

KEEPING THE PEACE

The background of the cover is a sepia-toned illustration of a dusty street in an Old West town. The street is lined with wooden buildings, some with signs like 'THE SALOON'. In the foreground, a man in a dark suit and tie is superimposed, holding a revolver in his right hand. The overall atmosphere is gritty and historical.

Tales from the Old West

Glenn Davis



A collection of stories about gunmen who were hired as law officers to keep the peace and in some cases tame the towns that became out of control. Some of the deeds of these men led to their prominence in frontier law enforcement history. There were also extraordinarily brave men who had become obscured by history. Their stories are here as well as lesser known stories by old west legends.

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Tales From the Old West

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TALES FROM THE
OLD WEST

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First Edition

Chapter One

The Murder of Dora Hand

Dora Hand aka Fannie Keenan (stage name) is described as a beautiful and talented actress and singer who travelled to Dodge City after her divorce from husband Theodore Hand in 1876. After the divorce Dora would continue to use her married name. Theodore Hand was a vaudevillian and honky-tonk musician who appeared with Dora in variety shows in New Orleans and along the Mississippi River. Dora was one of the most glamorous and famous women west of the Mississippi. Her early life remains a mystery but legend has it that she came from a good family back east and had received formal training in music and voice.



Dora Hand – Circa 1878

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Dora Hand relocated to Dodge City from St. Louis to reunite with her best friend Fannie Garretson in 1878. Garretson was a seasoned performer who sang with Dora at Esher's Varieties Theatre in St. Louis. Fannie Garretson was a friend of Dodge City Mayor James "Dog" Kelley, who was the proprietor of the Alhambra Saloon and Gambling House and through that connection, Garretson and Hand would be able to find work singing.

The men of Dodge City quickly became fans of the new lady in town. An archived magazine article from Dodge City's Boot Hill Museum describes her thus: "[She] was of medium height and build, with a face of classic beauty. There was a grace and charm in her walk. She dressed plainly, usually in black, and this color seemed to accentuate the ivory whiteness of her soft skin."

Hand was very popular at the newly opened Lady Gay. The Lady Gay also featured other popular entertainers such as comedian Eddie Foy. Now Dora Hand had become professionally and personally successful. Dora would captivate the rough and sometimes wild cowboy audience with her beauty and voice. She would also win the attention of the mayor.

James "Dog" Kelley was Dora Hand's biggest fan and admirer. He was often seen traveling around Dodge with Dora in his company. Soon thereafter she was appearing solo at the Lady Gay, earning an extraordinary high salary of \$75 per week. Mayor Kelley hired Dora to perform at the Alhambra, allowing her to sing there for one hour, five nights a week. The owners of the Lady Gay fully agreed to Dora's other employment at the Alhambra. The Lady Gay owners were Ben Springer and Jim Masterson the younger brother of Ford County Sheriff Bat Masterson. Jim Masterson was also employed as a Deputy City Marshal in Dodge.

Dora Hand helped make the public more aware about the unfortunate poor. Her good deeds were noticed by other charitable residents who were also inspired to help. She was known to use her own money to buy groceries for the hungry and poor in town. Dora would also buy toys for the under privileged children and would come to the aid of residents who were sick as well.

James Kenedy, the son of Mifflin and Petra Kenedy owned a one hundred seventy-two thousand acre fenced tract twenty three miles from Corpus Christi, Texas. James was called "Spike" by his friends and the twenty three year old worked as a cattle driver for his parents. In the summer of 1878, Kenedy drove a herd of cattle from the family's Texas ranch up to Dodge City. Once there he

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would winter over the cattle to fatten them up for the next year's sale. Kenedy in his off hours was known to drink and gamble in the local saloons and would frequently find himself at odds with others including the law. In the summer of 1878 James Kenedy was a nuisance to local law enforcement with frequent brushes with the city marshals. For example, Assistant City Marshal Wyatt Earp arrested Kenedy on July 29, 1878 for carrying and brandishing a pistol. Kenedy paid a fine and was released with a warning to behave himself. Kenedy was from a wealthy family and he was accustomed to getting what he wanted when he wanted it. Kenedy was known to be short tempered and would become disorderly and prone to violence particularly when intoxicated. Although he had aggressive and violent tendencies he was not known for his individual courage. He was more likely to shoot a man in the back than to stand up to someone in a fair fight. For example, he once attempted to kill Print Olive in Ellsworth Kansas on July 27, 1872. Olive was sitting unarmed playing poker at the Ellsworth Billiard Saloon. Kenedy had accused Olive earlier in the day of cheating him when they played cards at Nick Lentz's Saloon. Fortunately an armed James Kelly, a friend and employee of Olive's was present and came to his defense. James Kelly shot Kenedy in the hip, clubbed him and took his revolver from him. According to the *August 1, 1872 edition on the Ellsworth Reporter*:

“Ellsworth, which has been remarkably quiet this season, had its first shooting affair this season last Saturday at about six o'clock Kennedy (sic) came into the room, went behind the bar and taking a revolver walked up in front of Olive and fired at him – telling him to ‘pass in his checks. ‘Olive threw up his hands exclaiming ‘don't shoot. ‘The second, third and fourth shot took effect, one entering the groin and making a bad wound, one in the thigh and the other in the hand.”

It was fortunate for Kenedy that Print Olive had been unarmed for he had a reputation s a bad hombre to deal with because of his reputation as a gunfighter. Mayor Kelley warned Kenedy to change his attitude. He advised Kenedy that the Dodge law officers are going to enforce the law under his direction. Kenedy was advised that his bad temper and rowdy behavior would cause him to have a bad time with his lawmen.

On Saturday, August 17, 1878 was a typical night at the Alhambra Saloon. The saloon was filled with cowboys drinking, gambling and enjoying the live entertainment. James “Spike” Kenedy was there that night but as usual he wasn't having a good night. Kenedy was losing in blackjack and he accused the dealer of manipulating the cards. Additionally he was making advances toward the

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saloon's singer Dora Hand which went unappreciated by the proprietor, James "Dog" Kelley. Kenedy would lose his temper once again when he thought he was being cheated. This led to a confrontation with Kelley and the two men began fighting. Kelley was bigger and stronger than Kenedy and was able to physically throw Kenedy out of the Alhambra Saloon. Kenedy was beaten and left lying in the street in front of the saloon. City Marshal Charlie Bassett arrested Kenedy for disorderly conduct. Kenedy paid a fine and was again warned to stay out of trouble.

Kenedy held a grudge against the mayor and would begin to stalk him to learn his habits. He found that Mayor Kelley resided behind the Great Western Hotel. Kenedy would determine that Kelley slept in the front bedroom of the two room cabin that he owned south of the deadline. Dodge City had passed an ordinance that guns could not be worn or carried north of the "deadline" which was the railroad tracks. The south side where "anything went" was wide open. After recovering from his beating and learning the habits of Mayor Kelley, Kenedy left Dodge by train for Kansas City. The purpose of the trip was to buy the fastest horse he could find and ride it back to Dodge City. The plan to kill Mayor Kelley had been put in motion and the fast horse would be needed to keep ahead of the posse that would surely pursue him.



Dodge City – Great Western Hotel – Circa 1874

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Kenedy would be away from Dodge for approximately two weeks and would return to carry out his plan to assassinate Mayor Kelley. It was October 3, 1878 and Kenedy was back in Dodge. That night Kenedy would stop at a saloon and was seen drinking with an unidentified male companion. The coward Kenedy had returned to kill Mayor Kelley at his home while he was sleeping. Unbeknownst to Kenedy his target was hospitalized at Fort Dodge with intestinal illness as Mayor Kelley needed an operation. During his absence Kelley had invited both Dora Hand and Fannie Garretson to stay at his place. Kelley worked long hours and he worked late nights at the Alhambra. The cabin was a place for him to sleep. The two room cabin was a simple wood framed building partitioned into two bedrooms.

James Kenedy left this Dodge Saloon alone on the morning of October 4, 1878. The streets of Dodge were unusually quiet as this lone assassin rode on horseback to commit the first documented drive by shooting in American history. Kenedy rode a racehorse and he was armed with a bowie knife and 2 holstered .44-caliber Colt revolvers. He also had a fully loaded carbine in his saddle boot.

On the night of October 3rd until the morning of October 4th Dora Hand had been the featured performer at the Varieties Theater and Fannie Garretson was entertaining at the Comique. Both establishments had been closed for over an hour and both ladies were at Kelley's cabin asleep. Fannie Garretson was in the front bedroom and Dora Hand was sleeping in Kelley's bed in the back room. At approximately 4:00 a. m. on October 4th a bartender in Dodge's only open saloon heard 4 shots ring out. The bartender observed James Kenedy racing out of town in a westerly direction. Assistant Marshal Wyatt Earp and Officer James Masterson responded to the scene of the shooting. Upon arriving they found a hysterical Fannie Garretson and Dora Hand dead in Kelley's bed. The lawmen found that a bullet had entered Hand's chest cavity under her right arm and killed her instantly. Ford County Sheriff Bat Masterson responded to the crime scene and conducted an investigation into events. According to articles in the October 5, 1878 *Dodge City Times* and the October 8, 1878 *Ford County Globe*,

“At 4 or 4:30 on the morning of October 4, a lone horseman rode up to Kelley's shack behind the Great Western.” The October 8 *Globe* reported, “The first shot after passing through the front door, struck the floor, passed through the carpet and facing of the partition and lodged in the next room. The second shot also passed through the door, but was apparently more elevated, striking the first bed, passing over Miss Garretson, who occupied the bed, through two quilts, through the plastered partition and, after passing through the

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bed clothing of the second bed, struck Fannie Keenan in the right side, under the arm, killing her instantly. Although the bartender reported hearing 4 shots." The *Dodge City Times* reported that the "midnight assassin squeezed off two. 44-caliber pistol rounds at the shack and then galloped off."

Kenedy's friend, a cowboy, was promptly arrested and interrogated by the lawmen working on this case. The Kenedy's friend confirmed that Kenedy was the shooter and that he acted alone. Once the questioning had been concluded the lawmen were able to clear the friend and set him free. The lawmen also determined that the motive for the shooting was revenge against Mayor James "Dog" Kelley for the beating he gave Kenedy weeks earlier. It was also clear that it was Kelley himself who was the intended target. Hand was unfortunately in the wrong place at the wrong time.

Next, Wyatt Earp proceeded to Fort Dodge to brief Mayor James "Dog" Kelley regarding the shooting. Mayor Kelley directed Wyatt to "bring him in alive." Dodge'll want to deal with him as a community." That "community" was outraged over the killing of Dora Hand and they demanded Kenedy be brought to justice. The outrage was particularly strong considering the victim was a woman. In the code of the old west it was considered an outrageously heinous act to kill a woman.

On October 5, 1878 Fannie Garretson wrote a letter to a friend in St. Louis about the attack. It was interesting to note that although Mayor Kelley requested that Kenedy be arrested and returned to Dodge alive some lawmen may have had other intentions. Fannie wrote, "The man who perpetrated this deed will never exist for a judge or a jury, as the officers have sworn never to take him alive. They were offered a big reward to get him but they declined to accept it for they were only too well pleased to get the order to start after him." The murderer is "a fiend in human form."

Sheriff Masterson would organize a posse of five of the most formidable lawmen ever assembled in the history of the old west. From the Ford County Sheriff's office there was Sheriff Bat Masterson, Deputy Sheriff Bill Duffey and Deputy Sheriff Bill Tilghman. Additionally, from the Dodge City Marshal's office the posse would include City Marshal Charles Bassett and Assistant City Marshal Wyatt Earp. Although the posse was formed in a short period of time they would not commence the hunt for Kenedy until two o'clock that afternoon. This delay gave the killer a 10-hour head start. The delay was the result of the need for a commission from the U. S. Marshal appointing Earp a U. S. Deputy

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Marshal. This commission would give the posse jurisdiction to pursue Kenedy into Indian Territory should that become necessary. As experienced fugitive hunters the posse knew that Kenedy would head for his family and friends in Texas. Although Kenedy had galloped out of Dodge in a westerly direction the posse knew he would ford the Cimarron and head South towards Texas. Bat Masterson and Wyatt Earp as experienced buffalo hunters knew the terrain very well and would be able to travel in the dark of night. The following account of the posse's work was published in the *Dodge City Times* on October 12, 1878:

“They {the posse} started down the river road, halting at a ranch below the Fort, thence going south traveling seventy five miles that day. A heavy storm Friday night found the officers at the ranch near Mead City, thirty five miles southwest of Dodge City one hour in advance of Kennedy {sic} who {later} said he was delayed by the storm in his proposed hasty exit to his cattle ranch at Tascosa, Texas.” “The officers were laying (sic) in wait at Mead City, their horses unsaddled and grazing on the plain, the party avoiding the appearance of a posse in full feather believing that they were in advance of the object of their search, but prepared to catch any straggler that exhibited signs of distress.” “Their patient waiting was rewarded at about 4 o'clock Saturday afternoon {October 5th}, when a solitary horseman appeared on the distant plain approaching the camp. The officers had appraised certain parties to give no heed of their presence, and from them it was afterwards leaned that Kennedy had made diligent inquiries concerning the whereabouts of supposed horsemen.” “To these inquiries Kennedy {sic} received negative replies. The cautious manner in which he approached the camp led the officers to believe that he sniffed the danger from every movement forward. He halted when within a few hundred yards of the camp, apparently dreading to proceed further. Seeing that he would approach no nearer, the officers thrice commanded Kennedy {sic} to throw up his hands.” “He raised his arm as though to strike his horse with a quirt he held in his hand, when several shots were fired by the officers, one shot striking Kennedy in the left shoulder, making a dangerous wound; three shots struck the horse killing him instantly. Kennedy was armed with a carbine, two revolvers and a knife.” “He was brought in Sunday and placed in jail, where he is receiving medical treatment, though he lies in a low and critical

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condition. A preliminary examination will be had as soon as the prisoner is able to appear in court.”

The lawmen bound and splinted Kenedy’s arm and transported him back to the Ford County Jail. Upon reaching the jail Kenedy was in serious condition due to blood loss and shock. However he would slowly begin to recover. However, after three weeks in jail Kenedy was still too weak to be moved so a hearing was arranged before Judge Cook in the Sheriff’s office adjoining his cell.



Wyatt Earp and Bat Masterson - 1876

Dora Hand’s funeral was the largest held in Dodge City. The dance hall girls and two hundred mounted men followed the wagon bearing her coffin to her place of burial at Boot Hill. Those in attendance who paid their last respect loved

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her. There were trail hardened cattle men who wept as Dora's body was lowered into her grave. The Rev. O. W. Wright officiated at the ceremony.

Kenedy's cattle baron father Mifflin Kenedy rushed to Dodge with high priced attorneys. The elder Kenedy used his wealth and influence to aid his bad seed son. The cattle empire of Mifflin Kenedy was also one of Dodge's primary sources of revenue. The October 29, 1878 issue of the *Ford County Globe* reported:

“Kennedy {sic}, the man who was arrested for the murder of Fannie Keenan, was examined last week before Judge {R. G.} Cook and acquitted. His trial took place in the sheriff's office, which was too small to admit spectators. We do not know what the evidence was or upon what grounds he was acquitted.”

The acquittal of James “Spike” Kenedy may have been the first time that the lawmen of Dodge City were to observe how money and power can influence the prosecution of a serious crime. Mifflin Kenedy had the resources to pay for top attorneys and surgeons and money to reach anyone willing to accept a bribe. The facts of the case would not be sufficient to hold James Kenedy for trial. These facts included a witness who observed James Kenedy hurriedly leaving town from near the crime scene immediately after the shooting and Kenedy's admission of the crime when arrested by U. S. Deputy Marshal Wyatt Earp and Sheriff Bat Masterson.

Chapter Two

The First Marshal of Abilene

Thomas James Smith was born in New York on June 12th 1830. Little is known about his early life except that he was of Irish descent. Prior to embarking on a career in law enforcement Smith was a professional middleweight boxer. His physical condition and fighting ability would serve him well in maintaining law and order in years to come. Smith gave up boxing to become a police officer. His first job in law enforcement was with the New York City Police Department. The length of time Smith served on the NYPD is not known but an unfortunate situation would cause him to give up his job. In 1868 a fourteen year old boy was accidentally shot and killed and Smith was involved. This tragedy led him to resign from the NYPD and relocate to a job with Union Pacific Railway in Nebraska.

After a short period of time Smith would return to working as a lawman but his attitude toward working with a firearm had changed after the incident in New York. As a lawman in Wyoming, Colorado and Kansas he would carry a gun for emergency purposes but he preferred to use his fists before his gun. As a former professional boxer he was good with his hands and could over power almost any opponent.

In 1868 Thomas Smith served as a police officer in Bear River, Wyoming. A group of vigilantes had lynched a railroad employee who was suspected of murder. This led to retaliation by a group of railroad employees against the vigilantes. The retaliation included widespread incidents of arson. The fire setters caused most of Bear River City to burn to the ground. These acts of arson led to a shootout between town citizens and mob members. Thomas Smith was able to stand off both factions until the cavalry arrived from Fort Bridger. Upon arrival the Army imposed martial law and succeeded in restoring the peace. Because of his extraordinary acts Smith acquired the nickname "Bear River."

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Abilene, Kansas was first settled in 1856. It would be a small hamlet until 1867 until Joseph McCoy decided it would be a good place for cattle drives. This decision was based primarily on the excellent availability of grazing land and abundant water. Joseph McCoy would build his stock yards in Abilene thereby paving the way for the beginning of cattle drives to this area. In 1867 thirty five thousand head of cattle arrived in Abilene and marked the beginning of Abilene as another hub for bringing cattle to market. In 1870 the Kansas Pacific Railway linked Abilene to Ellsworth and Denver. This growth led to an increase in population and crime in this former sleepy hamlet. When the Texas cowboys came to town they sought saloons, gambling parlors and brothels which all existed in Abilene. Drunken cowboys would settle grievances and disputes with gunfire. Shootings and killing would become commonplace and the good citizens of Abilene would make demands on Mayor Theodore Henry to hire police officers which were nonexistent.

Thomas Smith was interviewed by Mayor Henry for the newly created Abilene City Marshal position. Smith traveled east from Kit Carson, Colorado where he was employed as a Deputy Constable under Pat Desmond. Other candidates for the job were interviewed as well. For reasons not known Mayor Henry decided not to hire Smith and instead hired two St. Louis Police Officers. When the St. Louis officers arrived in Abilene and assessed the challenges they would face they immediately withdrew. Both men would quit on their very first day on the job. No sooner had the officers boarded the east-bound train back to St. Louis when the citizens of Abilene resumed their pressure on the Mayor to find a marshal. Mayor Henry was forced to hire his last resort and he called for Thomas Smith by telegram to offer him the job. Thomas Smith would become the first Marshal of Abilene. He was hired on Saturday, June 14, 1870 and would be paid \$150 per month and \$2 for each conviction of persons he arrested.

The new Marshal Smith's first order of business was to enforce an existing ordinance which prohibited the wearing of guns within the Abilene town limits. Smith began collecting firearms throughout the town so as to disarm everyone. All guns were returned when a person was leaving town. Smith was known for his preference not to use a gun and he attempted to enforce the law with his fists. On one occasion a burly man known as "Wyoming Frank" and his partner Hank

Hawkins both known for their bad behavior had a run in with Marshal Smith. He gave both men a public beating with his bare hands and banished both of them from Abilene. Marshal Smith's feat quickly spread throughout the town and the law abiding citizens began to see that the right man was in the job. During his few months Smith had been very effective in reducing the rate of shootings and killings in town. However, the Marshal was unpopular with the Texas cowboys and the criminal element who resented being relieved of their guns. Marshal Smith would survive two assassination attempts in his first few months.

Marshal Smith had received an appointment to the office of Dickinson County Undersheriff because of his successes in Abilene. This position would extend the Marshal's jurisdiction beyond Abilene and throughout the county. Additionally, Marshal Smith also had been commissioned as a U. S. Deputy Marshal which gave him authority to hunt fugitives anywhere in the United States. As a U. S. Deputy Marshal Thomas Smith had the authority to pursue the horse thief "Buckskin Bill" and his accomplices into Nebraska. On August 2, 1870 the *Republican Valley Empire* reported the results of Marshal Smith's investigation in Dickinson County, Kansas.

"Under Sheriff Tom Smith, of Dickinson County, called on us on Monday. He had just returned from Brownsville, Nebraska, whither he had been in pursuit of Buckskin Bill, who stole horses at Abilene not long ago, an account of which we published. Bill had sold some of the stock at Pawnee City, and they attempted to prevent the sheriff from getting the property by telling him he had better get out, or he soon would have nothing to go out on. He does not speak in favorable terms of Pawnee City – thinks that a man who has anything loose about him had better give the town a wide berth. The sheriff captured nearly all the stock. Foster, Bill's accomplice was in jail at Nebraska City, having shot a colored man in a fracas. The sheriff says that he was aided by the officers and people of St. Joe, Atchison and Marysville. Bill was safely lodged in jail at Brownsville. He has a father there who is a prominent citizen and a worthy man, and who feels keenly the bad conduct of his son."

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The Marshal had made headway in gun control and dealing with those stealing horses in Abilene. Next was the issue of shutting down the brothels on the outskirts of the town. Again, Thomas Smith with his additional appointments had jurisdiction to encourage the pimps and their whores to move on. The *Abilene Chronicle* published an article on September 8th, 1870 regarding Thomas Smith's success in shutting down the brothels of Abilene.

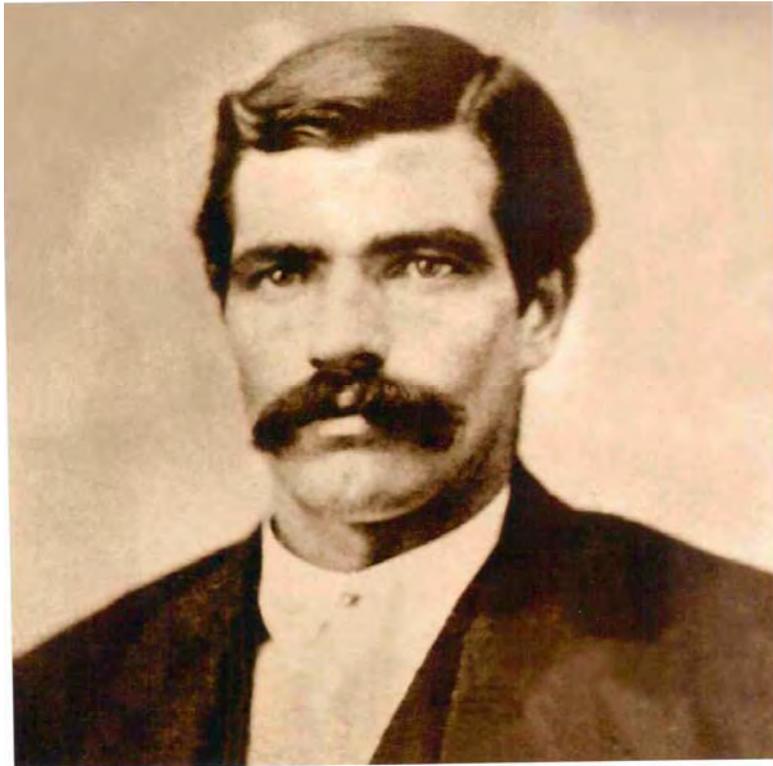
“For some time past a set of prostitutes have occupied several shanties, about a mile north-west of town. On last Monday or Tuesday Deputy Sheriff Smith served a notice on the vile characters, ordering them to close their dens – or suffer the consequences. They were convinced beyond all question that an outraged community would no longer tolerate their vile business, and on yesterday, Wednesday, morning the brew took the cars for Baxter Springs and Wichita. We are told that there is not a house of ill fame in Abilene or vicinity – a fact; we are informed, which can hardly be said in favor of any other town on the Kansas Pacific Railway. The respectable citizens of Abilene may well feel proud of the order and quietness now prevailing in the town. Let the dens of infamy be kept out, the laws enforced and violators punished, and no good citizen will ask more. Chief of Police T. J. Smith and his assistants, and C. C. Kuney, deserve the thanks of the people for the faithful and prompt manner in which they have discharged their official duties. A grateful community will not forget the services of such efficient officers.”

An altercation between neighbors escalated into violence and a John Shea was shot and killed by Andrew McConnell. The local newspaper the *Abilene Chronicle* printed this article regarding the death of John Shea on October 27, 1870.

“We regret to learn that a fatal affray took place on last Saturday afternoon, near Chapman Creek, between two neighbors named John Shea and Andrew McConnell. The facts as related to us are substantially as follows: it seems that McConnell had been out with his gun hunting deer, on his return he found Shea driving a lot of

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cattle across his land. Some words passed between them, when Shea drew a revolver and snapped it twice at McConnell who stood leaning on his gun, and being on his own land. As Shea was cocking his pistol for the third time, McConnell drew up his gun and shot Shea through the heart, killing him instantly. McConnell went for a Doctor, and afterwards gave himself up, and had an examination before Mr. Davidson on last Tuesday, when a neighbor of both men, Mr. Miles, testified substantially to the above facts, and McConnell was discharged – the act having been done in self-defense (sic). Shea leaves a widow and three children.”



City Marshal Thomas J. Smith – Circa 1870

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Marshal Smith in his investigation of the shooting death of John Shea discovered evidence that the supposed accidental shooting now appeared to be a homicide. An updated report on the killing of John Shea appeared in the *Abilene Chronicle* on November 3, 1870 as follows:

“Last week we chronicled a terrible affair, which occurred on Chapman Creek, resulting in the death of John Shea at the hands of Andrew McConnell. McConnell gave himself up, and upon the testimony of a man named Miles was released. Miles swearing that the act was done in self-defense (sic). But it afterward appeared to some of the neighbors, from unmistakable circumstances, that Shea was not the aggressor, and a warrant was issued for the re-arrest of McConnell. On Wednesday of this week officers T. J. Smith, and J. H. McDonald, went out to McConnell’s dugout to arrest him. Upon reaching the dugout they found McConnell and Miles.”

Marshal Smith informed Andrew McConnell that he was under arrest for murder. The suspect opened fire hitting the Marshal in the chest. Marshal Smith drew his revolver and returned fire and wounded McConnell. At this point Deputy City Marshal James McDonald fled the scene leaving Marshal Smith alone with both McConnell and another individual named Moses Miles. The November 3, 1870 *Abilene Chronicle* article continued with a description of events as follows:

“Officer Smith informed McConnell of his official character and that he had a warrant for his arrest, whereupon McConnell shot Smith through the right lung; Smith also fired, wounding McConnell; the two being close together grappled; Smith, although mortally wounded, was getting the better of McConnell, when Miles struck him on the head with a gun, felling him senseless to the ground, and seizing an ax chopped Smith’s head nearly from his body. At this stage of the tragedy officer McDonald returned to this place for assistance. A posse was raised, and repaired to the scene of the murder, but

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McConnell and Miles had fled, and up to this morning had not been arrested. They were both wounded, and it is reported were in Junction City last evening. It is hoped that they will be speedily arrested. We give the above named particulars as we gather them from reports current in town. The body of Mr. Smith was brought to this place last evening, and will be buried at 10 o'clock tomorrow. The sad event has cast a gloom over our town. Our citizens had learned to respect Mr. Smith as an officer who never shrank from the performance of his duty. He was a stranger to fear, and yet in the private walks of life a most diffident man. He came to this place of the wild shouts and pistol shots of ruffians who for two years had kept orderly citizens in dread for their lives. Abilene owes a debt of gratitude to the memory of Thomas James Smith, which can never be paid. Although our people will never again permit the lawlessness which existed prior to his coming to the town, yet it will be a long time before his equal will be found in all the essentials required to make a model police officer. Sacred be the memory of our departed friend and green be the turf that grows upon his grave. In years to come there will be those who will look back to the days when it required brave hearts and strong hands to put down barbarism in this new country and among the names of the bravest and truest none will be more gratefully remembered than that of Thomas James Smith, the faithful officer and true friend of Abilene."

The *Abilene Chronicle's* November 17, 1870 edition printed information regarding the criminal prosecution of Andrew McConnell and Moses Miles.

"State of Kansas vs. Andrew McConnell and Moses Miles, charged with murder in first degree. One day and a half was consumed in trying to impanel a jury. Three special venues were exhausted without securing the requisite number of jurors. A change of venue to Riley County was finally granted by the court, and the prisoners conveyed to the Manhattan jail to await trial at the March term of District court for that county."

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The following year on March 23, 1871 the *Abilene Chronicle* reported:

“We learn the following particulars, relating to the trial at Manhattan of Miles and McConnell, for the murder of Marshal T. J. Smith. We are told by one of the attorneys that the evidence went to show that the officers in attempting to arrest the accused produced no warrant or authority; that the prisoners were in dread of a mob; that after they had Smith in their power – the officer whom he went to assist having fled – they brutally chopped him with an axe. This fact alone caused the conviction of the prisoners McConnell was sentenced to twelve and Miles to sixteen years confinement in the penitentiary. Thus ends one of the most horrible tragedies that has ever occurred in the State. When first arrested the prisoners were willing to plead guilty of murder in the second degree, which would have sent them to the penitentiary for life – but the prosecuting attorney would not permit such a plea, because public sentiment, at the time demanded the hanging of the prisoners. Twelve and sixteen years in the penitentiary seem long periods, but the condemned ought to be thankful that they get off with even such sentences. Never during their natural lives can they atone for their great crime.”

President Dwight David Eisenhower who had commanded the allied forces in Europe during World War II and served as President of the United States for eight years was a hero to millions of people throughout the world. When asked about his personal hero he mentioned Marshal Thomas J. Smith as someone he held in high regard. President Eisenhower said of Marshal Smith “According to the legends of my hometown he was anything but dull. While he almost never carried a pistol he subdued the lawless by the force of his personality and the tremendous capability as an athlete. One blow of his fist was apparently enough to knock out the ordinary ‘tough’ cowboy. He was murdered by treachery.” While in office President Eisenhower visited Abilene in 1954, 1958, and 1959. Each visit to his hometown would include a visit to the gravesite of Marshal Thomas J. Smith.

Marshal White’s successor as City Marshal would be James Butler “Wild Bill” Hickok.



A collection of stories about gunmen who were hired as law officers to keep the peace and in some cases tame the towns that became out of control. Some of the deeds of these men led to their prominence in frontier law enforcement history. There were also extraordinarily brave men who had become obscured by history. Their stories are here as well as lesser known stories by old west legends.

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