THEY FEARED NO FOE.

Four Men who Stood Fast Against a Thousand.

HUNTED IN THE LAW'S NAME

Boone's Blood was In Their Veins, and They Never Fled or Flinched.

Fight of the Marlow Brothers Against Young County, Texas—Conspiracy of Officers of the Law to Ruin Them and Theirs—Escape of the Four Men from Jail and the Second Capture—Shackled, Yet Holding at Bay a Mob that Had Come to Lynch Them—Unarmed and Surrounded by Assassins in Ambush, but Still Undaunted—A Story of Wanton Outrage and Unwavering Courage, and Its Last Chapter at the Next Term of the United States Supreme Court.

A most remarkable criminal cause will be brought before the next term of the Supreme Court of the United States on a writ of error. It is what is known in northern Texas as the "Marlow Mob Cases," in which a kinsman of ex-Attorney-General Garland is involved with the defence. Mr. Garland will appear as counsel for the defendants. The Court will be called upon to determine a most interesting point of constitutional law relating to the rights of citizens.

The official records in the case, now on file in the Supreme Court, disclose an astounding conspiracy which led by gradual steps a whole community into a series of criminal transactions, and bathed a Texas county in blood. This conspiracy was hatched by peace officers and county officials and included prominent citizens. Mobs bent on murder were organized and led by these peace officers and were composed of leading men of the county. The story of this conspiracy and its sequel would be incredible if it were not borne out at every point by the official records. Indictments were found by the wholesale against the conspirators and such of the participants in the mobs as could be identified. A trial in the United States District Court followed, at which three men, all peace officers, were found guilty and sentenced to long terms in the penitentiary. The story of these cases in all its strange and tragic details is now told for the first time.

I.

A year or so before the civil war a family named Marlow moved from Missouri to Texas. For years they vacillated between the Indian Territory and Texas, never remaining long in any one place. The head of the family was a doctor. He established the fact that, if a rolling stone gathers no moss, a restless physician never gains a practice. Dr. Marlow celebrated the centennial year by taking a trip with his family to Tuxpan in old Mexico. He returned in seven months and continued his nomadic life. He lay down one day at Wichita Falls and died. This was in 1885.

Until this time the five boys, Boone, George, Alfred, Charles, and Llewellyn, the latter called "Epp," had not married. George, Alf, Epp, and Charles soon afterward selected wives from the belles of other frontier families. The brothers kept together, however, and continued to hold their property, chiefly horses and stock, in common. They adhered to the nomadic life in which they had been reared, their range being the western part of Indian Territory, southeastern Colorado, northeastern New Mexico, and northwestern Texas.

No gypsy ever had a keener eye for the good points of a horse than each of the Marlow boys. In fact, they were gypsies by nature, except that they would work. Accustomed to firearms from childhood, they were dead shots, and delighted in the chase. Their life was a wild and roving one. They knew little and care less for the arts of civilization, but in the arts useful on the frontier they were past masters. They could cross a prairie with limits beyond the horizon, or thread their way through a trackless forest without the aid of sun, stars, or compass. They knew not what danger was, and braved the elements, savage beasts, and hostile red men without thought of fear.

Their mother then nearly three score, lived with the boys, a descendant of Daniel Boone. She read the Bible to her sons by the pale light of a tallow dip on the flickering camp fire, and she believed it literally. Of a Spartan nature, she rejoiced in the stern and lofty denunciations of the Jewish prophets. Her disposition was hard to all save those whom she loved, and her religion taught her to demand an eye for an eye and a tooth for a tooth. All she asked of the world was that it let her and hers alone, but if wrong were done them forgiveness was strange to her nature. Her five sons were typical frontiersmen. They had been taught to read by their mother, but with that exception were uneducated. Their love for their mother and for each other was fierce and consuming. Not one of them would have hesitated to fight a regiment in defence of the others. They were naturally good-natured men, and welcomed visitors among their fellow frontiersmen. George had a fine, natural voice, and could sing a song in frontier style. Charley was a capital hand at a story. The others were not far behind the leaders.

For three years after the death of their father all went well with the boys and their mother. They roamed over the country at will, changing their home as the exigencies of their pastoral life demanded, sometimes working, trading in horses when they could, and living chiefly upon game, fish, and maize. It was a hard life, but wild and free, and they neither knew nor wanted anything better. Late in August, 1888, the first step was taken in the series which led to the sanguinary fray at Dry Creek. Two deputy United States Marshals, Ed W. Johnson and Sam Criswell, went into the Indian territory and arrested four of the Marlow brothers on a charge of stealing thirty-three horses from Ba-Sin-Da-Ba, a Caddo Indian. This stealing was alleged to have taken place in 1885. George was temporarily absent on a trading expedition.

There exists in northern Texas a cattleman's protective association for mutual aid. The two deputies, Johnson and Criswell, were also employed by this association to prevent cattle and horse thieves from raiding the ranches and lifting cattle and stealing horses. The country was infested with "rustlers," whose incursions were so frequent and successful as to be a serious source of loss. Johnson and Criswell had not been especially fortunate in preventing the raids of the rustlers or in arresting them afterward. They determined, therefore, to arrest somebody on a charge of horse stealing, secure their conviction by some means, well knowing that in that frontier region it is easier to convict an innocent man of stealing a horse than it is to convict a guilty man of murder. They learned that the Marlow boys had a large number of horses, and thought that because of their nomadic life it would be a simple matter to swear them into the penitentiary and make themselves popular with the cattlemen. They did not claim to know anything personally of the crime. They carried the four Marlow boys, Alfred, Charles, Boone, and Epp, to the jail at Graham, the capital of Young county, about sixty miles south of the Indian Territory, where the United States Judge of the Northern District of Texas held court for the convenience of the Panhandle and other counties on the northwestern frontier of Texas.

When George Marlow returned and found that his brothers had been arrested and taken to Texas he rounded up the stock, and, accompanied by his mother, wife and children and the wives and children of Charley, Epp, and Alf, went directly to Graham. There they went into camp near the town, and George endeavored to procure bail for his imprisoned brothers. He was speedily arrested himself and thrown into jail by Johnson and Criswell. They thought to prevent the prisoners from getting bail. But they reckoned without the mother. That Spartan woman went among the young county farmers, and, by pledging a part of the live stock, which consisted of thirty-one horses, a colt, and two mules, got her boys out on bail; not all at once, but one at a time, or as soon as she secured sureties, she would have them go and execute the bond. The married brothers received the preference, Boone being the last one released. She insisted that they remain in Young county until after the trial, which was postponed from the October to the March term at the request of the Government. She secured a cabin on the farm of O. G. Denson, about twelve miles southeast of Graham, and there she and her daughters-in-law were joined by the brothers as fast as they were released.

Meantime Johnson and Criswell were not idle. They secured the indictment of all five Marlow boys for the alleged theft of thirty-three horses from Ba-Sin-Da-Ba, the Caddo. But they were made to understand that the testimony in the case was weak and could not be depended upon for a conviction. Hence the continuance asked for by the Government. Johnson and Criswell then began systematically to create an unfavorable public opinion against the Marlows. The statute of limitation, the period being three years, would bar prosecution, unless it could be shown that the accused were fugitives from justice. Accordingly Johnson and Criswell made oath that the Marlows were outlaws and fugitives from justice. They then industriously disseminated the opinion that the Marlows were cutthroats, horse thieves, and rustlers generally. They succeeded, in fact, in making the impression on the public mind that each of the Marlows was a "bad man," a frontier term which stamps a human being as a wanton murderer, and makes everybody hate and fear him and wish for his death. This impression, which Johnson and Criswell lodged firmly in the minds of the people of Young and adjoining counties, was largely the cause of the state of terrorism which afterward prevailed and brought on the battle of Dry Creek.

Not satisfied with these efforts to ruin the Marlows, Johnson and Criswell went to Wilbarger county, where they learned the Marlows had been, and procured the indictment of Boone Marlow on the charge of murdering J. A. Holston, who had been found in 1883 dead in a lonely gulch. His murderer was unknown. Perry Thompson, a local desperado, was arrested and indicted for the crime. The indictment was finally dismissed on the ground of insufficient evidence. There was no evidence at all against Boone Marlow, but the evil reputation which Johnson and Criswell had given all the Marlows made it an easy matter to get him indicted. A capias for his arrest was issued, and sent to the Sheriff of Young county, Marion D. Wallace.

II.

On Dec. 17, Sheriff Wallace, taking with him his chief riding deputy, Tom Collier, started for the Denson farm to arrest Boone Marlow. Before leaving town both men drank freely, and made public the object of their expedition. They took with them a big flask of whiskey. On arriving at the Denson farm they proceeded to the cabin occupied by the Marlows, coming up at the chimney end, where there was neither door nor window. Wallace alighted, tied his horse and walked around the cabin. Collier rode directly up to a window and peered in. The Marlows had just sat down to their noonday meal. Boone Marlow was the first to see Collier. He called out:

"Hello, Tom; light and come in and have some dinner." Collier replied:

"I'm not hungry."

"Come in anyway," urged Boone.

Without replying, Collier alighted and walked to the door. He stepped in, and as Boone rose to welcome him he called out:

"Boone Marlow, I'm after you." As he spoke these words he aimed his pistol at Boone and fired.

Boone dodged down and snatched a Winchester from a bed. Collier, seeing that he had missed, jumped back out of the door. Boone fired through the door, the ball passing through Collier's hat brim. Boone sprang to the door, rifle in hand, and seeing a man near the corner of the cabin fired again, hitting Wallace in the hip. At the least the shots, all one Marlow thought, were fired into the brush, listening to see what they meant. This was the first intimation the Marlows had that Collier was not alone. Boone ran to the corner and saw Collier running away at full speed. Covering him with his rifle, Boone shouted to the fleeing deputy to come back. Collier obeyed the mandate. When he had returned Boone said, pointing to the prostrate form of the wounded Sheriff, whose head Charley Marlow was supporting:

"Tom Collier, you are responsible for this. You tried to plug me like I was a dog."

"I know it," whimpered Collier, "but let's not say anything more about it."

"You — scoundrel, I ought to shoot you between the eyes," thundered Boone, drawing a bead on the spot indicated.

Collier crouched down behind Charley Marlow and begged him piteously not to let Boone shoot. Meanwhile Charley, who in respects the leader of the brothers, told Boone not to shoot, and the latter reluctantly took his Winchester from his shoulder.

Wallace was carried into the cabin by the Marlows, where the mother and the other women ministered to his wants as best they could. Meanwhile Epp had saddled a fast horse and went to Graham for a physician. Once in the saddle he struck a lope, and never drew rein until he stopped at the doctor's office. Alf went to summon neighbors. Collier also went away. He soon returned with some men, among them a surey on one of the leading cattle ranches. The Marlow boys to Collier. Collier summoned a posse and returned George, Charley, and Alf to jail. Epp had been put in jail as soon as he arrived in Graham. In the confusion Boone had mounted a horse and disappeared. He was never again seen alive by the Marlow brothers.

Sheriff Wallace lived just a week after he was shot. He was a popular man and a leading citizen. The Marlow brothers had great respect for him, because he had treated them as kindly as he could while they were in his care before they were released on bail. Not one of the Marlows would have intentionally harmed a hair of his head.

The feeling throughout Young county on account of the shooting and death of Sheriff Wallace was intense. The demand for vengeance was general. The friends of the Marlow boys were slow to take a partisan of it. It was not long, however, ere Collier, who was chief deputy, was lodged the authority of the Sheriff, and who, on the death of Wallace, succeeded to the shrievalty, joined Johnson and Criswell, in their efforts to bring ruin on the Marlows. Collier led a party in search of Boone Marlow. He talked constantly of his determination to take the Marlows from the jail and lynch them. This was the first mob talk that was heard. When a week later Wallace died the conspiracy for the mobbing of the jail and the lynching of the Marlows was in full progress. The leading spirits in inciting the mob, besides Collier, Johnson and Criswell, were Tom Lovelis, the deputy sheriff to collect taxes under Wallace and Collier; P. A. Martin, the County Attorney; Eugene Logan, a deputy sheriff; "Bee" Williams, son of the county Judge; Sam Waggoner, a constable; Marion Wallace, nephew of Sheriff Wallace and Tap Allred, Robert Holman, Bruce Wheeler, and several other citizens.

When the four Marlows had been returned to jail they were stripped naked and searched in the presence of the other prisoners, several deputies, and curious boys. This indignity was several times repeated. Chafing under the treatment they received, their families not being allowed to visit them, the Marlows determined to escape. They procured a big pocket knife, the larger blade of which they converted into a saw, and with this they cut their way out of the jail. They went immediately to their families on the Denson farm.

As soon as their escape was known runners were sent out to alarm the county. The Sheriff of Jack, an adjoining county, was called on for assistance. A strong posse was organized and started for the Denson place, where scouts reported the Marlows had gone. When Collier and his posse arrived, they found the Marlows looking after their work as if nothing unusual had happened or was likely to happen. They were arrested and taken back to Graham. Again they were stripped and searched, this time, with the whole posse looking on. Then they were dressed and taken to a blacksmith's shop, where they were shackled and chained together, two and two—Charley and Alf, George and Epp. When the job was completed, Sheriff Tom Collier said:

"Now, boys, I reckon you won't get away again."

III.

The Marlows escaped on Jan. 14, 1889. They were recaptured on Jan. 15. On the night of the escape the jail was turned into a mob organized and led by the peace officers already named. The details of this lawless project were carefully worked out. It was decided to act quickly and quietly. No shots were to be fired, as they would arouse the town and cause the recognition of those forming the mob. The mob was to do its work in darkness and the identity of its members was to remain secret. Alibis were arranged by which each could prove by another that he was not at the jail. Sheriff Collier and Constable Sam Waggoner after the attack rode swiftly away to serve a warrant. These things being prepared beforehand the mob went to the jail after the town had become quiet. The prisoners, who were confined in one of the two iron cages, were awakened by the noise of men walking about down stairs. Presently they heard the men coming up the stairs.

"They said on our trial," the prisoners, who had had a good deal of experience with frontier jails, to the Marlows, "it's a mob, and they're after you."

The four Marlow boys rose without a word and stood two and two, as they were chained. John Lovelis came first, swinging a lantern in one hand and carrying the jail keys in the other. He unlocked the door of the cage, the mob at his heels. He called to Charley Marlow to come out, saying a man wanted to see him. Charley refused to go. Believing that the mob meant to put them to death, the Marlows had resolved to stand together and die fighting. George endeavored to dissuade the mob from its deadly purpose.

"Men," he said, "you have wives and children. Don't do this thing. Think of our wives and little ones of our old gray-haired mother. We have violated no law. For God's sake, men, give this thing up, and go and find the men who are guilty."

The mob was deaf to reason. They continued their efforts to get at the Marlow boys. They were afraid to shoot, as that would arouse the town. They tried to force the other prisoners to shove the Marlows out of the cage. They would not try it, although the mob held pistols to their heads and threatened to blow their brains out if they refused. At last, one of the mob, tired of delay, made a rush for Charley Marlow. He didn't get him. As he entered the cage Charley struck him a terrific blow on the head with his flask, knocking him headlong through the door and against the stone wall of the prison, where he fell unconscious on the floor. The mob started back in dismay. Presently the man revived and gasped:

"Take me out of here. I'm bleeding to death."

The mob returned, picked him up, and carried him down stairs. The identity of this man has never been positively ascertained, but it was noted as a singular coincidence that a prominent citizen who had been in good health on the morning of the day when the attack on the jail was made died a day or two after from alleged brain fever.

In a few minutes the mob returned. This time Marion Wallace, the nephew of the dead Sheriff and the jailor, was the leader. He was cursing the Marlows and demanding their lives. He ordered the other prisoners out of the cage, leaving the Marlow boys alone. Marion Wallace started to go in to bring Charley out. The mob thirsted especially for his blood, as Collier had spread the report that Charley had shot Sheriff Wallace. When young Wallace had reached the door of the cage he found that Alf Marlow, the strongest of all the Marlow boys, had in his hand a big joint of lead water pipe, which in their desperation the Marlows had wrenched from its fastenings. Seeing Alf standing there ready to brain his assailants as fast as they could enter the cage, Wallace stopped and backed away. When challenged for not going on in, he said:

"I'll be — if I'm going in there to be killed."

Some of the mob then got a rope and tried to lasso the Marlows, but the brothers were up to that trick and it could not be worked on them. The mob then poked their guns through the bars of the cage and threatened to shoot the Marlows where they stood if they did not come out to be hanged quietly. They punched and struck the Marlows with the ends of their guns, but neither fired on them nor entered the cage. Tiring of this sport, the mob finally abandoned the attempt and left the jail. The Marlows talked the matter over, and, though they had recognized most of their assailants, decided to disclaim any knowledge of them, hoping by that course to secure their own safety. About 100 yards from the jail is a cemetery. In that the mob had deposited five ropes with nooses. These were found afterward.

After taking counsel together the leaders of the mob hit upon a new plan. In accordance with it they aroused the town at about 4 o'clock and gave out a circumstantial account of how a gang of desperadoes from the Indian Territory, led by Boone Marlow, had ridden into town in the night and made an attempt to capture the jail and rescue the other Marlow boys. They told how the attempt had been foiled by the watchfulness and courage of the faithful jailor and his guards. During the day these startling "facts" were telegraphed to United States Marshal Cabell at Dallas. He directed by telegraph his deputy, Ed Johnson, to remove the Marlows to Weatherford, sixty miles distant, for safe keeping. This answer was received on the morning of Saturday, Jan. 19. Immediately the mob leaders got together again and fixed up the details of the next attempt. It was determined to remove the Marlow's that night. A new and larger mob was organized. It was given out that the guards would not offer any resistance. There were six of these so-called guards, of whom Deputy Marshal Johnson, representing the United States, selected three, and Sheriff Collier three. The latter represented the State. Shortly after the release of Wallace and the escape of Boone to the Indian Territory, George, Charley, Alf, and Epp Marlow were charged with the killing of Holston and committed to jail by the examining magistrate in default of bail. Johnson selected Sam Criswell, P. A. Martin, County Attorney, and Ben B. Hirsch, a boy of about 16, son of the United States Commissioner at Graham. Collier picked Marion Wallace and Sam Waggoner, both deputies, and Will Hollis, all of whom had been members of the jail mob. It was a party organized in the name of justice, but intent upon revenge.

IV.

After nightfall on Saturday, Jan. 19, Sheriff Collier and Deputy Marshal Johnson went to the jail and notified the Marlows to get ready to go to Weatherford. They required but little time for preparation. While they were waiting to start Eugene Logan, one of the guards at the jail and one of the mob leaders, called out:

"Oh, George!"

"What do you want?" called back George Marlow.

"Sing me a song. I'm going leave you tonight, and want to hear you sing again."

George did sing. Logan complimented him on his voice, and added:

"I'm going home to-night, boys, to recruit, and I hope the mob won't get you."

This man was fresh from a meeting of the leading conspirators at which all the details had been arranged to waylay the prisoners and lynch them. Logan was then taking a horse and went to Graham for a physician. Once in the saddle he struck a lope, and never drew rein until he stopped at the doctor's office. Alf went to summon neighbors. Collier also went away. He soon returned with some men, among them a surey on one of the leading cattle ranches. The Marlow boys to Collier. Collier summoned a posse and returned George, Charley, and Alf to jail. Epp had been put in jail as soon as he arrived in Graham. In the confusion Boone had mounted a horse and disappeared. He was never again seen alive by the Marlow brothers.

Sheriff Wallace lived just a week after he was shot. He was a popular man and a leading citizen. The Marlow brothers had great respect for him, because he had treated them as kindly as he could while they were in his care before they were released on bail. Not one of the Marlows would have intentionally harmed a hair of his head.

The feeling throughout Young county on account of the shooting and death of Sheriff Wallace was intense. The demand for vengeance was general. The friends of the Marlow boys were slow to take a partisan of it. It was not long, however, ere Collier, who is