

**IN THE TENTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF DE BACA**

TENTH JUDICIAL DISTRICT
DE BACA COUNTY NEW MEXICO
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DISTRICT COURT CLERK

**IN THE MATTER OF THE PLEADING
OF DR. ROBERT STAHL**

D-1027-CV-2015-00004

PLEADING

An Official State of New Mexico Death Certificate for William H. ‘Billy the Kid’ Bonney Is Warranted

A Petition Requesting the State of New Mexico to Issue an Official Death Certificate Acknowledging the July 15, 1881 Death of William H. ‘Billy the Kid’ Bonney in Fort Sumner, San Miguel County, Territory of New Mexico, at the Hand of Lincoln County Sheriff Patrick F. Garrett

Prepared and Presented by

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Chandler, AZ

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Introduction

Enough is enough about and from the supporters of the Billy the Kid imposters, all claiming the real Henry McCarthy, then Henry Antrim, *alias* Kid Antrim, *alias* William H. “Billy” Bonney, *alias* ‘Kid,’ *alias* Billy the Kid, was *not* killed by U. S. Deputy Marshal and Lincoln County Sheriff Pat F. Garrett in Peter Maxwell’s bedroom in Fort Sumner, New Mexico during the night of July 14th, 1881. A major reason millions have supported these imposters is their claim that no official death certificate was issued because there was insufficient evidence to confirm that it was the authentic Billy the Kid who was shot and killed that night. Their argument is supported by their strongly-held belief that Territorial officials refused to issue an official death certificate because too many people knew that the man killed that night was *not* the real Billy the Kid. What these individuals fail to accept is that since the day of Billy’s death there has been sufficient legal documentary records and creditable eyewitness testimonies to prove he died in July 1881 by a bullet from Garrett’s pistol. From three days later and over the next six decades, eyewitness accounts by those in Fort Sumner on that day have reconfirmed the official coroner’s jury verdict. Although their accounts have varied somewhat regarding particular details and circumstances during the 12 hours immediately before and after his death, they are consistent in their claims that Billy was shot dead by Pat Garrett and they or someone they trusted saw the Kid’s body.

Today we have no remains that we can dig up in the old Ft. Sumner cemetery and no photographs of Billy the Kid in death. Even if we had the latter, doubters of Billy's July 1881 death would find some reason to excuse these from being authentic.

This document provides strong, credible, and far more than sufficient information to confirm once and for all time that *THE* William H. "Billy the Kid" Bonney was killed in Fort Sumner as reported at the time. My case in support of the verification of his death is presented in three sections. Each section addresses a particular set of details that taken together make a convincing case such that a reasonable person can only conclude beyond all doubt that this particular 'Kid' was indeed shot dead and buried on that July day. Were the types and extent of the documentation affirming the death of any person other than Billy the Kid were presented to New Mexico state officials regarding that person's death in a particular place, at a particular time, on a particular day, and in a particular manner, the State of New Mexico would not hesitate to issue an official death certificate for that person. Although way overdue, now is the time for the Bureau of Vital Records and Health Statistics, New Mexico Department of Health, to issue an official death certificate verifying the Kid's death just before 12:30 on the morning of Friday, July 15, 1881. The documentation provided here warrants the immediate issuance of such a certificate.

However, before this documentation is presented, I submit the next section which provides a brief historical context of the usual practice or norms for appointing and conducting coroner's juries and issuing official death certificates during period of the 1870s through much of the 1890s in the Territory of New Mexico. This context makes clear how normal practice of the times rarely resulted in the issuance of an official death certificate, including situations when a coroner's jury report was submitted to and filed in a County Court.

Historical Context

In the 1870s through the early 1900s, a signed verdict-and final report by an officially-appointed coroner's jury was accepted as sufficient legal evidence or 'proof' of a particular person's death on a particular day and in a particular manner and was viewed by New Mexico Territorial government officers as equivalent to an official death certificate. There are no reported exceptions to this situation. This acknowledgement and acceptance of a death was always the case in rural areas when there was no physician or coroner present and a coroner's jury was appointed by the local Justice of the Peace to conduct an inquiry and reach a verdict. Sheriffs, deputy sheriffs, constables, and police officers had no Constitutional or legal authority to appoint, participate in, or lead a coroner's jury. Only Justices of the Peace had such authority in these places. Nearly all hamlets and villages, such as would have been the case of Fort Sumner in July 1881, had no law enforcement officers or Justices of the Peace living in the community. The vast majority of deaths that occurred in these rural areas—including hamlets and villages—were not followed by either a coroner's jury inquiry or the issuance of an official death

certificate. This was especially the situation when the person who died was a criminal or was killed during periods of wanton violence, such as during the Lincoln County War. Criminals, no matter how notorious, who were killed by posses or vigilantes never got the benefit of either a coroner jury's inquiry or official death certificate. Given the norm of the period, the death of a criminal such as Billy the Kid would not have been followed by either a coroner jury's inquiry or official death certificate.¹

Furthermore, during this era in the Territorial period when a rural coroner's jury report was submitted to the Clerk of a county court, an official death certificate was never deemed necessary and therefore was not issued. For instance, the coroner's jury report that followed the investigation of the deaths of Deputy Sheriffs Robert Olinger and James Bell, both killed at the hands of Billy the Kid during his escape from the Lincoln County Jail on April 28, 1881, was *not* followed by the issuance of an official death certificate by either a county or a Territorial government officer.² That no death certificate was issued for either lawman was in line with the usual practice of the time. During the near sixty-five-year history of Territorial New Mexico, there was not a single newspaper report or official document that challenged the validity of any coroner's jury report or claimed that the person the jury stated was dead was in fact still alive. A coroner's jury's report was indeed equivalent to an official acknowledgment of death.

Context for the Death of William H. 'Billy the Kid' Bonney

Within a week after William H. 'Billy the Kid' Bonney's escape from the Lincoln jail, Governor Lew Wallace paid for a reward announcement, wherein he promised to pay \$500 for the capture of the Kid and 'deliver him to any sheriff of New Mexico.' This wording, typical for this era, covered all bases from a live re-capture to circumstances when a criminal was killed during an effort to arrest and capture him. What is totally overlooked in this announcement is the statement: "Satisfactory proofs of identity will be required," meaning that if you didn't want to or couldn't bring in the person alive or body dead, all you needed to turn in was an official coroner's jury report confirming the death of the designated person and reporting the circumstances of the death.³ Such a coroner's jury report would be more than 'satisfactory proof' of the identity of the Kid and of his death. Two months after this announcement, Sheriff Pat Garrett had both the body and a coroner's jury report to claim the reward—instead of toting the body in the July heat he would choose to carry a signed second copy of the official jury's report.

¹ Lest we forget, the deaths of Billy's two 'pals,' Thomas O. Folliard, killed by Sheriff Garrett and his posse while riding into Fort Sumner in December 1880, and Charles Bowdre, killed by Sheriff Garrett and his posse at Stinking Spring a few days after Folliard's death, were not followed by either a coroner jury's inquiry or official death certificate. Indeed, the reported murders of over fifty men during the infamous Lincoln County War were followed by a coroner's jury inquiry and report in only two instances, neither of which resulted in a subsequent issuance of an official death certificate.

² No one in New Mexico after that escape ever went on record doubting that Olinger and Bell were dead or stated that because an official death certificate did not exist for these two men, then either or both men were still alive—in direct opposition to the coroner's jury report on the death of each man. In effect, the jury's verdict and report served then and over the years to the present day as equivalent to an official death certificate for each man.

³ "Billy the Kid: \$500 Reward," *The Santa Fe Daily New Mexican* [Santa Fe, NM, Daily except Monday], Tuesday Morning, May 3, 1881, p. 2, col. 3.

Shortly after midnight on July 15, 1881, Lincoln County Sheriff and U.S. Deputy Marshal Pat F. Garrett coincidentally encountered the Kid in Peter Maxwell's bedroom in Fort Sumner, San Miguel County, NM. When he recognized the Kid's voice within seconds of his entering the room, Garrett drew and fired his pistol at near point-blank range with the first bullet entering inches to the left of his heart. Billy died within a couple of minutes of massive internal hemorrhaging. The second bullet missed completely and ricocheted throughout the room. Not wanting to take the body to Santa Fe, Garrett opted to take a coroner's jury report to the Governor and sent for the nearest Justice of the Peace, then living in nearby Sunnyside, in San Miguel County.

Within hours after dawn on that same morning, Justice of the Peace Alexandro Segura arrived in Fort Sumner and appointed a six-member coroner's jury to investigate the circumstances of the Kid's death and render a verdict. He selected leading citizens of Fort Sumner who knew Billy well and appointed the highly-respected, former Territorial legislator Milnor Rudolph, of Sunnyside, as President of the jury. After interviewing Pete Maxwell, the only eyewitness besides Garrett, the shooter, to the killing; examining the body; and seeing the place where the Kid died; the jury determined that the dead man was indeed William H. 'Billy the Kid' Bonney who had been killed by a bullet from Garrett's pistol in an act of justifiable homicide. A report was handwritten in Spanish, which was the official language of the times, and the six men either signed their names or made their 'X'—which was the accepted practice when the person was illiterate and did not know how to write or print his name. JP Segura also signed this document, which was to be delivered to the County Clerk's office in county seat Las Vegas the next week.

Because Garrett needed evidence or proof of the Kid's death and official documentation that he alone was directly responsible for the Kid's death, he had the coroner's jury write an English-language copy of the original Spanish-language text so that he had a legal document to turn in to the Territorial Governor in order to receive the \$500 reward. The six jurors either signed their names or made their 'X' just as they had done on the original report. Garrett wanted a separate official document so he didn't have to carry Billy's body nearly 200 miles to Santa Fe in the July heat. In a very real sense, this document was equivalent to having the body. In this era, the original copy of a coroner's jury report went directly to the Clerk of the County Court. Garrett had no legal authority to take the original Spanish-language version of the report to Santa Fe or to any other place or office outside the San Miguel Courthouse for official filing and storage.

Once in Santa Fe, Garrett turned in his copy of the coroner's jury report with original signatures to Acting Governor William G. Ritch, who accepted it without question or hesitation as sufficient proof of the Kid's death at Garrett's hand. Ritch's only reservation was whether then-former Governor Wallace's reward announcement committed Wallace or the Territory to pay the \$500 reward. The Territory's Attorney General, William Breeden, ruled that the language of the announcement read as a personal

commitment by Wallace to pay the money; therefore the Territory was not obligated to pay Garrett. The denial of the reward was not because these Territorial officers refused to accept the decision of the coroner's jury and suspected Billy was still alive. Rather the denial was due to a technical reading of Wallace's reward announcement that made him solely responsible for paying the \$500.

In February 1882, within a few days of the opening of the new session of the Territorial Legislature, both houses passed a bill, without opposition, to pay the \$500 to Garrett from the Territorial Treasury. Governor Sheldon signed the bill into law within hours on the same day the bill was passed. This swift passage of this bill is evidence that all the legislators and Governor Sheldon accepted the coroner's jury report that Billy the Kid was indeed dead and was shot dead by a bullet from the pistol of Sheriff Garrett. At no time since the first reports of the death of the Kid was there any mention of the need for any County or Territorial officer to issue an official death certificate further acknowledging the Kid was indeed dead.

The above overview of the thinking and normal practices of this era should in and of itself be sufficient to warrant a much-delayed issuance of an official death certificate for Billy the Kid. The sections that follow provide further supporting documentation that the Kid was killed as the coroner's jury reported.

The Evidence in Recorded Oral Report, Handwritten, or Published Form

This section includes creditable documented statements by individuals who knew Billy and who confirmed the body they saw in Fort Sumner on Friday, July 15, 1881 as being Billy William "Billy the Kid" Bonney. This list includes statements by individuals who may not have known Billy personally but who heard from more than one person who knew Billy well that Billy had been shot dead by Garrett on that July 1881 night.

- the accounts of Peter Maxwell, in whose bedroom he witnessed the killing, as told orally to countless individuals including in a testimony to the coroner's jury in Fort Sumner less than twelve hours of Billy's death. The only documentation of his testimony was recorded in these words in the Spanish-language version of the coroner's jury report: "I being in bed in my bed room, at about midnight on the 14th day of July, Pat F. Garrett came into my room and sat at the end of my bed to converse with me. A short while after Garrett had sat down William Bonney came in and got close to my bed with a gun in his hand and asked me "Who is it? Who is it?" and then Pat F. Garrett fired two shots at the said William Bonney and the said Bonney fell near my fire place and I went out of the room and when I came in again in about three or four minutes after the shots the said Bonney was dead."⁴ Maxwell

⁴ See the original coroner's jury written verdict as submitted by Justice of the Peace Alejandro Segura to the San Miguel County Courthouse within days of Billy's death. Most likely this Spanish-language version was carried to Las Vegas, the county seat of San Miguel County, by a

also told his story to countless others in Las Vegas, N.M. and other places in New Mexico in the days, weeks, and years following Billy's death until his own death in June 1898. It should be noted that all members of the extended Maxwell family and household, including in-laws, children, and grandchildren, until their respective deaths always swore that they saw Billy dead from a bullet from Garrett's pistol in Peter's bedroom that night in July 1881.⁵

- the official report of the coroner's jury's investigative activities and verdict on July 15, 1881, complete with the signatures of six men who knew Billy and knew well the appearance of this particular 'Kid.' The official report was handwritten in Spanish as was the custom of that era by Justice of the Peace Segura, of nearby Sunnyside because Fort Sumner had no Justice of the Peace.⁶ It was filed in the San Miguel County Courthouse, in Las Vegas, NM, within days of the Kid's death.⁷ The jury reported seeing the body, identifying it as that of Billy the Kid, hearing the testimony of Peter Maxwell—eyewitness to the shooting, and concluding that the Kid had been shot dead by Sheriff Garrett.^{8,9}

member of the party that accompanied Sheriff Garrett to that town, arriving there in the early afternoon of July 18, 1881. The original of this document is in the New Mexico State Records Center and Archives.

⁵ Unfortunately as far as is known, Pete Maxwell was never formally interviewed by a reporter regarding his account of the circumstances surrounding the shooting of Billy the Kid. No written statements by him regarding this event have ever been mentioned or surfaced. Pete died in June 1898 when his son, Lucien B. Maxwell, was seven years old, and Sadie Luites, the woman who Pete married three years after July 1881, was not in Ft. Sumner when Kid was killed. According to descendants, Pete did not share details of Billy's death and burial with his son. These descendants also state Lucien did not share much of any memories of his father and did not talk about his father's involvement in events in Ft. Sumner, including the night Kid was killed. Descendants also remark that there were no family stories handed down about there being any diary, journal, notes, or letters by Peter Maxwell that were handed down.

⁶ As was the custom of the era, the original coroner's jury report with verdict and signatures was in Spanish, which was the version submitted to the San Miguel Courthouse, as the death, while brought about by a Lincoln County Sheriff, occurred in San Miguel County. So by law, the report was to be filed in the courthouse in the county where the death occurred. No coroner's jury reports in the 1870s and 1880s were submitted to an office in the Territorial Government in Santa Fe. An English version of this report was later written. Sheriff Garrett either personally wrote or had written, quite possibly by Milnor Rudolph, an English language version of this report so he could take it with him to Santa Fe as proof of the Kid's capture by death. That Garrett had a report that varied somewhat from the language in the original Spanish-language report has led imposter supporters and conspiracy theorists to claim that Garrett dictated the jury's official report so that it confirmed Billy's death when in fact someone other than Kid was killed so that Kid could escape and live on somewhere else, made Garrett look good, and gave the impression that all the members of the coroner's jury truly praised Garrett for his actions. Actually Garrett's English version was a practical alternative to having to haul Billy's unembalmed remains in the makeshift and not air-tight wooden coffin in the mid-summer heat nearly 200 miles to prove the Kid was dead—an action that was not done with any criminal at any time in the Territory's history.

⁷ The original was hand delivered to the Clerk of the San Miguel Courthouse sometime during the week of July 18-22, 1881, quite possibly by Sheriff Garrett or mail route contractor Mike Cosgrove on the 18th, shortly after he reached Las Vegas on the 18th. The original report was discovered decades later in the files of the prosecuting attorney of the First Judicial District. It has since been reproduced as has Garrett's English language version. The original and translated versions of this report, are available in the New Mexico State Records Center and Archives in Santa Fe.

⁸ That Billy's remains were buried within hours of his death and almost immediately after the coroner's jury made its report was typical of the treatment of outlaws in rural areas across the Southwest. In many instances, criminals were buried as soon as the grave was dug, and these were typically not dug more than a few feet rather than at least six feet deep.

⁹ The extreme desperation if not absurdity of some conspiracy theorist and imposter supporter arguments bent on denying Billy's death in July 1881 surfaced during a conversation this writer had with a Billy imposter defender who based his claim that the 'real' Billy did not die by Garrett's gun in July 1881 because if it had been the 'real' Billy, the official coroner's report would have been typed and in English due to the importance of this person and case in New Mexico's history. The facts that the first practical commercially produced typewriter hit the marketplace in 1874 and was very expensive mean that it was extremely unlikely that anyone in New Mexico had a typewriter in 1881. During that year and well into the 1880s, all government documents and records, other than those printed in a publishing house, were handwritten. In this writer's view, to expect that this particular coroner's jury report had to be typewritten in order for it to be authentic and creditable reveals a mindset reflecting a shallow 'huff and fluff' selective fiction rather than an argument aligned with sound and thorough historical research and conclusions.

- the account of recently-discharged Private George Miller, who, just days before July 15 was given an honorable medical discharge from Fort Stanton. He stopped overnight in Fort Sumner on his way to Santa Fe. In the July 18, 1881 issue of the *Las Vegas Daily Optic*. Miller reported: “On Thursday night, July 14, he stopped at the hotel in Fort Sumner, and about 12:30 o’clock that night,¹⁰ his peaceful slumber was disturbed by two pistol shots fired in rapid succession. The sounds proceeded from the house of Pete Maxwell, distant about 25 yards, and soon the startling information, “Billy, the Kid is killed,” was the theme of every tongue. The wild inquiry, “Who killed him?” was soon answered by the facts which soon became known to all. Pat Garrett had done it with his trusty revolver backed up by cool judgment and undaunted courage. . . . On Friday morning a coroner’s inquest was held and, in the afternoon, his mortal remains were interred in the cemetery at Fort Sumner.”¹¹ Details in the full article reveal that Miller saw the Kid’s body, heard from countless others that the dead man was the real Billy the Kid, helped dig the Kid’s grave, and most likely was there at the afternoon burial. Miller’s statement as published verifies the time of day and therefore the exact day Billy died—on July 15, *not* July 14—because he actually looked at his watch to check the time he was awakened by Garrett’s first shot—i.e., which happened to be the bullet that killed the Kid.
- the personal account of coroner’s jury foreman Milnor Rudolph in a letter of July 15th to the Editor of the *Las Vegas Daily Gazette* stating “This news is true, for I was foreman of the jury of inquest, and know it was the ‘the Kid’s’ body that we examined.”¹² Rudolph, a former member of the New Mexico legislature and an active and well-respected Mason, scholar, and businessman, would not have given up his dignity and reputation to make a public statement that was a lie.¹⁴
- the account of Mike Cosgrove, prominent and respected Las Vegas, NM businessman and contractor and manager of the mail route between Las Vegas and Ft. Sumner, given immediately upon arrival from Ft. Sumner on July 18, three days after the Kid’s death. The *Las Vegas Daily Gazette*, published Tuesday morning,

¹⁰ This about 12:30 a.m. time confirms the day of Billy’s death as July 15, not the 14th as historians have long claimed it was.

¹¹ Miller’s eyewitness story can be read in “A Soldier’s Story,” *The Las Vegas Daily Optic* [Las Vegas, NM, Daily except Sunday], Monday Afternoon, July 18, 1881, p. 4, col. 2.

¹² This account states that the coroner’s jury met and reached its verdict in the morning and Billy was buried in the afternoon, perhaps after the coroner’s jury President Rudolph, Justice of the Peace Segura, and Sheriff Garrett completed their respective documents confirming the jury’s investigation and verdict and getting the appropriate signatures or marks by jury members.

¹³ “How “The Kid” Died: Circumstantial Account of His Shooting by Sheriff Garrett,” *The Colorado Springs Daily Gazette* [Colorado Springs, CO, Daily except Monday], Friday Morning, July 22, 1881, p. 1, cols. 3-4.

¹⁴ The nature of the public’s impressions of and respect for Milnor Rudolph is revealed in these news items concerning his life and death: “Milnor Rudolph: Sketch of the Life of One of the Purest and Noblest of New Mexico’s Citizens,” *The Las Vegas Daily Optic* [Las Vegas, NM, Daily except Sunday], Tuesday Afternoon, November 15, 1887, p. 1, col. 5 and “A Sudden Death,” *The Las Vegas Daily Optic* [Las Vegas, NM, Daily except Sunday], Wednesday Afternoon, November 9, 1887, p. 4, col. 2.

July 19, 1881, noted that Cosgrove came into Ft. Sumner with Garrett and several other 'authentic sources'--all announcing the death of the Kid and praising Garrett for his actions in tracking down and shooting the Kid. Billy was well known to Cosgrove, who had shown some kindness to Kid, Dave Rudabaugh, Tom Pickett, and Billy Wilson when he accompanied them with Garrett's posse to Las Vegas after their capture at Stinking Springs in December 1880. In appreciation, Billy asked that his revolver be given to Cosgrove for safe keeping until he was released from jail. Hence Cosgrove was a creditable eyewitness to seeing Billy's remains on display in Ft. Sumner on July 15th.¹⁵

- the accounts of Sheriff Pat F. Garrett as told orally to countless individuals in Fort Sumner on July 15, in Las Vegas, NM, and Santa Fe, NM during the three weeks following the Kid's death, as well as statements given to reporters of and printed in the several New Mexico newspapers in July 1881.¹⁶ His letter to a friend in White Oaks, dated July 18th, which read in part: "Dear Friend: I arrived in this vicinity on the night of the 13th. Came to town on the night of the 14th and about midnight met Kid hand to hand,¹⁷ I won and he lost; killed him dead the first shot."^{18, 19} His longest version of events were printed in Garrett's 1882 book, *The Authentic Life of Billy the Kid, the Noted Desperado of the Southwest, Whose Deeds of Daring and Blood Have Made His Name a Terror in New Mexico, Arizona and Northern Mexico*, by Pat F. Garrett, Sheriff of Lincoln County, N. Mex., by Whom He Was Finally Hunted Down and Captured by Killing Him, the manuscript for which was completed by December 31, 1881;²⁰ and given over the course of the quarter century

¹⁵ See a reprint of the original *Las Vegas Daily Gazette* article of Tuesday morning, July 19, 1881 article in "How "The Kid" Died: Circumstantial Account of His Shooting by Sheriff Garrett," *The Colorado Springs Daily Gazette* [Colorado Springs, CO, Daily except Monday], Friday Morning, July 22, 1881, p. 1, cols. 3-4.

¹⁶ For example, see "A Talk With Pat Garrett," *The Las Vegas Daily Optic* [Las Vegas, NM, Daily except Sunday], Monday Afternoon, July 18, 1881, p. 4, cols. 2-3; and "Garrett Exonerates Maxwell," *The Santa Fe Daily New Mexican* [Santa Fe, NBM, Daily except Monday], Thursday Morning, July 21, 1881, p. 4, col. 2. Also the *Las Vegas Daily Gazette's* article that featured an interview with Pat Garrett is missing in the surviving original newspapers and of course microfilm copies of these originals. However the telegram that the *Gazette* sent out on the Associated Press telegraph news system at 8 a.m. on July 18th and the *Gazette's* published story of July 19th were reprinted in several newspapers across the county. One may read these under such titles as: "Billy the Kid: At Last the Bullet Finds Its Billet," *The Colorado Springs Daily Gazette* [Colorado Springs, CO, Daily Except Monday], Tuesday Morning, July 19, 1881, p. 1, col. 3 and "How "The Kid" Died: Circumstantial Account of His Shooting by Sheriff Garrett: Some Particulars About "The Kid's" Life and Wildness," *The Colorado Springs Weekly Gazette* [Colorado Springs, CO, Weekly], Saturday Afternoon, July 23, 1881.

¹⁷ What Garrett meant by "hand to hand" is not known. "Hand to hand" typically implies that there was direct and violent physical contact between the individuals involved. No report of the events in Maxwell's bedroom came remotely close to describing there was any physical contact between Garrett and Billy, and the closest they were to one another was at least the width of Pete's bed. In this researcher's investigation, this letter, if indeed Garrett wrote it, is the only time that Garrett used the expression "hand to hand" to describe what took place that night.

¹⁸ "Billie "The Kid" Run to Earth by Garrett: A Hand to Hand Encounter in Which Garrett Won," *The Golden Era* [White Oaks, NM, Weekly], Thursday Afternoon, July 21, 1881.

¹⁹ A typewriter copy of this article was found in the Robert N. Mullin Collection, Haley Memorial Library and History Center, Midland, TX. The article as Mullin typed it is reproduced here. There is no note as to whether this is an accurate and complete verbatim copy of the original, or where Mullin encountered the original copy of this *Golden Era* article. No other record or copy of this article exists. No copy of this article was found on the available microfilmed copies of the *Golden Era*. This brief part of Garrett's letter was one part of the letter that the Editor of the *Golden Era* lifted from the letter given the space that was available in that edition of the paper. There is no information to reveal the name of this "Friend" or where this letter, if it still exists, is.

²⁰ Given the language, style, and information in this book, it seems most likely that former-editor Marshall Ash Upson, a close friend of Garrett, wrote the first two-thirds of the book with a few items by Garrett tossed in; that Garrett dictated or wrote a draft of the latter chapters, which

following 1881 to reporters of and printed in various newspapers in New Mexico, Texas, Louisiana, Washington, D.C., and Boston.²¹

- the account in the form of a letter to the editor by ‘Ranchero’ that was brought from Sunnyside, NM, a neighboring village to Fort Sumner, to Las Vegas on July 18th by mail superintendent Cosgrove and published in that afternoon’s *Las Vegas Daily Optic*. ‘Ranchero’ wrote: “Pat Garrett, the terror of all evil-doers in this lower country, planted a ball with his unerring deadly aim in the heart of “Billy, the Kid,” last night about midnight. . . . Pat went into Mr. Pete Maxwell’s room to get what news he could of the “Kid,” and he had not been there two minutes before the “Kid,” in his stocking feet, entered the room and walking up to the bed (on the edge of which Pat was sitting talking to Maxwell), with a pistol (self-cocker) in one hand and a big butcher knife in the other. Pat reached behind him for his pistol and at the action “Kid” dropped his pistol on him and asked in Spanish “?Quien es?” ?Quien es?” This delay in firing on the “Kid’s” part gave Pat all the time he needed, and the words were barely uttered before Pat’s dauntless courage had driven a ball through the centre of the “Kid’s” heart. He died in a moment, almost without a groan. . . . An inquest was held on his body to-day and the verdict of the jury was “justifiable homicide, and that Pat Garrett ought to receive the thanks of the whole community for his indomitable courage and energy in ridding the country of this desperado, and that he is truly worthy of a handsome reward.”²²
- the account of John W. Poe, who on July 14-15, 1881 was a Deputy Sheriff accompanying Garrett, was first printed over three decades later in the *Clayton News and Southwest Plainsman*, New Mexico. A far more detailed version was published in 1919 in *Wide World Magazine*, which was republished in a 1933 posthumous book entitled, *The Death of Billy the Kid*. Poe, who had never seen the Kid prior to minutes before the Kid was shot by Garrett, accepted the words of dozens of people who knew Billy well that the dead man was truly Billy the Kid. A

Upson revised and edited; and that Charles Greene, managing Editor of the Santa Fe New Mexican Publishing Company, completed the final editing of the ‘Garrett manuscript’ before sending it to the typesetters and then the printing press in March 1882. Unfortunately the draft that Garrett submitted to the publisher has never surfaced, so there is no way to determine what Greene did to the manuscript he received. Historians have long attributed most if not nearly all the content of the Garrett manuscript to Upson, but they have ignored the fact that Greene also edited the text before it went to press. Unfortunately, many of the details in Upson’s section of the book were inaccurate or pure fiction. The most accurate chapters are those by Garrett, and involve details where he personally was involved or had a vested interest in what happened. We have no idea whether Garrett read and fully approved the final manuscript submitted to Greene, as some of the details in those last chapters seem to tell a story of Garrett’s decisions and actions that were out of character for him then and over the course of his later years. It should be noted that while John W. Poe’s version of the final posse search for Billy confirmed much of what happened over those five days, some details were different—with most of these concerned with Garrett’s thinking and decisions in the five hours leading up to Garrett entering Pete Maxwell’s bedroom minutes before Billy did the same.

²¹ Garrett’s account is placed here rather than above because so many ‘buffs’ and others interested in Billy’s life and death wrongly believe that Garrett was the only person who claimed he shot Billy in Peter Maxwell’s bedroom in July 1881 in Fort Sumner, N.M. For example, see ²² Ranchero, ““The Kid” Killed!: He Meets His Death at the Hands of Sheriff Pat Garrett, of Lincoln County,” *The Las Vegas Daily Optic* [Las Vegas, NM, Daily except Sunday], Monday Afternoon, July 18, 1881, p. 4, col. 2.

convincing factor for Poe on that day and later were comments by numerous close friends of Billy's who affirmed the identity of the body and confirming statements by such prominent local businessmen as Beaver Smith, Milnor Rudolph and Peter Maxwell, the latter two not only affirming the dead man as being Billy but acknowledged how greatly relieved they were that they no longer had to live in fear of what Billy might do to harm them or members of their respective families. Unfortunately no newspaper in the months and years after Billy's death printed a formal interview of Poe concerning his story of this search, the shooting of the Kid, and the events before and following Billy's death. His much later accounts provide an almost identical story as well as support Garrett's account of these events.²³

- the account of Thomas "Kip" McKinney, who was the second deputy sheriff who accompanied Garrett to Ft. Sumner. Like John W. Poe, McKinney was never formally interviewed following news of Kid's death. Unlike Garrett and Poe, he never wrote an account of what happened the night of Billy's death. He told his story to those who would listen. Fortunately, McKinney told his version of events the night of July 14th to the legendary Texas Ranger, James Buchanan Gillett, who reported that McKinney's story was nearly identical to what Garrett and Poe personally told him, meaning that Garrett had shot and killed Billy the Kid that night and that Billy's remains were buried soon afterwards in the Ft. Sumner cemetery.^{24, 25}
- the affidavit signed with an "X" (her mark) by Deluvina Maxwell on March 20, 1926, stating "I, Deluvina Maxwell do hereby state that the butcher knife now in the possession of Adelina J. Wellborn is the original that Billy the Kid held in his hand at the time of his death."²⁶ While this affidavit attests to the authenticity of the knife, not to be overlooked is the fact it also serves as her testimony that she saw the dead Billy holding that knife shortly after his death.

²³ Poe's perspective on a number of events during the several day search for Billy, including especially his take on Garrett and the events on July 14 and early 15th up to and in hours immediately after Billy's death varies in many instances from the perspective of Garrett. This is often the case when two or more people remember particular people, incidents, and events. However what is very important is that the two men's recall of the specific movement and actions of them, Billy, and Peter Maxwell are virtually identical.

²⁴ James B. Gillett, *Six Years with the Texas Rangers*, Lincoln: University of Nebraska Press, 1976. Also, see items in the James B. Gillett, *Six Years with the Texas Rangers*, Collection, Austin History Center, Austin Public Library, Austin, TX. It should be noted that soon after McKinney's death his children gave a very different version of the events surrounding the day and night Billy was killed—one that included Garrett and Maxwell tying up Pete's sister, Paulita, on a bed with mouth gagged and then laying in ambush for the Kid.

²⁵ John Poe and Kip McKinney took the news of the events in Fort Sumner and Billy's death to Roswell within a day or two of July 15th, with Poe carrying the news along the Ruidoso to Fort Stanton, Lincoln, and White Oaks. While someone else might have reached one or more of these places before Poe, undoubtedly due to so many earlier rumors of Billy's whereabouts and activities people waited to hear the story from Poe before they accepted the story as accurate.

²⁶ See Deluvina Maxwell's affidavit in Frederick Nolan, "The Saga of the Kid Butcher Knife," *The Outlaw Gazette*, annual publication of the Billy the Kid Outlaw Gang, Vol. X, No. 1, November 1997, pp.6-7. Also read Fred E. Sutton, "Sweetheart of Billy the Kid Is Dead: Deluvina Maxwell's Last Years Were Spent in New Mexico Hut Once the Refuge of "Her Boy," " *The Dallas Morning News* [Dallas, TX, Daily], Sunday Morning, July 8, 1928 Feature Section, p. 8, cols. 1-6, including 5 photos.

- the notarized affidavit signed with an “X” (her mark) by Ursula Pacheco Y. Baca on August 10, 1951 stating “I, Ursula Pacheco Y. Baca, swear and affirm that I attended the funeral of Billy the Kid, and knew him well before his death, also I affirm that the knife now in the possession of Mrs. A. J. Welborn of Fort Sumner was carried by Billy the Kid at the time of his death. I am of native birth in the state of New Mexico in the year 1866. When I was a child, my parents moved to Fort Sumner with Lucien B. Maxwell.”²⁷ While this affidavit attests to the authenticity of the knife, not to be overlooked is the fact it also serves as her testimony that she saw Billy, whom she knew well, in death and attended his funeral.
- the notarized affidavit signed by Candido Gutierrez, son of Billy’s good friends Sabol and Celsa Gutierrez, on September 19, 1951 stating “I, Candido Gutierrez, son of Celsa Gutierrez, Pat Garrett’s sister-in-law in whose house Billy the Kid stopped the night he was killed, do swear and affirm that it was Billy the Kid who picked up the knife belonging to my mother, Celsa Gutierrez, and that this knife is now in the possession of Mrs. A. J. Welborn of Fort Sumner, New Mexico.”²⁸ The testimonial states that as a young boy Candido personally saw Billy pick up the knife a short time *before he was killed* at night in Fort Sumner. While his affidavit focuses on the ownership of the knife, not to be overlooked are the statements that he knew Billy, he saw Billy take his mother’s knife, and that Billy took the knife the night he was killed. Given the friendship between the Gutierrez family and Billy, there is little doubt that Candido also saw Billy’s body and walked with this parents in the procession to the gravesite.
- the account of John Gerald Griffin, of Chicago, dated July 15, 1881, published as a letter to the editor of the *Golden Era*, of White Oaks, NM, under the title “Kid Talked Before He Was Shot.” The letter written by an eyewitness in Fort Sumner on the day the Kid was killed describes the activities of the coroner’s jury, the preparation of the remains for burial, and the burial.
- the account of Charles Frederick Rudolph, who had encountered Billy several times in Sunnyside, a village a few miles northwest of Fort Sumner, and who, in December 1880, rode with Garrett’s posse that captured Billy and three of his outlaw sidekicks at Stinking Springs. Charles and his father, the well-respected Milnor Rudolph, who would serve as president of the coroner’s jury, rode into Fort

²⁷ See Ursula Pacheco Y. Baca’s affidavit in Frederick Nolan, “The Saga of the Kid Butcher Knife,” *The Outlaw Gazette*, annual publication of the Billy the Kid Outlaw Gang, Vol. X, No. 1, November 1997, pp.6-7.

²⁸ See Candido Gutierrez’s affidavit in Frederick Nolan, “The Saga of the Kid Butcher Knife,” *The Outlaw Gazette*, annual publication of the Billy the Kid Outlaw Gang, Vol. X, No. 1, November 1997, pp.6-7. Note that Mrs. Welborn was the daughter of Paulita Maxwell Jaramillo, who reported that she also saw Billy dead in her family home in July 1881.

Sumner within hours of Billy's death. He was an eyewitness to the events surrounding the viewing and burial of Billy. Charles's journal notes of these events and his views about the Kid were published with annotations by Louis Leon Branch and Charles Frederick Rudolph under the title "*Los Bilitos: The Story of Billy the Kid and His Gang*."²⁹ In addition, news items in the *Las Vegas Daily Optic* over the next decade mentioned that Charles would tell the story of Billy's death and funeral to anyone interested in hearing it.³⁰

- the wording of the decision of the New Mexico Attorney General William Breeden, regarding the payment of \$500 by the Territorial Treasury to Garrett as a reward for the arrest of or for information leading directly to the capture of Billy the Kid announced in May 1881 by then-Governor Lew Wallace.³¹ His decision was that the wording of the reward announcement read as a personal promise by Wallace to pay that sum and for that reason and for that reason alone the Territorial Government was not obligated to pay any sum as a reward. Most importantly for the case being made here, nothing in the Attorney General's wording indicates that there was even the slightest doubt that Garrett had killed the Kid. In other words, the decision to deny payment was not because of some doubt that Billy was dead but was because the reward announcement as worded was a promise to pay by Wallace himself, as a private citizen and not on behalf of the Territorial government. Hence Acting Governor William G. Ritch refusal to direct the Territorial Treasury to pay the \$500 was due entirely to the legal technicalities in the origins and wording of the May 1881 reward announcement and had nothing to do with a concern by Ritch or Breeden that Garrett and others had not provided the necessary and sufficient proof of the Kid's death by Garrett's pistol.
- the letter of Governor Lionel A. Sheldon, dated February 14, 1882, to the Honorable Severo Baca, President of the Territorial Council, stating "In the matter of the Claim of Sheriff Garrett Lincoln County in the reward offered for the Capture of the "Kid" so-called, I am of opinion that he is entitled to payment. He could not technically

²⁹ Louis Leon Branch and Charles Frederick Rudolph. *Los Bilitos: The Story of "Billy the Kid" and His Gang*. New York: Carlton Press, 1980. Also see Louis Leon Branch and Charles Frederick Rudolph, "*Billy the Kid*" Y *Los Bilitos: A Never Before Published Manuscript Handwritten in 1880 and Discovered in 1976*. The Author, 1976. 92 pages.

³⁰ Untitled: "All information in regard to the capture of "Billy the Kid"", *The Las Vegas Weekly Optic* [Las Vegas, NM], Thursday, April 19, 1883, p. 3, col. 6.

³¹ Breeden's decision can be found in the New Mexico Territorial Records, Office of the Attorney General, located in the New Mexico State Records Center and Archives, Santa Fe, NM. Also see "Garrett's Reward," *The Las Vegas Daily Gazette* [Las Vegas, NM, Daily except Monday], Saturday Morning, July 23, 1881, p. 4, col. 2. An example of appropriate wording for a reward announcement can be found in the New Mexico Territorial Records of the Governor: Governor Lionel A. Sheldon, September 16, 1882, which was printed verbatim in "Reward Offered: For the Capture of the Murderers of the Nesmith Family," *The Mesilla News* [Mesilla, NM, Weekly], Saturday Afternoon, September 23, 1882, p. 1, col. 6. The language of this Sheldon reward announcement makes it clear that the reward is offered by the Governor on behalf of the Territorial Government and that the funds will be paid out of the Territorial funds. The wording of this announcement contrasts sharply with the announcement issued by Governor Lew Wallace in May 1881.

comply with the terms of the reward because when he met the “Kid” in Maxwell’s room it is very certain that one or the other must be killed. It was not a reward the payment of which depended on conviction. The Kid had been convicted & was under sentence to be hanged. Garrett was in pursuit with an intention to capture if it could be done reasonably but under the circumstances of their meeting capture was out of the question. It will not do to be technical in his case because men will not be so likely to take risks and perform services for the protection of society against bad men if captious objections are interposed to avoid payment of the discharge of public obligations. The case under consideration is too notorious and remarkable to be made a precedent for the refusal to pay for services performed substantially in compliance with the promises of high authority. . . .”³² While the purpose of this letter was to urge the entire Territorial Legislature through Baca to pass the bill to pay Garrett, it is clear that Sheldon had no doubts as to Billy’s death and that Garrett had killed him.³³

- the wording of “*Council Bill No. 55: An Act for the Relief of Pat Garrett,*” passed unanimously by voice vote in the New Mexico legislature on February 18, 1882, seven months and three days after the Kid was killed. The Bill, signed into law on the same day by Governor Sheldon, authorized payment from the Territorial Treasury to Garrett of \$500.00, being the amount of the reward promised in May 1881 by then-Governor Lew Wallace for the capture of Billy the Kid.³⁴ The bill stated “. . . Whereas, Pat. Garrett was at that time sheriff of Lincoln county, . . . attempted to arrest said William Bonney, and in said attempt did kill said William Bonney at Fort Sumner, in the county of San Miguel, in the Territory of New Mexico, and wherefore, said Garrett is justly entitled to the above reward, and payment thereof has been refused upon a technicality, . . .” Lest we forget, it would

³² Lionel A. Sheldon, Governor of New Mexico, letter of February 14, 1882, to Honorable Servio Baca, President of the Legislative Council, Territory of New Mexico. New Mexico State Records Center and Archives: TANM, Roll 5, Frames 765-766. Also Barry Drucker, State of New Mexico Archives, Santa Fe, NM, email of July 26, 2005 to Robert J. Stahl. Appreciation is extended to Barry Drucker, Archivist, in locating this letter and sending a copy to Robert J. Stahl.

³³ See newspaper reports regarding this letter under these titles: “Legislative Doings,” *The Albuquerque Morning Journal* [New Albuquerque, NM, Daily except Monday], Saturday Morning, February 18, 1882, p. 1, col. 7. And “Legislative Doings: Dated February 15, 1882,” *The Albuquerque Weekly Journal* [Albuquerque, NM, Weekly], Thursday, February 23, 1882, p. 2, cols. 5-6.

³⁴ Billy was never wanted ‘Dead or Alive,’ and the reward money offered by Gov. Lew Wallace was for his capture. During this era of the Territory’s history—as in the several Territories and states at this time—a criminal who was being sought for the purpose of capture, if shot dead during the effort to capture was considered ‘captured by death.’ Thus Billy was ‘captured’ at the moment Garrett started to draw his pistol on his way to firing the fatal bullet. Those who do not know or accept this view of ‘capture’ during this era will continue to claim that Garrett never ‘captured’ the Kid and was therefore paid the reward money for ‘killing’ rather than ‘capturing’ the Kid. An examination of other payments by this Legislature during the 1870s and 1880s make it clear that these ‘rewards’ were paid to compensate the Sheriff for his time, efforts, expenses, and perseverance in pursuing the particular criminal or accused criminal as it was well known that no New Mexico county law enforcement officer during this era had a budget or account to pay for his expenses ahead of time or during the time of the pursuit. Such expenses were paid out of pocket and most were reimbursed sometimes months later by the particular County Commissioners. Furthermore, in taking the time to pursue such individuals, the sheriff and his deputies were taking time away from other official duties from which they earned a fee, such as serving warrants, collecting taxes, and delivering certain court-ordered documents. As the official pay for every county sheriff since before 1850 into the 1890s was set at \$200 per year, or \$16.67 per month, sheriffs depended upon these fees to earn a livable income, especially when married or wanting to own and keep up a house in town, a farm, or a small ranch.

have been both unethical and illegal for a legislator to vote for such a Bill had he had any evidence or heard even the slightest of rumors that Billy either was not killed by Garrett or that Billy was seen alive after July 15th.

- the Territorial Treasurer's 1882 account book records two checks were issued from the New Mexico Territorial Treasury, one for \$121.36 and one for \$378.64, for a total of \$500.00 as payment "To Patrick F. Garrett for reward offered by Governor Lew Wallace on or about the 7th day of May, A. D. 1881 for the arrest and delivery of William Bonney, alias "the Kid." Act approved February 18th, 1882."³⁵
- the account of Billy's good friend, Paco Anaya, repeated orally for five decades after July 1881, dictated to his son Louis in the early 1930s, and finally published posthumously in 1991 as *I Buried Billy the Kid*. Anaya named the first people present in the moments after hearing the gunshots: "We arrived at the south side of the room where Don Pedro slept,³⁶ and there was Pat Garrett, John W. Poe, T. M. McKinney. So were Don Pedro Maxwell, Dona Luz, Paulita Maxwell, Odila Maxwell, Don Pedro Abreau, Don Pablo Beaubien, Dona Rebecca Beaubien, and several other people that came when they heard that Billy had been killed." He then noted that Deluvina Maxwell showed up shortly afterwards and entered the room where Billy's body laid. Anaya reported that his brother, Iginio Garcia, and others dressed Billy's remains and immediately afterwards carried them to the saloon across the street from the Maxwells, where the body was on display for several hours before the funeral procession started. This testimony, consistent with many other eyewitness accounts, makes it clear that the body was *not* hidden from view but was open to the public for viewing and was attended to for hours in one of the most visited places in the village.³⁷
- the account of Billy's good friend, Jesus Silva, was repeated orally for five decades after July 1881, before finally being published in a four-column article by Jack Hull in the July 13, 1938 issue of the *Clovis News-Journal*, NM.³⁸ Jesus, in 1938, was the last known living eyewitness to Billy's body being on display and then buried. He served as chief pall bearer, getting help from Antonio Savedera, Saval Gutierrez,³⁹ Vincente Otero, and unnamed others. When asked about the rumors that

³⁵ Check Nos. 135 and 136, Payments made on February 20, 1882. *Territorial Auditor's Daybook: 1879-1883*, Territory of New Mexico, Account of Checks Issued, p. 198. Document in the State of New Mexico Records Center and Archives, Santa Fe, NM. Appreciation is extended to Barry Drucker, Archivist, for locating and providing a copy of this document as proof of the payments to Garrett.

³⁶ "Don Pedro" was the Hispanic name for "Mr. Peter"—referring of course to Mr. Peter Maxwell.

³⁷ Paco Anaya, *I Buried Billy the Kid*. (Creative Publishing, 1991).

³⁸ Jack Hull, "Only One Man Living Who Saw "Billy The Kid" in Both Life and Death," *Clovis News Journal* [Clovis, NM], Wednesday, July 13, 1938, p. 7, cols. 1-4.

³⁹ Saval Gutierrez, whose first name was sometimes printed as "Sabal" and "Sabol," was the husband of Celsa Gutierrez, who lent Billy the butcher knife he carried to the Maxwells to cut a piece of meat. A very well respected man who knew Billy well, he also served on the coroner's jury that inquired into the circumstances of the Kid's death within hours of Garrett killing the Kid.

Kid was still alive in 1938, Jesus insisted “. . . if there are dead men in this world, then Billy the Kid is among them.”

- the statement of Frank Labato, also a good friend of Billy and who was not in Ft. Sumner at time of the Kid’s death, that his mother had told him that she saw Billy’s dead body prior to it being laid to rest in the old cemetery on July 15, 1881.⁴⁰
- the account of Paulita Maxwell, youngest and teenage sister of Peter Maxwell, who, within minutes of Billy’s death to her last breath, told numerous individuals that she saw the Kid’s dead body on her brother’s bedroom floor and attended the Kid’s burial. Her version of the Kid’s death as well as her life-long and steadfast denial of a romantic or sexual relationship with the Kid was documented in Walter Noble Burns’ *The Saga of Billy the Kid*, published in 1926.
- the account of Deluvina Maxwell, former Navajo slave and 40-years a servant in the home of Lucien B. and Luz B. Maxwell, who, within minutes of Billy’s death to her last breath, told numerous individuals that she saw the Kid’s dead body on Pete Maxwell’s bedroom floor and attended the Kid’s burial. Her version of the Kid’s death as well as her life-long and steadfast denial of a romantic relationship with the Kid were included in Burns’ 1926 *The Saga of Billy the Kid*.
- the letter to the editor by James A. Carruth, published in the July 7th, issue of the *Santa Fe Daily New Mexican*, claiming that Col. James A. Lockhart authored and Carruth published the infamous placard printed and distributed in Las Vegas, N.M., in March 1882, stating: “Notice to thieves, thugs, fakirs and bunko-steerers among whom are J. J. Harlin, alias “Off Wheeler,” Saw Dust Charlie, Wm. Hedges, Billy the Kid, Billy Mullin, Little Jack the Cutter, Pock-marked Kid and about twenty others; if found within the limits of this city after ten o’clock P.M. this night you will be invited to attend a grand necktie party, the expense of which will be borne by 100 substantial citizens.” Of equal importance is the fact that Carruth confirmed that the two men were fully aware at that time that William “Billy the Kid” Bonney was killed “a year or so” earlier by Sheriff Garrett. Carruth noted that “the Billy the Kid mentioned [on the placard] was an imitation of the genuine one. There were several [Billy the Kids at this time] in different towns in New Mexico, . . .”⁴¹
[NOTE: Brackets added by this author.] Carruth and Lockhart were prominent Las Vegas businessmen in the 1880s and both were strong leaders in the local ‘citizens’

⁴⁰ Jack Hull, “Only One Man Living Who Saw “Billy The Kid” in Both Life and Death,” *Clovis News Journal* [Clovis, NM], Wednesday, July 13, 1938, p. 7, cols. 1-4.

⁴¹ “Several Billy The Kids,” *The Santa Fe New Mexican* [Santa Fe, NM, Daily except Sunday], Wednesday Morning, July 7, 1926, p. 5, cols. 2-3. Also see, Robert J. Stahl, “Story Behind the March 1882 Poster Warning “Billy, the Kid” to Leave Las Vegas by 10:00 P.M.,” *Billy the Kid Outlaw Gang Gazette*,

council,⁴² otherwise known as vigilantes. Carruth, nearing the end of his life, had no reason to lie about his role in printing and distributing this placard or the fact that he and others in Las Vegas in March 1882 were positively convinced that the authentic original Billy the Kid was dead well before that placard went to press.⁴²

The details provided above would under normal circumstances be accepted by New Mexican government officials responsible for issuing death certificates as sufficient to confirm the death of a particular person in a particular place, in a particular manner, and at a particular time. That the person involved is Billy the Kid should not necessitate further evidence—albeit circumstantial—of his death.

Given the above, any stories that the authentic William H. ‘Billy the Kid’ Bonney was not killed and that the body displayed the morning of July 15, 1881 was not that of Billy the Kid but was actually that of another person are nothing more than deliberate distortions of numerous creditable eyewitnesses reports designed to conform to or confirm lies by Kid imposters and to discredit Sheriff Pat Garrett and other respectable citizens who were in Ft. Sumner that day. However, should there be any doubt, the next section adds further documentation and historically-confirmed facts to support this request for the belated issuance of a death certificate.

Strong Circumstantial Documentation that Further Support the Claim of Billy’s Death

This section provides descriptions of documented statements that strongly reinforce the above documented evidence that Garrett killed Billy in Ft. Sumner in July 1881:

- the letter of Capt. J. C. Lea, of Roswell, within days of the Kid’s death, urging the *Las Vegas Daily Gazette* to “. . . request the people of the Territory generally and of Las Vegas, Santa Fe and the Pecos river country, particularly, to get up a liberal contribution to Sheriff Garrett as part compensation for the dangers, hardships and risks he has taken in capturing and bringing to justice this noted desperado.”⁴³ Given that Lea was a very prominent businessman and cattle man in Roswell and received the news of Billy’s death most likely from “Kip” McKinney and others traveling down from Ft. Sumner, his letter testifies to the fact that he too had some fear of the Kid and believes totally the stories of creditable men that Billy was indeed dead.
- the letter of Mr. A. H. Whetstone, of Roswell, within days of the Kid’s death, to the *Las Vegas Daily Gazette*, stating in part: “An almost universal shout of rejoicing well go up in this county at the death of this shrewd thief and desperate murderer. The words, ‘God bless Pat Garrett for his good work’ will escape from many a lip, and people will never cease to love him for his great achievements. He has already

⁴² Given the fact that Lockhart, Carruth, and other Las Vegans were fully aware in March 1882 that Billy’s complete skeleton minus a trigger finger was hung up in a local doctor’s office, the two men might have been having some fun by suggesting that even ‘that’ Billy the Kid needed to be out of town by the deadline noted on the placard.

⁴³ “Words of Commendation and Encouragement,” *The Las Vegas Daily Gazette* [Las Vegas, NM, Daily except Monday], Friday Morning, July 22, 1881, p. 4, col. 3. Note that Lea, as was common practice in this era, viewed Billy’s death as an instance of Billy having been ‘captured.’

accomplished wonders during his short administration. Before its expiration Lincoln county will be one of the most law abiding in the Territory.”⁴⁴ Whetstone, like Lea, a prominent businessman in Roswell, received the news of Billy’s death from creditable friends and associates traveling down from Ft. Sumner. His letter testifies to the fact that he believed totally the stories that Billy was indeed dead and adds the Territory owes much to Garrett for his actions.

- the accounts of George Washington Coe, good friend and once a sidekick of Billy during the Lincoln County War, as told to reporters in various New Mexico newspapers and in his book, *Frontier Fighter: The Autobiography of George W. Coe Who Fought and Rode with Billy the Kid*, that tell of his conviction that Billy was indeed killed by Sheriff Garrett in Fort Sumner in July 1881. George and his brothers, who also had been friends with and fought side by side with Billy, became convinced after talking to trusted and creditable sources and friends who were in Fort Sumner on the day of Billy’s death and burial.⁴⁵
- the account of Wilbur Coe, son of Frank Coe, published in the *Ruidoso News* in December, 1947, quoted here: “According to Wilbur Coe of Glencoe, the stories that are making the rounds these days about Billy The Kid still being alive will hold about as much water as a worn-out sieve. ‘John Poe of Roswell, former U.S. marshal and later president of the Citizens National Bank, was with Pat Garrett when The Kid was killed,’ said Coe recently, ‘and when I was a young man I heard him tell my father, Frank, that he saw Billy’s body in Pete Maxwell’s house in Fort Sumner, and that Maxwell directed the disposition of it. There was no doubt in John Poe’s mind that the famous desperado’s career was ended that night in Peter Maxwell’s bedroom’”⁴⁶
- the accounts of Charles Foor, who arrived in Fort Sumner within days of Billy’s burial, published over the years in various New Mexico newspapers into the 1930s stating that from his first day in that place he heard from eyewitnesses, nearly all of whom knew Billy on sight as well as by various degrees of acquaintanceship or friendship, that Billy had been shot dead by Sheriff Garrett, that they had seen Billy’s body, and that the Kid was indeed buried in the old abandoned military cemetery within a mile of Maxwell’s house. His accounts as recorded by reporters

⁴⁴ “Words of Commendation and Encouragement,” *The Las Vegas Daily Gazette* [Las Vegas, NM, Daily except Monday], Friday Morning, July 22, 1881, p. 4, col. 3.

⁴⁵ Also see, “Billy the Kid,” *The Albuquerque Journal* [Albuquerque, NM, Daily], Morning, June 5, 1925, p. 8, cols. 1-2.

⁴⁶ “Billy the Kid Not Alive, Says Coe,” *The Ruidoso News* [Ruidoso, NM, Weekly], Friday Afternoon, December 26, 1947.

or interested parties appeared in several New Mexico newspapers over the years.⁴⁷ What makes Foor's account important is the fact that he came to know personally and became very close friends with nearly all those who were in Fort Sumner the day the Kid died. And over the following five decades he reminisced with these folks on Billy's life, personality, death, and burial. In Foor's own accounts of these conversations, he never encountered a single person who denied that Billy was killed by Garrett that July 1881 night.

- the accounts and personal correspondence of former Territorial Governor Lew Wallace, who knew Billy and many of the key figures involved in both sides of the Lincoln County War, that make it quite clear that he fully accepted with absolute certainty the reports of Billy's death in Fort Sumner in July 1881.⁴⁸ Comments after July 1881 made to reporters of various newspapers, included in his letters, and printed in his published articles speak of Billy in the past tense. As rumors for months before Billy's death circulated that Billy had sworn to kill Wallace when he broke out of jail, the content of Wallace's post-July statements denote he had no concerns that Billy would ever bother him. Wallace got all his information regarding the Kid's demise from trusted and creditable friends or associates, all of whom either were in Fort Sumner at the time of Billy's death or knew personally someone who had been in that town at that time. Wallace also knew Milnor Rudolph, president of the coroner's jury, and would have given great weight to the reported verdict of that jury as published in the *Santa Fe Daily New Mexican*.
- the numerous published accounts of John P. Meadows, who had known Billy since before the February 1878 murder of John Tunstall—the first violent action of the 'Lincoln County War.' Meadows received his information about Billy's death from countless creditable Fort Sumner citizens who had known Billy and had seen firsthand Billy in death. Meadows, who knew Billy quite well, had been asked to serve as a deputy sheriff by Garrett in May 1881, shortly after Billy escaped from the Lincoln County jail, killing two deputy sheriffs in the process. Meadows, who respected Garrett, agreed to take on the job as long as Garrett did not ask him to search for and try to arrest the Kid. Garrett honored that condition. Meadows also served in the late 1890s as Garrett's deputy sheriff in Dona Ana County, NM.

⁴⁷ Although George Shumard wrote in "Billy the Kid, the Robin Hood of Lincoln County?" (1969) that Charles Foor stated he was a pallbearer at Billy's funeral, he in fact did not arrive in the Fort Sumner area until after Billy was buried. He never saw the Kid's body because he was not in Fort Sumner at the time the Kid was shot dead. He did develop close friendship with countless Fort Sumner residents and did see Billy's gravesite in Fort Sumner's cemetery.

⁴⁸ See for example General Lew Wallace. "'Billy the Kid,' The Terror of the Southwest," *The Philadelphia Times* [Philadelphia, PA, Daily], Sunday Morning, June 29, 1902, p. 32, cols. 1-2.

Garrett and Meadows remained friends until Garrett's death in 1908. Besides stating his recollections for New Mexico newspapers in 1926, Meadows's recollections and views were published in John P. Wilson's *Pat Garrett and Billy the Kid as I Knew Them: Reminiscences of John P. Meadows*. Surely given Meadows's contacts and associations with hundreds of Fort Sumner and Lincoln County citizens—Anglos and Mexican-Americans alike—for over 50 years after Billy's burial, had he had any doubts that Billy was dead, he would have mentioned it more than once and made his concerns public, especially when he was asked by the Editor of the *Alamogordo (N.M.) News* in 1936 to be interviewed so his story and views of frontier New Mexico could be published.⁴⁹

While the above statements are not from individuals who saw Billy's body that July day, they were made by individuals who had direct contact with close friends of Billy who were there in Fort Sumner on the day of Billy's death. These individuals had every reason to accept the word of these eyewitnesses as being truthful and accurate. These statements lend further support for the claim of Billy's death.

Documentation of Significant Circumstantial Actions that Further Support the Claim of Billy's Death

Besides the above documents that directly or indirectly attest to the death of the Kid, this section describes particular actions as well as particular non-actions by those who had a vested interest in whether the Kid was dead or alive. Also described are instances characterized by the absence of particular actions or by the lack of statements that challenge the truthfulness of Garrett's story that he shot the Kid on July 15, 1881.

- the actions of Acting Governor Ritch in immediately following up his conversation with Garrett and his examination of the coroner's jury report in requesting the Territorial Attorney General to rule as to whether Ritch had the legal authority to order the Territorial Treasury to pay the \$500 offered as a reward for Garrett's actions in attempting to capture of Billy the Kid—an attempt that ended in the death of the Kid. Not to be overlooked in this action is the fact that Ritch had known Milnor Rudolph for years and had a great deal of respect for Rudolph's integrity and honesty. He knew that Rudolph would not have served on a jury or signed a coroner's jury report were there any doubt of the truthfulness of the inquiry and decision. That Ritch acted without hesitation to seek authorization to pay the reward

⁴⁹ See these articles following an interview with John Meadows: "My Personal Recollections of "Billy the Kid:" Part 1" as told by John P. Meadows to a Representative of the *Alamogordo News*, *The Alamogordo News* [Alamogordo, NM, Weekly], Thursday, June 11, 1836, p. 5, cols. 1-3, and "My Personal Recollections of "Billy the Kid:" Part 2" as told by John P. Meadows to a Representative of the *Alamogordo News*. *The Alamogordo News* [Alamogordo, NM, Weekly], Thursday, June 25, 1836, p. 2, cols. 5-7. Also see "John Meadows Knows Something About Billy the Kid," *The Alamogordo News* [Alamogordo, NM, Weekly], Thursday Afternoon, August 5, 1926, p. 1, col. 5, and "Death John Meadows Here Tues., June 23," *The Alamogordo News* [Alamogordo, NM, Weekly], Thursday, June 25, 1836, p. 1, col. 6.

indicates that he heard and read sufficient testimony of the fact that Garrett had killed the Kid.

- the absence of any reported statement by any person known to be in Fort Sumner on July 15, 1881 that denied Billy had been shot and killed by Garrett shortly after midnight. Several of these individuals lived for four or more decades after Billy's death, but not one ever went on record saying either that Billy was not killed or that a body other than Billy's was laid in the coffin.⁵⁰
- the actions of John Chisum, Marcus Brunswick, and Thomas B. Catron in Santa Fe before Acting Governor William G. Ritch on July 20, 1881, pleading with him to accept the word of Sheriff Garrett and the decision of the Fort Sumner coroner's jury that Billy was dead.⁵¹ Given their personal fear of Billy and concern they had over Billy returning to his cattle rustling activities, these men would only have engaged in such pleading after they were thoroughly convinced that the authentic Billy the Kid had indeed been shot dead by Garrett.
- the departure of John Chisum, who had arrived in Santa Fe days before Billy's death because of his strong fear that Billy would kill him in an act of revenge, from Santa Fe on July 28, within days of hearing Sheriff Garrett's comforting words that Billy was indeed dead and buried. The *Santa Fe Daily New Mexican* reported the dates of Chisum's arrival in and departure from the town.⁵²
- the departure of Manuel Brazil, who had arrived in Las Vegas, NM days before Billy's death because of his strong fear that Billy would kill him in an act of revenge, from Las Vegas within two days of hearing Garrett's, Maxwell's, and Cosgrove's comforting words that Billy was indeed dead and buried. Brazil, who owned a small ranch just east of Fort Sumner, had written Garrett in early July alerting him to the effect that Billy was in the immediate vicinity of Ft. Sumner. Garrett later credited Brazil for writing this letter as it was an important motivator for Garrett to begin a search for Billy in that area. The Las Vegas newspapers reported the dates of Brazil's arrival in and departure from the town.

⁵⁰ This is an important and ignored point regarding the confirmation of Billy's death in Fort Sumner. It is a deliberately ignored point by all Billy the Kid imposters and their supporters. Not one person who later reported having seen Billy alive after July 1881, such as those interviewed in the WPA oral history project in New Mexico in the 1930s, was in Fort Sumner on July 15, 1881. Those who reported seeing Billy the Kid in the 1900s may well have been referring to having encountered

⁵¹ See ""Untitiled: "Yesterday afternoon Pat. Garrett . . . """, *The Santa Fe Daily New Mexican* [Santa Fe, NM, Daily except Monday], Thursday Morning, July 21, 1881, p. 4, col. 1.

⁵² "Personal: "John Chisum, the well-known stock man, . . . """, *The Santa Fe Daily New Mexican* [Santa Fe, NM, Daily except Monday], Friday Morning, July 29, 1881, p. 4, col. 3. Incidentally, James Dolan, prominent member of Lincoln, NM and bitter enemy of the Kid during the infamous 'Lincoln County War,' who had also been hiding in Santa Fe for some time while Billy was a free man, left Santa Fe on the 28th as well for his home in Lincoln.

- the efforts of James Dolan, noted Lincoln, NM businessman and enemy of Billy during and after the infamous ‘Lincoln County War,’ who, on Wednesday, July 20, 1881 while in Santa Fe, began a subscription list to raise donations to be presented to Pat Garrett, slayer of Billy the Kid, “the worst man the Territory has known.” By afternoon, he had raised nearly \$600—the effort and donations all based on believing that Garrett had killed the Kid. That such a sworn enemy of Kid would start such a fund is evidence that he fully accepted the coroner’s jury report and Garrett’s word that Kid was dead.⁵³
- the lack of a single statement by political and editor enemies and opponents of Garrett during the bitter election campaign in central and southern New Mexico in October and November 1882, during which Garrett ran for a seat in the Territorial Legislature, that questioned or challenged the story that Billy was shot dead at the hand of Garrett. During this campaign, well over a dozen news items, letters to the editor, and editorials—positive and negative—were included in pro- and anti-Garrett newspapers dwelling on a number of issues, actions, and matters concerning Garrett’s qualifications, character, integrity, and abilities as a law enforcement officer. No one questioned the fact that his actions directly brought law and order to Lincoln and surrounding counties. Important to the case being made here, no comment was printed—even by his worst enemies and bitterest political rivals—that suggested that Garrett had not killed the Kid. This can only mean that all those at the time, whether friend or foe of Garrett— knew for certain or accepted as fact that the Kid was dead and Garrett had made him that way.
- the lack of a single statement by political and editor enemies and opponents of Garrett during the bitter election campaign for Sheriff of Dona Ana County, N.M. in October and November 1896 and re-election campaign in 1898, that questioned or challenged the story that Billy was shot dead at the hand of Garrett. During this campaign, well over a dozen news items, letters to the editor, and editorials—positive and negative—were included in pro- and anti-Garrett newspapers dwelling on a number of issues, actions, and matters concerning Garrett’s qualifications, character, integrity, and abilities as a law enforcement officer. Important to the case being made here, no comment was printed—even by his worst enemies and bitterest political rivals—that suggested that Garrett had not killed the Kid. This can only

⁵³ “ ‘Untitled: ‘Early yesterday morning Mr. James Donan,’ ”, *The Santa Fe Daily New Mexican* [Santa Fe, NM, Daily except Monday], Thursday Morning, July 21, 1881, p. 4, col. 1. Note: ‘Donan’ in article is a misspelling of ‘Dolan.’

mean that all those at the time, whether friend or foe of Garrett— knew for certain or accepted as fact that the Kid was dead and Garrett had made him that way.

- the lack of a single statement by political and editor enemies and opponents of Garrett during the nomination process where Garrett was being considered by President Theodore Roosevelt for the U.S. Government post of Collector of Customs in El Paso, Texas, that questioned or challenged the story that Garrett had shot dead Billy. During this process, which took place over several weeks in November and December 1901, dozens of news items, letters to the editor, and editorials—positive and negative—were included in newspapers across the United States that dwelt on a number of issues, actions, and matters concerning Garrett’s qualifications, character, integrity, and abilities as a law enforcement officer. Garrett had strong supporters and opponents in Texas, where he was living at the time and where he would work if appointed, and in New Mexico, where he had served as Sheriff in two counties. Important to the case being made here, no comment was printed—even by his worst enemies and bitterest political rivals—that suggested that Garrett had not killed the Kid. This can only mean that all those at the time, whether friend or foe of Garrett—knew for certain or accepted as fact that the Kid was dead and Garrett had made him that way.
- the lack of a single statement by friends, acquaintances, enemies, or opponents of Pat Garrett in the days, weeks and months following Garrett’s assassination on February 29, 1908 that questioned or challenged the story that Garrett had shot dead Billy the Kid. Following his death, dozens of news items, letters to the editor, and editorials were included in newspapers across the United States that dwelt on a number of issues, actions, and matters concerning Garrett’s qualifications, character, integrity, and abilities as a law enforcement officer. Important to the case being made here, no comment was printed—even by his worst enemies and bitterest political rivals—that suggested that Garrett had not killed the Kid. This can only mean that all those at the time, whether friend or foe of Garrett—knew for certain or accepted as fact that the Kid was dead and Garrett had made him that way.
- the lack of any published statement by Thomas Catron, head of the infamous and corrupt ‘Santa Fe Ring,’ by another member or close associate of this ‘Ring,’ or an enemy of or opponent of the Kid during and after the 1878-79 ‘Lincoln County War’ denying Billy was dead or mentioning that Billy was reported seen alive after July 15, 1881. Indeed, the *Santa Fe Daily New Mexican* the week following Billy’s death reported Catron was among the strongest supporters of Garrett’s claim for the

reward money before Acting Governor Ritch. Given the overwhelming documentary evidence and historical accounts that this ‘Ring’ was the powerful and persistent force behind seeing Billy being tried and convicted for murder and hung, Catron, as its leader, would not have supported Garrett if there were any doubt Billy was dead.⁵⁴

- the lack of any recorded statement in newspapers or official Territorial records by any member of the Territorial legislature at any time prior to, during, or in the decades after July 15, 1881 that questioned the report that Billy was dead. This silence is especially significant because the members of the legislature were important business, professional, and cattle men who had ‘ears’ in every part of New Mexico. Surely if one had heard even the least bit of a rumor that Kid was still alive, he would have announced it on the floor prior to the unanimous vote to reward Garrett or in the decades after in a charge of fraud against Garrett with a demand he return the reward money.
- the lack of any reported statement by anyone who donated money to a ‘Pat Garrett Fund,’ which was collected in several towns in New Mexico in the weeks immediately following July 15, 1881 in appreciation for Garrett having rid the Territory of Billy the Kid, asking for his money back on account of hearing even a rumor that Billy was still alive.⁵⁵ The total amount donated was never published and was made up mostly of small amounts under \$50. Most likely it exceeded \$3,000 in addition to the \$500 reward given by the Territorial Legislature and \$1,000 said to have been given by John Chisum. The total—being considerably more than Garrett’s annual sheriff’s salary of \$200—made Garrett a rich man by mid-March 1882.⁵⁶
- the lack of any reported statement by John Chisum and all members of the Chisum family, who had employees as well as associates working, doing business, traveling, or living all over the Southwest and Mexico, that any one had heard even

⁵⁴ There are numerous books, chapters, and journal articles that document the roles the leaders and members of the ‘Santa Fe Ring’ had over the entire time after Billy’s December 1880 arrest to ensure that Billy did not escape jail, was always well guarded, was tried for murder, and was sentenced to be hung until dead.

⁵⁵ While the total of these several ‘funds’ was never reported, the final total most likely exceeded \$3,000, not including the \$1,000 that John Chisum was rumored to have given Garrett. In all instances, the donations were not for Garrett having killed the Kid, but for his efforts, perseverance, and actions that ‘rid’ the Territory of this dangerous criminal whose existence terrorized a number of people throughout New Mexico. Billy did nothing to harm, much less murder, anyone in the 11 weeks following his escape from the Lincoln County jail, in fact he went overboard not to harm anyone, it was his statements vowing revenge made prior to his escape that lead many individuals fear for their lives upon hearing of his escape and being in the Territory. In effect they ‘terrorized themselves’ as a result of what they believed Billy would do to them rather than because of what Billy was reported as doing after his escape.

⁵⁶ An idea of the sum raised can be seen by this July 21, 1881 *Santa Fe Weekly Democrat* item cited as “‘Untitled: ‘The citizens of Las Vegas are an appreciative people. . . .’”, that stated that on the first day that news of Billy’s death reached Las Vegas, NM, the citizens there raised \$1,300 for Pat Garrett for ridding the Territory of the Kid. The same newspaper on that day in an item cited as “‘Untitled: ‘Mr. Jas. Stinson, one of the most liberal sporting men . . .’”, reports that earlier on that day James Stinson started his own fund on behalf of Garrett, collecting about \$500 in two hours and more coming in as the paper went to press. The *Santa Fe Daily New Mexican* of July 30th noted that citizens of Las Cruces and Mesilla as well as all counties in southern New Mexico were also raising a purse for Sheriff Garrett.

a rumor that Billy was still alive. The fact that Billy was on record that he would seek revenge on Chisum once he had a chance was never forgotten by Chisum, who certainly would have been extremely alert to any news, creditable or not, that Billy was still alive. John Chisum went to his grave of brain cancer in 1884 convinced that his good friend Pat Garrett had killed the Kid. Another of John Chisum's good friends, John W. Poe, assured him of the truthfulness of Garrett's story. Furthermore, Sallie Chisum Robert, John Chisum's niece who had been a friend of Billy and who was throughout her life a strong-willed Chisum, to the day of her death told people she heard from eyewitnesses to Billy's body that Billy was shot and killed by Garrett.

- the inscription in the *Holy Bible* of the Roberts family, produced by his niece, Geneva Pittmon, citing the birth of Oliver P. Roberts as being in 1879, meaning that Oliver P. Roberts, *alias* Ollie Roberts, *alias* Brushy Bill Roberts, *alias* Billy the Kid imposter, was still in diapers on July 15, 1881. While truly a 'kid' at the time of the real Billy the Kid's death, Ollie biologically could not have lived the previous 19 years and done the things William H. "Billy the Kid" Bonney did and therefore could not have been both 2 years old and 21 years old and physically present on his own two feet in Fort Sumner on the night of July 14, 1881—which is what Roberts and his supporters argue actually occurred. The facts that Roberts's own cousin produced this Bible, testified to the authenticity of the birth information contained within, and testified that she personally knew from family stories and her own life experiences with him that the man calling himself Brushy Bill Roberts, *alias* Billy the Kid, was the man whose birth was recorded as being in 1879. Furthermore and even more importantly, Ollie's older half-sister, Martha Vada Roberts (later Heath), born in 1873, grew up with her younger brother and insisted that Ollie was not the Kid and that family members always refused to back up his claims that he was the Kid. That Ollie as Brushy Bill "Billy the Kid" Roberts deliberately and until his dying breath said whatever he thought necessary to discredit his Bible birth record, his niece, and his step-sister revealed what he was willing to do to continue his hoax effort. This information, while not referring to the death of Billy the Kid on July 15, 1881, rules out Roberts, under any of his names and aliases, as ever being the authentic Billy the Kid. Brushy Bill Robert's death on December 27, 1950 has no bearing on the birth, life, or death of the authentic Billy the Kid and can only be viewed as the death of the last and most well-known Billy the Kid *imposter*.

In addition to the above statements is the fact that not a single person who reported himself or herself as being in Fort Sumner on July 15, 1881 ever publically denied that Sheriff Garrett had killed Billy the Kid that day or that Billy was buried that day in the old cemetery. Given the population of Fort Sumner and surrounding area as well as the few visitors that day numbered over 100 people, mostly Mexicans or Mexican-Americans from all walks of life and well-known in the area businessmen and their families, this lack of denial supports the truth of Billy's death and is not a result of every one either being part of a big conspiracy to protect the Kid or being so in fear of their lives via intimidation and threats from Sheriff Garrett and deputies Poe and McKinney that they dared over their entire lives not reveal that Billy was not dead. Furthermore, the dozen or so people who were in Fort Sumner on July 15, 1881 and who outlived Poe, who died in 1923 as the last of the three law officers to pass away, had their chance to dispute the story of Billy's death as they had nothing to fear from these men. Yet they all held fast to their clear memories that they saw the Kid dead and buried on that day.

Finally, no New Mexico newspaper—indeed, no newspaper in the United States—for over 40 years following July 1881 printed an item citing any creditable rumor that the authentic William H. 'Billy the Kid' Bonney was seen alive somewhere in the United States or Mexico.⁵⁷ In 1883, the *New York Tribune* published a commentary regarding the surfacing of rumors of Billy being alive while noting that rumors of famous criminals, such as Jesse James and Billy the Kid, were, for various reasons, always going to surface because of the public's fascination with such characters and the sense that they shouldn't have died so young and as they did. The commentary noted that there were plenty of 'Kids' out west, being a nickname initially given to the youngest member of an outlaw gang. The first newspaper-reported 'sighting' of a wannabe Billy the Kid imposter came out of the El Paso, Texas area in the early 1920s—this decade being the first time that someone might have encountered Ollie 'Brushy Bill' Roberts telling people he was the 'real' Billy the Kid and reported this encounter to a local newspaper.⁵⁸

Proposed Content for an Official New Mexico Death Certificate

The Office of Vital Records and Health Statistics, New Mexico Department of Health, was established in 1919 to create, obtain, register, correct, preserve, and maintain public vital records on births and deaths that occurred in New Mexico. There is no mention that this Office's domain is solely that of New Mexico as a State; thus excluding records related to births and deaths during the Territorial days. The Office is charged with issuing documents that provides proof of a major life event—birth, marriage, divorce, and death—that occurred at any time in New Mexico's History. Most importantly for the matter addressed in this petition, this Office is charged with registering and issuing certified copies

⁵⁷ Also see "Kid, The Killer, Killed: Wm. Bonney, Alias Antrim, Alias Billy the Kid, Fatally Meets Pat Garrett, Lincoln County Sheriff." A reprint from the *Rio Grande Republican* of July 23, 1881. In *The Roswell Daily News* [Roswell, NM, Daily except Sunday], Wednesday Afternoon, July 25, 1923, p. 1, cols. 1-4; "Billy the Kid as Dead as a Forty-Five Could Make Him: That Is the Verdict of Old-Timers, Who Are Stirred Up by El Pasoan's Yarn," *The Santa Fe Daily New Mexican* [Santa Fe, NM, Daily except Monday], Thursday Morning, June 24, 1926, p. 2, cols. 3-4; and "Merely a Myth," *The Santa Fe Daily New Mexican* [Santa Fe, NM, Daily except Monday], Friday Morning, July 2, 1926, p. 4, cols. 1-2.

⁵⁸ Untitled: "It may be interesting to know that the original "Billy the Kid," . . ." *The New York Tribune* [New York, NY, Daily], Saturday Morning, January 20, 1883, p. 4, col. 4.

of death certificates. The fact that an official death certificate was not generated, registered or issued in 1881 pertaining to the death of Billy the Kid does not prevent this Office from creating and registering such a certificate today as official proof that the Kid did die on July 15, 1881 as confirmed by the official coroner's jury report and numerous eyewitness accounts. Indeed issuing a death certificate will be consistent with the Office's obligations regarding registering information on a major life event for any individual—in this instance the individual happens to be William H. "Billy the Kid" Bonney.

The above eyewitness reports and documentation—all from creditable persons—are far more than what was necessary and sufficient in 1881 to confirm that William H. "Billy the Kid" Bonney did in fact die of a bullet wound near or in the heart as a direct result of a bullet fired from a pistol fired by Pat Garrett. The original coroner's jury report and abundant additional supporting documentation as provided herein are above and beyond what is necessary and sufficient for the State of New Mexico to issue an official death certificate for any other person who ever died within its borders. That New Mexico in the 1800s did not issue death certificates for criminals shot dead while arrest or captured was being attempted or while attempting an escape does not mean that the State of New Mexico cannot issue one today for a past death.

The information below fits the categories included in death certificates currently being issued in New Mexico.

NAME(S)/NICKNAMES/ALIASES OF DECEASED: Henry McCarty, Henry Antrim, *alias* Kid Antrim, *alias* William H. "Billy" Bonney, *alias* Kid, *alias* Billy the Kid.

Date of Birth: Unknown. Various accounts claim birth year as 1858, 1859, or 1860.

Age: Unknown. Said to be 21 years old in December 1880 and the same age in July 1881.

Place of Birth: Unknown. Reported to be New York City.

Parents:⁵⁹

Father: Name Unknown (assumed deceased, unknown date and location of death)

Father's Birthplace: Said to be Ireland **Date of Birth:** Unknown

Stepfather: William Henry Harrison Antrim, presently living in or near Magdalena, Grant County, N.M.T.

Stepfather's Birthplace: Huntsville, Indiana. **Date of Birth:** December 1, 1842.

Mother: Catherine McCarty, later Antrim **Maiden Name:** Unknown.

⁵⁹ Please note that the much-repeated and accepted parentage of Henry McCarthy, later Henry Antrim, *alias* William H. "Billy the Kid" Bonney, is presented below.

Mother's Birthplace: Said to be Ireland **Date of Birth:** 1829 **Date of Death:** September 16, 1874 in Silver City, Grant County, Territory of New Mexico, where she was also buried.

Next of Kin at Time of Death: William Henry Harrison Antrim (stepfather), present residence believed to be at or near Magdalena, Territory of New Mexico; Joseph 'Joc' Antrim (brother), present residence, Trinidad, Colorado. Only known living relatives.

Marital Status: Single, never married. **Religion:** Unknown, said to be a Christian.

Date of Death: Friday, July 15, 1881 **Time of Death:** About 12:25 a.m.

Place of Death: Peter Maxwell's bedroom, Luz Maxwell's house, Fort Sumner, San Miguel County, Territory of New Mexico.

Cause of Death: Death caused by massive internal hemorrhages near the heart, lungs, and chest cavity as a direct result of one bullet in chest just to the left of the heart fired at point blank range by Lincoln County (N.M.T.) Sheriff Patrick Floyd Garrett. Death occurred within seconds of being shot, ruled 'justifiable homicide' by coroner's jury.

Witnesses verifying identity of deceased and present at or immediately following time of death: Sheriff Patrick F. Garrett, Peter Maxwell, Deputy Sheriffs John W. Poe and Thomas 'Kip' McKinney, and others. (Also see official coroner's jury verdict and report on file in New Mexico State Records Center and Archives, Santa Fe, NM.)

Attending Physician: None living in or present in Fort Sumner or nearby communities.

Funeral Home/Mortuary: None available in community or nearby communities. Remains not embalmed. Remains buried in wooden coffin approximately 12 hours after death, in early afternoon July 15, 1881

Funeral Service: Unknown.

Place of Burial: Old Military Cemetery, Fort Sumner, San Miguel County, Territory of New Mexico. **Date of Burial:** July 15, 1881.

Informants for This Certificate: Dr. Robert J. Stahl, Historian, Chandler, AZ, 85224, based on information in New Mexico public records, sources cited herein, and in other documents available in the New Mexico State Records Center and Archives, the historical documents in the Lincoln County Clerk of the Court records, and the Special Collections Departments in the libraries of the University of New Mexico, New Mexico Highlands University, and New Mexico State University.

Epilogue

The several accounts by those in Fort Sumner of the events leading up to as well as associated with the search for Billy the Kid on the night of July 14th and death in early morning of July 15th, 1881 varied in minor details during that month as they did in every decade since his death. However, the accounts by those on site and who knew Billy on sight are in 100 percent agreement that William H. ‘Billy the Kid’ Bonney was shot and killed by Sheriff Garrett, that numerous individuals saw this Billy’s body immediately following and in the hours following his death, and that this Billy was buried in the afternoon on the day of his death in the old military cemetery within a mile of the Maxwell house in that village.

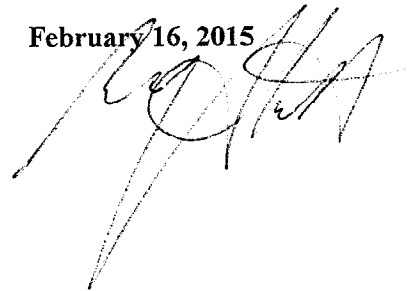
My Petition

This document is my petition to the Director of the Office of Health to issue, albeit 143 years after the fact, an official State of New Mexico Death Certificate recognizing and verifying the death of this man on the date, in the place, and in the manner described.

This matter of issuing an official death certificate attesting to a verifiable life event—in this case, a death—is an action that does not require a political decision or decision reflecting Billy’s involvement in, guilt or innocence of, or pardon of any criminal act, whether any such act was intentional or not. I am merely asking the State of New Mexico to support the decision and report of an officially assembled coroner’s jury and testimony of Sheriff Pat Garrett and creditable other notable citizens by issuing the death certificate that could have been issued in 1881.

Robert J. Stahl

February 16, 2015

A handwritten signature in black ink, appearing to read 'Robert J. Stahl', is written over the typed name and date. The signature is fluid and cursive, with a large initial 'R' and 'S'.