

7-1-1956

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Recommended Citation

Rasch, P. J.. "The Horrell War." *New Mexico Historical Review* 31, 3 (1956).
<https://digitalrepository.unm.edu/nmhr/vol31/iss3/4>

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THE HORRELL WAR

By P. J. RASCH *

While L. G. Murphy & Company were consolidating their economic and political control over Lincoln County in 1873, events were taking place in Texas which were to eventuate in the Horrell War of New Mexico.

Residing in the vicinity of Lampasas were the five Horrell brothers—Ben, Martin, Merritt, Sam and Thomas. The family originated in Arkansas, but had lived at one time in Lincoln County itself. A contemporary newspaper¹ mentions that several members of the family had been killed by Indians in San Augustin Pass,² and Gillette³ recalled that another brother, John, was slain in a gun fight in Las Cruces.

However, at least some of the family were in Lampasas County during the census of 1870. So ferocious were the Indian raids at this time that the county was specifically exempted from the provisions of the law of April 13, 1871, entitled "An Act to Regulate the Keeping and Bearing of Deadly Weapons." A company of Minute Men was organized and the state furnished rifles to the members, among them Ben Horrell and his brother-in-law, Ben Turner.

Unfortunately, there are few records of that time and place. The courthouse files were destroyed in a fire in 1872 and no run of the Lampasas *Dispatch* has been preserved. However, there can be little doubt but that the Horrells were leading spirits among the fun-loving cowboys who regularly shot up the town. Favorite targets were the knot-holes in the front and sides of the business buildings. The office of White & Gibson alone had twenty or thirty bullets fired through it, and the editor of the *Dispatch* finally gave up trying to keep glass in his windows. What else the brothers might have

* 567 Erskine Dr., Pacific Palisades, Calif.

1. Silver City *Mining Life*, December 20, 1873.

2. It seems likely that the killing of a Mr. Howell at Shedd's San Augustin ranch reported in the Santa Fe *Weekly New Mexican*, January 26, 1869, actually refers to Samuel Horrell, Sr. Some of the Lampasas newspaper reports also give the name as Howell instead of Horrell.

3. James B. Gillette, *Six Years With the Texas Rangers*. Chicago: R. R. Donnelley & Sons Co., 1943, p. 107.

been doing is suggested in a report from Adjutant General and Chief of State Police F. L. Britton to Governor Edmund J. Davis charging that Thomas, Martin, Merritt and Ben Horrell, Ben Turner, Joe Bolden, Allen Whitcraft, James Grizzell, Jerry Scott, Bill Bowen, Billy Gray, G. W. Short, Mark Short, Jim Jenkins, Sam Sneed and Billy Sneed were members of a gang "whose occupation was the branding, killing and skinning of other people's cattle."⁴

On January 14, 1873, affairs suddenly became serious. During the noon recess of the District Court, G. W. Short became disorderly in Schoot's saloon. When Sheriff Shadrach T. Denson attempted to arrest the disturber of the peace, Mark Short stepped between them and grappled with the officer. G. W. then drew his pistol and shot the sheriff. When Judge Turner heard Denson's calls for help, he ordered Thomas Sparks and several other men to arrest the brothers. At this Ben, Thomas and Martin Horrell, Patrick Ginnity and a number of their companions among the Minute Men interfered. Drawing their guns, they warned the posse that the Shorts were their friends and that they would protect them. So determined was their attitude that the posse only watched helplessly as the Shorts rode out of town.

In desperation five Justices of the Peace, members of the Lampasas County court, submitted a petition to Governor Davis requesting that certain of the law-abiding citizens be appointed to the State Police and that a reward of \$250 be offered for each of the Shorts. The Governor then extended the provisions of the act regulating the bearing of arms to include Lampasas County, and Britton dispatched a squad of State Police under Sergeant J. M. Redmon to enforce it. Simultaneously the Minute Men were reorganized.

Redmon⁵ soon reported that shooting was continuing at night, but that the citizens were afraid to swear out warrants so that he could make arrests. He advised that the situation could be remedied only by having about twenty-five policemen present to patrol the streets or by declaring martial law.

4. F. L. Britton to Edmund J. Davis, March 24, 1873. In *Journal of the Senate of Texas*, March 25, 1873, p. 352.

5. J. M. Redmon to F. L. Britton, February 17, 1873, and J. M. Redmon to F. L. Britton, February 28, 1873.

Lack of funds soon made it necessary to withdraw the troopers, although the sheriff begged that they be returned as soon as possible.

His fears proved well founded. The disorders promptly became worse than ever, and Britton finally sent seven policemen under Captain Thomas G. Williams to enforce the law against bearing arms. En route Williams stopped Tilford Bean, a Lampasas freighter, to ask for directions. It is alleged that he had been drinking and told Bean that he was going to clean up the Horrell boys.⁶ The police reached the town about 1 P.M. on March 14 and halted in front of Jerry Scott's saloon. In the bar room were ten or fifteen of the Horrell party, including Thomas, Martin and Merritt Horrell, Turner, Bolden, Whitcraft, Grizzell, Gray and Jenkins. They had had some difficulty with the Minute Men that morning, but most of the latter and practically everybody else in town were attending a trial being held some distance away. As the police watched, Bill Bowen, Merritt's brother-in-law, entered the saloon, a pistol hanging from his hip. Accompanied by Privates Wesley Cherry, T. M. Daniels and Andrew Melville, Williams followed Bowen inside, notified him that he was under arrest and demanded the revolver.

"Bill," interrupted Martin, "you haven't done any wrong. You don't have to be arrested."

The officer then made a mistake. He tried to take the pistol from Bowen by force. In the gunplay that followed Williams, Daniels and Cherry were killed. Melville, fatally wounded by a bullet through the left lung, died in the Huling Hotel a few days later. When the Horrell party carried the fight to the four policemen outside Policeman Eddie shot Tom just below the shoulder blade and Martin was shot in the neck. The troopers then gave up the battle and rode frantically for Austin. Martin was carried to his mother's home, about 200 yards from the saloon, and the rest of the party left the town.

Britton, with an escort of twelve State Police, arrived at Lampasas on the 17th. He addressed a mass meeting of the citizens and they adopted a set of resolutions pledging their

6. C. L. Sonnichsen, *I'll Die Before I'll Run*. New York: Harper & Brothers, 1951, p. 98.

aid in enforcing the law and arresting the fugitives. With the aid of the Lampasas Minute Company, the Burnet Minute Company, the State Police and a posse of citizens, Britton scoured five counties and finally succeeded in arresting Scott, Martin Horrell, Whitcraft, Jenkins and Grizzell and lodging them in the Travis County jail.

Within two weeks Horrell and Scott were transferred to Georgetown on a writ of habeas corpus. Mrs. Horrell was permitted to stay at the jail to nurse her husband. About eleven o'clock on the night of May 2, a body of thirty-five men, led by one of the brothers, rode into town. They warned the citizens that they did not want to injure any of them, but that they meant to free the prisoners at any cost. Shots were exchanged until the five guards in the jail ran out of ammunition, one of them, a young lawyer named A. S. Fisher, receiving serious wounds in the side and leg. The assailants were then able to get up the stairs and Bowen broke in the door with a sledge hammer. Two prisoners under indictment for horse-stealing, Berry and Whittington, were also freed.

The Horrells rounded up their cattle, selling the remnant to Cooksey and Clayton, and set out for New Mexico. With supreme recklessness they notified the sheriff when they would pass through Russell Gap, but that gentleman made no effort to halt them.

On arriving in Lincoln County, the Horrells bought a homestead from Frank Reagan and Hieskell Jones in the Ruidoso Valley, near present day Hondo, and the rest of the clan located in the same vicinity. Hough⁷ says that two of the family were financed by Murphy. On December 1, 1873, Ben Horrell, accompanied by Dave C. Warner, E. Scott, Zacharias Crompton and the ex-sheriff of Lincoln County, L. J. Gylam, went to Lincoln on business. The party drank heavily, became boisterous and began firing off their guns. Constable Juan Martinez demanded that they surrender their weapons. This was done, but about an hour later the men secured other arms, congregated at a local house of ill repute and resumed their spree. The constable then summoned four or five of the

7. Emerson Hough, *The Story of the Outlaw*. New York: Grosset & Dunlap, 1907, p. 201.

Police Guard to restore order, taking with them a Mr. Warwick as interpreter. While Warwick was explaining the object of the party, Warner suddenly shot the constable, killing him instantly. Warner was killed in the return fire, but Gylam and Horrell broke out of the house and ran across the acequia. They were pursued and wounded. Apparently both of them surrendered, gave up their arms and were then shot in cold blood. The *Silver City Mining Life*⁸ suggested that the murders might have been an outgrowth of the ill feeling resulting from the shooting of a couple of Mexican horse thieves by Riley and Copeland a year or so earlier.

The Horrells went to Lincoln and demanded the arrest and trial of the murderers. This was refused, the Mexicans claiming that the Police Guard had simply been doing its duty. Three days later Seferino Trujillo and another Mexican were found dead on the Horrell ranch. A posse of about 40 men, led by Sheriff Ham Mills, descended on the Horrells on December 5 and demanded their surrender. Their women and children had been placed in Robert Casey's⁹ grist mill and the ranch house prepared for a siege, but the Horrells offered to go with any military or civil authorities who would guarantee them protection while under arrest. When the sheriff refused to make this guarantee, the Horrells refused to be arrested.

In response to a letter from Justice of the Peace Manuel Gutiérrez requesting the aid of troops in preventing a renewal of the riot in Lincoln, Major John L. Mason, Commanding Fort Stanton, had advised that the military could be used only for protection against the Indians. However, he now ordered a detachment under Captain Chambers McKibbin to camp on Eagle Creek in the vicinity of the Horrell ranch and to investigate the circumstances. They were not to participate in any way in the quarrel, but were to notify him immediately if the Mexicans should make an attack. Shots were exchanged between the posse and the Horrells throughout the day, without casualties to either side. That evening

8. December 20, 1873.

9. Casey had come to New Mexico in 1867 from Mason County, Texas. He had purchased a ranch from Leopold Chene located about two miles from Picacho on the Rio Hondo.

the sheriff withdrew his force, possibly because of uncertainty regarding action which might be taken by the troops.

On the night of December 20 the Texans struck back. While a wedding was being celebrated in Lincoln they raided the party. Their promiscuous shooting resulted in the killing of Isidro Patron,¹⁰ Dario Balizan, Isidro Padia [Padilla?] and Joe Candelaria. Apolonia Garcia, Pilar Candelaria and a young man were dangerously wounded. The citizens of Lincoln now petitioned Governor Marsh Giddings for protection. Murphy wrote that the civil officials were unable to meet the situation and requested that arrangements be made for the use of troops from Fort Stanton. Associate Justice Warren Bristol advised that it was out of the question to find impartial juries and that only the military could quiet the disturbances. Mason sent troops from Fort Stanton to camp on the outskirts of the plaza in hope that their presence would be a moral deterrent to further outbreaks of violence.

However, a letter written by Captain James F. Randlett¹¹ gives good reason to question whether the citizens of the plaza were as peaceable and law-abiding as they would have liked the governor to believe:

The civil law is powerless and has no active execution except a lawless posse led by one Juan Gonzales¹² a noted murderer and horse thief. This man Gonzales pretends to act as (and I believe is actually) a deputy Sheriff.

No white citizens would surrender to this Villian [sic] and his posse with a show for anything but a barbarous death.

The Mexican population have nothing to fear from Gonzales and can commit crime with impunity unless some action is taken by authority sufficient to control the elements at work.

Governor Giddings wrote Secretary of the Interior C. Delano requesting that he arrange for the use of soldiers to assist the civil authorities, but Secretary of War William H. Belknap informed Delano that Lincoln was an organized

10. Some of the records give the name as Pedro Patron. He was Juan B. Patron's father.

11. James F. Randlett to Adjutant General, District of New Mexico, January 5, 1874.

12. In October, 1876, Frank Coe and Ab Saunders ambushed Juan Gonzales at his house in Lincoln. Saunders succeeded in wounding him slightly, but he escaped to Albuquerque, where he was later killed while trying to rob a house. See J. Evetts Haley, "Horse Thieves," *Southwest Review*, 15:321 (Spring, 1930)

county and that there was no authority for troops to interfere in the affairs of the citizens. If they did so, they would be subject to indictment by civil authorities. The Assistant General of the Department of the Missouri then issued a General Order specifically forbidding the troops to act except on the orders of the President of the United States.

Another clash seems to have taken place in the village of San Patricio on January 4, 1874. Three days later Governor Giddings¹³ signed a proclamation offering \$100 each for the apprehension of Crompton, Scott and "three other persons, brothers, by the name of Harrold, whose first names are unknown." Nevertheless, about the end of that month another raid was made on Lincoln, during which Deputy Sheriff Joseph Haskins was taken out of his bed and murdered, allegedly by Edward "Little" Hart, Thomas Keenan and C. W. King, for no other reason than that he had a Mexican wife. The Horrells declared their intention of killing L. G. Murphy and J. J. Dolan, but were unable to find them. First reports stated that Dave Stanley was killed; later it was announced that this was a mistake and that Mr. and Mrs. Steve Stanley had been killed by a wild shot while in their bed. Since a Steve Stanley, a Murphy & Co. teamster, fought a duel with S. W. Lloyd in Lincoln on February 24, 1876, it seems likely that there may have been an error in this report as well.

This was the Texans' parting gesture. Apparently they had already decided to return to Lampasas and had sent their families ahead of them to Roswell, leaving their ranch property in the hands of Murphy. Later Juan B. Patron¹⁴ significantly commented, "There are people who say that this was one of the ends Murphy was working for." It suggests that the Texans represented a force which Murphy felt that he could not control and which he therefore determined to drive out.

13. *Santa Fe Daily New Mexican*, January 9, 1874.

14. Juan B. Patron, Unpublished affidavit. Patron had been raised by Archbishop Lamy and educated at Notre Dame. He was murdered by M. E. Maney at Puerto de Luna on April 9, 1884. The killing appears to have been the senseless act of a drunken cowboy, but some of the contemporary newspapers suggested that it was an outgrowth of the Horrell War.

On the way to Roswell, Ben Turner was killed by a shot fired from ambush, by, it has been said, a man named Martin Chaves. The party started back to Lincoln to wipe out the town, got as far as the Casey Ranch, were unable to agree on a course of action, and finally headed back to Roswell. About fifteen miles west of the town they met a party of five Mexican freighters and killed them all. At some stage of all this fighting, Reymundo and Ceberiano Aguilar, Pablo Romero, Severiano Apadaca, Juan Silva, Ramondo Apadaca, Leverian Apadaca and Juan Lyban lost their lives. The total number of persons killed was no doubt considerably in excess of those whom it has been possible to name here. The *Santa Fe Daily New Mexican* for December 29, 1873, had noted that up to that time thirteen individuals had been murdered.

Warrants were issued charging Frank H. Ricker, Zachariah Crompton, John D. Scott, John Walker, James Scott, Merritt Horrell, James McLaine, Charles Powell, William Williams, Thomas Bowen, Samuel Horrell, Thomas Horrell, Martin Horrell, William Applegate, James Wilson, William Little, Robert Honeycutt, C. W. King, W. A. Jocoby, Robert Casey, Edward Hart, Thomas Keenan, Rufus Overstreet, Captain James Randlett and two men identified only as Woods and Jones with murder or complicity in murder. Randlett and Casey obtained changes of venue to Socorro County, where Randlett was found not guilty by a jury which did not even leave their seats and the charges against Casey were dismissed. Randlett asserted that the charge was made simply in revenge for his actions which had resulted in the removal of Murphy as Indian trader at Fort Stanton. Charges against the others were later dismissed because they had left the country and the warrants could not be served.

The Texans did not leave empty handed. Ricker had stolen four horses from Stanley. Crompton, Applegate, Hart and a man named Still rustled some horses and mules belonging to Aaron O. Wilburn, of Roswell. Some of the other members of the party met Robert W. Beckwith on the public road and robbed him of horse, saddle and pistol. All of the stock was driven off Sheriff Mills' ranch. Beckwith lost eight horses and mules. Wilburn and his brother Frank raised a

posse and pursued the thieves to the Hueco Tanks, east of El Paso, where Crompton and Still were killed. Wilburn returned to Roswell, but, fearing the vengeance of the Horrells, fled to Las Vegas.

According to Sonnichsen,¹⁵ when the Horrells reached home they told their friends, "We fought them all the way to Fort Davis." Unhappily, Lampasas proved no haven of refuge. Word of their coming had preceded them and the sheriff had assembled a posse of fifty men. As the Horrells' wagons rolled into town on the 5th of March, the posse opened fire. Jerry Scott and Rufus Overstreet were captured. Scott was shot through the lung, and one Johnny Green, the proverbial innocent bystander, received a serious wound in the abdomen from a shot aimed at Overstreet. Mart Horrell was slightly wounded.

That the Horrells hoped to make a new start in life is shown by the fact that the Lampasas *Dispatch*¹⁶ reported that "The Horrell party didn't fire a shot at the posse during the engagement." Their new attitude of "peaceful coexistence" was further confirmed in September, when the Horrells surrendered to stand trial for the Williams affair, finally being acquitted in October, 1876.

At this point a mystery arises. About the end of November, 1874, the Las Cruces *Borderer*¹⁷ noted that "The Harold boys have returned to Lincoln County and trouble is feared." Who it was that returned, and on what business, the writer has been unable to learn. Diligent search of contemporary newspapers reveals no further reports of troubles with the Horrells in New Mexico.

The writer takes pleasure in acknowledging the assistance of the following in collecting material for this paper: Dr. C. L. Sonnichsen, Texas Western College; Dr. Seymour V. Connor and Mrs. B. Brandt, Texas State Archives; Dr. Llerena Friend, Barker Texas History Center; Mr. Michael T. Brimble, Library of the University of Texas; Miss Elizabeth McCollister, San Antonio Public Library, Mr. George R. Rawley, Librarian, Southwestern University, Mr. Glenn Turner and Lieutenant Robert Dykstra, U.S.A. Also Miss Gertrude Hill, Miss Ruth E. Rambo and Mrs. Edith G. McManmon of the Library of the Museum of New Mexico.

15. Sonnichsen, *op. cit.*, p. 103.

16. Lampasas *Dispatch*, March 19, 1874, quoted in Dallas *Daily Herald*, March 25, 1874.

17. Las Cruces *The Borderer*, quoted in Santa Fe *Daily New Mexican*, December 7, 1874.