

**Thomas Edward "Black Jack" Ketchum**  
**Train Robber - Murderer**  
**Born on Halloween, 1863**  
**In San Saba County, Texas**

**Tom and His Brother Sam's**  
**Outlaw Career Spanned the Years**  
**1896-1899**

**Tom was Hanged in Clayton, New Mexico**  
**on April 26, 1901 in a Bungled**  
**Execution in which he was Decapitated.**

**The Hanging Site (the North Wall of**  
**the Sheriff's Office at the Courthouse)**  
**May be Visited Today,**  
**Along with Black Jack's Grave at**  
**the Local Cemetery East of Town.**



Tuesday, April 30, 1901

# Swung into Eternity

(Thomas Edward Ketchum, the Famous Bandit,  
Died Game. A History of His Life.)

By John R. Guyer

Thomas Ketchum, the famous outlaw, highway robber and bandit, otherwise known as "Black Jack", was born in San Saba County, Texas, on the 31<sup>st</sup> day of October in 1863. His father, John Ketchum, was a frontier ranch man and cattle owner who well knew the sound of the Indian's war-hoop and the song of his arrow. Western Texas, in those days, was the resort of every lawless character who found life in the 'states' too warm to be congenial and John Ketchum knew them all.

To him and his wife were born three sons. The boys were Berry, Sam and Tom. Berry was a well-known highly respected and wealthy citizen of Tom Green County, Texas. Sam, the next oldest, early embarked on a career of crime, was wounded in Turkey Cañon in 1897, in a fight with officers after the holdup of the Colorado and Southern Railroad train near Folsom, N.M.; and died of blood poisoning from the amputation of his arm, while being held in Santa Fe pending his indictment.

Tom, the youngest, knew the love of a mother only until nine years of age when his mother died and left him an orphan, his father having passed over the river when he was but an infant. Then his brother Berry took him in and raised him up on his ranch to know how to punch cattle and shoot a rifle. He got some schooling; just enough to read and write, and it seems that all the moral training he ever received was around cow camps and on the trail.

On the morning of the execution when the writer of this sketch who defended him in his trial and up to the supreme court was talking with him, a far away look came into his eyes when he was asked, "Tom, how old were you when

your mother died?" "She died when I was but young" he replied, "I never knew much of her love or care." In the spring of 1897, having worked hard all his life and having read little except dime novels; being influenced somewhat, too, by having been taken for the real "Black Jack" who was at that time operating in southern New Mexico and northwestern Texas, and having been assured by some of his friends that should he stand trial he would surely be convicted of the crimes which the real "Black Jack" had committed in that section, he became desperate.

He resolved to "get a stake" as he termed it, or die; and embarked on a career of crime, the full extent of which will never be known. He got into some trouble in Tom Green county in 1896, shooting and wounding a man named John Green. In the spring of 1897 he came to northeastern New Mexico where he met his brother Sam. Picking up some kindred spirits, they formed a "gang" which for three long years was the terror of New Mexico. They planned to rob the Southern Pacific passenger train at Steen's Pass for the first job. The plans for this robbery were laid in Colfax county, New Mexico, in the spring of 1897. Having perfected their plans, they went to Southern Arizona for the purpose of accomplishing their objective, and while in a little town there, Dave Atkins, their leader (who is now in jail in Texas awaiting trial for murder) got drunk and gave the whole thing away, upon which they concluded it would be better to go over the Mexico line for a while; so over the line they went.

Remaining in Mexico until they thought the thing had blown over, they returned to execute the same work. Going to the depot at Steen's pass, they held the station agent up and secured (according to Tom's statement just before his death) the magnificent sum of somewhere near \$8.00 in cash, and a forty-four Winchester rifle. In the gang were Dave Atkins, Ed Cullen, Bill Carver, Sam Ketchum, Bronco Bill and Tom Ketchum. Bronco Bill and Tom were then sent on down the track about a mile and a half from the station to guard the horses and build a fire while the other four remained at the station to flag the train and climb on the tender. *(End, first week...continued in next installment of the newspaper.)*

This they faithfully executed, but when they got the train all nicely stopped, a little surprise party awaited them. The matter had not so soon blown over with the Express Company and they were watching for the boys and had guards galore on that very train. When the train stopped and the boys on the engine began operations they were somewhat surprised to find that a fight was on in which others were taking part besides themselves. The fight became warm, Tom Ketchum was shot in the leg. Ed Cullen was killed. Will Carver yelled, "God, I'm shot." Sam replied, "Where at?" "In the leg," said Carver. "Oh hell," shouted Sam, "Stay with 'em, I'm shot in the head." They retreated without ever having gotten inside of a car.

Chagrined at their defeat in the first undertaking, wounded and bleeding, they retired to the Sacramento mountains in New Mexico for repairs. They remained in camp for sometime, and strange to say, were never suspected of the robbery. Three men were arrested, tried, convicted and sentenced for life and are now serving their sentence in Santa Fe for this crime; men who are innocent as unborn babes of the crime for which they suffer. Tom Ketchum, in his last statement says this is a fact and the names of the innocent men are Leonard Albertson, Walter Huffman and Bill Waterman. Ketchum left in the hands of his attorney at Clayton facts to corroborate his statement in this particular.

Their next move was to hold up the Colorado & Southern railway passenger train near Folsom, New Mexico, in the fall of the same year. Tom claimed that he planned the robbery but was not present because his wound had not yet healed. In that hold up, the gang blew the express car into atoms with dynamite and secured a rich haul, the exact amount of which has never been found out by the public, but is believed to be in the neighborhood of fifty thousand dollars. The officers immediately got on their trail and followed them to Turkey Cañon in Colfax county, N.M., and there coming upon them in their camp late in the evening, they had a hard battle in which Ed Farr, sheriff from Walsenburg, Colorado, and Deputy U.S. Marshall Love, of New Mexico, were killed, Sam Ketchum wounded in the arm, and McGinnis (Elzy Lay), who is now serving a life sentence in the penitentiary at Santa Fe for his complicity therein, was shot full of holes.

This seemed to sober them down somewhat and nothing more was heard of them for sometime. They scattered, some going one way, some another. Tom Ketchum, hearing of the disaster at Turkey Cañon, laid low. He was, at the time of the hold up, in Alamosa, Colorado. He quietly moved down into Southern New Mexico into the Sacramento mountains and stayed there most of the time, executing a few post office robberies in between time to keep his hand in and supply himself with small change and scouted country round about for several months.

Finally, becoming tired of a sedentary life, his cunning brain began to work again on his favorite theme. The gang, having made a good haul the first time and thinking it rich picking, Tom concluded that he would try it himself, assisted by some other men. So in the summer of 1899 he pulled up his states in the mountains, hied himself toward northeastern New Mexico with the original intention of holding up the Santa Fe train at Wagon Mound, and then giving the Colorado & Southern another whirl. After arriving at Wagon Mound, things did not look to suit him so he bought his supplies there and came on over into Union county to rob the C & S. As to whether anyone came with he he would not state, but there is no doubt but what there were one or two companions on that trip.

Just what he was doing in the two years intervening between 1897 and 98, he failed to state; and nothing now is known of it except that for a part of the time he was in the mountains as stated. Leaving his dynamite and his companion about 6 miles south of Folsom, he went into town to catch the passenger train there and stop it at the proper place.

Climbing on the tender, there he hid himself away until about five miles out of the little city. There he gently covered the engineer and fireman with his Winchester and asked them if they would kindly stop where he told them to. They complied with his request, but unfortunately for him they stopped the train on a sharp curve and some distance, as he desired, from his tools of robbery. With curses he commanded the engineer and fireman to alight and forced them to go back with him and try to uncouple the express car from the train. The train, being on a curve, they could not uncouple the Miller hooks and he, becoming impatient, punched engineer Kirchgrabber in the side with his gun and ordered him to hurry up. By this time mail clerk, Frank Bartlett, had concluded that something must be wrong and he stuck his head out of the side door to see.

Tom saw him and said, 'take your head back there you son-of-a-bitch, or I'll shoot it off,' at the same time firing a shot in that direction. The shot struck the iron plate about three feet from the door and glancing, tore one side of Bartlett's jaw off. Bartlett, thinking he was killed, went into the smoker in the rear of the mail compartment and fell. Picking himself up with a mighty effort, he staggered into the day coach where Conductor Harrington was and mumbled out, "Frank, I'm killed, they're robbing the train." Harrington got up and deliberately went in to his train box, got his shot gun out, breached it; put two loads of buck shot into it, went into the smoker and turned the lights out, then into the mail car to the side door, saw the robber standing outside and shot him. Simultaneously with his shot, the robber shot him, the ball going between his right arm and side, inflicting a slight wound on his arm. After this shot nothing more was seen of Mr. Robber and getting the train in order, Harrington proceeded to Clayton, where he reported the affair to the officers.

Sheriff Pinard of Union county went out on the first freight train to the scene of the robbery and there, within a few hundred yards of the track, he saw a man sitting down waving his hat. Upon going out to him he was found to be badly wounded and very weak from loss of blood. It was Tom Ketchum. Delivering his guns to Pinard he tried to rise to his feet, but fainted from loss of blood. He was placed on the freight train, taken to Folsom where his wound was dressed and thence to a hospital in Trinidad, where his right arm, which was shot into shreds was amputated. (*Not true....his arm was amputated later in Santa Fe.*) He was captured on the 17<sup>th</sup> day of August, 1899. While in the hospital in Trinidad he tried

to commit suicide by wrapping the bandage which he had taken from his wounded arm around his neck and choking himself to death. He was found by the guard in a half dying condition. After his recovery he was taken to the penitentiary at Santa Fe for safe keeping, where he was identified by his brother Berry and several others from San Angelo, Texas, near where he had been for several years of his life.

In September, 1900, he was tried at Clayton, N.M. For attempted train robbery; convicted, and sentenced to be hanged. The New Mexico statutes provide but one penalty for that crime – death. His case was appealed to the supreme court of the territory, but was affirmed in the tribunal. His execution was set March 22<sup>nd</sup> and he received a respite of thirty days, until the 26<sup>th</sup> day of April, 1901. During the time his case was pending in appeal he was confined in the penitentiary at Santa Fe and while there, he whittled out an imitation six shooter, covered it with tin foil and intended to try to either escape or get a guard to shoot him by pointing his make believe gun at him. It was discovered in his cell, however, and taken away from him.

He was brought to Clayton on April 24<sup>th</sup> in a steel lined car surrounded by guards, landed in jail and on the 26<sup>th</sup> of April was executed by hanging. During the night previous to his execution he slept well, and the next morning he ate a hearty breakfast after which he chatted pleasantly with his guards and the numerous callers who came in to see him. About 9:30 a.m. John R. Guyer, his attorney, accompanied by several newspaper reporters, went in to him to take his last statement. He greeted them pleasantly, said he had several things he wanted to tell and invited them to take it down. He was dressed in a nice new suit of black clothes, white shirt, collar and tie; and with his splendid physique, dark, piercing eyes, black hair, auburn mustache and smooth white skin, looked handsome indeed. He went glibly along with his story until his attorney asked him, "Tom, how old were you when your mother died," and then there came into his eyes a tender, far away, longing look as he replied, "Only nine years. I never knew much of her."

When he had gotten through with his statement, the facts of which are embodied in this sketch, he was asked if he had had a priest with him. "Yes," he replied, "and he wanted me to confess to him and I told him that I would confess to him if he would confess to me, and he wouldn't do it." He then said "I feel this way about my case – if I had been convicted of murder, I would not have said a word, but this punishment is greater than I ought to have to bear," and then that far away look came into his eyes again. "Tom," said his attorney, "have you any ideas about religion?" "No, not much," he said, "I believe in treating everyone right, that's about all." "Do you believe in hell?" "Yes, and you tell Harrington that I'll



meet him there inside of six months. I'll meet Cap. Fort there and Leahy and Reno, too. They'll die with their boots on and I'll be waiting to receive them. When I get to hell the devil will say to me, 'here, Tom, is your other arm' and when they get there I'll kick fire on em." Asked if he had any particular reasons for thinking they would soon, he said: "Yes, I have. I smuggled a letter out of the penitentiary to the boys and they'll get 'em – they're marked." Then his face looked almost devilish in its expression. *(End, second week...continued in next installment of the newspaper.)*

"I never murdered anybody" he said, "but I must die and yet I saw men serving life sentences in Santa Fe who had murdered women and children. The law is unjust, the district attorney was bought and the railroad and express companies have put up lots of money to get me convicted and hung." Then, becoming pensive for a moment he said, "but I'd like to hear some music before I die." Turning to the sheriff his attorney asked if he might play for Tom on his violin. On receiving an affirmative reply he sent for his violin and guitar and played, "Just as the Sun Went Down." While the beautiful, sad strains of the song were playing around about and over each other in the vaults of the jail, Tom sat with head bowed down and moist eyes listening intently. When the piece closed he looked up with a softened expression and said, "that's sweet."

Then followed the Amelia waltzes and the "Mocking Bird" with variations. When the "Mocking Bird" was closed Tom said, "Thank you very much – that is the last sweet sound that will ever fall on these ears." It was then 12:30 p.m., and his execution was set for 1:00. The deputy jailer came to get his order for dinner. "Bring me a good dinner," said Tom, "I don't want to go to hell hungry because it's a long time 'till supper." Then he went out into the corridor to have his photograph taken. *(The photograph that we are most familiar with.)* By the time that was done his dinner was ready and he ate heartily.

His attorney then said, "Tom, I have done all I could for you and unless you especially request it, I do not want to see the end; I feel that I cannot witness your execution." Tom grasped his hand and said, "Yes, Guyer, you have done all for me any man could have done – I will not ask you to see me die," and they parted. The lawyer with bowed head and tears on his cheeks slowly walked away and the sheriff came to tell him to get ready for death. He was already prepared and with the priest, Father Dean, Sheriff Garcia, Billy Lewis of Trinidad and Detective Chambers of Denver; he began his death march after his poor remaining hand had been chained to his side. He walked firmly up the steps, saying as he went up, "Dig my grave deep, boys."

Stepping upon the trap door he asked for the black cap and it was placed over his head, but had to be removed to permit the rope to be placed on his neck,



and while they delayed somewhat he became impatient and said, "Let 'er go boys." "Not quite ready," replied the sheriff. Then the cap was again place over his head, his feet were pinioned and those around him grasped his pinioned hand and told him goodbye. When the last one had spoken he again said, "Let 'er go boys, let 'er go." The sheriff cut the trigger rope with a hatchet and his body shot down with all its 215 pounds of weight. Everyone within or without the stockade held their breath and their hearts gave a great bout of horror when it was seen that his head had been severed from his body by the fall.

His body alighted squarely upon its feet, stood for a moment, swayed and fell and then great streams of red, red blood spurted from his severed neck, as if to shame the very ground upon which it poured. A thrill of awful horror swept over the crowd when they saw what happened and every face turned pale. Turning as if to hide the terrible sight from their frightened gaze, the people hurried out of the enclosure and away from the scene. The head rolled aside and the rope, released, bounded high and fell with a thud upon the scaffold from whence it came. The head was sewed back on the trunk and the body prepared for burial. The grave, having been dug the night before, everything was in readiness. Placing the corpse in a plain coffin, they put it into a wagon and started to the cemetery with it.

Two men sat upon each side of the box as though afraid that even then, the dead bandit would escape. Two of them smoked "home-made" cigarettes and the other two chewed 'flat terbacker." Their road lay through the main street of the little city and arriving in front of a saloon, the wagon stopped. The all got out (except the corpse) and took a drink and then took another drink, then discussed the way he died, and then took another drink. Then, climbing into the wagon, they went on to the grave yard and deposited the mortal remains of Tom Ketchum in the bosom of mother earth where he will remain until the judgment. What cared they? He was only a train robber and even his body, after all that was spiritual about him had departed, could be treated so disgracefully without impropriety, they thought.

Anyway...Tom...never...smoked, drank, nor chewed. In that much he was a gentleman...and...and perhaps in some other things he was as much of a gentleman as some who were not buried today. Whether he has gone to heaven or hell – whether he be train robber or priest – whether his hands be white as the lily or red with human blood, his body was entitled to decent treatment after he had paid as dear a penalty as any man can pay; and he paid it like a man, brave as a lion and fearless of the death he has so often faced and aye, even preferred it to the deprivation of his liberty. When told that perhaps a reprieve would come, he said, "I have but twenty -five dollars but I'll spend every dollar of it telegraphing to prevent any reprieve or commutation, for I would rather die that stay all my life in

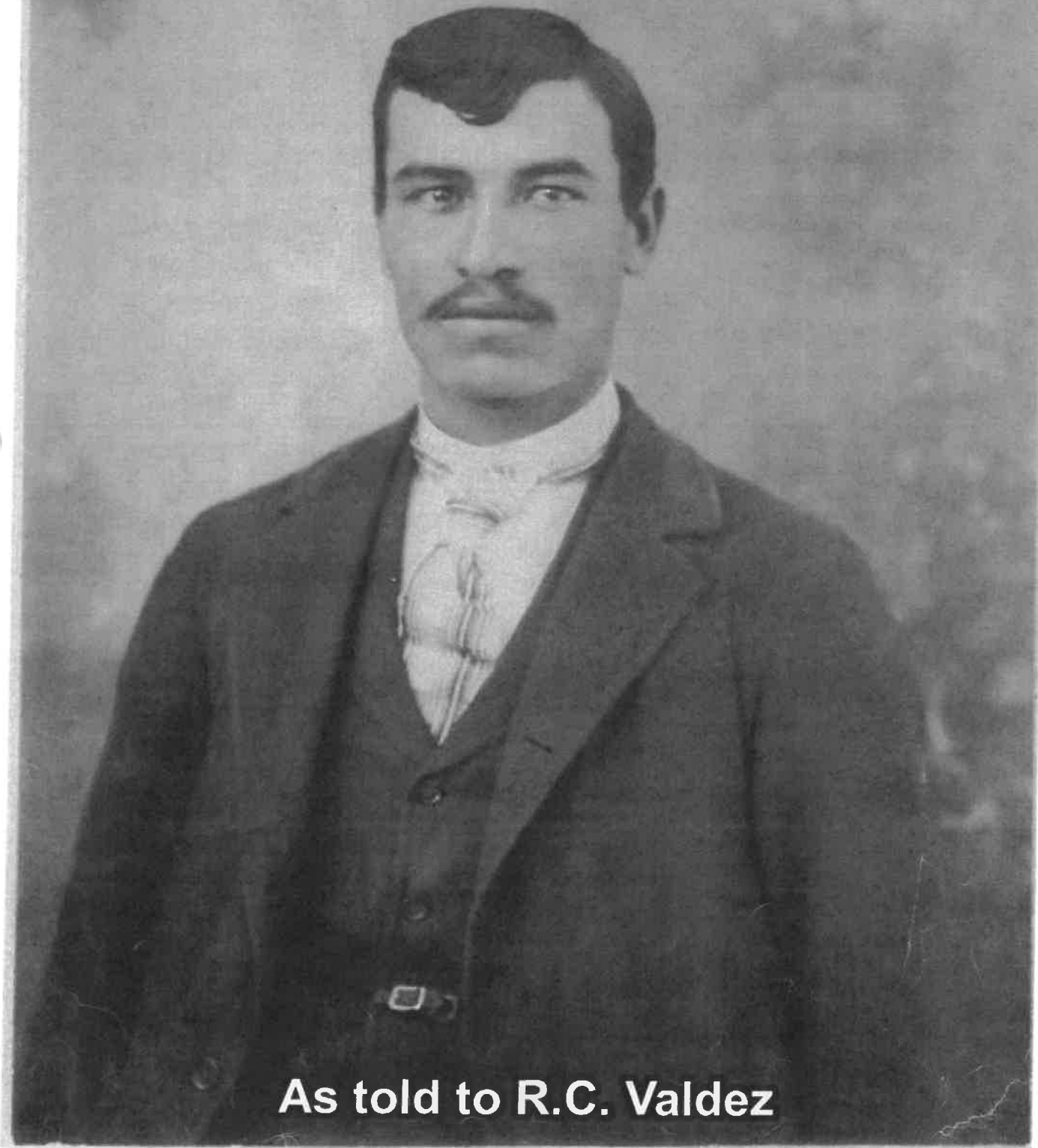
the penitentiary!”

Such was the end of New Mexico's most famous bandit. Such is the first legal murder committed in New Mexico – for it is legal murder. By what right can man demand his brother's life except it be an eye for an eye and a tooth for a tooth? If a man rob the citizen, or his wife or children upon the highway, the worst he can get under our laws is five years in the penitentiary, If he even attempts to rob a railroad train, his punishment is death – nothing less.

Ketchum was right. That law was made to protect the money and it was the most unfortunate day that New Mexico had ever seen when Tom Ketchum was hanged for an attempt to rob a railroad train. It carries her back 50 years on her march toward complete civilization and takes away from her all claims to recognition as one of the territories fit to be a state.

# **"I SAW BLACK JACK HANGED"**

**By Trancito Romero**



**As told to R.C. Valdez**

From the October, 1958 issue of *True West* magazine.

Never will I forget the awful sight when...

## **I saw Black Jack hanged!**

By Trancito Romero, as told to R.C. Valdez

He squirmed and turned, twisted and stretched, finally arching in one last agonizing spasm...and lay still. The body of Black Jack was finally lifeless, while his gory head, eyes staring but unseeing, rested on the sand nearby.

Thus ended the most macabre execution in western history. I know---I witnessed the horror---and fifty-seven years later, sicken at the thought.

My age was twenty-six and I was one of twelve men appointed by Sheriff Saturnino Pinard to guard the infamous "Black Jack" Ketchum while he awaited doom in Clayton, New Mexico. Mr. Pinnard was my brother-in-law.

Perhaps the scaffold was too high, the noose too tight, or perhaps the rope was too slender to hold so heavy a man. As the trap was sprung, the condemned man fell hard and you sensed that something was amiss before it happened. At that instant the rope jerked with a sickening thud, whipping wildly as it snapped the man's head off.

Your February, 1957 story about the "Hole-in-the-Wall" gang was essentially true, as I remember events leading to the execution. Slight discrepancies will be corrected in this account, which is a first-hand report. My memory at eighty-three is clear on the incidents given. Who could ever forget them!

It was the night of August 16, 1899, about 10:30, when Tom Ketchum attempted singlehandedly a holdup of the Colorado and Southern passenger train between Folsom and Des Moines, New Mexico. He was nervy all right, this man who was to meet death with bravado and apparent disdain.

But the contrary luck which seemed to dog Black Jack prevailed that night and he was shot by an alert conductor named Harrington. The crew wasted no time in getting away from the spot, leaving the wounded man behind, of course. They fully expected to be set upon by the desperado gang,

but their leader was alone, as he was to be from that day on.

In Clayton, Sheriff Pinard was notified, and he immediately appointed six deputies to accompany him to the scene of the crime. They boarded a locomotive and caboose which had been summoned from nearby Texline. The seven men were armed to the teeth, for they knew not what to expect.

Then, just as the sun came up, they saw Black Jack sitting up about 300 yards from the track. Their wary approach was interrupted as Ketchum raised his one good arm and called for Sheriff Pinard. Assured that the officer was in the group, Black Jack shouted, "Well, let him come and arrest me."

Pinard ordered his men to remain behind as he went forward alone, facing one of the most ruthless outlaws of the time. But there was no resistance. Ketchum was helpless, his right arm shattered by the conductor's blast. His rifle and six-shooter were close, but useless to him at that moment.

Almost compassionately, the sheriff gave him water to drink from a canteen, wet his feverish brow and helped him to his feet. As they moved slowly toward the caboose, Black Jack stopped, pointed wearily to the nearby hills and said, "Sheriff, right off there are my horses."

In Folsom a doctor was called to care for the wounded man, while one of the deputies, Carlos Sanchez, was ordered to return for the outlaw's horses. Accompanied by the stable owner, Sanchez rode a buggy back to the hills, found Black Jack's fine animals, and returned them to Clayton.

The nearest hospital was in Trinidad, Colorado, and Ketchum was taken there immediately. He was later moved to the New Mexico Penitentiary in Santa Fe. Actually, Black Jack was in the Clayton jail only once just before his execution.

It was during Ketchum's confinement in the Clayton jail that I was appointed to guard him. He appeared to be a rather friendly fellow and expressed appreciation for slight favors. Among other things he told me that Mr. Pinard had treated him like a brother. Not once did Black Jack make a move to escape, nor to grab the rifle and six-shooter I carried.

Perhaps he had hopes of liberation by force. Such an attempt was expected and we were prepared for it.

On April 26, 1901, Black Jack was hanged. Reports say that a mysterious stranger appeared, then disappeared, that a knowing glance passed between the man on the scaffold and the mystery man.



Tom "Black Jack" Ketchum

W.H. Reno

Jailer

Ramundo Arguello

Tom Gray

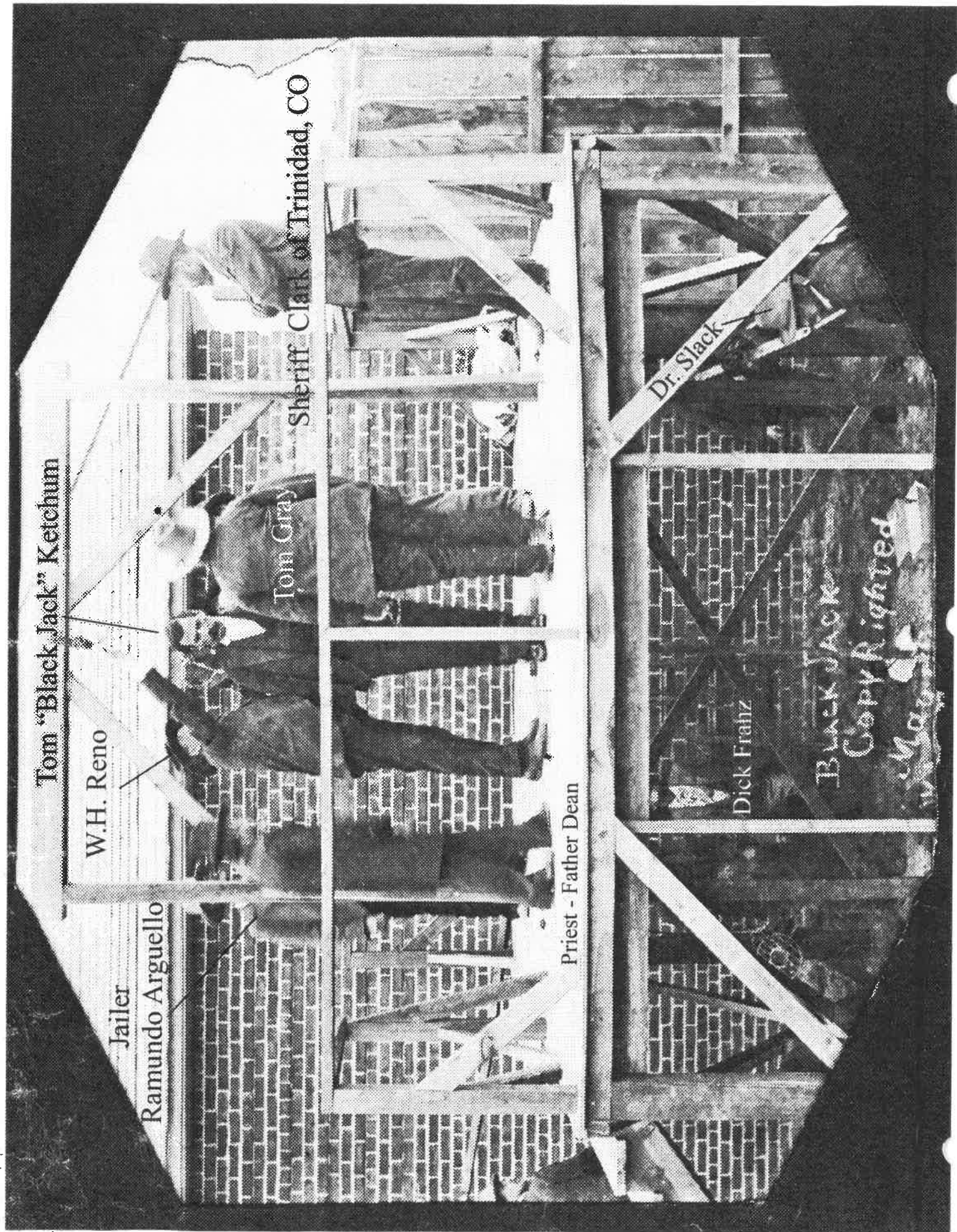
Sheriff Clark of Trinidad, CO

Priest - Father Dean

Dr. Slack

Dick Fraiz

Black Jack  
Copy Righted  
1940



## PHOTO #1

### Left to Right on the Platform:

Jailer - Ramundo Arguello - face hidden behind post

Priest from Trinidad - Father Dean - Black Jack didn't want him, but eventually gave in.  
W. H. Reno - the Colorado Southern Railroad Detective who had been after Black Jack for a couple of years.

Thomas Edward "Black Jack:" Ketchum (aged 37)

Tom Gray - local Saloon Owner - also the deputy sheriff at that time.

Visiting Sheriff Clark from Trinidad, Colorado

### Left to Right Under the Scaffold:

Dick Franz - friend of Sheriff Salome Garcia's, who came to cut the rope that would spring the trap door and hang Tom Ketchum. Sheriff Garcia was very religious and didn't believe in Capital Punishment. Officially, it was his job to spring the trap door, but he didn't want that on his conscience.

Dr. Slack - local physician and county coroner, who would determine the time of death after the hanging.



Jailer-Ramundo Arguello

Tom Gray

W.H. Reno

Sheriff Clark of Trinidad, CO

Tom  
Ketchum

Priest - Father Dean

Dick Franz

Dr. Slack

Q. J. [illegible]

## PHOTO #2

### Left to Right on the Platform:

Jailer - Ramundo Arguello - still obscured behind post.

Tom Gray - Saloon Owner and Deputy Sheriff. Head blocked by beam.

W.H. Reno - Colorado & Southern Railroad Detective

Tom Ketchum - with black hood over his head. Notice that his feet are bound and his left arm is shackled to his left leg.

Father Dean - Priest from Trinidad, Colorado

Sheriff Clark of Trinidad, Colorado

### Left to Right Under the Scaffold:

Dick Franz - cut the rope which sprung the trap door.

Dr. Slack - acting as county coroner to determine the time of death.

Jailer Ramundo Arguello

Dick Franz

Sheriff John McCandless  
of Dalhart, Texas

Dr. Slack





## PHOTO #3

### Left to Right Under the Scaffold:

Visiting Sheriff John McCandless of Dalhart, Texas - When Ketchum fell through the trap door, his head was jerked off; his body landed on its feet, then fell over and began convulsing violently. Sheriff McCandless grabbed it by the shoulders and helped to minimize the convulsions until they stopped.

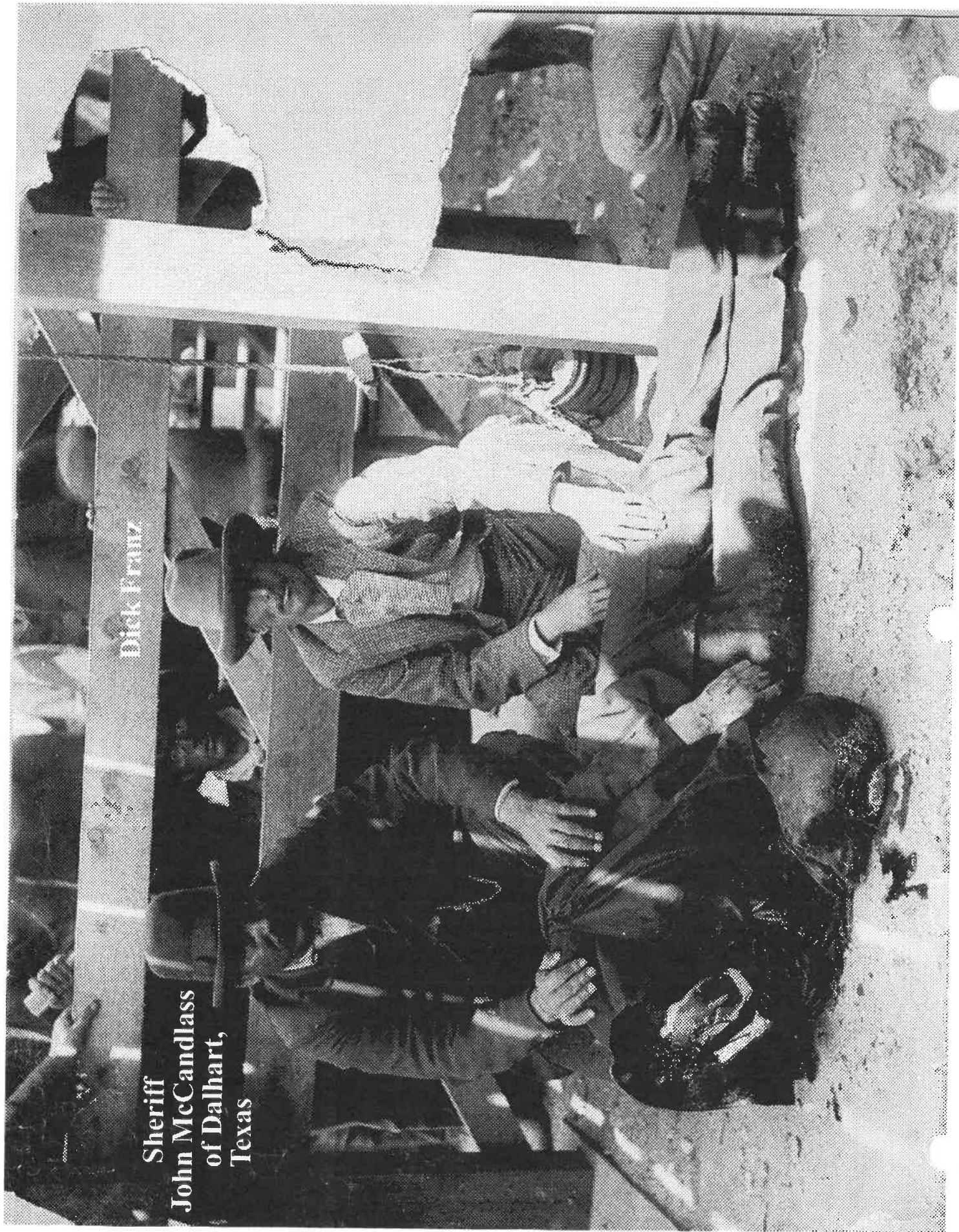
Dick Franz - who sprung the trap door - it is reported that he enjoyed his celebrity status as the man who actually set the hanging in motion.

Jailer Ramundo Arguello - standing over the body

Dr. Slack - is taking the headless body's pulse. It reportedly took five minutes for Black Jack's heart to stop beating.

Sheriff  
John McCandless  
of Dalhart,  
Texas

Dick Franz



## PHOTO #4

### Left to Right Under the Scaffold:

John McCandlass, visiting Sheriff of Dalham County, Texas (Dalhart) who grabbed Black Jack's body and subdued the convulsions until they subsided.

Dick Franz, friend of Union County Sheriff Salome Garcia. Franz cut the rope which sprung the trap door of the scaffold. Officially, it was Sheriff Garcia's job, but he was a very religious man who didn't believe in capital punishment.

# Saturnino Pinard

## 1866 - 1942

Saturnino Pinard was the Sheriff of Union County, NM, who captured Tom Ketchum, August 17, 1899. He was a good man, and was kind to Tom, earning his respect. He and Tom became friends; and prior to his hanging, "Black Jack" left everything that he owned to sheriff Pinard. A watch fob that belonged to Black Jack is now on display in the Herzstein Museum, at the corner of Second and Walnut Streets.

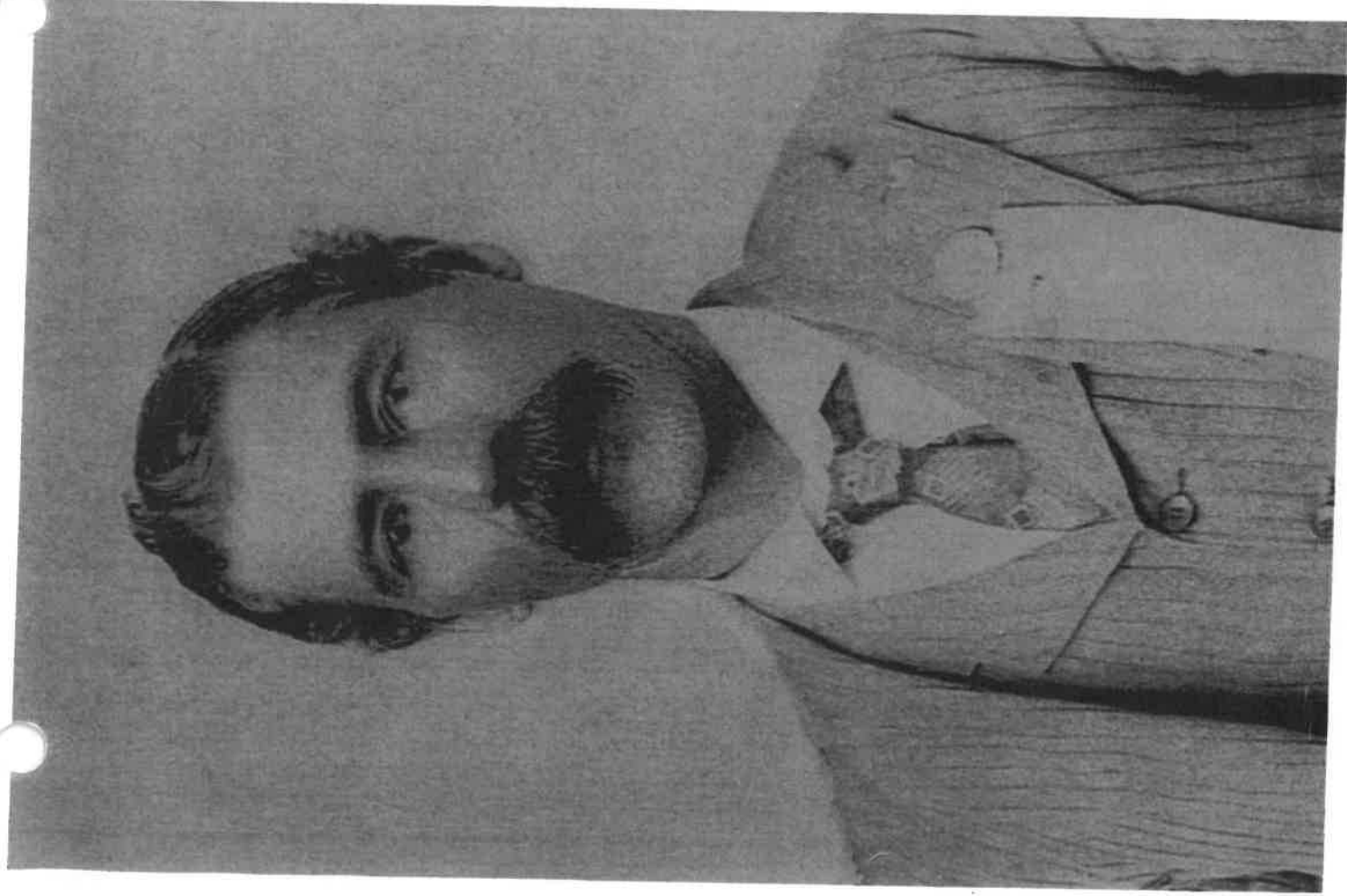




# Salome Garcia

1857 - 1922

Salome Garcia was the Sheriff of Union County who carried out the execution of 'Black Jack' Ketchum on April 26, 1901, in Clayton. It was his job to cut the rope that would release the trap door, dropping the prisoner to his death. He was, however, a religious man who didn't believe in capital punishment, so he asked his friend, Dick Franz, to come from Santa Fe to replace him in performing that particular task.





# ***Beheaded by the Noose***

***From Frontier Justice in the Wild West***  
**Bungled, Bizarre and Fascinating Executions**  
**by R. Michael Wilson**      page 131

Thomas Edward Ketchum was mistakenly saddled with the sobriquet "Black Jack." Even Ketchum, after he was captured, did all he could to discourage its use, but the misnaming has persisted for over a century. Tom Ketchum's notoriety comes not from his nickname, however, but from two interesting developments related to his death: first, Thomas was the only man on America's western frontier legally executed for a crime other than first-degree murder; and second, his execution was the most bungled affair in the annals of frontier justice.

In 1849 Peter Ketchum led two wagon trains into Texas, where the Ketchum families established cattle ranches. Green Ketchum, Peter's oldest son, came from Illinois with his wife Temperance. The couple had five children—Elizabeth, Green Jr., Samuel, Nancy B., and Tom, born on Halloween Day in 1863. In his youth Tom had minor skirmishes with the law like many boys his age. As young men, Tom and his brother Sam—the Ketchum boys—worked at various ranches from Texas to Wyoming and became close friends with William R. Carver and David Atkins.

Carver was born in Comanche County, Texas, in September 1868, and after his father abandoned his family, they moved to Pipe Creek in Bandera County. There Carver was introduced to the cowboy life by Uncle Dick Carver. David Atkins was a native of Tom Green County and met the Ketchums when they moved there in the early 1880s. He married Saba Banner in 1894, and soon after they had a baby girl. Before long Atkins abandoned his family to join Carver and the Ketchum boys in a life of crime.

In 1895 Ketchum's neighbors, the Powers, were having serious marital problems. Mrs. John N. "Jap" Powers was looking for a way to be rid of her husband. On December 12, "Jap" was brutally murdered. He was shot in the back three times and the coup de grace was inflicted to his head from close range. Tom Ketchum, David Atkins, and another man were eventually indicted, but they had already fled from Texas into New Mexico Territory. The following year the sheriff insisted that the three men were innocent and declared that he would not pursue them further, as "Jap" Power's wife and another man had become the focus of his investigation.

In the meantime the Ketchum boys were working on the Bell ranch in New Mexico Territory. When Sam had a dispute with the ranch foreman, the boys left, but soon returned to steal supplies from the Bell storehouse. This was the first crime attributed to the Ketchum boys acting together, and it was followed quickly by a burglary of the post office and store at Liberty, New Mexico. One of the

owners of the store, Levi Herzstein, and Merejildo Gallegos, a leading Mexican citizen often used as an interpreter, pursued the Ketchums. In the pursuit they were shot to death. To avoid a murder charge, Sam and Tom fled into Arizona Territory, where they joined Carver and Atkins in Graham County.

In 1897 Tom Ketchum, Carver, and Atkins headed south to Lozier, Texas, a water stop on the Galveston, Harrisburg & San Antonio Railroad. Just before 2:00 a.m. on May 14, Tom and Carver climbed over the tender, pointed their six-shooters at engineer George Freese and fireman James Bochat, and took control of the train. They stopped the engine at the next cut, where Atkins had severed the telegraph wires and was waiting with horses and explosives. The three men entered the express car, took agent W. H. Joyce prisoner, and blew open the way safe. They then took three sacks of plunder valued at forty-two-thousand dollars. Several posses were soon in the field, but the three train robbers managed to elude capture and made their way to Tom Green County, where they spent nearly all they had stolen bribing the locals to hide and feed them.

When their money ran low, the boys decided they should rob another train, this time in New Mexico. The fact that New Mexico Territory had made train robbery a capital offense in 1887 did not deter them. Tom was joined by brother Sam, while Carver and Atkins enlisted the help of a fifth man named Charles Collings, and the party of five made their way to the Twin Mountains bend, between Folsom and Des Moines, New Mexico.

On September 3, 1897, they stopped the southbound No. 1 Gulf, Colorado & Santa Fe Railroad train, and messenger Charles F. Drew was brutally assaulted by Sam Ketchum. It took three charges to blow the safe, and they found inside less than three thousand five hundred dollars in money, some assorted jewelry, and other small items. The gang hid for several days in Turkey Creek Canyon near Cimarron, New Mexico Territory, and then headed for the southeastern corner of Arizona Territory, where they began planning their next robbery. A man by the name of Bruce "Red" Weaver was falsely arrested and tried for the crime, but there was little evidence to tie him to the robbery and he was acquitted.

Deputy U.S. marshals had not been able to find the robbers, but in late November 1897, they received word that a train would be robbed at Stein's Pass near the border between New Mexico and Arizona in early December. On December 9, Atkins and the newest gang member Ed Cullen robbed Stein's post office. For all of their effort, the haul was only nine dollars. After the robbery, the two men joined Tom Ketchum at the depot for the next crime. They searched the offices of the express company at the Stein's Pass station, where they found a little more than two dollars and a Winchester .44 caliber rifle.

Next on the agenda was the Stein's Pass train robbery. Tom Ketchum and Carver rode their horses two miles farther west and built signal fires on both sides of the tracks at a point where there was a steep grade. The westbound No.

20 train came along at 9:00 p.m., and Atkins and Cullen forced agent Charles St. John to show a red warning light—a signal of danger ahead that indicated the engineer was to stop the train. They boarded the engine and captured engineer Thomas W. North and his fireman, then required North to pull ahead to the signal fires. Once the train was in position, the robbers approached the express car, but messenger Charles Jennings and two other guards began firing at them. Four robbers were wounded, Cullen was killed, and the gang was forced to flee, leaving Cullen's body behind.

After another failed endeavor, the gang was still broke and anxious to secure another large haul. They returned to familiar territory near Lozier, Texas, and this time set their sights on the Comstock station on the Galveston, Harrisburg & San Antonio Railroad, halfway between Langtry and Del Rio.

On April 28, 1898, at 11:30 p.m., the westbound No. 20 was leaving the station when two armed men, carefully masked, climbed over the tender and captured engineer Walter Jordan and his fireman. They ordered him to stop the train, and as soon as it came to a halt, two men appeared and uncoupled the passenger cars from the rear of the express car. They forced Jordan to take the remainder of the train, consisting of the engine, tender, and express car, westward to Helmet before they stopped the train again and approached the express car. Messenger Richard Hayes was about to make a fight of it when a cartridge jammed in his Winchester rifle and he had to surrender. The robbers cleaned out the safes and took an estimated twenty thousand dollars. It was seven hours before a posse could take to the field. Once they did, however, they returned to town empty-handed, with no further clues or tracks to follow.

The Ketchum gang decided that on their next job they would try the same ruse they had used unsuccessfully at Stein's Pass—displaying a red warning light. They moved north to Mustang Creek, Texas, and on July 1, 1898, they stopped the westbound Texas Pacific No. 3 train, threw a switch, and directed the train onto a siding. The passenger cars were uncoupled and the engine, tender and express car were pulled ahead a safe distance to prevent interference. The men easily gained entrance to the express car and blew the safe with explosives. They took out an estimated fifty thousand dollars, leaving behind a large number of ten-dollar bills and assorted jewelry. The gang escaped again.

In the spring of 1899, the Ketchum brothers quarreled and Sam Ketchum and Carver split from Tom. Sam formed a new gang, and together they planned a repeat robbery at Twin Mountains, taking in the Colorado & Southern Railway. The attack was successful and the men made their getaway, but a posse soon caught up to them. In the ensuing battle Sam Ketchum was mortally wounded; he died of an infection on July 24, 1899.

After splitting from his brother, Tom went to Prescott, Arizona, where on July 2, he murdered two men. Tom had heard nothing of the train robbery, the shoot-out,

or the death of his brother; he had spent July on the trail, heading toward New Mexico. He planned to reconcile with Sam and decided that it was time to execute their plans to repeat the robbery at Twin Mountains, not knowing Sam had already done this. When he was unable to find his brother, Carver, or any other gang member, Tom decided to try the train robbery alone. He abandoned his attempt on August 11, when he saw an armed guard in the express car. He then anxiously made his way to Folsom.

On August 16 at 10:20 p.m., a solo Tom Ketchum climbed aboard the blind baggage—the platform on the front of the express car—on the southbound No. 1 Colorado & Southern Railway train when it stopped at Folsom to take on water. With his Winchester rifle, Tom captured engineer Joseph Kirchgrabber and had him stop the train at the bend four miles south of the station, two miles from the place Tom had tied his horse. In the express car was Charles Drew, the messenger who had been badly beaten by Sam Ketchum in 1897, and in his care was over \$5,000.

Tom ordered Drew out of the car and had him hold a lantern while the fireman tried to unlock the couplings behind the express car. Instead the fireman cut the air hoses, which locked the brakes on all the cars. Fred Bartlett, the mail clerk, stuck his head out to see what was happening, and Tom, an excellent marksman, fired a warning shot. The bullet ricocheted and struck Bartlett in the jaw, causing a serious, but not fatal, wound. The fireman then said he had uncoupled the cars, but he had not, so Tom ordered the engineer to finish the task.

While Kirchgrabber struggled with the coupling, conductor Frank Harrington, who had been defenseless during an earlier Ketchum gang robbery, opened the door to the first coach behind the express car and discharged his shotgun at Tom. The heavy load of buckshot tore a gaping wound in the robber's right arm, just above the elbow. Tom tried to shoot Harrington when he first appeared, but Tom's shot went wild when he was struck by Harrington's buckshot.

Tom stumbled off into the darkness and sent a couple of shots toward the lantern, to discourage anyone from following. He managed to make it to his horse, but he had already lost so much blood that he was too weak to mount. He lay down beside the tracks and waited. The following day the posse arrived, found the wounded robber in his weakened condition, and easily captured Tom Ketchum.

Tom was indicted and tried on the Federal charge of assault on a U.S. mail agent, and he was sentenced to a ten-year prison term. While he was being held at the prison, his wounded arm became so infected that it had to be amputated. The following year Tom was tried again for the same robbery, but this time on the Territorial charge of "assault upon a railroad train with intent to commit a felony," a capital offense. He was convicted and became the first person sentenced to

hang for assaulting a train.

As the date for his execution approached, he was taken to Clayton in Union County and lodged in their jail. From his window, he was able to see the carpenters constructing the gallows and the high-board fence around it as required by law. He complimented them on their skill. As his one last request he asked for female company, but this was denied as there were no funds authorized to pay for a "lady of the town."

A priest came from Trinidad, Colorado, and stayed with the condemned man throughout his last night. In the morning the prisoner ate a hearty breakfast, then washed and dressed in the new suit provided by Sheriff Salome Garcia. After the death warrant was read, he seemed anxious to proceed, but it was still too early. At 11:30 a.m. he asked for music, and a violinist and a guitarist played as he ate his dinner. At 12:30 p.m. he named all those involved in his prosecution and promised that they were marked for death by members of his gang.

At 1:15 p.m. Tom Ketchum began his march to the gallows accompanied by the priest, with the sheriff on his right and witness Harry Lewis of Trinidad on his left. The condemned man climbed the stairs with a firm step and his head down, and took his place upon the trapdoor. His arm and legs were pinioned, the noose adjusted, and the black cap pulled over his head. He had declined to make a speech, but when there was a brief delay, he called out, "Let 'er go, boys!"

Governor Otero had sent a man to oversee the preparations and ensure that everything went smoothly. The drop had been calculated at five-feet-nine inches, a few inches longer than required for a man near two hundred pounds. The governor's man, however, had increased the length of the drop, and at the last minute Sheriff Garcia, concerned the drop still might not do the trick, increased it to seven feet. The hangman's rope had been carefully soaked and stretched with a heavy weight to remove elasticity. The stretching had made the rope, already a bit thin for a hanging, almost cordlike. Where fiber crossed fiber, it was lubricated with soap to ensure the knot would slide easily. Another piece of rope was used to secure the trapdoor, and the trap was sprung by cutting this rope.

When the moment arrived the sheriff cut the trapdoor rope with a single stroke and Tom Ketchum's body shot downward. The thin rope cut through the condemned's neck and spine, severing Ketchum's head from his body, and both fell to the ground. Blood spurted from the torso's neck. The head, in its black bag, rolled about beneath the gallows, while the bloody rope rebounded high into the air.

After photographers were done with their grisly work documenting the worst bungled execution in the history of the western frontier, the head and torso were collected by the undertaker and the head was sewn back on. Thomas Ketchum was buried in the town's cemetery the following day.



The rest of the Ketchum gang continued on, for a time anyway. Carver joined the Wild Bunch and was eventually shot dead in Sonora, Texas, on April 2, 1901. Atkins was arrested in March of 1900 and returned to Texas, where he jumped bail and fled to England. He was finally captured in 1911 during a visit to Tom Green County, Texas. He was sentenced to serve five years for an earlier murder, but not for any of his crimes with the Ketchum boys. He died in 1964 after spending his last three decades in an insane asylum. Tom Ketchum, however, had long since paid for his crimes, dying in the most brutal manner imaginable, by being hanged and subsequently beheaded.

## Outlaw Met a Gory Fate in Drop From 9-Foot Scaffold

As told to Charles Crudgington

"We the jury, in the case of the Territory of New Mexico versus Thomas E. Ketchum, find the defendant guilty in the manner and form charged in the indictment and fix the punishment at death." These fateful words, scrawled on a piece of paper, foreshadowed the end of one of the Southwest's most notorious and controversial bad men. Chief Justice William J. Mills, who had heard the trial, read the verdict; and two days later, set the execution date for Oct. 4, 1900. Attorneys for the defense won a review of the case however, and it was nearly six months later that the notorious train robber actually went to the gallows.

TOM KETCHUM was born in San Saba County, Texas, on October 31, 1863. His career of crime began in his teens and covered more than half his life of 37 years. Indeed, he managed to evade justice far longer than the average outlaw of the early days of the Southwest, due, no doubt, to his unusually shrewd mind and attractive appearance, by which he was enabled to pass off as a substantial citizen in places where he was not known.

By an odd coincidence, one of New Mexico's most successful peace officers, Dee Harkey, still living in Carlsbad, was born near the birthplace of Ketchum and has furnished some information about the noted outlaw's early life. Three sons were born to the Ketchums: Tom, a brother Sam, who was engaged with him in his life of crime, and another brother, Berry, who became a respected rancher in Tom Green County, Texas.

Tom and Sam turned early to mischief, their arrest being for disturbance of the peace when they were yet juveniles, under our present definition of the word. Later they began stealing cattle and horses, and while still in their teens, fled from their native region, after indictments for cattle stealing had been returned against them. They are said to have gone in for train robbery before actually leaving Texas, and died with a charge of holding up a Texas and Pacific passenger train in West Texas still against them.

Both were excellent cowhands, and mixed this honorable work with their many adventures outside the law. Both were known as cold-blooded killers, and all who knew them from their early manhood until their horrible

deaths knew them as men to be "let alone." Shortly before the attempted train robbery which led to his capture and execution, Tom Ketchum shot down a Mexican sheep-herder in a manner which clearly typifies his wanton nature.

Ketchum had just gotten a new Winchester 30-30, and with some companions decided to try it out. Looking for a living target, he saw a sheep-herder calmly tending his flock in an arroyo some 400 yards from the trail. Ketchum drew the gun, threw a shell in the chamber, and took aim. The Mexican dropped at the crack of the rifle, shot through the heart.

Another incident is related by Cicero Stewart, still living in Carlsbad, and a former sheriff and peace officer of New Mexico. After Ketchum had been convicted and sentenced, he told Stewart of some money, \$2,800 he had hidden in a canyon and told Stewart he could have it if he would go get it. Stewart, I might mention, had been brought to Clayton to help identify Ketchum, as the controversy as to whether or not he was Black Jack Christian was still raging.

Later, Cicero got a horse and started up this canyon. He followed the trail up quite a ways and began to notice horse tracks were pretty plentiful along the trail. As he approached a narrow passageway, he turned off the trail and rode up behind quite a large rock that overlooked the canyon.

Behind this rock he found more horse tracks, cigarette stubs, etc., and decided this was not such a "secret" trail. He turned around and went back out of the canyon and on up to a farmer's house nearby. After telling his story to the farmer, he was told there was quite a band of outlaws who used that canyon and no doubt were waiting for him. This had been Blackjack's revenge from the gallows, so to speak, and would have worked out according to Blackjack's plan, had Cicero gone on up the trail as directed.

Another outrage by Ketchum may reveal even more about his character. He was a fastidious dresser, in the fashion of that time and place, and once he and a companion went into the store of Morris Herstein, the first merchant of Tucumcari. Ketchum picked out a number of neckties and other things, and went out of the store without paying for them.

A younger brother of Herzstein, who had waited on Ketchum, resented the act and gathered some companions to go after him and demand payment.

They caught up with Ketchum and his pal, but the two outlaws opened fire and drove the men back, after killing young Herzstein. The Herzsteins were uncles of Hugo Loewenstern, well known Amarillo real estate man.

The first time I ever saw Ketchum, the Bar-T-Cross wagon was camped at a little lake north of Clayton and they were waiting for cars to ship their cattle. Tom Ketchum was there with the campers. Tom Gray, an old timer at Clayton, was working for the Bar-T-Cross. They all went into this rather shallow lake to bathe and Tom Gray and Ketchum got to scuffling in the water. The each tried to drown the other, holding the man's head under the water until he could struggle loose, and finally someone intervened.

This "water fight" started the "bad blood" between Gray and Ketchum. Tom Gray later was deputy marshal at Clayton and stood on the gallows as a witness at the hanging of Ketchum.

Ketchum organized a band of outlaws and robbed five trains in Northeastern New Mexico. He robbed Frank Harrington's train three times. In his gang were Sam Ketchum his brother, Bill Carver, McGinnis (alias Franks) and a Red Pipkin. They went back into the Cimarron Canyon (west of the town of Cimarron) and Farr and his posse tracked them and shot Sam Ketchum's left arm off. McGinnis got away. McGinnis was the best shot of the gang of outlaws.

This story deals mostly with the third holdup. One morning early, someone rode up to our house and told us Blackjack had held up the Fort Worth and Denver train. The story was that Blackjack boarded the train at Folsom and crawled up on the tender between the engine and express car. He made the engineer stop the train. Blackjack had left his horses farther down the track and had intended to have the train stopped and unhook the mail car and take this on down the track to where his horses were. However, he made the mistake of stopping the train on a curve and could not uncouple it – so he made the engineer go up and get a crow bar and sledge hammer to pry the mail car loose. He told the mail clerk to keep his head back in the car, but the clerk looked out and the outlaw shot him in the cheek.

This messenger told us what had happened and that they were getting up a posse to go after Blackjack and wanted my father to go with them. Mother was much opposed to outlaw hunting on my father's part and made a firm stand against it, so he could not agree to join the posse. However, we got

in out buggy and drove to the depot and there the posse was getting ready to go.

Sheriff Saturnino Pinard of Albuquerque, organized and led the posse. About 20 men were in the group, and they loaded their horses in a stock car and moved up to Twin Mountain, about 8 miles from Folsom, where the attempted robbery had occurred. This Twin Mountain is a heap of volcanic cinders and is now being mined for use in making concrete cinder blocks.

The posse reached Twin Mountain early in the afternoon, unloaded and mounted their horses, and fanned out in the search of the area. But the search didn't last long – Ketchum soon was spotted lying on the ground in a clump of bushes. The men who first saw him gave the signal and the rest of the posse soon gathered around.

But they didn't gather too close; Ketchum was armed with a six shooter and rifle, and as I have said before he knew how to use them and had no scruples about it. Before the men drew within reasonable range, they made Ketchum throw the guns away, then hold up his dangling arm – the one Frank Harrington had all but shot off – with his good hand. They then moved in and made the capture.

Ketchum first was taken to the hospital in Trinidad, Colorado, where he was guarded by Sheriff Farr. After he had recovered somewhat from his wound, he was moved to the New Mexico Territorial penitentiary at Santa Fe, for safekeeping. He was brought to trial early the following year, and the verdict of guilty and the sentence of death returned in rather short order.

After the delays I have mentioned, the date of execution finally was set for April 26, 1901. There was plenty of talk about the whole incident all over the Southwest all during this time. And when they went to work building the gallows alongside the jail-house there was plenty more.

And some argument along with it, especially in our home. Mother insisted none of us should see it, even including father. But he pleaded some business matters which needed his attention as an excuse to get up town. Mother held me and my 9-year-old brother in the house – that is, until I finally thought up a good enough excuse to get out. And then I flew for the jail-house as fast as my legs would carry me.

By the time I got there the place was entirely surrounded by men, and they had filled up solid all the good peep holes and cracks in the fence. I hadn't mentioned the fence, so I had better say that there was talk that the rest of Ketchums gang was going to make a last minute raid on the jail and free their leader. So the sheriff had ordered a high fence, 12 or 15 feet high, built around the jail and gallows.

There wasn't any way to get through or over the men, so I got down under them, on my hands and knees, and crawled until I found a good wide crack. But there was another spectator under me, a little Mexican boy named Philadelphia Gallegos, lying flat on his stomach, with his head turned sideways and his big brown eyes glued intently on the scene within.

We didn't have long to wait – or it didn't seem very long. We saw them bring Ketchum into the yard and up the scaffold. He was dressed in a clean white shirt, with a black suit on, clean shaved – except for his black mustache, which was carefully brushed. He went up the stairs to the platform unassisted but even I noticed that his good arm trembled as they put on the hood and adjusted the noose.

He talked a few seconds to the priest, the same priest he had told the night before to go get a fiddle and they'd have a dance. He had also told one of the men on the scaffold that he and his brother Sam – who also had an arm shot off when he was captured – would have some trouble eating supper in Hell that night with only two good arms between them. But I think all that was talk for the record, Tom Ketchum had too many black crimes to pay for to feel easy about his end.

The railroad detective "Reno" helped to adjust the noose, and a fellow named Dick Franz cut the rope which sprung the trap. The sheriff of Union County, whose job it was to spring the trap, was opposed to capital punishment and asked to be relieved of the job.

And Dick Franz eagerly accepted the assignment. He was manager of a general store in Clayton at the time of Ketchum's capture, but later had gone to Arizona as manager of a mining company store. He was a friend of Sheriff Garcia, and came all the way back to Clayton to cut the rope. I think it was a gesture, and Franz's only interest was to tell folks later that he cut the rope at

Tom Ketchum's hanging.

The officers who arranged the hanging and built the scaffold decided at the last minute that the legal drop of 7 feet might not be enough to break Ketchum's neck. They dug a two-foot hole under the trap which would make the drop 9 feet. And this long drop, coupled with the fact that Ketchum was a big man, over 6 feet tall and weighing around 210 pounds, is no doubt the reason Ketchum's head was jerked off when the trap was sprung.

At any rate, the head was pulled off and rolled against a scaffold brace. Ketchum's body fell sprawling, but jumped to its feet, like a chicken which has been decapitated, fell outside the hole and struggled for some minutes. Sheriff John McCandless, of Dallam County, held Ketchum's body until the death throes ended.

Just then the little Philadelphia Gallegos – the Mexican boy lying under me – began crying “poor man” and edging out from under me. I had enough myself, so I sent on home to take my licking.

When I got home my mother asked me if I had been at the hanging. Before I could deny it, my other brother told her I had. But before I could get the promised whipping I said she ought to whip father too, as I had seen him looking out of the window of one of the courthouse rooms overlooking the scaffold. My father said he had the buggy ready, so he and I took out.

As we passed thru town, we saw “Parole” a big roan horse we once owned, hitched to a delivery wagon, standing in the middle of the street. In the wagon was Blackjack's coffin with Blackjack in it, waiting while the pall bearers and burial party licked up in the saloon across the street.

The next day we left in the buggy and were driving across county on the way to Roy, when we saw a man coming on horseback with a rifle across his lap. We could see his horse had been ridden hard and he showed us a folded letter with only the address “Gallegos” showing – and asked us how to get there. Father told him. After we got to Roy we described the man and told of the incident and we were assured the man was McGinnis – also known as Franks—a member of the Blackjack Ketchum gang. McGinnis was the meanest and fiercest and best shot of the entire gang. Whatever became of him after the breakup of the Ketchum gang, I don't know.



I knew every man, woman, and child in that town, and so did my companions. No stranger appeared at any time, even for a moment. I am convinced that Ketchum's gang simply let him hang, with no attempt to free their leader.

After all, with many miles separating towns in those days, any sign of strangers would have been noticed, at least in the dust of retreating hoofs. But Black Jack died alone and friendless, his luck dark as the name he carried.

His execution was not set out as a great spectacle. The crowd was not large, though everyone within a hundred miles knew the date and time. The people of Clayton did not like to see men killed. Your story makes it appear that this was a blood-thirsty, lawless town. It was a "last frontier" village to be sure, since New Mexico did not become a state until January 6, 1912. I say it was not a rough or murderous community, though it may be true that each man owned two or three guns.

Its inhabitants lived a sane, quiet life – their calm shattered only by occasional outlawry and such gun display as associate with mass movement westward. At its worst, it was about the same as other frontier towns. Clayton was a hospitable place. Its people tilled their lands quietly and generally minded their own business.

Legitimate traders, new settlers, and many honest adventurers also came to New Mexico. But along with them came the likes of Black Jack and his "Hole-in-the-Wall" gang.

It was my fortune, good or bad, to be witness to a most sadistic exhibition of justice. Perhaps the executioners lacked practice in the art, as hangings were not a common thing in Clayton.

At any rate, whatever he deserved, Black Jack paid in full. He did break down humanly only once or twice as I remember, but if his dirt-covered head could have spoken that grim morning, I am sure it would have exclaimed, "What a hell of a way to kill a man."

After Black Jack fell to the ground headless, the body was shaking and Mr. Ramundo Arguello grabbed it, along with a man from Dalhart. I do not remember his name, but it was not Sheriff Salome Garcia.

(NOTE: To clarify the author's last two sentences above. Other accounts suggest that it was Dalhart Sheriff John McCandless who steadied the convulsive body, possibly with help from Jailer Ramundo Arguello. The final photo of the hanging shows McCandless and Dick Franz posing behind Ketchum's outstretched, headless body.)



# Tom Ketchum and His Gang

Wild West | Published: June 12, 2006 at 8:07 pm (Jeffrey Burton)

At almost 1:15 on the afternoon of Friday, April 26, 1901, a one-armed man in a black suit hurried up the 13 steps of the gallows at Clayton, Union County, New Mexico Territory. Tom Ketchum, an attested but unconvicted killer and the most notorious outlaw in the Southwest, was soon to become the first person to suffer public judicial execution for merely attempting to rob a railroad train. A bad life was about to end for a bad reason. And the ending would be worse, for he would not die in the officially approved fashion-from breakage of the neck vertebrae-but from decapitation at the rope's end.

At 17 minutes past the hour, and at the second attempt, Sheriff Salome Garcia's hatchet sliced through the control rope, the trap was sprung, and in a moment or two Tom Ketchum had made history-twice. The clicking cameras mounted beside the stockade snapped again and the ghastly scene was captured for all time: There, held on its side by a doctor and a deputy sheriff, was the body of Thomas Ketchum, and there, in the bloodied black hood held in place by horse-blanket pins, was Ketchum's severed head.

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Nothing out of the ordinary happened,' Sheriff Garcia declared. 'No bungling whatever. Everything worked nicely and in perfect order.' Like many of the others present, the sheriff probably was not lastingly discomfited by the horrifying spectacle of butchery that had been enacted before his eyes. It was a bad and hard way to die, but Ketchum, manifestly, had been a bad and hard man.

Thus, at age 37, Tom Ketchum-popularly, but erroneously, known as 'Black Jack' today-took leave of life. But what were his origins, what made him what he became, and how did he earn his reputation?

The story opens in 1849, when several wagonloads of Ketchums migrated to Caldwell County, Texas, to raise cattle. Head of the party was Peter Ketchum, 50 years old and originally from Virginia but successively a resident of Tennessee, Alabama and Illinois.

By 1860, Green Berry Ketchum, Peter's eldest son, and his wife, Temperance Katherine (Wydict) Ketchum, had acquired personal property worth \$4,500. They also acquired a sizable household. Their first child, Elizabeth, was born about a year before the family left Illinois. Next came two boys, both born in Caldwell County-Green Berry, Jr., in October 1850, and Samuel W. on January 4, 1854. Their second daughter, Nancy B. arrived in January of 1860, a year or so after Green and his brother James had taken their families to San Saba County.

The family was working hard and doing well, but their fortunes began to dip not long after the birth of the last addition to the family, Thomas Edward, on October 31, 1863. San Saba County was tough

frontier country, where life expectancy was commensurately short. James Ketchum and a kinsman were among a party robbed and murdered by Kickapoo Indians in 1867. A year later, Green Berry Ketchum, Sr., died at age 46. His widow, 'Tempa,' followed him to the grave in 1873. Meanwhile, the family estate had shrunk to less than half its 1860 value. But now the head of the household was Green Berry Ketchum, Jr., (known always by his middle name). This was of great importance not only to Berry himself, but to both Sam, who was now 19, and the 10-year-old Tom, because, as was commonly the way in those days, the great bulk of the estate passed to the eldest son, and not much to the younger boys or to the daughters. Berry, at any rate, seems never to have looked back. But Sam and Tom?

Sam's recent service as a Minuteman—a kind of Home Guard for defense against possible Indian outbreaks—gave no foretaste of the criminal career he would embrace in middle age. In 1875, soon after his 21st birthday, he married Louisa J. Greenlee, six years his junior. The union produced a boy and a girl, but it did not endure. In 1878 the couple sold some land, and by 1880 the marriage was definitely over. Sam, now landless and homeless, was taken in by his sister Nancy and her husband, Abijah E. 'Bige' Duncan. Louisa remarried, but Sam never did; his life for the most of the next 16 years was that of an itinerant cowhand.

Tom was with Berry. In the light of Berry's secure position and the disparity in their ages, it is not surprising that Tom was treated as a dependent, rather than as someone who would emerge as an equal. Tom's resentment is a matter of record; whether, or how far, his attitude was justified is something we cannot know.

On March 17, 1880, Tom Ketchum fell athwart the path of legal process. It seems he was summoned for contempt of court, arising from his failure to appear as a witness in an earlier case. Already, at 16, he was becoming set in defiance of authority.

But Berry was doing well. In the early 1880s, his search for a bigger and better cattle range took him to Tom Green County, 70 miles farther west. Tom went with him, but his role would still have been more that of employee than associate. Sam was with Berry on and off. From June to December 1885, Sam was on the payroll of the big Half Circle Six outfit, with headquarters near Knickerbocker, and he is said to have worked for Richard Tankersley, of San Angelo, and other local cattlemen. As Tom grew into young manhood, he, too, began hiring out to these and other ranchers. Soon he was well known in, and well acquainted with, all the country between San Angelo and the Rio Grande. In January 1889, Tom Green County had a new sheriff, Jerome W. ('Rome') Shields. The first man he arrested was Tom Ketchum. Tom's offense had been to pursue a dog into a church and then down the aisle while a religious service was in progress.

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Many people would not have been amused. One of them was Berry Ketchum, who had a very particular reason for keeping on good terms with the new sheriff. On May 23, 1889, at the sensible age of 48, Berry married Barsha Ola Shields, the sheriff's daughter. This duality of circumstance adds weight to a family anecdote, retold by author Barbara Barton. Before setting off for San Saba County, where the woman still lived and where the wedding was to take place, Berry had a few words for Tom: 'Be out of the house for good when I return.' Tom went, and Sam went with him.

where they may have rejoined Carver and Atkins. The brothers definitely spent much of the winter of 1896-97 in Graham County, Ariz.

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Upon learning that he had been cleared of the Powers killing, Atkins returned to Tom Green County. He did not tread carefully. On March 20, 1897, he drank himself into a jealous rage against Tom Hardin, a young storekeeper who had once bested him in a fight. When Hardin laid hands on Atkins to calm or restrain him, the younger man drew his gun and shot him in the head. Chillingly sober the next morning, he narrowly evaded capture. Soon he was back in the company of Tom Ketchum and Will Carver. For Tom and Dave, murderers both, the road ahead was clearly marked and led one way, inexorably toward crime as a profession. Carver, however, had done no great wrong; perhaps he was merely sickened by adversity and desperate for a change of luck.

Their common purpose took them south, through Sutton County and the Devil's River country, thence westward through Val Verde County to the tracks of the Galveston, Harrisburg & San Antonio Railroad (in all but name the Texas division of the Southern Pacific). At 1:50 a.m. on Friday, May 14, 1897, as westbound train No. 20 was pulling out of Lozier, a depot and water stop 15 miles west of Langtry, Tom Ketchum and Will Carver scrambled over the coal tender and took charge of the cab from engineer George Freese and fireman Jim Bochat. The train was stopped at the next cut, where Atkins had snipped the telegraph wires and was waiting with the horses and dynamite. Using Freese and Bochat as shields and mouthpieces, the bandits were soon admitted to the express car. First, they blew open messenger W.H. Joyce's allegedly empty way safe and extracted some money from it. Three charges were needed to crack the big through safe, but the rewards justified the delay; at 3:15 a.m. the marauders had enriched themselves with three sackfuls of plunder.

Years later, Joyce maintained that the booty amounted to only \$6,000, mostly in Mexican silver. Untrue—some Mexican silver was aboard the train, but the road agents left it on the floor because they could not be bothered with the extra weight. On the eventual admission of the company's own officials, the robbery cost Wells, Fargo \$42,000.

An assortment of sheriff's posses, deputy U.S. marshals and Texas Rangers took the trail and stuck to it. The trio had to ride hard to keep ahead, but eventually, and separately, they made it back to Tom Green County.

Their spectacular success ought to have made them rich, but it did not. They had to pay highly for food, shelter and secrecy, and they may also have fallen into the common error of trusting the wrong people to act as their bankers.

Soon afterward Sam Ketchum arrived from New Mexico to visit Berry. The three train robbers may have left already to rob another train—this time in New Mexico, where, since 1887, train robbery (actual or attempted) had carried the death penalty. Anyone who got himself caught after holding up a train in New Mexico had to hope that the United States would assert its primacy by prosecuting him for offenses connected with the passage of the U.S. mail, and that the Territorial authorities would let it go at that. Although the federal law book was severe on mail robbers, it stopped short of the death penalty.

Finally legend has it that Berry asked Sam to dissuade Tom from venturing further down the pathways of crime. Sam soon found Tom, but when they talked the younger brother proved the more persuasive. The outcome was that Sam joined Tom, Will, Dave and possibly a man known as 'Charles Collings' in holding up a train on Twin Mountains bend, between Folsom and Des Moines, New Mexico Territory. The subject of the assault was train No.1, southbound, of the Union Pacific, Denver & Gulf (formerly the Fort Worth & Denver); the date, Friday night, September 3, 1897. Here the messenger, Charles P. Drew, was viciously assaulted by one of the gang, supposedly Sam Ketchum. As at Lozier, three detonations were needed before the through safe burst open. Estimates of the booty varied as usual. The likely gain to the robbers was something between \$2,000 and \$3,500 in cash, plus jewelry and a consignment of silver spoons. Ketchum, Ketchum & Co., would not have trifled with tableware had the cash receipts been more substantial. Only Collings was arrested; his trial late in 1898 produced an acquittal. He was probably Bruce 'Red' Weaver, who hailed from the same section of Texas as the rest of the gang. Tom and Sam, et al., were the others indicted; behind the et al., would have been Carver and Atkins.

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The gang hid first in Turkey Creek Canyon, a remote spot a dozen miles northwest of Cimarron, well screened by brush and timber. After a few days they headed for the southeasternmost corner of Arizona. Before September ended Carver was guiding the others into Texas Canyon, in what the ranchman Jess Benton portrayed as 'a wild and beautiful locality at the south end of the [Chiricahua] range, a wooded region with a pretty spring and a chinked log house in a clearing.'

Early in December 1897, the U.S. marshals of New Mexico and Arizona territories heard that a train would be held up at Stein's Pass within the next 10 days. The pass overlooked the territorial boundary and was within easy riding distance of 'Tex Canyon.'

Shortly after 6 p.m. on Thursday, December 9, 1897, Dave Atkins and a man known locally as Edward H. Cullen held up the post office in the nearby village of Stein's. Their take was \$9. They and Sam then grabbed the station agent, Charles E. St. John, and ransacked the premises of express and railroad company funds, inflating their haul by a further \$2.20. Tom relieved the telegraph operator of his Winchester .44. He and Carver then took the horses two miles down the line and built a bonfire on each side of the track.

Toward 9 p.m. the westbound flyer, No. 20, came toiling up the grade to Stein's station. The gang stopped it by ordering St. John to show a red light, seized control of the engine and told engineer Thomas W. North to pull ahead as far as the two bonfires.

The train was halted and the outlaws approached the express car. A terrific battle then ensued between the bandits and the three men in the car-messenger Charles Jennings and two guards. Four of the gang were wounded and the fifth, Cullen, killed when he picked the wrong moment to raise his head. That ended the affray. Leaving Cullen where he lay, the band slunk back to Texas Canyon to patch



themselves up and exchange recriminations. Tom blamed Atkins; he had got drunk, said Tom, and spilled word of their plans into too many and too receptive ears.

Six men were arrested in or near Texas Canyon in connection with the Stein's Pass case. Three finally were cleared, while the other three-Leonard Alverson, Walter Hovey, alias Hoffman, and William Warderman, alias Fatty Ryan-were jointly indicted by a federal grand jury and eventually convicted of post office robbery. They were all thieves and smugglers, but none had participated in the holdup of the post office, station or train.

On the other hand, not only had they been sheltering the Ketchum Gang, they knew exactly who they were, what they were, and what they were going to do. Knowingly or not, they were accessories before the fact. That made them all equal in guilt to the principals, if the jury chose to believe that even one of them was at the scene of the crime. The jury believed that a flesh wound in Hovey's leg had been sustained during the holdup. Hovey's explanation sounded implausible, but it was almost certainly true. Anyway, despite the confessions of both Tom and Sam Ketchum, the three men stayed in prison until 1904, when President Theodore Roosevelt pardoned them.

Cullen, the man killed in the holdup, is sometimes said to have been Ed Bullion, Laura's brother. But Laura had no brother named Ed. Her only brother was Daniel, born in 1879, and he was still living long after 1897.

After the debacle at Stein's Pass, the outlaws were short of money. But, since trains were still running and express cars were still carrying money, there was an obvious remedy. Once again, westbound train No. 20 was the object of their attentions, but the spotlight had shifted back to Texas and the Galveston, Harrisonburg & San Antonio.

Midway between Langtry and Del Rio, and 30 miles east of Loxier, was Comstock station, where the Newman gang had held up a train in 1896. They had obtained little loot, and were soon caught. The Ketchums would do better.

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At 11:30 local time on Thursday, April 28, 1898, as the train was picking up speed out of Comstock, two intruders entered the locomotive cab and ordered engineer Walter Jordan to bring her to a halt. Two more men then appeared and detached the passenger coaches. At 11:50 p.m. the mail and express cars were taken ahead to a place called Helmet, where messenger Richard Hayes surrendered when the cartridges jammed in his Winchester. The bandits emptied the way safe, placed dynamite on the time-locked through safe, put the way safe on the dynamite and lit the fuse. The ensuing explosion sent the way safe soaring through the roof of the car and into the night sky.

'Big Booty for Texans,' roared a headline in the faraway San Francisco Chronicle, leading a report from El Paso that the bandits had netted \$20,000. At the opposite end of the scale was the figure of \$4.80 cited by a correspondent in Del Rio. About all that can be warranted is that the higher figure was much too high, and the lower much too low.

The descriptions of the robbers, such as they were-a large man with a German accent and three small men-were nothing like those of the known members of the Ketchum Gang. But the men were heavily masked, it was dark and the witnesses were too rattled to agree on whether there were four robbers or

six.

Whatever their haul, the men had a seven-hour start on their pursuers and stayed clear of them. Special officer Fred Dodge was sent from Houston to lead Wells, Fargo's investigation into the case, but without tangible result.

The Comstock robbery is not mentioned in Barbara Barton's new book, *Den of Outlaws*, on the Ketchums and their associates. But she does point to the recent discovery of a cave near Pandale, Texas, one of whose walls bears the inscription 'Tom Ketchum' beside the date 4-26-98. Pandale and Comstock are just 25 miles apart.

Proof that the robber gang had struck no lode at Comstock was forthcoming two months later, when the gang of four stuck up westbound train No. 3 near Stanton, Texas. In crow's flight terms, Stanton was 180 miles almost due north of Comstock, but in practice the Ketchum Gang would have traveled by way of Tom Green County, spending several weeks there before pushing on to intercept the Texas & Pacific train on Mustang Creek at 10 p.m., Friday, July 1, 1898. They reverted to the methods tried at Stein's Pass, stopping the train with a red light signal and track where the passenger coaches were unhooked, the express car pulled ahead and the safe blown.

There followed the usual seesaw speculations about the extent of the booty-perhaps \$50,000; perhaps \$10,000; perhaps no more than \$1,000. The fact that a number of \$10 bills were left behind, along with some jewelry, suggests that the last figure is too low. A couple of days later a report came that a posse was on the rail of four men-two on horseback, one on a bicycle and one on foot. It doesn't sound much like the Ketchum Gang, who, moreover, were well mounted on fresh horses obtained from a ranch in Sterling County not long before the robbery.

Another posse scoured the hills and hollows of Tom Green County. If the officers didn't know where the road agents were going, at least they had a pretty good idea where they had been.

It was another easy getaway. But, though none could have guessed it at the time, it was also the end of the Ketchum Gang, as such. Dave Atkins may have left already. If he was absent from one or both of the 1898 robberies, the fourth member of the team may well have been Benjamin Kilpatrick, third of the six sons (there were three daughters besides) of George and Mary Kilpatrick, of Concho County. Ben, born in 1874, had known the Ketchums, Carver and Atkins from his teens and had worked alongside some or all of them on various ranches.

Sam and Will broke with Tom in New Mexico in the spring of 1899. The exact precipitant is unknown, but the causes were cumulative. Tom's mood swings were becoming wilder and ever more unpredictable, until the day arrived when even Sam could stand no more of him.

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Butch Cassidy and his closest friend and ally, William Ellsworth 'Elzy' Lay, came down from Wyoming late in 1898 and, as Jim Lowe and Beill McGinnis, were hired by Bob Johnson, foreman of the Erie outfit in Cochise County, Ariz. Early in 1899 they and others were taken on by the WS ranch of Alma, N.M., which desperately needed hands for special roundup, prior to partial sell-up and partial removal to Springer. Also present were Red Weaver and Ben Kilpatrick, who was calling himself Johnny Ward.

It is likely that the Ketchums, Kilpatrick and perhaps Carver had found sanctuary in Hole-in-the-Wall in the late summer or early fall of 1898. They could then have recommended the Erie and its knowledgeable but uninquisitive foreman to Cassidy and Lay. Cassidy got along nicely with Carver, only half-trusted Weaver and had no use or time for the Ketchums. He advised Lay to keep clear of all three of the latter. The advice was ignored, though Tom Ketchum's departure may have removed much of its point. In any event, Lay agreed to join Sam, Will and Red in a repeat hold up at Twin Mountains, on the Colorado & Southern Railway (the recently renamed Union Pacific, Denver & Gulf).

Sam and Will set up camp in Turkey Canyon during May 1899. Lay and Weaver quit the WS at about that same time, their last service being to oversee the transfer of a trainload of cattle to Springer, the railhead close to the WS's new northern headquarters. Once there, Weaver was carted off to the local pesthouse as a smallpox suspect. He was soon released, however, and was seen with Lay in Cimarron toward mid-June. Later that month, Lay and Carver were together in the same town for nearly a week. While there, Carver, giving his name as 'G.W. Franks' and 'Simerone' as his address, wrote to a Springer storekeeper for two 40-inch rifle scabbards. He also ordered a .30-40 carbine and 1,000 rounds of ammunition from a supplier in Denver.

During this period Tom Ketchum was nearly 400 miles away, in Yavapai County, in central Arizona. As night was falling on Sunday, July 2, 1899, he entered a store at Camp Verde and shot dead the proprietors, Mack Rogers and Clint Wingfield.

Whatever the motive, it was not robbery. Rogers certainly recognized Tom. It might also be relevant that he had once lived in Texas, though that is rather like saying that the needle was somewhere in the haystack. But on this slenderest of evidence rests the only plausible explanation for the murder of Roger: that it sprang from some prior difficulty between the two men. Possibly Ketchum's intention was merely to approach Rogers for provisions and an olive branch, until this course was preempted by the storekeeper's dash for the counter. If Rogers meant to arm himself, he came nowhere near doing it, for Ketchum shot him in the back. Wingfield was killed because he happened to be there; he was working upstairs on the company books and rushed down to inquire into the cause of the commotion. Ketchum responded by killing him.

Outside the store, Tom scattered the by-standers and hurried to his horse, a mile away. The pursuit was directed more by anger than by thought, making it easier for Ketchum to escape into New Mexico.

Sam Ketchum heard nothing of this. On the evening of July 7, he and Carver bought supplies in Cimarron and cached them in Turkey Canyon. Next day, Lay and Weaver also left Cimarron. Red headed northeast; Lay, at first, northwest. The four would have been mortified had they known that their activities had aroused suspicion in Cimarron, and that warnings had been passed to the U.S. marshal, Creighton M. Foraker (though not to the county sheriff). But before Foraker could do anything about the warnings, the Colorado & Southern No. 1 southbound train was robbed, at almost the same spot and in almost the same fashion as in 1897.

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At 10:10 p.m. on Tuesday, July 11, Sam Ketchum and Elzy Lay slipped aboard the blind end of the

baggage car while the engine was taking on water at Folsom. Will Carver had a fire blazing beside the track two miles into the 'S' bend at Twin Mountains. There, engineer J.A. Tubbs was told to stop the train. At Carver's urging, emphasized by a few shots from his carbine, messenger Hamil Scott opened the car door. The first explosion miscued; the second, in the words of the conductor, Frank Harrington, blew a hole in the safe 'about as big as a common soup bowl,' pulling back the roof of the car 'just like you peel a banana.'

Watched by Harrington and two sheriffs, the three men attached many packages and bundles to the saddles of three horses. In the light of the messenger's sturdy insistence that the robbers had taken only a saddletree and some fruit from the train, one might wonder where else the packages and bundles could have come from. Marshal Foraker, whose information would have included at least a modicum of fact, stated not long afterward that the loot amounted to \$30,000. The information that eventually found its way to Governor Miguel Otero may have been as authoritative as any audit. It placed a whopping \$70,000 to the credit of the robbers' account.

Most onlookers reported the presence of a fourth bandit, and the posses found four sets of hoof prints, though the conductor and sheriffs had seen only three men and horses. Some witnesses said one of the horses was carrying two men when the robbers left. Weaver evidently was on guard duty near the train, having left his own mount some distance away.

Some 45 miles southwest of the scene of the robbery, Weaver left the others. He intended to lay over on the WS, then travel to Silver City by train, and thence to Alma. Evidently his first duty was to place the stolen money in a temporary cache: after the posses had given up and gone home, he would rendezvous with the trio from Turkey Canyon, and the plunder would be divided.

That, at any rate, is likely to have been what was meant to happen. But events supervened. Weaver secreted the swag but was arrested soon afterward; while the other three, far from being secure in Turkey Canyon, were trapped there without knowing it.

Ketchum, Carver and Lay were grossly overconfident. First, they made themselves too conspicuous in Cimarron. Then, after the robbery, they rode blithely into the canyon without checking to see whether anyone nearby was watching for them.

Someone was.

Among the residents of Cimarron who had been suspicious of the four strangers was freighter James Morgan, nicknamed 'Billy,' who saw the three men turn into Turkey Canyon on July 15. Early the next evening, the 16th, a seven-man federal posse, guided by the rising smoke of the bandits' campfire, came up unnoticed to within easy shooting range.

Early the next evening, a Sunday, a seven-man federal posse, guided by the rising smoke of the bandits' campfire, and further assisted by the crowning folly of the hunted men in not posting a lookout, came up unnoticed to within easy shooting range.

Nominal leader of the posse was Deputy U.S. Marshal Wilson 'Memphis' Elliott, but two of its other member behaved at times as though they were in charge. One of them was Edward J. Farr, sheriff of Huerfano County, Colo., who was closely allied with the railroad and industrial interests of southern Colorado. The other was William Hiram Reno, special officer of the Colorado & Southern Railway. While neither of them had a shred of independent jurisdiction authority in New Mexico Territory, it is fair to say also that Elliott—who had known Sam Ketchum in San Angelo—showed no evidence of effective leadership.

Even so, Farr's initiative was more pragmatic than legal. Seeing Lay, disheveled and unarmed, near a pool 100 yards distant but far below him, Farr opened fire. If the sheriff-or Deputy Marshal Elliott, who fired a few moments later from another angle-shouted any command to surrender, they gave Lay no time to react to it. Farr's bullet dropped Lay 'just the same as if I had been hit with a club.' As he was falling, he was shot in the back by either Elliott or Morgan.

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Ketchum seized his rifle and got into the action, inviting the possemen to 'come down here.' A bullet from Elliott broke Sam's left arm, putting him out of the fight.

Carver, from above and invisible to the posse, kept up a vigorous fire, wounding one man and forcing the others to keep close cover. Lay, reviving, crawled back to his rifle, fainted again and regained consciousness while Carver was single-handedly holding the posse at bay. (Some researchers say that it was another outlaw, Harvey Logan, who did the shooting and that Carver had left the canyon earlier-see 'Gunfighters and Lawmen' in the June 1999 *Wild West*.) Carver located Farr trying to take cover behind a small tree and fired at his protruding south end just as the sheriff withdrew it from the bullet's path. Well knowing the penetrative force of the .30-40 bullet, he aimed next at the center of Farr's tree and 'blew splinters clear through the officer.' The wound was fatal.

Reno, who was close to the slain sheriff, and F.H. Smith, the wounded posseman, then departed to summon help from Cimarron. He left his horse where it was picketed and took the safer way out-over the top of the mountain, and perforce afoot. He was undoubtedly frightened, and with good cause. So were the other surviving members of the posse. Elliott and Morgan, who had been bold enough when the advantage rested with them, were utterly unnerved by the abrupt change of fortunes. Henry Love, the second posseman to be wounded by Carver, was in great pain; the bullet had driven Love's skinning knife deep into his thigh. Elliott waited until morning and then ordered a retreat.

The bandits had left during the night, headed southwest. Sam Ketchum could not go beyond Ute Park and had to be abandoned. He was captured and taken to Santa Fe, where his wound was treated. Too late-gangrene had taken over, and he died on July 24. Henry Love had died in agony four days earlier. Lay, despite the severity of his wounds, needed only a week's care and immobility before he was fit to travel.

Fortunately for him, his wounds, though they had cost him a lot of blood, were 'clean through and through.' They had almost healed when-over breakfast on the morning of August 16-he was captured on Lusk's ranch at Chimney Wells, near Carlsbad, N.M. Carver eluded the posse.

Tom Ketchum, too, had kept clear of the posses. But as he had avoided most other human contact after his flight from Camp Verde, he had heard nothing of the recent train robbery, the fight in the canyon, and Sam's death. He was counting on reconciliation with Sam and Carver as he rode to Wagon Mound, New Mexico Territory, where he hoped they would be in camp. When he saw they were not, he decided to hold up a train unaided. On the night of August 10 or 11, he was about to slip aboard the baggage wagon at Wagon Mound when he spotted an armed guard at the open door of the express car. Tom carried on walking, mounted the horse he had left downtrack and headed for Folsom 70 miles to the northeast. His mind had reverted to the gang's old plan for a second hold up at Twin Mountains. Sam and the others, he assumed, had dropped the idea; very well, he would carry it through-alone.

In the first robbery at Twin Mountains-and, as he would learn, in the second-the gang had not uncoupled the express car from the passenger coaches, because a man or two could be spared to prevent interference from the coaches. But Tom, acting alone, could not be in two places at once. He would have to cut the train behind the express car, which could then be drawn ahead to the spot where he had left his horse and the dynamite.

Ketchum was ignorant of one crucial operational detail: The 'Miller hook,' the old-fashioned coupling device still in use with the Colorado & Southern, would lock whenever the train entered a curve, thus binding the cars together.

It was 10:20 p.m. on August 16-some 16 hours after Elzy Lay's arrest near Carlsbad-when Tom Ketchum sneaked onto the blind baggage of train No. 1 at Folsom station. Under the urging of Ketchum's Winchester, engineer Joseph Kirchgrabber halted the train on the bend, some four miles south of Folsom. Tom's horse was two miles downtrack, close to the scene of the two earlier robberies. The conductor of the train was Frank Harrington, who had played a spectator's role during both of them; the difference was that, this time, he had a shotgun for company. Charles Drew, whom the gang had manhandled in the 1897 robbery, was the express messenger. In his charge was well over \$5,000 in currency-enough, Tom reckoned, to see him aboard a ship for South America.

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Drew was ordered to the ground and told to hold a lantern while fireman Tom Scanlon struggled with the locked couplings. Scanlon knew that he was being asked to do what was next to impossible, but the robber's curtness and impatience made him disinclined to say so. Yet, clearly, the man with the Winchester was on the edge of his temper. Somehow the deadlock would have to be resolved.

The tension snapped when Fred Bartlett, the mail clerk, stuck his head out. Ketchum fired what was meant to be a warning shot, a deliberate near miss; but the bullet ricocheted from a steel projection and struck Bartlett's jaw, tearing out two teeth.

After a further bout of furious effort, Scanlon told Ketchum that he had at last got the cars unhooked. He lied, or was mistaken; he had done better, better, except from Ketchum's viewpoint-he had cut the airhose, thereby locking the brakes on all the passenger coaches and irretrievably wrecking the bandit's plan. But Ketchum was still determined not to give up. His obstinacy was to cost him his liberty and his life.

Ketchum ordered Kirchgrabber to take over from Scanlon. The engineer was toiling over the couplings with a jackbar when conductor Harrington, shotgun cocked and at the ready, half opened the front-end door of the leading coach. As soon as he had a clear sight of the bandit, he flung the door wide open and fired.

Even before the loads tore into his right arm, just above the elbow, Tom was throwing his aim from Drew to Harrington, but he was an instant too slow. As he explained later, 'The buckshot jiggled my aim,' and the bullet from his rifle merely grazed the conductor's left arm.

Ketchum reeled away into the night, turning for a few moments only to send a couple of shots toward



Drew's lantern. He managed to reach his picketed horse, but lacked the strength to mount. he lay down by the track to wait for the first northbound train and for the posse that would be on it. He and his career were done for.

The essence of the rest is soon told. On October 10, 1899, under his assumed name of William H. McGinnis, Elzy Lay was sentenced to life imprisonment for second-degree murder. Governor Otero commuted the life term to one of 10 years' imprisonment. He believed, rightly, that Lay's trial had been handled unfairly; and, wrongly, that Lay had fired no shots in the Turkey Canyon fight. Deduction for good behavior and 17 days' further remission earned by road-building labor gave Lay his freedom on December 24, 1905.

Marshal Foraker had released Red Weaver on July 20, 1899, evidently concluding that Red's demonstrable absence from the Turkey Canyon affray proved he had nothing to do with train robbery. Red took leave with a fine show of injured innocence. Some while later, he recovered the Folsom loot, took it south and reburied it near Alma, New Mexico. Loyalty, or more probably a due sense of self-preservation, constrained him from helping himself to more than his share. He lived for some months in a style to which he had never been accustomed, but spoiled the picture for himself by losing a gunfight he should have won, with results that were fatal for him. The winner was William 'Pad' Holomon. The date was April 8, 1901.

Fifty-eight thousand dollars of Folsom loot remained underground. But Lay had been told where to find the hoard, and it passed into his possession shortly after his reappearance in Alma in the last days of 1905. It must have considerably eased his journey through the next few years, but at the time of his death in 1934 he was not well off.

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Will Carver helped Butch Cassidy and Harry Longabaugh, the Sundance Kid, rob the bank at Winnemucca, Nev., on September 19, 1900, but on April 2, 1901, Carver was shot and killed in Sonora, Texas. With him at the time was George Kilpatrick, a younger brother of Ben. George recovered from his wounds and joined Harvey Logan, alias Kid Curry, after the latter's escape from jail in 1903. Logan committed suicide in 1904. George's later history is unknown.

After Carver's death, Laura Bullion transferred her affections to Ben Kilpatrick. Ben had cast his lot with Curry in 1898 and taken part in two or three train robberies alongside him. After the last of these, Ben and Laura were imprisoned for forging signatures on incomplete bank notes. She served 3 1/2 years. He served 9 1/2. On March 13, 1912, nine months after his release, Ben was killed by an express messenger near Sanderson, Texas. Laura lived under an assumed name until 1961, mainly in Tennessee.

After breaking with the Ketchum Gang in 1898, David Atkins went north. His friend, Joseph 'Mack' Axford, received one letter from him, mailed from Idaho, and never knew what happened to him thereafter.

Plenty happened. In March 1900, Atkins was arrested in Montana and subsequently collected by Rome Shields, who was still sheriff of Tom Green County, Texas. On his return to Texas, Dave was bailed out

to await trial for the murder of Tom Hardin. Those who had trusted him were left holding the bag. Atkins absconded early in 1901, intending to join the British army in South Africa for the war against the Boer Republics of Transvaal and Orange Free State. He sailed from New Orleans as a muleteer, disembarked at East London late in March 1901 and enlisted as a mounted rifleman in a force of Cape Colony Volunteers. He saw much action over the next year or so, mostly against Cape Dutch insurgents.

A few weeks after the war ended on May 31, 1902, Atkins took ship for Southampton, England. After an interval of sightseeing, he returned to the United States. Nine peripatetic years followed, during which he lived in Mexico, British Honduras, and various other countries in Central and South America. Finally, in 1911, he was caught on one of his periodic trips to Tom Green County. He was convicted of the Hardin killing and sentenced to five years' imprisonment. Otherwise, the state of Texas had no argument with him.

For a man of his record, that was light treatment indeed. But Dave Atkins had outlived his own fleeting notoriety. No one was interested in blowing the dust off the case papers for the Powers murder or the Lozier robbery, or establishing a link between Atkins and any robbery in New Mexico. He died in 1964, having spent his last 32 years in a mental institution. Even in his worst moments, though, he could not have envied Tom Ketchum his fate.

Governor Otero and the legal-politico establishment of New Mexico were set on making an example of Thomas Edward Ketchum. The Territory of Arizona believed it had an irrefragable case against Ketchum for the Camp Verde murders, but Otero, with the help of his attorney general, produced a serviceable excuse for denying a writ of requisition. In Otero's submission, a botched train hold up in New Mexico was a greater crime than a double murder in Arizona. As he put it in a letter to Governor Nathan O. Murphy of Arizona, 'Train robberies have been entirely too frequent in our territory to permit this one to go by unnoticed, and I am determined that it must be stopped.'

Ketchum's damaged right forearm was amputated on September 3. Subsequently he made one escape attempt and two suicide attempts. He was first tried in federal court for delaying the passage of the U.S. mails, and answered the charge with a plea of guilty. The authorities in Union County, New Mexico Territory, were not ready to deal with him until September 1900-more than a year after his arrest. He was convicted with superlative ease and sentenced to death on September 11. In January 1901, the Supreme Court of the Territory rejected his appeal. Ketchum was sentenced to hang on March 22, but two postponements pushed the date to April 26.

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During his 21 months in captivity, Tom talked a great deal about himself, his career and other people. Some of what he said about himself and his career was true, some half true, some wholly untrue. Much of what he said about others was malicious. On the morning of Friday, April 26, he was still talking. He denied being Black Jack and said that a dozen men in Arizona could testify that he was not. Actually, many more than a dozen could have borne him out, had they thought him worth the trouble. Almost at the last he made a sworn statement, admitting the Stein's Pass holdups and exculpating Alverson,

Hoffman and Warderman.

Salome Garcia, sheriff of Union County, would be in charge of the hanging. Lacking prior experience in this field, he consulted widely, but not wisely. Others tendered advice without being asked for it. Governor Otero sent Lewis C. Fort to oversee the arrangements; he had a lot of faith in Fort, who had assisted in the prosecution of Ketchum and Lay.

It was decided that a drop of 5 feet 9 inches would suit a man of Ketchum's weight-193 pounds. But matters did not end there. Someone-presumably Garcia-lengthened the drop still further, to 7 feet. This was a dire error, for even 5 feet 9 would have been several inches too long. And a Clayton newspaperman who was not noticeably hostile to Salome Garcia later wrote that the sheriff doctored the rope with soap 'to make sure that it slipped properly.'

Since 7 feet was a good 18 inches more drop than was needed, and the lubricated rope was too thin and cordlike, Ketchum was beheaded by the noose. Thus a cruel and unusual man was put to death in a cruel and unusual manner.

Much of the material for the above article was used in the author's *Dynamite and Six-shooter*, but it has been supplemented by research done in Texas and elsewhere since that book was published in 1970. Particular thanks are due to Berry Spradley, great-grandson of Samuel Ketchum, for many details of Ketchum family history, and to John Tanner for sharing information that definitely establishes Ben Clark's role as creator of the myth that Tom Ketchum was called 'Black Jack.'

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