the impression that the woodcutters were all hiding in the woods during the battle and only joined the soldiers after the fight was over.[48] These self-serving versions can perhaps be explained in several ways.

First, witnesses admitted that they were so concentrating on their own survival that they did not have a clear picture of the overall battle. In addition, flaming arrows caused the hay and dry manure to ignite, producing a terrible stench and heavy smoke throughout the fight. It was very difficult to see all that was going on in the compound, and panicked, milling horses within the circle of wagons made the situation worse. Moreover, it is only natural that the army, which had come under intense criticism after the Fetterman fight, should try to capitalize as much as possible on their victory.

One final point about the effectiveness of the Henry rifle in the hands of a cool and experienced plainsman like Bill Reid: F. G. Burnett, one of the participants in the Hayfield Fight that erupted at almost the same moment, commented that most of the troops were armed with breech-loading Springfields, while the civilians were armed with Henrys and Spencers. The exception among the troops was Captain D. A. Colvin, who was armed with a Henry and a thousand rounds of ammunition. Colvin was a crack shot; by the end of the day, the dead were heaped in front of him. Burnett stated that he doubted if there was any man living who had killed more Native warriors in one day than Colvin. Burnett claimed that Colvin alone probably killed about 150 of them.[49] Even allowing for exaggeration, it appears that one gun at the Hayfield Fight accounted for the equivalent of between one-third and one-half of the total number of Native deaths that were officially recorded by Captain Powell at the Wagon Box Fight.[50] It is interesting to note that the next year, in the standoff at Beecher's Island in 1868, a company of fifty frontiersmen, armed with Spencer repeating carbines, held out for seven days against overwhelming odds: 6,000 to 7,000 Sioux and Cheyennes.[51]

At the risk of belabouring the issue, three points can be made. First, it seems clear that the American government, through misplaced economy, was allowing its troops in the West to be needlessly slaughtered for want of proper arms. Second, the apparent success of the breech-loading Springfields at the Wagon Box Fight probably lulled the government into an unwarranted sense of satisfaction in its policy, thus contributing to the later Custer disaster.

Third, and most significant, the Wagon Box Fight and the Hayfield Fight give us a glimpse of the future, a nightmare future of the transformation of warfare from individual bravery and initiative to that of the methodical slaughter of the industrial age. At the Wagon Box Fight (and the Hayfield Fight), traditional Native tactics of warfare suddenly became obsolete, just as traditional European tactics did in the First World War. At the Battle of the Somme in 1916, which became the symbol of the senseless slaughter of that war, waves of brave men were scythed down by the impersonal "two

inch tap" of the German machine guns mounted on tripods. Many years after the Wagon Box Fight, Red Cloud admitted that in that battle he had lost half his warriors. Their extraordinary bravery had meant nothing against the new weapons of the industrial age. The drama of a handful of soldiers and civilians fending off the full power of the Sioux and Cheyenne nations had obscured the real significance of the battle. Just as the increased firepower of Mr. Colt's revolving pistol in the hands of the Texas Rangers transformed Indian warfare in Texas, so too did the dramatic improvements in rifles, the direct legacy of the Civil War. Though this message was obscured by the ineptitude of the army at the Rosebud and Custer battles a decade later, the improvements in weapons, symbolized by the Henry, doomed Native resistance to white advancement. Though it was not recognized at the time, August 1867 marked the end of the ability of the Native nations of the West to stem the white flood.

The lesson to the Native side was that they must arm themselves with better weapons. At the Fetterman battle, fewer than 10 percent of the warriors had guns, and most of these were smoothbore flintlocks from the fur trade era. The lesson of the Wagon Box Fight was that they must upgrade their weaponry. In the following decade, much of this was accomplished. At the Custer fight, many of the Sioux were armed with the new repeating rifles, mostly acquired from Métis traders of the Canadian plains – at the price of a good horse. In 1876, Custer faced a newly armed foe, 50 percent with firearms and 10 percent with the latest repeating rifles.[52]

* * * * *

After the Wagon Box Fight, Bill Reid continued for a while as a wagon boss for the army. Then, in 1869, he was sent to Fort McPherson, where his first son George was born in 1872. He was later stationed for a while at Fort Laramie, and he then established the BP Ranch on the Laramie River. His youngest son, John, was born there in 1882.[53] In June 1876, Reid was a wagon master and chief of scouts under General George Crook at the Battle of Rosebud Creek, nine days before Custer met his end at the Little Big Horn.[54]

In 1881, Bill Reid guided Theodore Roosevelt on a hunting trip in Dakota Territory. Roosevelt was greatly taken with Mrs. Reid, especially her stories of the incredible hardships of her early life. He persuaded her to write her reminiscences, which fortunately she did. These reminiscences, passed on by her son Jack to Jean Johnson, provided the information about her husband's role in the Wagon Box Fight.

Johnson became a regular visitor at the Reid ranch, and it was probably here that he met Portuguese Phillips, who had a ranch not far away on the Chugwater, High Kelley, an Indian trader who had a stage station at Chugwater, and the famous Liver Eating Johnson, whose nom de plume came from his rumoured habit, considered an eccentricity even on the frontier, of eating his Native foes' livers. He was a scout and bullwhacker in early Wyoming and later ranched for a while on the Laramie River but couldn't settle down. He decided, instead, to become a lawman. Quite late in life, he became a US marshal at Red Lodge.

MORETON FREWEN AND THE 76

Shortly after the Wagon Box Fight, northern Wyoming was to have a decade of relative peace. Though their losses at this battle, and the subsequent Dull Knife battle five months later, gave the Sioux and Cheyenne a tremendous jolt, the government had already decided, because of the Fetterman massacre, to close the Bozeman Trail. This it did in 1868. Fort Laramie and the newly built Fort Fetterman (on the Platte River near present-day Douglas) could protect southern Wyoming. For a decade, northern Wyoming was not inundated with settlers. It was only when the Black Hills were invaded by white miners in 1875 that the Sioux and Cheyenne again initiated hostilities. Then, even though spectacularly successful at the Battle of the Rosebud and the Custer fight, which inflicted on the western army their worst defeat to date, the Native victory was short-lived. It was no longer possible to stall industrial America's push west. The buffalo, the Natives' major source of food, fled the country as soon as large numbers of Sioux and Cheyenne gathered, making long major campaigns against encroaching whites an impossibility. So the victors of the Little Big Horn capitulated or fled to Canada or Mexico. About 5,500 chose Canada, and some remained there until the spring of 1881, when Sitting Bull finally surrendered to American authorities.

Five months after the Custer fight, the Cheyenne were hunted down in a secluded spot on Powder River and, in what has become known as the Dull Knife Battle, were soundly defeated, thus ending Cheyenne hostility and clearing the way for white settlement. This fight took place on the Red Fork of the Powder, in what would become known as the Hole-in-the-Wall country, later made famous by Butch Cassidy, Sundance Kid, and their cohorts, who were collectively known as the Wild Bunch. This spectacular country, once the Native people were defeated, was to become part of the cattle range of the Frewens' 76 Ranch, so named for the ranch's brand, which reflected

Frewen's arrival in America in 1876. The 76 Ranch would establish a line camp at the Hole-in-the-Wall, twenty miles west of where the main house, the Castle, would be built.[55]

In 1878, with the buffalo and Native people removed, the Powder River country was ready for grabbing. As has been seen, Moreton and Richard Frewen, the two slightly dotty Englishmen, were among the very first to take advantage of these changed circumstances. Native people were now mostly on reservations or had fled to Canada or Mexico. The buffalo had been effectively exterminated; by 1877, only small straggling herds were left. So, after 1877, northern Wyoming lay there for the taking, as did vast tracts of Montana. Collectively, these areas were the last virgin tracts left in that immense cattle frontier that spread from Texas to the Canadian border in the astonishingly short period of two decades. By 1885, ranchers in Wyoming and Montana were already looking north to Canada for grazing land because they had, in a decade, overstocked the northern American ranges. The golden era of ranching in northern Wyoming lasted only from 1879 to the mid-1880s.

The vast majority of the ranching and cowboy history and literature strongly emphasizes the role of Texas and Texan cowboys in the diffusion of cattle throughout the West. But recent scholarship is showing that the story is more complex – and interesting. Richard Slatta's superb *Cowboys of the Americas* leads the way. Slatta's fascinating book shows how richly textured the ranching and cowboy story really is, without taking anything away from Texas. His work demonstrates how shallow Wister's beliefs, discussed in the next chapter, were about the Anglo-Saxon makeup of the cowboy.

Terry Jordan's *North American Cattle Ranching Frontiers* is also a seminal work in comparative cowboy and ranching history. Jordan, too, takes the emphasis off Texas and rightly expands it to discuss the traditions of the Scottish Highlands, Northern Ireland, Wales and the hill shires of England, as well as different Spanish traditions and the transplanted English traditions of the Carolinas, which found their way to east Texas, there to mingle with those of Mexico. As the cattle frontier moved north from Texas, it also mixed with those of California and the American Midwest.

Throughout the Americas, the horse and the country suited to ranching gave these diverse traditions a unity. As Jordan points out, much of the allure of cowboying was the "imagined" freedom it gave.[56] There was a vast difference between a cowboy on a horse on the open ranges of the Americas and a cattle drover plodding behind a cow with a stick! Foremost in a cowboy's mind was pride in horsemanship, and a contempt for those who walked.[57]

The real life of the cowboy was monotonous and full of drudgery, and it is true that he was just a hired hand without capital. There is nothing particularly romantic, for instance, about Andy Adams' depiction of the early cowboy.[58] But add a horse and a gun at his belt and the image of the cowboy is transformed. In an era of open ranges and endless vistas, with the ability to ask for his time (money owed to him) and move on if an employer displeased him, the cowboy really was a free spirit, far removed from the wage slavery of industrial America. He could easily move from job to job, with all his earthly possessions tied behind the saddle.

The horse, of course, was the key to cowboy life. Until the horse was reintroduced to the Western Hemisphere by the Spanish (after becoming extinct there in prehistoric times), the Great Plains were seen as a hostile wasteland. The horse unlocked the potential of that region for both Native buffalo hunters and white cattlemen, and gave the region its romantic aura.

The grasslands of the Western Hemisphere produced a unique specimen in the mounted cattleman and, though the cowboys of Texas, Argentina, and Alberta were different in both important and superficial ways, they shared a unique culture and prestige with their cousins, the Australian drovers, the Russian Cossacks, the South African Boers, and many others around the world. They embodied a mystique special to the man on the horse.

* * * * *

The two Frewen brothers were able to stake their claim to a huge area of prime grazing land before other ranchers began to invade the country. They established their headquarters slightly east of the junction of the north and middle forks of the Powder River. Here they built a large log house in the style of an English hunting lodge, later to become known as "Frewen's Castle." The "Castle" had a stairway imported from England and a forty-foot square living room with a gallery for musicians on special occasions.[59] Altogether, according to Lawrence Woods, they laid claim to 4,000 square miles of grazing land, eighty-miles long north to south and fifty miles from east to west.[60] The 76 claimed two million acres in 1882, with only 160 acres actually owned. At this point, their range ran 34,000 cattle, 450 horses, and somewhat over 8,000 sheep.[61] According to another range authority, Maurice Frink, the ranch, in 1885, had no deed or lease land and a total herd of 48,625 head. Dividends to investors were 6 percent in 1883 and 4 percent in 1884.[62] Agnes Wright Spring calculated that, at the height of its opulence, the 76 ran 60,000 head on the Powder, Tongue, and Rawhide Creek, with

Frewen's Castle, with its imported stairway and style of an English hunting lodge. American Heritage Center, University of Wyoming.

line camps along the middle and south forks of Powder River.[63] Johnson, too, said that the 76 at maximum ran 60,000 head and had fifteen brands other than the 76 brand. Fred Hesse was the foreman on the home ranch and E. W. Murphy on the Rawhide ranch. Johnson worked under Hesse as one of his four assistant foremen. Hesse had about thirty cowboys working under him.[64] Agnes Spring also estimated that, in the early years of the open range up to 1882, British returns on ranching investment were often over 50 percent, a figure that is hard to believe, even in good years.[65]

Moreton Frewen was the real force in this ranching enterprise; Richard did little more than provide capital. And in short order Moreton became a definite presence on the Wyoming ranching frontier, though perhaps he was not fully appreciated by the more democratic elements on the Wyoming frontier. He had been born into the near-aristocracy of England to a landed family with extensive holdings in Lincolnshire, Sussex, Leicestershire, and Ireland. He embodied just about every quality that made Americans bristle. His life in England, by his own admission, appears to have been a constant

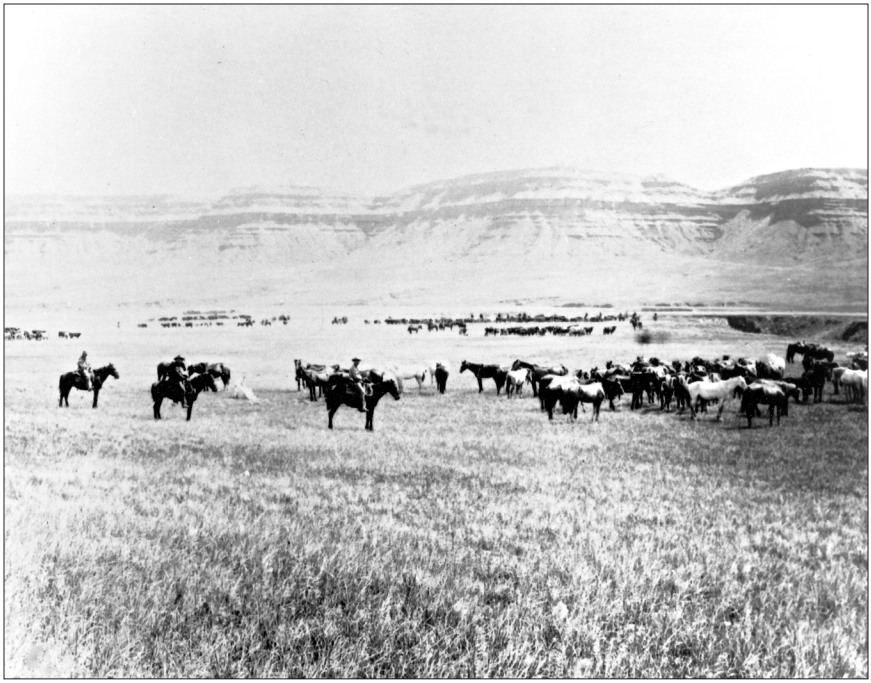
round of weekend country parties, gambling, horseracing, and womanizing. At the latter, he was particularly accomplished, having included in his list of conquests one Lillie Langtry, later the King's mistress. During his time at Cambridge University, he had spent most of his time racing horses and carousing at his many social clubs, before being finally "sent down" because of his almost complete disregard for the educational possibilities at Cambridge.

But Frewen had another side. While dissipating his inheritance in a mere three years, he had the honesty to observe in his autobiography that his class no longer had a purpose in England, being largely caught up in an "infectious orgy of idleness and frivolity, largely devoid of social conscience."[66] While casting about for some new diversion at the end of the 1877 fox-hunting season, he was invited by John Adair to visit his Texas ranches. En route, he met General Sheridan, "a little red-faced explosive cavalry officer" who filled him with tales of the Upper Yellowstone. And in Dodge City, he met Bat Masterson, who gave him a long discourse on bad men. It was all in the eyes, Masterson said. The ones with brown eyes were not to be feared; their badness was of the "stage property" order of things. It was the grey or blue-gray eyes that held real menace.[67]

And so it was that, Frewen – after spending a month as a guest of Charles Goodnight, Adair's ranching partner – found himself, along with his brother, at Fort Washakie (later to be Owen Wister's starting point for several hunting trips) in early December. Any normal person, at this point, would have called it a season. But the Frewens were that combination of the effete and the bloody-minded that scorns common sense. They decided that they wanted to see the much-talked-of Powder River country, and no rational arguments about the impossibility of crossing the Big Horn Mountains in winter were about to deter them. They probably would have joined the statistics of silly Englishmen being killed doing ridiculous things if it had not been for the luck of running into a large herd of buffalo which happened to be going their way, providing a "snow plow" through the passes.

On reaching the eastern side of the Big Horns, one of the glorious views in the American West opened to them. Moreton said of his first glimpse of the Powder River country:

> Near two hundred miles south we could see Laramie Peak. To the east was the limitless prairie, the course of Powder River showing its broad belt of cotton woods fading out in the far distance. To the northward we could see clear up to the Montana frontier, a full two hundred miles. Not a human habitation was in sight. …



The northern Wyoming range before the great Die-up of 1886–87. Wyoming was the ultimate "cattle country," too arid for agriculture, but ideal for cattle grazing. American Heritage Center, University of Wyoming.

> Montana, Alberta, what is now Saskatchewan, up to Peace River … it was a virgin prairie, just waiting for man. How amazing the idea that for five hundred miles at least this immense area was destined to fill with settlers and their cattle during the next five years.[68]

A "virgin prairie" just waiting for "man"! The original people, like the buffalo, were to make way so that "man" could make God's garden bloom.

The Frewens instantly fell in love with the Powder River country and decided to locate a ranch there the next spring. At first they called it the Big Horn Ranche. By April 1879, they were back in Wyoming, wasting no time in building the "Castle" and buying their first herd of 4,500 head from Tim Foley for $70,000. The ranch soon became the Powder River Ranche, with 76 as the brand. (The ranch was generally known as the 76). Other herds followed, so that by 1882, when Moreton bought out his brother's interest in the ranch, he claimed that the 76 range covered 20,000 square miles and had 40,000 head of cattle.[69]

The house, "Frewen's Castle," was to become the social centre of northern Wyoming's cattle industry, particularly after Moreton married Clara Jerome, the eldest daughter of Leonard Jerome, one of the principal owners of the *New York Times*. She was considered one of the reigning beauties of Paris at the end of the Second Empire. Her sister married Lord Randolph Churchill and was thus the mother of Sir Winston Churchill.

In his autobiography, Frewen made no mention whatever of even his foreman, Fred Hesse, let alone a mere cowboy like Johnson. Similar to Owen Wister later, he was interested only in those who counted; the ranch almost seemed to be an excuse for a prolonged summer house party and a lodge for hunting in the Big Horn Mountains. The Castle's guest book bulged with the signatures of titled English, mostly there for the superb hunting in the Big Horn Mountains. They would set off for a day's hunt in their White Melton riding breeches, leaving behind the bemused cowboys who had saddled their mounts. One can imagine the conversation in the bunkhouse after one of these intrepid hunters bagged the ranch's milk cow in the bushes, mistaking it for a vanished buffalo. Another absent-mindedly walked off a cliff to his death. Others were somewhat more competent. Topping that list was Lord Caledon (father of Field Marshal Earl Alexander of Tunis, one of Canada's most popular governor generals), an Irish peer who had come west to live with the Blackfeet. When he returned to Ireland, he took several Wyoming elk for his deer park and two bears that lived in his stables. In preparing for his western adventure, he had slept in the garden and instructed his footmen to see that his blankets were kept damp.[70]

For a brief moment, the ranch was graced by the presence of Frewen's new wife, Clara, but one visit to the primitive atmosphere of the Castle was more than enough for her. She had been trained for a different life. Clara's mother seems not to have understood the classless nature of America; she has been described as one of those desperate American mothers who set her sights on marrying her three daughters to European royalty.[71] She and her daughters were, for some time, fixtures at the French court, but Madame Jerome's hopes were dashed by the fall of the Second Empire in 1870. So, on to England, where daughter Jennie was soon greatly fancied by Lord Randolph Churchill. At first, Mrs. Jerome thought she could do better than a Churchill, but finally, after some hard bargaining on both sides, the match was made final.

Leonie married an Irish cavalry officer, but soon broke into the rarified circle of British nobility. For many years she was the mistress of Prince Arthur, Duke of Connaught, the youngest son of Queen Victoria, who later became the governor general of Canada during the First World War.

It was now Clara's turn and, for a while, it went well. But Clara's chances of marrying a title were dashed when Lord Randolph, her entree into London society, was almost involved in a duel with the Prince of Wales and was consequently ostracized from London society. Thus, she had to settle for the next rung down.

Meanwhile, Leonard Jerome was usually left in New York by his wife and daughters to oversee the Madison Square mansion, with its ballroom and opera house. But he was forced to inform his wife that he could no longer keep his women at the centre of English society. And so it happened that Clara was in New York when Moreton made his first American journey, stayed with the family, and saved her from the ugly fate of marrying someone who was merely rich. Despite her mother's displeasure, and her sister Jennie imploring her not to marry into the rough West, she and Moreton were married in 1881 and shortly thereafter headed for Wyoming to spend the honeymoon at the ranch. Clara, with her riding habit from the Bois de Boulogne and her maid to ensure that her shoelaces were tied, since she had never in her life tied her own laces, lasted only a short time in Wyoming. She never returned.[72]

A year after their marriage, partly no doubt as a result of Clara's extravagance, and more so because Richard withdrew his money from the venture, Moreton was forced to sell shares in his ranch, now called the Powder River Land and Cattle Company. He was able to raise 300,000 pounds ($1.5 million) by appealing to a number of his rich friends and acquaintances. He then formed a board of directors, at first headed by the Duke of Manchester, lord of the bedchamber to the Prince Consort, and later replaced by Edward Montagu Stuart Granville Montagu-Stuart-Wortley-Mackenzie (otherwise known as Lord Wharncliffe and later Viscount Carlton of Carlton). The board also included such names as the Earl of Rosslyn; Baron St. Oswald; the Earl of Dalhousie; Lord Henry Nevill, son of the Marquis of Abergavenny; Baron Grinthorpe; Sir Frederick Milner, the son of the Earl of Lonsdale; Baron Dunsany; Baron Belper; Viscount Anson, son of the Earl of Lichfield; and Alfred Sartoris, whose brother had married Adelaide Kemble, opera singer and sister of actress Fanny Kemble, Owen Wister's grandmother. The interest in western ranching among those on this list may have had something to do with Frewen's claim that they could make 60 percent on their investment on the Wyoming cattle frontier.[73]

Frewen was unrealistic in thinking that he could finance a large ranch alone, or with only his brother. Almost all the early big ranches on the open range were joint stock ventures, with boards of directors and annual dividends. And, as will be seen later, Frewen's estimate of an annual return of

60 percent on investments was wildly unrealistic, although Maurice Frink estimated that some Scottish ranching companies were making 30 percent on their investment on the open range. Many Scots borrowed in Scotland at very low rates and then got higher rates in the United States.[74]

Frewen was now able to return to Wyoming with $1.5 million to invest in the new company. By 1884, the Powder River Cattle Company covered 4,000 square miles, and spilled over into southeastern Montana. The ranch claimed two million acres of public land, but actually owned only 160 acres – the land where the Castle was situated![75] It ran 50,000 head of cattle, had a hundred cowboys on the payroll, and claimed a dividend of 24 percent. The actual figure may have been closer to 3 percent.[76]

The investors were in for a shock. Very quickly the bubble burst; by 1885 the Wyoming range was overstocked as hundreds of others took advantage of free land and, sooner than most could have imagined, the warnings of sober Scottish economic journals came to pass. The ranching craze could only last as long as those who had an equal right to "free" land did not contest it. Overstocking and plummeting cattle prices, as well as the disastrous winter of 1886, effectively destroyed the Powder River Cattle Company, in company with hundreds of other ranches on the northern plains. And, in 1885, there was an ominous note in the report of Fred Hesse, the foreman of the 76. Rustling was becoming a major problem.[77] John Clay, the manager of the huge Swan ranch, was to write of this period, "From the inception of the open range business in the West and Northwest, from say 1870 to 1888, it is doubtful if a single cent was made, if you average the business as a whole."[78]

But, in the meantime, Wyoming became the centre of an international investment frenzy. Perhaps because Wyoming represented the end of the romantic free grass era in the US, it took on a special aura. As Mari Sandoz has said:

> The rest of the cow country would have other important pursuits and industries: Texas her vast plantations and farm areas; Colorado, Montana, and the Dakota Territory their mines and wheat; Nebraska and Kansas as well as some others their corn and wheat. All these would be cattle states, but Wyoming would be the truest, the purest cow country.[79]

Perhaps it was this special aura that attracted such an inordinate amount of eastern and foreign investment in the cattle business. The combination of adventure, romance, and money was irresistible.[80] The Frewens represented only the beginning of an invasion of British capital into northern Wyoming.

There is a glaring irony in the fact that Wyoming, which more than any other region of the Plains became associated in the American mind with the ranching frontier, was in reality an enclave of British capital. There is the further irony that the compelling character which Owen Wister created in *The Virginian*, a character that was so appealing to an American readership because he embodied so many of the ideal American virtues, was based, at least in part, on Johnson, a wage hireling of British investors.

Certainly many of the early ranchers in Wyoming were tough and individualistic men who carved their cattle empires from the wilderness through perseverance and energy: pioneers of the sort that spawned the legend. But, in reality, they were overshadowed in Wyoming by those who saw this last frontier in terms of a compatible mix of adventure and investment. With astonishing speed, eastern American money poured into Wyoming ranching. Yet this money was soon eclipsed by even more substantial English and Scottish investment.[81]

British investment in American ranching coincided with the height of the British Empire. Britain was becoming vastly rich through foreign investment. Already, by the 1870s, huge amounts of British money had gone into American canal and railway building. Now cattle ranching seemed to offer one of the greatest returns of all since the land was free and only a few cowboys were required to look after huge numbers of cattle. It seemed too good to be true – which, of course, it was. As well, British interest in ranching was prompted by the very large export trade in beef to Britain, and by the invention of refrigeration.[82] By the late 1870s, fifty million pounds of refrigerated beef and 80,000 head of live beef were exported annually to Britain. And by 1880, there were reports of 30 percent profits – or more – in American ranching.[83]

By the time the Wyoming cattle range opened, rich Scots and Englishmen were already in the habit of organizing "exploring parties" to the American West. Most of these "top shelfers" shared an enthusiasm for shooting anything that moved. This was the heyday of the weekend shooting parties at English country estates. It was also the period of the English mania for travel and adventure literature. The result was that the English began to focus on the American plains frontier, especially after Bill Cody brought his Wild West show to England. So off they went to rough it in the West, loaded down with custom-made firearms, folding rubber baths, and, on occasion, silver tea services; one wanted to experience the frontier, but one did not want to be mistaken for an American.

A number of them hired specially fitted railway cars, which came into fashion in the late 1870s to take hunting parties west. These cars provided

every comfort, including a porter, waiter, and cook. The supplies, including dog boxes and "hunting costumes," were kept in the accompanying baggage car. And, undoubtedly, on the trip across the plains, many read one of the most talked about books of the time – J. S. Brisbin's *Beef Bonanza: or How to Get Rich on the Plains*, published in 1881.

The western shooting party over, many Englishmen returned home, both enchanted with the Great Plains and also buzzing with excitement over the financial prospects of making huge dividends by investing in a ranch on "free land" in this vast inland sea of grass that had so recently been cleared of the "Red Indian" menace.

Even the Scots got excited. John Clay, the best known of them on the Wyoming ranching frontier, wrote in breathless terms of his first sight of the Wyoming grasslands, "There is a freedom, a romance, a sort of mystic halo hanging over those green, grassy, swelling divides that was impregnated, grafted into your system."[84] Sober Scottish trade journals began to feature technical articles on the spectacular returns on investment that western ranching could expect. Only in the small print was it mentioned that these vast ranches were being established on the public domain; the land that was owned by the companies was usually a very small proportion of what was "claimed" by right of occupancy. In some cases, these ranchers owned no land at all, and title rested only on prior occupancy. Thus the investment was very risky in the long run.

This was the era of British world dominance, both economic and military. The British, at the height of empire, exuded all the insufferability that accompanied that position. British ways were clearly superior; they appeared not to remember that they had been humbled by upstart American colonists only a century before.

During this period, there was a very large export of capital throughout the world, and western American ranching seemed to be one of the most lucrative ventures going. Very considerable amounts of English and even larger amounts of Scottish capital poured into western ranching, following in the tradition of huge British investment earlier in the century in American development. By the mid-1880s, twenty-nine foreign companies, almost all of them English or Scottish, controlled over twenty million acres of ranching land in the United States – much of it public domain.[85] This situation so upset many Americans that it resulted in a Senate investigation in 1884.[86] Several years later, just before the terrible winter of 1886, petitions flooded Congress. In 1887, Congress enacted a law stating that no foreign individual or corporation holding 10 percent or more of stock in a ranch could own public land in the territories.[87] In the early eighties, a committee

of Congress estimated that foreign interests controlled 100 million acres of US soil, in defiance of "the rights of honest and humble settlers."[88]

From a purely economic point of view, this British investment was generally a good thing, providing the US with much-needed capital, particularly in the costly expansion of transportation. It was also very important in developing the ranching frontier and helping make possible the flow of western livestock to the markets of the East and Europe. Scottish corporations like the Texas Land and Cattle Company of Dundee, or the even more famous Scottish Matador, which ran sixty thousand head on two million acres, or the Wyoming Cattle Ranch Company, managed by John Clay, which claimed four thousand square miles of Wyoming grazing land, injected many millions of dollars into the American economy. Together with their counterparts in New York, Boston, Chicago, and Philadelphia, these mostly absentee investors established a ranching frontier in the 1880s that was an extension of eastern American and British business at the height of its exploitative mentality. When the axe fell on this ranching empire in the killing winter of 1886 and most British investors decamped, they left behind a great deal of investment money that was very important in developing America's Great Plains.

But the ambition of these investors was to clash head on with an even more powerful belief. The western frontier was America's destiny, a belief that set Americans apart. It was an article of faith for millions that the frontier was there for ordinary Americans to better their lives and to extend the limits of democracy. Free land was fundamental to the American drive for economic advancement among a type of people who, in Britain and Europe, were alleged to be prisoners of a class-ridden system. It was extremely galling for Americans of this sort to find, when they arrived to take up their free homesteads, that supercilious foreigners or rich absentee investors from the East were claiming much of the good grazing land in Wyoming. It was an article of faith with Americans that there would be no established church and certainly no aristocracy. Understandably, serious nativist attitudes came to the surface. As well, there was to be a period of rather intense class tensions between the moneyed ranchers and the "little people," which found an outlet in rustling and squatting on the big claims. These tensions culminated in the Johnson County War of 1892 in northern Wyoming between the big ranchers and those who wished to have a modest part of the Wyoming range.

The tensions which caused the cattle war of 1892 came primarily from American land law. By the 1880s in Wyoming, there was very serious tension between large landowners and both the cowboys who wanted to start

their own spreads and those who entered the country as homesteaders. The Homestead Act of 1862 gave 160 acres of free land to anyone who "proved up" in the required fashion. It became an important symbol of American democracy, and it was a policy that worked very well in large areas of both the American and Canadian West, but in the semi-arid grasslands of Wyoming, it was a disaster. Homesteaders only wanted the well-watered river bottoms. The big ranches could not possibly buy all the land required to run big herds; their land became useless if it did not include access to water. Anyone who has travelled through Wyoming knows that water is the issue, not land. Whoever controlled the water effectively controlled the land to the next watershed. The bitter fights in the Wyoming ranching country were all about water.

In 1879, in his Report on the Lands of the Arid Region of the United States, John Wesley Powell, fresh from descending the Grand Canyon of the Colorado River and about to become, in 1881, the Director of the US Geological Survey, was the first to argue that the Great Plains could not support a conventional system of agriculture and that its lands could not sustain unlimited development. The trans-Mississippi West wasn't called the Great American Desert for nothing! Powell argued that grazing was the only safe and logical use of shortgrass country. He urged the government to divide the arid West into four-section parcels (2,560 acres). But, in a triumph of ideology over pragmatic good sense, the federal government decided that it could not possibly tolerate such a "feudal" and "undemocratic" policy.[89] The government had certain expectations for the region, and common sense wasn't going to change the situation. So Powell's report was ignored, as was a similar report several years later.[90] In 1912, the Kincaid Act would be the first federal act – and it only applied to northwestern Nebraska – to dispose of federal land for grazing purposes. But the government would still not contemplate leasing western land.

Over the decades, the federal government experimented with other laws for shortgrass country. But as Deborah Donahue argues in *The Western Range Revisited*, all these policies were largely failures, leaving a situation of "chaos and anarchy" and serious overgrazing, in "an atmosphere of the absence of the most elementary institutions of property law."[91] Each time a policy of leasing shortgrass country was proposed, the "antiquated Jeffersonian ideal of the yeoman farmer" killed it.[92]

The 1862 Homestead Act was seen as the "safety valve" of American democracy. All Americans, not just those with money, were entitled to the free land of the West. The US government did make a minor concession to the arid climate of the West by passing the 1873 Timber Culture Act, which

added another 160 acres to the original free quarter section in shortgrass country, if the applicant planted trees on forty acres within four years. And American officials did flirt with a policy of selling large tracts in shortgrass country at attractive prices, or of leasing large tracts of land as was already done in Australia and would soon be done in western Canada. But Congress finally argued that it was more important to fill the West with settlers, so it passed the 1877 Desert Land Act, giving an added section of land to settlers for $1.25 an acre, if they irrigated a portion of it. Not until the 1930s did the Taylor Grazing Act finally introduce a leasing system to shortgrass country.[93]

But the Taylor Act, which established a Bureau of Land Management (BLM), did not settle much. Even today across the arid West, but especially in Nevada, the issue of the use of public land is still very tense. Recently, there have been examples of armed resistance by western ranchers to the BLM's attempts to protect the public lands from overgrazing. Large groups of protesters, armed with semi-automatic rifles and handguns, argue that the land is free and the federal government has no right to it. Emotions have reached a point where a few police officers and BLM rangers have been killed or wounded. Environmental activists charge that western overgrazing of public lands has resulted in large parts of the western ranching country being on the brink of ecological collapse. On the other side, a large number of conservative western ranchers have formed powerful lobby groups to promote state ownership of land and, also, state stand-your-ground laws such as that in Florida. Once again, it is easy to see how federal land law has been crippled by states' rights.[94]

Through a combination of filings under homestead, pre-emption, timber-culture, and desert-land entries, an individual could obtain ownership to 1,120 acres of free land. But this was not anywhere near enough even for subsistence ranching in shortgrass country. Calculating that it required forty acres to run each head of cattle, 1,120 acres would only sustain twenty-eight animals.[95] Many concluded that fraud was the only answer. It became common for cattlemen to get their cowboys or friends and relations to make added claims to an area. For instance, Thomas Sturgis, the secretary of the Wyoming Stock Growers' Association, was charged with filing fifty-five desert claims in the names of people from New York, New Jersey, and Massachusetts.[96] Often cattlemen got their cowboys to file claims for them on choice meadowlands with good water, which they filed as desert land.[97] In this way, they tried to control bottomland and keep newcomers from filing on the all-important watered sections of their accustomed range.

In theory, ranching in Wyoming could be enormously profitable. All that was required was to buy a small amount of land on water and then turn cattle out on the public domain. Because of the altitude and dryness of Wyoming, the native grass cured on the stalk and provided good feed all winter. Branded cattle could be turned out on the open range to be rounded up periodically for the branding of offspring. Overhead, wages, buildings, and equipment were minimal. A cowboy cost $30 a month, $40 for a top hand and $125 for a foreman.[98]

But the system only worked on a range that was not overstocked with cattle or disputed by newcomers. In the early days, convention created established ranges. On the early open range, custom dictated that the first one in a valley claimed it as far as the next watershed.[99] Early outfits like the 76 could lay claim to areas somewhat larger than modest countries, if they had the capital to stock the range. But as the Wyoming range became crowded in the 1880s and as the newly created railways brought waves of settlers, the old conventions could not persist. By 1885, there were 1.5 million cattle in Wyoming Territory, far more than the range could sustain in bad years.[100] Insatiable greed, by 1885, had nearly destroyed the range. The robber baron mentality had gone mad with visions of great wealth built on little outlay and minimal effort. Vast areas of the Great Plains had been, with the greatest deliberation, divested of buffalo and Native people and then, in a blindingly short time, had been virtually destroyed through unthinking greed. The only solution these western robber barons could see was to bully the newcomers, erect illegal fences, and resort to violence.

The new cattlemen had every legal right to share the public domain, as did the new settlers to a quarter section on land that, by convention, not title, was considered to belong to the early ranchers. This doomed the early cattle empires. Previously the cattle barons had been against a system of individual leases, of the kind that were being established north of the border in Canada; now they were all for it, but it was too late to have their view prevail.

By the mid-1880s, as the northern Wyoming range became congested and many newcomers and cowboys from the big spreads began to establish their more modest ranches and homesteads, the large owners began to lobby strenuously for a lease system. But their efforts were not successful; the opposition was too strong. Their opponents could muster compelling arguments that reserving the public domain for privileged monopolists was antithetical to democracy and a perversion of the American belief that free land was for the benefit of all and the crucial underpinning of a free society. These were noble sentiments, certainly, but unrealistic in Wyoming. The

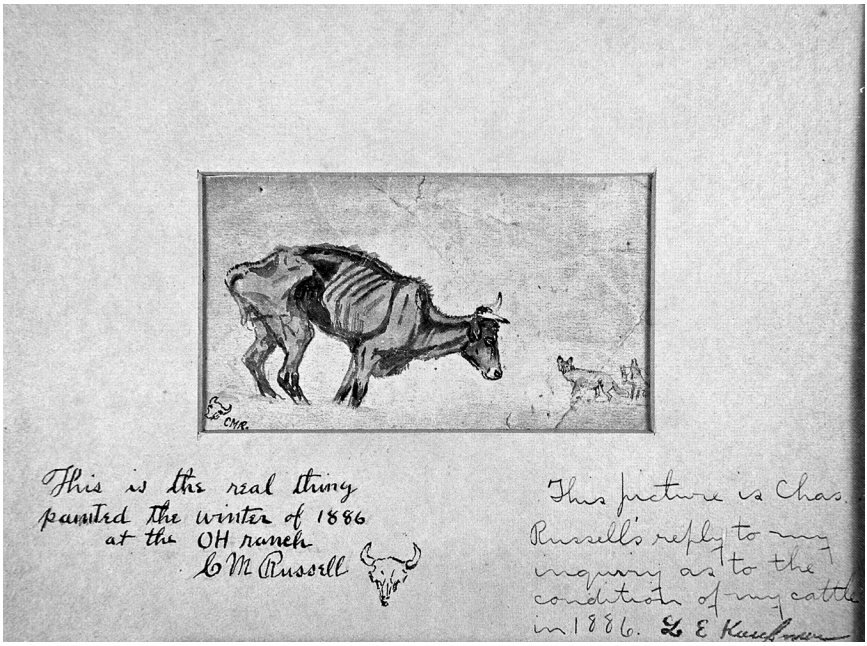
result was that tensions between big and small ranchers escalated during the 1880s, finally culminating in the "Invasion" of 1892, that extraordinary episode in Wyoming history that stands as a major indictment of both land law and criminal law in the American West.

Add to the above the issue of the weather. In good years, cattle could winter on the open range, as had the buffalo for thousands of years. Early cattlemen assumed that cattle could just replace the buffalo. But even before the disastrous winter of 1886–87, hard winters had taken an unacceptable toll. The lesson of the winters of 1886–87 and 1906–7 was that winter grazing had to be supplemented on the northern plains with hay put up for use in severe weather. Unlike buffalo and horses, cattle cannot effectively paw through crusted snow and are more selective grazers than both buffalo and horses. Unlike buffalo, cattle won't roam over large areas, so they tend to overgraze an area.[101] In bad winters, cattle on the open range died in the thousands.

After the winter of 1886–87, the mystique of making a fortune by simply turning vast herds of cattle out on the open range vanished and, by 1895, the number of cattle on the western American range declined by two-thirds. The vacuum thus created by this decline was quickly filled by sheep, which are able to graze where cattle will die. Sheep poured into Wyoming to outnumber the cattle ten to one.[102]

The lessons of that terrible winter of 1886–87 were intensely painful but ultimately positive. The cattle barons whose habit it was to just turn up for roundups and then flee back to the Cheyenne Club left the country to the stayers. The essential lesson was that the size of the herds must be reduced and the cattle must be helped through rough winters with stored hay. And some land must be owned and fenced so that winter feeding could be controlled. Astute cattlemen came out of the die-up winter better off because they learned the lessons and were able to buy stock at very depressed prices.[103]

But the winter of 1886 had one other effect. Previously, cowboys had counted on drifting from one job to the next and, if unemployed over the winter – which many of them were – taking advantage of the grub line (the tradition of out-of-work cowboys over the slack winter months finding food and a warm bunkhouse wherever they went) until spring. But everything changed with that terrible winter. The grub line was ended and immediately rustling became a serious problem for the big ranches.[104] At the same time, with the arrival of the railway in northern Wyoming in 1887, and with the lure of new dry farming techniques, the pressure on the big ranches multiplied.



Charles M. Russell, "Waiting for a Chinook." The catastrophic winter of 1886–87 effectively ended the open range and the era of big ranches. The terrible lesson of that winter was that smaller numbers of cattle that were fed hay over the winter survived very well. Montana Historical Society, Helena, Montana.

Actually, for all his financial ineptitude, Frewen had seen the situation in Wyoming coming and had pleaded with his board as early as 1884 to diversify by sending cattle north to the Alberta ranges. That year Frewen had sent his foreman of the southern herds, E. W. Murphy, to investigate the Alberta range.[105] And in 1885 Dick Frewen went north to Montana and Alberta to see whether conditions there would be better than in Wyoming.[106]

Just before the apocalyptic winter of 1886, which in some areas of the northern plains killed most of the cattle, Frewen had written to Clara, "I dread the coming of winter; if it is a severe one, half the cattle in Wyoming will die for sure."[107] Unfortunately, his board did not sufficiently heed his predictions and agreed to send only a small number of cattle to Alberta. Those that were sent came through the winter in good shape. By 1887, the Powder River Cattle Company was in the process of liquidation. After losing this battle with the board, Frewen was forced to resign as manager of the 76, just before the roof fell in.[108]

Frewen left Wyoming with much bitterness, convinced that his ranch would have survived had the board taken his advice to move more cattle

to the superior range in Alberta. However, a look at his subsequent career gives one doubt in his overall ability. In a way he was a British robber baron, but without the killer instinct. He was later involved in a bewildering array of schemes, but none of them prospered and he was left deep in debt. His nephew, Winston Churchill, certainly considered him an embarrassing failure. His daughter's wedding was attended by four cabinet ministers and a number of gatecrashers – creditors who presented him with writs "of varying antiquity."[109]

Frewen's relationship with his daughter Clare was anything but benign. She became a well-known sculptor, and her arch-conservative father almost disowned her when she travelled to the Soviet Union on commission to do the busts of Lenin and Trotsky.[110]

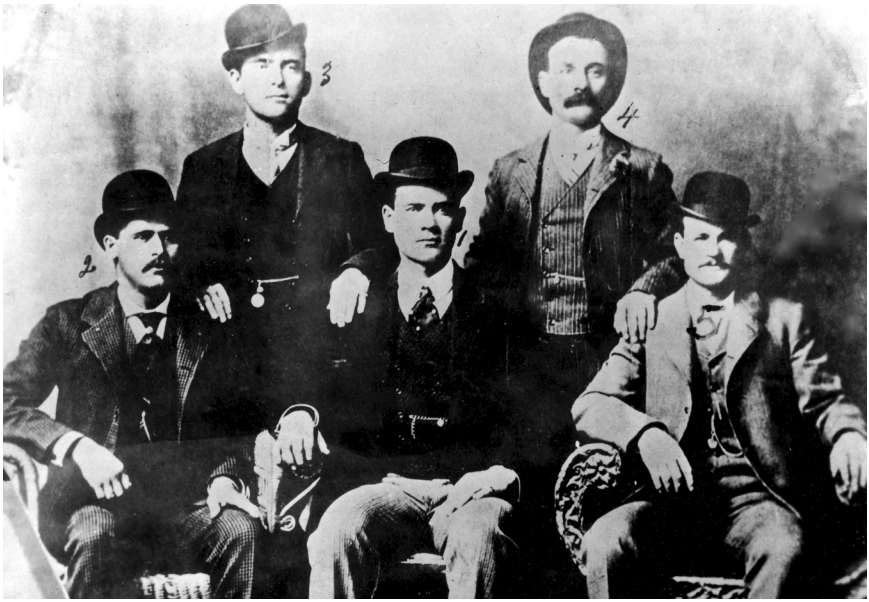
Frewen can be seen as an arrogant fool – and many did view him in that light. Yet some of his schemes were visionary, if impractical – a British colony in Kenya, railways in Canada to Hudson Bay and to Prince Rupert in British Columbia to be the gateway to the Orient. His friend Rudyard Kipling remarked, "He lived in every sense, except what is called common sense, very richly and widely. … If he had ever reached the golden crock of his dreams, he would have perished."[111]

* * * * *

What Johnson thought of Frewen we will never know. He hardly mentioned him. Perhaps Frewen never even met Johnson. The real work of the ranch did not involve the Castle, and nothing in Frewen's autobiography would lead us to believe that he ever became familiar with the cowboys. Johnson had much to say about his foreman, Fred Hesse, but Frewen and his guests appear not to have been part of the real ranch life of the 76. The tone of Frewen's writing suggests that the cowboys were there to look after his investment and provide local colour for the guests.

Eighteen miles downriver from the home place was the cow camp with its log house and stables, corrals, and hen house. It was here that the ranch crew carried out the main work of the ranch. Johnson and the other hands would have seen little of life at the "Castle." They lived in a very different world. The social world of the Castle had very little to do with the real world of ranching. Most of Johnson's memories were of the people he worked with. And they were a very mixed lot. Not surprisingly, he remembered best those who had some notoriety.

Johnson said that he knew some of the Daltons and Youngers and on one occasion rode some distance with Jesse James in Texas. The West was



Members of the Wild Bunch, otherwise known as the Hole-in-the-Wall Gang. From left: Harry Lougabaugh (Sundance Kid), Will Carver, Ben Kilpatrick, Harvey Logan, and Butch Cassidy. Photo taken in 1900. American Heritage Center, University of Wyoming, H 714 wg.

full of those with reputations who made ends meet with a little cowboy work. In Wyoming, he had many friends of somewhat shady reputation and he claimed that, without exception, they were capable cowhands while working for the big outfits. He added that by nature most of them were reckless and most were also crack shots. Most had a sublime disregard for danger and an intense loyalty to their friends.

Two, in particular, became good friends of Johnson's. One of them turned up at the 76 and asked for work, giving his name as Cassidy. Johnson later learned that his real name was George Leroy Parker. Johnson took an immediate liking to Cassidy and kept him under his wing. Cassidy had the makings of a good cowboy and was also witty and good-natured. Johnson, no slouch himself, was astonished at how fast he was with a gun, even though he was hardly more than a boy. The other one that he especially remembered, Harry Longabaugh, worked for the 76 at the same time. The three became very close friends. (Later, when Johnson was married in Alberta, Harry Longabaugh – a.k.a. the Sundance Kid – would be his best man.) All his life, even after they "went bad," Johnson retained a great affection for both of them.

Johnson said that he, and everyone else who knew them, both admired and trusted Cassidy and Longabaugh. They never forgot anyone who befriended them and were never known to kill, except in self-defence. Johnson added one other detail about Longabaugh; he claimed that Pat Garrett, the killer of Billy the Kid, had shot Longabaugh's brother Edward. Johnson referred to the Kid as "that dirty little killer." Johnson had ridden with cowboys who knew the Kid well. It took a particular genius to turn him into the stuff of legends – including a ballet![112]

One day at the 76, a stranger rode up to some of the cowboys and, pointing to Johnson, asked who he was. Cassidy answered, "Why that's my pa." The 76 hands were delighted by this and the name stuck, even though Johnson was only about five years older than Cassidy. From then on Johnson was "Pa"; the name even followed him to Canada, where it became "Dad."

Johnson liked to tell another story about Butch Cassidy. Eggs were scarce in Wyoming, and hens were highly valued. (Wister would give the hen Em'ly central billing, and say more about hens than cattle in *The Virginian*.) Cassidy stopped at a ranch house one particular day and asked if he could have something to eat. While the rancher's wife was preparing the meal, he drew his revolver and shot the heads off several of her hens. The woman was furious, but Cassidy tried to make amends by presenting her with a gold coin for each of the hens he had killed. She was not greatly mollified.

Johnson also knew some of the others who would become the Hole-in-the-Wall gang: Ben Kilpatrick, known as the tall Texan; Bill Carver; and the Logan brothers, Lonnie, John, and Harvey. Johnson thought the Logans were a bad lot, and after Lonnie and John were shot for rustling in Montana, he thought that Harvey became a cold-blooded killer. Johnson hated him and called him a rattlesnake. He said that Harvey Logan had the worst eyes he had ever seen. He accused Logan of leading Cassidy astray. All of the gang met a violent end except, perhaps, Butch Cassidy, either shot or, in the case of Kilpatrick, with an ice pick in the head.

Johnson did not make it clear whether these men constituted a gang when he knew them, but it is obvious that they became familiar with the Hole-in-the-Wall country during this time and would later use it for holding stolen stock and for hiding after holdups. For both purposes the country was ideal. A huge area of good grassland was accessible only through a few narrow gaps in the spectacular red cliffs that border the country on the east and run almost unbroken for fifty miles. A very few men could hold a large herd. And if trouble came, it was easy to retreat into a narrow and very steep canyon to the west. A few men could have held a modest army at bay.

The Hole-in-the-Wall is actually a narrow gap in the wall of red cliffs that run for many miles. A road now runs throught the "hole". A few gunmen strategically positioned at this point could hold off a small army. Author's photo.

The red cliffs of the Hole-in-the-Wall country. These cliffs made a perfect barrier for containing stolen cattle in this ideal grazing land. Author's photo.

This steep cayon at the back of the Hole-in-the-Wall country was an ideal place for a hide-out after the Wild Bunch's many train robberies. Author's photo.

The country is still isolated, thrilling, and, so far, unmolested by the tourist industry.

Cassidy's and Longabaugh's joint criminal escapades were not launched until after Johnson had left for Alberta, but Johnson still kept in touch with their careers through the cowboy network and continued to have a soft spot for them, arguing that the atmosphere in Wyoming which spawned the Johnson County War had much to do with turning them bad. And he believed, as was almost certainly the case, that they had both met their ends in a shootout in Bolivia in 1908.

Harry Longabaugh was born near Philadelphia in 1867 and first came west in 1882, at the age of fifteen, to work for his uncle in Colorado. He headed north four years later in 1886, first to work for the Suffolk Cattle Company near Newcastle in Crook County, Wyoming (now Weston County).[113] There he was hired on as a horse wrangler. (It is also believed that in 1886 he worked for the Lacy Cattle Company in Utah.) After a few weeks at

the Suffolk ranch he moved on, according to Donna Ernst, to the N Bar N ranch, the Home Land and Cattle Company, which, in 1886, had over 60,000 head of cattle on the northern range. He was listed as one of those who drove cattle north for the ranch from New Mexico to Montana in 1886.[114]

Longabaugh was apparently heading back to the N Bar N to look for work when he spent some time on the Three V Ranch in the northeastern corner of Wyoming, owned by an English syndicate and managed by John Clay, a future president of the Wyoming Stock Growers' Association. In February 1887, Longabaugh stole a horse, saddle, and revolver from Alonzo Craven, a cowhand on the Three V.[115] He was soon arrested, escaped, was again arrested, and almost escaped again. After that, he spent the next eighteen months in the new jailhouse at Sundance, Wyoming – thus the name that followed him for the rest of his life. It is believed that when he was released, he was part of the gang that robbed the San Miguel Valley Bank in Telluride, Colorado.[116]

Although not stated by any of the principal authors writing about Butch Cassidy and the Sundance Kid – Anne Meadows, Larry Pointer, Richard Patterson, and Donna Ernst – it must have been some time in 1886 that both of them worked for the 76 and, thus, became Johnson's friends. Richard Patterson writes that it is a possibility that Longabaugh might have worked temporarily for the 76 and, perhaps, might have moved cattle north to Alberta with Johnson in the summer of 1886.[117] If this was the case, it is odd that Johnson didn't mention this to Jean. However, it remains a possibility and would help to explain why Longabaugh came to Alberta a few years later.[118]

Shortly after leaving Alberta in 1892, Longabaugh and two colleagues, Bill Madden and Harry Bass, robbed a train in Montana. The other two were caught and put in the Montana State Prison. Longabaugh escaped. Not much is known about him from then until the late 1890s when he joined the famous Wild Bunch. This group, whose regular members included Harvey Logan, Will Carver, Ben Kilpatrick, and sometimes Lonnie Logan and Flatnose George Currie, made the headlines with regularity but, like Billy the Kid, their fame caused them to be blamed for far more than they possibly could have accomplished. It is established that in 1899 they robbed the Union Pacific near Medicine Bow, Wyoming, the squalid little town where Wister starts his novel. They blew up the safe and escaped to Hole-in-the-Wall with around $30,000.[119]

However, this line of work was becoming somewhat unrewarding. The railroad companies were fighting back, using such unsportsmanlike tactics as boiling oil, Gatling guns, hand grenades, hoses to spray steam, and

special "posse cars" especially fitted out for instant pursuit.[120] So the Wild Bunch sought happier fields for professional development. They ruled out the Canadian West because of the Mounted Police. South America appeared to be a good choice since it was not in the immediate orbit of the Pinkerton detective agency.

It seems that the Wild Bunch's last fling in the US was robbing the Great Northern in Montana in 1901. Then the gang split up, and Cassidy and Longabaugh, after a high-rolling stint in New York City, headed for Argentina. In Argentina, Cassidy, Longabaugh, and Longabaugh's companion, or wife, Etta Place, together purchased four leagues of public land (25,000 acres) and established a cattle ranch.[121] That might have been the end of it if the Pinkerton Agency had not caught wind of them and proved them wrong about the reach of their influence. So on to Chile, with perhaps a last parting bank robbery in southern Argentina in 1905. The relentless Pinkerton agency gave the following description of Longabaugh: five foot ten, 165–175 pounds, blue eyes, bowlegged, brown hair, and going by the following names: Harry Alonzo, Frank Jones, and Frank Boyd.[122]

Then, at least for Longabaugh, came the last robbery, in November 1908, in southwestern Bolivia. According to the established version, dramatically portrayed in the film *Butch Cassidy and the Sundance Kid*, they robbed the Aramayo payroll and, soon after, an armed patrol confronted them in San Vicente. According to the Bolivian army version, the army cornered the two bandits in a rented room in the village and quickly dispatched them both after a short gun battle.[123]

Immediately, awkward questions emerged. Nothing conclusive was found to identify the robbers. If the two were Butch and Sundance, their actions were totally out of character. They were known for their meticulous planning, careful and fast exit plans, and the lengthy endurance training of getaway horses. For instance, horses were carefully chosen; the first getaway horse was a sprinter, the second a stayer, with lots of "bottom." No posse could catch them. After the Aramayo robbery, the bandits stayed around with a stolen mule and allowed themselves to be caught in a room with no possibility of escape.

Whoever they were, the two gringos were quickly buried and meagre records filed. Over the years, a large question mark hung over the proceedings and theories abounded. In late 1991, Anne Meadows and her husband, Dan Buck, went so far as to have the bodies of the San Vicente bandits exhumed, with the help of a team of US and Bolivian forensic scientists led by internationally acclaimed forensic anthropologist Clyde Snow. The result:

Professor Snow was "reasonably certain" that one of the bodies was that of Harry Longabaugh; there was no certainty about the other.[124]

This uncertainty has led to the theory that Butch Cassidy either escaped or was not there at all. Larry Pointer's book *In Search of Butch Cassidy* argues that Cassidy did not die in Bolivia and, after 1908, was seen by a number of people who knew him, including his youngest sister, Lula. Perhaps this is just like Elvis sightings, but doubt persists. Pointer argued that Cassidy became William T. Phillips, who lived in Spokane and died during the Great Depression. However, handwriting analysis was inconclusive, and computer analysis matching photos of Phillips and Cassidy, according to Richard Patterson, "all but rules out the likelihood that Phillips was Cassidy."[125] But the uncertainty still persists. For instance, Phillips went to Alaska in 1912 to prospect for gold and ran into Wyatt Earp, who was running a gambling joint in Anchorage. Earp later said he had run into Cassidy in Alaska and commented about him, "Outlaws are made, not born."[126] Earp was not alone; a significant number of people who knew Cassidy well swore that they had seen him – and talked to him – in the 1920s and 1930s.[127] The mystery will probably continue.

If Larry Pointer is right, Cassidy ended his days in Spokane in 1937 as a rather pathetic figure who had been destroyed by the Depression. He spent part of his last few years on trips to Wyoming, digging about in a futile attempt to find some of his buried loot. He even made a rather pathetic attempt to kidnap a rich man in Spokane, before being carted off to die in a nursing home.[128]

THE JOHNSON COUNTY WAR

Butch Cassidy, the Sundance Kid, Nate Champion, the Hole-in-the-Wall gang, and many other "rustlers" came of age in the Wyoming atmosphere of the 1880s. If Johnson had not gone to Alberta in the late 1880s, it is not altogether clear where his loyalties would have lain when the turbulence of the period came to a head in 1892 in what has become known as the Invasion or the Johnson County War. He perhaps had little loyalty for Frewen and his English stockholders, but his loyalty to Fred Hesse and the ranch itself was very strong. Hesse was one of the principal leaders of the Invasion, and Johnson remained intensely loyal to him. Yet he could understand the animosity of many of the so-called rustlers who seethed at the arrogance of those who considered it their right to appropriate public land and police it through their stock association. Though he could not condone rustling and

was a member of more than one vigilante group in the 1880s, Johnson did not want to get involved in the showdown that he could see coming. He was square in the middle – with a strong loyalty to Hesse, but closely linked to one of the rustlers who would be his best man when he married in Alberta: the Sundance Kid.

Johnson said that by the late 1880s the atmosphere was too much for him to take. After the disastrous winter of 1886–87, many of the big outfits were laying off cowboys, many of whom now turned to cattle killing and rustling to keep from starving. The ranges of the 76 were particularly vulnerable, and Johnson found his vigilante duties increasingly distasteful. As will be seen in the next chapter in the discussion of vigilante law, he had already lost his girl over the supposed lynching of his friend Steve; the chances were good that he would have to lynch others that he knew.

When he was recounting this period to Jean Johnson, one incident stuck in his mind that summed up the atmosphere of the time. As Johnson and another 76 cowboy were returning to the ranch from Buffalo, they spotted a settler who had been digging a well. The man was asleep on a side hill. Johnson's companion, who was a crack shot, fired a shot at his hat to give him a scare. The man did not move and when Johnson went over to him, he found him dead, shot through the forehead. Unfortunately, he had pulled his hat down too far. Though Johnson was furious, he never betrayed his ranch mate. This killing was undoubtedly blamed on the big ranchers.

Johnson said that, by 1887, cattle rustling had become an epidemic and the big ranchers could do little about it because the sheriff at Buffalo, Red Angus, sided with the rustlers and did next to nothing to stop them. At the time of the Invasion, Angus was in his early forties. He was well-known in the saloons and brothels of Buffalo – he had once been on the other side of the law, and his first wife had been a prostitute.[129] Stolen cattle could easily be disposed of, especially to construction crews in Montana. There was also a thriving business in selling stolen beef to local butchers.[130] Johnson thought that the cattlemen were goaded into taking the law into their own hands.

From this atmosphere emerged the Johnson County War. It was certainly one of the most bizarre events in the history of the American West. Johnson had already left for Canada before the violence erupted, but the event is essential to the telling of his story since he claimed that he saw it coming and that he left Wyoming to avoid the inevitable showdown between the big cattlemen and those they claimed were stealing them blind.

The primary cause of the war was western land law. Much has been written about this famous incident in western history, with the usual villains

being the arrogant cattlemen who wanted everything for themselves and would not share their land with the new settlers who were flooding into Wyoming after the coming of the railway. Certainly the big ranchers had made a terrible mistake in believing that they could hold on to vast tracts of public land by prior right of occupancy, instead of arguing, when they had the chance, for a lease system similar to the one that developed on the western Canadian range. Extraordinarily, there was no land office in Johnson County until 1888.

At a meeting of the Wyoming Stock Growers' Association in Cheyenne in 1879, the big ranchers voted unanimously against a proposal for a lease policy. But, by 1884, they had vehemently changed their minds. At the meeting of the Cattle Growers' Association of America, Thomas Sturgis, representing the Wyoming cattlemen, spoke eloquently for establishing a lease system on the public domain similar to that in Australia, New Zealand, and Canada. But, by now, it was too late. Congress would not budge.[131] In 1885, when the Wyoming range was bulging with cattle, the Wyoming cattlemen voted unanimously through the WSGA for a lease system and tenure to their land. But Wyoming and the West in general were filling up with those who saw public land as a sacred democratic trust; the new settlers saw the stockmen's proposal as an abuse of that trust.[132]

It is popular to view the Johnson County War as a fight between the cattlemen and the homesteaders. This is a false picture. Certainly, homesteaders were arriving in Wyoming in the late 1880s by way of the new railway during a period of more than average rainfall to take up homesteads on the usually sparse cattle range. But northern Wyoming land, for the most part, was not suited to agriculture. The fight was really between the big ranchers and the small ranchers, who were increasingly taking up land in the 1880s and who were only trying to stake a claim to their fair share of Wyoming grasslands. Unquestionably, among these small ranchers were some who were outright rustlers and a number who were not overly scrupulous about adding to their herds at the expense of the big ranches. There were also a number of cowboys in this latter group who had worked for one or more of the big outfits and didn't like either their sense of entitlement or the new rules they had put in place, lowering wages and ending the established custom of riding the grub line.

The arrogance of the big ranchers is seen in the fact that, by the mid-1880s, 125 cattle companies were putting up illegal fences on public land in the West.[133] So many ranchers in Wyoming, and elsewhere, were illegally fencing the open range and filing fraudulent claims to land that, in 1887, President Cleveland had federal troops stationed in Cheyenne with the

express purpose of pulling down illegal fences.[134] Joe DeBarthe, the editor of the Buffalo *Bulletin*, wrote in 1891: "The big cattlemen … have grabbed up all the rich creek bottoms they could … and the rest of the state was their range … when a man who had been working for one of their outfits had the audacity to take up 160 acres of land for himself the big fellows blackballed him."[135]

But, all this aside, especially if one views the war from the vantage point of the Alberta range at the same point of development and under similar circumstances, one can see very forcefully that the basic issue was land legislation. In this shortgrass country, where forty acres or more were required to feed a single head, ranching or sheep raising were the obvious choices. Large tracts of land were necessary for ranching beyond a mere subsistence level. But how was this to be accomplished, given both the letter and the philosophy of the Homestead Act? Free land was a sacred trust, meant to be shared democratically, for the people of the West. There was nothing democratic about your average cattle baron! But it could be argued that Wyoming was not set up for democracy. Large holdings were required for a cattle industry, which was clearly how Wyoming could add to the wealth of the nation. John Clay added an argument seldom considered. By taking the stand it did on democratic principles, Congress crippled the western beef industry. Because of this, millions of Americans suffered from a higher price for beef and less beef in their diets.

To add to the complications for the ranchers, in a country where water was at a premium, prospective homesteaders or small ranchers would obviously try to stake their claims in watered valleys, which were few but critical to the success of the big ranches. Cattle range was of no use whatever unless it had easy access to water. A homesteader's or small cattleman's fence was a very serious threat.

In the absence of effective law in Wyoming, both sides now behaved badly. In their staggering arrogance, the big ranchers bent the law shamelessly and argued that they had the right to hold their accustomed range, even if at the point of a gun, and by putting up illegal fences on public land. They also formed an increasing number of lynching parties to rid the country both of outright cattle thieves and of the more casual rustlers. Many of the early cattlemen got their start by sweeping the range for stray cattle – mavericks – but now that practice was becoming a hanging offence. One of the early newspapers of the area, the *Big Horn Sentinel*, which began in 1884, recorded "an endless litany of lynchings, seemingly a new one or two every week."[136] Even with an allowance for shameless overstatement, lynching seemed to be a common practice. *The Sentinel* claimed that, in

1884, there had been "considerable lynching in the last six months, at least fifty lynchings in this period."[137] The paper commented that most killings in Johnson County were settled by a coroner's jury with the usual verdict of "justifiable homicide."

Lynching blossomed because the ranching industry of Wyoming was completely stymied by the unwillingness of the law to apprehend cattle rustlers; local juries in Buffalo, the only centre of population in Johnson County, simply would not convict cattle rustlers, no matter how compelling the evidence. The hostility toward the cattle barons was so great that it was almost impossible to get people to testify or a jury to convict. Emerson Hough commented that the cattle barons and their high-handed association were so detested in Johnson County that it became almost a moral code to brand a few of their cattle. Rustlers were seen as democratic heroes.[138] He claimed that the big ranches had brought suit against 180 rustlers and got one conviction for petty larceny – a penalty of eighteen dollars![139]

At the same time that the big ranchers complained bitterly of ineffectual law in Johnson County, Buffalo brought in a new city ordinance that levied a fine of up to $25 for a woman wearing a Mother Hubbard on the streets of the town. (A Mother Hubbard was a loose-fitting dress that was clearly too risqué for the refined sensibilities of Buffalo.[140])

Helena Huntington Smith, who made a careful study of cattle stealing in northern Wyoming in her book on the Johnson County War, stated that in 1887 there was one case of rustling in Johnson County, which was dismissed; in 1888 there were five cases, four of which were dismissed and one given a small fine; in 1889 there were thirteen cases – all dismissed![141] After that, the cattlemen gave up on the law. A presiding judge in Buffalo in 1889, Judge Micah C. Saufley, commented that four men arraigned before him for rustling were "as guilty as any men I have ever tried" and added that he did not know how the stock interests were to protect themselves.[142] John Clay said much the same. He mentioned one rustler who was caught red-handed, but the jury wouldn't convict. Soon after, the man was drygulched.[143]

After the winter of 1886, the opposition to the WSGA grew more powerful and vocal, with the new governor of Wyoming, a granger named Thomas Moonlight, adding his weight to the forces opposed to the big ranchers. By the end of the decade, juries routinely refused to convict rustlers on the grounds that the WSGA had used high-handed methods in arresting them. The situation was somewhat ironic since the citizens of Buffalo on these juries were now lashing out at an association that was a shadow of its arrogant former self after the Great Die-Up.[144]

So what was the cattle industry to do? By the mid-1880s in Wyoming there had been only two legal executions, both of them of mixed-blood Natives, while there were a large, but uncounted, number of vigilante executions.[145] The industry tried to act through the Wyoming Stock Growers' Association by hiring a number of stock detectives and by ramming odious legislation through the Wyoming legislature. The Maverick Law of 1884 stated that any unbranded strays were the property of the WSGA, and the sale of these animals would be used to hire stock detectives – and to buy rope for lynching! This was breathtakingly high-handed law. The WSGA took the unbranded stock of small ranchers – who were not allowed to be members of the stock association – for the benefit of the large ranching members of the WSGA.[146] Mari Sandoz claimed that this maverick law lit the powder under the Johnson County War.[147]

Before Red Angus became Buffalo's sheriff, Frank Canton had held that post from 1882 to 1886. He was also appointed deputy marshal for Wyoming Territory in this period. During his stint as sheriff, Canton had broken up a notorious horse-stealing ring and was responsible for sending nineteen cattle and horse rustlers to jail. But, in the 1886 elections, Canton, a firm Republican, didn't even run against the Democratic candidates, first E. U. Snider and then William G. "Red" Angus. He knew he didn't stand a chance in Democratic Buffalo. Under Snider and Angus, the number of arrests dropped "precipitously." This reflected the Democratic anti-cattle baron sentiments of Buffalo. Only five rustlers were sent to prison under their watch.[148] After the Maverick Law of 1884, Buffalo simply voted down the Republican ranchers and began refusing to convict men for rustling. The term "rustler" now became a badge of honour! Angus added to the cattlemen's rage by appointing Thad Cole, a known rustler, as his deputy. And in 1889, Frank Canton, as a deputy marshal, worked up an unsuccessful case against six men he considered the worst rustlers in Johnson County. The cattlemen concluded that the Wyoming legal system was just a waste of time.[149]

Frank Canton's career says much about American frontier justice in the nineteenth century. He was born Joe Horner and, by his mid-twenties, he was in jail in Texas for both bank and highway robbery. After several jail breaks, he fled Texas and changed his name. In the 1880s he became, in quick succession, a stock detective, sheriff, and deputy marshal in Wyoming. He took a prominent part in the Johnson County War. In 1896, when he was a deputy marshal, he shot and killed another deputy marshal in one of the very few real walk-downs in the West. He had accused the man and his two deputy marshal brothers of being rustlers and in league with the Dalton gang. In 1898 he became the only lawman in the interior of Alaska

during the gold strike. From 1900 to 1906, he was a bounty hunter in Oklahoma. He ended his life as an honorary major general of the Oklahoma militia. There were a surprising number of lawmen like him who flirted with both sides of the law. He was also touted as a serious candidate for Wister's Virginian, even though he had only met Wister once.[150]

It was in the atmosphere of the impending Johnson County War that Owen Wister visited Buffalo in 1891 and came away as a fierce apologist for the vigilante arguments of the cattlemen. His attitude, no doubt, was coloured by his impression of Buffalo, which he shared with his mother:

> Something terrible beyond words. If you want some impression of Buffalo's appearance, and all the other towns too, think of the most sordid part of Atlantic City you can remember. A general litter of paltry wood houses back to back and side to back at all angles that seem to have been brought and dumped out from a wheelbarrow.[151]

The frustration of the cattle barons led to the utterly bizarre plan that Major Wolcott and some of his cronies hatched in early 1892, a plan to hire twenty-five Texas gunmen, fill a wagon with dynamite, and descend on Buffalo with the intention of blowing up the courthouse and killing those on a blacklist of about seventy people, starting with Sheriff Angus. Then, in the delusional minds of the ringleaders, life would go on as before, with control of northern Wyoming snugly in the hands of the WCGA and state politicians sympathetic to the large cattle interests.

Before writing Wolcott and his co-conspirators off as a coterie of delusional crackpots, it is important to realize that according to WSGA president John Clay, the Invasion was supported by every large cattleman in Wyoming and had the strong moral backing of both Wyoming senators.[152] The real answer to the question of the cattlemen's state of mind can be found in Montana. It seems clear that the success of both waves of Montana vigilantism deluded the Wyoming cattlemen into believing that they could copy the Montana vigilantes, and even take things to another level. Before discussing the Johnson County War in detail, it is necessary to give a short synopsis of Montana's two vigilante eruptions, which undoubtedly had an important influence on Wyoming's vigilantes.

In the early 1860s, at the end of the Bozeman Trail, the mining frontier of Montana erupted in violence, first at Bannack and then Virginia City. In the absence of law, the first Montana vigilantes were born. Between 1863 and 1870, they lynched at least fifty men. The standard argument is that they

were just filling a legal void. But this argument, even if conceded in the early stages of their work, masks a very troubling legacy. In the gold diggings of Bannack and Virginia City, after the vigilantes had cleared the area of the hard core criminals who were terrorizing the diggings, they had the bit in their teeth and continued, with alarming enthusiasm, to lynch men for increasingly flimsy reasons.

The first wave of vigilantes did not disband when law finally came to Montana. They went on to lynch vagrants, along with some who were just suspected of a crime, without any thought of due process. As Frederick Allen in *A Decent, Orderly Lynching* commented, "Over a six year period they killed a total of fifty men, many of whom were not guilty of capital crimes, some of whom were not guilty of any crime at all."[153]

In 1863, Idaho Territory, which included large parts of the present-day states of Idaho, Wyoming, and Montana, was formed without appropriating any money for government or civil and criminal law. The locals were just to muddle through – the ultimate in local self-determination. The general rule was that, when a town in the West became incorporated, by law it had to elect a marshal, but until then, it could go without formal law. Town marshals were usually just uneducated men who had a facility with guns.[154] As the miners of Montana were to find out soon enough, they didn't make a terrifically wise choice in electing Henry Plummer to see to their legal needs.

In 1863, the miners of Bannack elected Plummer as their sheriff. They soon discovered that he was the ringleader of the most effective gang in the area. Before they realized their mistake and lynched him, events were already unfolding that should have given advocates of vigilantism some pause. In late 1863, a mass meeting of miners was called to pass judgment on a man who was accused of murdering a boy carrying a considerable amount of gold. The man was convicted on very flimsy evidence after three full days of deliberation. For most miners, there was a serious flaw in this legal structure. There was gold to be dug, and they were just not willing to make this sort of trial a habit. From this frustration was born the first Montana vigilance committee of over one thousand citizens, led by a man with the wonderful name of Paris Pfouts.

Almost immediately, this committee showed an alarming tendency: when members had second thoughts about the guilt of a suspect, they were threatened at gunpoint by the zealots.[155] At an early stage, two men were lynched for merely warning a suspect that the vigilantes were looking for him. There were serious flaws in the functioning of the group, but they got the main job done. Sheriff Plummer was apprehended and duly hanged.

However, shortly after Plummer's hanging, the next target was Jose Pizantia, "The Greaser," a Mexican considered a general nuisance. He was dragged from his shack by a howling, racist mob and strung up. More than two hundred bullets were fired into his swinging corpse. And the leaders of the vigilante committee stood passively by and just watched. Perhaps most disturbing of all, the newly appointed chief justice of the territory also stood passively, powerless to intervene.[156]

The next five who were lynched had done nothing to warrant capital punishment, but no one seemed to question the vigilantes. And the vigilantes didn't take kindly to criticism. Two men with legal training who questioned their methods were just run out of town.[157] If things had stopped there, a plausible argument could be made that their actions were necessary, but after lynching thirteen men, some of whom were unquestionably rotten, the vigilantes were just getting into stride.

Next came J. A. Slade, an annoying drunk, who had a habit of shooting up the town. They hanged him just for being obnoxious. The most shocking aspect of the murder of someone like Slade is that there was not the slightest ripple of protest in the East about his killing. His killing and many more like it were entered into the Congressional Record without comment. This was just the West, after all! It was really eastern attitudes being played out on a western stage. Worst of all, the casual attitudes seen here toward the law were to become ingrained in Western culture.

Then, in 1864, the Bannack vigilantes lynched a man merely for criticizing them. The victim was just a harmless drunk who had the temerity to speak out against their increasingly despotic methods. He was number twenty-seven.[158]

In the fall of 1864, the new Chief Justice of Montana Territory, Hezekiah Hosmer, found himself in a major confrontation with the vigilantes. They were simply not prepared to disband as law came to Montana and their lynchings became increasingly dubious. Number thirty-seven was just a pickpocket. And by 1870, well after the establishment of the machinery of law in Montana, they were still hard at work. They took two men who had robbed a drunken man from the sheriff and lynched them in front of a large crowd. These two were numbers forty-nine and fifty. Dimsdale, in his first-hand account of this period, wrote that this sort of hanging sometimes attracted crowds of five to six thousand spectators.[159] After number fifty, vigilantism needed a rest until, of course, it started all over again with Stuart's Stranglers in the mid-1880s in eastern Montana. Montana did not have a legal hanging until 1875. And in 1883, the editor of the *Helena Daily Herald* was still urging the revival of "decent orderly lynchings."

He was shortly to get his wish. On the eastern Montana range in 1884, in an atmosphere very similar to that of the Wyoming range, with the absence of any effective law, Granville Stuart, a rancher and, at the time, president of the Montana Stockgrowers Association, assembled a group of vigilantes to rid the range of rustlers. At the time, he was the manager of the largest open-range ranch in Montana. The group soon became dubbed "Stuart's Stranglers." They became the most notorious vigilantes in Montana, but they were not the only ones at the time. It is claimed that his squad killed between eighteen and twenty-four rustlers in one summer alone.[160] Their actions precisely mirrored those of the Wyoming vigilantes.

In a clear reference to Stuart's vigilantes, in 1884 Inspector A. R. Macdonell of the Canadian Mounted Police reported to the commissioner that a US official had told him that, in the last year alone, twenty horse thieves had been lynched in Montana Territory.[161] Macdonell added, perhaps with a slight tone of wistfulness, that the Americans were able to deal with horse stealing more effectively than the Mounties because they didn't have to worry about the niceties of the law. They just took law into their own hands.[162] The comment, of course, was tongue-in-cheek. The Mounties believed fiercely that vigilantism was one of the greatest curses of the United States.

Certainly, some of the Stranglers' victims were guilty. Others were just in the wrong place at the wrong time. But they were just as dead. In one case, Stuart and his posse took four men from a US deputy marshal who was escorting them to Fort Benton. They were taken to a cabin, lynched, and then had the cabin burned down around them.[163]

Exactly as in Wyoming, their actions were condoned by the governor of Montana, who argued that vigilantism was necessary until the area became more settled. But, as in Wyoming, the issue was not a lack of law and order on a raw frontier. It was the doubtful quality of the law under the elective principle. As in Wyoming, the big cattlemen could expect no sympathy from the courts. Some members of the association urged the members to raise a small army of cowboys, as they were about to do in Wyoming. Among the most enthusiastic for this solution was Theodore Roosevelt![164]

In both Wyoming and Montana, the cattle barons just assumed that they could use deadly force to protect their interests. And Stuart claimed that the actions of his group stopped rustling in eastern Montana for many years.[165] One historian of the Canadian–American ranching frontier has gone so far as to argue that western American vigilantism "might well have been more effective" than the efforts of the Mounted Police in the Canadian West in dealing with rustling.[166] In effect, the ends justify the means. It is perfectly

fine to subvert the law if it gets the job done. This is an alarming argument if taken to the logical conclusion – that any group can take the law into its own hands if it feels justified. Just as troubling was the real situation in the American West, where many vigilante mobs "liberated" suspects from the protection of properly constituted lawmen and "jerked them to Jesus." And, in the long run, western vigilantism, because of the false mythology that has grown up around it, has bred a contempt for the law that has persisted into the twentieth and twenty-first centuries in mainstream America.

This argument for the effectiveness of vigilantism is based primarily on the vigilantes of Montana, both the early ones on the mining frontier of the early 1860s and "Stuart's Stranglers," who in 1884 purged the eastern Montana range of many of its horse-stealing rustlers. Warren Elofson argues that the early vigilantes on the Montana mining frontier were so successful that "peace and security came to the people … for robbery became almost unknown."[167] Maybe, but at what price? Frederick Allen's *A Decent, Orderly Lynching* makes it all too clear that early Montana vigilantes went well beyond lynching guilty men. Without any form of trial, they began lynching mere suspects, and then men who were just a nuisance. There is a price to pay for subverting the law, especially the long-range price of entrenching a cavalier attitude toward the law.

As for the later group, Stuart claimed in his autobiography, *Forty Years on the Frontier*, that his vigilantes effectively ended rustling in eastern Montana, where law was ineffective in the early days of the ranching frontier. "This clean-up of horse thieves put a stop to horse stealing and cattle stealing in Montana for many years."[168] But Stuart even contradicted himself, stating a year later, in 1885:

> The stealing is as bad as ever this summer, but a great deal of it is by those lovely Government pets the Crow and Piegans. The white thieves don't seem to have any regular headquarters as last year which makes it difficult to get on to them but I think we will fetch 'em yet.[169]

And in 1891, Stuart admitted, "We have helped to convict about a dozen of them [horse thieves] but the supply seems perennial."[170]

The seeming success of Stuart's Stranglers in the mid-1880s was instrumental in the thinking of the Wyoming cattlemen when faced with the same problem. The Stranglers were essentially a small private army of cowboys, formed by the big cattlemen of Montana to rid the territory of rustlers. The big ranchers of Wyoming in 1892 just took the principle to a higher level in

hiring a small army of Texas gunmen. Stuart's vigilantes cannot be seen in isolation. Their actions led directly to those of the Wyoming vigilantes and then to an idolizing of the idea of vigilantism in Montana history.

Lynchings in Montana continued after statehood and the organization of state law. In fact, lynchings continued into the twentieth century and became surrounded by mythology. In 1920, government officials, cashing in on the romance of the early lynchings, named the highways from Butte and Helena to Yellowstone National Park the Vigilante Trail. Also in the 1920s, a Vigilante Day Parade was launched in downtown Helena. And to crown it all, in 1956, the Montana state patrol added the numbers 3-7-77 to their shoulder patches and shields on their car doors. The numbers, now famous in Montana folklore, signified a three-dollar ticket out of town on the 7:00 a.m. stage, by order of the secret committee of seventy-seven. Throughout Montana history, the early vigilantes have continued to be honoured as heroes.[171]

How could anyone defend vigilantism who has read the powerful indictment of vigilantism and lynching in Walter Van Tilburg Clark's *The Ox-Bow Incident*? It is a chilling account of mob psychology and the fate of an innocent man who happened to be in the wrong place at the wrong time. The evidence of wrongful lynchings in the American West is easy to find. Vigilantism in the American West can only be considered a major indictment of American law.

There is certainly no validity to the contention of Warren Elofson, the leading academic apologist for western vigilantism, that the Montana vigilantes were essentially "an effective extra-legal citizen action committee … a demonstration of self-government." And he is clearly wrong in stating that "In most cases they [vigilante groups] seem to have worked directly with regular lawmen. They rounded up suspected criminals and turned them over … to be tried in the courts."[172] Frederick Allen's impressive and detailed work on the Montana vigilantes demonstrates definitively just how wrong Elofson is in his contention that Montana vigilantes worked with the law. They came close to being at war with the law!

The real problem with vigilantism is that it simply cannot merely be seen as a temporary expedient until real law arrives in a region. Over and over, vigilantism continued after law arrived, often in opposition to that law. Apologists for vigilante law usually argue that vigilante "justice" was a temporary expedient which filled a vacuum in the absence of legally constituted law. But in an overwhelming number of cases, this argument rings false. In a great many cases, the victims were liberated from good, honest, competent lawmen. The vigilantes were motivated by a disdain for the law, an impatience for the slow wheels of justice or, in the case of the Wyoming

vigilantes, a firm belief that they could find no justice in the "people's law" of Buffalo.

In the larger canvas of the West, vigilantes in more settled areas were all too often motivated by the belief that, if someone was clearly guilty, or looked guilty, why waste time and money on lawyers and pettifogging procedures? Clearly, here was the slippery slope of justifying a contempt for the first principle of law – the presumption of innocence until guilt was proven. And vigilantism bred a long-term attitude of contempt toward the law, an attitude that still thrives. Certainly, when Stuart became the US Minister to Uruguay and Paraguay in the 1890s, his vigilante background was not considered a political liability, even at the highest levels of American government.

There are clear parallels between the situations in Montana and Wyoming in the eighties and that in Cochise County, Arizona, where the turbulent town of Tombstone was situated. There, in the fall of 1881, the famous shootout between the Earps and Doc Holliday and the Clantons and McLaurys at the O.K. Corral became a national sensation, soon dramatized beyond recognition. The shootout was actually a rather squalid little affair, brought on by a number of incidents and by liquor (in the case of Ike Clanton, who precipitated the incident through drunken bravado and then left the scene at high speed). But, in the background, is yet another example of the clear failure of American law. John C. Fremont, the pathfinder, conqueror of California in the Mexican War, Civil War general, and first presidential candidate for the new Republican Party, was now, in 1881, the governor of Arizona. He was greatly distressed by the situation in Cochise County, but lacked the power to do anything much about it. Law was totally in the hands of local law officers, in this case the largely inept Sheriff Johnny Behan and Deputy Marshal Virgil Earp, who saw Behan as a political hack far more interested in collecting taxes than in trying to catch rustlers. Fremont tried to get the Democratic legislators of Cochise County to form a local militia to deal with the threat of Apache raids, stagecoach holdups, and rustling, but the legislators were far more interested in economy, so nothing happened. In this atmosphere, the citizens did the logical thing – they formed a Citizens Safety Committee to counter the ineptitude of the law. In this stalemate between sheriff and deputy marshal, vigilantism seemed the only answer.[173]

The Johnson County War was clearly not a unique event. Its background had much in common with many other incidents in the West, but it was clearly the most extreme example of vigilantism on record. Looking back, it is hard to imagine how the plan for the invasion of Johnson County could

be anything more than the embarrassing plot for a B-grade movie, but it all happened. The Texas gunmen materialized, followed by the wagon of dynamite and an assortment of ranch owners, managers, and foremen, the ranch owners mostly sophisticated eastern men of business with Harvard and Yale pedigrees. Many have blamed the "lordly English" for the situation in Johnson County but, by 1892, practically all the English were gone, contrary to local popular prejudice.[174] By 1889, three years before the war, almost all of the English investors in Wyoming ranching had left, eighteen in the last fifteen months, because of the winter of '86.

John W. Davis has argued in his recent book, *Wyoming Range War*, that the cattle barons precipitated the war for staggeringly selfish reasons: to keep control of the range, to get rid of competition, and to kill those who had witnessed their illegal lynchings.[175] He claims that the criminal case records for 1891, for instance, do not support the ranchers' allegations that rustling was endemic. But John Clay, for one, argued that by 1891 the ranchers had given up on the law and had decided to follow the path of Granville Stuart and his Stranglers in Montana, so they were no longer trying to get rustlers arrested. "The miscarriage of justice became so notorious that … if a prisoner pleaded guilty he was not punished."[176] One historian has argued that even many lawmen began to condone lynching after they watched men get off who they had arrested red-handed. Lynching had the obvious attraction of "no appeals, no writs of error, no attorney's fees."[177]

Davis's book is important reading on the Johnson County War; he includes much careful research and gives a vivid picture of the war from the vantage point of hundreds of Buffalo citizens who rallied to defend their town from the Invaders. But his conclusion of unalloyed perfidy on the part of the cattlemen leaves a niggling doubt about their motives. Certainly the leader, Frank Wolcott, was capable of inflamed and stupid acts. But what about someone like Hubert Teschemacher, a man of high moral principles, who claimed that the ranchers had no choice given the utter failure of the law to protect ranching interests?[178] What about Willis Van Devanter, the Invaders' legal counsel, who was appointed in 1911 to the Supreme Court of the United States? Or Acting Governor Barber and Senators Carey and Warren? It is hard to imagine all of them acting for the reasons given by Davis. The real culprit in all of this was ineffectual law.

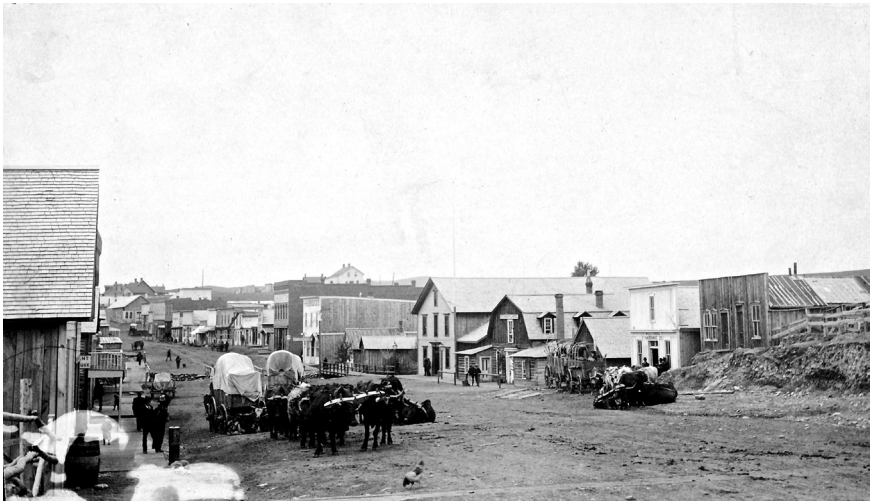
By 1892, Wyoming was a state with a supposedly functioning political and legal system. The ranchers behaved as if northern Wyoming was still raw frontier requiring – and justifying – vigilante law. On the face of it, the Regulators, as they became called, did not have a leg to stand on; their arguments and actions were utterly absurd. Yet, it could be argued, they

were driven to some kind of action by their lack of legal protection. First the Great Die-Up, and now they watched their herds dwindling from theft, with no legal recourse.

The last straw for the big ranchers was the formation in 1892, in defiance of the WSGA, of the small ranchers' unofficial Wyoming Farmers and Stock Growers Association. It gave notice that it would hold its roundups one month before the official WSGA roundup, from which they were excluded. This set in motion the plan of the big ranchers to punish these upstarts who were defying the WSGA and, it was assumed, robbing the big ranchers blind.[179]

The events of the war have been told too often to rehash here in detail.[180] A special six-car train was assembled in April 1892, three cars for horses and three for men, equipment, and dynamite. It is quite clear that the Union Pacific, which provided the special train, knew its purpose, as did both state senators, Carey and Warren, and Acting-Governor Amos Barber.[181] Documents showed that both senators were completely committed to the cause of the Invaders; they were even involved in posting a list of rustlers who were to be given twenty-four hours to leave the country before they would be hunted down and killed.[182] The records of two of the leaders of the Invasion, Dr. Charles Penrose and W. C. Irvine, clearly indicate that the Invaders planned to kill nineteen or twenty of those they thought were rustlers and then drive many more out of the region.[183] It defies logic how sophisticated and worldly men imagined that they could get away with such a hare-brained scheme in a region that was now a state, not a raw frontier.

At Casper, this entourage disembarked and proceeded north for Buffalo with dynamite now packed in buckboards, stopping at the Tisdale TTT Ranch, where Wister in 1891 had witnessed Bob Tisdale, in a fury, gouge out a horse's eye (see chapter 5).[184] Their plan to take over Buffalo, blow up the courthouse and kill those on the blacklist came unstuck when they encountered two of the prime suspects, Nate Champion and Nick Ray, at the KC Ranch, an old 76 line camp on the middle fork of Powder River. A shootout ensued in which precious time was lost. It took too long to kill Champion and Ray; they finally had to burn Champion out before they could gun him down. Meanwhile, Buffalo was alerted, and a large citizen posse was quickly assembled. Now it was the cattlemen and their hired Texas thugs who were the hunted. They barricaded themselves at Dr. William Harris's TA Ranch, thirteen miles south of Buffalo, about halfway from the KC Ranch to Buffalo, to await the posse. When they arrived, another shootout ensued, resulting in a stalemate until federal cavalry from Fort McKinney near Buffalo rescued the cattlemen from their very embarrassing situation. The



Buffalo, Wyoming in the 1880s. American Heritage Center, University of Wyoming.

cavalry rounded up the "Invaders," mostly for their protection, and lodged them first at Fort McKinney and then at Fort Russell to await trial.

The trial took place at Cheyenne and resulted in an acquittal, surely a gross mockery of the law. The WSGA had lots of money for the cattlemen's legal defence; Johnson County simply could not afford a long and complicated trial. By the time of the trial, the full machinery of the national Republican Party was in action, and it was even alleged that President Benjamin Harrison's influence came to bear. By the end of this legal charade, it was clear that the cattlemen were backed by the entire Republican machine, from the president and Wyoming governor and senators to the legislature, courts, and army.[185] Altogether, a low moment for American law.

And what to make of the thoughts of John Clay after the Insurrection? Clay, a prominent Scottish cattleman and president of the WSGA at the time of the War, was first told of the plans for the War when he was visiting Major Frank Wolcott at the VR on July 4, 1891. He thought the plan was impossible, but later he clearly changed his mind and wrote in his book *My Life on the Plains* that the War was for a just cause:

> Great reforms are brought about by revolutionary methods. The Boston Tea parties, the victories of Washington, were protests flung world-wide against a Teutonic dictator.

The Invaders of Johnson County after they were taken into protective custody by the army at Fort Russell. American Heritage Center, University of Wyoming, 15768.

This invocation of revolutionary tradition to justify the squalid actions of the cattle barons is truly extraordinary, coming from a transplanted Scot and a sophisticated businessman. The quote does demonstrate the power of revolutionary ideology in the oddest circumstance, and it is also fascinating in its reversal of villains; the humble settlers and small-time rustlers are now transformed into overbearing Teutonic dictators! The cattle barons were just doing their patriotic duty.

It is also interesting to realize that the place where Wister first discovered his western theme was the same place where one of the West's most extraordinary plots was hatched. One of the main fascinations of this remarkable incident for those who study comparative frontiers is to see how differently the same kind of people can act under different circumstances and under different legislation. The leaders of the Invasion were essentially the same sort of people who were to become the acknowledged leaders of the early Alberta ranching frontier. In a different setting and with different laws, they set the tone for early Alberta ranching, with little opposition. Of course, they were backed by strong federal land legislation which favoured them at the expense of prospective settlers.

This should have been the end of the story, but there was more to come. After their thorough humiliation, the cattle barons turned on the sheep

ranchers, who were coming into northern Wyoming after the depletion of the cattle on the northern range after the winter of 86. The Johnson County range war settled very little. The most vicious phase of the range violence was yet to come. In the years 1903 to 1909, long after law should have been entrenched, nine sheep wars erupted in Wyoming, culminating in the Ten Sleep raid of 1909. A number of Johnson County ranchers argued that, if this infestation of sheep was not discouraged, the range would soon be destroyed for cattle. They argued, with some truth, that sheep, with their sharp teeth and close cropping, made the range untenable for cattle. The big ranchers' solution was to establish arbitrary "dead lines," beyond which sheepmen went at their peril. At the same time, the WSGA hired a contract killer, Tom Horn, at $70 a head to terrorize the sheepmen and to kill rustlers. Horn was good at his job. Single-handed, he caught all the members of the Langhoff gang, a group of horse rustlers who had a small ranch next to the vast Swan ranch. After long, drawn-out court proceedings, the rustlers' penalties were very slight. After that, the WCGA decided there would be no more courts! Horn was instructed to kill known and suspected rustlers.[186] But the times had changed. Horn was arrested for his vigilante work and hanged in 1903 for his crimes.

In 1909, for the first time in these sheep wars, a number of cattlemen's hired guns were arrested and five of them were sent to prison. The fact that the law finally acted seems to have dissuaded the cattlemen from further terrorizing the sheep men. This ended a very ugly period in the American West, from 1870 to 1920, in which there were about 120 incidents in eight western states of cattlemen terrorizing sheepmen – all prompted by a fight over public land. At least 54 men were killed, and 50,000 to 100,000 sheep slaughtered. Half the men killed met their end in the ironically named Pleasant Valley War in Arizona. After 1920 the sheep wars just petered out.

* * * * *

It was just as well that Johnson left for Alberta before the Johnson County War erupted. His mentor, Fred Hesse, was one of the main leaders in the war, and Johnson was certainly a member of a number of vigilante groups. Yet he had a close friendship with Butch Cassidy and the Sundance Kid, and probably many others who were not overly scrupulous about other men's cattle. He would have been in an impossible position.