BLACK JACK KETCHUM
Desperado pays at gallows for life on the fast track

by Shelby Jersig Rogers

From cattle thieves to train robbers, New Mexico Territory had flamboyant outlaws. It was a haven where few questions were asked and fewer answered.

One infamous outlaw was Tom "Black Jack" Ketchum. In 1884 he and his brother Sam were chased out of Texas by Sheriff Joe Harkey for stealing cattle and a racehorse or two. They fled across the Pecos and into the territory, settling down as cowboys near Fort Stanton.

Tom Ketchum was a man who carried himself with authority. Taller than most, dark with black hair and piercing black eyes, he preferred to dress in black. Dexterous and fast, he could shoot a tomato can up into the air and shoot it once more before it hit the ground. He could shoot a turkey buzzard out of the air. His favorite trick was to run his horse in a circle around the largest tree he could find, shooting at the trunk with pistols in both hands, never missing.

Tom came from a well-respected family of ranchers in the San Saba country of Texas. His father died when he was a year old; seven years later his mother, Prudence, died. The eldest brother, Berry, became head of the family. Berry Ketchum was a hard man, but fair. He believed his Bible and his Baptist minister. Conflict, confrontation, followed by punishment, became the pattern of their lives.

Once Tom Ketchum slipped out of a Baptist church during a hymn. He had spied a mangy old dog on a porch nearby. Catching it and hurrying back to the church, he hurled the dog down the center aisle, giving a wild Indian yell. Ladies screamed, men were afriended and he was arrested for "disturbing the peace on the Sabbath."

When they entered New Mexico Territory, Tom and Sam Ketchum went to work up and down the Pecos River Valley, on the fringes of the old Chisum range. Soon Tom was in love. Cora, a young lady from Fort Stanton, wanted to marry and settle down. She and Tom became engaged and looked around for a good place to homestead. They settled near present-day Tinnie, on a spot with big cottonwoods, graceful willows, the flowing Hondo River and the protective hills and peñascos (crags) for their headquarters.

Tom knew more than one way to start his herd—buy, brand a few mavericks or go farther afield and bring back a small herd, no ques-

illustration by Ben Otero
tions asked. Promising Cora that he would save every penny, Tom went on a cattle drive from Fort Stanton to Clayton. He spent all his wages on a new saddle, bridle and boots. Cora was furious. The second fall, he came back broke. Poker games with Sam, Col. Jack Pottery and trail boss John Bose at the Eklund Hotel in Clayton took it all. Now Cora plotted her revenge.

Unknown to Tom and his friends, Cora began seeing someone else. She wrote Tom in Clayton.

"... You will remember the day that I bid you farewell and wept a little and told you that I could never love another. That was a bait fixed up especially for your benefit. C. G. Slim was standing nearby looking on and you had no more than got out of sight when we went down to [Fort] Stanton and got married... I hope that you will realize that you taught me how to lie and you will feel that you are now getting the results."

Furiously Tom beat himself over the head with his doubled lariat. He cursed women in general, himself in particular and vowed to trust nobody. He and Sam drew their back pay and saddled their personal mounts. "Going to the Hole-in-the-Wall country, boys, to outlaw with Cassidy and the Wild Bunch," Tom said. Although never official members of that gang, Tom and Sam had a small ranch where they received stolen cattle and resold them, dividing profits with various outlaws. Wyoming's infamous winters drove the two Texans back to the San Saba country where Tom committed his first murder.

Some say he killed Jap Powers because he wanted Jap's wife, but it was another man who hired Tom, Dave Atkins and two other men to murder Powers. The assassins hid in the horse pasture before dawn and shot Jap in the back. His wife did not report the murder until late in the afternoon, giving the ambushers time to clear out of the county.

Tom, now 32, joined up with Sam again and worked on the Bell Ranch for a while, using aliases. Tom's temper and surliness got them into many fights and once again they quit and drifted on. This time they stopped in Liberty (near present-day Tucumcari) at Levi Herzstein's general merchandise store. He offered to let the out-of-work cowhands sleep in the store. The next morning not only had Herzstein been robbed but also the post office in the same building. A small posse caught up with the Ketchums around noon. When they offered to surrender, Herzstein rode forward, only to be shot from his horse. All the others were shot dead except Plácido Gurulé, who played dead and survived.

The Ketchums now were on all the Wanted posters. Rewards were offered: $1,000 from Gov. Thornton; $1,000 from Morris Herzstein, Levi's brother and partner; and $700 from the U.S. Post Office.

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The brothers spent the winter of 1896 in the Chiricahua Mountains, where Dave Atkins and Will Carver, old Texas friends, were working. Tom's temper prevented him from holding a job long and he dreaded being recognized and arrested. Sam drifted into the San Andres Mountains and worked for Gene Rhodes that spring. Tom began calling himself Black Jack after a barroom brawl with Black Jack Christian, a small-time outlaw. Tom told him he would take his name and build a far tougher reputation. Time proved him right.

Black Jack and his gang stopped by Rhodes' ranch for Sam. They had a plan. Off they went to Lozier, Texas, between Dryden and Langtry, to rob their first train. Tom had to light the fuse for the dynamite three times before the safe finally exploded. When it did, the contents blew everywhere, destroying papers and currency. Worse yet, the baggage man's pet parrot erupted in such a round of cursing that the robbers could scarcely keep guard over the train crew.

The Ketchum gang worked out a simple, fast and effective plan for robbing trains. Encouraged by the amount they got at Lozier—around $42,000—they embarked on this new career with confidence. A day or so before a planned robbery, they would get fresh horses, strong bags for the loot, dynamite and a freshly butchered beef. This last item was not for food. The gang would pack train safes with dynamite, then throw the beef carcass over both safe and dynamite to contain the explosion.

After a robbery, the loot was counted and divided, with all the Mexican silver thrown away or buried because it was too worthless and heavy. Railroad detectives would soon swarm over the area, so the gang went separate ways for several weeks. Then, at a prearranged place, they would gather and plan another hijack. Money itself was of little use to Black Jack and his gang. Big spending sprees would certainly alert the detectives. After buying themselves the best in guns, saddles and quality...
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horseflesh, most of what they stole was used to gamble among themselves.

The most famous train robberies occurred near Folsom, east of Ratón. Here, members of the gang robbed the same train three separate times. The Gulf, Colorado and Santa Fe Railroad winds down from Trinidad, Colorado, through big open country that resembles a moonscape of extinct volcanoes. There is a double horseshoe turn into and out of Folsom, where trains stopped for water. Climbing up from Folsom, the train had to climb Twin Mountain. About five miles from the town, Black Jack and the gang robbed the train for the first time on Friday, Sept. 3, 1897. They made their way to a hideout where frequently used in Turkey Canyon, a few miles east of Elizabethtown, the famous old mining town.

Black Jack's bad temper was turning violent. He grew mean, surly and moody. Even Sam had no influence. They thought it might help if they wintered in the Chiricahua in southeastern Arizona, but by spring the situation was intolerable and early one dawn Sam, Carver and another slipped away. Not knowing where they headed, Black Jack stayed around the area alone. Months later he rode into Camp Verde, Arizona, and demanded immediate service from shopkeeper Mack Rogers. When he didn't get it, he shot Rogers through the heart. Rogers's partner heard the shots and ran in, only to be shot through the stomach.

Meanwhile, the three who slipped away decided to rob the train at Folsom for the second time. Conductor Frank Harrington had been present during the first robbery. He was there again and demanded that passengers Higgins and Pinard, both sheriffs, do something. Calmly discussing it, counting their cartridges and finding only 14 between them, they declined. The robbers got away with about $60,000.

A special train came in from Colorado with 16 railroad detectives. Federal officials arrived, joined by
various county sheriffs. Soon an informer in Cimarron told of the Turkey Canyon hideout and seven posse men raced to the corral and shack. The gunfight lasted all afternoon. By dark Sheriff Farr had been killed by one of the outlaws, several others badly wounded and the remaining two or three so intimidated they ran away. Sam Ketchum was seriously wounded and he was taken to a spread nearby and hidden in the barn. Soon the place was surrounded by lawmen, thanks to another informer. Sam died July 24 in the state penitentiary, of blood poisoning from his gangrenous arm.

Black Jack knew nothing of any of this. After the Camp Verde murders, he had slipped back into the Roswell area. He decided to find his old gang and make amends. He knew they discussed robbing the Folsom train, so he headed that way, hiding in canyons and avoiding all settlements.

When Black Jack found no trace of the gang in their old haunts, he singlehandedly climbed on board the blind baggage car, slipped into the cab and ordered the engineer to halt the train within a half mile of where the first two robberies had occurred. When the train stopped, Frank Harrington was prepared. He had armed himself with a shotgun after the last robbery. Now he quietly opened the express car door and shot Black Jack “in the heart,” he thought. Tom fell but managed to get away.

The next morning, Aug. 17, Black Jack was caught and rushed by train to Trinidad, the nearest place where medical help was available. His right arm was amputated at San Rafael Hospital.

Although he eventually adjusted to the loss of his right arm, Black Jack never adjusted to the penitentiary. Days followed nights spent on lice-ridden bedding; terrors controlled by day surfaced in sleep. Tom’s only friend was Gov. Manuel Otero’s young son Miguel, who often visited the pen. Miguel was fascinated by this outlaw, New Mexico’s most wanted. He brought candies and sweets for Tom; Tom in
The train told many tales, some true and others not. There was a trial in Clayton, then back to the pen. There was an appeal but it was rejected. Eventually, March 22 was set for Tom's hanging, in accordance with a unique law of the territory, providing death by hanging for "assaulting a railway train."

Tom's attorneys begged for more information. Tom declared he didn't 'whalch on his partners. He had faith that his gang would rescue him somehow. He clung to this belief to the end of his life.

Berry Ketchum made the tedious journey from San Angelo to visit his brother, but Black Jack refused to see him. Berry left spending money for Tom and returned home.

After the last appeal was refused, plans were made to move the prisoner to Clayton for the hanging. The officials believed the old gang would make a daring rescue attempt, so publicly it was announced that Black Jack would be on the train at 3 p.m., April 25, 1901. Two days before that he was roughly awakened, his one remaining arm bound to his body and a leather collar fitted around his neck. Loudly complaining that he felt like somebody's cur dog, he was put on a train crowded with guards, sheriffs, detectives and volunteer lawmen. Tension was high but the train reached Raton without incident. As it began to lose speed on the steep grade of Raton Pass, it suddenly jerked to a full stop.

Grabbing Black Jack, Sheriff Reno ordered Sheriff Pinard to stick his hat out the window. Nothing happened. Greatly encouraged, some of the guards stuck their heads out and began to laugh. Somehow the car they were riding in had become uncoupled.

When the train pulled into the station at Clayton, Tom's first question was, "What the hell's that stockade there by the courthouse?"

"Why that stockade is to keep out everybody that ain't bought a ticket to yo'r hangin', Tom," Sheriff Salome Garcia replied.

Clayton buzzed with excitement. The town was filled with re-
porters, lawmen and spectators. An excursion train was organized in Amarillo to carry ticket holders in style and comfort to the biggest event of the year, the hanging of Black Jack Ketchum.

On the eve of the hanging a dusty rider stopped his sweaty pony at the Eklund Hotel. He was in such a hurry that he wouldn’t dismount, but he demanded to see the sheriff. When the sheriff didn’t appear quickly enough, the rider gave a sealed packet to a bystander and rode away. A crowd gathered, and when Garcia opened and read it, the entire town knew that Gov. Otero had ordered a 30-day postponement of the hanging, at the express request of President McKinley.

A local newsmen, A. W. Thompson, refused to believe it and wired the governor for confirmation. The town was tense, expecting the gang to rush in and rescue Black Jack if this message were a ruse. When the governor’s office replied, it was to advise that Otero was unavailable. Armed men guarded the approaches to Clayton all night. Guards were increased at the courthouse. The next morning a message came: “Alleged postponement of hanging did not originate this office. Stop. Proceed as planned. Stop. Signed Gov. Manuel Otero.”

The mystery was never solved, but the hanging was quickly rescheduled for 1 p.m., over a storm of protest from all those wanting it done immediately.

Black Jack was served his favorite meal of fried chicken and pie, he gave interviews to the press and claimed his gang would arrive any minute to rescue him. His only regret, he said, was that he didn’t kill conductor Harrington when he had the chance. He denied ever having murdered anyone. His last request was for a fiddler to come play for him and that was granted. Tom betrayed no nervousness, anguish or fear. He continued to joke with the guards until Sheriff Garcia and Detective Chambers escorted him to the scaffold. There, he never hesitated but strode up the 13 steps...
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where he was bound and the noose slipped over his head. A black hood was settled around his head and shoulders.

Sheriff García had to cut the rope. He had been having a few nips to ease his nerves and now, with the audience holding its breath, he swung his hatchet at the rope with all his strength. He missed. The blade was stuck fast in the boards. Sweating profusely, he finally worked it loose and took another swing. The rope was cut cleanly, the trapdoor fell open and Black Jack fell through. His body jerked once when it hit the end of the rope, then plunged to the ground. Blood spurting through the hood. He was not hanging!

Pandemonium broke loose. Crowds surged forward, nobody knew what was going on. Finally Dr. Slack got the hood off and found that Black Jack's head had been jerked off his body. The doctor sent for his bag and methodically sewed it on. Guards dispersed the crowd. Nobody followed the wagon with its plain wood coffin to Boot Hill east of town, except A. W. Thompson and Cap Fort, a New Mexico lawman. No mourners were present.

Debates raged all over Clayton. Was Black Jack legally "hung by the neck until dead" as the law set forth? If not, what was to be done? Was the sentence of hanging cruel and unusual punishment for robbing a train, as lawyers would claim?

Even to the present, flowers are often placed at the grave of Black Jack Ketchum, a cowboy who went wrong. Westerners cling to their belief that Western outlaws were somehow different from other outlaws. They did not rob widows and orphans. They were cowpunchers like many another with only a bad break or bad judgment forcing them to turn to crime. Their exploits continue to contribute to our ballads and folklore and to thrill us through the ages.

Santa Fe free-lancer Shelby Jersig Roger has written historical articles for Colorado Magazine and short stories for Highlights for Children.