



William A. Richards
**The Johnson County Invasion
and Politics**

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Red Bank Press

WilliamARichards.com

IN 1892, FATE SAVED William A. Richards from what might have been the political kiss of death. As the state's surveyor general he had come to prominence in Wyoming politics and might have been nominated for governor by the Republicans. But he would have been punished along with his party by an electorate enraged by the association of some of its prominent members with the invasion of Johnson County in the spring of that year.

The armed raid was mounted by the cattle barons ostensibly to wipe out rustlers, but many of their targets were small ranchmen who were daring to encroach on the cattlemen's turf. In the aftermath, with the election drawing ever closer, the cattlemen and the Republicans committed a series of high-handed blunders that only made things worse for their side.

Adding fuel to the feeling against them was the arid-lands legislation introduced by Senator Francis E. Warren, one of the leaders of the state Republican party. Warren's control of 285,000 acres, much of it public lands, and his company's alleged squeezing of settlers got wide publicity before the election.¹ Like the raid itself, his bill came to be seen as a way for the wealthy and powerful to take over the open range. The Democrats won control of the legislature and kept Warren from being returned to the U.S. Senate, effectively killing his bill. But it would be a hollow victory.

Readers familiar with the infamous Johnson County War may skip my account of it and proceed to how it affected Richards, beginning on page 11.

TROUBLE HAD BEEN BREWING in Wyoming for years over laws that favored the big stock-growers. As elsewhere in the West, the cattle barons were determined to keep settlers off "their" turf—the open ranges that their business depended on. Former cowboys and other settlers could legally claim 160 acres along a stream-bed, and enough such homesteads could cut the big herds off from that other free necessity, water. The cattle kings succeeded in driving off some encroachers and lynching others that they claimed were rustlers, but they were no more successful than King Canute had been in trying to hold back the tide. The settlers were just as determined to have a home of their own—on land they were legally entitled to. War broke out on the east side of Johnson County, outside the Bighorn Basin, because more settlers were moving onto the green pastures of the Powder River country.

It was a fact that rustlers were plaguing stock owners all over the ranges. In Montana in 1889, \$10,000 was raised by private subscriptions to hunt down cattle thieves, and inspectors at railroad shipping points helped keep stolen cattle from leaving the territory, at least by train.² In Johnson County, the big cattle companies of the area offered huge rewards, and *The Big Horn Sentinel* supported them. But even in the year that saw the most charges pressed by cattlemen, 1889, the total number of animals allegedly taken by the thirteen men charged was only twenty. Since Johnson County was considered generally law-abiding, the big cattlemen there may have been upset by the sharp increase in land applications in 1889, according to John W. Davis in *Wyoming Range War*. The continued poor performance of the cattle industry after the winter of 1886–87 "surely contributed to big cattlemen's perspective about the importance of cattle theft."³ In November 1890, the *Rawlins Republican*, in the southern part of the state, announced on Page One that the "authorities are after the cattle thieves red hot. Verily, the stock thieves must go."⁴

The following July *The Cheyenne Daily Leader* announced a campaign to try to reduce rustling—over the objections of *The Laramie Republican*, which thought it would be bad advertising for the state.⁵ In early August the *Leader* published statements from other papers supporting its position, such as *Bill Barlow's Budget*, published at Douglas. The *Budget* kept hammering the issue with comments like:⁶

The range rustler is abroad in the land. No county in the state is free from his ravages; no owner of stock exempt from his branding iron...their depredations are daily becoming bolder and more frequent. So serious has this matter become that many of the large

cattle outfits in the state are contemplating a removal of their herds to some place where their property can be protected. ...The cattle interest pays over one-fourth of the entire revenue of state, ... are entitled to protection, and they should have it. ...[O]ur courts, especially of late, have shown no hesitancy in convicting this class of thieves. ...Converse county's financial condition is such that we cannot afford to lose a dollar in valuation, and it behooves us to punish a rustler as promptly as the sneak thief if we would keep the cattlemen here. They can stand an occasional "hard" winter and a low market, but add to these the persistent rustling of mavericks [unbranded, motherless calves] and the illegal killing of beef cattle, they must go out of the country or go into bankruptcy.

It was about this time that a company based in the southern part of the state, in Sweetwater county, announced that it was trailing its herds to Montana for protection. Copied in newspapers around the country, the story was indeed poor publicity for Wyoming. The *Leader* commented:¹

It behooves the people of this state to keep up the crusade now inaugurated until the ranges of Wyoming are at least as safe for stock running as are the ranges in neighboring states. It is only reasonable of the stockmen to ask this degree of protection. If they cannot get it here they must seek it elsewhere.

It has been suggested that Montana and Colorado had less rustling because of fairer laws and local control of roundups (the gathering-in and counting of herds on the range). In Montana, cowboys were allowed to bid on mavericks and own cattle.² But Montana also had a force of vigilantes that had hanged at least 15 alleged horse thieves in 1884, something that did not escape notice by Wyoming stock barons.³ In Wyoming, thefts began to rise upon passage of the Maverick Law of 1884 at the urging of the powerful Wyoming Stock Growers' Association (WSGA), to which the largest outfits belonged.⁴ That ended the custom of allowing unbranded cattle, usually calves, to be claimed and branded by anyone: They would now be auctioned off to the highest bidder to raise operating funds for the WSGA.⁵ Owners of small herds were "bitterly angry about the new law, viewing it as class legislation that gave authority to a private organization consisting almost exclusively of rich men and shut out the little guy entirely."⁶

The law was revised in 1888, creating a territorial Board of Live Stock Commissioners that would run the roundups instead of the WSGA. But the effect was the same: the unbranded calves would go to purchasers who first posted a \$2,000 bond for the privilege of bidding and then had to pay a minimum of \$10 a head. The little guy was still shut out; nothing had changed except the diversion of proceeds to the territorial treasury instead of the WSGA.⁷

About the new procedure and districts, the *Leader* reported,⁸

The foremost considerations in planning a round up are the devising of methods whereby all cattle may be gathered and returned to their proper ranges and the mavericks kept from the greedy and industrious "rustler." The cattlemen...seemed determined to so arrange the districts that nothing to which they are entitled will be permitted to fall into the hands of the unrighteous.

The first maverick law was the brainchild of Thomas Sturgis, secretary of the WSGA until he resigned in the hard spring of 1887.⁹ So was another outrageous policy, the blacklist. (Both, along with the Detective Bureau, were promulgated in resolutions during the 1883 meeting of the WSGA.¹⁰) It was an old western saw that many a cattleman got his start with a long rope and a running iron, a tool that enabled him to modify someone else's brand. Obviously, felt Sturgis and others, any cowboy who had his own stock, even a few head, could not have come by them honestly, so he forbade members to employ anyone who owned a brand or any stock whatsoever. Some members had seen no harm in allowing their hands to have a few cattle of their own, which they may have acquired by saving their meager wages to buy ragtag wretch-

es that could not be shipped to market. But eventually the members had to knuckle under to Sturgis's decree or risk being expelled from the association.¹ With the deck stacked against the small stock owners, virtually anything they did was seen as rustling. And that allowed true livestock thieves to feel justified in stealing from those who had made these unfair rules.

After the disastrous winter of 1886–'87, the maverick law became a vital source of revenue, not just a means of shutting out the growing number of small stock owners. The WSGA entered 1887 with a debt of \$10,500 and a score of members delinquent in their dues, according to that year's annual report. Its membership had declined from 443 in April 1886 to 365 in '87, then to 183 in April '88.² Members were urged to "bend their energies toward securing a general and faithful compliance with the maverick law"³ to relieve them from having to pay assessments. With so few calves surviving that winter, none could be allowed to escape the desperate clutches of the WSGA.

The Association came under fire as a private organization regulating the state's most important industry, so the legislature created a government agency, the Wyoming Live Stock Commission, which took over some functions of the WSGA.⁴ But it was run by members of the Association. Trouble developed when the Commission seized as "strays" large numbers of cattle shipped to market by small ranchmen in Johnson County whom the commission claimed were "known to be rustlers." These ranchmen were required to go to Cheyenne and prove ownership.⁵

The *Leader*, no friend of rustlers, began hammering this issue early in 1892. In retaliation, those sympathetic to the cattle barons pulled their ads, but editor John F. Carroll was defiant. In 1887, the *Budget* had called him "one of the brightest and ablest of western journalists"⁶ when he took the helm of the only Democratic daily paper in the state capital. He was fresh from a year as city editor of the Territory's most influential Republican paper, *The Cheyenne Daily Sun*, whose proprietor and editor, Col. E. A. Slack, was a firm friend of the stockmen. Carroll asserted on March 25:

The *Leader* is as bold as a lion in its position because it is right. As a faithful sentinel and guardian of our political institutions and the welfare of the people we have sounded the alarm by showing that a faction under the name of the live stock commission have struck a death blow to civil liberty by constituting themselves both the judicial and police power of the government; that they have without an appeal to the courts decided the right of title and taken possession of the property of the citizens of Wyoming. Even worse, they demand that the aggrieved shall appear before them—not the courts, and have their rights decided. Could a more complete overthrow of republican government be achieved by an armed despot?

Up in Johnson County, Joseph De Barthe of *The Buffalo Bulletin* heartily concurred, devoting a large part of the front page of its April 7 issue to a lengthy editorial from the *Laramie Boomerang*.⁷ An excerpt:

The brutal spirit of the Wyoming Stock Growers' Association is not being improved on by its successor, the Live Stock Commission, if they are judged by their action toward the *Leader*. The Commission is now the only organization in the state to which life is given by legislative enactment that ignores the most sacred rights of citizens.

And in the home turf of the cattle barons, the *Leader* was alone in this opinion. Its pages displayed blank spaces where ads had been. On March 25, one of the spaces was used for a quote from H. B. Ijams, secretary of the live stock commission, about the *Leader*: "There's nothing left but to bust the damned outfit."

Another burr under the commission's saddle was the Northern Wyoming Farmers and Stock Growers Association (NWSGA), whose secretary was—De Barthe, who also happened to be chairman of the county Republican committee. The NWSGA was formed in November



Joseph
De Barthe
Wyoming State
Archives (WSA)

1891 to promote the interests of the small fry near Buffalo. In a meeting at the *Bulletin* office attended by about 100 men late in March 1892, the association decided to organize its own roundup—to be held a month before the official one conducted by the livestock commission. Nathan (Nate) Champion, a local small rancher, was named foreman of one of the three roundup districts.¹ The small ranchers would now have first crack at the mavericks. One can just imagine the cussing down at the Cheyenne Club—or possibly rejoicing, since they now had additional ammunition against the small ranchmen. Since the official roundup was sanctioned by state law, the cattle barons engaged Cheyenne attorney Willis Van Devanter to obtain an injunction against the one planned by the small stockmen, but the NWSGA had already abandoned its plans.² “The setting of the early roundup became an excuse but was never a reason for the invasion of Johnson County,” Davis points out.³



Willis
Van Devanter,
possibly in 1905
WSA⁴

The small stockmen’s colossal nerve in planning their own roundup only strengthened the resolve of the big cattlemen to head north and exterminate the “rustlers” and their supporters. By this time planning for the raid was nearly complete anyway. The stockmen and their newspapers had been claiming for months—falsely and vociferously—that convictions could not be obtained against rustlers in Johnson County.⁵ In their delusion of rectitude they seem to have expected honest citizens to hail their arrival and help them clean out the crooks.⁶

Acting Governor Amos W. Barber and some other state officials were said to be in cahoots, allowing a special train from Denver carrying hired Texas gunmen to stop briefly at Cheyenne on the early evening of April 5, 1892. This violated the state constitution, which specifically and clearly forbade private armies. By the time the train departed from Cheyenne, the force numbered 52 cattlemen, stock detectives, hired guns, and two newspaper reporters (Ed Towse of the *Cheyenne Sun* and Sam T. Clover of the *Chicago Herald*), and a physician, Dr. C. B. Penrose.⁷ It continued on to Casper, where the raiders mounted up and set out overland for the Powder River country of Johnson County. To keep the raid a surprise, the telegraph wires on the route were cut and kept cut by the foreman of Senator Joseph M. Carey’s C Y ranch.⁸ Said to be on their hit list (which numbered anywhere from 15 to 30 to 70 depending on the source) were not only suspected “rustlers” but also Sheriff William G. “Red” Angus, the three county commissioners, merchant Robert Foote and others—including De Barthe.⁹

Instead of heading directly to Buffalo as planned, the force got sidetracked by a report of rustlers at the KC ranch, about 45 miles from Buffalo and halfway along their route from Casper. Among them was a man high on their hit list, Nate Champion,¹⁰ who had driven off five attackers the previous November. (Van Devanter later said that there was no proof Champion had ever stolen so much as a calf.¹¹) This time it took an all-day siege at his cabin on April 9 to kill him and his cabin-mate, Nicholas Ray. But the diversion was fatal to the entire expedition: They had been spotted and the sheriff notified. Sheriff Angus asked the captain of the local Wyoming National Guard unit for help, but they refused: Barber had ordered the militia to act only on word from him, not from local sheriffs.¹²

The raiders were too exhausted to go all the way to Buffalo, so they holed up at the T A ranch, about 15 miles south of town. At Buffalo they would have plunged into a hornet’s nest of angry citizens who had spontaneously mobilized to repel the “white caps,” a nickname recalling the Ku Klux Klan, according to historian Helena Huntington Smith.¹³ The invading force, bolstered by 37 others who supported their mission, decided to stay at the T A ranch and fortify it. When Sheriff Angus and enraged citizens descended on the ranch, a siege began. More and more local people joined the posse until it numbered several hundred. Robert Foote, a doughty Scotsman who had been a soldier and Indian fighter,¹⁴ famously threw open his Buffalo store and urged everyone to help themselves to arms, ammunition, blankets—anything they needed to support the cause. By the end of the day the besiegers numbered around 300. Meanwhile, the tired besieged who were stationed outside the house or barn suffered from cold rain and snow.¹⁵

Sheriff Angus’s force had captured the invaders’ supply wagons, loaded with cases of dyna-

mite, poisoned pills, 3,000 rounds of ammunition, extra saddles, and guns, according to newspaper reports.¹ As the noose tightened—as the sheriff's force moved closer and closer to the ranch buildings—one of the “white caps” managed to escape and rode to Buffalo to wire Barber for help. The lines, of course, were still dead. Two men rode south until they found open wires at Douglas, some 150 miles away, and dispatched a telegram to Barber.² When he received it, he frantically wired President Benjamin Harrison to send troops. Note the absence of any word about who was fighting whom:³

An insurrection exists in Johnson county, in the state of Wyoming, in the immediate vicinity of Fort McKinney, against the government of said state. ...Open hostilities exist and large bodies of armed men are engaged in battle. A company of militia is located at the city of Buffalo near the scene of action, but its continued presence in that city is absolutely required for the purpose of protecting life and property therein. ...No relief can be afforded by state militia and the civil authorities are wholly unable to afford any relief whatsoever.

United States troops are located at Fort McKinney, which is thirteen miles from the scene of action, which is known as T A ranch. I apply to you on behalf of the state of Wyoming to direct the United States troops at Fort McKinney to assist in suppressing the insurrection. The lives of a large number of persons are in imminent danger.

When there was no response, Barber wired Senators Warren and Carey late that evening. They, along with Secretary of War Lewis A. Grant, got the President out of bed,⁴ and he ordered out the troops of Fort McKinney, just outside Buffalo. The rescued raiders surrendered and were taken to the fort with no interference from the citizens of Johnson County.

The defeat occurred several days after the first accounts of a mysterious armed force heading north that came from Denver papers and was reprinted on inside pages of the *Boomerang* and *Leader* on April 8. Despite cut wires, detailed reports got through from Casper and Buffalo to E. H. Kimball of *The Graphic*, Douglas, about the deaths of Champion and Ray and the siege at the T A Ranch. Under the headline **Murderers!** Kimball devoted the entire front page of its issue of Saturday, April 9, to the big story. No surviving newspaper reprinted or commented on the scoop, possibly because they didn't trust Kimball. (At the end of March the *Laramie Republican* had sniffed that “according to Kimball, the population at Douglas is composed chiefly of democratic conspirators, lordly cattle barons and meek and lowly victims of their combined persecution.”⁵) It wasn't until Tuesday, April 12, that the *Leader* published news from other sources that had trickled in from the North.

The first reports from the scene itself came from Edward T. Payton, the subscription agent for the *Leader* whose job required him to travel the state. Payton hurried to Buffalo and then to the T A ranch when the siege was underway. On April 13, under the headline **CAUGHT IN A TRAP**, the entire front page of the *Leader* was given over to the full story of the invasion, along with relevant telegrams from local officials to Barber and his replies. All sides feared bloodshed and possible annihilation of the raiders. At one point Payton said he asked a man he knew, “Hello[,] are you a rustler?’ ‘No,’ was the rather indignant answer, but I am fighting for my home and property.’” Speaking of the rustlers, Payton continued, “he said the cattlemen taught these boys to steal.” The *Leader*, a morning paper, scooped the *Sun*, which ran the telegrams and a general story later in the day, and would not have run Payton's article in any case. The *Sun* considered the cattlemen justified in fighting for their rights against legions of thieves.

It wasn't till two days later, in the April 15 issue, that his detailed account of the surrender of the force was published. Payton wrote:

Forty three men were captured, consisting of some of the most prominent cattlemen in the state [names some] ...The invaders were surrounded by between 300 and 400

ranchmen and citizens who were constantly firing at them from rifle pits that were dug during the night, and had the U.S. troops been two hours later not a man would have been left to tell the tale.

The besiegers captured the invaders' wagons containing dynamite and giant powder, which they were about to use, having made a cannon....The country is patrolled by ranchmen and no avenue is left for the invaders to escape should the commanding officer at Ft. McKinney be ordered to turn them loose. Ranchmen are flocking from all directions and inside of the next forty-eight hours there will not be less than five to six hundred men armed to the teeth awaiting to resent the killing of Champion and Ray.

Once word got out, the state press with few exceptions condemned the raid. The *Sun* defended it then and later, writing on April 13, "Cattlemen have been made desperate by the wrongs inflicted upon them and the fact that the state gave them no relief. Should they fail in ridding the state of thieves the damage to Wyoming will be inestimable." A number of Republican papers, however, were skeptical or outraged. Casper's *Natrona Tribune*, whose masthead declared it was Republican in politics, wrote that same day that they did not wish to "be taken as upholding the cattle 'rustlers,'" but noted that the Stock Commission found less than \$4,000 worth stolen out of \$138,000 worth of cattle shipped. That was less than 3%, "and so we say [thefts are] not so bad as [they are] represented to be." The Republican *Fremont Clipper* declared on April 15 that if the reports were true, "the time has come to...teach the cattle barons a lesson long to be remembered." It minced no words:

we have an armed invasion upon our soil, which is in direct conflict with the State constitution, and [it] should be repelled at once if it requires the whole strength of the state to do it. There can no longer be any doubt as to the intention of the Stock-Growers association, aided by the State Live Stock Commission, to dominate the state in the interest of large stockmen, even though it requires blood shed to accomplish their hellish purposes, and it is time that the settlers, farmers and small stockmen were beginning to look to their interests by rising en masse and driving these murderous invaders from the fair soil of our beloved young state.

The *Laramie Weekly Sentinel* blasted the stockmen as soon as the first reports were in. On April 16 it cautioned readers that the full story wasn't yet known, but "it may safely be said, however, that of all the fool things the stock association ever did this takes the cake." The editor, James H. Hayford, was in a position to know: he had run the paper—the oldest Republican organ in Wyoming¹—since it became a Territory, in 1869. Hayford correctly foresaw that the consequences of the invasion "will be serious and far reaching."

Elsewhere in the issue was a rundown of the classes of men involved in the cattle industry: first, the smallest in number, are the "cattle kings" who "have money, which is power,"

are well organized and, in the past, have been able to control legislatures, secure special class legislation in their own interest, control the policy of the territory, dictate terms to the railroad company, influence courts and run things to suit themselves generally.

Next numerically are the rustlers, who learned their trade from the stockmen themselves.

It has been common among many cattle kings to pay their cow boys \$5 a head, more or less for all the maverics [*sic*] they could get the brand of their employer upon, and thus the cattle kings preyed upon each other, and still more upon the small ranchmen, and at the same time educated and graduated a class of thieves who have returned to plague the inventors. [\$5 equaled about \$173 in 2023.²]

The third class, probably outnumbering both the others, are the small ranchmen. They are generally honest, at least they want and mean to be, and would be if they were

let alone and had a chance. But their position is the hardest and most trying of all. ...They are trodden under foot by the cattle barons and robbed by the rustlers. They are ground between the upper and nether mill stones. The great round up comes along twice a year and makes fearful inroads on their little herds, and protests and passion are met with jeers and defiance by the wild cow boys.

Trying to counter the barons' minions or the thieves puts the small ranchman's life in danger, Hayford asserted. "What wonder if he throws up the sponge, abandons his little home and leaves the country, or gives up trying to be honest and joins the thieves." Perhaps some remedy can be prescribed: "The case is desperate."

Hayford kept at it, reprinting relevant items from other papers and writing his own about what it would mean for Wyoming. On the 23rd, he said:

Small ranchmen—even the rustlers themselves—ride over the country and see thousands of miles of land and water fenced up and appropriated by the cattle barons and they look out...and say, "This is just as much my land and my grass as it is theirs. Their cattle are fattening on my grass and I can't even get to a creek to water my horse." And it is true, too. Probably one half of the desirable portion of this state is appropriated by men, and capital, who are not even citizens of the United States.

...If the stock industry cannot be carried on successfully in this state without robbing the many to enrich the few, the cattle kings will have to go. It is men—not steers—that constitute a state. The cattle industry is a great and important one here, and always will be, but a million head of cattle divided among a hundred thousand men is a thousand times better for the state than when they are owned by a few hundred men. In the near future there will be twice as many cattle and ten times as many men as now and we will be glad of the change.

Up in Buffalo, the funerals of Champion and Ray drew nearly 500 people, according to the *Buffalo Bulletin* of April 14. Rev. Rader urged them to continue to uphold law and order, that vengeance is the Lord's. *The Newcastle Journal* reported that practically the entire town was present. "The feeling against the invaders was rendered even more intensely bitter by the sight of the bodies..."¹ Historian Davis noted that the people "knew that because of Champion's bravery, skill, and sacrifice, they were given the time to rally and protect their homes and their lives."² False stories about Johnson County being an armed camp of rustlers were spread and would continue to be spread, which only enraged the people further.

Though the citizens of Johnson county had behaved peaceably after the surrender, Barber and Van Devanter wanted the captives sent to Cheyenne, allegedly for their own protection. Sheriff Angus, completely within his rights, wanted the captives turned over to him. He might have been able to get them to name names in a plea bargain, with a chance of hooking the big fish, if he had been able to house the men apart from each other and from agents of the stockmen who might have tried to pressure the captives or provide them with consistent cover stories. Under separate interrogation, those with little commitment to the expedition might have talked. Barber probably knew this, according to Davis,³ so on April 15 he ordered the invaders sent to Fort Russell, just outside Cheyenne.⁴

The leader of the raid, Frank Wolcott (known as "major" from his Civil War rank), and others remained defiant. "We have nothing to regret," he declared. "Blood was shed, it is true, but it was not the blood of an honest man. If an innocent man had been killed, the charge of murder would have been justifiable, but Champion and Ray were pirates...We were forced to take the matter into our own hands,...."⁵

Citizens near Johnson County and well beyond also voiced their outrage. *The Sheridan Post*, a Republican paper, reported⁶ that the

people of Big Horn and vicinity held an indignation meeting, passed resolutions severely denouncing the stock men implicated in the recent invasion of Johnson county, and the action of Gov. Barber in commanding the state militia to refrain from taking the field under any circumstances.

In May, on the west side of the Bighorn Basin, settlers at Owl Creek held a similar meeting. Passed unanimously was a statement published in Lander's *Fremont Clipper* under the prominent headline "DEFENSIVE."¹ Among the points:

WHEREAS, The owning stock or land in this section seems sufficient ground for stigmatizing us all as rustlers, crimes deserving of death,...

RESOLVED, That we deem it our duty to arm and band together for mutual assistance, and to this end we pledge ourselves, that should those armed invaders attempt to take by violence the lives or property of our fellow citizens, we will meet them with such force as will be adequate protection....

RESOLVED, That we tender to the citizens of Johnson county our sympathy in their troubles, and demand that the murderers, now in confinement at Fort Russell, be turned over to the civil authorities of Johnson county for trial.

This resolution has an interesting sidelight. Just as the Johnson County invasion was underway two men who had a small livestock operation not far from Owl Creek were tracked down to Star Valley and arrested for horse theft (possession of a stolen horse).² They were brought back to Fremont County for trial, and one of them was convicted and sent to the penitentiary. If they had been plying their trade in Johnson County, or in Montana or elsewhere, they might have met the same fate as others who had been lynched. The one sent to prison was pardoned by Governor William A. Richards at the request of Fremont county officials who thought an early release might inspire the rustler to mend his ways and even help catch others.³ It didn't. Soon after his release he became the country's most notorious outlaw, Butch Cassidy. (More about this in "Richards and the Cassidy Pardon" on WilliamARichards.com.)

The cattlemen and their sympathizers in Cheyenne fanned the outrage toward themselves and the Republican state government by keeping after Barber to declare martial law in Johnson and neighboring counties, so that local government would be taken out of the hands of Sheriff Angus and other legitimate officials. There was no good reason to do so: despite the ongoing attempts of the cattlemen's forces to provoke an incident that would justify imposing martial law, peace continued to reign, no gangs of rustlers were decimating herds, and the citizens remained peaceful and law-abiding. In early June Warren, Van Devanter, and others again tried to send U.S. Marshal Joe P. Rankin to Johnson County, a move that would surely set off the populace. But Marshal Rankin realized what was up and wouldn't go along with it. President Harrison resisted the attempts of Warren and Carey to force Rankin to act. When the Senators tried to get Rankin removed from office in September, the *Leader* ran prominent articles about it, including pithy statements from the lawman himself.⁴ This only damaged the Republican cause further during the election. Rankin demanded an investigation⁵ and was vindicated. His "exercise of good judgement" had saved lives during a time when the people of Johnson County were fired up with "the most intense hatred for all interested in the invasion," but still peaceable. The examiner for the department of justice praised Rankin and condemned the cattlemen.⁶

Barber was under so much criticism from the press and from outraged citizens that he hesitated to give in to the cattlemen. Some national guard officers and men threatened to resign if they were asked to help impose martial law, and President Harrison could not see the need for it either. Finally the push for martial law died out. As Davis noted, "...the chief effect of the cattlemen's crusade for martial law was to give the Democrats of Wyoming, already blessed

with abundant grist for the political mill, even stronger points to present to the electorate.”¹ And historian Lewis L. Gould wrote, “Warren ended the summer of 1892 firmly fixed in the popular mind as the champion of the cattlemen.”²

Blame for the raid fell on the Republicans because they supported it. Ironically, the invaders themselves were largely Democrats and so was one of its planners, former governor George W. Baxter, manager of the American Cattle Trust.³ In the upcoming election the Republicans stood to lose not only the governorship but control of the state legislature, which would cost Warren his Senate seat. Though he claimed no advance knowledge of the ill-fated expedition,^{*} he did join other Republicans in trying to brand the leaders of Johnson county as criminals to offset the political damage done to the Republican cause by the raid itself. Despite being a wealthy stock owner in southern Wyoming (primarily of sheep) Warren was considered a bird of the same feather as the northern cattlemen behind the raid.⁴

BRINGING THE MURDERERS of Champion and Ray to justice was an uphill battle. First, two trappers who had witnessed the murders and been brought to Douglas disappeared. It has been suggested that the cattlemen’s minions abducted them, but they had been allowed freedom of movement and may simply have gone off.⁵

The raiders would be defended by three attorneys engaged by the WSGA, chief among them Willis Van Devanter. He realized that the case for his clients was weak, what with the arrogant and self-incriminating statements of the leaders and the lack of any evidence that Champion or Ray were rustlers. Even if they had been, murder was murder and nobody was justified in taking the law into their own hands. But the scales of justice came to be weighted in favor of the invaders, first by the selection of the judge, Richard H. Scott, from the capital of the cattlemen, Cheyenne, and second by the choice of Cheyenne over Laramie and other places as the venue for the trial, partly because there would be a larger pool of jurors available. Then there was the question of whether to try the four leaders of the expedition first, or all of them at once. The judge ruled in favor of the collective option since it had been filed first. “And just like that, the Cheyenne judge undercut the last real chance for a conviction against any of the invaders, ostensibly basing his decision on the flimsy grounds of the sanctity of the order of the filing of informations,” wrote Davis.⁶ “It was one more example of Van Devanter receiving everything he asked for from a Cheyenne court.”

There was more: Van Devanter also presented the complaint of the sheriff of Laramie County (home of Cheyenne), a friend of the stockmen, that Johnson County had not paid its large bill for the expenses of the arrested men. Judge Scott decided that he could not force Johnson County to reimburse the sheriff, so he decided to set all the defendants free on the mere promise to return. “Johnson County thus lost any hope that it could cut a deal with any defendants by trading immunity for testimony,” Davis noted.⁷ Having a full court calendar, Scott postponed the trial until after first of the year. After the election.

Unbeknownst to them, the people of Johnson County had been betrayed by the mayor of Buffalo, Charles H. Burritt, a lawyer who had been retained to defend the stockmen. He would try to get the captives released from the custody of Sheriff Angus, and he also revealed to Van Devanter that Johnson County would be unable to raise the money to prosecute the case. “Even more importantly, the information from Burritt showed that, despite the fervent hopes

^{*}Lewis L. Gould argues for Warren’s innocence in *Wyoming: A Political History* and elsewhere.⁸ A review praises the book but says Gould is “less convincing of the non-involvement of Senator Warren.”⁹ In his master’s thesis, *The Wyoming Election of 1892*, John K. Yoshida presents what strikes me as a weaker case for “Frances” E. Warren’s guilt.¹⁰ Davis claims Gould’s is “not a majority view,” without saying who that majority consists of.¹¹ There’s no mention of a question of mine: The invasion was planned and executed by cattlemen in northern Wyoming who were determined to protect their turf from settlers and “rustlers.” Warren’s turf was in the south and his interest was primarily in sheep, so would he have felt the same murderous rage and acted on it?

of Johnson County citizens, the prosecution of the invaders was not being effectively pursued,” wrote Davis. “There was no clear leader of the prosecution and no clear plan for a winning court presentation—Johnson County was too preoccupied with the fundamental problem of paying for the cases. Of course, the people of Johnson County were not privileged to the correspondence of Willis Van Devanter and had no idea that the cattlemen also had serious problems with their case.”¹ The cattlemen, not surprisingly, had no trouble raising money for their defense.

It never came to that. So much time was taken with jury selection that the trial for the murder of Champion was dismissed upon the motion of the prosecuting attorney, perhaps because Johnson County saw a long legal siege ahead and could not afford it.

Have you heard this one?

THE JOHNSON COUNTY WAR has been copiously chronicled. One heretofore unearthed tidbit, however, concerned Joe De Barthe as a target of the invaders. The paper’s masthead declared it was “Republican in Politics—Progressive in Principle,” allowing De Barthe considerable latitude. In the months before the invasion he defended the people of his district against newspapers in southern Wyoming and beyond who kept spreading false stories about Johnson County as a hotbed of rustlers. As rumors of a “war of extermination” began to circulate, De Barthe wrote in the *Bulletin* of March 17, “this locality will be a bad one for traveling arsenals from abroad.” Referring to lynchings of alleged rustlers and the failed attempt to kill Champion, he announced:

...if we have got to submit to the dictation of murderers, leave the country or die, we will choose the latter and die fighting.

On April 7, when the raid was underway but still undercover, he continued:

If they imagine they can creep back and shoot some more men in the back without leaving their [own] bodies to pay the forfeit, they are awfully mistaken. There are times in the history of every people when patience ceases to be a virtue, and we wish to be understood as saying no gang of assassins can come into this portion of Wyoming without meeting the muzzle of a Winchester at every turn....Our people are not tenderfeet. The majority of them have faced all the dangers of frontier life in securing their homes and what little they have in them, and these treasures, as well as their lives, they will guard and defend against the world.

Starting with himself, according to the *Sun*. It reported, “Joe DeBarthe, the incendiary of Johnson county, was the first man to volunteer to go out and meet the ‘invaders’ as the cattlemen are called.”²

Suddenly, no De Barthe. In the issue dated April 14 (it came out late because of the “excitement of the past week”) his name and title had disappeared from the masthead.³ The only published explanation was that he was sick and unable to work. A more startling one came from his wife, Harriett:⁴

Mr. De Barthe’s paper was a thorn in some people’s side so they decided to put him out of the way by the poison route. A supposed friend, Fay Parker by name, invited him to go to a questionable house with the understanding that he was to give him some great news of some scheme or another for his paper. As Mr. De Barthe was in the habit of taking a social glass, this gave Parker his chance.

For two weeks he fought death but it was not to be his time, for he recovered.

Lafayette H. Parker was manager of the Murphy Cattle Company of Piney Creek and a member of the Northern Wyoming Protective Association, which gave the Live Stock Commission the names and brands of small stockmen so they knew whose money to confiscate at the point of sale. He was also among the invaders.⁵ Still, if De Barthe thought Parker had poi-

soned him, why did he not press charges or otherwise raise hell after his recovery? And why would he have taken a “social glass” with someone on the cattle barons’ side in the first place, even with news as bait? Why did he not suspect a trap?

Davis thought De Barthe’s disappearance was due to a breakdown from stress, and he also cited a letter from Buffalo Mayor Charles H. Burritt, an attorney for the cattlemen, stating that “whiskey” was to blame.¹ Did Burritt mean an escape into alcohol, or could this possibly be a veiled reference to poisoned whiskey? The invasion also prompted De Barthe to resign as chairman of the county Republican committee.²

Whatever the reason he left the *Bulletin*, Mrs. De Barthe had nothing good to say about the Johnson County seat:

Buffalo was at that time considered a tough town, for men were often shot in the back for real or fancied wrongs. When we moved to Buffalo I thought I was getting away from crime and outlawry but instead of that I went through some of the worst experiences of my life. Before leaving Buffalo Mr. De Barthe disposed of the *Bulletin* and started a small sheet in which he opposed some of the land sharks.

The crime and outlawry she is referring to was at Bonanza, where Joe published the first paper in the Bighorn Basin, *The Rustler*. More about De Barthe’s previous and future career is in the PDF file about Richards and the pioneer newsmen of the Bighorn Basin.

Richards, McClellan, and the invasion

SURVEYOR GENERAL Richards lived in Cheyenne, but he knew nothing more of the invasion than others in town who weren’t in on the planning. “Bear George” McClellan, manager of Richards’s Red Bank ranch, was in Casper getting supplies when the raiders arrived. On April 6, the force got off the train at 4 a.m. in the outskirts of town, ran into one difficulty after another,³ and as the day wore on the whole town knew about it. McClellan later wrote that if he had been able to locate a horse capable of making the trip to the Powder River country, he would have gone there to sound the alert. Failing that, he started for home with his wagonload of “grub.” Some sheepmen he met advised against travel: anything could happen in three nights of camping out. His job was to get home, though, so he headed out. It took him nearly five days to get to Red Bank; by that time the mail and newspapers had arrived, aflame with excitement, speculation, and false reports. As he recalled:⁴

The next morning there was a man came up from Spring Creek and told me that a lot of the boys had got together, and they wanted me to come down. I could not imagine what they wanted with me, but I saddled up and went down. There were twelve or fifteen of the boys gathered there—some, if not all, of them had been interested in rustling, more or less—and they naturally wanted to know if all the rustlers were going to be exterminated. They wanted to know when it was going to take place.

As an expert on snowshoes and above suspicion himself, McClellan was asked to brave the deep snow of the mountains and investigate. He agreed—provided someone else would go with him to corroborate what he found. It would have been risky to cross the mountains alone anyway, so Tom O’Day joined him. When they arrived on April 12, they witnessed some of the excitement at the T A ranch that followed the rescue of the invaders by the troops.

It seemed to us like every son-of-a-gun and his brother was out, some in lumber wagons, some in spring wagons, mostly horse back, of course. Every mother’s son of them had his gun and some of them, two or three.

After a short visit to Buffalo, Bear George and Tom hiked back over the mountains. It was a rough trip but they made it.

O’Day went on to a life of crime, sometimes with the Hole in the Wall gang and sometimes with his own; McClellan continued to manage Red Bank and eventually became a state sena-

tor. O'Day is famous for having been caught during the 1897 Belle Fourche bank robbery. Years later, after serving four years of a six-year sentence for horse theft, O'Day was released in June 1908. He declared his intention to go straight, and Bear George and Richards gave him a break. O'Day worked at Red Bank until November 1911—departing soon after the mysterious murders of Richards's daughter Edna and her husband, Thomas Jenkins.¹

WHILE THE FUROR over the invasion was at full boil, Surveyor General Richards was asked for news by Senator Carey, who was fretting in faraway Washington. One of the first and by now wealthiest cattlemen in the state, Carey was a former president of the WSGA and current chairman of Wyoming's Republican State Committee. And as we have seen, he was linked to the raid.

Carey must have made his inquiry when he sent Richards copies of the Senate bill and report concerning the surveyor general's reimbursement for equipment lost in a cloudburst. He replied to Carey on April 20:²

I can tell you nothing new about the Johnson County trouble. I knew nothing of the expedition or I would have advised against it, as there could be but one outcome to it.

It is indeed highly unlikely that the surveyor general was aware of the stockmen's scheme. He was not a member of the Old Guard of early settlers, while many of the ringleaders were. He was not a member of the WSGA, nor was he a large stockman from the Buffalo side of Johnson County, as the ringleaders were. But he *was* a small rancher from Northern Wyoming, and Carey, who must have been asking anyone and everyone for information, may have thought Richards might have heard something important even though he was in Cheyenne.

Richards continued:

The political situation is simply chaotic. You must surely be here May 4th to attend the State Convention. I believe resolutions will be introduced condemning this whole business, and judging from the public feeling as evidenced by the press they are likely to be adopted.

Richards was whistling "Dixie." If he did attend the convention, his opinion counted for nothing. The convention, chaired by Carey, only issued a resolution—#8 on the list—in favor of law and order and dismissing the invasion as a "disturbance." Its stand against lawlessness and in favor of the protection of life and property was general enough to be read as support for the cattlemen and their property against the alleged thieving rustlers, and the "protection of life" could be read as support for small ranchers that had been lynched. The *Sun* intoned on May 5:

The Republican party has taken solid ground regarding all manner of lawlessness, and is pledged to the protection of life and property. ...A government that fails in this respect is hardly worthy of the name. The fact, however, that a disturbance has occurred in a portion of the state similar to what has frequently happened in the early history of all states is not remarkable. We are too near the events to judge of them properly, but they will soon dwindle into insignificance. The members of the convention from northern and central Wyoming were quite moderate in their expressions, and the general impression gathered from close contact with the delegates was that peace and good order would soon be restored.



Bear George (right) with Tom O'Day in Buffalo during their trek

Jim Gatchell Memorial Museum, Buffalo, Wyoming, courtesy of Terril Mills

The *Leader* had no comment at that time. But when the same sort of language appeared in the platform crafted during the September state convention at Laramie, editor Carroll took the Republicans to task for neither condemning the raid nor uttering a single word about the violation of the state constitution.¹

The Laramie *Sentinel* replied for the Republicans. It claimed that delegates from the northern counties felt the invasion was a local issue that should be left out of state politics.² About the committee on resolutions, which consisted of one delegate from each county, the *Sentinel* said that when the members from the northern counties were asked what they wanted said about the “cattle troubles up there,” the unanimous reply was that they wanted “nothing whatever said about them.”

They declared it never was a political question and that now it was a dead and buried local question, and they up there had it in for any man or any party that would try to dig up the petrified remains. “That party which says least about it will get the most votes in our county,” said the [unnamed] gentleman from Johnson county.”

The Republicans stuck to their metaphorical guns. The party’s organ, the *Cheyenne Sun*, never budged from its support of the cattlemen’s flagrantly unlawful action. As we have seen, Carey and Warren, both of them big stockmen and prominent Republicans, were considered collaborators: they had gotten the President out of bed so he could order U.S. troops to come to the rescue of murderers. Even if the GOP had condemned the raid and shown some recognition that small stockmen were not necessarily rustlers, it would not have helped them in this election year. The party was too firmly identified with the cattle kings.

Suddenly the Republicans faced opposition not only from Democrats and many independents, but also from the People’s Party (a ka Populists). Rural discontent had spawned Farmers’ Alliance clubs in the late 1880s to lobby for currency reform that would help the common people. When Congress failed to pass meaningful currency reform, and when the Republicans opposed a bill to enforce civil rights in the South, the door opened for the creation of a third party, in 1890.³ National economic woes cost the Republicans 83 congressional seats in 1890: 75 of them were taken by the Democrats and 9 by the Populists. The West mostly remained Republican, and the Populist gain was in the farm states. But by 1891 there were six Alliance clubs spotted around Wyoming. (An attempt to found one in Johnson county failed.) The first Populist club, formed in Laramie, was keyed more to labor concerns. The Populists had a little electoral success in the Laramie municipal elections of 1891, but the Johnson County War gave the party the issue they needed to become a real political force.⁴ Wrote Gould:⁵

The Wyoming Populist party, given new life by the invasion issue, proved another liability to the Republicans....[the] war made Populism in Laramie, Albany, and Johnson counties an avenue for protest which drew off normally Republican voters. Fusion with Democrats was attained, offering the possibility of funneling the bulk of the Johnson County protest vote to the Democrats.

Stakes were high in Wyoming as well as nationally. There was the usual election of a representative to Congress, half the seats in the state senate, and the entire state house of representatives. On top of that were the governorship and Warren’s seat in the U.S. Senate. Since state legislatures elected U.S. senators in those days, a Democratic victory would mean curtains for Warren.

The governorship was a bit complicated: When Wyoming became a state in 1890, Warren was elected governor in September, and Amos Barber, a physician, secretary of state. Soon afterward Warren and Carey were elected U.S. senators, for terms of two years and four years, respectively, and Barber became acting governor. Barber would return to his original post once a new governor was chosen in the 1892 election. The new governor would serve two years, the remainder of Warren’s term. Barber was not a candidate in 1892, but William A.

Richards was among those who were, though reluctantly.

In a letter to Warren on April 9, 1892,¹ Van Devanter went over candidates for various offices including Warren himself. At this time the Senator saw politics as “a dog’s life”² and wondered if he and the state might be better off if he was not in public office. He asked Van Devanter if he thought it would be better for the party if he kept mum about whether he wanted to succeed himself. Van Devanter, age 33, was young enough to be the son of the 52-year-old Warren, but had obviously gained the trust of his formidable but now vulnerable elder. They had been close associates since the arrival of the young attorney and his bride six years earlier. Going into practice with his father’s former partner, John W. Lacey, made Van Devanter a member of one of the most prestigious law firms in Wyoming. He had also been elected to the state house of representatives and been appointed chief justice of the territorial supreme court by Harrison three years earlier.³ Now he apparently felt comfortable replying to Warren in tones that are not those of a subordinate:

One of these days you will learn that it is much better not to decline offices which you expect, or may thereafter be induced to accept. Candidly, this is a fault of yours,—not a bad one, but a fault, nevertheless. Personally, I want you re-elected to the Senate, and in this I am prompted by a desire to assist the State, to assist the party, to assist you [the latter phrase inserted], and to assist myself. It seems to me much better for you to say nothing respecting any desire for re-election. Do not announce yourself as a candidate, and by all means do not decline the position in advance. It will be advantageous to the party in the coming campaign for it to be generally accepted (as it is) that you desire re-election. At the same time, it leaves the field open. Even if you were now of the opinion that you would unqualifiedly decline a re-election, it seems to me that it is better to follow the course just suggested. So far as work in the coming campaign is concerned, there is no question but that you will be expected to do very much more than your share. It has always been so.

Van Devanter added, “We will carry the election sure enough but we do not have any margin to go on and every advantageous point must be secured and held.” He told Warren he had only just heard about the invasion and was as much in the dark as anyone in town. But even in subsequent letters he did not mention any possible political repercussions except the following, on April 20:

There is no question but that the expedition was either poorly managed or committed many grievous errors; none, however, so grievous as the error of going at all. However, it is true that in this case as in others that public opinion largely goes with the successful party and had the expedition been successful in the purpose which is attributed to it by the press, it is probable that the present opinion would be somewhat modified.

This is rather a jaw-dropper. Van Devanter evidently went along with the prevailing view in certain circles that the men on the hit list were rustlers or their allies and that the local honest population would have been relieved to be rid of them. Even as late as May 25, if he had any fears for Republican prospects, they did not appear in his official letters.

IN HIS APRIL 9 rundown to Warren about the candidates, Van Devanter said about William A. Richards:⁴

There have been intimations that Surveyor General Richards of Johnson County would be an acceptable nominee for Governor. He is not a candidate and is opposed to the use of his name in that connection, but says confidentially that if the party really wants him to make the race and believes that it will be advantageous to the party for him to do so, that then he is at the party’s service. He is pretty well known throughout Wyom-

ing, justly bears the reputation of an honest man, and probably has no entangling alliances.

Being from Johnson County increased Richards's appeal as weeks passed. Despite the unfavorable political climate, other Republicans wanted to run for governor, among them DeForest Richards, Frank W. Mondell—and, amazingly, Frank Wolcott. Wolcott, a cattle baron from the Powder River country who had led the invasion, was out for vindication, according to a brief flurry in some newspapers.¹ DeForest was a banker and sheepman from Douglas who was the local commanding officer of the Wyoming National Guard at the time of the invasion, but had not played a role in it. Mondell was mayor of Newcastle, a coal town he had helped establish, and a state senator. At the convention, Mondell dropped out, and the race came down to DeForest and Edward Ivinson, a wealthy Laramie banker and a University of Wyoming trustee whose speaking style bored audiences.²

Ivinson won the nomination on the tenth ballot. The political maneuvering that led to the choice had begun in 1890 when Carey told Ivinson and others from Albany County that he would assist them in getting the nomination, according to Van Devanter in a letter to Richards in the opening days of the 1894 campaign.³

Two years ago at this time I wrote Senator Warren at Washington, particularly objecting to the nomination of Mr. Ivinson for Governor, and especially urging that you would be the most acceptable and strongest candidate....Warren...stated that he had no objections to the views which I expressed;... but that Senator Carey was advocating the nomination of Ivinson and it would place him (Warren) in an embarrassing position if he were to enter into any contest with reference to the matter. The matter went on until near the time of the State convention, and it then appeared that Albany county (the then banner Republican county) was so earnest in its advocacy of Ivinson that it would be likely to be quite injurious to Senator Warren for him or his friends to oppose the nomination of Ivinson. As soon as it became apparent that Warren and his friends were endorsing the candidacy of Ivinson Senator Carey weakened in his position, and in talking with him a day or two before the State convention he insisted upon your nomination and Ivinson's rejection, saying that he was actuated in doing so by letters which I had written to Senator Warren and which the latter had shown to him. It was then late to bring forth any new candidates; and, as I remember it, you did not desire the nomination: again there were objections to your name being presented by Laramie county which would not have existed if your name could have been presented by Johnson county. The latter, however, was in part precluded because of the fact that Mondell had at that time captured the Johnson County delegation. I mention this to show the necessity for united action where that is possible, and to further show that it is not always possible or best for one to assert too strenuously individual views.

He concluded:

I still believe that your nomination would have been a better one than that of Ivinson, but I do not believe that you would have been elected; and therefore it is probably a matter of good fortune to you that you were not nominated.

Richards was well out of it. Van Devanter, however, as the new chairman of the Republican State Committee, had to lead his beleaguered party to victory. It might not have mattered who was on the Democrat/Populist ticket, but it was headed by Henry A. Coffeen for congressman and John E. Osborne for governor. Coffeen was a former college science teacher from Ohio turned Sheridan merchant who had made significant contributions to the new state's constitutional convention.⁴ Osborne was a physician, pharmacist, and sheepman who had been mayor of Rawlins.⁵

Nationally, the main issues were perennial for the era: tariffs, and the gold standard vs.

free coinage of silver. The use of gold alone for coins was seen to favor the rich, while the addition of silver would favor farmers and others who struggled to make a living.* In Wyoming the Democratic platform favored “free silver” but the issue was much less important than the Johnson County invasion and Warren’s arid-land legislation. The Democratic platform held the “republican administration to be largely responsible for the fact that a considerable body of armed men were collected without the state and permitted to march into Johnson county in open and armed defiance of the constitution and laws and in resistance of local civil authorities.”¹ After the invasion, the Democrats were even more strongly opposed to the land bill.

Ever since his election to the Senate Warren had been pushing for state control of unclaimed federal land, but many feared that would just enable wealthy and powerful men such as himself to get their hands on it—just as the big cattlemen were trying to keep control of the open range. The Democratic platform condemned the bill as an “infamous measure, covertly designed to aid land sharks in obtaining control of large areas of land and thus defraud the people of their rightful heritage.”²

Warfare in the press and in the courts

THE CHEYENNE LEADER and other newspapers that denounced the cattlemen’s tactics were hit with lawsuits and boycotts in an attempt to silence them. Among the minority owners of the *Leader* were former Wyoming territorial governor Baxter and Frank Kemp of Omaha, both cattlemen. They filed a suit against the principal owner, Joseph A. Breckons, and editor John F. Carroll, alleging misappropriation of funds and poor management. Strangely enough, Baxter was a Democrat and the suit was conducted by Walter R. Stoll, chairman of the Democratic State Committee, yet here they were attacking their party’s most important organ. Stoll was one of the cattlemen’s lawyers, a “good many” Democrats had been on the invasion force, and he was apparently concerned that press reports would affect his party adversely. After trying to justify the invasion to the Democratic state convention, Stoll resigned as chairman.³ The suit was dismissed by an agreement of the parties soon after the election.⁴

During the electoral campaign, Cheyenne’s *Northwestern Live Stock Journal* was hit hard by a boycott from stockmen who pulled their brand ads and cancelled their subscriptions. In a long editorial on August 8⁵ entitled **The Power Of The Guillotine Invoked**, Asa Shinn Mercer, the editor and publisher, claimed in the ten years of his editorial control his paper had always been “free from politics.” But now the “reigning ring” was trying to “perpetuate itself and its methods by muzzling the press and terrorizing the people of the state.” Mercer was being punished for helping raise bail for his “brother quill driver” Kimball of the *Douglas Graphic*, who had been sued by Baxter for criminal libel, arrested, and hauled off to jail in Cheyenne in June for implicating Baxter in a second attempt at invasion.⁶

Mercer himself had switched from denouncing rustlers and supporting the cattle interests to denouncing the invasion. In his editorial of August 8, Mercer claimed he had tried to pay his debts but his money was rejected. After publishing a few letters that had cancelled ads and subscriptions, he fumed:

*In 1873 the United States had abandoned the established ratio of 16 ounces of silver being equal in value to 1 ounce of gold. It stopped minting silver coins, leaving gold as the sole monetary standard. The amount of money in circulation decreased, benefiting creditors at the expense of debtors, especially “farmers who had to borrow annually from banks and merchants in order to plant cash crops that could bring in money for the repayment of their debts only at harvest time. Farmers sought inflation of the money supply so that more money would be available to them for credit, prices for their crops would rise, and debts would become easier to repay.”...“Gold bugs” believed that a “sound” national economy must be

based on the gold standard to ensure the dollar’s stability, guarantee unrestricted competition in the marketplace, and promote economic liberty. “Silverites” believed that currency should be redeemable in silver as well as gold. They agitated for “free silver,” or unlimited coinage of silver, a metal that could be mined in abundance in the West, to produce an increased and more flexible money supply that they hoped would lead to a more equitable economy and foster social reforms.”⁷ Wyoming was not a silver-mining state, but Carey and Warren made themselves unpopular by voting against free coinage of silver in 1891 and again in July 1892. They were hanged in effigy in Ogden, Utah, as enemies of the West.⁸

The power of guillotine, crimson with the blood of recent victims, is thus invoked to cause our decapitation in a business way. Why? Because we had the manhood not to sell ourself, body and soul, to the men who have overridden the constitution, violated the laws of the state and rendered the fair name of Wyoming a stench in the nostrils of all decent people the world over.

The pages of the October 14 issue that normally displayed brand ads are startling. “Boycotted for Opinion’s Sake” appears in about a third of the spaces usually occupied by the ads, which generated revenue. Among the loyal advertisers were the Warren Live Stock Company and the horse ranch of William A. Richards and Tom Gebhart.

But this was buckshot compared to the bomb on the *Journal’s* front page. Here, just three weeks before the election, was the “confession” of George Dunning. This Idaho man had joined the invasion expressly to work undercover against the cattlemen, and when the hapless force that was under siege at the T A ranch surrendered, he hid under some hay in the barn. At last the posse dispersed and the troops headed to Fort McKinney with their captives. Once the sound of hoofs, wagons, harness, and voices faded away and peace reigned once again, Dunning emerged from his hiding place, dusted off the straw, and trekked about 13 miles to Buffalo to surrender to Sheriff Angus. Protected by John Law and the jail itself until cattlemen got wind of his whereabouts, he was spirited away to a friendly ranch. There he wrote a detailed account of the raid from planning through execution.¹ Mercer published the whole story without comment.

In retaliation, and to keep the *Journal* from further mischief, the Republicans found a way to shut down Mercer’s printing plant the following Sunday.² And not a moment too soon: the *Journal* was busy reprinting the story. The first edition had sold out and people were offering \$1 (about \$35 in 2023) for well-worn copies.^{3*}

Soon after the Confession hit, the *Sun*, edited by Van Devanter in Slack’s absence, struck back with several columns of lofty-sounding denials from Governor Barber and other officials whom Dunning claimed were involved in the raid.⁴ Dunning may have had it in for the cattlemen, but many of those he named later admitted their involvement, and his story has been accepted by later historians as fundamentally truthful. It agreed with verified facts as they emerged, and that helped validate the ones that could not be corroborated.⁵

Mercer himself was physically assaulted and also hit with a lawsuit, which only increased public interest in Dunning’s charges. John Clay, Jr., president of the WSGA, had Mercer arrested for libel for charging that Clay had lent his employees to the cattlemen’s force. One of those employees, who had in fact been among the raiders, went to Mercer’s office and struck him, breaking his glasses and inflicting cuts.⁶

Dunning’s “confession” did not do as much damage as it could have to the invaders’ side because the disinformation broadcast by the cattlemen, both inside and outside Wyoming, created some support even though most Wyomingites disapproved of the raid. Still, the expedition and its aftermath showed the cattlemen to be arrogant, unrepentant bullies, and the attacks on the press only made them and their Republican defenders look even worse.

*Mercer reprinted the exposé in his famous *Banditti of the Plains, or The Cattlemen’s Invasion of Wyoming in 1892* in August 1894 to influence the

impending election. Smith⁷ believes that Mercer’s book kept the invasion from being forgotten. How he hooked up with Dunning is unknown.

DUNNING’S CONFESSION.

**The Traitorous Invasion of
the State Laid Bare**

IN ALL ITS REVOLTING DETAILS

**By a Member of the Invading Host---Re-
publican Rottenness Fully Exposed.**

The JOURNAL presents to its readers this week the following full confession of one of the late invaders. We give it without com-

the sheriff was defaulter was settled for him and the courts failed to convict a man that was indicted by that grand jury. This man Bernard took a very active part in the prosecution of all cattle cases. I know him personally to be a thief and perjurer. He was continually talking about the need of a

*Detail from Mercer’s Northwestern Live Stock
Journal, October 14, 1892, page one*

AMID THE LAWSUITS was a novelty: one *against* the Live Stock Commission was filed during the electoral campaign that gave bad publicity to the commission (and by extension the Republicans) and undoubted satisfaction to the small ranchmen and those on their side. One of their number, Milo Burke of Ten Sleep, had shipped 1,000 head of cattle to South Omaha in September, some his own and some he had purchased bearing other brands. The inspector from the Wyoming Live Stock Commission spotted a brand from an alleged rustler on his list and attempted to seize the whole herd, intending to sell them and turn the proceeds over to the Commission. But Milo Burke was not a small ranchman who could not fight back: His brother was a partner in George Burke & Frazier, whose ads claimed they had handled one-eighth of South Omaha's livestock sales in 1892.¹ Expecting the seizure, the firm's lawyers immediately entered a \$3,000 damage suit against the inspector and the stock yards. The story was told in *The People's Voice*, Buffalo, and reprinted in the September 21 *Leader*.

This is an important case and its outcome will be watched with a great deal of interest by many people in Johnson county who have been put to trouble and expense through the hellish workings of this unlawful stock commission. It has heretofore seized only cattle belonging to poor men, who were not able to fight such a strong combination of capital and arrogance. There is not the least doubt in the world that Messrs. Burke and Frazier will get damages, and that will effectually put a stop to such unlawful proceedings on the part of the commission.

The *Lusk Herald* merely snorted, "If the stock commission had an eye punched out of it the chances are it would soon let the small ranchman alone."²

Burke got his cattle back pending settlement of the case, and then entered another suit in October against three members of the commission itself: \$65,000 damages for loss of reputation. The story was carried in some western papers under the headline **WYOMING CATTLE WAR Breaks Out In Omaha In New Form.**³

No further word about the case appeared in the press. Perhaps the commissioners settled out of court to avoid any further bad publicity during the electoral campaign.

Warfare over Warren's arid land bill

THE INVASION made a hotter issue out of the arid-land bill that Warren was trying to get passed by Congress. With nearly half the territory of the United States outside Alaska receiving too little rain for growing most crops, it was obvious that something had to be done to irrigate as much acreage as possible for agriculture and settlement. Since 1869, legislation to deal with the problem had surfaced and sunk, and John Wesley Powell's irrigation survey of 1869-78⁴ had not led to significant federal action.

Warren had risen to a position of power unusually quickly after his election as U.S. Senator. In 1891, a year after his arrival in Washington, he was chosen chairman of the newly created Senate Committee on Irrigation and Arid Lands. Recognizing the importance of the issue, the Senate had just elevated the committee from a select to a standing committee. "The selection of Senator Warren is everywhere regarded as most appropriate, in view of the fact that he has given this subject careful and exhaustive study and has attended nearly all of the conventions in the West, where this topic was considered," wrote *The Washington Post*.⁵

Warren had prepared his first arid-land bill with the help of Wyoming State Engineer Elwood Mead, an authority on irrigation. The bill, introduced in February 1891, did not come up for a vote, but the following September the National Irrigation Congress lent support in the form of a Memorial to Congress prepared by Frank Bond, among others.⁶ Bond, the chief clerk of the surveyor general's office, had talents beyond drafting and drawing that would bring him to future prominence. (More about Bond is on p. 24.)

The revised bill, introduced in 1892, incorporated a Memorial to Congress passed by the 1888 Territorial Assembly: that states and territories should be granted control of the federal

lands within their borders. Irrigated farming was seen as Wyoming's future, but its irrigable land could not be reclaimed by private enterprise because there was no assurance of a return on their investment. If the federal government could not or would not undertake the massive investment in reservoirs and irrigation ditches, then "lands sufficient to aid such reclamation" should be ceded to Wyoming.¹ Mead, the new territorial engineer, soon endorsed the idea,² and when William A. Richards was elected governor, he and Mead campaigned for reform of arid-land policy that included cession of all federal lands. Thus some background.

Warren's proposed legislation in 1892 provided that once the federal lands were ceded to the states and territories, they could set up irrigation districts, control water allocation, and build the canals, reservoirs and other necessary irrigation works. The lands themselves could be sold or mortgaged to fund the work.³ Some Republican papers printed the bill in full to show how it would protect and promote the interests of the small settler and prevent syndicates from latching onto the released lands. Among the provisions was the limitation of individual claims to 160 acres, and settlers could claim another 160 acres of adjacent pasturage for their exclusive use, at no more than \$1.25 per acre. It was not explained how an irrigation project could be financed at only \$1.25 per acre, which was only about one-third of the cost of Wyoming's existing ditches.⁴

The Democratic press blasted the bill without pointing out what was wrong with any of its provisions. (The Republicans, of course, refused see any faults, or said that any defects in the bill could be worked out with intelligent discussion.) One of the most concrete objections came from Casper's *Wyoming Derrick*:⁵

We are...opposed to Senator Warren's bill for ceding the arid lands to the different states. The bill on its face looks harmless, but there is concealed beneath it a dangerous power that would not be safe in the hands of our legislature. The history of Wyoming legislatures...is that they have been worked and manipulated in the interest of Cheyenne and the U. P. Railroad company. What assurance have we that it will not be so in the future, or for a few years at least, until the northern and central portions of the state are more thickly settled? While the present land laws are burdensome and inapplicable they are better than that proposed by Senator Warren. For instance, what assurance have we that the money received for the lease of Natrona county land will not be used in building reservoirs and irrigating lands around Cheyenne and the land granted to the U. P. Ry. company [*sic*], when we would not even get the taxes on it?

The *Derrick* was referring to the bill's provision that grazing lands unwanted by settlers could be leased out by the state. There also were no restrictions on the terms of leases and no description of the responsibilities of lessees to the land, noted historian Donald Pisani,⁶ but neither the *Derrick* nor any other known paper pointed out this weakness. Nor was there a word about water rights and charges for water. Unless the bill were modified, it would be up to the state legislature to create tighter controls, and the *Derrick* was far from alone in mistrusting the legislature.

North of Casper, in Buffalo, Joe De Barthe was against the bill as well—a switch from his having urged cession a year earlier.⁷ Because irrigation was expensive and its results uncertain, he feared the state "will be forced into the wildest kind of problematical experiment." He warned:

At the end of a decade, when the state shall have become bankrupt and the question of irrigation shall be still unresolved, the problem will shift to a fervid desire to get rid of the arid land incubus. It will then be a condition, not a theory, confronting the people, and the only way out of the dilemma will be found in the pocketbooks of the rich. The great stretches of grazing and agricultural lands will be lumped off to this baron and that potentate until the public domain will become the private preserves of the wealthy, and the emigrant forced into vassalage and serfdom like unto his European brother.

Did De Barthe (and the other opponents) not see, or did they mistrust, the provision that the land would revert to the general government if the state had not started irrigation projects within a decade?

He granted that “Francis E. Warren is bending all his energies toward Wyoming’s advancement” but “we do not share his enthusiasm” for cession. The front page of the same issue was devoted to the entire bill, but De Barthe did not point out to readers just what was wrong with any of its provisions, nor did he mention anything that should be included. In his editorial he lamented that the pro-cession forces were painting bright pictures of the prosperity it would bring, without stating how that would come about. Yet he was doing the same thing with a darker, pessimistic palette.

Even though De Barthe helmed a weekly in northern Wyoming, he was apparently influential well beyond his immediate range. His independence and eloquence were driving Senator Warren nuts. Warren had contacted W. A. Richards about Joe earlier, perhaps because Richards knew him. (See the Richards and the Basin journalists PDF article on WilliamA Richards.com.) Among other things, Warren said, “I think it would be a good deed done if De Barthe could be chained down to straight Republicanism and straight business generally,” he wrote on March 1.¹ When De Barthe and others came out in opposition to Warren’s bill shortly thereafter, the senator wrote Richards again. First asking if a late “deficiency bill” would help fund the operations of the surveyor general’s office, Warren soon moved on to a sore subject, the gadfly De Barthe:²

...while crediting me personally, he virtually declares war, etc.

Now, Richards, in this arid land bill, I haven’t got any interest on earth in it except we can benefit Wyoming. I believe that at the present time there is a wave sweeping over the rural districts in Wyo. against the ceding of the arid lands. I think it has been systematically started by the kickers and growlers who play upon the farmers and those not understanding it well, leading them to believe that any change in the land laws is necessarily “all agin the working men.” ...

My bill is a feeler, trimmed down to a conservative standard so as to be able to get the eastern and southern people to concede that it isn’t high-way robbery in itself. As the bill reads, it is also intended to guarantee in some regard, the “afraids” of the west who think they are going to be swindled...I should like to have those who are dissatisfied express their minds as to what objections by them to the measure and offer something better and in tangible form so I can benefit from it.

If there is any way open, find out what is the matter with this fellow De Barthe and let’s proceed to “throw salt on his tail” and catch him—or else kill him.

It seems doubtful that Warren was serious about killing De Barthe, any more than most of us who make such a threat. Warren’s letters are often indiscreet, but if he *were* serious, would he have put it in writing to anyone, let alone to straight-arrow Richards? At any rate, this comment, strong even by Warren’s customarily vigorous standards, showed how provoked he was.

Soon afterward, Warren wrote to the editor of *Irrigation Age*:³

I observe that in California, the Chronicle, Bulletin, etc. are the bitterest papers we have to meet, excepting perhaps one or two unimportant weeklies in Colorado and one-half dozen (or so) in Wyoming. The latter fighting simply on account of politics. My term being so near its end, they seek to injure me by jumping on the bill. ...It is not discussion, but by a perversion of the truth and misrepresentation of the provisions of the bill, they dogmatically assert, it is a scheme and a steal. They do not meet the issues at all, nor do they seek to be truthful or fair.

S.O.P. for the political press of any era. But Warren seems to have blamed the animosity on ordinary party politics. The senator, like the Republican party leadership generally, was evidently unaware of the hard feelings that had built up against wealthy and powerful men

such as himself. He talks about fairness, but how fair were the Republican press, the livestock commission's unjust tactics, and the boycott of the *Leader*? Any legislation about the disposition of public lands, even if it contained provisions supposed to favor settlers and small ranchers, was bound to be viewed with suspicion—doubly so if its creator was a wealthy stockowner. And triply so once the invasion validated the suspicions of people already against the bill, convinced many others, and fanned smoldering resentment into a bonfire.

In the aftermath of the cattlemen's raid and the transfer of the perpetrators' trial to Cheyenne, "Warren's arid land bill assumed larger meaning as part of a conspiracy to preserve the power of a cruel and arrogant elite," stated Pisani.¹ As the election approached, the press commentary became more polarized. The Democratic state platform placed the arid-land bill toward the end of the list of issues but was more specific than the press was:²

We favor the cession of government lands to the states only under such constitutional or congressional restrictions as will prevent the final disposal of them by the state until they are fully reclaimed, and also prevent the control of large tracts by corporations or individuals, and that all unreclaimed grazing lands shall forever remain unleased, open common, upon which all citizens may graze their flocks and herds. We also demand that the acceptance of any lands donated by the general government shall be by a vote of the people of each state.

The Republican platform was actually more specific in advocating controls:³

We favor the cession of the arid lands to the state, subject to the homestead laws, with such legislation as to secure maximum benefits to the people and will prevent the accumulation of such lands in large tracts in the hands of single individuals or corporations, and with power to lease the same in small tracts to actual settlers, and we denounce the Democratic proposition to maintain such lands forever as an open common, making their use or occupancy a constant cause of conflict and contention between our citizens.

Unaddressed by known Democratic commentary was the bill's provision for 160 acres that settlers could receive for their exclusive use as grazing land. The idealized "open common" system only guaranteed that the pasturage adjacent to small homesteads would continue to be eaten out by the large herds and flocks of the wealthier stockmen, from whom the Democrats and Populists wanted protection, resulting in the perpetual conflict addressed in the Republican platform. The Democratic platform, and much of the commentary, showed how mistrustful they were of any state control of federal land.

Well away from Cheyenne came a defense of Warren and his bill. In a mining town in western Wyoming on the UPRR line, a non-Republican paper, the *Rock Springs Independent*, condemned the general paranoia:⁴

The Evanston Register...prints the whole of Senator Warren's arid land bill. It then goes on to state its objection to it. Its first and chief fault is based on the unsupported and unwarranted supposition that the bill is a scheme, dark and damnable, by which Senator Warren and other men of means expect to secure control of these lands. This charge has been made in the populist meetings in this town and no doubt in every other town in the state[,] and though it has not a grain of appearance to support it, yet being charged it gains credence among those who can see nothing good outside their own small clique of friends. If Senator Warren or any other man can devise a bill that will more readily admit of land theft than the [existing] United States land laws, they will be entitled to respect for their ingenuity. If Senator Warren wished to gobble up the arid lands he would need no new laws, and we ask of any honest man: Is it fair to jump at the conclusion that this bill is fraud with sinister motives before a shadow of such intent presents itself?

Perhaps the most articulate and influential voice against the legislation and Warren himself was the *Cheyenne Leader*. Editor Carroll lambasted the bill for months, yet a few days before the election he admitted that he didn't know what its provisions were. On November 2 he baldly stated:

...the writer has not made a study of the Warren arid land bill, but from looking back on the pernicious frauds that have been practiced in the acquiring of lands, it is natural for ranchmen and homeseekers to look with suspicion on any act designed to place the public lands in the hands of the state legislators.

Here again was suspicion of the legislatures, which in Wyoming would normally be controlled by the Republicans.

Carroll was convinced that any land granted by the government would be fraudulently acquired by the wealthy and by speculators, as had happened in the swamp land and other grants in the East. He wrote on the eve of the election¹ that he wasn't against cession, just this bill. But the real target of his remarks seems to have been the bill's author:

Republican campaign managers are trying to make it appear that opposition to the Warren arid land bill necessarily involves opposition to the cession of the arid land in any form whatever. Of course it doesn't. This opposition in the minds of the people is mainly to Warren's gigantic job....

The bill has thoroughly alarmed the people. They see sticking out of it the tentacles of the devil fish of monopoly and they believe with good reason should the measure become a law it will grind into the dust small owners....The opposition to it is general and deep seated and this alone would be sufficient to defeat Warren for re-election.

Carroll doesn't explain how monopoly might be achieved when the bill barred one person from owning more than 320 acres, nor does he cite other specific objections. One wonders how he knew what "the people" thought. The phrase "defeat Warren for re-election" may be the real point: In October² the paper had devoted one front page to a screed about Warren and the lands he controlled, with statements from a number of settlers about the range next to their homesteads being eaten out by Warren's sheep or fenced off. Just two days later the *Sun* retaliated with a full-page article with statements by the same settlers that they had been "willfully misquoted" in the *Leader*. Carroll responded with countercharges that those statements had been extorted.³ It also reprinted an 1889 report from Warren's own company about the 285,000 acres of land it owned or controlled north and south of the Union Pacific railroad, all of it fenced. And it reminded readers that the *Sun* was "an accessory before the fact" to the invasion and Johnson County killings, quoting an item from the April 9 *Sun* that it had a "reliable correspondent" with the cattlemen's forces.

Soon after the invasion, Populist papers sprang up in northern Wyoming to influence the coming election. Some were new, some formerly Republican, and others even formerly Democratic.* From these papers and the existing Democratic organs came heated political rhetoric unaccompanied by specific objections to the bill or constructive criticism to improve it for the sake of Wyoming and the West. It's hard to know how the people felt about the issue. Historians generally claim that in Wyoming, it was the invasion that cost the Republicans the 1892

*In May *The People's Voice* began publication at the Johnson County seat, Buffalo, at the plant of the *Echo*, a former Democratic organ. Its publisher, James Bouton, had gone to Cheyenne "for his health," reported the *Laramie Weekly Sentinel* on April 27. Bouton was "a cool, conservative man" who had "rather sided with the cattle kings and against the rustlers, but he has not been very radically aggressive," noted the *Sentinel*. In January the plant of Bouton's new paper, the *Alamo Argus*, had been torched at Otto by "some miscreant unfriendly to the rustling western editor Will D. Edgar," according to the *Cheyenne Sun* on January 27. In June *The Wyoming Republi-*

can was renamed *The Sundance Reform*. Joe De Barthe had remained in Buffalo and in September started *The Free Lance*. That month also saw the launch of the *Northern Wyoming Stinger* at Huson, Sheridan County, with Edgar as editor. And by October Kimball had even switched the allegiance of his Douglas *Graphic* from Democratic to Populist. The Republicans fought back to a degree: *The Buffalo Bulletin*, edited by Gustave Moeller after the departure of De Barthe, continued to condemn the invasion, cattlemen, and Republicans until August 4, when the Republican proprietor, Charles M. Lingle, replaced him with someone who toed the party line.⁴

election, with the help of Warren's arid land bill. The Republican presidential electors won by a slim margin, indicating that voters were punishing state Republicans but not national ones. In other western states, it was pretty much a draw: Democrats, Populists, and Silver Party candidates took some congressional seats or governorships but lost others.

The Democrats pave the way for Republican return

WHEN THE DUST settled in Wyoming, the Democratic/Populist fusion candidates had taken the governorship, the representative to Congress, and a majority of the lower house of the legislature. The vote for governor was about the reverse of what it had been in 1890, with 9,290 for fusion candidate Osborne and 7,509 for Republican Ivinson (who did not even carry his home county). The Republicans still controlled the state senate (11–5) thanks to holdover members, but the lower house now numbered 16 Democrats, 12 Republicans, and 5 Populists. Total: 26 fusion, 23 Republican.¹

The chairman of the Republican campaign, Willis Van Devanter, was not blamed for the loss.² He got busy trying to whittle down the Democratic/Populist majority in the Legislature for its own sake and to get Warren returned to the Senate. He began scrutinizing electoral returns for any irregularities that might allow fusion votes to be thrown out. After finding some technical errors in the paperwork from Hanna, in Carbon County, he induced one of the county's two defeated Republican candidates to dispute the returns. But the other declined, citing threats to his business.³ The state supreme court allowed the original vote to stand.⁴

The electoral returns were also subject to review by the state canvassing board, all of whom were Republicans. Their silence for weeks after the election aroused Democratic suspicions to the point that Osborne decided to take office anyway and use his power as governor to certify the results. Osborne had a notary administer the oath of office on December 2, a month before the scheduled inauguration. (Taking office early, despite some protests, was not really out of line, since he had been elected to fill the vacancy created by the election of Warren to the Senate.) Some Republican papers huffed that Osborne entered the governor's office through a window pried open by an associate.⁵ It was later claimed that a boy crawled along the window ledge, opened the window, climbed in, and opened the door for the new governor.⁶ Osborne spent at least one night in the office to keep from being locked out again, receiving food through the window from his supporters. The *Sun* reported armed guards everywhere, but no violence. Some thought the story of Osborne sneaking in through a window was just Republican propaganda.⁷ Whatever the truth, the sequel—the debacle of Wyoming's Third State Legislature—could not be dismissed as Republican spin.

Any number of histories have summarized this story, sucking the life out of it. The author found the details irresistible and hope the reader does too. They show why the Democrats paved the way for the Republican sweep of 1894 and the election of William A. Richards as governor.

By the time the legislature convened, in early January 1893, some Republicans had been challenged and unseated, but they still had a plurality of 23 to 21, with five Populists holding the balance of power. In the Senate, Republican John N. Tisdale of Johnson County, who had been a leader of the invasion force, was removed because he now lived in Utah. But the senate refused to seat Robert Foote, the Buffalo merchant and Democrat who had received about 75% of the vote.⁸

In the House, incumbent William D. Pickett of Fremont County contested the single-vote margin of Republican John B. Okie, alleging voting fraud. A recount was disallowed because some envelopes containing the ballots arrived at Cheyenne unsealed. The Democrats resolved the matter in a way that favored their man.⁹ The tables would be turned on Pickett four years later when August L. Coleman, an associate of W. A. Richards, contested Pickett's small margin in the state senate race. (Full story is in "Battle for Big Horn County" PDF on WilliamA Richards.com.)

Democrats gained another House seat in 1893 when the Converse County returns were challenged. A recount showed Nat Baker the winner by seven votes. Van Devanter had initially obtained a writ of mandamus requiring acceptance of the original tally, but the House committee on credentials declared Baker elected.¹ As it turned out, he need not have worried: Baker blocked the Democrats' goals as effectively as any Republican would have. First, he voted with the GOP on the stock commission bill. As we have seen, the commission's acting as prosecutor and judge in cases of alleged livestock rustling helped get the Democrats elected. In his message to the legislature, Governor Osborne had called for the repeal of the "oppressive and unjust" law creating the commission, while he recognized that a commission would be beneficial for certain purposes as long as its powers were not unconstitutional. Yet Baker supported a bill increasing its appropriations and paying its secretary—Hiram B. Ijams, one of the principal planners of the invasion—and his clerk their salaries for the past two years. (Osborne vetoed both.) The *Leader* claimed that Baker got six other Democrats to support that bill in exchange for Republican support of his candidate for U.S. Senator, George T. Beck of Sheridan.² Beck did receive 13 votes from Republicans, but if Baker had a deal with the Republicans, Beck was unaware of it.³ Such a deal could explain Baker's behavior in the senatorial election, perhaps the most pressing issue before the legislature.

For that task the House and Senate began meeting daily in joint session two weeks after the legislature convened. The sessions became the most popular show in town, with excited citizens including many women jamming the galleries and hallway. "The majority had been seen at every previous session and were determined to be in at the death," wrote the *Leader* on February 15th, after 20 joint sessions and 23 ballots (per its count). Candidates from both parties were nominated, drew votes but not the 25 required, and were abandoned in favor of others. Albert L. New, the Democratic party chairman, wanted the position so badly that he resorted to undemocratic means. When he had 18 Democrats behind him, he reduced the number required for a majority by having one recalcitrant Democratic senator drugged and a Republican state senator sent to Denver. But the Populists wouldn't have New.⁴ Warren waxed and waned in favor until the end, but the numbers were against him.

The Democrat who came closest to victory was none other than Richards's predecessor as surveyor general, John Charles Thompson. A Kentucky lawyer, Thompson had been appointed surveyor general by President Grover Cleveland. Now, as secretary of the Democratic State Central Committee, he had helped direct his party's campaign the previous fall. Called a "silver-tongued orator" by one Democratic paper,⁵ Thompson traveled the state wooing voters. At that time the *Sun*, for one, considered him the main Democratic candidate for Senator—and it fulminated at length against this "moral leper," a common slur, without saying what made him one.⁶ In January Thompson asserted he was not a candidate, according to the *Sun*,⁷ and his name was not put forth until others fell by the wayside. When he seemed to have a good chance, Beck wanted to shift his own supporters to Thompson. Only Baker refused to budge. On the 23rd ballot Thompson came within one vote of victory, supported by all but one Democrat (Baker) and four of the five Populists.⁸

After the 23rd ballot, the four Populists held a gun to the legislature's head, releasing a statement that they would vote for Thompson on the next vote and *nobody* after that.⁹ This was too much for Frank Bond, chief clerk of the surveyor general's office. He immediately fired off a denunciation of his old boss to one of the Populists, Dudley A. Kingsbury of Johnson County, whom Bond had heard was working earnestly for Thompson's election:¹⁰

...I can conceive of but one excuse for such a calamity and that is based entirely upon ignorance of the character of your candidate. Of all the people in the State I believe I know Gen'l. Thompson best.

I was Chief Clerk in his office during the administration of President Cleveland and every statement herein made is absolutely true. It cannot be charged to me that I am

betraying a confidence for I mark this letter "Strictly Personal" and ask that you shall so consider it.

While Thompson was Surveyor General and during the whole 3½ years of his incumbency, he kept a private gambling hall in the back room of his office in full blast daily for the accommodation of himself and friends, and, further, whenever there was sufficient appropriations to pay additional clerk hire he employed a notorious harlot whose sole duties consisted in appearance at the office after office hours and in drawing a \$100.00 check at the end of each month. I ask you to remember if you can what was he doing for Wyo. all this time—nothing whatever. He asked for no appropriations for surveys and of course got none.* Is this the character of man you honestly want to make Senator from Wyo.? I cannot believe it. I have watched the course of yourself and your friends since you took your oath of office and I believe your actions thus far have been actuated by honesty and an earnest endeavor to do for the State what you conceive to be for her best interests.

I cannot bring myself to believe that you will make all honest men and honest women blush when the name of our new Senator is mentioned. While a republican myself, I do not ask you to cast your ballot for one of my own political faith; vote for a democrat if you prefer, but in the name of our firesides, and our families there, and in the interest of the fair name of Wyo., the State we all love, vote for a man whose election will not mantle our cheeks with the blush of shame.... I hope that you will credit me with honesty of purpose at least. ...I only ask you as an honest man, if a democrat...to seek an honorable man and vote for him until you elect him.

Kingsbury, whether or not he was miffed by Bond's thinking he was a Democrat, continued to support Thompson, as did four of his Populist colleagues. Their ultimatum, reported the *Leader* on the 16th:

had the effect of drawing the largest audience yet assembled to see the great senatorial act that is daily performed at the capitol. The sightseers completely filled the gallery, while the down stairs portion back of the railing was jammed to the doors. ...Only one more vote was needed to elect Thompson and people anxiously watched Baker as one by one the democratic members approached him and endeavored to get him in line with his party...

To no avail. On February 17, when four ballots were taken, Clarence D. Clark of Evanston, a Republican, took the lead with 22 votes as all but four of Thompson's supporters shifted to other candidates. Clark was a Union Pacific lawyer who had just lost re-election to Congress. The Populists shifted back to one of their own, William Brown; Baker had earlier shifted to another Democrat, R. H. Homer, and was his only supporter at the bitter end. The Republicans held a caucus that evening in a "desperate attempt" to "rally the entire republican strength around Warren," who had 13 votes.¹ Six including DeForest Richards flatly refused. (This was all according to the *Leader*; the *Sun* said only that the caucus had failed to choose anyone.) But unanimity would not have produced anywhere near a majority.

The Democrats held a caucus as well, but only 13 of the party's 21 legislators showed up. They decided that the first name they would put forth was that of George W. Baxter; maybe

*Bond's charges are hard to verify. During his tenure Thompson did obtain \$10,024 for 1887 and he awarded two contracts for public land surveys. In their annual reports to the General Land Office during the late 1880s, other surveyors general blamed Congress for not appropriating enough funds for surveys and, especially, for clerk hire to do the paperwork. Thompson's reports tend to support Bond's charges: they are breathtaking in their brevity, occupying just two pages. Some of his fellow surveyors general wrote lengthy lamentations about how settlement is held up by lack of funds for surveys or clerk hire, but

Thompson only reported that there were so many indications of fraudulent or badly done land surveys in Wyoming that settlers should be warned, and all surveys should be examined and fraudulent or erroneous ones redone. There is only one letter from him to the Territory's delegate to Congress in the surviving Carey papers (AHC), and that was about needing money for two months' office rent, not a request for appropriations. When Richards took over, his complaints were about insufficient funds for clerk hire. As for the gambling or harlot hire, no reports or memoirs that might support Bond's charges are known to exist.

this time he might win. Baxter had a certain prestige as a former territorial governor, though he had served for only two months. This was an ironic choice: at this time it was not generally known that he had helped organize the very invasion that his party blamed on the Republicans. Nothing came of the caucus. Baxter was doomed in any case: four out of five of the Populist senators refused to vote for anyone but Thompson, who fell one vote short of election.

The next day was the legislature's last chance, given the state constitution's 40-day limit on sessions. A Senator would *surely* be elected. Spectators gathered early and eagerly, women and children standing all around the hall and even sitting in legislators' seats. But the first vote of the joint session was for adjournment. Two Populists had moved and seconded the proposal, and a rising vote of 26, a majority, voted for it.* Nat Baker had been against adjournment, according to the *Leader*, and "had he called for the ayes and noes the motion would have been lost. But he sat, pale and trembling, in his seat" and nobody else called for a vote of the ayes and noes. Then they voted for adjournment of the house.¹ The Democrats themselves had killed any hope for a Democratic senator or even the cherished goal of reimbursing Johnson County for expenses related to the invasion: A bill appropriating \$25,000 had passed the senate was expected to pass the house. Gone as well was any chance of passage of numerous other bills including one intended to reduce challenges to election results. It was an ignominious end to a legislature upon which so many hopes had been pinned, all the more disappointing because expectations for improved government had been so high. The *Leader* lamented:²

The political revolution which swept the state last fall ended yesterday, so far as the legislature is concerned. It must be acknowledged that the legislature was a dismal failure.... The adjournment of the joint session without taking a ballot was a cowardly proceeding but it was a natural result of the senatorial conditions which engendered distrust and dissatisfaction[,] leaving disunited component elements of the legislature a prey to every whirlwind of poison, fear and prejudice.

The senatorial debacle could be blamed on Baker, and in his home county his refusal to support Thompson got him burned and shot in effigy at Glenrock but praised in Douglas by the Republican *Budget*.³ "[A]ny man whose vote prevented the election of such a blatherskite as Thompson to the position of United States senator deserves the thanks of every citizen of the state. Bully for Nat!" Frank Bond undoubtedly agreed.

What was behind Baker's baffling actions? If he thought Thompson was a poor choice, there's no record in the papers of his saying so, publicly or behind the scenes. But it had come down to Thompson or no Democrat at all, so was Baker *that* principled? Still, Baker may have had reasons for keeping quiet, such as bribery.** But how could potential turncoats have been identified? Baker (or anyone else) might have huffily refused, then gone to the *Leader* with the Republicans' latest criminal outrage. *And* pressed charges if attempted bribery was against the law. Damage to the Wyoming Republican party and Warren's career might have gone unrepaired through the next election and beyond. It's possible, of course, that Baker made *them* an offer—but they might have been wary of entrapment.

*The *Boomerang* (Feb. 18) charged that the Republicans had used their small majority of the day to push through the adjournment of the joint session to prevent a Democrat being elected senator for six years. But Speaker of the Senate Frank W. Mondell had declared all were present for the vote,⁴ and seven Democrats or Populists voted with the 13 Republicans, according to the *Leader's* count. Some votes could not be ascertained, since certain solons scurried away, others wouldn't say how they voted, and Journals were not even kept to record the votes. Both the *Leader* and the *Sun* carried similar reports, and the *Leader* did not scream bloody murder, as it surely would have if the adjournment had been due to Republican scheming. For the adjournment of the House, the vote was 12R, 11 D, 3 Pop.⁵

**Gould cited a letter of Warren's written in November 1892, to the effect that if he (Warren) were able to hold the Republicans in a solid

bloc, he would then add the necessary votes from the opposition by persuasion, force, or bribery.⁶ He did not quote the passage directly, and I have found nothing in the letter cited that even hints of that. Gould seems trustworthy—wouldn't make up something like that—so perhaps he meant a different letter. If Warren did say such a thing, was this just wishful thinking and/or mere bluster? It reminds me of his threat to kill DeBarthe (p. 20): Would he have been so indiscreet if he had been serious? Warren's master strategist, Van Devanter, might not have been willing to go that far. Though the canny attorney "demonstrated a nice sense of the elastic boundaries of legality in western politics," as Gould put it, Van Devanter would not have "countenanced outright dishonest action for political gain."⁷ Force or bribery would also have been extremely risky. What *kind* of force might be employed?

Two years later, Baker paid a call on the new legislature and was given the floor, according to the *Boomerang*. He thanked them and told them he may have made some mistakes as a legislator, but had “no regrets to express for any of his acts.”¹ If he had felt ashamed, could he have showed his face at all? Possibly; if he could brazen it out once he could brazen it out again. He may not have been bribed, but his behavior certainly remains a question.

GOVERNOR OSBORNE’S MESSAGE to the legislature² on its opening day had begun with the Johnson County raid, which “has given our state an unenviable preeminence in reputation and grievously interfered with its material advancement.” He continued:

The fact that this Invasion was organized and assisted by parties high in official and social position, that our congressional representatives in Washington gave out to the country and national administration that lawlessness reigned in Wyoming, that they procured the quartering of United States troops upon our soil, and the issuance of a presidential proclamation of outlawry, was sufficient to deter immigration, paralyze our industries and prevent the investment of capital from abroad.

It was thought necessary to wantonly slander our state to excuse the crimes of the invaders, and I need not say to you that it becomes your duty, as conservators of the honor, peace and dignity of this commonwealth, to make such expression, by resolution or otherwise, as will vindicate our good name before the world.

Unfortunately, this legislature only made Wyoming look worse. That other states were in the same boat would have been cold comfort; Washington and Montana also failed to elect a senator.³

In Wyoming, there was talk of reconvening the legislature for another try, but that was considered futile. Many, including the *Leader*, thought that Governor Osborne was duty-bound to supply the vote Thompson needed. By following the lead of the legislature he would “meet the unqualified approval of every unprejudiced democrat in the state.”⁴ Readers—and the governor—were reminded that:

The highest vote cast for any democrat was received by Gen. John Charles Thompson. He received four populist votes and every democratic vote in the joint assembly, with a single exception.... This vote made Gen. Thompson not only the choice of the populists, who held the key to the situation,...and of the democratic party itself. To the vast masses of democrats who were not embroiled in the fierce strife for the senatorship, this vote made him the only possible candidate whose appointment would be received with unanimous approval and satisfaction.

The appointment would be fortunate in one other respect. The legislature has been but very little more than a cipher in accomplishing the reforms contemplated in the campaign. Of these reforms Gen. Thompson was a recognized exponent and champion. In the minds of the people his personality is strongly identified with every principle fought for in the campaign, and his selection would therefore be hailed in all parts of the state as evidence that the democratic administration, notwithstanding some legislative shortcomings, would hold strictly to the letter of the contract made with the people, and insofar as with it lay, redeem the pledges which the party had solemnly made.

The selection of Gen. Thompson has already received the endorsement of at least three of the leading candidates who had been in the race against him and this indicates more plainly than anything else could the equities of the situation and the honorable sentiment of the gentlemen who themselves had commendable ambitions for the place.

Instead, Osborne anointed someone who had been a candidate only briefly, Ashael C. Beckwith. A very early Wyoming pioneer (1855), Beckwith was now “Evanston’s most influential and wealthy citizen” with extensive commercial and livestock interests.⁵ The governor

may have wanted someone who had not been caught up in the partisan struggles and, like himself and unlike Thompson, was not from Cheyenne. Beckwith, however, bowed out in July.¹ The United States Senate would not have accepted him anyway: under its rules, governors could not appoint a senator if the state legislatures failed to elect one—as Montana and Washington found to their cost that same year. The three Western states were left without a second senator until their legislatures could meet again, two years later.

In 1895, when the Republicans regained control of the Wyoming legislature, they would have to elect two Senators: Carey's term would be up. This time the rest of the state would not accept both of its Senators being from Cheyenne, and Warren was not inclined to stand aside and let Carey be re-elected. They had been bitter political enemies for years: In 1891 Warren had written a friend that the other senator "never misses an opportunity to do me injury by word if not deed."² Ever since their election as senators in 1890—Carey for four years and Warren for two—Democrats had referred to them as "Me and F. E."³ By 1895 F. E. "knew of no reason [he] should keep playing second fiddle to Carey," he told M. C. Barrow of the *Budget*. He "was not *against Carey*, but *for Warren*," and was determined that if either of them went to the Senate, it would be himself.⁴

F. E. may have been driven in part by a need to best someone who had come to Wyoming about the same time as he had, but with far greater advantages. A Massachusetts farmboy with just a few years' education, Warren in 1868 rode the Union Pacific to the new town of Cheyenne, Dakota Territory. He found a job as a clerk in a crockery and hardware store, and within a decade had bought the business.⁵ Carey, on the other hand, had come to Cheyenne in 1869 as U.S. attorney for the new Territory of Wyoming, a reward for helping Ulysses S. Grant get elected President.⁶ Warren and Carey were both in their early twenties then, and they both prospered materially and politically. But it's not hard to imagine that Warren resolved to pull ahead of Joseph Maull Carey. There could only be one rooster in the Wyoming political barnyard, and Francis Emroy Warren would be it. He would strut and crow and lay eggs for Wyoming until his last sunrise, in 1929. (He was one remarkable rooster! Anyone familiar with Warren's prodigious output as senator and businessman might even believe him capable of laying real eggs.)

Would Warren have triumphed without the political savvy of his his longtime lieutenant, Republican State Chairman Willis Van Devanter? Who knows. Carey chalked up one victory over F. E., however. Though Warren returned to the Senate in triumph, he may have been chagrined that the first arid-land legislation, which was passed during his absence from Congress, had Carey's name on it, not his.

Warren and Carey would bury the hatchet only when Wyoming's interests were at stake.

Richards loses his job

THE ELECTION of a Democratic President cost W. A. Richards his position as surveyor general in the fall of 1893.* His successor was not former Surveyor General Thompson but a locomotive engineer from Laramie, Perry Bickford. The *Boomerang* noted:⁷

The Washington Post says: "The appointment of Perry Bickford to be Surveyor General of Wyoming, is regarded as a mark of favor from the president of [*sic*; to?] the labor organizations. The appointee has been a prominent member of several important organizations, is himself a Locomotive Engineer and is the chief officer of the Wyoming branch of the American Railway Union.

*The salary appropriation would soon be reduced from \$2,500 to \$2,000 (about \$70,000 in 2023 dollars).⁸ When word of this appeared in the Cheyenne *Sun*, the *Leader* reported that Bickford laughed and dismissed the report as Republican lies.⁹

The *Sun* (right) heaped hot cinders on the man's lack of qualifications, though other papers including some on the Republican side thought he was a good choice. The *Boomerang* wrote:¹

Republicans are of course attempting to make a little political capital out of the fact that Mr. Bickford is not an expert surveyor. ... [yet] years ago he made a considerable study of engineering and surveying. But the attention of all these carping partisan critics is called to the fact that General Richards, the incumbent, is the only practical man who ever occupied the office in Wyoming. They have all depended largely on their chief clerk.

One of Laramie's Republican organs, the *Sentinel*, also felt that homeboy Bickford was "worthy of and fully competent to fill" the position.² He took office on December 1, 1893,³ and less than a year later, on September 22, 1894, the *Sentinel* lamented that Bickford had not followed the advice of the incumbent. Richards's words must be a reconstruction, but they do echo what he wrote Warren and Carey when he was seeking the appointment. (See Surveyor General Richards.pdf.)

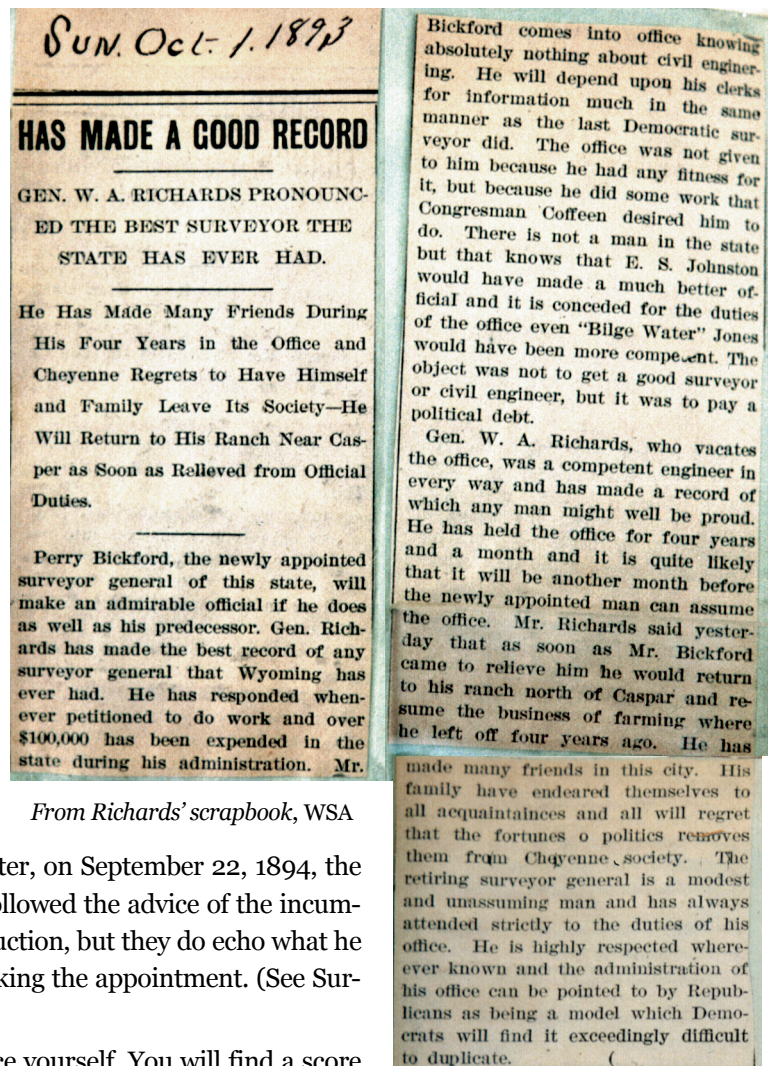
You must start out by running the office yourself. You will find a score of people who will be willing to dictate to you how you shall conduct its affairs, who you shall appoint as clerks and assistants &c, but the department will hold you personally responsible and you must be your own boss or you will soon find yourself in hot water.

Perry didn't follow this excellent advice, and Richards's prediction soon came true.

Before Bickford even took office, he had sixty applications for six clerkships, reported the *Sentinel*, adding, "He has our sympathy."⁴ The incoming surveyor general was besieged by party faithful and others who wanted to take the places of the doomed staff, which included the highly regarded chief clerk and draftsman, Frank Bond, who had worked in the office since 1882. For chief clerk and for draftsman, Bickford chose two "well known" civil engineers whose appointments had been "strongly urged by leading democrats," according to the *Leader*.⁵

It's unknown how much Bickford listened to the "leading democrats" or how tough he was in interviews. His predecessor, Richards, was known for his congeniality and humor, but he also had a stern streak that led to his being referred to as "he of the 'Stony Countenance.'"⁶ Two stories about him were passed along by the *Sentinel* in its September 22, 1894, article about Bickford, with the object of booming the former Republican surveyor general for governor. (The quote likely owes more to the editor, James H. Hayford, than it does to Richards, judging from Hayford's nicknames, "Deacon," "Judge" or "Dr.")

In the first story, Richards became satisfied that one young job applicant was qualified. Then Hayford put these words in his mouth:



From Richards' scrapbook, WSA

Well, now, if I give you this position what are you going to do with the money you earn? I will not employ any one who will waste or fool away the money I pay him in drinking, gambling, and riotous living. There are plenty of young men who will be glad of such an opportunity and use it to benefit themselves and those dependent upon them.

The other story has Richards hiring for a temporary clerkship a poor girl who was struggling to get an education and help her widowed mother support younger children. He sent for her, found her competent, and hired her for six months at \$100 per month (about \$3,500 in 2023). She burst into tears. Hayford had more to say about why Richards should be governor:

Probably no man ever conducted the affairs of this complicated and difficult position so well as General Richards did...No scandals ever attached to his administration, no blunders were made and no fault was found. He was kind, courteous and obliging to every body but he bossed the job himself. ...

Wyoming's next governor...is a man of the highest character and greatest firmness of purpose. Nobody can run him. He will himself be governor and governor of the whole state and will discharge his duties with an eye single to the good of the whole people.... General Richards' wife is a helpmate for such a man. During the four years of her sojourn in Cheyenne she did not aspire to shine among the gay circles of the aristocracy, but wherever there was sickness, sorrow, suffering or poverty, there she was always found, bringing help and consolation, and a host of this class there rise up and call her blessed.

We congratulate the state and thank the republican convention for giving us a chance to have such a man for our governor as General William A. Richards and such a grand woman as his wife for "first lady of the state."

Modern eyes may roll at such excess, but it only embellishes for political purposes the known characters of William and Harriet Richards. If they saw the item, they must have been embarrassed.

As for Bickford, a year after Richards warned him about hot water the new surveyor general found himself in boiling oil. "A scan. mag. story of huge proportions comes over from Cheyenne which centers on Surveyor General Bickford," reported the *Sentinel* on July 28, 1894, licking its editorial chops. A "girl of questionable reputation" had committed suicide there, and "the coroners had found a large number of letters from her numerous admirers." Hayford quoted the *Leader*:¹

The most sensational feature of the suicide is that among the masses of letters were found several [from Bickford, some on official stationery from the Surveyor General's office]. All this to say the least, was decidedly indiscreet... But the letters themselves were even more indiscreet. They were filled with burning words and streaked with unsatisfied longings and riddled with hopeless hopes. It is a humiliating case, rendered all the more so by the fact that it is more than suspected that the surveyor-general was playing the undignified role of a sucker at 62.

It wasn't mentioned that he was married.² John Charles Thompson was reappointed surveyor general on September 5 but Bickford did not relinquish his post until January 2, 1895.³ Thompson held the position until he was swept out again by shifting political tides.

Richards's reaction to the scandal can only be imagined. He himself had left office with credit, to the praise of Republican papers and silence of the Democratic ones. Like the *Sentinel*, the Republican *Wyoming State Tribune* (Cheyenne) praised his "splendid reputation" and "strict integrity," going so far as to say, "General Richards will doubtless be the next candidate put forward by the Republican party for governor of Wyoming, and with his name at the head of the ticket it would sweep the state like a whirlwind."⁴

The Richardses left for Red Bank in early February, in what was called the hardest winter

in the Bighorn Basin since 1886–87. Allie, age 18, went back to Oakland, California, to attend Mills Seminary while living with her father’s younger brother, Austin, and his wife. The trip to the ranch was described by an unidentified newspaper clipping in Richards’ scrapbook:

General Richards accompanied by Mrs. Richards and their two younger daughters reached their home at Red Bank on Tuesday, Feby. 13, where they have taken up their permanent residence...George McClellan and Wm. Dalzell met the party at Casper with two four horse teams. Dalzell started out with the baggage wagon on the 7th[,] the rest of the party remaining in Casper until the 9th on account of stormy weather. The trip from Casper to Red Bank, a distance of 125 miles, was made in three and one half days, without mishap or very much discomfort, which is quite remarkable, when it is borne in mind that the party traveled in a wagon through snow all of the way, crossing the Big Horn mountains, and during the entire trip the mercury was down near zero, part of the time being 25 below zero—and that there were two children in the party[,] one less than four years old.

The writer must have meant that they traversed the mountains via Cottonwood Pass. That route today is about 135 miles.

THE RICHARDS FAMILY was now back on their homestead. It’s unknown where the four of them resided: sharing the small main ranch house with the McClellans would have been a challenge. The Richardses would probably have been uncomfortable if the McClellans had offered to move into the bunkhouse, and if there were men in the bunkhouse, what about them? How they all occupied themselves in winter is also unknown, but there would have been work to do on the ranch when weather permitted.

The Richardses’ ties to the capital remained unbroken, though—and Van Devanter and Warren wanted William to run for governor.

Sources and notes

Page 1

1. *The Cheyenne Daily Leader*, Oct. 11, 1892, quoting the Warren Live Stock Company’s own report. Shorter version in Oct. 1 *Laramie Boomerang*. John K. Yoshida, “The Wyoming Election of 1892,” University of Wyoming, master’s thesis, 1956, 65. Also reprints and allusions to it in other papers. Squeezing of settlers from *Leader* campaign against Warren, Oct. 9 and other issues.

Source of all newspaper items is wyomingnewspapers.org unless otherwise stated.

2. *The Helena Independent* April 21, 1889, chroniclingamerica.loc.gov (Library of Congress).

3. John W. Davis, *Wyoming Range War: The Infamous Invasion of Johnson County*. (Norman: University of Oklahoma Press, 2010, Kindle edition), 56–58.

4. Nov. 20.

5. July 31.

6. *Bill Barlow’s Budget*, Douglas, Aug. 5, 1891. *Leader*, Oct. 8, lead editorial. On Aug. 4 the *Leader* had published the comments of the *Evanston News*, which included the Denver paper’s comment. (Italics of *Evanston News* is assumed.)

Page 2

1. Aug. 8.

2. Helena Huntington Smith, *The War on Powder River: The History of an Insurrection*. (Lincoln/London: University of Nebraska Press, 1966), 28–29, 59, 63.

3. Davis, 81, citing several sources.

4. *Ibid.*, 48.

5. Annual Report of the Wyoming Stock Growers Association, 1887.

6. Davis, 49.

7. *Leader*, March 31, 1888 and other papers. The \$2,000 was in the notice.

8. April 4, 1888.

9. Davis, 48.

10. *Ibid.*, 48–49.

Page 3

1. Smith, 33, 66.

2. John Clay, *My Life on the Range*. (Norman: University of Oklahoma Press, 1962). Quoted in Davis, 35.

3. 1887 WSGA annual report.

4. Davis, 87.

5. *Ibid.*, 88–89, citing Smith, who cited the *Leader* of Feb. 24, 1892. The “known to be rustlers” phrase was in the March 29, 1892, *Cheyenne Daily Sun*, quoting report from report of Board of Live Stock Commissioners.

6. June 22, 1887.

7. Issue of March 31, page 6. De Barthe is spelled with word space per the masthead of his own newspaper, *The Buffalo Bulletin*. There also seems to be a space in his wife’s handwritten memoir, Harriett De Barthe, “My Forty-One Years in Wyoming,” Wyoming State Archives MSS 274.

Page 4

1. Date per *Newcastle Journal*, Nov. 13; meeting per *Buffalo Bulletin*, March 31.

2. Davis, 222.

3. *Ibid.*, 141. Davis combed scores of documents in the Johnson County courthouse.

4. This photo chosen because I think it shows his formidable character more than others I’ve seen. Frison Collection, Wyoming State Archives (WSA), Neg. No. 26811, undated. Another photo in the collection shows Van Devanter on what looks like the same horse in the same clothes when he was on a visit to Red Bank. He and Richards were at Red Bank and went hunting in Nov. 1905, per the *Natrona County Tribune*, Nov. 24, but there may have been other similar visits. Thanks to Terril Mills for finding the news item.

5. Davis, 50, 62, 79, 199; Smith, 71, 76, 116–17, 179.

6. Davis, 130.

7. Davis, 78, 132–136. Yoshida, 115, lists participants in the raid. Most were from the *Buffalo Bulletin*, April 14, rest from other sources. Many are named in George Dunning’s long and detailed “confession” in the *Northwestern Live Stock Journal*, Cheyenne, Oct. 14, 1892. A sworn affidavit follows the article. (Also see Note 5 to Page 17.)

8. Davis, 135, citing Robert David, *Malcolm Campbell, Sheriff*.

(Casper: Wyominana, 1932). His father was Ed David, Carey's foreman.

9. Dunning's confession.
10. Davis, 101–02.
11. *Ibid.*, 99.
12. Davis, 167. No source cited.
13. Smith, 215. White caps/whitecaps also used in various Democratic papers and the *Budget*, April 13.
14. Murray L. Carrol, "Robert Foote, A Forgotten Wyoming Pioneer," *Annals of Wyoming*, Vol. 74, Winter 2002, 9–23. Also Smith, 215.
15. Davis, 158, citing David.

Page 5

1. *Budget*, April 13.
2. Davis, 169, citing David.
3. *Leader* and *Sun*, April 13. The *Leader*, the morning paper, published its story first.
4. Davis, 175.
5. *Sundance Gazette*, April 1, reprinted from the *Laramie Republican*.

Page 6

1. Larson, T. A., *History of Wyoming*. (Lincoln: University of Nebraska Press, 1965), 69.
2. Measuringworth.com purchasing-power calculator.

Page 7

1. April 22.
2. Davis, 191.
3. *Ibid.*, 180.
4. *Leader*, April 16, quoting Barber's telegram of April 15.
5. Davis, 196, citing *The Chicago Herald*, April 26.
6. April 21.

Page 8

1. *The Fremont Clipper*, May 21.
2. W. J. "Bill" Betenson, *Butch Cassidy, My Uncle: A Family Portrait*. (Glendo, WY: High Plains Press, 2012), 79; Criminal case file 166, State of Wyoming vs. George Cassidy, box 2, RG 1066 Fremont County, Clerk of the District Court Records, WSA.
3. Petition from Fremont County officials, and a letter to Gov. W. A. Richards from Judge Jesse Knight, who had presided at Butch's trial and sentenced him, Cassidy pardon file, WSA
4. Davis 222, also *Leader*, Sept. 17, 18, 20, 21, 22.
5. Lewis L. Gould, *Wyoming: A Political History*. (New Haven and London: Yale University Press, 1968), 168. Cited in Davis.
6. Davis, 268, citing a letter from Justice Dept. examiner F. B. Crossthwaite.

Page 9

1. *Ibid.*, 226.
2. Gould, 158.
3. *Ibid.*, 159, Davis, 358.
4. Gould, 149.
6. *Ibid.*, 333, citing the May 21, 1892, edition of *The Graphic*, Douglas, whose editor was E. H. Kimball, the deputy sheriff who brought the two men in. The story had Kimball saying they were abducted by the stockmen, and he was demanding their return. Davis may have seen that issue somewhere—he wouldn't make it up—but it is not available to check on wyomingnewspapers.org as of this writing, nor is that timeframe available among the microfilms in the University of Wyoming's Coe Library. In any case, no other available paper in Wyoming or elsewhere, not even the Democratic press, picked up the alleged abduction and joined in the demand for the men's return.
7. Davis, 213.
8. Gould, *Wyoming Political History*, 141, and "Francis E. Warren and the Johnson County War," *Arizona and the West*, Vol. 9, No. 2, summer 1967 (on jstor), 131–42.
9. John T. Hinckley in *Annals of Wyoming*, April 1968, Vol. 40, No. 1, 286–87.
10. Yoshida, 17–19.
11. Davis, 316.

Page 10

1. *Ibid.*, 214.
2. *Ibid.*, 205.
3. April 13.
4. Harriett De Barthe, op. cit.
5. Davis, 139, 192, other sources.

Page 11

1. Davis, 187.
2. Willis Van Devanter to Francis E. Warren, April 9, Van Devanter papers, Library of Congress. Letter from Casper dated March 6 (must have meant April 6) was published in *The Graphic*.

3. Davis, 144.

4. "Stories by 'Bear' George B. McClellan," among them "What I Know About the Invasion." *Annals of Wyoming*, Vol. 26, No. 1, January 1954, 44.

Page 12

1. Multiple sources and research by Terril Mills.
2. Only Richards's reply survives, in the Joseph M. Carey Papers, American Heritage Center, University of Wyoming, Laramie (AHC).

Page 13

1. Sept. 17.
2. Yoshida, 47–48, quoted in Davis; *Laramie Weekly Sentinel*, Sept. 24.
3. David B. Griffiths, "Populism in Wyoming," *Annals of Wyoming*, Vol. 40, No. 1, April 1968, 57–71. Populism got started in Crook County in 1890 with the Wyoming Farmer's Alliance. It grew out of the opposition to the large stock owners and foreign speculators who were accused of subverting the homestead system. By January 1891 Alliance Clubs had been formed in six other places in the state, including Lander and Tie Siding. (Cites Thomas Kreuger, "Populism in Wyoming," unpublished master's thesis, University of Wyoming, 1960.)
4. *Ibid.*
5. Gould, *Wyoming Political History*, 162, citing Kreuger.

Page 14

1. Letterbooks, Van Devanter papers, Library of Congress.
2. Warren to Van Devanter, March 19, quoted in Gould, *Wyoming Political History*, 135.
3. Lewis L. Gould, "Willis Van Devanter in Wyoming Politics, 1884–1897," Ph.D. dissertation, Yale University, 1966, 126. Lacey himself had been appointed chief justice of the Wyoming Territorial Supreme Court and served from July 5, 1884 to Nov. 8, 1886. Van Devanter was appointed chief justice at age 30 and served from Oct. 1, 1889, to Oct. 11, 1890 (Wikipedia). Once statehood had been achieved he returned to private practice. Supremecourthistory.org.
4. Van Devanter papers.

Page 15

1. *Boomerang*, Aug. 22, *Evanston Register*, Aug. 27.
2. Gould, *Wyoming Political History*, 166.
3. May 8, Van Devanter papers.
4. bioguide.congress.gov/search/bio/CO00575; *Sheridan Post*, Nov. 10, 1892; Larson, 244.
5. WyoHistory.org.

Page 16

1. *Boomerang*, Aug. 25, 1892, and other editions and Democratic newspapers.
2. *Ibid.*
3. Yoshida, 39.
4. Davis, 333.
5. *Northwestern Live Stock Journal*, Aug. 8 issue, from Warren scrapbook, AHC.
6. Smith, 273.
7. Alan Gevinson, on teachinghistory.org/history-content/ask-a-historian/25222, accessed Dec. 28, 2024, other sources.
8. Larson, 286.

Page 17

1. Smith, 269.
2. The *Leader*, Oct. 18, said Attorney General Charles N. Potter ordered the sheriff to repossess Mercer's equipment. For some time Mercer had owed money to the company that had sold him the presses, but Potter, that company's attorney, had not lowered the boom until now. The assets could not be sold because Mercer had put them in his wife's name, so he carried on. Smith, 276.
3. *Leader*, Oct. 18.
4. *Sun*, Oct. 18.
5. Smith, 265, Davis 240. Smith examined the manuscript itself and found its writing and punctuation likely to have been produced by someone like Dunning, not by a skilled wordsmith like Mercer or his brethren.
6. Davis, 232, quoting Lewis L. Gould, "A. S. Mercer and the Johnson County War: A Reappraisal," *Arizona and the West*, Vol. 7, No. 1, Spring, 1965, 5–20 (on jstor).
7. Smith, 272.

Page 18

1. An ad in *The Enterprise*, Sheridan, Aug. 12, said the company sold 4,682 carloads of cattle, one-eighth of the entire cattle receipt of South Omaha. Ads also appeared in *The Sundance Reform* in the fall of 1892 and *The People's Voice*, Buffalo, the latter ad saying the firm was repre-

sented at Chicago, Kansas City, Sioux City, West Lincoln, Denver, Pueblo, and Portland. First ad found was in Dec. 10, 1890, in *The Buffalo Echo*. *The Voice*, Sept. 10, 1892, had an ad for Geo. Adams & Burke, live stock commissioners, with Jno. C. Burke one of members.

2. *The Lusk Herald*, Sept. 22.

3. Davis, 243, 244.

4. John Wesley Powell, Report of the Lands of the Arid Region of the United States. U.S. Government Printing Office, 1878. A discussion of the report is in Wallace Stegner's *Beyond the Hundredth Meridian: John Wesley Powell and the Second Opening of the West*. (Lincoln: University of Nebraska Press, 1982), 219–240.

5. *Washington Post* quoted in *The Natrona Tribune*, Casper, Dec. 30, 1891.

6. Donald J. Pisani, *To Reclaim a Divided West: Water, Law, and Public Policy, 1848–1902*. (Albuquerque: University of New Mexico Press, 1992), 238, said Mead helped Warren draft the bill by picking through previous bills. Other sources: Gould, *Wyoming Political History*, 131; Daniel Davis, "Elwood Mead, Arid Land Cession, and the Creation of the Wyoming System of Water Rights," *Annals of Wyoming*, Vol. 77, No. 3, Summer 2005. Gould, *Wyoming Political History*, 132, said bill was modified and cession added to the March 9, 1892, bill.

Page 19

1. D. Davis, "Elwood Mead." Bill title: "Relating to the Reclamation of Arid Lands and the Preservation of Forests in Wyoming," Session Laws of Wyoming Territory, 1888. Joint Resolutions and Memorials, 233–34.

2. Mead's 1889 reports in Warren's report as governor. He had only been appointed territorial engineer in March 1888, after the legislature created the office.

3. Bill itself, paraphrased from excerpts published in Republican newspapers to counter Democratic opposition. *Cheyenne Sun*, Oct 13, 1892, *Bill Barlow's Budget*, Douglas, Oct. 26, 1892.

4. About \$3.60–\$4.00 per acre is per Mead's report in the *Budget*, March 2, 1892. Figure is for existing streams. Projected ditches averaged about \$3.50, but money could not be found for them, and if the history of irrigation is any guide, they were bound to cost much more than anticipated.

5. Feb. 11, 1892.

6. Pisani, 247.

7. In its March 12, 1891 issue. This quote is from the March 10, 1892, issue, page 2.

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1. Letterbooks, Warren papers, AHC.

2. *Ibid.* March 15, 1892.

3. To Wm. E. Smythe, Esq., *Irrigation Age*, Salt Lake City, April 2, 1892, quoted in Yoshida.

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1. Pisani, 246.

2. Platform in democratic newspapers, *Boomerang* Aug. 25 and others.

3. *Laramie Weekly Sentinel*, Oct. 8, 1892.

4. Sept. 1, 1892, Warren scrapbook, AHC. Not available on wyomingnewspapers.org as of this writing.

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1. Nov. 6.

2. Oct. 9.

3. *Sun*, Oct. 11. They would have seen the article in the morning of the 9th, gone out and interviewed settlers on that and next day, and written and set it all in type on the 11th. *Leader* statement of Warren's report was on Oct. 11, also the bit about the *Sun*'s correspondent. As noted earlier, the *Leader* was a morning paper and the *Sun* was published in the late afternoon.

4. Davis, 238–39, and Larson, 185, mention most of these papers. Details about their dates of issue obtained from wyomingnewspapers.org.

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1. Larson, 287, and Gould, "Van Devanter," 152, point out that Ivinson didn't even carry his own county. Osborne carried all but the cattleman's stronghold, Laramie County.

2. Gould, "Van Devanter," 152.

3. Gould, *Wyoming Political History*, 176–77, citing letter from Van Devanter to DeForest Richards, Nov. 28, 1892.

4. *Lusk Herald*, Jan. 5, 1893.

5. *Sun*, Dec. 3.

6. Larson, 287–8, quoting J. C. Thompson Jr.

7. *Sun*, Dec. 6, quoted in Lori Van Pelt's "John E. Osborne and the Logjammed Politics of 1893," WyoHistory.org.

8. *Cheyenne Leader*, Feb. 15, 1893. Foote received 726 votes out of the 967 cast.

9. Karen L. Love, "J. B. Okie, Lost Cabin Pioneer," *Annals of Wyoming*. Vol. 47, No. 1, Spring 1975.

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1. Davis via Gould, *Wyoming Political History*, 175.

2. *Leader*, Feb. 16.

3. *Buffalo Bulletin*, Feb. 23, from *The Rocky Mountain News*, Denver.

4. Davis, 265.

5. *Lusk Herald*, Jan. 3, 1895, describes him as that silver-tongued orator in item about his appointment as surveyor general

6. Nov. 2, 1892.

7. Jan 8.

8. *Leader*, Feb. 16, allegedly per Baker himself.

9. *Leader*, *Boomerang*, Feb. 15.

10. Feb. 15, Frank Bond letterbook, WSA.

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1. *Leader*, Feb. 18.

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1. *Leader*, Feb. 19.

2. *Ibid.*

3. *Budget*, Feb. 22.

4. *Cheyenne Sun*, Feb. 19.

5. *Ibid.*

6. Gould, *Wyoming Political History*, 173, citing letter of Nov. 16, 1892, to J. D. Woodruff, state senator from Fremont County.

7. Gould, "Van Devanter," 299.

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1. *Boomerang*, Jan. 18, 1895.

2. *Leader* and *Boomerang*, Jan. 12, 1893.

3. www.senate.gov/states/MT/senators.htm; senate.gov/states/WA/timeline.shtml, accessed Dec. 22, 2024.

4. *Leader*, Feb. 19, 1893.

5. Larson, 290.

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1. senate.gov/states/WY/timeline.shtml.

2. Aug. 15, 1891, quoted in Kerry Drake, "Francis E. Warren: A Massachusetts Farm Boy Who Changed Wyoming," WyoHistory.org.

3. Larson 265–66.

4. Gould, *Wyoming Political History*, 225, citing letter from Warren to Merris C. Barrow of the *Budget*, Dec. 12, 1894.

5. Drake, op cit.

6. <https://bioguide.congress.gov/search/bio/C000145>, accessed Dec. 22, 2024.

7. Oct. 13, 1893.

8. Annual Report of the Commissioner of the General Land Office (GLO), Fiscal Year ended June 30, 1895, Washington, Government Printing Office, 1895, 493. \$70,000 from measuringworth.com, purchasing power calculator.

9. Oct. 8, 1893 *Cheyenne Sun* said surveyor general salary was being reduced from \$2,500 to \$2,000 and the contingent expenses from \$1,500 to 1,200. The alleged cuts were Republican lies, according to the new surveyor general, Perry Bickford, quoted in the *Leader* on Oct. 21.

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1. Oct. 5, 1893.

2. Oct. 7, 1893 *Laramie Weekly Sentinel*.

3. *Cheyenne Sun*, Dec. 2, 1893; Letter from Bickford to Commissioner of the GLO, Dec. 1, 1893, saying he has taken charge of the office, Surveyor General file, National Archives and Records Administration, Denver.

4. *Laramie Weekly Sentinel*, Oct. 7, 1893.

5. Nov. 3, 1893.

6. Frederick R. Bechdolt, *Tales of the Old Timers*. (New York: The Century Company, 1924), 314; "stony countenance" from *Wind River Mountaineer*, Aug. 3, 1906.

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1. *Leader*, July 26.

2. *Laramie Weekly Sentinel*, Jan. 12, 1895, said Bickford his and wife had gone to Edinburg, Washington, where they will probably relocate permanently.

3. *Sun*, Jan. 2, 1895, Gould, 214.

4. Sept. 30, 1893, Richards' scrapbook, Frison Collection, WSA.