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HOLM O. BURSUM, SHERIFF 1894

By DONALD R. MOORMAN*

Perhaps the most interesting aspect of Western History which has captured the imagination of the American people has been the problem of law enforcement. Seemingly, few aspects of this field remain to be covered. The colorful sheriffs and marshalls of Tombstone, Dodge City and Topeka have been duly enshrined on the American Mantel. The sheriff's victims,—prostitutes, gamblers, rustlers and murderers have seen their reputations gain a certain air of respectability but yet the real heroes in the quest for law and order have been relegated to the dusty archives of universities.

In most Territories the period of lawlessness seldom extended beyond a twenty or thirty year period, and even within this range the key population centers of the Territory absorbed most of the lawlessness. Whether or not we believe that the frontier attracted a particular breed of men, we must concede that the frontier catered to men looking for a chance to make their mark in the world. In their anxiety to make their mark, they often were not concerned with the letter of the law. King Colt's decisions were final and the sentence was seldom appealed.

The frontier society of New Mexico did not lend itself to the typical Turnerian hypothesis. Spanish institutions and attitudes combined to make law enforcement somewhat unique. The *patrón*, many times, administered penalties for minor violations, while Spanish respect for authority tended to minimize their participation in major crimes. Consequently, one finds that the bulk of serious crimes was committed by non-Spanish speaking people. The Spanish, how-

*The author's doctoral dissertation was *A Political Biography of Holm O. Bursum, 1899-1924*. Department of History, The University of New Mexico, 1962. Ms.

ever, seem to have been guilty of a greater share of minor offenses.

Holm O. Bursum, the subject of this paper, arrived in the New Mexico Territory during his late teens. When he put forth his name as candidate for Sheriff, he had lived through several Indian encounters, helped survey a railroad route, and through wise investment and clever horse trading had acquired a large-sized ranch.

Bursum's bid for election as Sheriff of Socorro County had an unusual twist. Often districts found it difficult to find a clerk who could read or write. On election morning the polls at Mogollón, a town in Socorro County, were closed for want of a literate clerk. At 9:30 in the morning a prominent stock raiser, Charlie Ward, rode into town to vote. The book-keeper in a cross-roads store commandeered Ward to act as clerk of the elections. After explaining the town's dilemma, he hauled Ward off to jail. The local officials appointed him clerk and forced him to receive the ballots through the bars of the jail. As soon as the polls were closed the ballots were carried across the street to old John Coffee's saloon and counted over the bar. When Charlie Ward signed Bursum's election certificate, he was allowed to return to his ranching business.¹

The policing of Socorro County was sufficient to tax the ability of even the most determined officer. During the 1890's the county occupied an area of 15,386 square miles, extending west from central New Mexico, a distance one hundred and seventy miles to the Arizona state line. At its widest point the county was approximately 85 miles in distance; more than one-fourth of it was mountainous. These mountains gave the Territory a brief mining boom in the 1870's, but by 1890 many of the key mining districts were dying. When Bursum was elected Sheriff in 1894, the exit of miners from Socorro County was conspicuous.

One early inhabitant of the region related how, as a

1. *Washington Star*, February 2, 1923.

young girl, she sat on the steps of a local mercantile company and counted the wagons as they rolled out of town. It seemed to her that the town was dying a cancerous death. Merchants went bankrupt because they were deserted by their customers, miners fled because of the lack of work, and the "rowdy element" left out of sheer boredom. However, since the Southwest was one of the last havens for the reckless breed, Bursum was familiar with the gangs of Black Jack Ketchem, the original Black Jack Christian, Broncho Bill, Butch Cassidy, and Kid Curry. The list was enlarged by Jimmy the Tough, Tom Crow, Buckskin Bell, Kid Johnson, and Dan Pinkins.

Highway robbery was frequent in the western Territories and sometimes a bit of local humor was injected into a normally serious situation. San Antonio and White Oaks, New Mexico, were blessed with frequent stage service. On October 7, 1896, the east bound and west bound stages were held up. The four highwaymen first attacked the east bound stage at 4 o'clock in the afternoon. Fortunately, no passengers were aboard so the bandits had to content themselves with a few mail sacks. The disgusted robbers then followed the mail route eastward, exchanging their tired horses at a prearranged rendezvous for fresh ones. Six hours after the first hold-up they stopped the west bound stage. The stage driver willingly gave over the mail sacks and was ordered down from his platform. Next the lone passenger stepped down from his dust-ridden compartment. The passenger, David Tanner, had apparently been in the same predicament on another occasion, for as he stepped down he managed to drop his pocketbook under the stage. Seeing that Tanner had little to offer, the bandits took his hat, gloves, and pipe. This was a common practice in the west and greatly facilitated tracing of the bandits. However, on this occasion, the bandits were confronted with a sad tale of poverty—in fact the story was so sad that the bandits gave Tanner seven dollars in change. When the bandits left the scene, the

would-be man of poverty picked up his wallet and happily concluded that the robbery had netted him a three dollar profit.²

A posse was sent from Lincoln and Socorro Counties, but with few results.

Every sheriff seems to have had one criminal who posed a special problem. Bursum's nemesis was Black Jack Ketchem. Tracing the encounter of Bursum and Ketchem was interesting for it so happened that the sheriff was chasing two Black Jack bands simultaneously. However, on June 26, 1897, Black Jack Christian was killed near Clifton, Arizona. For the next two months a posse searched for the remaining elements of the gang, but was limited by the problem of expense.

I am sure that I can get every man of them if there was only some means to pay the expenses of keeping the search up, but the county has no available means that could be used for this purpose and I cannot personally afford to stand the expense any longer, in as much as the county is unable to do anything towards defraying the expenses, it has been suggested that money might be raised by subscription, and I thought perhaps you might feel disposed to do something regarding [*sic*] paying the expenses of keeping a posse after the outfit until I get them, I dislike very much to have to call on citizens in this way on a matter of this kind, but conditions are such that if the expense of continuing the case is not raised in this way it will be impossible to successfully accomplish anything. . . .³

In order that he might make his point more emphatic he speculated on the future of Socorro.

The killing of Smith and the fact that the perpetrators of the deed have not been caught has hurt this county with outside people a great deal. It is not only the killing of Smith but they [the Ketchum gang] are constantly stealing horses, cattle, and if this condition of affairs is not stopped and the

2. *Socorro Chieftan*, October 8, 1896.

3. H. O. Bursum to W. S. French, July 16, 1897. *Bursum Papers*, University of New Mexico, Albuquerque, New Mexico.

guilty not brought to justice people will be afraid to come into the county and securities will naturally decrease. . . .⁴

By August 20, 1897, Black Jack Ketchem complicated the scene by ravaging Western Socorro County. He was also accused of shooting and killing Ed Moss and "Shorty" Miller. Bursum sent Deputy Sheriff Shaw to apprehend Black Jack, but the deputy had his horse shot out from under him. Bursum decided to send out Indian scouts to trace down the killers. The Indians were aware of the dangers of their occupation. Consequently they insisted that the posse follow a mile behind. The Indians reasoned that if they were stopped by the bandits there would be little danger of being shot. However, as a part of a posse the danger of meeting a violent end was increased appreciably. On this occasion the Indians sent word that they had located one of the camps of Black Jack. The posse was called forth and a member of the gang was captured, but was later shot trying to escape.

The irony of the chase was made known when Bursum returned with his posse of tired men. While he was chasing Black Jack's gang, Black Jack appeared in Socorro looking for Sheriff Bursum, but fled before the Sheriff's return. Upon hearing this Bursum remounted a fresh horse and once more traced the bandit through the wilds of New Mexico and on the seventh day found himself within a few hours of the desperado. Thinking he could easily capture the bandit on the following morning, he made a dry camp.

The next morning he realized his mistake. Black Jack had managed to get to a ranch and barter for a fresh horse. The owner of the ranch had been a personal and political enemy of Bursum so he willingly allowed the criminal to escape.

Bursum never did capture Black Jack, but several years later as Superintendent of the Territorial Penitentiary he had the task of witnessing the hangman's noose around

4. *Ibid.*

Black Jack's neck. Black Jack still had the last laugh, however; when the noose was placed around his neck he complained about the inefficiency of the operator. In Black Jack's words, "Hurry please, I don't want to be late for dinner in hell!"

No account of a Sheriff's life would be complete without humor. During the Spanish-American War a great deal of recruiting occurred in the Territory. The recruiters were so effective in their arguments that the Spanish-Americans found it embarrassing to resist signing up. In the midst of this recruiting Bursum was forced to apprehend several train robbers. He decided literally to cut them off at the pass, but he needed a posse. When he rode into town, he could not locate a single male inhabitant. Although the criminals were eventually apprehended, he wondered about the male shortage. When he inquired, he met this answer, "Señor, we think you recruiting man, and we all hide under our beds."

In the spring of 1896 an indictment for murder was issued against Frank Williams, but he disappeared before he could be tried. Rumors throughout the county claimed Williams had been murdered. Boldly, his companions led Sheriff Bursum to the scene of the crime. The camp was in disarray with blood spattered on Williams' saddle and blanket. At first, it appeared that Williams had been killed and his body carried away. Bursum was not satisfied with what he saw, so he took blood samples and had them sent to the University of New Mexico Zoology Laboratory. The blood belonged to a horse—Williams was later apprehended.⁵

This brief incident in Bursum's life could give the impression that the major preoccupation of the frontier sheriff was in apprehending dangerous criminals—this assumption is not true.

Two problems which were chronic were Indian depredations and finances. In the first instance the Sheriff acted as a moderating influence between Whites and Reds. The local

5. *Socorro Chieftan*, September 25, 1896.

newspapers blamed many of the crimes committed in the region on the Indians. As one newspaper lamented:

Never a year passes but some of our citizens are murdered by these red devils, and never a year comes when their agents give whole bands of them written permission to rove at will over western Socorro County. It is then that they steal horses, kill cattle, and murder travelers.⁶

Still later the same paper continued the attack:

There is no use wasting words, one life like that of James Cornell is worth the whole Navajo and Apache nations, and a stop should be put to these incursions of Indians, and if their agents and the government who have them in charge will not stop it and keep them on their reservations, then the people of the county should arm themselves and drive every one of them from Socorro County, and if they will not go peacefully use force, and while using force use enough to see that they do not come back. The idea of letting these red devils out in the fall of the year on the pretext of hunting when their sole aim is to kill cattle, steal horses and murder, is something unheard of, and every fall the same thing is repeated in western Socorro County. Our people are sick of it.⁷

One of the most illuminating facets of this study was the financial problems faced by peace officers. For instance, if an officer left the Territory in search of a criminal he was reimbursed only if the trip was a success. Many times the officer would try to secure free railroad passage to soften the burden. One letter will serve to demonstrate this point.

I have made some trips all ready on requisition papers and the last failed to get my man. The Territory in any event only pays the actual expenses of bringing a prisoner from another state. There is no fee connected with the serving of requisition papers, and when an officer as agent for the territory fails to bring the prisoner the territory will allow him nothing. The very best an officer can expect is to make his actual expenses.

6. *Socorro Chieftan*, October 4, 1895.

7. *Ibid.*

Now, while I am in favor of bringing all persons charged with crime before the proper tribunal, so that they may be brought to trial I cannot afford to run the chances of failing to arrest the parties wanted and bear the whole expense personally. I therefore request from you if after due consideration you may consider my request . . . to extend my transportation as far east as Kansas City.⁸

The railroads supported law officers in this respect. The fact that Bursum was also an Old Guard Republican did not hurt him. However, if special expenses were incurred in tracing down robbers for the railroads or the Wells Fargo Company, they were billed for services rendered.

Federal prisoners were kept in the Socorro County jail at a cost of sixty cents per prisoner per day. The county housed its own prisoners at the same location at the cost of fifty cents per prisoner per day. It seems that even in Territorial days the Federal Government was subjected to extra charges. This in turn made the Federal Marshal reluctant to pay even legitimate claims. Only constant pleading of the most humanitarian nature received a response.

This man is a poor man and is (has) been out of money for a long time and I would be much obliged to you if you would make an effort to get this matter straightened out promptly.⁹

If collecting money from the Federal Government was difficult, then extracting just claims from the Territory was impossible. Under the Territorial law of 1890, a Sheriff was to be paid mileage at the rate of 12½ cents per mile actually and necessarily traveled, to apprehend a criminal within the Territory. The same law awarded 12½ cents a mile for the prisoner and one guard. Furthermore, the Sheriff, prisoner, and guard were to be paid \$1.00 per day for food and lodging. Although the law was specific in its intentions, the Territorial treasurer seldom lived up to the letter of the law. In

8. H. O. Bursum to Mr. Hurley, July 19, 1895, *Bursum Papers*.

9. H. O. Bursum to E. L. Hall, August 3, 1895. *Ibid.*

fact it became so difficult to reimburse guards that the practice of using them almost disappeared. Many a Deputy Sheriff lost his life for the lack of a few pieces of silver.

Not only did the Sheriff have difficulty in being reimbursed for personal outlays from the Territory, but he also found it virtually impossible to collect rewards which the Territory posted. In 1893 the claims against the Territory far exceeded the amount appropriated. The rewards that a Territory offered were an important part of the Sheriff's income. Rewards probably added approximately \$50 to \$100 in additional income to Bursum. His total salary was near \$250 per month. However, part of this salary went to subsidize the income of numerous deputy sheriffs.

The Deputy Sheriff's salary was determined by two factors. In the first instance it depended on the generosity of the Sheriff and in the second on the generosity of the town. The town's contribution was about \$100 per month. This combination normally netted a salary of \$125 a month for a deputy. However, documentary material seems to indicate that in smaller communities the townspeople bore the complete financial burden of law enforcement. However, the deputy sheriffs were not always sure of their monthly salary and the Sheriff would have to publish a monthly plea in the town's newspaper.

To the people of Mogollon:

Gentlemen:

Kindly pay over to Mr. C. H. Kirkpatrick the amount of your subscription for the month of July, for services rendered as Deputy Sheriff, during that time, and oblige!¹⁰

More often than not the plea fell on deaf ears, and generally the Sheriff returned the responsibility back to the deputy:

I believe it would be best if you would collect the money yourself. It seems to me that, that would be the most satisfactory

10. H. O. Bursum to People of Mogollon, August 12, 1895, *Bursum Papers*.

way to all parties. There could be no jealousy [*sic*] or feeling on the part of the business men in dealing with the party direct, however it makes a little difference to me which way the money is collected just as long as you get your pay.¹¹

Every month the financial position of the Sheriff and his deputies balanced on the brink of financial disaster. The salient effect of the position was that it made the sheriffs more resolute when they tracked a criminal with a reward. Sometimes the Sheriff would exert influence to increase the reward.

Yes, I have warrant for John Hinton, am very anxious to get him. There is a reward of \$200. I think that by doing a little work we can get it increased to \$500. If agreeable I will try to have it increased and we can divide it.¹²

Not only did they try to increase rewards but in some cases they stretched the meaning of the law to protect their investment.

Herewith find warrant for Maynard. Be sure and don't let him go. Don't allow him to talk to any lawyers as he might try and take him from you in this way. There has been too much expense involved to let him go now, and I simply sent you this warrant for your protection.¹³

Although the Deputy Sheriff's life was similar to that of a Sheriff he bore a great deal of the burden of law enforcement and had a higher fatality rate. The deputies were appointed by nationality and party affiliation. Spanish-American deputies were appointed in Spanish communities while Anglo-Americans were appointed in non-Spanish speaking towns.

The tenure of the Deputy Sheriff was directly tied to the successful political life of the Sheriff; consequently, both

11. H. O. Bursum to C. Baca, Deputy Sheriff, Mogollon, August 2, 1895, *Bursum Papers*.

12. H. O. Bursum to H. W. Loomis, Deputy United States Marshall, Albuquerque, October 2, 1896, *Ibid*.

13. H. O. Bursum to Hon Walker, El Paso, September 16, 1895, *Ibid*.

men heavily supported their party. Party support was so extreme on the frontier that it was said that when one purchased a pair of shoes they were either Republican shoes or Democratic shoes—if one had an attack of appendicitis he either had a Republican appendix or a Democratic appendix.

The political importance of local sheriffs is a factor seldom understood by writers of western tradition. National issues and historical figures more often than not determined the political success of the Sheriff. A key issue in the election of 1896 was the free and unlimited coinage of silver. When eastern Republicans adopted a "solid gold" platform Western Republicans found themselves in an embarrassing situation. The issue of free silver was clearly understood by the Sheriff of Socorro County.

I tell you . . . I have canvassed nearly every precinct in this County, I have the sentiment of the people throughout the neighboring Counties . . . I have the sentiment of the people . . . and I say to you when you say that the silver plank referred to will not hold the Silver Republicans in line, you are simply erring in your judgement . . . I can name you fifty, yes one hundred Silver Republicans who will cheerfully support in a substantial manner the Republican ticket with a plank for silver. These gentlemen would vote on the other side on a straight gold platform.

— — —
You may say that the coinage of the American product is not an issue before the people, I say to you if it is not an issue we will make it an issue.¹⁴

Bursum reminded his reader that the Republican Party of the Territory had supported the increase in the use and coinage of silver in every election of the past decade. Now the Party placed itself in the unfortunate position of being against any further coinage of silver. After reviewing the Party's past platforms, Bursum lashed out at the Party's lack of harmony.

14. H. O. Bursum to R. E. Twitchell, September 15, 1896, *Sheriff's Records*.

I would rather remain consistent on the whole with the people even though my view were not altogether [*sic*] consistent and in harmony with the Republican party. I believe in party support. I believe in the principals [*sic*] that will best serve the interests of our people. . . . If you are willing to sacrifice the election of our territorial and county ticket for the sake of being in strict accord with the St. Louis platform I am not with you. The interests of every true Republican should be the success of his party.¹⁵

Bursum won the election as did the national Republican candidate, William McKinley. Bursum's career as Sheriff was a stepping stone into the United State Senate. His political career hit its zenith in 1924 when he was seriously considered as a vice-presidential nominee, but he refused the position because of pressing financial difficulties.

The Sheriff of the Southwest was an individual turned hard against the desert. His financial condition was chaotic, his dreams confined to returning to the parched ranch, but he lived the drama of the west even though this memory is diluted by fantasy.

15. *Ibid.*