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*LES DOW, SHERIFF OF EDDY COUNTY*

PHILIP J. RASCH &amp; LEE MYERS\*

IN THE LATE 1800's, say old-timers who were there, Seven Rivers, New Mexico, was "as tough as the toughest. Nearly all of the town's early residents were either outlaws or borderline cases."<sup>1</sup> Even if that recollection may have become somewhat exaggerated with the passing of the years, there is no doubt whatsoever that the village was filled with desperate characters. And among them moved no more fearless individual, nor one handier with a gun, than the sheriff of Eddy County—James Leslie Dow. This is his story.

Les was born in Clinton, DeWitt County, Texas, on April 30, 1860, the youngest son in a family of seven boys and two girls. Head of the clan was Samuel Dow, who emigrated there from Mississippi. Although Clinton was then a prosperous village, it has long since disappeared, leaving only a cemetery to mark its site. While nothing is known of Les's early years, there is no reason to believe that they differed in any material way from those of other youngsters of that period and place. It was almost foreordained that they would grow up to become cowboys, and, as a young man, he worked for one of the local cattle kings, Hi Millett.

Les married Mary (Mollie) A. Neatherlin (born in Williamson County, Texas, April 2, 1862) on January 10, 1884, at Pear-sall (Frio County), Texas.<sup>2</sup> Shortly thereafter he established a ranch of his own near Cotulla, Texas, and stocked it with a small herd of cattle. His first son, Hiram Millett, was born there on April 21, 1885.

\*The authors are indebted to Mmes. Max A. Blau, Ethyl M. Paine, James A. McCollum, and R. T. Bowen for valuable assistance with this paper.

Early in that year Dow disposed of his ranch and trailed his cattle to New Mexico. Family tradition has it that he was a deputy United States marshal at the time and that a livestock association requested him to move to New Mexico to serve as their inspector. Dow homesteaded on one hundred sixty acres on the south side of South Seven Rivers, two miles west of the tiny town itself. The next several years are unrecorded, but there is evidence that during that time he not only raised cattle, but ran a saloon and hotel at Seven Rivers, and played a part in the activities of the local Republican Party.<sup>3</sup> Another son, Robert Clinton, was born at Seven Rivers on July 10, 1888. Two other children died early in life.

Les's older brother, Cam, owned a cattle ranch near Hope, New Mexico.<sup>4</sup> He had something of a local reputation as a dangerous man with a gun, but there seems to be no record of his ever having killed anyone.

Les apparently began building his own reputation as a gunman in his saloon on the morning of April 4, 1891, at the expense of one Zack Light. Light possessed more courage than sense, a fact which was helped not a bit by a predilection for the bottle. He was reputed to be especially dangerous when in his cups, and, as a consequence, was given a wide berth by all who knew him. Light was also a Texan and had been involved in several scrapes there, including the killing of Joe Kyle in the Kinney Saloon at Mason, Texas, on December 25, 1887. He obtained a change of venue to Brady and was eventually acquitted. Some time around 1887 or 1888 he drove a herd to Seven Rivers as a member of the ranching firm of Lytle, Light, and Schriener, of Kerrville, Texas. The original cause of the enmity between Light and Dow is a matter for speculation. One account has it that Light had never forgiven Les for testifying against him when he was charged with a murderous assault on William Henderson some time in October 1889.<sup>5</sup> Another story is that Light had included a few head of Dow's cattle in a herd he trailed to Clayton, New Mexico. When he returned from the sale of these cattle, he failed to make a settlement satisfactory to Les. At any rate, there had been bad blood

between the two men for some time. They met at Seven Rivers on April 4, 1891. Light had been drinking and was quarrelsome—a fatal error when dealing with a man of Dow's ability with a revolver.

Dow next attracted publicity in August 1893. A Mexican had left some money in his hands for safekeeping. A constable named William H. Smith<sup>6</sup> presented an order for it to be paid to someone whom Dow did not know. He refused to honor the request, declaring that he would pay the money only to its rightful owner. An altercation ensued. Each man claimed that the other drew first, but it was the constable who backed down.<sup>7</sup>

The November 1894 contest for sheriff of Eddy County appears to have been more than slightly irregular. The Democratic Party nominated J. D. Walker; the incumbent sheriff, David L. Kemp,<sup>8</sup> supported his deputy and half brother, Walker W. Bush, from Roby, Texas; the Republican Party nominated Dow. According to Harkey,<sup>9</sup> Walker won by a majority of 37 votes over Dow. The latter brought suit to contest the election. He succeeded in getting hold of the ballots, and with the assistance of Tom Jones and Walter Emby, worked a number of them over, erasing Walker's name and substituting his own. Harkey, however, paid Eli Shavalda fifty dollars to steal the box and then burn it. Consequently Dow's lawyers had nothing to contest and the case was dropped. The official record shows only that Dow received 346 votes and Walker 381. Bush later paid Harkey the money he had given Shavalda.

It appears to have been about this time that Dow was appointed a detective for the Western Texas Cattle Association, whose headquarters were in Fort Worth, Texas, and for the New Mexican Southeastern Cattle Association. Several of his cases received fairly widespread publicity. He succeeded in arresting J. C. Beam in August 1895, when Beam brought an Eddy-Bissel beef into town hidden under a load of wood.<sup>10</sup> On another occasion the Swiss farmers residing south of the town complained that a considerable number of their animals had disappeared. After working on the case for a month or more, Dow found 44 head of cattle

and 24 horses 45 miles northeast of Colorado City, Texas. They had been shipped there by Ras Cave, who testified that he had received them from Bush.<sup>11</sup> Dow promptly arrested Bush on a charge of stealing a cow owned by a man named Corduray. Bush claimed that he had purchased the animal at the Vic Queen execution sale. Bush also affirmed that all cattle shipped to Colorado City had been his property, and he invited the public to visit his pasture at any time to verify his statements.<sup>12</sup>

However, this did not end Bush's tribulations. Both he and the former sheriff, Kemp, had also been arrested on a charge of stealing a calf from Mrs. A. Y. Smith. The case was dismissed so far as Kemp was concerned, but Bush was bound over to await the action of the grand jury.<sup>13</sup> In spite of Kemp's exoneration, the affair must have added fuel to the growing bitterness between him and Dow.

During the fall of 1895 W. A. Irvin (Irwin?), Frank Garst, and Andrew McDonald asked Dow to investigate the large-scale rustling of cattle from their herds. In September he arrested William McNew at Alamo Canyon, near the south end of the Sacramento Mountains. The detective claimed that a gang led by Oliver M. Lee and McNew had conducted wholesale thefts of cattle in Lincoln County. He took McNew into custody as he was driving a herd of beef cattle to El Paso,<sup>14</sup> handcuffed him to a wagon wheel, and ate dinner. After lunch he shot a steer displaying a brand which had been altered to the "pig pen" of Lee and McNew. Aided by two cowboys, George Bunting and Lee Green, Dow skinned the steer. He then escorted McNew and the evidence to Lincoln, nearly one hundred miles away.

McNew promptly gave bond and returned home. A few days later a posse which included Lee and McNew arrested Bunting and Green on a charge of killing and skinning a steer belonging to Lee and McNew and took them to Mesilla for a hearing.<sup>15</sup>

Early in January 1896 the word spread that Lee, McNew, and some of Lee's cowboys had come to Eddy for the purpose of killing Dow. The latter arranged for Irvin and some of his friends to back him up, and the town nervously awaited a shootout. Lee,

however, was in a conciliatory mood and a precarious peace between the two men was patched up.

About the middle of the month the grand jury at Lincoln found indictments against Lee and McNew on charges of larceny of cattle and defacing brands on a steer belonging to Irvin.<sup>16</sup> The prosecution was conducted by Colonel Albert Jennings Fountain, chief investigator and prosecutor for the Southeastern New Mexico Stock Growers Association. His case is said to have rested largely on the testimony given by Dow. On the afternoon of January 30 Fountain and his eight-year-old son, Henry, left Lincoln for their home in Las Cruces. Somewhere beyond the Chalk Hills they disappeared. Their bodies were never found and their killers were never identified, although most students of the mystery have not hesitated to point the finger of suspicion at Lee, McNew, and James Gililand.<sup>17</sup> Like a number of other famous New Mexican lawmen, Dow was active in the investigation of the affair, but was as unsuccessful as his fellows. The rustling indictments against Lee and McNew were finally dismissed on April 13, 1897.

On July 21, 1896, Les took the oath of office as Deputy United States Marshal. The following month he announced his candidacy for sheriff of Eddy County on the Democratic ticket.

In October of that year George Musgrave murdered Frank Parker in cold blood in Feliz Canyon, Chaves County, while Robert Hayes made sure that none of the bystanders interfered. Both of the murderers were members of the Black Jack Christian gang known as the High Fives.<sup>18</sup> Deputy Sheriff Charles L. Ballard took up the pursuit. At Deming he wired U. S. Marshal E. S. Hall to send Dow to his assistance. Later he was to write that Dow "was one of the bravest and best officers I ever knew. I was greatly relieved when Les stepped off the train at Deming."<sup>19</sup>

The two officers decided their quarry must have headed for the Diamond A horse camp on Deer Creek, Grant County. By dint of hard riding, Dow, Ballard, Baylor Shannon, Sheriff of Grant County, and deputies Steve Birchfield and Frank McGlinchy, reached the ranch before daylight on the eighteenth and secreted themselves in an old tank partly surrounded by cedar posts. Bob

Christian and Musgrave appeared, but dismounted and stayed on a ridge some two to three hundred yards distant. Black Jack and Hayes rode on down to the camp. Dow called out that they were officers and ordered the outlaws to throw up their hands. Instead of obeying, they dropped down behind their horses and began firing. The officers killed Hayes. Dow shot at Black Jack five times, but succeeded only in wounding him in the hand and killing his horse. In spite of this Black Jack escaped and rejoined his companions. Dow then left the posse to return to Eddy to qualify as sheriff.

Black Jack was probably killed at Cole Creek, near Clifton, Arizona, in April of the following year, although identification of the body was a matter of considerable dispute and the rewards were never paid.<sup>20</sup> Musgrave escaped to Montana. He was eventually captured, placed on trial in Roswell, and acquitted on June 3, 1910. Unfortunately, Dow himself was not around to witness the finale. How his demise was brought about has been told in several versions. What follows is what seems most reasonable to the authors, but they would be the first to admit that it may or may not be correct in all details.

On January 1, 1897, Dow took office as Sheriff of Eddy County. Harkey relates that he had a run-in with Dow shortly before he was elected. A few nights later he saw a man, disguised in a false beard, carrying a double-barrelled shotgun. Harkey ran him down and found that it was Dave Kemp. Kemp explained that he had come back from Arizona to kill Les. Harkey replied that he was an officer of the law and could not permit a murder in his county, in reply to which Kemp warned, "Les will kill you."

About 6:45 P. M. on Thursday, February 18, Dow strolled out of the post office, reading a letter. As he passed the office of the *Eddy Argus*, near the corner of Canyon and Fox Streets, Kemp and William Kennon stepped out of the doorway. Kemp fired a pistol literally in Dow's face. The bullet entered the left side of the mouth and shattered the jawbone, just missing the jugular vein, and came out at the left side of the neck behind and under the left ear. The weapon was held so close that Dow's face was

powder burned and the flash blinded him. He never knew who shot him.

The wounded man was carried into Blackmore's Drug Store and given emergency treatment. He was then taken to his home and operated upon by Drs. Walsmuth and Whicher while lying on a table in his front room. At the time it was not thought that the wound would prove fatal, but the sheriff died about eight o'clock the following morning without having regained consciousness.

A coroner's inquest found that the deceased died from a gunshot wound at the hands of parties unknown. The governor immediately offered a five-hundred-dollar reward for the arrest and conviction of each of the murderers. A public meeting in Eddy expressed "indignation and abhorance of this dastardly crime" and urged that every effort be made to bring the perpetrators to justice, commended the governor for his action, and extended heartiest sympathy to the bereaved wife and children. Within a few minutes a public subscription collected \$1,908 to be offered as a purse for the conviction of the murderer; eventually an amount in excess of \$2500 was posted.<sup>21</sup> Rumors were rife that Lee had ordered Dow's execution. Nothing was ever proved in this respect and it would appear that the murdered man's sons gave it no credence.

Kemp and Kennon were placed under arrest the next day and indicted by the grand jury on October 14, 1897. The prosecution moved for a change of venue on the grounds that it would be impossible to obtain a jury in Eddy County. After considerable wrangling, both parties agreed that the case should be transferred to Chaves County. The case came to trial in Roswell late in March 1898.

Plans of the defense to claim that Kemp was not in the county when the crime was committed were quickly torpedoed. C. W. Moore, a compositor in the office of the *Eddy Argus*, testified to seeing two men sitting in a recess at the front of the building and a third standing across the street. After hearing a shot he turned and saw two men running away. A. H. Asbury swore that he positively recognized the two runners as Kemp and Kennon. His

testimony was supported by that of A. N. Elliott and one or two others.

The attorneys for the accused then adopted a theory of "self-defense." William H. Smith, identified as the third man on the scene, Kennon, and Kemp took the stand in turn. Their story was that Dow had recognized Kemp, called him a damn sonofabitch, and reached for his pistol, whereupon Kemp beat him to the draw. Smith's testimony should be evaluated in the light of Harkey's statement that at the time of the shooting Smith was at work in a sugar beet factory. Later, Harkey said, he learned that Kemp had paid Smith fifty dollars for his testimony and instructed him to leave the country, which he did.<sup>22</sup> According to Mrs. Dow, Fred Butler, a photographer, testified that he had gone out in front of his establishment to get some fresh air. A man giving his name as Boyd came up and asked him to go back into his studio to discuss some business. Once inside Boyd seemed to be at a loss for words. In view of Harkey's statement he may actually have been the third man, but he was not called upon to testify.

To one reading the newspaper accounts of the trial it comes as a shock to learn that the jury brought in a verdict of "not guilty." Dow's friends made no secret of their belief that it was the result of perjured testimony.<sup>23</sup> Harkey is probably correct in commenting that "Les's reputation helped Dave in his defense."<sup>24</sup> After Dow's death the *Santa Fe Daily New Mexican* had commented that "He was involved in several fatal quarrels before leaving Texas and had earned the reputation of a gun fighter, which he seemed to enjoy."<sup>25</sup> The writers have found no record of any such "fatal quarrels" in Texas and believe that this report is false. It is, however, of importance in showing the view of Dow held by his contemporaries.

To the historian the published accounts of the testimony are highly frustrating in that nowhere do they establish a motivation for this cold-blooded murder. Neither has anyone writing since the trial come forward with a reasonable theory.



Les Dow

The town of Eddy received another surprise in June, when Mrs. Dow unexpectedly married Frank Rheinboldt, of McMillan (now Lakewood), fifteen miles north of Seven Rivers. Rheinboldt was a member of the board of county commissioners. He was from a Cincinnati family, who strongly opposed the marriage. It seems to have been ill fated from the beginning and finally ended in divorce. Mary resumed the name of Dow and moved to Miami, Arizona, where she ran the Executive Officers Boarding House for the Inspiration Copper Company for six years. She returned to Carlsbad for a time, but in 1943 moved to Phoenix, Arizona, where she died on March 26, 1949, aged 87 years. Both of her sons attended Washington & Lee University, became lawyers, and played prominent rôles in the political life of the state of New Mexico—Hiram as Lieutenant Governor and Robert as Attorney General. Hiram died at Roswell on March 7, 1969; Robert passed away at Carlsbad on December 14, 1969.

AFTER HIS TRIAL Kemp's popularity in Eddy County pretty well waned. In addition to his unsavory rôle in the Dow murder he had been involved in another discreditable affair. Willie Bush, son of Walker W., had been arrested on a charge of stealing cattle. In the District Court on October 23, 1897, Bush and Warren Hogan were sentenced to a year in the penitentiary. Kemp was fined twenty-five dollars and sentenced to two months in jail for contempt of court for trying to influence the testimony of a witness, Bruce Jones.<sup>26</sup> Kemp ranched for a time on the west bank of the Pecos River, a short distance east of Loving. According to Harkey<sup>27</sup> during this time he was suspected of rustling sixteen cows from R. S. Benson. However, Doc Lignon, alias Charley Watson, accepted full responsibility for the theft.

Later Kemp relocated at Cedar Lake. He moved to Lipscomb County, Texas, in 1900 and became a highly respected citizen there. He was involved in the real estate business with J. C. Jensen at Higgins from 1905 to 1908. When the partnership was dissolved he used his share of the proceeds to found a town called Kemp City just across the border in Oklahoma. Because there

was already an established Kemp City in the state, its name was changed to La Kemp. When the railroad by-passed it, the town was moved to the rails and became Booker, Texas.<sup>28</sup>

Kemp served as a special deputy sheriff in Lipscomb County for several years. Unfortunately he suffered two tragedies. About 1928 the body of his brother, Yancey Kemp, was found near his ranch in the Pine Lodge area, west of Roswell. He had been shot to death. His murderer was never identified. One of Kemp's brothers-in-law, Denton Robertson, operated a goat ranch at McKittrick Spring, about four or five miles west of Carlsbad. His body was found in the ashes of his ranch house, but the authors have been unable to date the event.

Kemp himself died of a heart attack on January 4, 1935, while watering his cattle. In one of his more egregious errors Harkey reports that Dave was shot by his sister.<sup>29</sup> This statement has been picked up and repeated by later writers, but there is no truth in it.<sup>30</sup> Certainly Kemp's story is discreditable enough, without further blackening the record with a complete calumny.

## NOTES

1. James Edward and George Louis Howell to Myers, personal communication, Dec. 11, 1970.

2. *Eddy Current*, Feb. 20, 1897.

3. Dee Harkey, *Mean as Hell* (Albuquerque, 1948), pp. 58-60.

4. Alexander Campbell Dow was born in Pearsall, Texas, ca. 1857. He was found dead in his home near Lakewood on Nov. 1, 1932. The date of death was thought to have been about ten days earlier. He was buried in an unmarked grave in the family plot at Carlsbad, N. M.

5. *Las Vegas Free Press*, April 18, 1891.

6. Smith was elected constable of Eddy Precinct, Eddy County, on Jan. 12, 1891, and reelected on Jan. 9, 1893. He was defeated for a third term by Dee Harkey in the election of Jan. 14, 1895. His real name is said to have been William Rogers.

7. *Eddy Argus*, Aug. 11, 1893.

8. Kemp was born March 1, 1861. Both Mason County and Bosque County, Texas, have been mentioned as the site. However, he was raised in Hamilton County. He is reputed to have killed one "Doll" Smith, who was fighting with Kemp's friend Dan Bogan. He was tried in Gatesville and sentenced to be hanged. One account has it that when the penalty was announced Kemp made a desperate effort to escape by jumping out of a second story window. He broke both ankles and was quickly recaptured. Because of his youth the Governor commuted the sentence to life imprisonment, and later pardoned him. Apparently he then went to New Mexico. He first appears in the *Eddy Argus* early in 1890, when he is mentioned as the partner of one Gray in ownership of the Wolf Saloon. Later he acquired full ownership of the business. He was elected first sheriff of the newly organized Eddy County on Nov. 4, 1890, and reelected in 1892. After selling the Wolf he entered into a partnership with Ed Lyell in the saloon, gambling, and cattle business. On Sept. 15, 1894, Kemp performed Eddy County's only legal execution, when he hanged James Barrett for murder.

9. Harkey, pp. 58-60.

10. *Eddy Current*, Aug. 8, 1895.

11. *Ibid.*, Oct. 3, 1895.

12. *Ibid.*, Nov. 7, 1895.

13. *Roswell Register*, Oct. 30, 1895.

14. *Eddy Current*, Oct. 17, 1895.

15. *Rio Grande Republican*, Nov. 15, 1895.

16. Causes Nos. 1489 and 1490, Lincoln County.

17. Eugene Cunningham wrote to one of the authors (PJR) that he had been told that he had once stood on the site of Fountain's grave. He believed that it must have been in an old corral at Pellman's Well.
18. For a firsthand account of this killing see Amanda Treat, "Eye Witness to Murder," *Lincoln County News*, March 26, 1970.
19. Brownie Emerson, "Charles Ballard's Colorful Career Included Being Blown Out Window," *Roswell Daily Record*, Dec. 26, 1955.
20. Jeff Burton, *Black Jack Christian: Outlaw* (Santa Fe, 1967), p. 29.
21. Harkey, pp. 120-24; *Santa Fe Daily New Mexican*, Feb. 19, 23, 1897; *Eddy Current*, Feb. 20, Mar. 8, 1897.
22. Harkey, p. 124.
23. Cecil Bonney, *Looking Over My Shoulder* (Roswell, 1971), p. 105.
24. Harkey, p. 124.
25. *Santa Fe Daily New Mexican*, Feb. 19, 1897.
26. *Eddy Current*, Oct. 23, 1897.
27. Harkey, pp. 126-28.
28. Mrs. Lowell Bowdle and Mrs. Mason Lemons, eds., *Dimensions of Progress Booker* (n.p., n.d.), p. 23.
29. Harkey, p. 128.
30. Mrs. Max A. Blau to Rasch, Dec. 20, 1970; Mrs. Ethyl M. Paine to Rasch, Dec. 25, 1970. Mrs. Max A. Blau in *Dimensions of Progress Booker*, pp. 166-67.