

Elfego Baca

If you are going to get into a gunfight, 80 to 1 odds are not what you would call really good odds, and especially if you are the 1. But that is exactly the situation that Baca found himself on October 28, 1884 in Upper Frisco, New Mexico, now known as Reserve, New Mexico. Actually, the estimates of his opponents vary in history from 20 to 80, but any such odds are overwhelming. Baca was holding up in a jacal, (pronounced ha-call, a building made by hammering long stakes into the ground and covering both sides with adobe). It was under fire for more than 30 hours in what was to become known as the "Frisco War."

Baca was born on February 10, 1865, in Socorro, Socorro County, Territory of New Mexico. Not really sure if this story is true or not but one legend says his mother, nine months pregnant, was playing softball in Socorro. She jumped up to catch a ball, came down hard and Elfego Baca entered the game. Local legend also has him being kidnapped by renegade Indians, at the age of one, and promptly returned. The family moved to Kansas where Baca was educated.

It was said that Baca grew up into one "tough bite to chew." At the age of twelve he may have helped his father (and consequently several other, less savory inmates) to escape from the freshly built Socorro jail, by sawing through the ceiling of their cell.

Though Baca was an unimposing 5' 7" Hispanic, he grew up to be a fearless lawman in the New Mexico Territory during the late 1800's. Also at this time, Texas cowboys were flooding into the New Mexico Territory and the cultural difference between them and the Mexican Americans resulted in many violent clashes. At the time of the Frisco War, there is some debate as to whether Baca was even a lawman. In his memoirs he said he had pinned on a kid's play badge. Others proclaim that he was a duly sworn deputy of Socorro County Sheriff Pedro Simpson.

On that October day 19-year-old Baca is requested by Bill Milligan, owner of Milligan's Bar, to arrest 22-year old Charlie McCarthy, a drunken Texas cowboy, for shooting off his pistol inside the saloon. Baca entered the saloon unarmed and when he told McCarthy that he was under arrest, McCarthy shot Baca's hat off. Baca recruited some fellow native New Mexicans to help in arresting the cowboy. McCarthy was gone when they got back to the saloon.

Baca's posse catches up with McCarthy on a "nearby ranch road" where he is arrested and taken back to Frisco. He is placed under guard in a private residence. A short while later a large bunch of cowboys from the Slaughter ranch, led by Young Parham, the foreman, show up and demand their friend's release. McCarthy somehow obtains a pistol and takes another shot at Baca without effect. The cowboys return to Frisco and Milligan's Bar.

Three hours later they are back at the residence and this time they are led by Milligan who had started the whole affair by demanding McCarthy's arrest. But now Milligan is drunk and belligerent. Baca tells them they have to the count of

three to leave or his guards will open fire. Both parties pulled their guns and at three both opened fire. Parham's horse is shot and falls on top him causing fatal injuries to the foreman. Another cowboy was shot in the knee.



**Elfego Baca near the time of
The gun battle in Reserve**

The 29th was fairly uneventful with the exception of McCarthy escaping once again. This time he was found near Milligan's house and rearrested. The Cowboys spent that day and the night sending couriers to all the nearby ranches recruiting help.

On the 30th, around 1:00 a.m., the cowboys from the ranches began to arrive, followed shortly thereafter by a posse led by Deputy Dan Bechtol, out of Alma, New Mexico, who was "full of zeal and whiskey." Around 8 a.m. two members of the cowboy faction rode down to check on McCarthy whom they had heard was dead. Baca told them that with a signed, written agreement that he would not be harmed, he would bring the prisoner in for a trial.

About an hour later, Baca and his deputies brought the prisoner to the Justice of the Peace's home. He greeted the cowboys with, "Good morning, gentlemen." Baca later said the cowboys returned the greeting, not quite in kind with, "Good morning, you dirty Mexican blanket-blank." The trial finally took place and McCarthy was fined \$5.00 and released.

A cowboy accidentally fired a shot and the mob was agitated. Baca took the opportunity to flee out the back door and ran to the jacal owned by Jeronimo Armijo and had a woman lock him inside.

The cowboy's Justice of the Peace, William W. Wilson, issued an arrest warrant for Baca for the death of Young Parham. Baca still had McCarthy's pistol

and the cowboys were determined to get it back. Baca could hear them talking outside the jacal about wanting to kill him. Baca fired two shots through a crack in the door and one hits Bert Hearne in the stomach and he staggers backward saying, "Boys, I'm killed."

The siege is on and the cowboys began to fire into the jacal which provided very little in the way of armor against their bullets. The cowboy's effort to get him out was sporadic and ineffective. Several attempts at negotiations were failures. So, eight to ten cowboys lay siege to the house for the rest of the night.

When the cowboys returned on the morning of the 31st they found Baca calmly cooking a breakfast of hot coffee and tortillas. They opened fire again and kept at it throughout the day. They tried to burn him out, but being built mostly of adobe, they could not get it to ignite. The cowboys grew grumpy and drowsy from lack of sleep and too much of Milligan's products.

The cowboys were relieved by Socorro County Deputy Sheriff Frank Rose and two of his posse. Negotiations began again and Baca agreed to a proposal that would ensure his safety until he reached the county seat. Baca jumped through a window with a gun in each hand. Fortunately some cool heads prevailed, and though the cowboys wanted to string him up, their leader convinced them to let the law take its course. Cowboys from the WS Ranch were tasked with guarding him overnight, and they did so. They took him to Milligan's for a "wash and some refreshments. Sitting around a table in the bar, Baca explains to his captors that he survived the two day fusillade by lying on the floor which was about a foot below the level of the ground.

On November 1st, Baca is placed in a buckboard and taken to Socorro under his terms. He remained armed and his captors stayed in front of him. He was put in the new jail in Socorro. He was tried in Socorro for the death of Parham and in Albuquerque for the death of Hearne. He was acquitted both times.

No one can really know how many total shots were fired in the siege. Baca with his two guns and cartridge belts could not have had more than 50 bullets total and he was low on ammunition when it was all over. The estimate of bullets fired by the cowboys ranged from 400 to 4,000. Both of these extremes are probably ridiculous estimates. Baca claimed the door of the jacal was produced in court and it had 367 bullet holes in it. Baca had three holes in his hat, but he was unscathed. There must have been an easy 1,000 rounds shot at him, but 4,000 is probably an overestimate.



**Elfego Baca Memorial in Reserve, New Mexico
near the site of the famous gun battle**

The cowboys assumed they had to talk with him in Spanish, but Spanish was actually his second language and he was not fluent.

Charlie McCarthy lived a quiet life around Reserve until he died in 1939. It was said he never talked about the gunfight. He still has descendants in the area.

Baca's lawyers so impressed him, he decided to become an attorney. He was elected sheriff of Socorro County in 1919 and served only one term. In 1940, the city presented him with the key and the door to the cell he occupied in 1884. He practiced law until he dropped dead outside of his law office on August 27, 1945.



Baca's tombstone in the Sunset Cemetery in Albuquerque, New Mexico