

TALES OF THE OLD WEST

John Heath

John Heath (sometimes Heith) likely did not participate in the actual robbery and massacre that took place in Bisbee, Cochise County, Arizona Territory, on December 8, 1883 but he was surely the mastermind behind the whole affair and deserved the same punishment as the five bandits that committed the heinous crime. He would suffer the same fate but in a totally different manner.

John Wesley Heath was born in Ohio on December 15, 1844. As a young child he moved with his family to Terrell, Kaufman County, Texas. While in Terrell he was often in trouble with the law for acts of burglary and rustling. In October 1867 he married Mary Ann Redman who has since been lost to history. Seventeen months later, in March of 1869 he married again and had three children—Myrtle, Kitty and John.



John Heath on the right

He was found in Arizona in the early 1880s living in Cochise County. He served as a deputy sheriff in the county for a while. Deputy sheriff wages did not provide the income that that robbery did and with a lot less work and more time to enjoy the fruits of other people's efforts. In Bisbee he opened a saloon and dancehall which immediately became the hangout of all the outlaws and ne'er-do-wells in the area.

In the early evening of December 8, 1883, five men rode into Bisbee and tied their horses to the hitching rail on the edge of town. The men, "Big Dan" Dowd, Omer W. "Red" Sample, Daniel "Yorkie" Kelly, "Tex" Howard and William E. Delaney, walked to the Goldwater and A. A. Castaneda store. They believed that a \$7,000 payroll for Copper Queen Mine was being held in the store because there was no bank in Bisbee. Some reports say that three men remained outside and acted as guards while two robbers went into the store. Others say it was two outside and three inside. There was great disappointment and anger when they learned that the payroll had not yet been delivered. Inside the store was the store's owner and six customers who were just ending their days shopping before the store closed. They took the money that was in the safe and all the valuables from the people inside the store. They forced Joseph Goldwater to give up the money in the cash drawer. Then they entered the attached living quarters of Jose Maria Castaneda who

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was in his sick bed. Under his pillow they found money and a watch. Their estimated take ranged from \$900 to \$3,000.

J. C. Tappanier, the Silver Queen assayer, and D. T. Smith, a popular rancher in the local area, was walking toward the store. The robbers outside the store opened fire on them with their Winchester repeating rifles. Both men were shot in the head and died instantly. Upon hearing the shots Deputy Sheriff Tom Smith came running and was immediately shot down. Townsfolk began running to the area and the robbers panicked and fired indiscriminately. J. A. Nolly was shot in the chest and only lived for a few hours. Annie Roberts looked out her door and a bullet passed through her and severed her spine. She was with child and expired a short while later.

The entire affair lasted less than five minutes and the robbers seemed to be in no hurry to leave town. The five murderers left Bisbee and headed east to Soldier's Hole where they split up the loot and then went separate ways. Dowd and Delaney headed south for Mexico. Howard, Kelly and Sample went north to Clifton, Arizona Territory.

Three days after the massacre, Howard, Kelly and Sample were spotted in their camp in the Chiricahua Mountains near Galeyville, Arizona Territory. A deputy US marshal from Deming, New Mexico Territory mistook them for part of a gang that had robbed a train at Gage Station, New Mexico Territory. Luckily for the bandits a huge snowstorm allowed them to evade the marshal's posse. The bandits continued north and Kelly soon decided that that part of Arizona was too hot for them and jumped a ride on a train to Deming.

Kelly let his beard grow and his appearance deteriorate, hoping he would be taken for a hobo. In Deming he was sure that he was safe and went to a barbershop to clean up. Augustin Sala, the barber, shaved his customer and immediately recognized that he was a wanted man. He held a razor to Kelly's throat and lawmen were summoned. Deputy Sheriff Daniels had followed all of his leads and trailed Kelly to Deming but had lost all trace of him until summoned to the barbershop. The locals had at first arrested him for train robbery but Daniels had convinced them that he was one of the Bisbee Massacre party. Soon he was on his way back to Tombstone with the first of the murderers to be put in irons. On December 11, he was turned over to Sheriff Jerome L. Ward and charged with the four Bisbee murders.

In the meantime Howard and Sample reached Clifton and George Hill's saloon where they were looking for W. W. Bush. The barkeep informed them that Bush was at Maud Elbi's brothel on Main Street. After rousing Bush from his sleep he asked what they were doing there and where had they been. When Sample said Bisbee, Bush knew they were part of the bandits that robbed the store and killed three men and a woman. They told Bush all about their activities since leaving Bisbee and that Heath had planned the job and opened a saloon as part of the preparation. They also told Bush that the three of them had decided to go to Clifton and then on to Happy Jack's about thirty-five miles from Clifton. Sample said they were going to put together another gang and do to Clifton what they had done to Bisbee. Then Howard and Sample headed off to Happy Jack's and Bush headed off to the sheriff's office.

Deputy Sheriffs John Harvey and A. G. Hill were told of Sample's plan. With a reward of \$1,500 dead or alive on each gang member they found a rancher who could raise a party of thirteen Mexican vaqueros who worked for him.

When the preparations were all completed a posse of nineteen men, three deputies, George Bent, W.W. Bush, Olguin and the thirteen vaqueros headed toward Happy Jack's. As the posse traveled along they were joined along the way by other men. In an attempt to throw off the posse and make a fresh trail for them to follow Howard rode right into their midst and faced eighteen rifles pointed at him. A little farther up the trail they came upon the robber's camp and easily arrested Sample.

Meanwhile Dowd and Delaney traveled south together until they came to Bavispe in the Mexican state of Sonora. Delaney left Dowd and went on to Magdalena, also in the state of Sonora. Not knowing he had been recognized, Delaney reached the town of Minas Prietas and applied for a job at the Total Wreck mine. The superintendent gave him a job which would detain him until American lawmen could arrive. Feeling that Delaney was safe where he was, Deputy Sheriff

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Daniels decided to pursue Dowd first. Trailing Dowd through dangerous Indian territory to the town of Janos. Daniels learned that Dowd had just left to seek a job in the mines of Corralitos. Assisted by the superintendent of the mines in Corralitos he easily arrested Dowd. Both men were placed on separate trains into the US where they were arrested without benefit of extradition papers.

Now all five of the perpetrators of the Bisbee Massacre and Heath, the mastermind, were in jail in Tombstone. On February 8, 1884, all six men were indicted and went to trial immediately. Heath's lawyer requested a separate trial and it was granted. The trial for the five killers began on February 17, and two days later they were all sentenced to be hanged on March 28, 1884.

Heath's trial began on February 20th, and he admitted being the mastermind of the plot, saying that the others were not smart enough to form a plan. He insisted that killing had no part in his plan and that they were the sole responsibility of the other five men. He admitted that he was a coward and when the shooting started he hid behind his own bar. The next day, Heath was convicted of second-degree murder and conspiracy to commit robbery and sentenced to life in the Yuma prison.

The sentence came as a relief to Heath, but not to the citizens of Bisbee. Prisoners sentenced to life often served less time than those sentenced to a specific period of time. Also, governors were granting pardons on a wholesale basis. Early on the morning of February 22, a mob of some 50 men, led by Mike Shaughnessy, descended upon the Tombstone jail and dragged Heath from his cell into the dusty street.

The jailer, Billy Ward, was taken prisoner and Heath's cell was opened. His shackles were removed and he was marched down Toughnut Street to the corner of First Street where there was a telegraph pole. Heath continually proclaimed his innocence. The mob was not listening to his pleas. When it became obvious that his pleas were falling on deaf ears he said, "I have faced death too many times to be disturbed when it actually comes." As the rope began to pull him skyward, he cried out one last request, "Don't mutilate my body or shoot me full of holes!" He was pulled up to his death. The coroner's inquest reflected the public's approval of the lynching. It said, "'We the undersigned, a jury of inquest, find that John Heath came to his death from emphysema of the lungs—a disease common in high altitudes—which might have been caused by strangulation, self-inflicted or otherwise.'"



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Though there is a marked grave today in Tombstone's Boot Hill for John Heath, records actually indicate that he was returned to Terrell, Kaufman County, Texas and buried in the Oakland Memorial Park Cemetery by his family in an unmarked grave.

A scaffold was built to hang the five murderers and was tested on March 27, 1884, the day before the scheduled hanging and declared capable of hanging five men. The platform was eight feet from the ground, twenty-four feet long and fourteen feet wide. The men slept well that night and woke in a good mood. They laughed and joked with those that were permitted to see them. Before leaving their cell they told reporters that they forgave everyone and hoped everyone would forgive them.

At precisely 1:00 they were marched without shackles or handcuffs to the scaffold. As the hoods were placed over their heads they all yelled, "Goodbye." At 1:18 the trap was sprung and all but Dowd, who convulsed for several minutes, died without a struggle. At 1:26 they were all declared dead by the attending physicians. The crowd of 2,000 dispersed and the bodies were taken to the morgue. Several hundred people went to the morgue to observe the bodies. Examination proved that all the necks were broken except Dowd who strangled to death.

The bodies were buried in Tombstone's Boothill Cemetery. There is very little chance that the marker that bears their names actually stands over the spot they were buried.



References: *Frontier Justice in the Wild West* by R. Michael Wilson
The Tombstone Lynching of John Heath by Xanthus Carson in *Real Frontier* June 1970
Kathy Weiser/Legends of America