

Chapter Eighteen

The Murder of Robert Hardie

In May of 1890, Indians committed numerous atrocities against Anglo settlers and tourists in southeastern Arizona and northern Sonora, Mexico. About the 10th of May, a large freight team was captured and burned in Sonora; the wounded driver managed to escape. On the same day, Tombstone citizen George Adams (not the Methodist preacher of the same name) was killed and a party of surveyors attacked by some ten Apaches. Benjamin F. Brown of the Erie Cattle Company reported seeing an Indian lasso a horse on the ranch and escape at high speed.¹ It was alleged that the perpetrators of these crimes had escaped from General Nelson Miles and were reinforced by desertions from the San Carlos agency. Surprisingly, both San Carlos officials and army authorities asserted that no Indians were off the reservation. Reminiscent of the 1885 resolution by Tombstone citizens regarding the earlier outbreak of violence, another long petition from Tombstone was telegraphed immediately to President Benjamin Harrison, via Senator Marcus A. Smith, “complaining bitterly of the lack of proper military protection in that country.”² It stated, in part, “...not a month has passed in two years without at least two murders along the border between the United States and Mexico. The Indians have constantly raided back and forth; have been frequently seen and counted, and by reliable advice are estimated to be from 20 to 30 in number.... The Army headquarters are maintained in Los Angeles, 600 miles from the scene of the atrocities and the body of the citizen [Robert Hardie] of that city which we now send them, should be accepted as evidence of their error.”³ President Harrison endorsed the telegram as follows: “This telegram is submitted for the information of the Secretary of War [Redfield Proctor], with directions to take prompt and effective measures to protect the settlers and to capture and to bring to merited punishment any hostile Indians who have been concerned in the killing of our citizens.”⁴

On May 25, 1890, Robert Hardie, a prominent attorney⁵ of Los Angeles, California, was killed, allegedly by Apaches, in Rucker Canyon in the Chiricahua Mountains. He was a Canadian by birth, a real estate investment advisor, and had married Florence Haynes in Los Angeles only the year before.⁶ Hardie was in the company of his brother-in-law Dr. Francis [Frances] L. “Frank” Haynes, formerly of Philadelphia, Pennsylvania, who managed to make an escape. The *Arizona Republican* headlined the news on its front page of May 27, 1890:

BLOODY DEMONS

Apaches Again at Their Murderous Work Killing of a Prominent Los Angeles Citizen

This Settles the Question of Geronimo and His Friends Returning to the Territory

Wilcox [*sic*], May 26 – Robert Hardie, one of the most prominent members of the Los Angeles bar and well known as a lawyer all over California, was killed by Apaches in Rucker canyon yesterday.

The previous August, Dr. Haynes and his physician brother, John Randolph Haynes,⁷ had traveled to Tombstone and in the company of Judge Stilwell made a ten day trip into the Huachuca's. The brothers were identified in the Tombstone *Epitaph* as “first class physicians and surgeons.”⁸ Francis L. Haynes, was a highly regarded physician with numerous published medical papers; he was a graduate of the University of Pennsylvania and a former resident at the Episcopal Hospital of Philadelphia. After moving to Los Angeles in 1887, the Haynes brothers were associated with Dr. Walter Lindley in what was known as Dr. Lindley's Private Hospital. In 1887, Dr. Lindley and Dr. Francis Haynes established "The Pacific," the first private hospital in Southern California which gradually developed into the California Hospital.⁹ The Haynes brothers later became professors of gynecology at the University of California.



John Randolph Haynes
Brother of Francis L. Haynes
(Copied from *Out West*, Volume 30,
Archaeological Institute of America.
Southwest Society, Sequoia League)

Dr. Haynes' reputation was such that it was stated, "Dr. Francis Haynes is counted as the father of modern surgery in Southern California, being swift and sure in diagnosis, a daring, brilliant and successful operator, and the introducer of modern antiseptic methods here [California]."¹⁰

So much did Dr. Haynes enjoy his first trip to southeastern Arizona that he invited his new brother-in-law, Robert Hardie, to join him for a second excursion.

Thus, Hardie and Haynes were on a two-weeks vacation to the area and at the invitation of George Pridham had gone to Soldier Hole in Sulphur Spring Valley and then to the home of Mike Gray, at the former location of Camp Rucker. John Pleasant Gray, in his memoirs, remembered that his mother had received a letter from Dr. Francis Haynes "in which he had inquired if she could accommodate himself and a Mr. Hardy, an invalid lawyer of Toronto, for a short time. He hoped the dry, high air at Rucker would improve the health of Mr. Hardy, then threatened with lung trouble."¹¹

After resting at the Gray Ranch for two days, on the morning of the 25th Hardie and Haynes went exploring in the canyons, taking with them two gentle ranch ponies and one rifle, in case they saw deer or other game. Late in the day, as they were returning to the ranch, they were attacked from the cliffs about two miles from the ranch house.

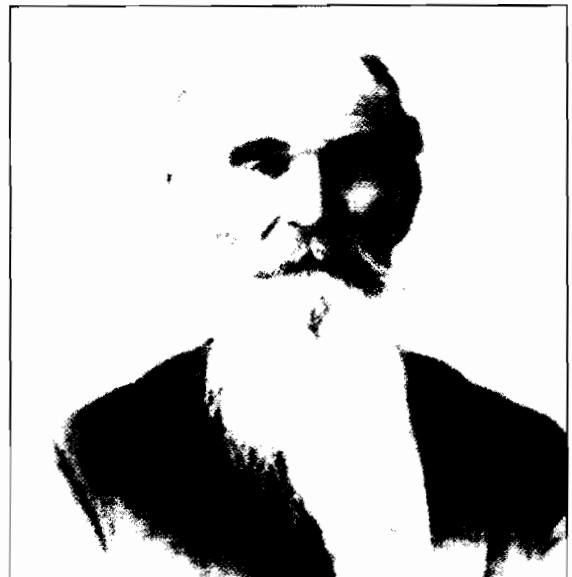
Hardie was shot through the heart and died instantly. Haynes's horse was shot from under him but he stealthily managed an escape on Hardie's horse. Haynes made his way back to Gray's where Mike Gray and William Banning agreed to return with him to the site of the killing. There they found Hardie's body unmutilated but his possessions had been ransacked and various items stolen including: a gold watch and chain, cartridge belt, and pocket book. Hardie's body was taken first to Gray's and then the next morning into Tombstone for examination. Haynes claimed that the Indians fired from ambush.¹² He stated that the Indian who fired at him had his face painted in stripes and that he resembled photos he had seen of Geronimo.



One of the last remaining structures at old Camp Rucker (1985).
Buildings like this were used by Mike Gray to accommodate his guests.



Major General Nelson A. Miles
(Library of Congress)



Michael "Mike" Gray
Owner of Gray Ranch, former site of
Camp Rucker

FOULLY MURDERED BY INDIANS.

DR. HAYNES TELLS THE STORY OF ROBERT HARDIE'S DEATH.

How a Well-Known Philadelphia Physician Miraculously Escaped from the Redskins—His Horse Shot Under Him.

The details of the murder of Lawyer Robert Hardie by Indians and the miraculous escape of Dr. Francis S. Haynes, of this city, while riding together near Los Angeles, California, have just been received in this city, coming in Dr. Haynes' own words. The latter was formerly a resident of Cumberland street, in Kensington, and is well and favorably known all over the northeastern section of the city. His thrilling story, which reads like an extract from a romance of the plains, is as follows:

"My brother-in-law and myself started out for a ride from the ranch of Colonel Mike Gray, where we were staying. We rode about ten miles and then started for the ranch house. Before doing so, Mr. Hardie unloaded his rifle and strapped it to his saddle, as the horse was inclined to be a little skittish. I was not armed. We proceeded along slowly and were within about two miles of the ranch house. Mr. Hardie was a few yards in advance of me when we were startled by hearing a regular fusillade. The 'whish' of the bullets could be heard on all sides. The horse my comrade rode swerved to one side, and my brother-in-law reeled over on his saddle and fell to the ground. I jumped off my horse and rushed to his assistance. He was dead, with a wound in his heart. I ran back to mount my horse, and was about to put my foot in the stirrup, when a bullet perforated the poor beast.

"The horse my brother-in-law rode galloped off directly he fell. I glanced hur-

riedly in all directions, but could see nobody. I could not understand where the bullets came from, but as my companion was struck in the left side I ran off in the opposite direction toward the house. I ran as fast as I could, and was soon exhausted. The air was very rarefied, being 6,000 feet above the sea. Upon turning around to look back I saw an Indian within sixty feet of me. He had stopped, and was taking up a position to fire at me. I made a final rush for a row of bushes, and the bullet whistled harmlessly by me. I kept zigzagging around the bushes until I fell down exhausted. As soon as I recovered my wind I rushed off again, but soon dropped. I was in a frightful condition. I was almost choked with dust and was suffering from thirst. I thought I could go no farther, and made up my mind my days were numbered.

“I espied the horse ridden by my brother-in-law about a rod away, and I made a last effort by starting after the horse, which I succeeded in catching. I then rode to the ranch, reaching there at dusk. We got together a party of four and started down the canyon to recover the body. My horse was dying, so I put an end to his misery by cutting his throat. The Indians had robbed Mr. Hardie of watch and chain and one pocketbook. They failed to secure a pocketbook which he had in his hip pocket. A party brought the body to Tombstone, traveling all night.”

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Hardie's body arrived in Tombstone about 10:30 a.m. on Sunday morning. Dr. Haynes immediately notified Judge Stilwell and George Pridham of Hardie's death. Judge Stilwell witnessed the body's removal from the wagon and saw that it was covered with dust from the long journey from Gray's ranch.¹⁴

Judge Stilwell called for Dr. George Goodfellow to perform an autopsy. In the interim, Stilwell summoned the following inquest jury made up prominent men in Tombstone: George W. Cheney (Territorial Legislator, Arizona Superintendent of Public Instruction), Stanley C. Bagg (member of the town council and editor of *Tombstone Prospector*), W.W. Woodman (contractor), A.J. Godfrey (capitalist), George Meek (short-term editor, 1889-1890, of *Tombstone Epitaph*), W.G. Reed (lumber merchant), Joseph Brown (grocer and son of Tombstone city treasurer), M.T. Williams (unknown) and C.B. Kelton (customs inspector and soon to be sheriff of Cochise County).

Judge Stilwell and the jury proceeded from Stilwell's office to the undertaking rooms, where the body, after being properly dressed, was exhibited. Hardie had been wounded by a gunshot wound "less than two inches to the right of the left nipple, and about one-half an inch above it. Also a wound at the

Judge William H. Stilwell – Bench and Bar in Arizona Territory

left of the spinal column, and considerably lower than the wound in the breast.” Dr. Haynes was the first witness called and he related all that had transpired from Saturday when they left Gray’s ranch until their arrival in Tombstone on Sunday morning. William Banning (Bannon) was next to testify and he related the trip from Gray’s to retrieve the body of Hardie. Dr. Goodfellow then testified that the wound showed that the shot had been fired from higher up than the ground upon which the men were riding. He stated that the shot was from a 44 or 45 caliber rifle, “the heart being literally blown to pieces.”¹⁵ Goodfellow stated that there were no powder burns on Hardie’s hand or face.¹⁶ It was the jury’s opinion that Hardie came to his death at the hands of unknown Indians.

Later that day, May 26th, Judge Stilwell sent a telegram to military authorities at Fort Huachuca resulting in the arrival at Stilwell’s house at midnight on the 27th of Lt. Dean¹⁷ of the Fourth Cavalry with eleven soldiers.¹⁸ The troopers left the following morning at daylight for Rucker Canyon. They traced five Indians nearly to the Sonoran border before being recalled by heliograph signals. At the same time, Lt. Hugh J. McGrath and 40 soldiers of Troop C rode out of Fort Bowie making the same discovery of Indian tracks.¹⁹

Judge Stilwell’s notification of the military authorities was immediately communicated to General Nelson Miles in San Francisco. On May 26th, the Associated Press carried a statement from General Miles to the effect that the perpetrators were the Apache Kid and his party and that he had issued orders that day to pursue and capture or destroy the hostiles.²⁰



**Photo is labeled “Apache Kid and his Devils”
Apache Kid is second from right on back row.**

News of Hardie’s death reached his family in Los Angeles when on May 26th Dr. Haynes wired from Tombstone to his associate Dr. W.W. Beckett: “Robert killed instantly by Indians. Unmutilated. I am not hurt. Will be home with body Tuesday evening.” Dr. Beckett immediately went to Hardie’s home, 920 South Main Street, where Hardie’s wife was notified. Beckett reported that Mrs. Hardie had no intimation of her husband’s death and was completely prostrated when shown the telegram. The next day the *Los Angeles Times* published Beckett’s account and a dispatch sent from George E. Meek, editor of the *Tombstone Epitaph* giving the particulars of Hardie’s death.

The *Philadelphia Inquirer* of May 28, 1890 reported that Secretary of War Redfield Proctor had been notified of the murder of Hardie and that he had immediately wired Major General Miles inquiring as to “what action had been taken by the troops for the arrest of the murderers.” Miles telegram reply of May 26th from San Francisco was published in full by the *Inquirer*,

To Adjutant-General United States Army, Washington: In reply to your telegram of today,

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Indian Kid and his party were hunted down in Arizona by the troops, arrested, tried and sentenced to a long term of imprisonment at Alcatraz Island in January, 1888. Without any knowledge of the military in Arizona they were pardoned in October, 1888, and set free. They were immediately arrested by the civil authorities, tried and sentenced to be hung on November 2, 1889. They with others escaped by killing [Gila County] Sheriff [Glenn] Reynolds and fled to Sonora, Old Mexico. Since that time unofficial reports have been received of their presence in Old Mexico. The report of their killing Mr. Hardie at Rucker Canyon, just north of the Mexican border, is the first report of their being in the Territory of the United States. The commanding general of the Department of Arizona has already been directed to make such disposition of the troops at Lowell, Bowie, Huachuca, Grant and Bayard as will make it untenable for hostile Indians in that vicinity and give protection to the settlements.

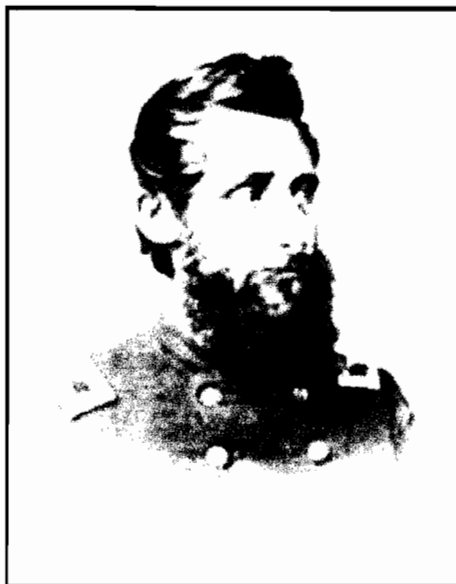
MILES, Major-General Commanding.

Judge Stilwell accompanied Dr. Haynes and the body of Robert Hardie to Los Angeles. On May 30th, Stilwell was interviewed at the Hollenbeck Hotel by a reporter of the *Los Angeles Times*. He related much of the facts surrounding the Hardie murder and his most definite opinion of the involvement of the Apache Indians.

An Associated Press dispatch from Deming, New Mexico on May 30, 1890 stated, "Assertions made in some quarters at Los Angeles that the murder of Robert Hardie... was not done by Indians have created some comment in the Territories." The article continued, "Col. [Michael] Gray, near whose place the murder took place, wrote to Dr. Haynes that he had discovered moccasin tracks and that at least four Indians were in the party which did the killing."²¹

Brigadier General Benjamin Grierson, then the commander of the Division of the Pacific Headquarters Department of Arizona, and who was scheduled for forced retirement in less than three months, was incredulous that any Indians were involved in the various incidents credited to the Apaches. The information emanating from Grierson, 600 miles from the scene, and the military officers on the ground in Cochise County was markedly different. Lt. Dean, who returned with his troops to Tombstone on June 4th, was quoted by the *Epitaph* as stating,

I went to the scene of the killing of Hardie and found that Lieutenant McGrath had been there from Bowie and was on the trail. I followed and caught up to him. After following the trail for some time we came to a spot where they had killed a mare and colt. The latter had been stripped of all the meat, and both animals had been stabbed. There is no doubt about them being Indians, and I am convinced there were five of them, as was also Lieutenant McGrath.²²



Brigadier General Benjamin Grierson
Commander of the Division of the Pacific
Headquarters Department of Arizona
(Library of Congress)

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The San Francisco *Evening News* of June 5, 1890 stated that telegraphic information had been received at the army headquarters (in San Francisco) that no Apaches were off the San Carlos reservation. In various interviews with California newspapers and later in his official report to the United States Congress, Grierson cited information that conflicted with Haynes' report and the coroner's jury verdict. Grierson stated, "Detachments from Fort Huachuca and Fort Bowie have scoured the country in the vicinity of Rucker Canyon, where Hardie was killed, and not the slightest trace of Indians can be found."²³ Included in Grierson's account was a statement of a Mr. Clark of Fort Huachuca that he was at the undertakers before the inquest and saw Hardie's pockets emptied of money and the pocket-book appeared to be untouched; he further stated that the shot appeared to be from ground level and that the index of Hardie's left hand showed power burns. Additionally, Grierson reported, Mr. Clark's opinion was that someone other than an Indian had killed Hardie.²⁴ Clark, it was later revealed was nothing more than a wheelwright at the fort and only happened to be in Tombstone at the time Hardie's body was brought it. How it was that Grierson would put such confidence in Clark's statement mystified everyone in Tombstone.

Under a headline of "What Ails Grierson," the *Epitaph* reported that "...in his endeavor to mislead the public [Grierson] insinuates that either one of these three causes led to the death of Hardie. First, that he was killed by Mexicans dressed as Apaches; second, that he committed suicide; third, that he was killed and robbed by his brother-in-law."²⁵ Grierson further asserted that Indians never robbed dead bodies, "they not having any use of money or watches." Grierson then was reported to say, "There is a mystery surrounding this murder that has not yet been solved."²⁶ When Grierson's pronouncements were received by Hardie's family in Strathroy, Ontario, Canada, his sister, Ellen Hardie Saxton,²⁷ immediately accused Dr. Haynes of the murder of her brother and began a concerted effort to ferret out proof.²⁸

In San Francisco, the *Chronicle*, in an editorial commenting on Grierson's report of "no Indians out," suggested that the people of Southern Arizona "owe it to simple justice to apologize for the telegram they sent to [President] Harrison." The *Epitaph* responded most pointedly, "All right *Chronicle*, we'll do it, if you will get that narrow minded idiot, Grierson to apologize to the people of Arizona for insulting them every day through the columns of the California press."²⁹

Judge Stilwell was livid at Grierson's statements and in his *Los Angeles Times* interview noted with great detail several instances in which men killed by Apaches were robbed while their bodies were unmolested. He stated, "If there are reasons given by the officer or soldier I am compelled to either deny his sanity or his claim to any knowledge of the Apache." He then berated Grierson for suggesting that the citizens of southern Arizona have erroneously charged many crimes to Indians which could not be proven.³⁰

The next day the *San Francisco Chronicle* changed its tune and lambasted Grierson's report stating that it was flatly contradicted by men who had the earliest and best means of getting the facts, including Judge Stilwell and Dr. George Goodfellow, who stated there were no powder burns on Hardie's fingers and that the wound was fired from higher ground than the road.³¹ The *Phoenix Herald* stated,

The idea that Mr. Hardie... was murdered by someone else is absurd. Dr. Haynes, who was with him, saw the Indians; their tracks were afterward found and trail followed – a trail such as only Indians make in this country; more than that it is well known that there are somewhere in the neighborhood of twenty hostiles who make their home in the Sierra Madre of Mexico and range along the southeastern border of Arizona, that had before committed several depredations and murders and furthermore immediately passed over into Mexico where they committed another murder of a Mexican miner or stockman.³²

The *Epitaph* would not let up on Grierson and inserted brief sentences of derision throughout its issues for a period of several weeks. On June 6th, under the headline "Grierson's Pets," the *Epitaph* carried an Associated Press report of another Apache atrocity in the Santa Catalina's in which it was reported, "Troop L, from Fort Lowell, struck the trail of seven Apaches this morning, and came upon them while they were in the act of mutilating the body of a Mexican boy, whom they had just killed."

Five of the Indians were captured while two escaped. That they were Apaches from San Carlos reservation was determined by the fact that they were wearing "government clothing." Would Grierson now deny that Apaches were indeed the perpetrators of the many outrages that had been reported?

Even the Whittier (California) *Pointer* struck a hard blow against Grierson's assertions:

Brigadier General Grierson is doubtless a brave soldier, but when he sits in his cushioned arm chair in the Bryson block in Los Angeles and says that Mr. Hardie was not killed by Apaches and claims to know more about the event than Dr. Haynes, who saw his sister's husband fall dead by his side and who saw the Indians within fifty feet of him, the general becomes preposterously presumptuous. Such remarks bring the military in contempt. The regular army has not distinguished itself in this Rucker canyon where Mr. Hardie was murdered, as it is the place where Lieutenant Rucker and another boon companion and officer were drowned when drunk two or three years ago.³³

Major General Nelson Miles had a different understanding of the situation than that of Grierson. One wire report from San Francisco stated,

The killing of Robert Hardie is the first crime committed on United States territory since last November. The Apache secured their arms from teamsters and prospectors murdered in Mexico. The Indians at large numbered only eight, and they were, Kid, Meguee, Sayes, Washlanta, La Cohn, Tonto, Bpt, Hasten, Todody, and Caddaydoan. Of these, four are believed to have been killed.... Orders were issued last November to all posts to look out for the escapees, and further orders were issued this afternoon by Major General Miles from division headquarters to pursue and capture or destroy the hostiles.³⁴

On the evening of June 6th a troop of 46 Buffalo Soldiers under the command of Captain Kennedy, accompanied by ten Apache scouts, arrived in Tombstone and set-up a temporary camp on the baseball field. They reported that they had been dispatched from Fort Grant and were on their way to patrol the line below Bisbee, until further orders were received from Grierson.³⁵ Travel from Fort Grant to Bisbee would not normally take a route through Tombstone; perhaps the soldiers were less than willing to make their camp in a remote area, or in an area where they might find evidence of the recent presence of Indians. Or, were they sent to Tombstone to help alleviate concern that nothing was being done by the military for the protection of citizens and settlers?

While speculation and accusations continued to spread that Hardie was murdered by Dr. Haynes, or Mexicans posing as Indians, or even white outlaws, Alonzo Dionysious "Tex" Whaley, a resident of Rucker Canyon and clerk of Rucker Precinct, came into Tombstone and stated in a front page interview with the *Prospector* that he was at the killing site the next day and examined every track present, concluding that three Indians engaged the attack.³⁶ He stated, "Their moccasin tracks and the print of their knees in the moist earth could not be mistaken and the trail up the bank was quite as conclusive a piece of evidence as even a tenderfoot would wish for to convince him of their identity." "Any man who says that Indians didn't kill Hardie doesn't know what he is talking about. If General Miles doubts it, I can give him enough evidence to convince him and he knows me well enough to know that I know an Indian sign as quickly as anybody who ever piloted him over the south-western country."³⁷

On July 8, 1890, Brigadier General Grierson was officially notified by letter from Major General Miles that he was from that date removed from command as a result of forced retirement; General Miles stated to him that he would temporarily assume the duties of the command of the Department of Arizona. The letter, published in newspapers across Arizona, California and elsewhere, lauded Grierson for his "gallant and meritorious" past service to the country. The *San Francisco Chronicle* editorialized, "With Gen. Miles in the field we may expect to hear of the speedy end of the Apache renegades who have caused so much fear in Southern Arizona. The truth of the charge that Indians were responsible for the murder near Tombstone was demonstrated in the face of Gen. Grierson's attempt to foist the crime upon Mexicans, and since then five of the band have been killed. One good thing has been effected by this

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Indian scare in Arizona. It will be idle for any one to try to secure the return of Geronimo and his gang to Indian territory.³⁸



Captain John Lapham Bullis
(National Park Service Photo)

In late July, army troopers killed an Apache in the Sierra Anchas Mountains; on his body was found the watch-chain of Robert Hardie. Judge Stilwell, with the approbation and endorsement of Governor Wolfley,³⁹ wrote Captain John Lapham Bullis, Acting Indian Agent at San Carlos, on July 31, 1890 commenting on “the recent successful pursuit of the Indians by the troops which has resulted in capturing or killing of so many....” He further requested that all Indians brought into the agency be interviewed and questioned about Hardie’s watch which was engraved with the name “Florence,” his wife. Stilwell offered a one hundred dollars reward to the troops and scouts. The *Epitaph* commented that “Judge Stilwell has been untiring in his efforts to get at the true facts concerning the killing of Robert Hardie by Indians.”⁴⁰

Killed by Indians? Hardie’s sister, Ellen Hardie Saxton, would simply not abide the possibility, believing rather that Haynes was either her brother’s killer or somehow complicit in the murder. A citizen of Canada, Mrs. Sexton wrote to President Benjamin Harrison under date of August 5, 1890:

To His Excellency Benjamin Harrison, President of the United States,

I beg that you will not consider that it is without sufficient cause that I herewith endeavor to gain your attention. Understanding that the first duty of the state is to make the life of the citizens secure and that if by any violation of law he is deprived of that life the redress is that the assassin be punished, I hereby appeal to you that enquiry be made into the murder of the late Robert Hardie, said to have been shot by Indians on May 24th at Rucker Canyon, fifteen miles from Tombstone, Arizona. I am his only sister and only near relative on this continent. The escape of Dr. Francis Haynes, who was alone with my brother at the time, is surely too miraculous to be accepted without investigation. Moreover, should not the whole of his previous history be ascertained? My brother married Miss Haynes without any knowledge of the family save what they chose to tell. They claimed to have come from Philadelphia to Los Angeles. And two of the brothers, Francis and John, profess to have each made in that city, Philadelphia, \$100,000 in the practice of medicine; and they are still young men on the sunny side of forty.

I will enclose a copy of a letter from the District Attorney of Los Angeles in reply to one from the United States Consul of London Ontario, Canada; and I do not see that he could say more without directly impeaching Haynes. [Letter copied below.] Had I it in my power I would only too gladly prosecute the matter; but I am in poor health, have a young family, and in straightened circumstances, which puts the matter beyond my reach. Therefore, I appeal to you as the head of the State and beg to know will the state investigate until the assassin is found?⁴¹

Mrs. Saxton then related in her letter to President Harrison what she termed the "chief facts of the killing as told by Dr. Haynes." She concluded with her incredulity stating:

Is it not incredible that ill, lame, unarmed and 6,000 feet above the level of the sea that he [Dr. Haynes] could escape from a number of well-armed fleet-footed Indians to whom the rarified air was native? And still more incredible is it that any ordinary man under such extraordinary circumstances could have the clearness of vision to detect in his presence a likeness to a magazine picture he had once seen?

General Miles and General Grierson, in the public prints, asserted their disbelief that Indians were the murderers. District Attorney Stillwell is not the man to make the investigation in Arizona, for he is persistent in laying the crime on the Indians. Will not the State employ one of the best detertives in the country to search out the assassin?

Most respectfully yours,

Ellen Hardie Saxton (Mrs. Frank Saxton, Strathroy, Ontario, Canada)

p.s. I beg a reply. *E.H.P.*

The novice District Attorney of Los Angeles County was 36 year old Frank P. Kelly, a former newspaper editor, whose single term in office was from January 7, 1889 to January 5, 1891. Upon receiving the communication from H. Z. Leonard, the United States Consul in London, Ontario, Canada date July 17, 1890, Kelly promptly responded to the Consul under date of July 24th. He expressed concern regarding Hardie's murder and that he had made inquiry among "persons I thought ought to be familiar with the subject." He stated that he considered there to be a mystery surrounding Hardie's death and wondered if the killing was by Indians or "white men disguised as Indians for the purpose of robbery." He further stated that "I was pretty well acquainted with him [Hardie] in his life time and his death was a peculiarly sad one. Mr. Hardie left, I think, quite an estate...." While he had already expended \$2.50 on newspapers and postage, he stood ready to assist the Consul or Mrs. Saxton to the best of his ability. He went so far as to offer himself for further investigation upon receipt of "a retainer in the amount of \$30.00."⁴²



**Los Angeles County District Attorney
Frank P. Kelly**

AS A SOLEMN confirmation of Judge Stilwell's trust in Dr. Haynes' account of Hardie's killing, on August 20th the *Epitaph* announced that an Apache Indian known as "Say-es" (or Sayes) had been captured and had in his possession Hardie's watch-chain, which was returned to Judge Stilwell by the war department. Say-es, a member of the SI band and associate of the Apache Kid, was said to have confessed to the murder of Hardie.⁴³

The *Epitaph* published on August 21st a series of communications on the Hardie matter beginning with Judge Stilwell's letter to Captain Bullis, Wolfley's endorsement, and then Bullis's referral of Stilwell's letter to Brevet Colonel Lewis Johnson, 24th Infantry, Commander of the troops at San Carlos. Bullis requested that Colonel Johnson endorse the information given by the "captured renegades, Curley and Sayes, as to the within described property, also watch chain and such other information as will be of interest to the friends of the late Mr. Hardie." Johnson's reply to Bullis stated,

The information given by "Sayes" and "Curley," who were both closely questioned on the within subject, is about the same. "Sayes," one of the convicts who murdered Sheriff Reynolds and escaped from the civil authorities in last November, admitted that he was one of the three bucks present at the murder of Mr. Hardie in Rucker canon, the other two being "Wash-lan-tah" (killed on the 17th ult.) and the "Kid," still at large. After shooting Hardie, "Sayes" says Kid and Wash-lan-tah robbed him, taking but very little money, which the Kid gave to his squaw, who was also present at the time of the killing. He then took Hardie's gold watch and "beat the inside (works) out against a rock," then gave the case to Wash-lan-tah, who cut it into strips for rings and other rude ornaments. A small watch chain – the one sent herewith – was found near Wash-lan-tah's body on the 17th after the fight, and this Sayes says, was on Hardie's watch. This is all the information I have been able to elicit. Should the "Kid" be captured, which is not unlikely, as our efforts have not been relaxed, an attempt will be made to get further information on the subject of this letter.⁴⁴

Dr. Haynes's friends and family in Pennsylvania received the welcome news of Haynes's vindication when in November the *Philadelphia Inquirer* carried the following:

Official communications concerning the killing of Robert Hardie... gives a quietus to the unfortunate rumors connecting Dr. Francis L. Haynes with Mr. Hardie's death. Dr. Haynes was formerly a resident of this city and has many warm friends here. They hastened to refute unjust imputations by making public General Miles' account of the murder, of which, it appears a notorious outlaw, styled the "Kid," and an Indian named Washlantanah were guilty. A communication from Los Angeles, Cal., where Dr. Haynes is located, speaks highly of him and scouts the rumor that he had anything to do with his brother-in-law's sad death.⁴⁵

District Attorney Stilwell sent Hardie's watch-chain to his wife in Los Angeles by express on August 21st. The *Epitaph* stated, "It will be... a stern reminder to all concerned that the Apaches of Arizona always were and always will be dangerous and our Territory will never know peace until they are gone – reservation and all. And after they are exterminated the soft-headed eastern idiots who are so tender-hearted toward the red murderers can supply them with ice, if they so desire."⁴⁶ In an accompanying article in the same issue of the *Epitaph*, Haynes's vindication as an "honorable gentleman" was championed: "All the circumstances attending the death of Mr. Hardie have been brought to light, and it proves beyond the shadow of a doubt, that the opinion of Arizonans at large, and of the inhabitants of Cochise in particular, that the unfortunate gentleman was murdered by Indians was correct."

A further tragedy of this episode was the sudden death of Hardie's infant daughter, Alice, the same month.⁴⁷ All of this was too much to bear for Hardie's sister in Canada; she simply would not abide the thought that her brother was killed by Indians. Ellen Saxton continued her earnest campaign to convict Dr. Haynes of murder. She initiated an investigation into the background of Haynes, especially his Philadelphia area pursuits, habits, friends, and anything that might cast a negative reflection on his honor. To do this, a friend of Mrs. Saxton, Mrs. Margaret W. Moorhouse (wife of Dr. W.H. Moorhouse, an

Ontario physician), contacted the Department of Public Safety, Bureau of Police, of Philadelphia and the "case" was given to Chief Detective Charles W. Wood[s].⁴⁸

Detective Wood responded by letter to Mrs. Moorhouse under date of November 5, 1890 stating that his investigation revealed that Dr. Haynes,

was committed by one of the courts to prison, charged with being an accessory to the death of a Mrs. Dr. Gerdson [*sic* Goerson], but was discharged on writ of habeas corpus.⁴⁹ At another time he was arrested and indicted on a charge of conspiracy made by one Dr. Phibel and was acquitted of the charge.

Mrs. Saxton reported Woods statements in a subsequent letter to Arizona's Acting Governor Nathan O. Murphy in October. In turn, Governor Murphy twice wrote to Judge Stilwell, October 25 and 27th, enclosing a copy of Mrs. Saxton's letter and eleven "exhibits" she had furnished the Governor. Murphy's letters to Stilwell are non-extant, but Judge Stilwell's reply to Murphy is. Under date of October 29, 1890, Stilwell wrote,

Honorable N.O. Murphy, Acting Governor, Phoenix, Arizona

Sir: I have the honor to acknowledge the receipt of your letters (same inclosure) [*sic*] of date the 25th & 27th instant, respectively inclosing 11 exhibits marked Exhibits "A," "B," "C" etc. relating to the murder of the late Robert Hardie. I will willingly comply with the request of yourself and of the afflicted sister of deceased, that another investigation be made. But, for the reason that Mrs. Saxton has declared in her letter to the Honorable Secretary of State at Washington, that I am "not the man to make the investigation," I have the honor to submit for your consideration the suggestions that after consulting with the lady, your acquaintance with the attorneys of the bar of this and other counties, might enable you to select, for this purpose, an attorney who has not received, in advance, the pronounced disapproval of the unfortunate lady.

In case it is your pleasure to select some other person, I will appoint such person as my deputy for the purpose of attending to this case.

The investigation should embrace the most remote circumstances material to the case.

With great respect, I am, Sir, Your obed't Serv't.

W. H. Stilwell, District Attorney⁵⁰

By early November, Mrs. Saxton had written directly to Judge Stilwell at Tombstone as she acknowledged in an extant letter to Governor Murphy on November 9, 1890. She suggested that Dr. Haynes was quite "rich" but that he was hiding his money in his sister's name – Florence Hardie, widow of Robert. She stated, "I never liked Haynes not having his money in his name, and think a great fact to ascertain is how he has made it." She further expressed concern about Dr. Goodfellow's involvement in the case, saying, "I still apprehend Goodfellow is implicated with Haynes; in fact, I would not be surprised if he were formerly known as Dr. Goerson; and I would like that inquired into." Were that not enough, she wanted her sister-in-law, Florence, investigated, stating, "Moreover, I am very strongly convicted that Florence Hardie nee Haynes is very much, in some way, implicated in the case."⁵¹

The charge that Dr. Goodfellow was actually Dr. Goerson was totally ludicrous. But, this shows the extent to which Ellen Saxton and her friend Margaret Moorhouse were willing to go in order to bring suspicion upon Dr. Francis Haynes.

Mrs. Moorhouse was now working strenuously on Ellen Saxton's part. On the same date that Mrs. Saxton wrote to Acting Governor Murphy, Mrs. Moorhouse did the same enclosing two letters written by Dr. George Goodfellow to Mrs. Saxton.⁵² She then requested that,

The tale Robert William Haynes told of his post-mortem be either verified or denied by him. I never dreamed of implicating him till his own conduct induced me to do it – and I consider that "conduct" should be satisfactorily explained before he is exculpated. I charged him and Cochrane with circulating the stories about the confession of the Indians because I knew they had done so and because I did not wish to assail the military officials.

She concluded, “Mrs. Saxton has probably informed you that the charge of murder which we have laid against Dr. Francis L. Haynes is not the first charge of a like nature he has had to defend himself from.”

In Toronto, Ellen Saxton waged a strenuous campaign against Dr. Haynes through the Canadian newspapers stating that the family was determined to “get at the bottom of the matter.” The *Los Angeles Times*, in making reference to Mrs. Saxton stated, “It appears that a sister of Mr. Hardie... who is the author of these rumors, is of somewhat unbalanced mind, and imagines that her brother was in possession of \$100,000 when he died, whereas he was about \$4,000 in debt.”⁵³ However, on November 15, 1890, the *Toronto World* presented a defense of Dr. Haynes with a headline, “Unjust Suspicions Against Dr. Frs. L. Haynes Wiped Out – Letters from the Mayor of Los Angeles.” After a review of the events surrounding the death of Hardie, based on published reports from the *Philadelphia Recorder*, a letter from Henry T. Hazard, Mayor of Los Angeles (1889-1892), dated October 24, 1890, was published. Mayor Hazard stated,

I have read articles in the Philadelphia papers containing charges of a malignant nature regarding Dr. Francis L. Haynes of this city. From my knowledge and from a careful examination of all the evidence there can be no doubt regarding the reliability of the original statement of Dr. Haynes concerning the death of his brother-in-law, Robert Hardie, Esq. This statement has been corroborated in every detail by the confessions of the murderers, in so much that it is a matter of surprise that anyone should reiterate these ungrounded charges.

Dr. Haynes is a gentleman of means and stands pre-eminent in his profession in this state as a physician and citizen, and any supposition except that Mr. Hardie was murdered the Indians could originate only in the mind of some one having some purpose in view aside from the truth of the matter.

You are at liberty to make such use of this communication as you see fit.

I am respectfully yours, *Henry T. Hazard*, Mayor of City of Los Angeles.⁵⁴

Judge Stilwell, in an effort to follow Governor Murphy’s suggestions, and to placate Mrs. Saxton, wrote to her under date of November 26, 1890,

Madam: I have the honor to acknowledge the receipt of your letter dated the 7th with enclosures, also the receipt of several papers with marked items on the death of the late Robert Hardie.

The Honorable N.O. Murphy... has forwarded to me the letters... received by him on same subject, embracing eleven exhibits with the request that the matter be brought to the attention of the next Grand Jury. My term of office expires Dec. 31st next, and unless a special term of court is called, the Grand Jury will [not] be convened until May, 1891.

I shall continue during my term of office in obtaining and possessing such material evidence on the case as I may be able and will hand the same with the papers above referred to, to my successor for his official consideration and action.

I am, Your Obed. Serv’t,

W. H. Stilwell, District Attorney⁵⁵

On December 3, 1890, Mrs. Saxton replied to Stilwell’s letter expressing her dismay that nothing in the legal realm could be accomplished until the next session of the Grand Jury; and, she inquired, whose responsibility was it to call a special session of the Grand Jury? She further stated, “I have not a shadow doubt of Haynes guilt.” She then implored Judge Stilwell, “I wish you could assure me that whether in face or out, the weight of your influence would be given to ascertaining full proof of Haynes’ guilt!” The next day, Mrs. Saxton wrote to Governor Murphy stating that she was “appalled” at the possibility there would be no immediate Grand Jury investigation and again on December 7th stating, “You may rely on it, Haynes is the man.”

An undated typescript of a letter to the editor of the *San Francisco Mail* was located in the Daniel

Freeman Family Papers at the Department of Archives and Special Collections of Loyola Marymount University in Los Angeles.⁵⁶ The name of the letter writer is unknown, but from the contents of the letter he had access to the private papers of Robert Hardie. It may well have been Daniel Freeman. Freeman was a native of Ontario, Canada, a pioneer of Los Angeles, and is considered the founder of Ingleside, California where the major hospital and an elementary school are named for him. It is very likely that he had an association with Frances Haynes that precipitated the following letter:

Some one sent me from Canada a marked copy of a Toronto "World" of recent date containing a most outrageous, sensational, and utterly untruthful article concerning the death of the late Robert Hardie. It is intimated that Mr. Hardie was shot by his brother-in-law Dr. Frank Haynes; the object being to obtain possession of Hardies property. Now Dr. Haynes is a very wealthy man, and stands very high in the estimation of the citizens of Los Angeles, as a surgeon, and a gentleman of unblemished reputation.

Mr. Hardie was a most estimable man, but died so poor that Mr. Rusk Harris, formerly of Toronto, who was one of the sworn appraisers of his estate, says that his total effects would not have brought under the hammer, \$1000.00, which is less than Dr. Haynes' income for a fortnight. He had some real estate, but had borrowed nearly all it was worth. Dr. Frank Haynes was paying Hardie's expenses on the fatal trip on which he lost his life.

Hardie came to Los Angeles in 1885, and like a great many other lawyers made but little at his profession until in 1887 when Drs. F. & J. Haynes took him up, and gave him their law business. His cash book is before me, as I write, from which it appears that from the time of his opening an office here up to May 9th 1890 he had received from his professional business and from all other sources \$13,091.00. These items include certain parcels of land he had taken for fees, or paid for partly in fees, and such lands are entered on his books at very high prices.

There certainly was no motive for the killing of Hardie by Dr. Haynes. Haynes is a man worth at least \$150,000.00 with an income of \$20,000.00 a year, and both he and his brother, Dr. J. Haynes had a high regard for Hardie as is evidence by them giving him their law business. He had married their sister, an estimable young lady of 31 (and not 41 as stated in the "World") and they were helping him in every way. Hardie had no money upon his person when killed, and his debts nearly equaled his assets.

But aside from the absence of motive, there is proof positive that "Kid" an Apache Indian shot Hardie. I enclose a clipping from the Los Angeles "Tribune" that contains the correspondence between the Governor of Arizona and the Military authorities, which is conclusion on that head. I may mention that I have seen the original correspondence.

It is not true that Hardie was married in a darkened room. The enclosed extract from the Los Angeles "Express" of 28th May last shows that his funeral was attended by the Judges of the Superior Court and representatives of the Bar and many other of his friends. The funeral was private only in the sense that none but "friends of the deceased" were invited.

Here where all the facts and all the parties are well known, no one has ever doubted that Hardie met his death at the hands of Indians. His friends are indignant at the malicious slanders that have been made in his name against those who were his best and dearest friends. But in Canada as such facts as are known there, have been carefully concealed, and malicious and false statements have been given to the press in an attempt to blacken the character of a most worthy gentleman and to make Hardie's wife the sister of a murderer.

When rumors of these slanders first reached me, I went to the trouble of having copies made of all the correspondence contained in the enclosed copy of "Tribune" between the civil authorities in Arizona and the officer in charge of the troops in that Territory, and sent these copies to a friend of the parties who were circulating these rumors. But such copies were not given to the public as they should have been.⁵⁷

If Frances Haynes was guilty of the murder of Robert Hardie, or in any way culpable of collusion, his

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intimate friends and associates in California, Pennsylvania, and elsewhere were certainly in a “darkened room” of mistaken notions.

Upon the conclusion of Judge Stilwell’s term of office, he turned over all material relating to the Hardie murder case to his successor, Allen R. English. By January 5, 1891, new Governor John N. Irwin had written to English, forwarding a letter from Mrs. Saxton with two enclosures, none of which - neither the letters nor the enclosures - are extant. English’s response to Governor Irwin are extant and simply states, “You may rest assured that the whole subject will receive at my hands the most rigid and searching examination, and should I then arrive at the conclusion that the suspected party ought to be arrested or tried for this horrible crime, I will see to it that he is.”⁵⁸

Mrs. Saxton was loathe to give up the pursuit of Dr. Haynes. In April 1891, she solicited the assistance of the Canadian Privy Council’s Sir Julian Pauncefoot, “Her Britannic Majesty’s Minister” in Washington D.C., who, in turn, contacted the State Department in Washington requesting information relative “to the murder of Robert Hardie, a British subject.” William F. Wharton, Assistant Secretary of State, on April 25th, wrote Governor Irwin, who, in turn, wrote District Attorney English in April of 1891. English sent a prompt reply to Governor Irwin “furnishing all the information yet received and which is perfectly conclusive that the killing was the work of Apaches who have confessed to the crime and upon whom the watch chain and charm taken from his body were found.”⁵⁹

Governor Irwin very promptly contacted William Herring, Attorney General of the Territory (yet maintaining his law office with his son Howard in Tombstone). Herring responded by letter on May 6, 1891,

I wish to say to you privately, that the fullest light has already been shed upon this question [the Hardie murder], and great pains have been taken in the kindest spirit toward the lady who promotes these inquiries, so as to fully and absolutely satisfy her that the killing of her brother was done by an Apache Indian.... In an interview which I had with Gen. Miles at Benson, he gave me positive assurances, that, after investigation of the matter he had no doubt that the killing of Hardy [*sic*] was done by the Apaches and authorized me to make such statement publicly.... The fact that Captain Bullis received Hardy’s watch chain from a captured renegade, and sent it to District Attorney Stilwell of this county, is a circumstance which is in itself almost conclusive.

Still, Robert Hardie’s loving sister, Ellen Hardie Saxton, persisted in getting all of the facts concerning her brother’s death and, if possible, seeing Francis Haynes arrested, tried, and convicted of murder. In July of 1892, she wrote to the Department of Justice in Washington D.C. The Acting Attorney General of the United States, Charles H. Aldrich, wrote to the Governor of Arizona on July 7, 1892 stating, “The sister of the murdered man after having made many fruitless inquiries has again written letters which have been referred to me.” He continued, “her interest in the matter is not unnatural and deserves attention. She should at least have some authoritative and final statement as to the whole affair.” In conclusion he wrote, “It is not only important that the laws should be enforced but also that all persons concerned should believe them to be enforced or an honest effort made in that behalf.”

The matter was indeed “fruitless” as to any guilt being pinned on Dr. Haynes. The file on the murder of Robert Hardie concludes with Mr. Aldrich’s letter. There was nothing more that could, or would, be done to appease Mrs. Saxton and, as far as any official action, the matter was put to rest.

John Pleasant Gray, son of Michael Gray, later related that,

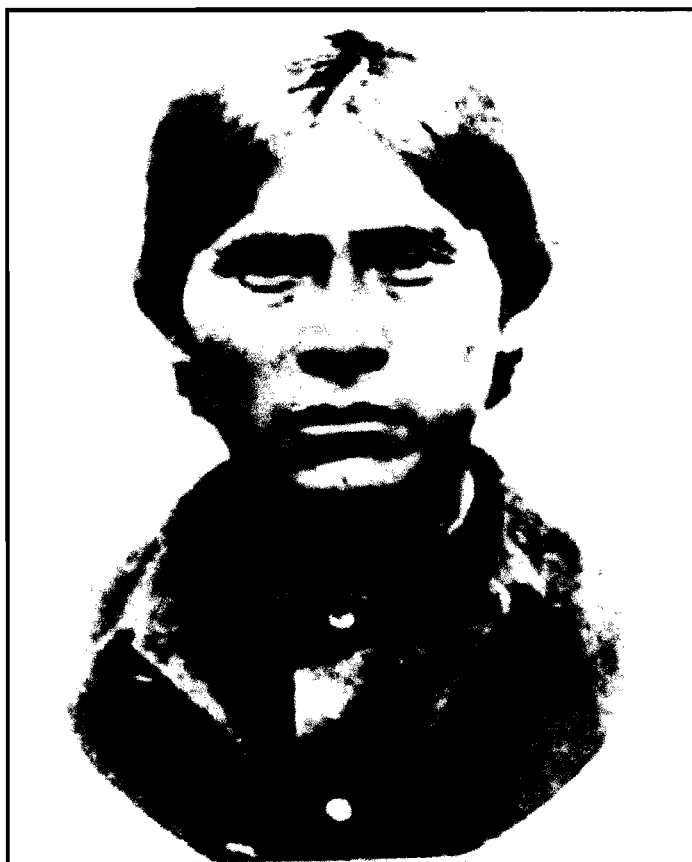
The killing of Hardy [*sic*] almost became an international incident. His sister in Canada brought the matter up with her government, and our government in Washington detailed an army officer to investigate. Mr. Hardy’s sister raised the point that our family according to testimony, had lived at Rucker Ranch over ten years, and in all that time Indians had not raided or killed any of us, while on the other hand, her brother was there but two days when he met his death.

No doubt the Indians had been watching Dr. Haynes and Mr. Hardy, and knew from their movements and the way the rifle was safely tied behind the saddle where it could not quickly be

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used, that these two men would not be able to make any defense. Whereas they knew that we cowboys always had our guns ready for any emergency.⁶⁰

While some believed that the publicity that developed from the Hardie murder was just another attempt by the citizens of southeastern Arizona to arouse an “Indian scare,”⁶¹ in the end, it was crystal clear that the murder of Robert Hardie was not the work of his brother-in-law Frances Haynes, nor that of Mexicans dressed as Indians; it was not suicide, nor the work of white outlaws. It was in fact an atrocity committed by the renegade Apache Indian known as the “Apache Kid” and his companions.



The infamous “Apache Kid”

Endnotes:

¹ *Tombstone Epitaph*, May 27, 1890.

² *New York Herald*, May 28, 1890. See also: Washington D.C. *Critic-Record*, May 26, 1890.

³ Goodfellow, George E., MS 0296, Arizona Historical Society; autopsy report #227. See also: *Tombstone Epitaph*, May 26, 1890.

⁴ *New York Herald*, loc.cit.

⁵ Robert Hardie was the son of Reverend Donald Hardie of Warwick, Ontario, Canada. He is listed in the 1886-87 *Los Angeles City & County Directory*, p. 122, room 81, Temple Block.” In 1888, he is listed as a partner of William I. Foley.

⁶ Florence Hardie subsequently married Dr. Walter Lindley, medical associate of the Haynes brothers, and had two children, Dorothy and Frances Haynes Lindley.

⁷ See: Sitton, Tom, *John Randolph Haynes, California Progressive* (Stanford University Press).

⁸ *Tombstone Epitaph*, August 2, 1890.

⁹ Dr. Francis Haynes was so highly regarded that Maria Sacramento Lopez de Cummings dedicated her book *Claudio and Anita; A Historical Romance of San Gabriel's Early Mission Days* (1921), stating in the dedication: to Dr. Francis L. Haynes – “A man of genius whose fidelity to duty was his foremost characteristic. In token of his noble deeds, and with grateful and

unfading memories, this little work is affectionately dedicated. "he being dead yet speaketh."

¹⁰ See biography of John Randolph Haynes in *Out West*, Volume 30 (Archaeological Institute of America. Southwest Society, Sequoia League).

¹¹ Gray, John Plesant, W. Lane Rogers, editor, *When All Roads Led to Tombstone*, (Boise, Tamarack Books, 1998) pp. 77ff.

¹² *Arizona Republican*, May 27, 1890.

¹³ *Philadelphia Inquirer*, June 10, 1890.

¹⁴ From Judge Stilwell's interview with the *Los Angeles Times*, June 1, 1890.

¹⁵ From Dr. Goodfellow's autopsy report #227, May 28, 1890 (located by Earp researcher Tom Gaumer).

¹⁶ From Judge Stilwell's interview with the *Los Angeles Times*, June 1, 1890.

¹⁷ Identified in some newspaper articles as Lt. Dan Fitch; the *Epitaph* stated on June 9th that it was a telegraphic error.

¹⁸ From Judge Stilwell's interview with the *Los Angeles Times*, June 1, 1890.

¹⁹ *Tucson Daily Citizen*, June 4, 1890.

²⁰ Associated Press dispatch, via: *Los Angeles Times*, May 27, 1890.

²¹ Associate Press dispatch, via: *Los Angeles Times*, May 31, 1890.

²² *Tombstone Epitaph*, via *Arizona Republican*, June 5, 1890.

²³ *Tombstone Epitaph*, via *Arizona Republican*, June 5, 1890.

²⁴ *Congressional Serial Set*, Volume 2831, report of Brigadier General Grierson, July 1, 1890.

²⁵ *Tombstone Epitaph*, via *Arizona Republican*, June 5, 1890.

²⁶ *Los Angeles Times*, June 1, 1890; *Tombstone Epitaph*, June 4, 1890.

²⁷ Marriage record of Ellen Hardee to Frances B. Saxton, October 22, 1878 at Elgin, Ontario, Canada. She died in Middlesex County, Ontario on October 16, 1929 (from research of Mark Dworkin).

²⁸ The *Strathroy Age*, published the account of Hardie's death and the citizens letter to President Benjamin Harrison on June 5, 1890 (original article located by Mark Dworkin).

²⁹ *Tombstone Epitaph*, June 5, 1890.

³⁰ From Judge Stilwell's interview with the *Los Angeles Times*, June 1, 1890.

³¹ *San Francisco Chronicle*, via *Tombstone Epitaph*, June 6, 1890.

³² *Phoenix Herald*, via *Tombstone Epitaph*, June 6, 1890.

³³ Whittier (California) *Pointer*, via *Tombstone Epitaph*, June 9, 1890.

³⁴ *Arizona Republican*, May 27, 1890, via wire report San Francisco, May 26, 1890.

³⁵ *Tombstone Epitaph*, June 7, 1890.

³⁶ *Tombstone Prospector*, July 3, 1890. The *Epitaph* on March 29, 1891 called Whaley, "an old Arizona pioneer, hunter and scout." "Tex" Whaley was a scout and courier for Lt. Charles Gatewood in Mexico in 1886 when they army was hunting Geronimo and his band.

³⁷ *Tombstone Epitaph*, July 3, 1890.

³⁸ *San Francisco Chronicle*, via *Tombstone Epitaph*, July 26, 1890.

³⁹ *Tombstone Epitaph*, August 21, 1890.

⁴⁰ *Tombstone Epitaph*, August 21, 1890.

⁴¹ This letter and all quoted letters that follow in this chapter are from the Record Group 6, Secretary of the Territory, Subgroup 5, Crime, Series 2: Cochise County, box 3 folder 63, "Murder of Robert Hardie," Arizona State Library, Archives and Public Records, History and Archives Division.

⁴² For additional information on Kelly, see: *Metropolitan News-Enterprise* (Los Angeles), Tuesday, November 14, 2006, page 7, Perspectives (column), "Frank P. Kelly: Last DA of Wild West Era, Sworn In on 35th Birthday," by Roger M. Grace.

⁴³ *Tombstone Epitaph*, August 20, 1890. The *Arizona Champion* on August 9th reported, "Sayes, Apache Indian, will be put on trial for killing Sheriff Reynolds and Deputy Holmes." For additional information on Sayes, see: McKanna, Clare Vernon, *White Justice in Arizona: Apache murder trials in the nineteenth century*; and *Court Martial of the Apache Kid* (Lubbock: Texas Tech University Press, 2009)

⁴⁴ All letters of communication published in *Tombstone Epitaph*, August 21, 1890.

⁴⁵ *Philadelphia Inquirer*, November 7, 1890.

⁴⁶ *Tombstone Epitaph*, August 21, 1890.

⁴⁷ Sitton, loc.cit. p. 17.

⁴⁸ Charles W. Wood was asked to resign as chief detective of the Philadelphia police department on October 6, 1891, allegedly as a cost-cutting measure. See: *Philadelphia Inquirer* 10-6-1891.

⁴⁹ That Haynes had been arrested was completely false. On April 4 1880, Dr. Albert G. F. Goerson was charged with the murder of his wife, Elizabeth E. Souder Goerson. The brother doctors Haynes were each in attendance upon Mrs. Goerson in the days prior to her death, but neither were held liable for her death. See: *Goerson v Commonwealth* (Pennsylvania) Supreme Court Cases Volume 99, 1882.

... Goodfellow letters are no longer part of the Hardie murder file at ASL. The reason for this may be found in written December 1, 1890 on the letterhead of Dr. Moorhouse, "Mrs. Moorhouse... begs leave to remind him [Gov. Murphy] that he has not returned [the letters] of Dr. Goodfellow."

⁵³ *Los Angeles Times*, October 30, 1890.

⁵⁴ *Toronto World*, November 15, 1890 (original article located by author/researcher Mark Dworkin).

⁵⁵ Stilwell to Saxton, November 26, 1890, Arizona State Library, loc.cit.

⁵⁶ This information located by fellow researcher Mark Dworkin.

⁵⁷ Department of Archives and Special Collections, Loyola Marymount University; CSLA-21 Daniel Freeman Famil Legal and Business Records, Box 1, Item 31, three page typescript letter, unsigned.

⁵⁸ English to Murphy, January 5, 1891, Arizona State Library, loc.cit.

⁵⁹ *Tombstone Epitaph*, May 6, 1891.

⁶⁰ Gray, loc.cit, p. 75.

⁶¹ A most ludicrous treatment of the Hardie murder, thankfully brief, appears in McChristian, Douglas C., *Fort Bowie Combat Post of the Southwest, 1858-1894* (Norman: OU Press, 1995), p. 260.