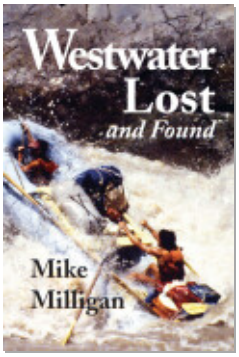
3. Gunslingers and Bad Guys



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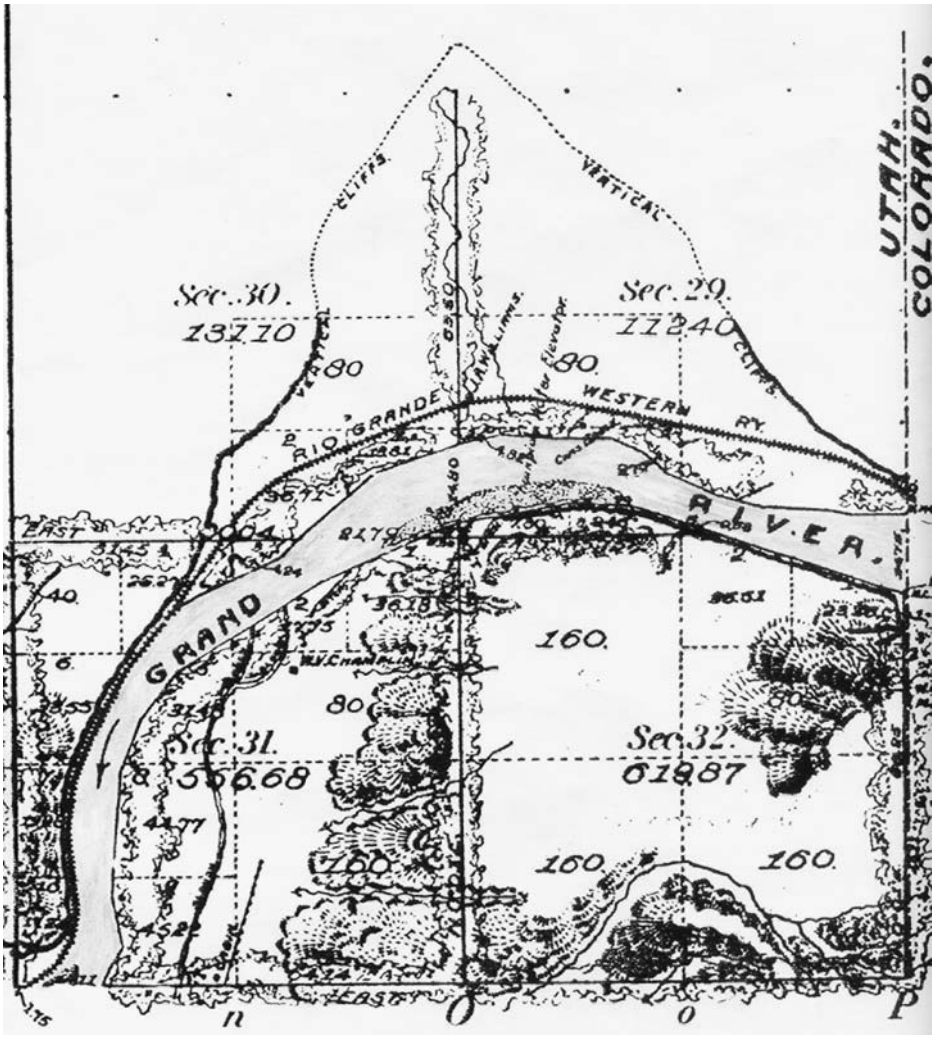
Gunslingers and Bad Guys

Even before the railroad arrived in 1883, there was activity around Westwater. Horse thieves and cattle rustlers often traveled the area between Utah and Colorado to escape the law. Without a large posse, it was nearly impossible to find anyone hiding in the canyons along the border. Some outlaws would hole up in the Dolores Triangle; others traveled to the Book Cliffs along the Wild Bunch trails. The Dolores Triangle is a remote desert region that is enclosed by the Colorado and Dolores Rivers and the Utah border. During spring runoff it is nearly inaccessible except from Colorado. In 1889 the *Grand Junction News* described the region.

> The Mountains of eastern Utah are especially wild and desolate and afford the best kind of hiding places for outlaws. In fact it is pretty generally supposed that there is a regularly organized band of horse and cattle thieves who plunder the country for hundreds of miles around and secrete their stolen property in this rendezvous and from thence drive them through the mountain wilderness to Arizona and there dispose of them.[1]

With growth came adversity, and Westwater, within a couple of years of the Denver and Rio Grande Western Railroad moving its tracks nearer the Colorado River, was labeled a lawless town. The *Salt Lake Herald* headlined a preliminary murder trial of Westwater resident Captain Wilson Ellis Davis in 1892 by blasting Westwater, stating, "The Indians left there over ten years ago—yet the law of violence which they were wont to practice



Survey map, 1894, showing the location of "Chas Brock" cabin, just below "Western" along railroad. Survey and Township Map for T. 19 S., R. 26 E., BLM Information Access Center, Salt Lake City, Utah.

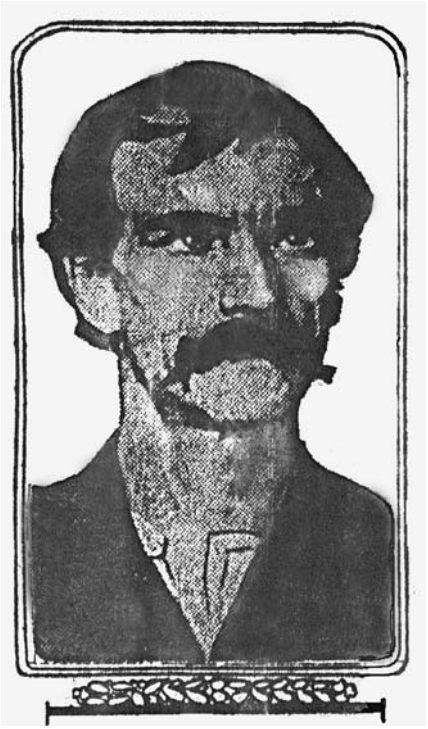
under seems to have remained and the white settlers who are possessing the country have been disturbed with not infrequent eruptions in the way of bloodshed."[2]

Captain Wilson Ellis Davis

The incident that led to the preceding headline began on August 23, 1892, when Captain Davis returned to his ranch at Westwater after visiting with relatives in Grand Junction, Colorado. He was at the time about fifty-three years old. Physically imposing, he stood 5' 11" and had dark hair, dark eyes, and a heavy mustache. He had a slight handicap, generally imperceptible, as a result of being shot in both hips during the Civil War when he was a sharpshooter for the Union Army. Davis had entered the army as a private in 1860 and by the end of the Civil War had advanced to captain. He became interested in property in the vicinity of Westwater as early as 1890, when he attempted to buy Charles C. Brock's ranch near the border. Two years later he was a successful rancher who with his wife, Hessie, had moved onto Westwater Ranch the prior year, in February. Upon his return home from Colorado, Captain Davis discovered fence posts near his haystacks were charred, in what he suspected was an attempt to burn him out, and honey had been stolen from his beehives. He immediately suspected he knew who had done it and began to investigate.

Following a trail of spilled honey that led to the railroad station northeast of his home, then along the tracks and wagon road, he continued toward the Colorado state border. Shortly past Bitter Creek he stopped at George D. Grant's ranch, where he met George's son Frank Grant and inquired whether he had seen anyone along the tracks with his stolen honey. The Grants were likely some of the original settlers around Westwater, having established a ranch northeast of Bitter Creek along the Colorado River in 1889. Young Frank Grant had not noticed anything but voluntarily joined the investigation by riding Captain Davis's horse to near Charles Brock's cabin to spy on him and confirm whether the honey led in that direction. It was not the first time Captain Davis had had trouble with Brock.

Charles C. Brock lived about a half-mile west of the Colorado border in the vicinity of May Flats. He had a single-room log cabin



Captain Wilson Ellis Davis in approximately 1892, when he shot and killed the Brock Gang at Westwater. This portrait appeared in the *Los Angeles Times* on February 2, 1914, when he was being tried for another murder.

near the Colorado River. It was described as more like a den, being half cabin and half dugout built partially into a bluff and having an earthen roof and floor. A single door faced north, away from the river, between a north-facing window and another one on the side of the dugout facing east. Bars made from railroad bolts substituted for glass in the windows, and a stack of timber standing about four to five feet high and about twelve feet long in front of the door prompted Davis to refer to it as a "fort."[3]

From the railroad tracks the cabin was mostly invisible with only about a foot of the eaves showing. Brock had been living alone until a few days earlier when Charles A. Dussel and William Mueller moved in. They had worked for Captain Davis most of the summer doing odd jobs around his ranch until they were fired on August 19, just prior to Davis's visit to Grand Junction. Brock,

Area where Charles Brock's dugout, built between 1890 and 1892, was once located. Brock and his two gang members were buried near the dugout after being killed by Captain Wilson Ellis Davis on August 24, 1892.

Dussel, and Mueller were all German and spoke the language among themselves. Brock claimed about 320 acres near his home.

In 1892 Brock was about forty years old and somewhat stocky, standing about 5' 6", and had sandy hair and a mustache. He was probably the boatman for Frank Clarence Kendrick in 1889 and thus learned about Westwater from the Colorado River while he was with the Denver, Colorado Canyon and Pacific Railroad Survey, better known as the Brown-Stanton Survey. The survey was to follow the Grand (Colorado) River to its confluence with the Green River, then continue to the coast through the Grand Canyon. Kendrick began his work in Grand Junction, Colorado, on March 28, 1889 and was responsible for the survey to the confluence. While in Grand Junction he hired Charles Brock as his boatman and two other residents, Frank Knox and George Cost, to assist with the survey. Kendrick's journal indicates Brock was spirited and fearless. His note for Wednesday, April 10, 1889, read: "Ran line down through Box X ranch to Sta 2207 at mouth of 'Hades Canon' [Westwater Canyon] where the

woman was drowned . . . Brock came near going over the rapids & we had to tow him back. This is a very fine valley."[4]

A carpenter by trade, Brock helped build Captain Davis's beehives and did home repairs for him. By 1890 Brock had claimed land near Westwater. Not much was known about him prior to his move to Grand Junction a few years earlier except that he was a widower before he arrived and he had a daughter who was not living with him. Around Grand Junction he was described as a pretty decent man until about 1890 when he got in trouble with the law regarding some cattle rustling and spent time in jail at Grand Junction. Probably around the same time he was sentenced with his "gang" to six months of jail time at Moab. Since there was no jail in Moab, they spent their time in the Darrow Hotel under the watchful eye of Sheriff Richard Dallin Westwood.[5]

It was while Brock was in jail at Grand Junction that Captain Davis became acquainted with him. In December 1890 Davis approached Brock with a proposal to buy his property near the Utah state line. Although no purchase agreement was reached, Davis arranged to care for the property until Brock was released and then discuss buying it again. The sale was never consummated, though, and Captain Davis in February 1891 moved further south to Westwater.

Although Davis and Brock were neighbors and had helped one another for a couple of years, there was bad blood brewing between them. Not long before the stolen honey incident, Davis had approached Brock's cabin and discovered a quarter of beef hanging there that, judging from a cowhide, was his. Brock was not in at the time, so Davis told William Mueller to relay a message that he wouldn't stand for stealing and Brock had better stop it. Unbeknownst to Davis, Brock had stolen other ranch equipment from him that wasn't discovered until later.

In the spring of 1892, Captain Davis hired William Mueller.[6] He had come from Grand Junction, where he was considered a very peaceable and quiet citizen. The tallest of the three later living at Brock's cabin, he was described as having a medium build and black hair and eyes. The third gang member, Charles A. Dussel,[7] was dark complexioned, mustachioed, short, heavy, and about twenty-five years old. Not much was known about him

prior to his arrival at Westwater in early July 1892, when he became acquainted with Davis, who hired him.

Brock, Mueller, and Dussel complained about and cursed Davis, boasting of various ways they would ultimately kill him and feed him to the Grand (Colorado) River. Davis was not aware of their threats, but he was aware of a growing animosity, apparently brought to fruition by their attempt to burn his ranch. Something had to be done about them, something had to be said.

Not being discovered, Frank Grant returned from spying and reported that the honey trail led to Brock's cabin. Davis returned home briefly for dinner and to get a couple of horses. Uncertain how to approach the gang, he and Grant went to the bluffs above May Flats, where Davis spied on the Brock place through field glasses from a distance of about three or four miles away. After watching the cabin for a little over an hour, he decided to get closer. He and Grant cautiously rode their horses toward the cabin; stopping about a quarter mile away from it, they waited. Shortly, they heard a wagon making its way to the cabin. Still unnoticed, they crossed the railroad tracks and rode parallel to them about a hundred yards past the Brock place, where they remained unobserved, waiting to see what Brock was doing with the wagon. Faintly audible to Davis and Grant, the Brock gang was discussing leaving the state.

Grant and Davis then rode back to Davis's home, arriving about 11:00 P.M. Captain Davis resolved to return the following morning and discuss the missing honey and the gang's plan to leave the state. Wanting to participate, Frank Grant spent the night at Davis's home, as the hour was late.

The following morning the two men were up at daybreak. They rode their horses to Grant's home, then continued the rest of the way on foot along the railroad tracks. Both Mrs. Davis and Frank's mother had tried to persuade the men not to go, but Captain Davis insisted he wanted to talk to the men, catch them with his honey, and offer a settlement or have them arrested before they left the state. For three miles the two men walked along the Denver and Rio Grande Western Railroad tracks towards Brock's cabin. Both were packing weapons; Frank Grant carried a .44 Winchester carbine, and Captain Davis strapped on a borrowed .44 Colt revolver. When they neared Brock's cabin,

Davis told Grant to put his rifle under a nearby railroad bridge. He didn't want to arouse suspicion if they were seen, and he didn't want young Grant to get any more involved. They were approximately a half mile from the cabin.

The wagon stood empty near the Brock cabin. Charles Dussel was out front attempting to build a fire and holding a club of some sort to stoke it. Soon Charles Brock came out of the cabin and mounted his horse. He carried a bridle as he started off toward his pasture northwest of them. At first Davis concluded his concern that they were leaving the country had been confirmed. Brock appeared to be going to retrieve a working team of horses from his pasture. Dussel then hollered to Brock to take the hobbles off his horse and it would follow him in. They were just retrieving their saddle horses for the day. None of the three men noticed Captain Davis and Frank Grant about two hundred yards away.

Once Brock had left, Captain Davis told Grant to remain at the railroad tracks while he spoke to Dussel and Mueller. As Davis approached the cabin, Dussel remained out front stoking the fire; Mueller, who had not yet appeared, was getting dressed inside. Captain Davis walked up to the cabin and asked Mueller if he would come out and talk, but he refused. Davis then stepped back onto a nearby hill and waited.

While waiting, Davis talked with Dussel outside of the cabin. We only have Captain Davis's word for what was said because Grant was not near enough to hear their words. Unsure of what was happening he watched from a distance as Davis and Dussel faced each other. Suddenly, Grant heard Dussel swear at Davis, then saw him rush at him with his club, swinging and missing. When Dussel struck at him and missed a second time, Davis drew leather and shot into the air, hoping to back Dussel off, but suddenly another shot came from the window of the cabin. Now more threatened, Davis lowered his revolver and shot Dussel. "The ball took effect in the cheek-bone, passing entirely through the head at the base of the brain." He died immediately, his body lying six feet from the cabin.

The barred window prevented Mueller from getting a clean shot at Davis with his rifle. After killing Dussel, Davis rushed the door of the cabin, and as Mueller was turning to put a bead on him, Davis placed a shot "in the center of the forehead which

reached and pulverized the skull." Mueller, however, lived another twenty-four hours before succumbing to the wound. After the shooting stopped, Frank Grant went to the cabin and met Davis at the doorway; as he stared down at the bodies, he heard Davis say, "My God! This is awful." Grant then asked what Davis was going to do and he replied that "he thought he had done enough, and was going home."[8]

Heading back toward Westwater took Davis and Grant in the direction of Brock's pasture. As they began the long walk home on the wagon road leading toward the railroad tracks, Brock rode toward them leading Dussel's horse. Davis, wanting to explain what happened, asked Brock if he was heeled. Brock retorted, "Yes, I am heeled for a son of a bitch like you!" Davis asked him to dismount so they could talk. Again, Brock rebuked him, saying, "I am not going to get down for such a son of a bitch as you," and spurring his horse forward toward Davis, who stepped to his left and grabbed the horse's reins with his right hand. Unarmed, Brock grabbed the chain hobbles he had roped around his horse's neck and struck Davis on his back. Brock's horse jerked away from Davis's grasp and circled. Davis stood in the way of the cabin and told Brock to stop. Brock charged at him again, threatening that if he could get to his cabin where his rifle was, he would kill Davis. Davis responded by shooting Brock from about thirty feet away, hitting his side just above the hip. With Brock still charging, Davis fired a second shot. Hit in the left side of his head, Brock's limp body dropped at Davis's feet. Grant and Davis then returned home to report the shootings.[9]

At Westwater Station Captain Davis telegraphed his brother-in-law, W. J. Henderson, in Grand Junction. The telegraph read: "For very good reason I ran against Brock and his outfit at six o'clock this morning and as a result I want three plain cheap coffins soon as possible. W. E. Davis."[10] The following day, he turned himself in at Moab. Later that day a coroner's jury acquitted him.

Davis had pulled the boots off of the dead men and taken them to his ranch to prove they matched the footprints in the vicinity of his hives and burnt fencepost. James Wells, a Westwater resident and jury member, discovered honey cached near the river below Brock's cabin. Several members of the jury

searched for the hobbles Brock used, but they were not found. Evidence proved the guilt of the Brock gang, but did it warrant the shooting? According to the jury, it did; justifiable homicide was the rendered verdict. One jury member, H. H. Jacobs, felt threatened at the inquest because Captain Davis was present with a revolver strapped on. Other members of the jury were questioned later, but it was not conclusive that Davis had intimidated them into an acquittal. The bodies of the three men were buried near Brock's cabin.

When news of the violence reached Salt Lake City, Deputy Marshal William Goodsell was sent to retrieve Captain Davis for a preliminary hearing before U.S. Commissioner Greenman. Davis's reputation preceded him, and a local newspaper reported he had an "unenviable reputation as a killer," having previously killed two men in Nevada and another in Idaho. Davis voluntarily surrendered and was turned over to stand trial for the murder of Charles Brock. Since Brock had not been armed, it was felt Captain Davis could not argue self-defense.

The trial was held in Utah Territory's First District Court at Provo, Utah, beginning December 19, 1892. Initially, Frank Grant was also implicated in the murder, but the charge was dropped and he did not stand trial. Witnesses clearly established the wounds to Dussel and Mueller, but there were discrepancies in Brock's wound to the head. Contradicting Davis and Grant's testimonies, a few witnesses claimed the bullet hole entered the back of the skull and not the front. The court ordered that Brock's body be exhumed to determine the trajectory of the bullet and where it entered the head. The exhumed evidence corroborated the defendant's claim that the bullet did enter the front forehead above the hairline. Evidence was introduced that Davis had killed a man in Ashley, Utah, in self-defense, and Davis denied another charge, which never came to trial, that he had raped a woman in Colorado. Captain Davis won over many of those attending the trials. The *Salt Lake Herald* dated September 27, 1894, stated, "Captain Davis does not impress one as a disagreeable or quarrelsome man. On the contrary, he is a very gentlemanly appearing fellow, and will make friends where ever he goes."

One question raised in the trial was what had become of the chain hobbles that Captain Davis claimed Brock hit him with.

They had not been found during the original inquiry authorized by the Moab justice of the peace. However, Deputy Marshal Enoch Gray of Provo found them when he accompanied the prisoner Davis to Westwater in October 1892 to allow him to take care of some business matters. The court was packed during all of the proceedings, which lasted about two weeks. Captain Davis eventually was found guilty of voluntary manslaughter. A second trial began on September 24, 1894, and reached the same verdict. Davis was sentenced to eight months in the Grand County Jail.[11]

Captain Davis's case did not remain out of the headlines for very long. Grand County probate judge Jefferson A. Huff wrote a letter, dated January 16, 1895, to J. W. Judd, U.S. attorney, in Salt Lake City. A bill presented by Moab's sheriff, M. H. Darrow, to the county court for Davis's board at his home prompted the letter. It read in part: "Please inform me whether the county is liable when W. E. Davis was not imprisoned, but running at large without a guard."[12] The sheriff had been confused because the words "Utah Penitentiary" had been crossed out on the court order for Davis's imprisonment and replaced with "Grand County." After consulting with other officials, Darrow interpreted the instructions to mean that Captain Davis was not to be jailed and was instead to become a house guest of the sheriff. Sheriff Darrow submitted the bill for room and board when he turned the prisoner over to the new sheriff, William Sommerville.

Neither did this case end Captain Davis's brushes with legal trouble. More than twenty years later, the *Grand Valley Times* on January 30, 1914, included the headline "Bad Man of Early Days in Trouble: Capt. W. E. Davis, Who Killed 3 Men at Westwater, Charged with Murder." Seventy-three years old and separated from his wife, Wilson Ellis Davis, the former Civil War officer, was living at a veteran retirement community at Sawtelle, California, near Los Angeles. On the evening of January 1, 1914, William G. Wheeler's body was discovered after a fire swept the cottage that he was sharing with Captain Davis. The fire was suspicious from the onset and Captain Davis was one of two suspects accusing each other of the act.

William G. Wheeler and Captain Davis were partners in a photography business. Starting the business in Long Beach, they

had recently moved to a location near the Soldiers Home at Sawtelle. Apparently Wheeler was not satisfied with Davis as a partner, and around Christmas, 1913, Wheeler expressed to his nephew, Edwin J. Cook, that he feared Davis and wanted to dissolve their partnership but Davis begged him to continue it for another week. There were indications that Captain Davis had planned the demise of his partner for about a year, but with a week left in the partnership, his planning had to be expedited. Calculating, Davis reportedly developed a plan he felt to be foolproof. He approached a representative of the Fidelity Casualty and Trust Company of New York and took out a life insurance policy on his partner. He was informed they could not supply a policy naming Davis as the beneficiary but could make it payable to the deceased's estate. Davis agreed to a policy for $3,500, and "in the case Wheeler is burned to death, the amount of the policy is doubled." The night of Wheeler's murder, Davis checked into a hotel in Los Angeles under the name D. E. Wilson, apparently thinking it would prove his whereabouts at the time of the crime. His explanation for the assumed name was that he was meeting a woman there.

Three days after Wheeler's death, another home burned down, killing Civil War veteran David A. Yarlott. Circumstances seemed similar, and Captain Davis again was implicated. Interestingly, there had been a few other house fires during the year in the Sawtelle area that could have been minimized except for unexplained failures of fire department equipment. Evidence of equipment tampering was located at the fire station nearest to Yarlott's home. A wrench belonging to Davis was found nearby, and several witnesses testified they saw Davis in the vicinity of the fire station shortly before the fire that took Yarlott's life.

The excitement drew large crowds to the preliminary trial of Captain Davis. His attorney team included the first female in California history to defend a murder suspect, Mrs. Georgia P. Bullock. Their argument was simply "that the psychology of old age is scientifically against the commission of crime." Bullock stated further, "The years of violence have passed with Mr. Davis."[13]

Shortly after Wheeler's death and prior to the inquiries that implicated Captain Davis as his murderer, Davis expedited the

burial of his partner. The event was so sudden that Wheeler's nephew, Edwin Cook, didn't have time to inform relatives in Missouri. He had been in communication with them, but before they could decide what to do with Wheeler's body, Davis announced, "Why, Will was buried today."[14] The body was exhumed prior to the preliminary trial to determine through autopsy the true cause of death. The autopsy revealed "evidence that the murdered man's skull had been battered, but the exact nature of the fracture could not be determined because the head was badly burned. The heart shows every indication of cyanide poisoning." The prosecution was set to prove that "Wheeler was poisoned, then beaten, and finally roasted to death."[15]

The grizzly, graphic evidence of Wheeler's death revealed that he "was slain as he slept, the heads of two hand axes being found by the side of his body, which seemed to have rolled from the bed. His burned arms were upstretched as though warding off heavy blows. His body was burned after it had been saturated with kerosene, a large quantity of which was purchased from a nearby merchant two days before the fire. The room in which he slept was a seething furnace, while other rooms in the house burned slowly, indicating an unnatural combustibility in one spot."[16]

Evidently, this may not have been the first insurance fraud Captain Davis had perpetrated. Fifteen years earlier he had a mining partnership with a man in Newcastle, Colorado. Similarly, Davis had an insurance policy written up on his partner. Then, while both of them were in a remote mountainous area, his partner was shot and killed. When Davis tried to cash in on the policy he was arrested, but the circumstantial evidence was too weak to convict him. He left Colorado a free man.

Captain Davis was not so lucky with the Wheeler murder. The police found in Davis's possession notes with Wheeler's forged signature turning over his estate to Captain Davis if he were to die, as well as forged debt notices of debt to Davis. Perhaps the most damning evidence was the claim Davis made against an insurance company for fire damages valued at $500. Not only did the items he listed as being destroyed turn up in his possession not destroyed, but his claim for them was taken to imply that they would have been in the cottage had the fire been

an accident.

A highlight of the trial was the opening of what was described as a green "ungainly receptacle" belonging to Davis. The green box contained items that seemed worthless to most onlookers: "old blankets, half-worn clothing, a piece of canvas, several shot guns, a fishing rod, two cameras, a number of badly smoked dishes, a pillow, a large piece of buckskin and two hand saws were removed from the box and labeled as evidence."[17] One other item was removed: "the iron hobbles, a grim memento of border days."[18]

On May 16, 1914, Captain Wilson Ellis Davis was convicted of first-degree murder for the killing of William G. Wheeler. He was sentenced to life imprisonment.

Charles H. Hallett and James H. Smith

Even before Captain Davis's conviction for killing Charles Brock and his gang, another shooting had occurred at the small railroad town of Westwater and an old man from the area was crying for Davis to return and avenge the death of his son.

On the morning of February 25, 1894, George D. Grant was overwhelmed with grief and frustration, having held his son Royal for the last time and uncertain how to avenge his death. What began as a family project of building a home for old man Grant's youngest son, Frank, had ended in another son's death. Traveling from his ranch near Bitter Creek, George and his two sons Frank and Royal took their wagon along the Salt Lake Wagon Road toward town, then headed south, past Westwater Ranch toward some timber that was on the piece of land Frank claimed. As the wagon neared the timber, Charles H. Hallett stepped out into the road, stopped them, and announced that they were trespassing on his land. Then an unexpected shot rang out, and Royal Grant staggered briefly, acknowledged he was hit, and fell to the ground. The aging father jumped from the wagon seat to his son lying lifeless on the ground. With his head on his father's lap, Royal spoke his last words, "Yes, I am a dead man."

Tragedy seemed to follow George Grant's family. Just a few years earlier, during the summer of 1890, another son, Harvey Grant, died while working as a brakeman for the Denver and Rio Grande Western Railroad. While the train was in transit and pass-

ing a snow shed, he unwittingly looked out from his platform, and the shed fatally pummeled him. The *Grand Junction News* on July 7, 1890, reported Harvey Grant was the sixth such death within the G. D. Grant family. Old man Grant had only been living at Westwater for a short time when the news arrived. In 1892 Frank Grant could easily have met another such fate had the tables been turned when Captain W. E. Davis killed the Brock gang. Old man Grant's bitter words while holding Royal's body suggest something of Captain Davis's character. Grant threatened Hallett for shooting his son, cried out, "you will suffer for this," and then called for Davis. "He called very loud."[19]

Charles H. Hallett was already familiar with Captain Davis from his first visit to Westwater in August 1892. A middle-aged prospector, Hallet had passed through Westwater on his way from the Henry Mountains, where he had found a rare gold piece in some Indian ruins while prospecting.[20] Heading to his home in Aspen, Colorado, he overheard Charles C. Brock, Charles Dussel, and William Mueller threaten to kill Davis. Consequently, Hallett became a witness for the defense in Davis's trial. It was also during that visit that Hallett became interested in a piece of land south of the railroad town. He returned on September 2, 1892, to post a notice of squatter's rights on it.

The piece of land Hallett squatted was part of an old ranch near Westwater Creek that consisted of about one hundred acres of land and had already been fenced in by its former owners, the Bar X Ranch. Unofficial records seem to indicate that the Bar X Ranch probably was spread out over the entire Westwater valley prior to the arrival of the Denver and Rio Grande Western Railroad. It was the original Westwater Ranch, and small cabins provided shelter for cowboys who watched cattle. The land in question was not settled when Hallett arrived, but a dilapidated cabin and a fence already stood near what was described as the end of the road that ran down to the bottoms or meadow, and nearby there was timber that Hallett used to repair the cabin. Unfortunately, Frank Grant claimed the same property.

On Sunday morning, February 25, 1894, Charles H. Hallett, his young son Charlie, and a prospector named James H. Smith walked to a posted and timbered area to inspect it; then they returned to an area nearer the cabin to work on a pig pen and fences. The previous day, while Hallett was away at the

Westwater railroad station, James H. Smith had spied the Grant family come down in a wagon and cut timber on the timbered property Hallett had posted for no trespassing. Smith was a recent visitor to Westwater, and he had been invited to stay with the Halletts at the cabin while he was working his placer mine about a mile and a half away. They had known each other for about twelve days. Smith's sighting of the Grants in the vicinity disturbed Hallett, so he carried a rifle for protection. His thirteen-year-old son, Charley, was carrying a new .32 caliber rifle that had been presented to him as a gift by his father's friend, Captain R. D. Landers of Chicago, two nights before. James Smith carried tools when they first went to work on the pig pen and fences, but as they were returning to the cabin, he asked if he could use Charley's rifle to hunt some rabbits and then disappeared.

Unaware of visitors, Charles and Charley crossed over a fence and were walking to their cabin when they noticed the Grants approaching with a wagon. Old man Grant was driving and was headed toward the timber that Hallett had posted. Walking along side were Royal and Frank Grant. When they were about seventy-five yards from the cabin, Charles Hallett approached them and ordered, "Halt, and leave my homestead in peace." Suddenly, Royal Grant stepped forward with a Winchester rifle that his father had borrowed from Captain Davis and pointed it at Hallett, who, with his young son standing next to him, reiterated his desire that they leave in peace. Keeping his rifle leveled on Hallett, Royal told him to throw up his hands or he would shoot him where he stood. Meanwhile, Frank Grant noticed James Smith sneaking up from behind the southeast corner of the cabin. Pulling his pistol from his holster, Frank was taking aim at Smith when he realized Smith was pointing a rifle in their direction. Without any further warning a shot rang out, and Royal Grant dropped to the earth.

After firing the fatal shot at Royal Grant, Smith ducked behind the cabin to reload another cartridge. Noticing this, Frank Grant hurried to where his brother lay dead, grabbed the Winchester lying near the body, and attempted to snap a shot at Smith when he showed himself again. Fortunately for Smith, the rifle misfired. Frank Grant had a pistol he could have used, but he doubted his marksmanship with it and instead threw up his

hands saying, "It is enough, I will quit."

Old man Grant continued cradling his dead son Royal in his arms for awhile, then slowly got up, and with Frank's help put Royal's body into the wagon. He then drove a very long two miles back to their ranch near Bitter Creek. Even in the Grants' demoralized condition, Hallett didn't trust them, so he followed them to a bluff with rifle in hand until they disappeared.

That afternoon a telegram reached Marshal Fowler in Provo, Utah, that said "Come immediately with posse to arrest C. H. Hallett and Jack Smith, who have killed a man here." It was signed G. D. Grant.[21] Before the day was over, Sheriff Brown and Deputy Marshals Mount and Bean boarded the Denver and Rio Grande Western Railroad in Provo and traveled to Westwater, where they found the accused men waiting for them.

Sometime during 1893, Charles H. Hallett had brought his wife Chloe and their two sons, Charley and Rosco, with him to Westwater. Charley, the oldest boy, was eleven years old, and his brother Rosco was seven years younger, being born about 1890, the same time his family moved to Aspen, Colorado, from Kansas City, Missouri. At Aspen, Charles Hallet was a mine engineer and was well known in mining circles throughout the state. He was approximately fifty-five years old when he came to Westwater while prospecting and was described as a "man of family, and of rather a pleasing appearance." One source indicated Hallet was a Knights Templar, a member of a Masonic fraternal organization. The Halletts apparently could not find a satisfactory home, having resided briefly in Ohio, Pennsylvania, and Colorado after they were married thirteen years earlier at Fort Scott, Kansas. Before his marriage, Charles Hallett served four years in the federal army during the war, and before that he fought Indians. For a short time he took up railroading in Kansas, but it was his engineering background that eventually secured him mining work at Aspen and brought him west.

Little is known of James H. Smith.[22] Anyone in the region who knew him did so for only the short period when he worked at a bar in Grand Junction, Colorado. Apparently the owners of the bar and their customers liked him enough to claim he had a good reputation. During the trial, some individuals speculated that Hallett hired James Smith to come to Westwater and kill

Royal Grant. For some time, Grant had been threatening Hallett about the property that ultimately cost him his life. But Smith did not measure up as a hired gun; there was no evidence presented that he even owned a gun. Shooting Grant nearly in the heart does suggest some firearm proficiency though. Smith was younger than Hallett and thought to be about forty-five years old, and "far from ones ideal of a murderer, he looks a good type of western manhood."[23]

James H. Smith was born in New York City in 1840. He traveled to California with his parents, residing there until approximately 1872; then he went to Colorado where he worked many of the mining camps. An engineer by trade, he said that until two weeks before the shooting, he had not been within the borders of Utah since he first came to Colorado twenty-some years before. He came to Westwater by "horse and cart" with a partner, an M. Anderson from Grand Junction, to work a placer claim there. Anderson introduced Smith to Hallett, who then generously invited him to stay at the cabin while attending to their claim.

The beginning of the trouble at Westwater likely came with the arrival of the Darrow brothers, Frank and George. The *Daily Enquirer* reported: "From what we can learn from parties acquainted in that country, the cause of bad blood is that Colorado parties have of late come in to buy land. The people who have lived for some length of time, and have been rather indifferent in regard to the land, are now anxious to claim all that they possibly can, in order to take advantage of the little boom, and this leads to conflicting claims, quarrels and bloodshed."[24]

In fact the trouble did not end with the death of Royal Grant. While Hallett and Smith were awaiting their trial in a Provo jail, Mrs. Hallett remained at Westwater. She was nervous and frightened being alone to protect her children and their home. Remaining close to the cabin, she was suspicious of anyone in the vicinity. On March 11, 1894, just prior to Hallett and Smith's trial, in a replay of the original message after Royal Grant was killed, another telegram arrived in Provo and claimed a new shooting at Hallett's ranch. Again it was signed G. D. Grant. Marshal Fowler and Sheriff Brown boarded a Denver and Rio Grande Western train and headed for Westwater to investigate. This time nobody had been shot. After a few days the disgusted lawmen returned to Provo. They reported that a hobo named

Patrick O'Donohue claimed that he was shot at three times while in the vicinity of the Hallett cabin. The marshal learned from Mrs. Hallett that the hobo had approached her home the previous Saturday for food, which she freely gave to him. She denied firing any shots at him. Old man Grant was lost for words when the lawmen questioned him about sending the telegram when nobody was hurt.[25]

A critical witness for the defense of Charles Hallett was Captain R.D. Landers of Chicago, Illinois. Landers and Hallett were old friends, and his visit to Westwater couldn't have come at a more opportune time. He came to Westwater in November 1893 for his health and remained there much of the time until briefly before the trial started on April 3, 1894. During his stay he observed numerous abuses and threats directed at Hallett by Royal Grant. The .32 caliber rifle that he gave to young Charley Hallett two days before the shooting became the murder weapon. The Westwater land boom must have captured Captain Lander's attention because he considered making Hallett an offer for his land but backed down when he was warned not to by local ranchers.

Realizing how critical Landers was for Hallett's defense, the Grants swore out a timely warrant for his arrest. On April 2, 1894, one day before the trial began, Sheriff Darrow of Moab arrived at Provo to arrest Landers on a warrant charging him with assault with a deadly weapon for deterring the Grants from commencing work on the Hallett ranch shortly before the trial. After Mrs. Hallett's disturbing incident with the hobo, Landers had returned from Provo to Westwater to assist her until the trial. Apparently, while there he deterred the Grants from encroaching on the contested land yet again. The warrant was not served, and Landers remained in Provo to testify, to the detriment of the Grants.[26]

Although some early residents of Westwater claimed old man Grant was a good man, such was not said of his sons Frank and Royal. During the second trial of Captain Davis that took place in September 1894, Frank Grant was living in Telluride, Colorado, out of that court's jurisdiction. Although he was the only witness to Davis's killing of members of the Brock gang, the prosecuting attorney said he "regarded Grant as being as great a criminal as Davis, and he would not put him on the stand if he could."[27] In fact, all of the witnesses from Westwater testified

during the Davis trial that Frank Grant was troublesome. Royal Grant's reputation fared little better when his actions were exposed during the trial of Hallett and Smith. Westwater constable W. V. Champlain described Royal Grant as a "quarrelsome person and a bulldozer."

After months of ongoing crime drama at Westwater, the trial of Charles H. Hallett and James H. Smith began on April 3, 1894, in Provo, Utah. The opening testimony at the trial came from George Grant, who told the court that his son Frank had obtained the ranch where Hallett resided from Charles Wallace, manager of the Bar X Cattle Company. The purchase of the property supposedly occurred on January 12, 1894, but after reviewing the bill of sale the Grants presented as evidence, the court concluded it was to purchase, not the land, but the rights to improvements made by the Bar X Cattle Company on the land. The Grants relied on the bill of sale as their primary justification to enter the land and clear timber to build a home for Frank Grant.

Old man Grant testified they did not expect any trouble, even though they borrowed a .48 caliber rifle from Captain Davis's home the day before the incident. Grant claimed they intended to use the rifle for rabbit hunting. When questioned why they would use such a large caliber on rabbits, he explained that he was unaware a .48 caliber bullet would blow apart a rabbit and, besides, they hadn't seen any rabbits on either day to shoot at. He testified that he was not aware that Royal was carrying the rifle when Hallett stopped them and that both of his sons were carrying axes when they noticed the Halletts running toward them with weapons. He admitted that his son Frank regularly packed a pistol.

Although the accounts of the killing were substantially the same, the Grants' testimonies of the events leading up to and following Royal Grant's death clearly contradicted those given by Hallett and Smith. According to old man Grant, it was Charles Hallett who had a rifle pointed in his direction when they were told to stop and it was Royal who stepped forward and told Hallett to hold off so that they could discuss the problem, when a shot was heard and Royal keeled over dead. Old man Grant claimed that while he was holding Royal's lifeless body, he said to Hallett, "You have shot my son and you will suffer for it." Responding to

his claim, Hallett denied firing the deadly shot, then Grant indicated Hallett sarcastically lifted his head and laughed. Grant reemphasized that he was not aware that his son had a rifle when the shooting occurred. Frank Grant, trying to preserve a little dignity, claimed that when his brother was killed, he jumped down from the wagon and picked up the dropped rifle and snapped it at Hallett; then condescendingly, he mentioned Hallett ran behind a tree. Frank Grant admitted he was a poor shot with a pistol, and that was the reason he went for the dropped rifle. Unfortunately, the rifle was not loaded, prompting his surrender to Smith.

The Grants attempted to convince the court that Charles Hallett had threatened them, Royal in particular. They claimed that two days before the shooting Royal, Frank, and their friend Pat Shea went to Hallett's cabin to pick up a stove that belonged to Captain Davis. They expected Hallett to hand over the stove or payment for it. Instead, they said, Hallett threatened to shoot them if they entered his cabin. Frank D. Darrow, whose entry into the valley had caused the small land boom, said he heard similar threats toward Royal Grant from Hallett, who said he would give the Grants "a war to the bitter end." Frank Grant denied that he and his brother were interested in the controversial land, but it was clear that nearly all of the prosecution's witnesses stood to gain from the Grants' possession of the land. One witness for the prosecution testified overhearing Frank Grant offer Pat Shea half the settlement for the land should they get it away from Hallett.

Witnesses for the defense nullified the prosecution's testimonies by proving that Royal Grant had made the threats. Regarding the stove incident, witnesses for the defense provided a context for Hallett's threats to the Grants. When Hallett refused to hand over Davis's stove to Royal Grant, he was told to come outside the cabin, and in front of Hallett's wife and Captain Landers, Royal threatened Hallett that if he did come out, he would not be returning to his wife, and Frank Grant said, "Damn him, we will hang him." Landers, admitted that this angered Hallett to the point that he returned the Grants' threats with his own, but he had later apologized for making them.

Three key witnesses against the Grants weren't present for the trial but left depositions testifying to additional threats made

by Royal Grant. John G. Lobstein, J. C. Kessler, and Aaron Butts from Chicago were recreational visitors to Westwater on February 22. They heard Royal Grant say, "Hallett, I want you to stop posting up notices in this valley you damned son of a bitch you never owned a foot of land in this valley, and you don't now. You damned old horse cock. A man that will take that will take anything damn you. I'll get even with you." Hallett responded to the threats by saying he did not "answer to a man like that." These testimonies were considered significant because the three men clearly had nothing to gain from the outcome of the trial.

Ultimately a decision centered on the ownership of the property. The court declared that a man had a right to defend his property. While Frank Grant had a bill of sale for improvements that the Bar X Cattle Company had made, he had made none himself. In fact, during the four years that Frank had lived at Westwater, his family hadn't shown any interest in the property until the Darrow brothers arrived and started buying up land. George Grant had not been on the property for two years, even though it was only two miles from his Bitter Creek Ranch. Evidence supporting Hallett's improvements to the property piled up, and testimony after testimony supported his claims of ownership.

After Presiding Judge Smith concluded that Hallett owned the property, he decided to try the defendants separately. Charles Hallett could be convicted only if it could be proven that he somehow orchestrated the killing of Royal Grant. Separating the cases made James Smith's defense tougher because of lack of conclusive evidence that either he or Hallett's lives were endangered when he fired upon Royal Grant without first making an attempt to settle the confrontation in a more peaceable manner. Although both men were expected to be acquitted, only Hallett was. Smith was convicted of voluntary manslaughter and sentenced to eighteen months in the penitentiary.[28]

Charles H. Hallett resided at Westwater until the turn of the century when he moved his family downstream to near the Cisco take-out, establishing a ranch later named the Rose Ranch.

The Fleagle Gang

Westwater was often used as a temporary residence for fleeing criminals, and existing town residents wisely shied away from

asking questions of any suspicious strangers in the area. We will never know of all the criminals who spent a day or two, or even a week or more, at Westwater dodging the law. Former Westwater resident John L. "Jack" Malin tells a story about several suspicious visitors who stopped for a week or two at his family's boarding house. Jack was born on November 16, 1919, to Lula and Elwood Clark Malin, who resided at Westwater. Elwood Malin was a rancher and part-time deputy sheriff, and Lula ran the town boarding house, a central location across the dirt road southeast of the railroad station and general store. The general store had been around since the turn of the century and included a gas station, slot machines, a pool table, and a post office. Having all of the amenities useful for the small town and surrounding area, it understandably became the primary social headquarters, a place to kick back for a moment, visit, and play cards.

Some time during the late 1920s when Jack was still a young boy, at least three men arrived at the boarding house and stayed for a week, maybe two. Jack recalled one of the men's name was Jake Fleagle, and a second was called Abshier; he could not remember the third man's name. Every morning the three men would load four suitcases into their Marmon car in front of the boarding house, then drive the car about three hundred feet down the dirt road to the general store, where they would spend the day playing poker. Inside the store they insisted on always having the same seats, which all faced the only two doors leading into the pool hall where they played. The same routine was reenacted daily for the week or two that they remained in town. Clearly, the townspeople observed, the men seemed fidgety about something, but as was their rule, they did not inquire.

One morning the men got into their car and drove past the pool hall, seeming to be headed out of town. Elwood Malin suspected that the men had ditched their board bill, and he took off in his car after them on the road to Cisco but never saw them again. It didn't take long for Jake Fleagle to notice they were being followed, so he and his gang drove off the main road and hid their car in Westwater Wash. After eluding Malin, Fleagle doubled back to Westwater, paid the board bill, and then headed to Green River to catch a train. Jack never discovered the reason for the men's odd behavior.[29]

The infamous story of Jake Fleagle and his gang may begin on May 23, 1928, or maybe we can trace it back further to 1926 when four men posing as wealthy Oklahoma businessmen made a grand entrance into Glenwood Springs, Colorado, where they rented a room overlooking two banks. Two of the men pretended to be interested in purchasing a horse ranch on Divide Creek, and while they were in Glenwood Springs they incorporated the Divide Creek Oil Company, sending two of their partners to Rifle, Colorado, to conduct business there. William Messick and W. H. Ryan took up residence in Glenwood Springs above the First National Bank, which offered a clear view of the Union State Bank across the street. Methodically, the gang members mixed into the community, attending social events and promoting their oil company. Then in the fall of 1927 the men mysteriously disappeared without an explanation or a forwarding address. Shortly before their departure, though, Gordon Hollis purchased the First National Bank in Rifle and transferred $80,000 to a depository in Denver. Perhaps the transaction affected their plans or residents became suspicious of them. It would be a couple of years before the residents of these two communities would learn the true identity of the men who had been observing their town for nearly a year apparently casing the banks.[30]

At 1:00 P.M. on May 23, 1928, brothers Jake (whose numerous aliases included W. H. Ryan) and Ralph Fleagle, George Johnson Abshier (alias William Messick), and Howard L. "Heavy" Royston entered the First National Bank in Lamar, Colorado. For a number of years, perhaps since as early as 1920, small-time criminal Jake Fleagle had thought the bank at Lamar would be an easy target for robbing but had put it off until he had enough dependable help. Perhaps finding the job not as easy as he originally thought, he partnered first with his brother Ralph, then later they brought on George J. Abshier of Grand Junction. The trio came close to deciding to rob the Lamar bank several times but then backed down. It was not until they brought in a fourth member, Howard L. Royston, that they felt they were ready to make their move.

Although the robbery was well planned, the gang was surprised at the onset when A. Newton Parish, who was the bank president and a former state senator, pulled out a pistol and shot

Royston, wounding him in the jaw. Bullets flew between Parish and gang members until two bullets met their mark in the bank president, bringing him down. Parish's son John, a teller at the bank, was expected to be the gang's hostage, except he was shot in the heart while running to his dying father. The gang fetched $219,000 in cash and bonds and took two other hostages, Eskel A. Lundgren and Everett A. Kessinger. Lundgren was lucky to be released unharmed a short distance outside of Lamar. Then twelve miles outside of town, at Dry Creek, the gang got into a shootout with Prowers County sheriff Lloyd Alderman. Alderman's car was disabled, and the outlaws escaped into Kansas to the Fleagle's family farm near Garden City.

Royston was in desperate need of medical attention so the other three gangsters dressed up like farm hands and lured Dr. W. W. Weininger, from Dighton, Kansas, with a story that Royston was injured in a tractor accident. Dr. Weininger followed the men to the Fleagle Ranch in his own automobile. After attending to Royston, Weininger was told he would be taken to another location for a few days while the gang made its getaway. Instead, he was driven about thirty miles away, where his car was pushed over an embankment; then he was told he could leave on foot. Turning his back to leave, he was shot and fell over the embankment, landing next to his car. While dead men cannot talk, evidence can speak volumes, and in this case a single fingerprint belonging to Jake Fleagle was left on the right rear window of Dr. Weininger's car. The gang also murdered their hostage, Everett Kessinger. His body was discovered on June 12, 1928, in an abandoned shack near Liberal, Kansas, with several gunshots in the back of his skull.

For several weeks afterward over one thousand men searched for the cold-blooded killers in Colorado, Kansas, New Mexico, Nebraska, and Oklahoma. With anxiety running high over the $10,000 reward money, numerous false rumors spread of the robbers' location, primarily in eastern Colorado and western Kansas. Some critics speculated that the large reward allowed the robbers to escape because everyone acted selfishly and did not coordinate their efforts very well during the search. Tension mounted among posse members, even resulting in two volunteers who were suspected of being the robbers getting shot and wounded

while patrolling an area near Norton, Kansas.[31] Eventually the posses returned empty handed to their homes, leaving the sheriffs the burden of unraveling the mysterious killers' identities and whereabouts.

The Fleagle gang members eluded authorities for more than a year without anyone knowing their identity. Numerous men were rounded up during the fifteen-month search. Eventually the number totaled 157 suspects, most of whom were released, though some of them were implicated in other unsolved crimes and remained in custody.[32]

As for the actual gang members, shortly after the robbery Abshier took Royston to St. Paul, Minnesota, to obtain treatment for his blown-off jaw, which left a scar that extended four inches from his lips along his chin. Little more is known of the whereabouts of the Fleagle gang following the Lamar bank robbery. Eventually they split up, although one area they visited during their travels was Abshier's home at Grand Junction, fifty miles from Westwater.

Eventually Jake Fleagle's single fingerprint found on Dr. Weininger's car and his compulsive criminal activities identified the gang members. On June 12, 1929, William Harrison Holden, one of Jake Fleagle's many aliases, was arrested as a suspect in a train holdup near Stockton, California. The FBI and other agencies had not made much progress with fingerprinting and identification up to this point, but Holden's fingerprint was forwarded anyway to the FBI in Washington, D.C., for recording. There, FBI fingerprint expert Albert B. Ground identified Holden as Jake Fleagle from former fingerprints taken when he served time at the Oklahoma State Penitentiary in 1916. Apparently Agent Ground was not satisfied with simply identifying Holden as Fleagle; captivated by the peculiar print, he searched his records for other unidentified prints that had recently crossed his desk. Finding the fingerprint taken from Dr. Weininger's car, Ground matched it to Fleagle.[33]

The chase was not over yet, however, as Jake Fleagle had been released from custody in California before his identification became known. Not finding Jake, law officers pursued his family and eventually located and arrested his brother Ralph. Once captured, Ralph Fleagle erroneously thought that he had made an

agreement with law officers that he would avoid the death penalty by fingering the other gang members. The dominoes then began to tumble as each member except Jake Fleagle was shortly apprehended. The waiver of the death penalty for Ralph Fleagle was denied and eventually all three of the captured men were sentenced to hang.

Jake Fleagle continued to avoid authorities, though he offered to turn himself in if he and his brother would be prosecuted in Kansas, where there was no capital punishment. His offer denied, Jake tried and failed to arrange his brother's escape from Canon City Prison. Eventually, tracing the letters that Fleagle mailed to the governor of Colorado to try to save his brother's life provided an approximate location where Jake was hiding out, in the vicinity of southern Missouri or northern Arkansas. On October 14, 1930, he boarded a train in Branson, Missouri, heading to the nearby town of Hollister. Numerous law enforcement officers were on the same train preparing to search for him. He was identified prior to boarding and, when he became trapped on the railroad car, instead of giving himself up, he went for his pistol. Jake was shot in the abdomen and died the following day.[34]

Abshier and Jake Fleagle were implicated in several other robberies, including the Denver Mint in 1922 and possibly the Loeffler store robbery in Grand Junction. Tight-lipped Abshier only confessed to his part in the Lamar bank robbery and did not divulge any additional information that may have solved other crimes he was suspected of. All three of the captured men converted to Catholicism during the short time that they were at Canon City Prison, then on July 11, 1930, Ralph Fleagle met his maker, being hanged by the neck. Eight days later George Johnson Abshier and Howard L. Royston followed suit.

John Malin's account of the Fleagle gang residing at his parents' boarding house is intriguing but cannot be viewed as entirely reliable. His recollection was that his father, after being ditched at Westwater Creek, became aware of the gang traveling to Green River, Utah. There they left their car and boarded a train to Grand Junction, where they were arrested by Sheriff Lumley. His memory of the Fleagle gang's capture thus does not correspond with the facts, but the detail he recalled of their peculiar habits does give credence to his claim that they stayed at

Westwater. Malin estimated that occurred sometime between 1922 and 1930. There could have been numerous reasons for the Fleagle gang to stop at Westwater, including surveying for escape routes or hiding out following one of their earlier holdups before Royston joined them, or Westwater could have been where they stayed after they disappeared from Kansas and before at least two of them made it to California.

General Lawlessness

Other criminal activities took place in and around Westwater. Some were not publicized, but they show that the remoteness of the area made it a tempting sanctuary for the lawless. Approximately three miles west of Westwater at Cottonwood Station on December 2, 1919, José Lopez was cooking breakfast in the section house while two of his countrymen from Mexico remained in bed asleep. For reasons never determined Lopez attacked the sleeping Francisco Rodriguez with an axe, striking him with six blows to the head. The other man woke up and, frightened, ran out into the cold to inform the section foreman who lived nearby. When the foreman arrived, he discovered Lopez "had proceeded with the cooking of breakfast and was mixing some bread," apparently unconcerned over the gruesome crime he had just committed. Rodriguez was dying and lived only a short time.[35] It was said to have been the "most gruesome cold-blooded murder ever committed in Grand County" up to that time. Before the month was over, Lopez took his own life by cutting his throat with glass while in the Price, Utah, jail awaiting trial.

There were other conflicts among resident aliens working for the railroad. John Malin recalled a track walker for the railroad who heard rumors that his Mexican wife was having an affair each night that he walked the tracks. One night he cut his walk short and discovered her with another man and shot them.[36] Another incident that took place at Westwater on October 29, 1922, involved a cook, Frank Yeaman, who took a large butcher knife to a Mexican gang worker named Pat Trujillo while he was eating his breakfast. The hodgepodge of foreign employees hired by the railroad and sheep camps, along with cowboys and miners, seemed to create a volatile environment. John Malin recalled that there was a fight nearly every weekend at Westwater.

Further down the tracks Robert W. Mock of Grand Junction got a bit mouthy during a dance at Cisco and picked a fight that resulted in his death on January 17, 1931. Stepping outside the dance hall, Mock confronted L. E. "Tudy" Williams and was reportedly knocked to the ground after two punches to his face from the smaller man. Shortly after the fight, Mock was discovered dead. The autopsy revealed, however, that a human fist could not have done the damage Mock's face had received. Two Basque sheepmen were then indicted and the three men were charged with conspiring to kill Mock. Eventually Williams was acquitted, and Basque sheepman Serefin Olerain was accused of battering Mock's face in with brass knuckles after he was already down on the ground.

An earlier Cisco incident occurred on January 1, 1913, when "Three-Fingered Jack" Miller shot and killed José Lujon during a game of cards. Miller owed ten dollars to Lujon on a loan, and when Miller was not ready to pay up, Lujon left the tent they were playing in, returning shortly with a knife. Miller then grabbed the tent owner's pistol and shot Lujon three times.

Westwater station agent W. C. Downey did not fit the mold of a killer, but on November 19, 1912, he was provoked to violence by William E. Linn's constant abuse. A large man, Linn was employed by the Denver and Rio Grande Railroad as a carpenter and had recently transferred to Westwater. On that day he was grossly intoxicated and had tried to "quarrel and fight with nearly everybody in Westwater." He had entered Downey's office four times, disrupting his work answering telegraph messages and taking train orders. In fact, Downey feared that any further distractions by Linn might result in train accidents. So when Linn returned, Downey grabbed an iron stove poker and began hitting the much larger man, who fought back but was overcome by the blows. Leaving the building, Linn stumbled across the street and fell to the ground unconscious. The trial did not go beyond the preliminary stage as the judge could discern no willful wrongdoing on Downey's part. Moreover, the testimony of the examining Dr. Bull of Grand Junction was that the blows alone would not have killed Linn, but his intoxicated condition and the delayed medical attention while transporting him by train to Grand Junction caused his death.[37]

On March 7, 1929, Westwater residents reported a "mysterious rider" in the area. Riding a "bald-faced" horse and leading a pack horse, the rider kept a distance from the Westwater residents so that no one could identify him. They speculated as to why he was there. Was he hiding from the law, and was he responsible for several horse killings and other strange events that happened during his stay? Nobody ever found out, but during the two weeks he was in the area, several horses were found dead from shots to their heads, their meat used for coyote bait.[38] The Westwater residents' description of the "mysterious rider" epitomizes all of the numerous strangers through the years about whom they could say, "No one seems to know who he is or where he came from or where he goes." Owen Malin recalled several "shady characters" who came to Westwater while he lived there, and unless they volunteered their name and reason for being there, nobody asked. "You lived longer that way."