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EXIT AXTELL: ENTER WALLACE

By PHILIP J. RASCH*

DURING the 1870s the Federal Government was deluged with complaints about the political and economic conditions in Lincoln County, Territory of New Mexico. In 1878 the outcries attained such a volume that they could no longer be ignored. Frank Warner Angel, a New York attorney, was appointed a Special Agent, representing both the Department of the Interior and the Department of Justice, and sent to the Territory to examine and report on the situation. Unfortunately, his original instructions cannot be located in the National Archives.¹ It is evident from his letters that his assignment included the investigation of the killing of John H. Tunstall and of the charges which had been preferred against Frederick C. Godfroy, Agent of the Mescalero Apaches; Thomas B. Catron, United States District Attorney; Samuel B. Axtell, Governor of the Territory, and the Surveyor General.

His task proved to be no easy one. In one report he stated:

I was met by every opposition possible by the United States civil officials and every obstacle thrown in my way by them to prevent a full and complete examination — with one exception and that of the surveyor general who not only sought but insisted on a full examination. . . .²

Angel reached the conclusion that Tunstall had been murdered in cold blood, recommended the removal of Axtell³ and suggested that Godfroy be permitted to resign.⁴ His action in regard to Catron is not known, since the report which he

* 567 Erskine Drive, Pacific Palisades, California.

1. Report by Marion Johnson, with Thad Page to P. J. Rasch, July 28, 1955.

2. Frank Warner Angel to C. Schurz, Oct. 3, 1878. Record Group 48, Records of the Office of the Secretary of the Interior, Appointment Division, Letters Received, Territorial Governors, New Mexico, 1849-78. National Archives.

3. Frank Warner Angel to Charles Devens, Undated Report, Department of Justice. National Archives.

4. Frank Warner Angel to C. Schurz, Oct. 2, 1878. Record Group 75, Records of the Bureau of Indian Affairs. National Archives.

submitted and Catron's subsequent letter of resignation cannot be located in the files of the National Archives.^{5, 6}

Less than a month after Angel visited Lincoln, the plaza erupted into five days (July 15-19, 1878) of fighting between the friends of the deceased Tunstall, led by Alexander A. McSween, and the partisans of Lawrence G. Murphy, James J. Dolan and John H. Riley. Angel had arrived home in August and had obtained permission from Attorney General Charles Devens to remain with his family while preparing his reports. However, on August 17 he was suddenly ordered to proceed to Washington immediately to present a brief report to President Rutherford B. Hayes.

Angel's description of affairs in New Mexico apparently convinced the President that Axtell must be replaced as governor of New Mexico. At the suggestion of Postmaster General Tyner, himself from Indiana, Secretary of the Interior Carl Schurz offered the position to Lewis Wallace, of Crawfordsville, Indiana, a son of David Wallace, one time governor of that state. Wallace, a former Civil War major general and member of the military commission which had tried persons accused of implication in the assassination of President Lincoln, was at this time fifty-one years of age and thoroughly bored by his law practice. He had been a loyal worker for the election of Hayes and had hoped for an appointment as minister to Italy, Spain, Brazil or Mexico in return for his services.⁷ However, excited by the prospect of adventure and wealth on the frontier, he accepted the proffered post. On September 4 Schurz sent him an order suspending Axtell as governor and appointing Wallace as his successor.

On September 13 Wallace reported to Schurz for instructions. About two weeks later he left Crawfordsville for Santa Fe. The Indianian traveled by way of the Atchison, Topeka & Santa Fe to Pueblo, Colorado, by narrow gauge to Trinidad, and thence by buckboard to Cimarron, New Mexico, where he rested a few days as the house guest of Frank Springer. The citizens of Cimarron, who had hailed the news

5. Bess Glenn to P. J. Rasch, Aug. 2, 1955.

6. Bess Glenn to P. J. Rasch, Dec. 13, 1955.

7. Irving Wallace, "*Ben-Hur*" Wallace. Berkeley: University of California Press, 1947, p. 136.

of Axtell's removal with a 50 gun salute, gave the new governor an enthusiastic welcome. He was tendered a reception at the home of Judge Lee and was the subject of a highly laudatory article in the local paper.

Wallace arrived at Santa Fe on Sunday evening, September 29, where his reception was considerably more restrained than it had been at Cimarron. The *Rocky Mountain Sentinel*⁸ noted that his appearance was a surprise and disappointment to quite a number of those who had hoped that Axtell's removal would not be consummated. On Monday afternoon the new governor took the oath of office from Associate Justice Samuel G. Parks, of the Territorial Supreme Court. The following day he sent Axtell a note informing him that he had qualified. Enclosed was the order of suspension. Accompanied by U. S. Marshal John E. Sherman and Judge Henry L. Waldo, Wallace then called upon Axtell in person. To save the discredited official all humiliation possible, Wallace requested that there be no public ceremony at his inauguration, and granted his predecessor two weeks time in which to move out of his official residence, El Palacio del Gobernador. Asked about the Lincoln County troubles, he stated that he would go there at once, and "if peace and quiet are not fully restored in that county within the next sixty days I will feel ashamed of myself." To Schurz he wrote, "As to Lincoln county, I shall go to see the people immediately."⁹

The state of affairs in Lincoln County was dark indeed. With neither posse nor troops to assist him, Sheriff George W. Peppin was completely powerless. The result was chaos. Bands of armed men roamed the country, rustling, stealing, burning property, abducting and raping women, and openly defying the sheriff to arrest them. On September 6, Joe Bowers and Sam Smith, of the McSween faction, had run off all of Charles Fritz's horses while they were being herded by his sons only six hundred yards from his house,¹⁰ but their

8. Santa Fe *Rocky Mountain Sentinel*, Oct. 2, 1878.

9. Lew Wallace to C. Schurz, Oct. 1, 1878. The William Henry Smith Memorial Library of the Indiana Historical Society.

10. N. A. M. Dudley to Act. Asst. Adjutant General, District of New Mexico, Sept. 7, 1878. Records of the War Department, Office of the Adjutant General, File 1405, AGO, 1878. National Archives.

crime was minor indeed compared with those of the Wrestlers.¹¹ This marauding band was led by John Selman,¹² alias John Gunter, who was afterwards to win a dubious sort of fame by shooting John Wesley Hardin in the back.¹³ Alleged to be included in the gang were Thomas Selman, alias "Tom Cat," Charles Snow,¹⁴ alias Johnson, Reese Gobly, V. S. Whitaker, John Nelson, Robert Speakes, Gus Gildea, James Irvin, William Dwyer and one Collins.¹⁵ On a sweep through the county during the latter part of September, they burned the Coe ranch house at Tinnie, after first stealing everything of value.¹⁶ They wrecked Hoggins' Saloon (the old Murphy Brewery) near Lincoln, abused his wife and sister, and seriously injured a man named Sheppard when he remonstrated against their treatment of the women.¹⁷ On the Hondo they wantonly murdered two boys, Clato and Desiderio Chavez, and a crazy boy named Lorenzo Lucero.¹⁸ Stealing what horses they could find, they proceeded to the Martin Sanchez ranch and killed his fourteen year old son, Gregorio. A few nights later they raped two women.¹⁹ Not long afterwards it was reported that the bodies of Reese Gobly, James Irvin and "Rustling Bob" had been found on the Pecos, presumably murdered by their fellows.

In one of his reports of their depredations, Lieutenant Colonel Nathan Augustus Monroe Dudley,²⁰ commanding Fort Stanton, begged,

11. It seems likely that "Wrestlers" is a mistaken rendition of the word Rustlers.
 12. Selman was killed by U. S. Deputy Marshal George Scarborough in El Paso, Texas, on April 5, 1896. See *State of Texas vs. Geo. A. Scarborough*; Cause No. 1945. Also *El Paso Daily Times*, April 7, 1896.

13. See *State of Texas vs. John Selman*, Cause No. 1874. Also *El Paso Times*, Aug. 20, 21, 22, 1895.

14. Charles Snow was one of the Clanton gang of rustlers wiped out by Mexicans in Guadalupe Canyon on August 13, 1881. See Phil Rasch, "A Note on Buckskin Frank Leslie," in 1954 *Brand Book*, Denver Posse of The Westerners. Boulder: Johnson Publishing Company, 1955, p. 208.

15. See Causes 272, 273, 275, 276, 327, 328, 329 and 330, Lincoln County, New Mexico.

16. George Coe, *Frontier Fighter*. New York: Houghton Mifflin Company, 1934, p. 106.

17. N. A. M. Dudley to Acting Asst. Adjt. General, District of New Mexico, Sept. 28, 1878. File 1405, AGO, 1878.

18. N. A. M. Dudley to Asst. Adjt. General, District of New Mexico, Sept. 29, 1878. File 1405, AGO, 1878.

19. N. A. M. Dudley to Act. Asst. Adjt. General, District of New Mexico, Oct. 3, 1878. File 1405, AGO, 1878.

20. For a brief biography of this individual see P. J. Rasch, "A Note on N. A. M.

"I respectfully and earnestly ask in the name of God and humanity, that I may be allowed to use the forces at my command to drive these murderers, horse-thieves and escaped convicts out of the country."

Following the rape of the two women, he sent Captain Henry Carroll out with twenty men to provide protection for the citizens. Colonel Edward Hatch, commanding the District of New Mexico, immediately notified him that his action was in violation of orders and instructed that Carroll be recalled at once.²¹

Sherman informed Wallace that he had warrants for residents of Lincoln County but was powerless to execute them due to the condition of affairs there.²² Judge Warren Bristol telegraphed from Mesilla that it was impossible to hold court in Lincoln County.²³ Probate Judge Florencio Gonzales, Justices of the Peace John B. Wilson, George Kimble, Nicolas Torres, J. Gregorio Trujillo and County Commissioners Saturnino Baca and Francisco Romero y Luna petitioned for protection under the terms of the Treaty of Guadalupe Hidalgo, warning that the force of the outlaws was stronger in the county than was that of the law-abiding citizens.²⁴ Dudley wrote that "ten murders have been reported within the last fifteen days. No man, woman, or child is safe in the county outside of the shadow of the Military."²⁵

Terrified for their very lives, even the citizens who had taken no part in the Murphy-Dolan-Riley-Tunstall-McSween troubles found it necessary to move elsewhere. The *Las Vegas Gazette* reported:

Six wagon loads of emigrants from North and South Spring in Lincoln County,²⁶ passed through town Tuesday go-

Dudley," *The Westerners Brand Book*. Los Angeles: The Los Angeles Westerners, 1950, pp. 207-214. Since that account was written the War Department has removed a great deal of very important material about Dudley from the classified list. His actions at Lincoln need to be re-evaluated in the light of this newly-available material.

21. Loud to Comdg. Officer, Fort Stanton, Oct. 8, 1878. File 1405, AGO, 1878.

22. John Sherman, Jr. to Lew Wallace, Oct. 4, 1878. William Henry Smith Memorial Library of the Indiana Historical Society.

23. Bristol to Sherman, Oct. 4, 1878. The William Henry Smith Memorial Library of the Indiana Historical Society.

24. Florencio Gonzales *et al.* to Lew Wallace, Oct. 8, 1878. The William Henry Smith Memorial Library of the Indiana Historical Society.

25. N. A. M. Dudley to Lewis Wallace, Oct. 10, 1878. The William Henry Smith Memorial Library of the Indiana Historical Society.

26. This apparently refers to the Mormon settlers who had been welcomed by John

ing north. They were driven out by the lawless element of the section. They had tried hard to take no part in the contest and preferred to leave rather than to take either side. About twenty horses had been taken from them. A deputy sheriff rode up and demanded that they take up arms and go with them and fight. This they refused to do and loaded up and left the country. They left their houses, lands, standing crops, gardens and everything pertaining to comfortable homes. They will seek employment on the railroad. No new country can well afford to lose so industrious and law abiding class of people.²⁷

In spite of the *Gazette's* warning the troubles continued. The Beckwiths, the Pierces, William Powell and Lewis Paxton fled the county. Saturnino Baca remained, but was forced to seek refuge at Fort Stanton. The post offices at Roswell, Seven Rivers, and Lloyd's Station were abandoned.²⁸ The settlement of Antelope, near Roswell, was deserted, and a steady stream of families flowed out of the territory.²⁹

In the midst of all these troubles Lawrence G. Murphy, one of the men most responsible for their existence, was called before the tribunal which passes final judgment on a man's deeds. Broken in health and in power, the former dictator of Lincoln County died of "general debility" at Santa Fe on October 20, 1878.³⁰ Unfortunately, his death did nothing to calm the storm which his life had raised.

President Hayes had issued the following:

PROCLAMATION

Whereas, it is provided in the laws of the United States, that whenever by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against the authority of the government of the United States, it shall become impracticable in the judgment of the President to enforce by the ordinary course of judicial proceedings, the laws of the

Chisum a few years earlier. For the background of this settlement see Philip J. Rasch, "The Pecos War," in press, *Panhandle-Plains Historical Review*.

27. *Las Vegas Gazette*, Aug. 17, 1878; quoted in *Cimarron News and Press*, Sept. 29, 1878.

28. N. A. M. Dudley to Act. Asst. Adjt. General, District of New Mexico, Oct. 19, 1878. File 1405, AGO, 1878.

29. Daniel Dow, Robert Steward and August Kline to Commander at Fort Stanton, Oct. 1, 1878. File 1405, AGO, 1878.

30. *Santa Fe New Mexican*, Oct. 26, 1878.

United States within any state or locality, it shall be lawful for the President to call forth the militia of any or all the states, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever state or territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed; and

Whereas it has been made to appear to me, that by reason of unlawful combinations and assemblages of persons to arms, it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States within the Territory of New Mexico, and especially within Lincoln county thereof, and that the laws of the United States have been therein forcibly opposed, and the execution thereof forcibly resisted; and

Whereas, the laws of the United States require that whenever it may be necessary in the judgment of the President to use the military force for the purpose of enforcing the faithful execution of the laws of the United States he shall forthwith by proclamation command such insurgents to disperse and retire peacefully to their respective abodes within a limited time. Now therefore, I, RUTHERFORD B. HAYES, President of the United States, do hereby admonish all good citizens of the United States, and especially of the Territory of New Mexico, against aiding, countenancing, abetting or taking part in such unlawful proceedings, and I do hereby warn all persons engaged in or connected with such obstruction of the laws to disperse and return peaceably to their respective abodes on or before noon of the thirteenth day of October, instant.

In Witness whereof I have hereunto set my hand and caused the Seal of the United States to be affixed. Done at the City of Washington this seventh day of October in the year of our Lord eighteen hundred and seventy-eight, and of the Independence of the United States the one hundred and third.

The next day Secretary of War George W. McCrary issued a General Order instructing the General Commanding the Military Department of the Missouri to inform the proper military officer that after the 13th of October he would disperse by force all unlawful combinations or assemblages within the Territory.³¹

Wallace at once advised Secretary of State W. M. Evarts that "I shall go down to Lincoln immediately that I can get

31. Geo. W. McCrary to Wm. T. Sherman, Oct. 8, 1878. File 1405, AGO, 1878.

conveyance and escort the better to report the effect of the Proclamation and the manner in which it is observed."³² Before he could start it was rumored that Juan Patron's gang had shot two men and hung another somewhere between Lloyd's Station and Fort Sumner.³³ Sixty-five horses belonging to a group of Jicarilla Apaches under the care of Agent Jack Long camped on the Reservation less than a mile from Fort Stanton were run off on October 12. A week later five thousand sheep were stolen from the grazing region just north of Lincoln; the three Mexican herders were believed to have been killed.

Wallace seems to have been acting on the assumption that if left to themselves the people of Lincoln County would reach a peaceful solution of their problems. Now his patience was exhausted. In placing the situation before Schurz he stated:

My judgment is that to refer the matter to the civil authorities is childish. Read again what Judge Bristol said about juries in Lincoln county, observe the petition of officers of the county given above. So, too, putting the military at my order or that of Sheriffs is but a half way measure. We cannot act without process; while courts must sit surrounded by bayonets, and juries deliberate in dread of assassination. In fact there is nothing to be done but make war upon the murderous bands. When prisoners are taken, let them be sent before a military commission, appointed to sit continuously at Fort Stanton. In other words, martial law for the counties Lincoln and Dona Ana. The proclamation in quickest time possible.³⁴

Apparently Schurz disapproved of this request, for on October 26 the governor asked Hatch for military assistance in maintaining law and order in Lincoln and Doña Ana Counties.³⁵ Hatch at once instructed Dudley to furnish assistance to the U. S. Marshal and Territorial Sheriffs and deputies in making arrests upon proper writs, in pursuing thieves and in

32. Lew Wallace to W. M. Everts, Oct. 9, 1878. Record Group 59, General Records of the Department of State, Miscellaneous Letters.

33. N. A. M. Dudley to Act. Asst. Adjt. General, District of New Mexico, Oct. 10, 1878. File 1405, AGO, 1878.

34. Lew Wallace to C. Schurz, Oct. 14, 1878. The William Henry Smith Memorial Library of the Indiana Historical Society.

35. Lew Wallace to Edward Hatch, Oct. 26, 1878. File 1405, AGO, 1878.

protecting the mails.³⁶ Reinforced by additional troops from Fort Union, Dudley ordered the detachment at Tulerosa, under Lieutenant Millard F. Goodwin, to cooperate with the authorities in that area,³⁷ and sent a detachment under Captain Carroll to take station at Roswell for the protection of the citizens there.³⁸ Goodwin was ordered to maintain patrols along the highway between South Fork, La Luz and Dog Canyon, Carroll was instructed to divide his command, part to patrol the road between Roswell and Fort Sumner; part the road between Roswell and Seven Rivers.

The President's Proclamation and the action of the troops seem to have had the effect of causing many of the depredators to leave the territory, although Guadalupe Grejada made an affidavit that John Jones, Thomas Johnson and one Calamo, heading for Texas with a party of some fifteen other men, had paused long enough to kill three Mexicans and seize their wagons and horses.³⁹

For a few weeks, however, things remained generally quiet. Wallace, perhaps overly anxious to claim success in pacifying the county, then issued a proclamation of his own:

PROCLAMATION BY THE GOVERNOR

For the information of the people of the United States, and of the citizens of New Mexico in especial, the undersigned announces that the disorders lately prevalent in Lincoln County in said Territory, have been happily brought to an end. Persons having business and property interests therein, and who are themselves peaceably disposed, may go to and from that County without hinderance or molestation. Individuals resident there, but who have been driven away, or who, from choice, sought safety elsewhere, are invited to return, under assurance that ample measures have been taken, and are now and will be continued in force, to make them secure in person and property. And that the people of Lincoln County may be

36. John S. Loud to Commanding Officer, Fort Stanton, Oct. 27, 1878. Exhibit No. 1, Vol. No. 3, Court of Inquiry convened by S. O. 59, Head Quarters, Department of the Missouri, March 28, 1879. National Archives.

37. N. A. M. Dudley to M. F. Goodwin, Nov. 3, 1878. Exhibit No. 3, Vol. No. 3, Court of Inquiry convened by S. O. 59.

38. S. S. Pague, Special Orders No. 130, Nov. 4, 1878. Exhibit No. 2, Vol. No. 3, Court of Inquiry convened by S. O. 59.

39. M. P. Corbett to Judge Blacker, Nov. 9, 1878. State of Texas *Adjutant General's Reports*, 1870-1881, pp. 6-8.

helped more speedily to the management of their civil affairs, as contemplated by law, and to induce them to lay aside forever the divisions and tenses which, by national notoriety, have been so prejudicial to their locality and the whole Territory, the undersigned, by virtue of authority in him vested, further proclaims a general pardon for misdemeanors and offenses committed in the said County of Lincoln against the laws of the said Territory in connection with the aforesaid disorders, between the first day of February, 1878, and the date of this proclamation.

And it is expressly understood that the foregoing pardon is upon the conditions and limitations following:

It shall not apply except to officers of the United States Army stationed in the said County during the said disorders, and to persons who, at the time of the commission of the offense or misdemeanor of which they may be accused, were, with good intent, resident citizens of the said Territory, and who shall have hereafter kept the peace, and conducted themselves in all respects as becoming good citizens.

Neither shall it be pleaded by any person in bar of conviction under indictment now found and returned for any such crimes or misdemeanors, nor operate the release of any party undergoing pains and penalties consequent upon sentence heretofore had for any crime or misdemeanor.

In witness whereof I have hereunto set my hand and caused the seal of the Territory of New Mexico to be affixed.

Done at the city of Santa Fe, this 13th day of November, A. D. 1878.

To Schurz he wrote: "The trouble is ended now"; of Evarts he enquired, "Do you not think me entitled to a promotion?"⁴⁰

The Army had found their duty of assisting the peace officers both delicate and distasteful. In addition Dudley was anxious to start training his men for the trouble which he foresaw would soon commence with the Apaches. He promptly asked his superior whether the governor's proclamation was sufficient authority for him to suspend action,⁴¹ but warned that it had had the effect of bringing back into the county some noted outlaws, including Jim French and Josiah G. "Doc" Scurlock,⁴² and that Sheriff George W. Pep-

40. Quoted in McKee, *op. cit.*, p. 145.

41. N. A. M. Dudley to Asst. Adjt. General, District of New Mexico, Dec. 6, 1878. Exhibit No. 7, Vol. No. 3, Court of Inquiry convened by S. O. 59

42. N. A. M. Dudley to Acting Assistant Adjt. General, District of New Mexico, Nov. 30, 1878. Exhibit No. 23, Vol. No. 1, Court of Inquiry convened by S. O. 59.

pin and his deputies did not consider it safe to leave Fort Stanton to make arrests without a military escort.⁴³

Almost simultaneously with the issuance of Wallace's proclamation a band of thieves stole part of Pat Coghlan's cattle from Three Rivers. They were pursued by Lieutenant Goodwin's force, who recovered part of the cattle and captured Jake Owens and H. J. Bassett, both of whom claimed to have been cowboys for John Riley, Frank Wheeler, John W. Irving, and H. J. Moore.⁴⁴ Coghlan, however, suddenly developed a convenient illness and was unable to appear to testify against them when the case was called before Justice John B. Wilson. Catron's brother-in-law and local representative, Edgar A. Walz, however, presented himself before the court and volunteered the information that Coghlan had informed him that he had not lost a single head of cattle! The prisoners were perforce turned loose. That same afternoon a Mexican was killed about a mile from the Fritz home.⁴⁵ A few days later the bodies of Irving and Moore were found near the White Sands. Who had shot them was never discovered.

Aggravating although these things may have been to Dudley, it is likely that he was more concerned over his own troubles with Mrs. Sue Ellen McSween's lawyer, a man named Chapman.

Huston I. Chapman was from Portland, Oregon. He had accidentally lost one arm in his youth, but being of a vigorous, aggressive nature had obtained a position as a civil engineer on the Atchison, Topeka & Santa Fe Railroad, specializing in bridge construction. He left the railroad in September, 1878, to open a law office in Las Vegas. Within a few weeks he was retained by the widow of Alexander McSween and adopted her cause with the burning zeal of a born fanatic.

In October Chapman had written to Governor Wallace that

43. N. A. M. Dudley to Acting Asst. Adj. Gen. District of New Mexico, Dec. 7, 1878. File 1405, AGO, 1878.

44. N. A. M. Dudley to Acting Assist. Adj. General, Nov. 23, 1878. Exhibit No. 5, Vol. No. 3, Court of Inquiry convened by S. O. 59.

45. N. A. M. Dudley to Acting Assist. Adj. General, Dec. 3, 1878. Exhibit No. 6, Vol. No. 3, Court of Inquiry convened by S. O. 59.

I am in possession of facts which make Col Dudley criminally responsible for the killing of McSween, and he has threatened, in case Martial law was proclaimed that he would arrest Mrs. McSween and her friends immediately. Through fear of his threat Mrs. McSween left Lincoln and is now visiting here, until such time as she may with safety return to her home.⁴⁶

Wallace forwarded a copy of this letter to Colonel Hatch, with the comment that

Candidly speaking, the accusations therein against Col. Dudley strike me as incredible; at the same time, it is apparent that Mrs. McSween . . . is alarmed; wherefore . . . I respectfully request a special safeguard for her . . .

You will further oblige me by calling Col. Dudley's attention to this letter . . . the charges preferred by Mr. Chapman seriously affect his fitness for the very delicate duty.⁴⁷

Dudley's reply was anything but the retort courteous. He declined to comment on Chapman's charges, but sent Hatch eight affidavits, obtained from Saturnino Baca, George W. Peppin, Jack Long, John Priest, Francisco Gomez, Lieutenant G. W. Smith, Lieutenant Samuel S. Pague, and Assistant Surgeon D. M. Appel, attacking Mrs. McSween's veracity, principles and morals, requesting that they be laid before the Governor to demonstrate the character of the principal complainant against him.⁴⁸ Some of the material in these documents is of a nature which could not be printed here. In forwarding the papers to Wallace, Hatch commented that "The safeguard for Mrs. McSween is not, under the circumstances necessary."⁴⁹ In this decision Wallace concurred, and his request for a safeguard was withdrawn. Later he explained that his action was not due to the nature of the affidavits but because he was convinced that the precautions ordered by Hatch made special protection for her unnecessary.⁵⁰

46. H. I. Chapman to Lew Wallace, Oct. 24, 1878. Exhibit No. 4, Vol. No. 1, Court of Inquiry convened by S. O. 59.

47. Lew Wallace to Edward Hatch, Oct. 28, 1878. File 1405, AGO, 1878.

48. N. A. M. Dudley to Actg. Asst. Adjt. General, Nov. 7, 1878 and Nov. 9, 1878. File 1405, AGO, 1878.

49. John S. Loud to Lew Wallace, Nov. 13, 1878. File 1405, AGO, 1878.

50. Testimony of Lewis Wallace, P. 9 Court of Inquiry convened by S. O. 59.

Chapman called on Wallace and over the governor's protests insisted that he would press charges against Dudley before the next meeting of the grand jury. After he left, Wallace drew out of his desk the preliminary version of his proclamation of pardon for the Lincoln County feudists and thoughtfully inserted the clause regarding Army officers, with the object of protecting them from harassment by Mrs. McSween and her lawyer. To Dudley he wrote, "I had a good reason for that by the way which I shall explain when I see you."⁵¹

Unfortunately for the governor's good intentions, in a long "Open Letter"⁵² Dudley, with the endorsement of his officers, rejected the pardon for himself and his command, contending that as they had committed no illegal acts they could not be pardoned, and severely criticized Wallace for his failure to visit Lincoln to investigate the five murders, the rapes, and the horse and cattle thefts that had recently taken place. Injudiciously, he referred to the "eight long affidavits" and characterized Mrs. McSween as "a notoriously bad woman."

Intemperate though his language was, his attitude could be attributed to the delicate sense of honor which military men have always professed. Wallace contented himself with writing the officers at Fort Stanton a mild note inviting them to call upon him so that he might show them that "the clause of which you complain was even more than a kindness to such of you as were on duty in Lincoln county during the disorders there,"⁵³ and informed Schurz that he was deliberately staying away from Lincoln in order to avoid provoking jealousy and bad feeling.⁵⁴

Perhaps Wallace's forbearance stemmed from the fact that only the previous week he had requested that Dudley be relieved from command of Fort Stanton, as "he has excited the animosity of parties in Lincoln County to such a degree

51. Lew Wallace to N. A. M. Dudley, Nov. 30, 1878. Exhibit No. 26, Vol. No. 1. Court of Inquiry convened by S. O. 59.

52. *Santa Fe Weekly New Mexican*, Dec. 14, 1878; *Mesilla News*, Dec. 21, 1878.

53. Lew Wallace to N. A. M. Dudley *et al.*, Dec. 16, 1878. William Henry Smith Memorial Library of the Indiana Historical Society.

54. Lew Wallace to C. Schurz, Dec. 21, 1878. William Henry Smith Memorial Library of the Indiana Historical Society.

as to embarrass the administration of affairs in that locality."⁵⁵ Dudley's superiors, however, unanimously disapproved the request. General of the Army William T. Sherman noted in his endorsement that Dudley was not required to explain his public acts to the governor, but would promptly do so to his superiors if Wallace would prefer charges against him.⁵⁶

Chapman repeatedly addressed Wallace, insisting in increasingly abusive language that the governor must visit Lincoln in person. Dudley, he wrote, was "a whiskey barrel in the morning and a barrel of whiskey at night . . . his conduct has become a reproach to the military service of the country and an insult to every officer who tries to maintain the dignity of his position."⁵⁷ Failing to receive satisfaction from Wallace, he finally challenged him directly by organizing a mass meeting of the citizens of Lincoln on December 7

for the purpose of expressing their sentiments in regard to the outrages committed in this county, and to denounce the manner in which the people have been misrepresented and maligned; and also to adopt such measures as will inform the President of the United States as to the true state of affairs in Lincoln County.⁵⁸

To the governor himself, Chapman wrote contemptuously:

The people of Lincoln County are disgusted and tired of the neglect and indifference shown them by you, and next week they intend holding a mass-meeting to give expression to their sentiment, and unless you come here before that time you may expect to be severely denounced in language more forcible than polite. . . .

I am now preparing a statement of facts for publication, which, I am sorry to say will reflect upon you for not coming here in person, for no one can get a correct idea of the outrages

55. Lew Wallace to Edward Hatch, Dec. 7, 1878. P. 9 Court of Inquiry convened by S. O. 59.

56. W. T. Sherman to the Secretary of War, Dec. 26, 1878. Pp. 11-12 Court of Inquiry convened by S. O. 59.

57. H. I. Chapman to Lew Wallace, Nov. 25, 1878. Exhibit No. 24, Vol. No. 1, Court of Inquiry convened by S. O. 59.

58. Quoted from copy of placard with N. A. M. Dudley to Acting Asst. Adjutant General, Dec. 9, 1878. File 1405, AGO, 1878.

that have [been] committed here by quietly sitting in Santa Fe and depending on drunken officers for information.⁵⁹

Fortunately for the peace and quiet of Lincoln, Chapman's meeting met with the disapproval of Isaac Ellis, Ben Ellis, Jose Montaño and others of the cooler heads among the McSween partisans. As a result it seems to have gone off without disturbance of any kind. Wallace jubilantly informed a reporter that when he

reached his post of duty he found the Territory in a state of anarchy and confusion. . . .

By systematic management, with the assistance of the national authorities, who placed at his disposal the United States troops stationed in the Territory, he has brought about a state of profound peace, and he says New Mexico is . . . free from turmoil and anarchy today. . . .⁶⁰

The Governor was soon to learn that he had committed a strategic blunder which a former major general should have avoided: he had fatally underestimated Chapman's ability to create trouble.

59. H. I. Chapman to Lew Wallace, Nov. 2, 1878. Exhibit No. 25, Vol. No. 1, Court of Inquiry convened by S. O. 59.

60. *Denver Tribune*, Jan. 30, 1879.