

Paul v Shibell
Pima County Sheriff Election of 1880: Voter Fraud Defined in Arizona Territory
What History is Made of: Ballot Box Stuffing
Part 1

A Cast of Characters:

A handful of individuals who were involved in one of the Biggest Voter Fraud events in Arizona History:

Robert "Bob" Havlin Paul

Charles Shibell

Judge C. G. W. French

Joseph Isaac "Ike" Clanton

William S. Oury

James Albert Zabriskie

The Republican Candidate

Robert "Bob" Paul, born June 12, 1830 at Lowell Massachusetts. In 1844 he boarded the whaleship: Majestic, as a cabin boy. He arrived in San Francisco in 1849, at the very beginning of the California Gold Rush. From 1859 to 1864 he served as California's Calaveras County Sheriff. In 1871 he begins serving as Wells Fargo Shotgun Messenger. Bob arrived in Arizona Territory in 1878 as a Wells Fargo Agent. In 1880 he decides to campaign for Pima County Sheriff. The subsequent voter fraud opened an official legal battle that went to court and lasted from November of 1880 to April of 1881 when Bob finally took office.

The Incumbent Democratic Candidate

Charles Alexander Shibell, born August 14, 1841 at St. Louis, Missouri. In 1860 Shibell headed to California, where he became a Civilian Teamster for the California Military in 1862. In 1864 Shibell mustered out in Tucson, Arizona Territory and decided to settle down. Shibell married a local Mexican woman and was quickly embraced by the Mexican community. In 1875 Shibell was appointed Pima County Sheriff Deputy by then Sheriff W. S. Oury. Shibell campaigned for Sheriff in 1876 and won, he remained Sheriff until the 1880 election.

The subsequent voter fraud opened the above-mentioned legal battle. In January 1881 Judge Charles G. W. French made the ruling that Bob Paul had actually won the election. However, Shibell refused to leave office after the ruling. Shibell filed an appeal in February 1881 to the Arizona Territorial Supreme Court. While the appeal was being processed, Shibell did everything he could to physically not be in his office, so as not to be removed. He spent the majority of the time out in the field until the final decision was made in April of 1881, when the appeals court upheld Judge French's ruling.

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Continuation of:

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Judge C. G. W. French

Joseph Isaac "Ike" Clanton

William S. Oury

James Albert Zabriskie

The Instigator

Joseph Isaac 'Ike' Clanton was born in Callaway County Missouri in 1847. He arrived in Arizona Territory about 1870 with his family. His father was known as Old Man Clanton and a leader of the notorious "Cow-Boy" faction. By 1880 Ike, as he was known, had been accused or arrested for acts against people, property, County and Territorial laws. He was close friends with Johnny Ringo, Curly Bill Brocius and other "Cow-Boys". Ike's brushes with the law did not stop an official appointment as Election Inspector at San Simon, a small community on the extreme eastern edge of Pima County. The details of this appointment will be brought out in a future post about this story. Ike is most commonly known for his participation, or lack of participation, in the Gun Battle on Fremont Street, or better known as the Gunfight at the O.K. Corral on October 26, 1881. It was at that gunfight where Ike's brother Billy, along with Frank and Tom McLaury were killed by the Earps brothers and Doc Holliday. Ike was killed on June 1, 1887 while allegedly in the act of cattle rustling.

The Puppet Master

William Sanders Oury was born August 13, 1817 at Abingdon, Virginia. In 1830 he arrived in Texas and served with the Army of the Republic of Texas and the Texas Rangers until he left for the California Gold Rush in 1849. Oury spent about 6 years in California before moving to the newest addition of the Arizona Territory in 1856. Tucson was a small pueblo in the newly acquired area of the Gadsden Purchase in extreme southern part of the Territory. From 1860 onward Oury would be known as a Confederate sympathizer. On May 11, 1864 Oury was appointed Mayor of Tucson by Governor Goodwin, he was also elected Sheriff, and then accused of selling weapons to Sonora, Mexico.

On April 28, 1875, Oury and Juan Elias organized 148 men, on April 30th, they attacked and killed 118 Apache, known as the Camp Grant Massacre. Oury and Elias actually did not participate in the attack. Instead, they watched from a nearby hill as the attack took place. All individuals involved were acquitted by Judge Titus who believed the expedition was legal. In 1875 Oury appointed Shibell, his protege, to Pima County Deputy. In 1880, Oury

served as Pima County Board of Supervisor's Clerk, and was partially responsible for the appointments of Election Judges, and Inspectors. The 1881 testimony in the voter fraud case, shows Oury as a manipulative master over the unlawful participants of the voter fraud in San Simon and other Precincts.

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A Continuation:

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Judge C. G. W. French

James Albert Zabriskie

The Judge

Honorable Charles G. W. French was born in 1820 at Massachusetts. French traveled to California in 1856, arriving after the first chaotic years of the Gold Rush. French served as a lawyer in Sacramento, developing a fine attention to detail and observation. In 1876 he was appointed as First Judicial District Judge at Tucson, Arizona Territory. He held this position until 1884. While acting as First Judicial District Judge, French heard the case of voter fraud that took place in the 1880 Pima County Sheriff Election. In January 1881, French ruled in favor of Robert Paul as winner of the election. After retiring his position in 1884, French returned to Sacramento. French died August 15, 1891 at Lick House in San Francisco.

The Attorney

James Albert Zabriskie was born May 29, 1844 at New Jersey. He was educated at West Point and Columbia University. In 1856 he moved to California and joined the Lyons Guard during the Civil War. James practiced law with his father in California and in 1878 James arrived in Tucson as an Officer of the Treasury Department, resigned his post, and then began to practice law in the Territory. In 1880, James served as 1 of 6 attorneys for Shibell.

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Part 4

What Really Happened (Part 1)

Bob Paul was the most experienced lawman in the Arizona Territory when he campaigned for the Pima County Sheriff Office in 1880, although he had only been in the Territory a few years, he was well respected and had acquired numerous, loyal friends along the way, to include Wyatt Earp. Charles Shibell was also fairly experienced; however, he was more Political regarding his office. Shibell had worked under William Oury as a Pima County Deputy; and regarded his connections as strong political gains. Shibell had been in the Territory since 1864 when he mustered out of the military and he was also an Anglo whose first wife was a local Mexican, which tied him strongly to the Hispanic community. While Paul was known to be an extremely honest man, Shibell was known to be a man who said and did what was necessary to get ahead, honestly or not.

October 27th, 1880, Curly Bill Brocius, a key member of the 'Cow-Boy' faction, kills Tombstone Marshal Fred White. Wyatt Earp, a witness to the incident and Pima County Deputy under Shibell since July 1880, arrested Brocius and takes him to Tucson. Earp was a friend of Shibell but would soon become a staunch supporter and close friend of Paul. Earp resigns his position under Shibell on November 9th in order to not show preference. While the 'Cow-Boy' faction is desperately trying to free their close ally Brocius from the charges of murder of Fred White, who died of his wounds on October 30th, William Oury, a Clerk of the Board of Supervisors, is well aware of who is being appointed key positions throughout the county for the upcoming elections. Who will no doubt work in favor of Shibell.

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What Really Happened (Part 2)

Ike Clanton, a notorious member of the unruly and unlawful 'Cow-Boy' faction, was appointed Election Inspector at the San Simon Precinct, with Johnny Ringo, a notorious gunfighter and fellow 'Cow-Boy', and A.H. Thompson being appointed Election Judges by the Pima County Board of Supervisors. With this combination of known dishonest individuals in control at San Simon there was bound to be questionable voting and ballot submissions. Especially with the idea to hold the elections at the Clanton house, which was located on the border of New Mexico and Arizona Territories, for which Clanton was not quite sure which Territory his house was in. Thus, choose Joe Magill's house instead. The day of the election arrived, and the Pima County Registered Voters went to the polls to cast their ballots. San Simon had about 12 registered voters, however when the Board of Supervisors received the count, there were 104 'voters'. Hence, stuffing the ballot box with potentially fraudulent votes.

The votes at San Simon were in favor of Shibell, with only one vote for Paul. On November 15, 1880, the Board of Supervisors certified Shibell as Pima County Sheriff. On November 19, Paul requested the voter/poll lists from San Simon, Solomonville, Turkey Creek and Benson Precincts. Taking the first steps necessary in challenging the Board's decision, Paul quickly moved forward to identify the voters whom he believed to be fraudulent, as was in accordance with Territorial Law.

Upon finding several questionable 'voters', and an admission of fraud by Jim Johnson, Paul's Attorneys filed a 'Statement of Contest' with the District Court in Tucson on December 18, 1880. On December 20, Charles Shibell was served with the Statement of Contest, he hired 6 attorneys to defend his case, including J. C. Perry who was then acting as Brocius' attorney. The case was set to begin on December 28. December 27, after hearing testimony from several witnesses, Judge Neugass released Brocius ruling that White's actions caused his own death. Although Wyatt had testified, he fully believes Brocius has knowledge and may be the key to proving the voter fraud in San Simon.

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The Ruling

Paul wins his case under Judge French. However, Shibell refuses to leave office, he files an appeal with Arizona Territorial Supreme Court in February 1881. While awaiting the appeal decision, Shibell conducts all business in the field so that he is not physically in his office to be forcibly removed. On April 12, 1881, the appeal is dismissed, and Paul is declared Pima County Sheriff. Shibell reluctantly leaves his office.

The Dramatic Results

In 1880 Pima County is a county in turmoil. Because Arizona is still a Territory, demands are made on the Federal Government to lend assistance to the "Cow-Boy" faction, troubles and lawlessness. In 1881, Cochise County is established. Cut off from the larger Pima County, Cochise County is roughly the whole of Southern Arizona Territory, stretching from the border with California to the New Mexico Territory Border and south to the international border with Mexico.

While waiting for the decision on the appeal, the most dramatic incident of the whole case occurred. Bob Paul had gone back to work as a Wells Fargo Shotgun Agent, riding the stagecoaches from Tombstone to Tucson. On March 15, 1881 there was an ambush at Drew's Station on the San Pedro River. An attempted assassination of Bob Paul, that resulted in the murder of Eli "Bud" Philpot, the driver, and Peter Roerig, a passenger.

On October 26, 1881, at Tombstone, the conflict between the Earps and 'Cow-Boys' escalated into one of the west's most celebrated gunfights. The Earp brothers; Virgil, Wyatt and Morgan, joined by Doc Holliday and the Cow-Boys Ike and Billy Clanton, and brothers Tom and Frank McLaury with Billy Claiborne participated in a roughly 30 second gun fight that left Billy Clanton, Frank and Tom McLaury dead on the streets of Tombstone.

As a result of that gun fight, an attempted assassination of Virgil Earp in December 1881, left Virgil crippled without the use of his left arm for the rest of his life. In March 1882, Morgan Earp was assassinated while playing billiards in Campbell and Hatch's in Tombstone. This was the last straw for Wyatt, while Virgil survived, Morgan died and Wyatt along with Doc Holliday, Texas Jack Vermillion, Turkey Creek Jack Johnson, and others went on the now infamous "Vendetta Ride" to dismantle the 'Cow-Boy' faction for good. Wyatt intended to kill all those responsible for Virgil's maiming and Morgan's death. This act of revenge subsequently forced the Earps and Holliday out of Arizona Territory with warrants sworn out for their arrest.

Source Information for this Story is attributed to the following:

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Photos Available in The Great Election Fraud of 1880 Photo Gallery

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