

Tom Horn

Tom Horn was tried for murder in September of 1893 and found to be innocent. Unfortunately, for him, he had been hung in 1903 and it was too late to help him. He was born Thomas H. Horn, Jr. in Scotland County, Missouri, on November 21, 1860. At the age of 13 he ran away from home and headed west. In Prescott, Arizona, he met the famous army scout Al Sieber at age 15 and worked for him as an army packer and scout. He accompanied General Crook on some of the expeditions into Mexico when chasing Geronimo. On one of these trips, in 1886 while chasing Geronimo, his camp was "accidentally" attacked by Mexican militia. Captain Emmet Crawford was mortally wounded and Horn was wounded in the arm. He certainly played a role, but he greatly exaggerated his part over the years. Horn was present and acting as an interpreter for Lieutenant Charles Gatewood when Geronimo surrendered. After the Indian wars he did some prospecting in the gold fields and spent some time as a ranch hand.

Horn remained in Arizona for a while working as a deputy sheriff and was noticed by the Pinkerton Agency in 1890 for his tracking ability. He tracked down, and captured or killed some notorious train robbers, such as "Pegleg" Watson and Burt "Red" Curtis.

In 1894, he was hired by the Swan Land and Cattle Company in Wyoming as a stock detective. It was at this time when he began charging the cattle barons \$500 to \$600 for every rustler that he killed. He would later admit to Sheriff Joe LeFors that he had killed William Lewis in August of 1895 and Fred Powell in September. Then he went back to Arizona while the heat cooled off.

On April 23, 1898, Horn signed on as a packer for the Spanish American War. He was promoted to sergeant on August 1st and discharged on September 6, 1898, when he came down with malaria before he could ship out to Cuba.

In 1900, he went back to hiring out to the cattle barons as an eliminator of rustlers. This time he was working in northwest Colorado in a place called Brown's Park. He went there under the alias of James Hicks. On July 8, 1900, he shot and killed Madison M. "Matt" Rash and on October 3, 1900, he killed Isom Dart. He also frightened other men out of the Park and told LeFors that, "I stopped cow stealing in one summer."

While it was true that he shot the rustlers in cold blood and most of them by ambush, Horn felt that every killing was justified. He never shot a man that he did not have absolute proof was a rustler. He also felt that if he could make them leave the territory without killing them, that was okay also. He left notes and warnings to the men before he shot them. They were given a week to depart the country or be killed.

Then on July 19, 1901, an event occurred that would cost Horn his life. He knew that a shepherd named Kels P. Nickell was grazing his sheep on the cattlemen's land, and he had been hired to kill him. Early in the morning a lone figure rode up to the gate to the Nickell's place, dismounted, opened the gate and a shot rang out. The body lay there all day and in the evening it was discovered that 14-year-old Willie Nickell, the son of Kels, was the victim.

Sheriff Joe LeFors suspected Tom Horn and since he had no evidence to back up his suspicions, he began an elaborate plan to get a confession from Horn. He began to act as Horn's pal and set Horn up with an offer from a friend of LeFors for another job killing rustlers. As Horn was preparing to go off to accept the job, LeFors got him to drinking in one of the bars. On the other side of a thin wall LeFors had planted a court reporter who was taking down all of their conversation in shorthand. At one point Horn was supposed to have said, "It was the best shot I ever made and the dirtiest trick I ever did." Horn was arrested and tried for the murder. One witness who hardly knew Horn stated that he had seen Horn on the morning of the shooting

far away from the scene. Horn was convicted and sentenced to hang. His conviction was upheld by the State Supreme Court. He was hanged on November 20, 1903. His body was taken by his brother to Boulder, Colorado, where he was buried in the Columbia Cemetery. Later his brother was buried next to him.

Willie Nickell is buried in the Lakeview Cemetery in Cheyenne, Wyoming, next to his mother and father.

There is no doubt that Tom Horn deserved to be hung, but his hanging for this crime is still controversial. Certainly his character was not to shoot innocent 14-year-old boys. Some believe that Willie was wearing a yellow raincoat and riding his father's horse. So, he could have been mistaken for his dad. Horn spent the night before the murder with the Miller family that owned the ranch next to Nickell. The Millers and the Nickells were in a bitter feud. The summer before, one of the Miller boys, Frank, had been killed when a shotgun in the buckboard the children were riding went off and killed him and permanently damaged his sister. The shotgun was in the wagon because of the feud. James Miller, the father had threatened to kill Kels. There was the witness that placed Horn far from the crime scene. And the confession was really a sham. It also seems that LeFor was up for reelection and the conviction cinched that for him.

Tom Horn: Blood on the Moon, by Chip Carlson is definitely recommended for reading. In the book, Chip Carlson tells of another Tom Horn trial that was held in September of 1993, almost 100 years later, in which Horn was declared "Innocent." This trial pointed out that there was no witness to the killing. The jury was filled by men prejudiced to the cattlemen. The judge was anything but impartial. The lawyer representing Horn in the new trial described Horn's real life lawyers as "the worst he ever studied."

The controversy still rages in Wyoming.

Sources: *Tom Horn: Blood on the Moon*, by Chip Carlson and *Encyclopedia of Western Biography*, by Dan L. Thrapp.