

Josephus "Joe" Phy and John Peter "Pete" Gabriel

Joe was born on May 22, 1844 in Sedalia, Pettis County, Missouri, to Aquilla Phy and Martha Ann Gentry. He married Christina "Tiny" Cavaness on October 04, 1876, and then Jesusita Rabago on September 16, 1882. Joe was a teetotaler, non-smoker and a man of the highest integrity. Joe had settled in the Phoenix area and ran unsuccessfully for Maricopa County Sheriff in 1872. He was sworn in as a Deputy US Marshal on September 4, 1878, in Maricopa County and he made an excellent lawman.

Pete was born on November, 17, 1838 in Krufft, Prussia (Germany), the fourth of six children. He married Marie Reinhardt in May 1864. On Christmas night in 1870, Pete was in a Prescott, Arizona, saloon drinking and gambling when he caught the other guy cheating. A gunfight broke out and Pete killed the cheater and accidentally shot an innocent bystander. This brought an end to an already troubled marriage. In 1880 the 41-year-old Sheriff married Carrie Wratten, the 17-year-old daughter of a friend. After the shootout, Pete returned to California and served as a deputy sheriff in Los Angeles County. While evicting a bunch of squatters in January of 1874, Pete was shot through a lung. When he recovered in 1875 he returned to Prescott to stand trial for the shoot-out and was acquitted on grounds of self-defense.

Joe and Pete met in Tucson, Arizona, in 1881 while Joe was supplying drinking water to the citizens and Pete was holding some mining claims in Tombstone and the mountains near Florence, Arizona. The two men became close friends over the next few years. In 1883, Pete sold his mining claims for the unheard of price of \$30,000 and a year later was elected sheriff of Pinal County. In 1884, Tucson installed a public water system and Joe was out of work.

Pete hired Joe as a deputy, and though both men had bad tempers and Joe was sometimes grouchy, they worked well together and left personal matters outside the office.

Pete was known as one of the pistol shots in the entire west. In September of 1886, Pete confronted an outlaw named Saratega on the streets. He ordered the outlaw to surrender. Instead, the desperado slapped the spurs to his horse and reached for his gun. Pete drew and fired and the bullet went through Saratega and struck the horse in the back of the head. The horse died instantly and the outlaw lasted till morning.

In 1886, Pete decided to return to mining and not run for reelection. Pete put his support behind Joe Phy who would be running against a fellow named Jeremiah Fryer. A Casa Grande teamster charged that Joe had made a remark that he was "running against a

scrub." When Pete confronted Joe, he denied the charge. Pete, Joe and a few others rode the 32 miles to Casa Grande to confront the teamster. Joe found the fellow first and almost pistol whipped him to death. A lady tried to intervene and Joe took a swing at her, and then threatened all the bystanders. Pete arrested Joe and withdrew his support and Fryer won easily. But Joe developed a hatred for Pete that could only be settled by someone's death. Pete was able to avoid Joe for a long time by concentrating on his mining and staying away from him.

On May 31, 1888, Pete had to return to Florence on some business. He spent almost the entire day in the Tunnel Saloon drinking. He knew Joe was looking to kill him and every time he heard someone approaching the door he would ease his pistol halfway out of the holster. A friend warned Joe that Pete was in town and drinking at the saloon. Joe strapped on his gun belt and grabbed a fancy bowie knife. Some folks said he entered the bar with his gun drawn. Others said he did not. At any rate, when he entered the bar around 8:00 that night. The bullets began flying and the first rounds fired took out the lamp and left the saloon in total darkness. There were 11 rounds fired in a matter of seconds. Pete heard Joe's foot scrape the floor and fired at the sound. Joe felt the impact, but no pain. Joe fired at Pete's gun flash. Pete worked his way toward the door and Joe's bullet hit him point blank in the chest. Pete fired into Joe's thigh, breaking the bone and another in his stomach. As Joe doubled over on the sidewalk he fired one last shot and Pete fired the kill shot. The bullet tore through Joe's shoulder and down through both lungs. Joe fell into the street and allegedly said, "Oh my God, I'm down." A fellow named Gibson rushed to Joe's aid. Joe suspected that Gibson had murdered a friend of his. Joe stabbed him in the leg and said. "Go away from me, you murdering son of a bitch." Bystanders carried Joe to a nearby corral and brought Dr. William Harvey, who could do nothing but remove one bullet. At half past midnight Joe died.

Pete would not let Dr. Harvey attend him after he took care of Joe. So, he had to wait four and a half hours for another doctor who told him he was shot through the lungs and intestines and his condition was hopeless. He told the doctor through gritted teeth that he had had a lung shot out in Los Angeles and that with his lungs shot out he would still be a better man than his enemies.

A month later he was back on his feet and six months later he was chasing bandits again. He lived for another ten years and died on July 30, 1898 from drinking poisoned water at his mine. His final resting place is unknown.



**Joe's Tombstone in the Florence Cemetery,
Florence, Arizona**

**Source: Old West Magazine, Winter 1968, *Justice and Joe*, by
Homer Wilkes; Wild West Magazine, October 2010, *Gun Smoke
at the Tunnel Saloon*, by John Boessenecker**