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J.A. Tays:

The Frontier Battalion's Forgotten Officer

by Paul Cool ©2002

One historian found his signature "puzzling." Beyond that single admission of confusion, there is no mention of J. A. Tays in the standard Ranger histories, although he led the Frontier Battalion's detachment in El Paso County for nearly nine months.

The puzzling signature belonged to the older brother and successor of that unit's first commander, J.B. Tays. This similarity has led historians to either gloss over or completely muddle the story of El Paso's Texas Rangers between the time of the Salt War of 1877 and the arrival of George W. Baylor nearly two years later.

Footnotes have clickable links.

Until now, little has been recorded about the first commander of the Detachment of Company C, John Barnard Tays, and virtually nothing is to be found about his successor and brother, James A. Tays. They were from Nova Scotia—two of the seven children born to John B. Tays and at least two wives. Most of the siblings eventually made their way to Texas. Three Tays brothers were important players in the growth of El Paso County in the 1870s and 1880s. The eldest, the Reverend Joseph Wilkins Tays (1827-1884), made the greatest impression. El Paso city's Tays Street is named after "Parson Tays," as he is remembered. In the 1860s, Joseph first settled in Indianola, Texas, together with his brother and sister-in-law, George E. and Mary Parker Tays. In 1867, a yellow fever epidemic took the lives of this couple and, later, Joseph's twenty-four-year-old wife Jemmima.[1] With nothing to hold him, Joseph moved on to Austin, where for a time he was chaplain to the state legislature.

Joseph moved on to El Paso in 1870, establishing an Episcopalian mission, the first Protestant establishment in the Rio Grande valley between Brownsville and Santa Fe. Parson Tays undoubtedly helped his brothers John and James make the right connections when they arrived in their turn. The nationwide depression of the mid-1870s forced Joseph's relocation to other parts of Texas, but he evidently communicated the opportunities in El Paso to his brothers. Joseph returned in April 1881 to build the first Episcopalian Church in El Paso (later known as St. Clement's). He was, for a time, an El Paso City councilman and co-publisher of the *El Paso Times*. He died of smallpox on November 21, 1884.[2]



The El Paso Salt Flats, Focus of the "Salt War"

Photograph by A. H. Harris.
Courtesy University of Texas at El Paso

James (1836-1892) and John (1841-1900) left home in 1862 to make their fortunes. For thirty years, they traveled the West, often together. That James has all but disappeared in history is a direct result of the intimate connection between the brothers and the possibility that John, while younger, seems to have been the more dominant of the two, perhaps because of more robust health and greater education. The brothers first traveled to the mining camps of British Columbia. Indifferent success here led them to relocate to the gold fields of Montana in 1869.

In 1872, the Tays brothers moved on to Texas.[3] They seem to have headed straight for El Paso, for James was enrolled there in the State Police on March 21, 1872. This statewide constabulary was a creation of Reconstruction Governor Edmund J. Davis. Its record in catching criminals was good, but it was known also for frequent abuse of its power. Most white Texans detested the force as a tool of a carpetbag government. As a private in the 5th District (headquartered almost six hundred miles east in New Braunfels), Tays reported locally to Lieutenant John G. Atkinson of San Elizario (located just east of El Paso). Signed pay vouchers for Tays exist only through the end of September 1872, but he was still on the police force as late as March 29, 1873, shortly before it was disbanded by the state legislature.[4]

James and John began investing in El Paso properties as early as 1874, although John was by far the more active investor.[5] The brothers' other business interests have not yet come to light, but they may have been in mining or cattle. Their activities carried them between El Paso County and Silver City, New Mexico, (about one hundred fifty miles apart) and put them into close contact with El Paso's community leaders, including S. C. Slade and Albert Schutz.[6]

The brothers shared a house on the edge of Silver City. In April 1877, a certain Cruz Carion, on the dodge from the law in El Paso del Norte (now Ciudad Juarez), Mexico, broke in and stole seventy dollars, a pistol, and some clothing. According to the *Grant County Herald*, the Tays brothers had seen the man lurking about their home and were able to identify him by the fact that "conclusive evidence of his guilt clothed his nether parts and was painfully observable to every one in the [court] room except the mentally purblind and the cross-eyed man who saw nothing in the room except opposite angles of the ceiling." [7]

Within days of this episode, James returned to Nova Scotia. Whatever the purpose of his visit, his stay was extended by an unidentified illness that left him, for a time, "in a very critical condition." He recovered and returned to Silver City via El Paso on October 31, 1877.[8]

At this same time, Frontier Battalion commander, Major John B. Jones, was on his way from Austin to El Paso to determine whether Texas Rangers were needed to keep a lid on rising ethnic tension. The source of the friction was the extensive salt deposits at the foot of Guadalupe Mountain, some 100 miles east of modern-day El Paso. The Mexican population on both sides of the Rio Grande made the long trek by wagon for the essential—and free—mineral. When entrepreneur Charles E. Howard posted notice in 1877 that the salt was no longer free for the taking, events quickly escaped anyone's control. Political maneuvering and legal threats led to civil defiance, murder, and eventual mob action. A makeshift Texas Ranger unit—Detachment of Company C—was scraped together on the spot by Major Jones for the express purpose of keeping order in the west tip of Texas. John Tays was given command, undoubtedly upon the recommendation of community

leaders.

Tensions boiled over on December 12, when Howard attempted to legally enforce property rights against a community that demanded justice. On December 13, Lieutenant Tays and his Rangers found themselves surrounded and besieged in the town of San Elizario by hundreds of Mexicans and Tejanos determined to get their hands on Howard. After four days and the deaths of two Rangers and the wounding of several more, Tays and Howard agreed to parley with the besiegers. While they talked, the leaderless and sleep-starved Rangers were tricked into surrendering. Howard, Ranger Sergeant John McBride, and merchant and ex-police Lieutenant John G. Atkinson were immediately executed and their bodies hacked and dumped into a well.

Tays and his men were released on December 18. Four days later, reorganized, rearmed and reinforced by 60 troopers from Forts Davis and Stanton and by a 30-man posse led by Sheriff Charles Kerber, the Texas Rangers rode back to retake the lost towns and to bury their dead. Kerber's posse was an extraordinary bunch, comprised of volunteers recruited by New Mexico's rustling kingpin, John Kinney. The Rangers and Kinney's men were ready to wreak revenge on any Mexican in their path. Homes along the route were ransacked. At least five men were murdered and several other people wounded, including one woman left lying on the floor of her home with a bullet in her lung. Two of the dead men were prisoners who were bound hand and foot and then "shot while escaping." John Tays made no real effort to investigate the killings.[9]

It was a week before Tays actually reached the towns of San Elizario, Ysleta, and Socorro. He found them nearly deserted. The Mexicans had re-crossed the Rio Grande, taking what loot they could and most of their Texan relatives with them. Some of the Rangers and the New Mexico men now had a taste for sanctioned mayhem. Both the Anglo and Mexican populations of El Paso County were plagued with armed break-ins, robberies, rapes, beatings, horse thefts, and other crimes for weeks to come. Sheriff Kerber took no action against the perpetrators, neither while they were under his command nor after he discharged them on January 10, 1878.

No Texas Ranger unit ever got off to such a bad start as the Detachment of Company C. Its dubious distinction of being the only Ranger unit ever to surrender to a mob was just the beginning. In the next few weeks, Privates Eldridge and McDaniels deserted and Sergeant John C. Ford emptied his shotgun and then his pistol into rival Sergeant Sam Frazier.

A joint U.S.-Texas military board was convened to investigate the Salt War. In his minority report, Major Jones blamed Mexican interventionists and Army inaction for the disorders of the previous December. The Army officers who formed the commission's majority were more interested in the wrongdoings of Kinney's "Silver City Rangers." The only positive result was the reactivation of Fort Bliss, just outside Franklin.

Lt. J. B. Tays resigned effective March 31, 1878. Despite his courage, he had been an ineffective leader in the recent crisis. While Tays apparently did not surrender his men, he had allowed them to become trapped and then allowed himself to be cut off from them, apparently without giving them proper instructions on how to conduct themselves in his absence. In the advance following the surrender, he apparently countenanced murder and mayhem and then lied about them in his reports. Tays did the best he could under unprecedented circumstances, but he was not in the mold of the great Ranger

officers.

In his history of the Texas Rangers, Prescott Webb writes: "After the Salt War, he [George Baylor] was appointed to succeed Lieutenant Tays, who resigned to enter the Customs Service." [10] Jerry D. Thompson, the editor of George Baylor's collection of newspaper articles published under the title, "Into the Far Wild Country," wrote in the book's Introduction: "Disgraced, Tays resigned from the Rangers and Baylor was soon on the long road to El Paso. Arriving in Ysleta on September 12, 1879...." [11] The most recent Ranger historian, Charles M. Robinson III, records: "Tays resigned on March 28, 1878, and the company was disbanded for more than a year before newly commissioned Lt. George W. Baylor was ordered to reorganize it." [12]

But John Tays did not resign to enter the Customs Service, Baylor was not "soon on the road," and the detachment was never disbanded. Company C remained in continuous service until Baylor arrived, over seventeen months after the resignation of John B. Tays. Ranger chronicler Frederick Wilkins almost got it right, noting that the unit was temporarily led by Sergeant M. H. Ludwick. Wilkins also found "a puzzling item on the July [1878] return, which is signed J. A. Tays rather than J. B. Tays." [13] In fact, there are scores of puzzling monthly returns, muster rolls, and letters signed by J. A. Tays. [14] The first of these signatures was given by Tays when he took the oath of office on March 25, 1878:

I do solemnly swear that I will true faith and allegiance bear to the state of Texas that I will serve her honestly and faithfully against all her enemies and opposers, that I will obey the orders of the Governor and the officers appointed over me from the first day of April to the 31st day of August next (1878) according to an act of the Legislature for the frontier. [15]

Why Major Jones selected James A. Tays to replace John as detachment commander is unknown. Perhaps James' State Police experience served him well in this heavily Republican community, but the decision indicates that Jones probably held John Tays in higher regard than has history. On unit muster rolls, this new Tays described himself as age forty-one, 5'11½" in height, with brown hair, brown eyes, and a fair complexion. No photograph of James Tays has yet surfaced, but if he resembled his look-alike brothers Joseph and John, he may have stared intently from deep-set eyes perched above a long and nearly straight nose. His hairline would have been receding and his mustache and beard well trimmed. Tays listed his prior occupation as "farmer," but it is more likely that he tended cattle rather than vegetables. His correspondence clearly indicates a rudimentary education and a tendency to make excuses. Whatever the flaws, Jones certainly appointed the man he believed the best available.

On April 1, the detachment included fifteen enlisted men. Only four were Salt War veterans. The best of the newer men included Asberry C. Ryall, a schoolteacher from Georgia; Mark Ludwick, a saddler from Missouri; George Loyd (or Lloyd), also from Missouri; and young George Havelock Tays, the twenty-one-year-old orphaned son of George and Mary Tays. The first two became Tays' 1st and 2nd Sergeants on May 31.

Perhaps no Texas Ranger unit faced greater challenges than the Detachment of Company C. Between the unit's headquarters at Ysleta and Company C, the nearest other Ranger unit on the frontier, lay 500 miles of rough, arid country which even today is sparsely populated. Austin and San Antonio were roughly 600 miles distant. By stagecoach, the journey from San

Antonio to Ysleta took more than a week, but weather, Indians, and outlaws made this journey problematic. A mule train carrying supplies might take four to six weeks. Before 1881, travel by rail involved an excursion from Austin to Santa Fe, New Mexico, via Topeka, Kansas. A stagecoach from Santa Fe to El Paso completed that ten-day journey. Telegraph messages between Austin and El Paso were also routed via Santa Fe and might take twenty-four hours or ten days.[16] In any crisis, the El Paso Rangers were isolated.

El Paso's proximity to both Mexico and New Mexico Territory was a second controlling factor. The Rangers' jurisdiction was a wedge between these two lands, which served as convenient staging areas and sanctuaries for criminals. New Mexico was the breeding ground of a rustlers' network that stretched from West Texas to southeast Arizona. Outlaws from Silver City to Lincoln County often made their way to El Paso, either to sell off stolen stock or to gather it up. Pursuit of bandits beyond the borders of Texas could be endless.

Terrain also complicated the Rangers' mission. El Paso historian Leon Metz has vividly described the area's

. . . dark, forbidding bosques, swamps and thickets lining the Rio Grande like a chain of thorns, proving the perfect hiding place.... The marshy land, the bogs, the cattails, the saber-like grasses loomed so impenetrable that only those outlaws familiar with the narrow, winding paths and trails dared traverse them. Some of the most savage and merciless gangs ever to infest the Southwest took cover here. Primarily they were dedicated to stealing livestock, although anyone ignorant enough to wander into the jungle was apt to pay for his carelessness with his money and his life.[17]

Apaches posed a third challenge. These Indians engaged in frequent forays for livestock and adventure as they passed back and forth between the Fort Stanton Reservation in New Mexico and secure bases in Mexico. Again, the Rangers were faced with the difficult task of tracking their quarry down before they reached sanctuary.

A fourth impediment to Ranger success in the Trans-Pecos was the extreme shortage of reliable recruits. In 1877, on the eve of the Salt War, the 8,000 square miles of El Paso County were mostly uninhabited except for the communities on either side of the Rio Grande in the vicinity of present-day El Paso and Ciudad Juarez. Perhaps 3,500 lived in the towns of Socorro, San Elizario, Ysleta, and present-day El Paso, then called Franklin. Of these, San Elizario was the largest. The overwhelming majority of residents were Mexican-Americans, thought of and referred to by the white settlers as simply Mexicans. The *Tejanos* certainly had far more in common (language, religion, culture, blood ties) with friends and relations south of the Rio Grande than they did with the polyglot mix of *Norte Americanos*, who accounted for perhaps 2-3% of the population.

In earlier days, this cultural gap had not proved a hurdle to either the government of Texas or to the local citizenry. The El Paso Ranger company formed in 1874 contained twenty-eight *Tejanos* out of the thirty in the complement. But the Salt War effectively poisoned relations. Only four *Tejanos* served in the Salt War unit, and only one during the two years that followed. Unable to utilize the county's experienced ex-Rangers, the Detachment was forced to draw its officers and men from the county's tiny population of white males, amounting to a few score in 1877-79. Given the shortage of perfect recruits, the Rangers accepted nearly anyone they could get, including men as young as eighteen and as old as sixty-one.

More troubling than the lack of suitably aged recruits was the relative abundance of ruffians. From its formation in November 1877 and on through the early 1880s, the Ranger unit in El Paso was temporary home to a number of Texan and New Mexican bad men. They wormed their way into the ranks and used their insider positions to signal their rustler pals of Ranger moves. Among the least trustworthy Rangers were Jim McDaniels, William “Babe” Gronso, John “Jack” Irving, “Gus” Moore, James “Red” Cartledge, and Sam Northcutt. All lived on the wrong side of the law; all died violently. J. B. Tays once told George Baylor that nine of his ex-Rangers were killed as outlaws.

The county’s remoteness from the settled regions of Texas, its proximity to the borders of equally lawless Mexico and New Mexico, its ethnic divide, and the shortage of reliable men to recruit all meant that success required the strongest local leadership. This Major Jones counted upon James Tays to provide.

Nothing would ever be done about those who killed, raped, and robbed Mexican-Americans in retaliation for the deaths of Howard, McBride, and the rest. But the wheels of justice began to turn against the rioters. On May 13, five months after the Salt War, Texas Governor Hubbard offered rewards for leader Chico Barela and five others indicted for murder. Jones expressed “hope it will be the means of bringing some of the scoundrels to justice.”[18] Two men would fall into Ranger custody before summer arrived.

At the moment, Tays was more concerned with some other scoundrels. He warned Jones: “The general state of the county is not improving [sic] much. There is a mob of outlaws located around El Paso Texas and Mexico that threatens us with trouble.” [19] When it came to catching these “outlaws,” the trustworthiness of some Rangers was doubtful, especially while rustling kingpin John Kinney remained in El Paso, where he kept the Exchange Saloon.

On May 20, Tays received word that an Indian raiding party had attacked the mail carrier six miles above Franklin. The lieutenant dispatched Sergeant Ryall and five men to scout in the locality of Canutillo. There they met Army Lieutenant B. I. Butler and a driver who had been attacked and wounded by bandits only a few minutes before. Ryall followed the highwaymen to the Mexican border. Mexican authorities intervened, placing three men under arrest and turning them over to the U.S. Army. In his report to Major Jones, Tays identified the men as “part of the Kenney [sic] band.”[20] They included Robert Martin, a member of Jesse Evans’ gang; a character named Buckskin Joe; and one called Curly Bill Breshnaham, better known to history as Curly Bill Brocius. Five months after the detachment had surrendered to the mob, it could finally boast its first success.

The second occurred on June 15, when, as Tays reported, “I caused the arrest to be made of Decedaro [sic] Apodaca one of the principles in the row at San Elizario he being in command of the firing party and by his order Howard was shot he was arrested on what is called the Island (6 miles below San Elizario) he made no resistance.”[21]

The pursuit of Martin and Breshnaham and the arrest of Apodaca are typical of Tays’ style of command. He dispatched Ryall and, as he says, “caused” the arrest of Apodaca. The records indicate that Tays nearly always left the actual job of rangers—the arrests and scouts—to his sergeants. Tays was no coward, but there are only two (and perhaps three) occasions when Ranger records indicate that Tays led his men into action. In both instances, his

personal interests were at stake. Tays' first scout occurred in April 1878, when he

was informed my brother J. B. Tays was then three days overdue from Tulerosa (sic) and that he had been threatened by a band by Jim McDaniels who deserted from this detachment some time ago and is now regularly on the road I started with five men to render him assistance if needed but only got twelve miles up the road when I met him all safe had been delayed by the fight at Blasurs [sic] saw mill which resulted in the killing two men and wounding two others.[22]

A mission more typical of Tays' command style occurred in June. More than one historian has repeated the claim made by the new salt agent, ex-Ranger John C. Ford, that after the Salt War the local residents recognized that they had to pay for their salt.[23] With the Army now established locally and with the Kinney men still hanging about, the citizens may indeed have lined up meekly for salt. But having to buy what had always been free still angered many. A new confrontation occurred on June 24.

Corporal Mathews, a salt war Ranger who had once promised to avenge the deaths of Howard and company,[24] was dispatched by Tays to arrest a party from Mexico who planned to steal salt. Mathews and three Rangers arrested four men driving 41 oxen and 5 salt-laden wagons on the road from the Salt Lake, still about 20 miles from the Rio Grande. When a large party of Mexicans threatened to release the men, Mathews sent for help. Sergeant Ryall — *not* Lieutenant Tays — arrived on the scene with five Rangers. Ryall lost one prisoner and a few oxen, but the rest were seen safely through to San Elizario, where the salt was impounded by the U.S. Customs agent.

Tays' correspondence with Jones is the newsiest of any of the El Paso commanders, and his letter of July 15 provides a good example. Though his spelling and grammar are atrocious, Tays provides his commander with a clear and succinct report:

... I am sorry to inform you that Sgt. Ludwick and W. Gronso have been dangerously ill for two weeks now but are now out of danger and I hope will be fit for duty in a few days. We had to have the services of Drs. Lyon and Snell Surgeons of the U.S. at this post.

I have thought it prudent to keep the Det. close to Quarters for the purpose of holding the prisoners as the mob from the other side of the River are determined to release them. I am prepared to give them a fight for it. I am in hopes will be able to get a few more before long. Since the Salt scrape there seems to be a Settled determination to have a row by the Mescicans [sic]. The Ammurican [sic] mob has left entirely and Franklin is perfectly dead. We have Buckskin Jo here a Prisoner. There has been some Indians in on the River the last few days but as yet have done no mischief. I have got this month Rations and Forage from Lowenstein with very little change from last month Hay 16\$ and very Poor Corn + Barly [sic] ½ a cent less. Corn is going to be a poor crop. The mail communication has totally [sic] broken down since the 27 of June there has been but one through mail and I fear that the mail matter sent from here has been delayed also. There is a rumour that the Governor of Chihohua [sic] has sent orders for the leaders of the San Elizario mob to go immediately to Chihuahua for what purpose is not known[.] [W]e suppose to keep them out of danger.

Respectfully Your obdt servant J.A. Tays Lt. Comdg Det. Co C

In mentioning that the “Ammurican mob” (i.e., the Kinney gang) had left Franklin, Tays may have forgotten to mention that they apparently took at least one Texas Ranger with them. On the date he wrote Jones that he “thought it prudent to keep the Det. close to Quarters,” at least one of his men was very far away from quarters. If testimony in Colonel Dudley’s Court of Inquiry is correct, active Texas Ranger Jack Irving stood alongside John Kinney and the Murphy-Dolan men in Lincoln, New Mexico, on July 15, trading shots with Billy the Kid in the Battle of Lincoln.[25] If correct, Tays was derelict in continuing to show Irving as present for duty and in continuing to pay him. In Tays’ defense, the muster roll for June-August 1878 is missing. The monthly return for September 1878 and other records clearly indicate that Irving was not discharged until August 31. Either Irving was misidentified or Tays did not run very a tight shop.

The departure of Kinney’s bunch did not mean an end to rustling in El Paso County. On July 31, Tays reported making what may have been his first personal arrest. The prisoners were a band of ten “Mexican Thieves & Smugglers [who] have been making periodical [sic] Visits for some time.” On this occasion, they were caught in the act of driving twelve stolen horses toward the Rio Grande. Tays mentions that “they showed Fight and we had some difficulty in disarming them.” He voiced the familiar lawman’s complaint that “we could not get the parties robed [sic] to sware [sic] positively in the matter so we could not hold them for a State offence. I turned them over to the Customs Authority who fined them 580\$ one ¼ we get.”[26]

So far, the Ranger detachment had experienced little trouble with Indians. That was about to change. On August 2, Tays led five Rangers on a mission that stemmed from his own personal business. The result was one dead Ranger and a letter-writing war. The details of the fight are drawn from Tays’ reports and from the memoirs of Ranger Sergeant James B. Gillett,[27] who heard the story in 1881 from Private George Loyd.

Tays reported: “On the first of the month I was asked for an escort by Colonel Marr who was sending Stock to the Gaudalupe [sic] Mountain Ranch. I knowing the Country went myself with five men we got safely through but on returning I was attacked by a band of Indians suppose [sic] to be from the Stanton Reservation.” This attack occurred at Las Cornudas on August 10. Private Loyd picked up the story for Gillette:

In marching from Crow Springs to Las Cornudas, a distance of thirty miles, six of the rangers were riding nearly a mile ahead of the others and on approaching Las Cornudas made for some tinajas (water holes) up in these mountains. They rode around a point of rocks and met face to face some ten or twelve Indians coming from the water. Indians and rangers were within forty feet before they discovered each other’s presence, and paleface and redskin literally fell off their horses—the Indians seeking cover in the rocks above the trail while five of the rangers turned somersaults into a friendly gully.

Tays reported that the Indians:

. . . having a position in the Rocks near the watter [sic] and on our approaching they opened fire on us. I had no cover except a small water course about two feet deep. I was compelled to give back some 400 yards for shelter to an old station. On the first attack they tried [sic] to surround us[. A] fter standing fire for some 10 minutes one of my men was Killed and 2 Horses mine first.

The Ranger killed was Private A. A. Ruzin, supposedly a Russian nobleman only eighteen months out of Siberia. Both Tays and Loyd testified to Ruzin's courage. "Though he could have had splendid cover," Loyd told Gillette, "the Russian stood upright according to... etiquette... and was shot through the brain."

Tays and three privates scuttled down the hill 400 yards to the safety of an old adobe wall. Loyd, meanwhile, was in a jam:

In reloading his Winchester after shooting it empty Loyd unfortunately slipped a .45 Colt's pistol cartridge into the magazine of his .44 Winchester and in attempting to throw a cartridge into his gun it jammed, catching him in a serious predicament. However, taking his knife from his pocket the fearless ranger coolly removed the screw that held the side plates of his Winchester together, took off the plates, removed offending cartridge, replaced the plates, tightened up the screw, reloaded his gun, and began firing. It takes a man with iron nerve to do a thing like that, and you meet such a one but once in a lifetime....

Seeing that the Russian was dead and his companions gone, Loyd crawled back down the arroyo, pulling his horse along the bank above until he was out of danger. The five ranger horses, knowing where the water was, went right up into the rocks, where they were captured, saddles, bridles, and all, by the Indians.

Tays confirmed that two of his Rangers jammed their Winchesters with the larger pistol cartridge. Loyd (or Gillett) seems to have exaggerated just a bit, however, in the matter of the horses. Tays reported that two had been killed and only Ruzin's horse had been captured by the enemy. Despite the loss of one man and two Winchesters, the Rangers managed to expend 300 rounds of ammunition. From the safety of the adobe wall, Tays sighted in on the Apaches with his "Sharpe Creedmore Target Rifle and with it I made good shooting.... I think we Killed some of the Indians but from their covered positions they ware [sic] able to get them away[.] On all I consider it a merical [sic] that we all was not Killed."

Jones wrote back on August 21:

I regret the loss of your man in the Indian fight, but of course he only mete [sic] the fate to which all good soldiers are liable. The carbines being disabled by the pistol cartridge was the result of careless use or under excitement on the part of the men and will be a lesson of caution to them in the future. If you need more guns or pistols, they can be sent to you. The carbines are cheaper now.

If Tays was not embarrassed to report that he had lost one man and that the remaining five had barely escaped, he evidently thought it best not to report the complete reason behind this particular expedition. That fact came out in a complaint from G. W. Wahl, who wrote to Jones on August 12:

Lt. Tays has just returned from the Guadalupe Mountains, he left here about two weeks ago with five Rangers to drive his own cattle (private) to the mountain and on his return had a fight with the Indians at the "Canuda" – lost one man and three horses... Has the Lt. a right to herd his own stock?[28]

Tays first learned of Wahl's charge on September 2—not from Jones, but

from an anonymous tipster named "Fraternity." Alarmed, Tays immediately wrote a long letter of justification to Jones in which he explained fully to his commander, for the first time, what brought him to Las Cornudas on August 10:

I want to state the facts of the case to you. I bought at public sale 34 head of cattle a friend of mine Colonel Marr who has a stock ranch at the Gaudelupe mountain told me that he had some sheep going out to his ranch and if I would give him an escort he would take my cattle and keep them for me on his ranch. This offer I expected [sic] I knowing the Country well. Went myself with 5 men as an escort for the party. We got safe their [sic] but on our way back soon half way I was unfortunately attack [sic] by Indians which I have already reported to you. These are the plain facts of the case in which I had no intention of doing any thing wrong and was of the opinion that it was my duty to do so. My deadly enemy G.W. Wahl is trying and thinks he has a chance to injure me in this.

Tays continued to explain his actions:

I trust to your good Judgement [sic] to see that malise [sic] of the most malignant kind is at the bottom of this affair. You by Enquiring even in your City can find out that this man is full of envy and malice to any person who he may dislike I can proove [sic] that he has spoken very disrespectful of yourself in my hearing. The quarrel between he and myself is of long standing the cause of which is well known to the Public as an attempt at a most shameless piece of Black mailing as was ever heard of on his part which I had to oppose. The result we are enemies and ever since I have come to Ysleta he has kept up a constant abuse toward me.[29] With this esception [sic] I have tryid [sic] to do my duty in as good a manner as I possibly could. If I have done wrong in this instance I ask you favourable consideration and do not let the spite of so mean a man as G.W. Wahl have any weight with you. Pardon me for occupying your valuable time hoping to hear from you soon.

I have the Honor to be your Humble Servant, J.A. Tays, Lt Comdg Det Co C.

Having difficulty putting down his pen, Tays figured that the best defense was to make Jones himself seem an object of Wahl's attack: "P.S. My Fraternal Friends states that he Wahl stated that he knew that Maj. Jones would wink at it but that he Wahl would write to your master and more that you would not like to hear. J.A.T."[30]

It is hard to tell whether Tays genuinely felt his reputation sullied or whether he was protesting too much. Certainly, he had reason to worry about Jones' response to Wahl's complaint. One Ranger—"one of the best men in the Company," Tays had written in the first report—had been killed, a rare occurrence in the Frontier Battalion, Salt War excluded. Two survivors had lost their horses, reducing the unit's effectiveness until suitable mounts were found. Two men had jammed their weapons in action, indicating that Tays had not properly drilled his State Troops on their use. Finally, in the unit commander's own words, "it [was] a merical [sic] that we all was not Killed."

Tays was lucky. Jones put off responding to Wahl until October 7, at which time he simply advised the complainant that he had lost his letter and would he please write again. On that same date, Jones wrote Tays, absolving the lieutenant of any blame in the Indian fight.

On August 4, Major Jones instructed his company commanders to

reorganize their units on September 1. [31] Jones wrote separately to Lieutenant Tays on the same date, directing him to reorganize the detachment to a strength of two sergeants, two corporals, and sixteen privates, an increase of five enlisted men. Tays was warned that the increase was probably temporary. As for the lieutenant's own status, Jones assured Tays later that month: "Your commission as Lieutenant will continue in force until you resign or are disbanded. Your course and management as an officer so far have given entire satisfaction and of course you can continue in the service." Jones expressed this view *before* he learned of the Las Cornudas fight, but Tays' conduct had not affected the major's reliance on his lieutenant.

In a tight budget environment, Major Jones' frugality has rightfully been credited with keeping the Frontier Battalion operating as an effective fighting force. A dollar saved in one corner enabled the Rangers to spend that dollar where it was needed most. When Tays advised Jones that the landlord was raising the rent for the Rangers' quarters, Jones found a way to pay it and make the County ante up as well. When Tays asked for an extra hay allowance to feed the horses when grass dried up, Jones authorized extra hay or corn, providing, of course, that Tays purchased "which ever will be cheapest and best for your horses." On September 1, Tays pleaded with Jones for authorization to purchase "some kind of means of transportation[.] Either a mule Pony or an old buckboard[. A] small mule would be the best." Jones did authorize the purchase of a pack mule five weeks later.

As a result of the Indian fight at Las Cornudas, Tays asked Jones on September 9 for:

. . . a box of ten Winchester Carebines [sic] and one dozen of Colts last improved 44 pistol if they can be got. If possible, send Belts + Scabbards both for Carebines [sic] and Pistols as it is impossible to get them here[.] [I]f 44s cannot be got please send 45s. I prefer 44s to use with Winchester Carebines [sic] as the same Cartridge suits both.

Jones replied on October 7:

Will send you Ten Carbines and scabbards by stage tomorrow. Have ordered some 44 pistols, expect them every day and will send the number you require as soon as they arrive. The carbines are cheaper now and can be charged to the men at \$28.00 for carbine and scabbard. The pistol with Belt & Holster will be charged at \$17.50. The 44s cost two dollars more than the 45s.

Meanwhile, Tays had carried out his instructions to reorganize the detachment. Those who left included First Sergeant Ryall and four men whose names were later connected with rustling: Irving, Moore, Cartledge and Gronso. The eight "veterans" who remained—1st Sergeant Mark Ludwick; 2nd Sergeant Vasquez "Charley" Logan; Corporals Matthews and "Doc" Shivers; and Privates John Boyle, William Rutherford, George Loyd, and George Tays—had already served a combined fifty-eight months as Texas Rangers. They would eventually serve a total of nearly fifteen years in the Rangers, averaging twenty-two months apiece. The detachment had more embarrassments ahead, but for the first time, the unit survived reorganization with a strong core of experienced and dedicated non-commissioned officers and men.

To fill out the command, Tays recruited twelve new men. Like previous recruits, they were a mixed bag. According to the records, four classed themselves as a "laborer," three as a "farmer," and one each as a lawyer,

painter and merchant. There apparently wasn't a cowboy in the bunch. Tom Swilling listed his occupation as lawyer, but he had also herded cattle for John Chisum in New Mexico. Swilling is also linked to Gus Gildea, who rode with John Selman's bloody crew in 1878. Several were linked to rustling after their service with the Rangers. At least one of these, twenty-four-year-old S. B. Northcott, was probably an inside man for the local stock thieves. The recruit with the most expensive horse, valued at ninety dollars, was "laborer" Sherman McMaster.[32]

James Tays' Good Opinion

"I considered [Ruzen] one of the best men in the Company." (Reporting the death of Ruzen)

"I am very well pleased with the new men in the Det. A more orderly lot of men would be hard to find."

"On the tenth I discharged F. Manning on acct of ill health + today Ed Coplan for the same. I very much regretted to discharge these men as they ware [sic] both good ones."

"Henry Crist one of my best enlisted men..." (Reporting the death of Crist)

"Northcutt...to all appearances was a promising man although he came [sic] destitute." (Reporting the desertion of Northcutt)

Lieutenant Tays did find fault with one man who, coincidentally, was a candidate for the command Tays felt his brother Alexander should inherit:

"[Sergeant Ludwick] is not of sufficient force [sic] of character to control the men under him. He is a good man with a Master."

Tays took just one day to achieve his assigned compliment of twenty men. He wrote Jones on September 30: "I am very well pleased with the new men in the Det. A more orderly lot of men would be hard to find." But then, it would be hard to find a Ranger Tays didn't regard as one of his best men.

Finding horses that met Major Jones' standards was another matter. Tays reported: "The standard for Horses is the most difficult [sic] part to arrive [sic] at I find since the Grass has failed that it is difficult [sic] to keep our Horses in condition." [T to J 9/1/78]

The lieutenant wasted no time in putting the reinforced detachment—if not himself—into action. On the third day, he sent men to scout for horse thieves near Franklin. On September 16, Tays reported: "Kinney has made his appearance again with quite a strong party but they are operating on the Mexican side of the River."

One week later, ten Rangers scouted in the direction of Canutillo in search of cattle thieves, but their quarry escaped to the safety of New Mexico. Some of these New Mexican hard cases were also making their unwanted presence felt in Franklin. Tays also reported: "The Jews are scared badly as the roughs along with Kenney are making threats on their Stores."[33]

Trouble for the Rangers continued to come from all directions. Tays reported on September 9 that the Indians "have been very sausy [sic] of late."

Five days earlier, an Apache raiding party reached as far south as San Elizario, where they stole forty mules out of a corral. Tays sent Sergeant Ludwick or Logan with five men in pursuit. The Rangers followed a trail that headed north to the Fort Stanton Reservation in New Mexico. They started only a few hours behind but could not close the gap due to the inferiority of horses and the lack of a pack mule. The men returned empty-handed after ten days and 300 miles. Tays took the opportunity to complain:

Depredations by small bands of these Reservation Indians are becoming of daily occurrence [sic] especially up the River at the North West end of this County. The US troops will not give any protection to settlers.[34]

The Rangers were also hampered in their ability to range by the need to guard five desperate men month after month. By mid-September, the Mexican prisoners still had not been tried by the district court. Although Bob Martin and Curley Bill had been tried and found guilty, they remained in Ranger custody pending their appeals.

Rustlers continued to steal cattle with impunity. Sergeant Logan and ten men scouted in the area of Canutillo but were unable to catch their quarry before they reached New Mexico. Corporal Shivers and four men did recover some stolen mules, but again the rustlers got away. According to Tays, “The uper [sic] portion of the Co. is destroyed by Cattle Thieves and it is impossible to catch them as they cross the River and defy us.”[35]

Tays received authorization in mid-October to buy the pack mule needed for long scouts. Unable to find a proper mule at a good price, Tays “thought it best to buy a Horse which I did being the property of the man who was accidentally [sic] shot.... I took the Horse at \$35 and \$5 for Pack Saddle and Paniers [sic].”[36] The “accidentally shot” man Tays referred to was the unfortunate Henry Crist:

. . . one of my best enlisted men [who] was accidentally shot by a pistol falling from the holster of another man—the Bullet through the haunshes [sic] cutting the Bowels the man lived Eleven hours I am of the opinion [sic] that it was purely accidental but very much to be regretted.[37]

Tays did not report, as did the *Mesilla Valley Independent* on October 19, that the accidental death of Private James Henry Crist had occurred at a “ball” attended by several Texas Rangers. Why the unnamed Ranger—and possibly others—were, contrary to battalion-wide orders, wearing their firearms at a dance is not recorded. The death was one more event in the long chain that must have made this Ranger unit appear at best unlucky and at worst laughable. Events like this would continue to happen, compromising Detachment Company C’s reputation even more.

With elections fast approaching in the fall of 1878, political and ethnic tensions in the county rose again. Correspondence between Austin and El Paso County spoke to the fears on many people’s minds:

Tays to Jones (9/30/78):

Electioneering has begun pretty briskly the Mexicans are very silent on politics. I think they [i.e., the Mexican prisoners being held] mean to make a bad break about Election day. Hague [Curley Bill’s lawyer] is up for Representative.... Rumor says a Mexican is going to oppose Kerber for Sheriff.

Texas Adjutant General William Steele to Tays (10/14):

Sir, Judge Blacker writes me that he has official information that candidates are trying to get some of the Mexicans... to come over on the day of the election for the purpose of voting. Therefore, you will be especially on the alert on that to aid in the arrest of such as may be indicated. San Elizario will probably be the place of voting. Keep your own counsel until the time comes to act.

Wahl to Jones (10/16):

Politics is running high here now and it is rumored that Lt. Tays is to be sheriff in case the Mexican candidate (who cannot speak, read or write English) should be elected—their whole ticket is professedly [sic] radical, with Hague as the leader.

Tays to Jones (10/17):

I am informed by a pretty good authority that Judge Blacker through the suggestion of A.G. Wahl was going to demand of you my dismissal on the grounds that I was mixing up in Politics and that I was in favor of telling these people who ran away, return and vote. I have to inform you that ...these charges made ... are unfounded and do hope that you will give me a fair chance to vindicate myself. I know full well if they attempt this that they will not stop at any misrepresentation to accomps [sic] their purpose. I fully rely on you for a fair hearing. . . .

Tays to Jones (11/1/78):

I think... the Election is going to be a very quiet one. I think the report that the murderers are going to come on Election day and vote is without foundation.

On Election Day, Tays determined that the greater threat to the county elections would come from Kinney's men in Franklin and not from any Mexican "invasion" of San Elizario. According to the lieutenant:

The Election has passed off very quietly. I sent men to each presinct [sic]. I went to San Elizario my self & one man at which plase [sic] Every thing passed off quiately [sic] not any of the Murderers attempted to vote although I am certain [sic] that some of them ware [sic] secreted around town but ware [sic] not game to show themselves. I sent a strong detachment to Franklin as I had inform [sic] that an attempt would be made by a party headed by Kenny [sic] to run the Election their own way and when Sgt. Ludwick arrived in town they made demonstration against him + his men but on finding him firm they cooled down.[38]

Tays' disposition of himself and his men is mystifying. If he genuinely believed that Franklin was the likeliest trouble spot—and he evidently did, given the number of men he dispatched to that town—then why did he not go there himself? If he thought there was any possibility that some Mexicans wanted for the Salt War crimes might be "game to show themselves," he was woefully unprepared to deal with that situation. If, as his letter of November 1 attests and events bore out, San Elizario would be quiet, then again, why did he not leave that precinct to a subordinate and go to Franklin himself?

The defense of free elections in Franklin was left to Sergeant Mark Ludwick. How he did it is unclear. The only information comes from Tays' monthly

report for November: "11 men to Franklin [El Paso] to keep the peace on Election day. The mob tried to drive them out of town. Officers of election conducted themselves in a lawless manner. 2 men to Socorro for the same purpose." Ludwick's tactics are unknown, but his firmness was in the best Ranger tradition.

The good news about the elections was buried beneath a report of yet another misfortune. On the evening of November 2, five men, including Martin and Curly Bill, escaped from Ranger custody. They were the sheriff's prisoners, but in the absence of a proper county jail, the Rangers had guarded the criminals day and night. Unfortunately, the prisoners were allowed visitors, who evidently brought meals with the proverbial hacksaw in the pie. The prisoners filed through their manacles and dug their way out under the wall of their room. The prisoners were missed within minutes, said Tays, but darkness prevented their recapture. True to form, Tays blamed "the negligence of the Sheriff in not providing suitable fixtures and not seeing that we had a suitable room to keep prisoners of their character in he turnes [sic] them over to us and does not ever look near them after even leaves them unfed." [39]

What came next was not the investigation that Tays welcomed, but something still more troubling. Ten days after reporting the prisoners' escape, he wrote again to Major Jones: "Sir: I am pleased to report to you that this month has passed so far without anything of importance to you except the desertion of one of the men[. H]e enlisted on Sept. 1st and to all appearances was a promising man although he came destitute." [40]

The flight of Ranger Sam Northcutt just five days after the prisoners' escape raises strong suspicions that he had had a hand in the prisoners' breakout. Tays had dismissed the notion that any of his men were to blame; he was seemingly unable to say anything but the best about them. The fallout from the desertion—the unit's third—must have been substantial. The latest flight must have made the community look at the Rangers—and the Rangers at one another—and wonder who was next. Ten weeks after his disappearing act, Northcutt reappeared to express just how little he regarded his old comrades.

When they weren't out looking for escaped prisoners or deserters, the Texas Rangers of El Paso got to do some ranging. On November 15, Tays sent Corporal Mathews and ten men on the trail of a large Indian party, numbering perhaps 50 men with 300 horses. They were spotted in the south end of El Paso County between Eagle Springs and Quitman, headed north in the direction of the Fort Stanton Reservation. The rangers' task was to shadow the Indians, "to see where they will cross and Enter the reservation." [41]

As of the 26th, the men's return was overdue, leading Tays to assume that his men had run the raiding party all the way to the reservation.

So far, November had not been a good month for Tays. It got worse on or about November 22, when he received a message from Jones to reduce his command to fifteen NCOs and men. The news was not unexpected, and the lieutenant wasted little time in responding. On November 25, Tays made a move he might have been considering for some time. He telegraphed his resignation to Jones, adding, "I recommend brother Alexander Tays to fill the vacancy if granted to me." The wire took eleven days to reach Santa Fe and a twelfth to reach Austin. By that time, Tays' letter of explanation was also well on its way to Major Jones:

On yesterday I sent you my resignation by Telegraph. The reason for doing is that I have been appointed Deputy Collector of Customs at Presidio Del Norte which is beter [sic] and easier work. I like the servise [sic] of the State of Texas very well and am well pleased with the Gentlemanly manner in which my superior Officers have treated men and will ever remember them with the most kindly feeling.

In case Jones didn't get the point the first time, Tays added:

I recommended my Brother to the situation. In doing so I am confident that he will give Entire satisfaction if trusted with the position. [H]e is strictly Temperate and attends whatever business he has to do. I find from Experiance [sic] that this Office requires a sober and industrious man....[42]

Jones' thoughts on thirty-four-year-old Alexander are not found in the Texas Ranger files, but ordering a third Tays to command the detachment was not in the cards. In fact, as the New Year approached, funding for the Texas Rangers was running short, and it was not clear whether there would be a detachment for a new officer to command.

Despite the better pay and the easier life that awaited him, Tays remained on the job until Sergeant Ludwick returned from a scout. Ludwick had been gone for some days, trailing an Indian raiding party back to the Fort Stanton Reservation in New Mexico. As they passed through the Guadalupe Mountains, the Rangers found a grisly sight four miles east of White Sands. According to Tays' report:

On the way back some 75 miles from here they found two of our old Rangers killed on the road. Their names were Jack Irwing and Guss Moore. I discharged them on the last of August—since that time they have been Stealing Cattle. It is supposed the Regulars of Lincoln Co run on to them. My men buried them where they found them.

Jack Irving and H.G. Moore (the latter variously known as Windy, Charlie and Gus) had come to well-deserved ends. Following his discharge in August, Irving had ridden with the gang known as "Selman's Scouts." For three weeks in the early autumn of 1878, these killers murdered and raped their way across Lincoln County. Irving and Moore were among several men arrested for cattle rustling in November, but they were released when the chief witness failed to appear in court. On or about December 10, they were killed on the road. Moore had bullets through his left eye and breast, while Irving was shot in the neck and breast.[43]

In his last letter as commander of Detachment Company C, Tays offered one last thought regarding who should succeed him in command:

I... would recommend that you commission an officer for this Det at once as the Sgt in charge [Ludwick] is not of sufficient forse [sic] of character to control men under him. He is a good man with a Master. The temptation is great in this County for men to go astray.[44]

Ludwick would soon demonstrate how wrong Tays was.

The Texas Rangers that J.A. Tays left behind were held in disrespect. The sorry record of Detachment Company C, had not stopped with the surrender to a mob in the Salt War. During Tays' command, Private Irving had gone

AWOL to fight in the Lincoln County War, Privates Ruzin and Crist had been killed under questionable circumstances, five prisoners had escaped, and Private Northcutt had deserted. As if this were not enough, January 16, 1879, brought clear evidence that the Rangers of El Paso were considered a joke by those who knew them best. On that day, ex-Rangers Sam Northcutt and James “Red” Cartledge rode up and opened fire on the detachment’s quarters. This was not the act of rowdies, but of men who had taken the measure of their former comrades and expressed their complete contempt.

At this moment—the lowest point yet in the history of the detachment—Sergeant Ludwick ordered three of his men to saddle up. Spotting this activity, Northcutt and Cartledge turned their horses and made for the safety of Mexico. Ludwick was not deterred. Having promised to break up “this band of desperadoes,”[45] he and his three companions followed their former comrades across the Rio Grande. Ludwick chased the two outlaws several miles into Mexico and then shot them both dead. Ludwick and his men were soon surrounded by armed Mexicans, who proposed their arrest. Ludwick talked the local authorities into letting his men go. He was briefly tossed into the El Paso del Norte jail but was soon released on bail. Ranger records do not record that Ludwick ever stood trial in Chihuahua.

Back on the job, Ludwick kept up the pressure on the rustlers, stationing men in Franklin to make that town safe and making a sweep of rustler hangouts, arresting any suspects he found. But it was Ludwick’s “two men dead in five seconds” that was the crucial moment in the history of El Paso’s Texas Rangers.

Rustling along the Rio Grande did not come to an end with the death of Northcutt and Cartledge: it flourished for many more years. But something else had happened. Seventeen local citizens, including leading merchants Solomon Schutz and Joseph Magoffin, spelled out the change in a letter to Major Jones:

For several months, our town, and surroundings, has been infested by a band of thieves, they were so strong as to defy all authority up to the present time, they have been permitted to exercise their infernal profession without molestation until last week 1st Sergeant Ludwig” [sic] commanding detachment Co C. T. R. determined to put a stop to these marauders.[46]

From now on, the Texas Rangers of Detachment Company C, could not be ignored, and direct confrontation with them came at the rustlers’ peril. The idea that the desperadoes could commit their crimes and defy the Texas Rangers with impunity and without molestation now ended. With two shots, Ludwick had declared there was a new Ranger in town.

Despite the confidence placed in Ludwick by El Paso’s civic leaders, Jones decided to appoint another man to command the detachment. This was neither Alexander Tays nor John Tays, who had lobbied for reappointment. Instead, Jones opted for “a new man, one of some established character and who could get in free from any local entangling alliances or influences.” Such a man, thought Jones, would attract more attention, settlers, and investors to El Paso County.[47] That man was George Wythe Baylor. He was a thirty-six-year-old ex-Confederate colonel with a distinguished war record, marred somewhat by the shooting of his unarmed superior officer, General John A. Wharton, just before Appomattox.

Eventually, Lieutenant Baylor became Captain Baylor and Detachment

Company C became Company A. The unit gained a measure of fame chasing the Apache Vittorio about Texas and Mexico in cooperation with law enforcement counterparts south of the Rio Grande. On January 26, 1881, Baylor and Lieutenant Nevill of Ranger Company E combined to track a party of Apaches that had been marauding through the Rio Grande country for two months. Baylor and Nevill ran them down on January 26, killing eight warriors, women, and children in “the last Indian fight in Texas.”[48]

Epilogue: The end of the Road

Baylor resigned in 1885. His sergeant, James B. Gillett, went on to become El Paso’s city marshal. Today, Baylor is a member of the Texas Ranger Hall of Fame.

Sergeant Gillett is the author of a widely read Ranger memoir,[49] and, like Baylor, is a member of the Texas Ranger Hall of Fame.

John B. Tays is remembered for the Salt War surrender.

Tays and Mark Ludwick are basically forgotten.[50]

John B. Tays married Mrs. Amelia St. Vrain on May 3, 1878. He served as El Paso’s postmaster between February and August 1879 and its first city marshal from July to October 1880. He is listed as an engineer in the 1880 Federal Census for El Paso, but it was poor city engineering that cost him his job as marshal. Tays had attempted to fill a particularly large street pothole with town garbage, and the results were less than desirable in the city council’s eyes.[51] Tays was far more successful in private enterprise than he had been in public service. He engaged in stock raising, railroad construction, and real estate in El Paso, where his holdings included the Central Hotel and some tenement houses. “He brought to bear in his various undertakings much business ability and indefatigable energy, and success attended his well directed endeavors.”[52]

In 1883, John Tays relocated to the Ontario-Upland area of southern California, where he became one of the region’s first and foremost agriculturalists. Tays achieved a certain measure of fame in Ontario after designing a streetcar platform to carry mules downhill after they had labored to pull the car eight miles uphill. Ever the miner, Tays was on a gold-hunting expedition to South America when he was killed with over 150 other people in a spectacular boating accident at the Tumatumari Falls on the Rio Patera.[53]

As for James A. Tays, he was still the Deputy U.S. Customs Collector at Presidio Del Norte in 1880. In December, the Rangers of Company E assisted Tays in capturing some smugglers, together with some horses and mules and 2,000 cigars.[54] One month later, James and John each received \$6,250 from the sale of 520 acres of El Paso property.[55] At some point, Tays left the Customs Service and by January 1885 was superintendent of the El Paso street car line.[56] In May of that year, he married Minnie S. Smith. Following a stroke, James joined John in California. On March 19, 1892, the *El Paso Herald* reported:

Mr. James Tays, well known to the earlier inhabitants, is reported as dying suddenly at his home at Ontario, California. The cause of his death was, doubtless, paralysis, as he suffered one stroke while a resident of El Paso and one since going to California. Mr. Tays was held in high esteem by all who

know him.

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Paul Cool has had a number of articles published on the Old West and Napoleonic history. His article, “El Paso’s First Real Lawman: Texas Ranger Mark Ludwick,” was published in 2001 in the *National Outlaw and Lawman Association Quarterly*. Paul is a member of National Outlaw-Lawman Association and the Western Outlaw-Lawman Association. He is currently working on additional articles and a book on crime and law enforcement along the Mexican border in

the 1870s.

Paul is a career manager with the Social Security Administration. He served in the United States Army Reserves from 1967-1979. He holds Bachelor and Juris Doctor degrees from the University of San Francisco. After 40 years in the West, he now lives near Baltimore, Maryland, with his wife Karen.

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Texas biographer Chuck Parsons has encouraged my research into the El Paso Rangers. More than that, he generously took time out from his own research into the life of Texas Ranger Leander McNelly to search out archival documents and newspaper clippings for me. No archivist could be more knowledgeable or helpful to a writer than Donaly Brice, reference archivist of the Texas State Library and Archives Commission. Christina Stopka, librarian of the Texas Ranger Research Center in Waco; Max van Balgooy, curator of the Cooper Regional History Museum in Upland, California; Claudia Rivers, head of the C. L. Sonnichsen Special Collections Department, University of Texas at El Paso Library; and Evan Hocker, reference archivist at the Center for American History, University of Texas, Austin, all located documents that found their way into this work. Finally, writer Peter Brand of Australia opened to me the fascinating world of Detachment Company C and shared the fruits of his own research. I owe a great deal to them all.

Top

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ENDNOTES

[1] *Indian War Veteran Pension File*, “George H. Tays,” No. XC2-291408, Record Group 94, National Archives Building, Washington, D.C.

[2] Robert J. Burdette, ed., *American Biography and Genealogy – California Edition* (Chicago: Lewis Publishing Co., 1900?), pp. 290, 293; [ITALICS>El Paso Times<, March 5, 1956.

[3] Burdette, *Ibid.*, p. 29.

[4] J[ames] A. Tays vouchers, *State Police Records*, TSLAC. Information from Texas State Police roster provided by Donaly E. Brice, Reference Archivist,

Texas State Library and Archives Commission (TSLAC).

[5] *Deed Record Books* E:440, F:549, H:3, 58, 119, 129, and 163, I:113, 117, 121, and 136, *El Paso County Records*, Border History Manuscript Collection, MS 312, University of Texas at El Paso (UTEP).

[6] *Grant County Herald*, November 3, 1877.

[7] *Grant County Herald*, April 28, 1877.

[8] *Herald*, May 5, 1877, November 3, 1877.

[9] *House Exec. Doc. No. 93, El Paso Troubles in Texas*, 45th Cong., 2nd sess., 1878, p. 86.

[10] Webb, *Texas Rangers*, p. 395.

[11] Jerry D. Thompson, ed., in George Wythe Baylor, *Into the Far, Wild Country*. (Texas Western Press, El Paso, 1996), p. 21.

[12] Robinson, *The Men Who Wear the Star*, p. 241.

[13] Frederick Wilkins, *The Law Comes to Texas: The Texas Rangers 1870-1901* (State House Press, Austin, 1999), p. 152.

[14] Peter Brand first identified James Tays as the Detachment's second commander in "Sherman W. McMaster(s): The El Paso Salt War, Texas Rangers & Tombstone," *Western Outlaw-Lawman Association Journal*, Vol. VIII, No. 4, Winter 1999, pp. 4-6.

[15] J.A. Tays' Service Record, Ranger Files, TSLAC.

[16] The telegraph lines between Austin and El Paso burned hot during the Salt War, and most replies were sent within 24 hours of the original message. However, telegraph records in the Ranger correspondence in the TSLAC indicate occasional delays of up to ten days.

[17] Leon C. Metz, *Dallas Stoudenmire* (University of Oklahoma Press, Norman, OK, 1969, pb. ed. 1993), p. 36.

[18] Jones to Charles Kerber, Sheriff of El Paso County, May 7, 1878. Unless otherwise stated, all correspondence to or from the Detachment or Major Jones is from the Adjutant General or Frontier Battalion Ranger Correspondence in the TSLAC.

[19] J.A. Tays to Jones, May 16, 1878.

[20] J.A. Tays to Jones. May 31, 1878. The *Mesilla Valley Independent* reported on May 25 that Corporal Mathews, rather than Sergeant Ryall, led the chase. The *Independent's* source of information was probably the corporal, who was a regular correspondent to the paper during the Salt War. In this instance, Lieutenant Jones must have been in a better position to know.

[21] J.A. Tays to Jones, June 18, 1878. Many items of Frontier Battalion correspondence are missing from the state archives. Fortunately, Walter Prescott Webb transcribed some of these while researching his Texas Rangers history. See Walter Prescott Webb Collection in the Center for American History, University of Texas at Austin.

[22] J.A. Tays to Jones, April 17, 1878. Tays is referring to the gunfight on April 3, 1878 at Blazer's Mill, New Mexico between Andrew L. "Buckshot" Roberts and the so-called Regulators, led by Dick Brewer. Brewer and Roberts were killed, while George Coe and John Middleton were wounded. The gunplay undoubtedly induced John Tays to steer his fiancée clear of danger, thus worrying his brother James. See Frederick Nolan, *The West of Billy the Kid* (University of Oklahoma Press, Norman, OK, 1998), pp. 127-133 for a description of the fight at Blazer's Mill.

[23] House Exec. Doc. No. 93, *El Paso Troubles in Texas*, statement of John C. Ford, February 2, 1878, p. 71, See Sonnichsen, [ITALICS>El Paso Salt War<, p. 61 ("The salt question troubled no more.... the Mexicans applied to [the new salt agent, ex-Ranger John C. Ford] with great politeness for permission to haul salt."), and Robinson, *The Men Who Wear the Star*, p. 231 ("Ironically, in the wake of all the bloodshed and misery, the locals henceforth quietly paid the fees to draw salt from the Guadalupe beds.") Sonnichsen and Robinson ignore the last part of Ford's statement: "[S]ome Mexicans from the other side of the river had gone to the lakes and taken from them five wagons and one cart load of salt for which they paid nothing. This was about a week ago."

[24] H.O. Mathews, Letter to Editor, *Mesilla Valley Independent*, January 5, 1878.

[25] *Lieutenant Colonel N.A.M. Dudley Court of Inquiry, Fort Stanton, New Mexico, 1879, Records of the Judge Advocate General, CQ 1284, Record Group 153, National Archives, cited in Frederick Nolan, The West of Billy the Kid* (Univ. of Oklahoma Press, Norman, 1998), p. 155 (footnote 3, p. 315).

[26] J.A. Tays to Jones, July 31, 1878.

[27] J.A. Tays to Jones, August 15, 1878; James B. Gillett, *Six Years with the Texas Rangers* (University of Nebraska Press, Lincoln, Nebraska, 1976), pp. 223-225.

[28] Wahl to Jones, August 12, 1878.

[29] The ongoing dispute James Tays writes about may be related to a long court battle between Wahl and Tays' brother Joseph. See El Paso County District Court Civil Docket, Case No. 186, G.W. Wahl v. Joseph Wilkins Tays.

[30] J.A. Tays to Jones, September 2, 1878.

[31] General Order No. 23.

[32] Better known to history as Sherman McMasters, he was known as both an alleged stagecoach bandit and as one of Wyatt Earp's deputies during the latter's famed Vendetta Ride.

[33] J.A. Tays to Jones, September 16, 1878, September 30, 1878.

[34] J. A. Tays to Jones, September 9, 1878, September 16, 1878.

[35] J.A. Tays to Jones, November 1, 1878.

[36] J.A. Tays to Jones, November 11, 1878.

[37] J.A. Tays to Jones, October 17, 1878.

[38] J.A. Tays to Jones, November 6, 1878.

[39] Ibid.

[40] J.A. Tays to Jones, November 16, 1878.

[41] J.A. Tays to Jones, November 22, 1878, November 30, 1878, December 16, 1878. The second letter specifically stated that Mathews was in charge of the eleven-man scout. Why Tays would place the fourth-ranking Ranger in charge of the largest body in the Detachment, leaving either Sergeant Ludwick or Sergeant Logan to head a two-man escort to Fort Stanton makes little sense. But it is typical of Tays' command decisions, as is his own decision to remain at ranger headquarters.

[42] J.A. Tays to Jones, November 26, 1878.

[43] Philip J. Rasch, *Warriors of Lincoln County* (National Association for Outlaw and Lawman History and the University of Wyoming, Laramie, 1998), pp. 124, 149; Nolan, *The West of Billy the Kid*, p. 179.

[44] J.A. Tays to Jones, December 16, 1878.

[45] *Mesilla Valley Independent*, February 1, 1879, quoting letter from Solomon Shutz et al to Jones, January 23, 1879.

[46] Ibid.

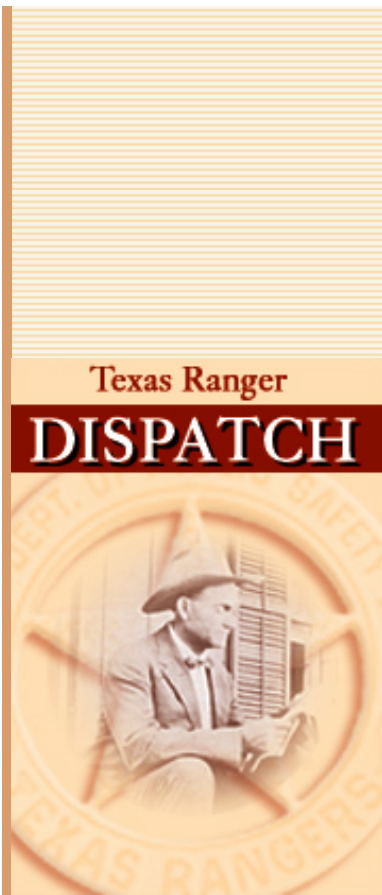
[47] Jones to District Judge Blacker, May 17, 1878.

[48] See George Wythe Baylor, *Into the Far Wild Country*, pp. 304-322; James B. Gillett, *Six Years with the Texas Rangers*, Bison Book Edition, University of Nebraska Press, Lincoln, pp. 200-210.

[49] "Unnoticed by editors of future editions of [James B. Gillett's *Six Years with the Texas Rangers*, was the fact that Gillett, Baylor's son-in-law for a time, clearly plagiarized a large part of six chapters, often word for word, from Baylor's articles in the *El Paso Herald*." Jerry D. Thompson, ed., *Into the Far Wild Country* by George Wythe Baylor, p. 248.

[50] For the life of Sergeant Marcus H. Ludwick, see the author's *El Paso's First Real Lawman: Texas Ranger Mark Ludwick*, to be published in 2001 in the *National Outlaw-Lawman Association Quarterly*.

[51] *Record of Appointment of Postmasters 1832 - September 30, 1871*, NA



Microfilm M841, NNEB-20; Leon C. Metz, *Dallas Stoudenmire: El Paso Marshal* (University of Oklahoma Press, Norman OK, 1969; paperback ed. 1993), pp. 2-3.

[52] Robert J. Burdette, Ed., *American Biography and Genealogy – California Edition* (Lewis Publishing Co., Chicago, 1900?), p. 293.

[53] Burdette, ed., *American Biography & Genealogy*, p. 294

[54] Wilkins, *The Law Comes to Texas*, p. 206. Wilkins mistakenly identifies the Tays involved as John, rather than James.

[55] *Deed Record Book I:121-23, 136, El Paso County Records, Border History Manuscript Collection, MS 312, UTEP.*

[56] *El Paso Lone Star*, January 24, 1885.

[Top](#)

[Dispatch](#)

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