

# Tombstone by Tombstone

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## John Oberland "Texas Jack" Vermillion

Over fifty years ago a historical author identified the wrong man as "Texas Jack" Vermillion and this error went uncorrected until recently. If you search the internet today you will see that almost all of the websites will still identify Texas Jack as John Wilson Vermillion. Thanks to Peter Brand, a terrific old west historian and author from Australia and his work with other historians such as Chuck and Jean Smith of Saford, Arizona, Wayne Highsmith and the descendants of both John Wilson and John Oberland Vermillion, we now know the identity of the real Texas Jack.

So now some of you are asking, "Who is Texas Jack Vermillion?" He was many things and, in the opinion of this author, not many of them were good. The thing that he is most noted for is being a member of Wyatt Earp's murderous posse that went on what is known as the Vendetta Ride following the maiming of Virgil Earp and the murder of Morgan Earp.

Vermillion was born on October 31, 1845, to William Vermillion and his second wife, Mary McClain. Family records say he was born in Ohio, but he always stated and believed he was born in Virginia. John O. Vermillion enlisted in the Union Army at Columbus, Ohio, on February 29, 1864. He became a private in Company E, 122<sup>nd</sup> Regiment, Ohio Infantry and was paid a bounty of \$60 for enlisting and was owed another \$240. The 122<sup>nd</sup> did most of its fighting in Virginia and it suffered heavy casualties, including Vermillion's bunk partner. Vermillion was discharged on July 30, 1865.

After the war, Vermillion was consumed with wanderlust and never able to settle down and remain in any one place for any period of time. In the fall of 1866, he and a friend delivered a herd of horses to Delavan, a small town in Illinois. After a while he went on to Missouri and tried farming for a year. Then it was on to Montana and Utah, and he quit farming and picked up some skills as a carpenter which would be his main source of legitimate income for the rest of his life.

There is little information on Vermillion during the decade of the 1870s except that he caught smallpox in the epidemic that struck Chicago in 1873. He also stated that he spent several years in east Texas in the last half of the decade.

The 1880 census shows Vermillion in Silver City, New Mexico Territory. The census information he supplied was accurate to the point of his father being born in Virginia and his mother being born in Pennsylvania. But he entered his own birthplace as Virginia. Silver City was booming, but the lust in Vermillion's blood for travel was telling him to go to Tombstone, Arizona Territory, and he arrived there in the fall of 1880. The excitement and opportunity of Tombstone had also attracted the Earp brothers and Doc Holliday and they arrived just before Vermillion. Virgil arrived after being appointed a deputy US Marshall. Wyatt and Morgan were employed by Wells Fargo, and James Earp, who had a Civil War injured shoulder, was a bartender. Wyatt would be appointed as a deputy sheriff for Pima County. The legislature then created Cochise County out of a portion of Pima County with Tombstone as the county seat. John Behan was appointed as the first county sheriff, a position that Wyatt Earp coveted.

In early June of 1881, the Tombstone town Marshall, Ben Sippy, took a leave of absence and Virgil was appointed as acting city marshal. The position was made permanent when Sippy failed to return. On June 22<sup>nd</sup> a large portion of Tombstone's business district was destroyed by fire. Virgil quickly appointed 23 deputies to prevent claim jumping on the empty lots, to prevent looting and to patrol the city. Vermillion was one of the 23 as was another Earp brother, Warren, who had just arrived in town. This was to be Texas Jack's first connection with the Earps in a law enforcement role.

Following the October 16, 1881 gunfight, noted erroneously as the "Gunfight at the O.K. Corral," Vermillion joined in with the Earp faction, probably because of his time as Virgil's deputy. Things were heating up in Tombstone between the Earps and the cowboys and on the night of December 28, 1881, Virgil was severely injured by shotgun blasts as he patrolled the city streets alone. Wyatt seized the opportunity and asked Crawley P. Dake, US

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Marshal for the Arizona Territory, to appoint him as a deputy with the authority to deputize others. Authority was granted and he immediately formed a band of hard case deputies that included killers, thieves and his gambler friends. Texas Jack was first and he was soon followed by Sherman W. McMaster, a former Texas Ranger and a horse thief; John W. Blount better known as "Turkey Creek Jack" Johnson, wanted for killings in Missouri and suspected of armed robbery in Colorado; gamblers Origen Charles "Hairlip Charlie" Smith and Daniel "Tip" Tipton; and of course, Warren Earp and Doc Holiday.

The posse scoured the countryside looking for likely suspects in the attempt on Virgil's life with no luck. Then on March 18, 1882, Wyatt and the entire posse except, Texas Jack and Turkey Creek Jack, was watching Morgan play a game of pool. The two missing members were probably acting as Virgil's body guards at his room in the Cosmopolitan Hotel. While Morgan was watching his opponent taking a shot, someone fired a shot through the glass of the back door striking him in the back. He died about 40 minutes later. With the murder of Morgan, Wyatt was no longer concerned with arresting those he considered to be the guilty party; he would become judge, jury and executioner.

Vermillion remained with the horses while Wyatt, Warren, Doc, McMaster and Turkey Creek Jack rode the train with Morgan's body to Tucson where they had heard that Frank Stilwell, a Cochise County deputy sheriff, and Ike Clanton had been seen. The posse found Stillwell on the platform of the Tucson train depot and Wyatt shot him at point blank range with a shotgun. The other posse members then continued putting rounds into the dead body. The posse then hitched a ride on a local freight train to Benson and then to Contention by wagon where they were joined by Vermillion and the rest of the posse and plans were made to leave Arizona, but not before extracting more revenge. Somehow Morgan's killers had been identified as Stillwell, Pete Spence and three Spence employees. Spence was chosen to be the next victim.

On March 21, the posse spent the night camped outside of Tombstone and they rode hard for the Dragoon Mountains where Spence had his sawmill. Upon arriving at the sawmill they discovered that Spence was not there. A half-breed named Florentino Cruz (and other aliases) saw the posse coming in his direction and ran. His body was riddled with bullets that the coroners determined were fired by Wyatt, Warren, McMaster, Texas Jack, Turkey Creek Jack, and Doc Holliday and warrants for their arrest were issued. The jury was not aware of Smith and Tipton and those two would safely ride back to Tombstone to raise money for the posse.

Now Earp's Vendetta posse was wanted for murder and a well-armed, well-mounted posse of about twenty cowboys, including Curly Bill Brocius, rode out of Contention in search of them. Also a posse under Sheriff Behan that included the likes of Johnny Ringo, Phin Clanton and several other cowboys left out of Tombstone. The Vendetta posse, hoping to reunite with Smith and Tipton and receive some sorely needed resources, ran into the cowboy posse at Iron Springs and guns began to blaze. This meeting is still controversial today. In Wyatt's later memoirs he claims to have killed Curly Bill Brocius without a doubt. The cowboys deny that fact and the Tombstone *Nugget* expressed doubt. A body was never discovered, and no record of Curly Bill ever being seen again has been found. Vermillion's horse was shot and fell on his leg pinning him down. Wyatt's clothes were supposedly riddled with bullets and his saddle was badly damaged, yet he suffered no wounds. And as he fled the scene he managed to rescue Vermillion. The only wound suffered by the Vendetta posse was a slight graze to the side of McMaster.

The Vendetta posse made it to Silver City, New Mexico, in early April of 1882 and there they split up with most of them going to Colorado. The Tombstone *Epitaph* was under new ownership and no longer sympathetic to the Earps. On several occasions it falsely reported the death of various members of the gang including Vermillion.

Vermillion's activities for his year in Colorado are not well documented and in early June of 1883, he and Wyatt arrived in Dodge City, Kansas. When Wyatt recalled the Dodge

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City days in later years, he applied a new nickname to Vermillion. He was now "Shoot-your-eye-out-Jack." No reason was ever given, but it is easy to draw a conclusion.

By the end of June 1883, Vermillion and Wyatt had separated and Vermillion's movements over the next few years are mostly unknown. His own accounts later say that he went down into Mexico and spent some time mining in Hermosillo, Sonora, Mexico and then back up to Kansas. Unfortunately his accounts give no dates or details and he probably did not want his whereabouts at any one time to be known. In the late 1880s the towns of Coronado and Leoti, Kansas were hiring gunmen in their war over which would be the county seat for Wichita County. Coronado opened fire on Leoti on February 27, 1887 killing three and wounding others. The only man ever charged was acquitted. The newspaper that reported Vermillion was in Coronado did not report which side hired his gun.

When the war between the two towns ended Vermillion's wanderlust took over and he was off to Denver, Colorado. All the con game activity in Denver was controlled by Jefferson Randolph "Soapy" Smith. He gained the nickname as part of his earliest con game. He would hide cash money inside packages of soap and sell or auction them off. The soap with cash inside always ended up in the hands of his associates at no loss to Soapy. He advanced on to greater and larger scams and the "Soap Gang" used Denver as a base to spread out to other cities. It didn't take Vermillion long to find Soapy and he was first recorded as part of the gang in April, 1889. His first role may have been as a gunman for security, but he was soon taking part in the con games and in rigging the local elections. The mayor and chief of police were firmly in Soapy's pocket. Soapy pretty much owned Denver in the first half of 1889, but things started turning sour for him in the last half and the people had had their fill of his criminal activities. In August of that year Vermillion was charged with fraud and though he was only fined \$200, it was obvious Denver was no longer a welcome place. The *Denver Times* reported on August 26<sup>th</sup> that Vermillion and others were headed for Ogden, Utah.

In Utah, the train they were on was met by a rival gang who fired at them through the train windows. Soapy had half of his moustache shot off and one man on the train platform was injured. Soapy's gang moved on and Vermillion decided to lay low for a while. For the remainder of the 19<sup>th</sup> century the historical reports of sightings of Vermillion cannot be based on research findings. The *Salt Lake Herald* reported on February 20, 1892, that J. O. Vermillion had an unclaimed telegram waiting for pickup. If it was unclaimed, was he there? Probably he had at least been there if someone sent him a wire. In the mid '90s he claimed to be working as a carpenter in Portland, Oregon. He said that he went from Portland to Eagle and Nome, Alaska. He provided no other information.

In 1900, apparently with a new century, he decided to turn over a new leaf, start a new life for himself and assume a new name. He became John O. Smith. He decided to return to Delavan, Illinois, where his wanderlust began 34 years previously. Within a year he was in Texarkana, Texas, and was a carpenter again working for a contractor named John Casey. The work caused Vermillion (Smith) to travel as needed and one of the trips took him to Minden, Louisiana. One of the largest sawmills in the United States was under construction in Minden and a recent fire had destroyed large sections of the town. So his carpentry skills were in demand. He was now 56 years old and had made absolutely nothing of his life, but he saw Minden as a chance for something he never had, a permanent home and a relationship with genuine citizens. He developed a close relationship with Ruby Oliver, the owner of his boarding house, and a fellow carpenter, Oliver Bell. He did not want his past known, so he developed a new past. He said he was born in Texas and had fought for the Confederacy. His friends promoted him to Captain and referred to him as such. That worked well for his southern friends, but would come back to bite him in the butt.

Incredibly, he was still in Minden in 1916 when age caught up with him and he suffered a stroke and then a blood clot on the brain. He did survive and that's when his "made up" past began to catch up with him. His friends remembered his stories of him being a Confederate veteran and filed paper work to get him admitted to the Confederate Soldier's

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Home in New Orleans. On September 6, 1919, the officials at the home admitted the old Union soldier feeling sure that the all the substantiating documents verifying his Confederate service would soon follow. In February of 1920, it became clear to the officials that "Captain John O. Smith" was not eligible for care in the home. Vermillion then claimed that that his friends had fabricated his service claims without his knowledge.

Now Ruby's boarding house was full and he had no place to go. He had to beg for places to stay and on April 1, 1920, he packed his few belongings and left Minden by train. On Easter Sunday, April 4, 1920, he arrived on the steps of James Leonard Vermillion, his brother, in Hebron, Ohio. It was the first any of his family had heard of him in over 50 years. The family was a bit skeptical at first, but was convinced when they saw his large front teeth with a big gap and heard some of his childhood recollections.

John Vermillion's sister had faithfully kept his Union Army discharge papers for 55 years and they would be just what was needed for him to apply for a Civil War pension. But now his past was going to catch up with him. Fraudulent claims were quite common and the Bureau of Pensions wanted to know why he waited until 1920 to file a claim. A diligent investigator was assigned to the case and Vermillion mentioned his 20 years in Minden, Louisiana. This led to the discovery of "Captain John O. Smith" and his stay in the Confederate Soldier's Home. John died on November 1, 1921, before the decision on his case was decided. His pension was granted on January 26, 1922 and his brother was awarded \$10 per week for the 78 weeks of medical care and funeral expenses.



**John's Tombstone in the East Liberty Cemetery in Sunbury, Ohio  
Thanks to Adrienne Detorre for the photo**

**Source: Wyatt Earps' Posse Rider: The Story of Texas Jack Vermillion by Peter Brand**