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Music as Artifact: The Johnson County War Ballads

The Johnson County (Wyoming) Cattle War of 1892 was one of the most bitter of the nineteenth-century range wars between settlers, who nested near prime watersheds, and large landowners, who favored the ways of Wyoming's open range. The conflict is a milestone in the history of the region, for it marks the end of the open range era and the establishment of the smaller, independently owned ranches, which lend the area much of its cultural identity even today. The discord has long been a topic of local and regional historical interest, and its events have been preserved in both aural and written traditions, including several songs. A closer look at four Johnson County War broadside ballads from the last decade of the nineteenth century offer a glimpse into the folk music history of the Powder River Basin.[1]

Historical Overview

Although the focus of this essay is on the Johnson County War ballads themselves, a brief overview is necessary in order to understand the historical circumstances from which these songs arose. Readers who wish to make a deeper study are advised to consult the many published sources documenting the subject, a few of which were written by the participants themselves.The Johnson County War had many causes. In some respects, the conflict was a confrontation between "haves" on one side and "have nots" on the other.[2] Substantial tracts of land were owned by large cattle companies often funded by wealthy English and Scottish investors, who functioned as absentee landlords in Johnson County. Most of these landowners and their ranch managers assumed that public land was available for their free use. Opposing the "white caps," as the press termed the ranch owners and their foremen, were the so-called "rustlers," the small landowners, who believed just as emphatically that public land was open to them for homesteading. Both groups settled in the same area and often fenced off prime grazing land and water holes.

The combination of poor range management and the capriciousness of Wyoming's weather also exacerbated the potential for conflict, and the disas-

trous winter of 1886-87 intensified the competition for good pasture land at a time when the range suffered from over-stocking and over-grazing. Several cattle barons, as the owners of the large companies were also called, were forced into bankruptcy. Furthermore, the harsh winter and the resulting death of great numbers of livestock left many cowboys unemployed. Some began to fend for themselves by filing claims on small homesteads.[3] The settlers continued to fence off even more pasture land, denying its use to the remaining large outfits.

The maverick problem only worsened the situation. A maverick is an unbranded calf whose mother cannot be located, and the difficulty lay chiefly in determining ownership. Some ranchers reckoned their livestock by a theoretical "book count" instead of an actual tally made on the range, a method which did nothing to clarify the situation. Because they had such vast herds, owners of large outfits assigned unmarked calves on their property to themselves and regarded the branding of orphaned calves as the equivalent of thievery. These cattlemen suspected more than a few of their employees and most settlers of "mavericking" to increase their herds. The ranchers took their grievance to the territorial legislature, whence came the largely ineffective Maverick Law of 1884. The bill attempted to solve the problem simply by making all unbranded calves the property of the Wyoming Stock Growers Association (WSGA), an organization to which a majority of the large ranch-owners belonged.[4] The poor wording and unenforceability of the Maverick Law was another underlying cause of the Johnson County War.

Since recourse to law enforcement had failed to resolve the grievances on both sides, the already tense situation continued to deteriorate during the late 1880s. The cattlemen came to regard the settlers, some of whom had been well-respected former employees, with the same suspicion and contempt as common outlaws. A primary victim of the cattlemen's turnabout of esteem was Nate Champion, a cowboy who worked for the Bar C and EK Ranches, chiefly as a wagon-boss.[5] He was once described by several cattlemen as "a top hand and a man of trust." Although he was "never accused of rustling . . . while alive," Champion was eventually black-balled and became one of the fallen heroes of the Johnson County War.[6]

As a result of these circumstances, relations between cowboys who worked for the cattle barons and the small ranchers sank to their worst from roughly 1887 through 1892. Like most conflicts resulting in violence and bloodshed, participants on both sides of the Johnson County War were firmly convinced of the rightness of their cause. Incidents leading to the cattle war began in November 1891, when Orley "Ranger" Jones was ambushed at Muddy Creek, south of Buffalo. Shortly thereafter, John A. Tisdale was shot in the back at what is now called Tisdale Divide, also south of Buffalo. Both men were settlers and former cowboys; both were suspected of stealing livestock, although such allegations were never proved. An investigation into these deaths by Johnson County sheriff's deputies was inadequately conducted and the murders were

never officially solved, although witnesses to the crime and an alleged perpetrator were identified.[7]

Both sides organized themselves to pursue their interests more aggressively. In late October 1891, a group of small-scale stockmen met in Buffalo to organize the Northern Wyoming Farmers and Stock Growers' Association to lobby for their cause.[8] The same large landowners who had already formed the Wyoming Stock Growers Association met at the exclusive Cheyenne Club in Wyoming's capital city. There they made a decision that some kind of action had to be taken to protect their interests in northern Wyoming. The owners drew up a list of about seventy-five settlers and others whom they wished to eradicate, hired several Texas gunfighters, and formed a small private army, led by Maj. Frank Wolcott, United States Army, retired.[9] On April 5, 1892, a special train left Cheyenne headed for Casper, whence the invaders planned to ride north to kill the men on the "daisy" list and burn their property. Wyoming's governor, senators, congressman, judges and district law enforcement officers were probably aware of the cattlemen's plans. Most looked the other way, however, because the actions of the vigilante army served the best financial interests of all these powerful individuals.

On the way, the leaders of the killing party, Major Wolcott and Frank Canton, argued about the best method by which to carry out their mission. The original plan called for a direct attack on Buffalo, but when the party stopped to rest at the TTT Ranch, south of present-day Kaycee, word reached Wolcott that many of the alleged rustlers were spending the winter at the nearby KC Ranch. Against Canton's advice, Wolcott ordered the army to make a detour in order to intercept the supposed gang of cattle thieves. At dawn on April 9, the invaders attacked the cabin where only two men, Nate Champion and Reuben "Nick" Ray, had been spending the winter months.[10] Champion and Ray were killed and the cabin was set afire. At the height of the fracas, a settler by the name of Jack Flagg and his stepson Alonzo Taylor happened to drive by in a buggy. Shots were fired at them, whereupon they cut their team loose and rode to Buffalo, to warn the citizenry and local officials of the impending confrontation.

Buffalo had already become polarized because of the events of the preceding winter, but after Flagg's warning the town became a hornet's nest of cowboys, settlers and townsfolk. Several citizens armed themselves and rode to the Covington Ranch, a few miles southeast of town.[11] From there they besieged the invaders who had taken refuge in the house and outbuildings at the neighboring TA Ranch. On April 12, Governor Amos W. Barber, who stood firmly on the side of the invaders, wired United States President Benjamin Harrison requesting Federal troops to quell an "insurrection" existing in Johnson County.[12] The cavalry, posted at Fort McKinney, west of Buffalo, rode to the TA Ranch. Major Wolcott grudgingly surrendered on April 13 and the townsfolk agreed to discontinue the siege.

The cattlemen and their retinue were held for a time at Fort McKinney, then moved to Fort Fetterman and finally to Fort Russell in Cheyenne. Officials believed it would have been impossible to get a fair trial anywhere in northern Wyoming. At a preliminary hearing in Laramie, a change of venue was approved to, of all places, Cheyenne, where the invasion had originally been planned. The invaders and the mercenary gun-fighters were released on their own recognizance, and later, on January 21, 1893, the case was dismissed.

The Johnson County War Ballads

Elements were present in the conflict that lend themselves perfectly to folk balladry: intrigue, underhandedness, murder and no small amount of heroism. These same conditions appear in other well-known American ballads such as "Sam Bass," "Jesse James," and "Pretty Boy Floyd." Four nineteenth-century ballads about the Johnson County Cattle War are extant, two of which remain in the repertories of a very small number of singers. The only existing tune may or may not be the one used during the 1890s, while tunes for the other songs have been lost. All four texts are concerned with describing the trials and heroism of a few men, presumably for the purpose of swaying or reinforcing public sentiment toward the settlers. Even their enemies acknowledged that protagonists such as Nick Ray and Nate Champion were brave men. Such heroism is the stuff of which legends are made; unsurprisingly, ballads were composed to honor their memory not long after the uprising. All the songs are narrated from the settlers' point of view. Apparently, none exist from the cattlemen's perspective. After the cessation of hostilities, neither the cattlemen nor their sympathizers wished to attract further attention by elevating their cause in poetry or song. The nineteenth-century Johnson County War ballads, "The Ballad of Nate Champion" (anonymous, early 1890s), "The Invasion Song" (anonymous, early 1890s), "The Murder of Tisdale and Jones" (Patrick Burns, 1892) and "Our Heroes' Grave" (anonymous, early 1890s) will be examined below.[13]

"The Ballad of Nate Champion"
Anonymous, 1890s

Malcolm Laws emphasizes that "American ballads leave relatively little to the imagination. They are explicit and detailed, often tiresomely so."[14] "The Ballad of Nate Champion," also known as "The Ballad of Nick and Nate," "The Little Black Book," "The Little Blood-Stained Diary" and "The Blood-Stained Book," is surely a case in point, for it is a detailed summary, leaving virtually nothing to conjecture, of an event which was probably the turning point of the entire conflict.

The Ballad of Nate Champion

It was a little blood-stained book which a bullet had torn in twain,
It told the fate of Nick and Nate, which is known to all of you;
He had the nerve to write it down while the bullets fell like rain,
At your request, I'll do my best to read those lines again.
"Two men stayed with us here last night, Bill Jones and another man,
Went to the river, took a pail, will come back if they can;
I told old Nick not to look out, there might be someone near,
He opened the door; shot to the floor, he'll never live, I fear.

Two hours since the shots began, the bullets thick as hail!
Must wait on Nick, he's awful sick, he's still alive but pale;
At stable, river, and back of me, men are sending lead,
I cannot get a shot to hit, it's nine, and Nick is dead.

Down at the stable I see a smoke, I guess they'll burn the hay,
From what I've seen they do not mean for me to get away;
It's now about noon, I see a rope thrown in and out the door,
I wish that duck would show his pluck, he'd use a gun no more.

I don't know what has become of the boys that stayed with us last night,
Just two or more boys with me and we would guard the cabin right;
I'm lonesome, boys, it's two o'clock, two men just come in view,
And riding fast, as they went past, were shot at by the crew.

I shot a man down in the barn, don't know if I hit or not,
Must look again, I see someone, it looks like . . . there's a blot;
I hope they did not get those men that across the bridge did run,
If I had a pair of glasses here, I think I'd know someone.

They're just through shelling the house, I hear the splitting wood,
I guess they'll light the house tonight, and burn me out for good;
I'll have to leave when night comes on, they'll burn me if I stay,
I guess I'll make a running break and try to get away.

They've shot another volley in, but to burn me is their game,
And as I write, it's not yet night, and the house is all aflame;
So good-bye, boys, if I get shot, I got to make a run,
So on this leaf, I'll sign my name, Nathan D. Champion."

The light is out, the curtain drawn, the last sad act is played,
You know the fate that met poor Nate, and of the run he made;
And now across the Big Divide, and at the Home Ranch door,
I know he'll meet and warmly greet the boys that went before.

Olive Wooley Burt, American Murder Ballads. *London and New York: Oxford University Press, 1958, 175-177. Reprinted by permission.*

The anonymous text describes the chain of events in Champion's diary. The attitude of the author is resigned and somewhat restrained, considering the highly charged emotional events about which he is writing. The opening verse serves as an introduction to the song; it presumes the listeners or readers are familiar with the events described therein. The last verse has a decidedly funereal cast. Descriptions of a deceased person going to heaven using tropes such as the Big Divide and the Home Ranch are typical of cowboy poetry and often symbolize a "reward for loneliness and isolation felt by cowboys."[15]

Complete variants (e.g., with both text and tune) of the folk song are found in only two modern sources: Olive Wooley Burt's book, *American Murder Ballads*[16] and on an audio cassette made by former Kaycee area resident Daniel L. "Lonnie" Devoe, which is now in the collection of the Johnson County Public Library. The texts are similar, but the two tunes are very different in nature.

A possible source for much of the description found in the ballad is a newspaper article that appeared in *The Chicago Herald.* It was written by a journalist named Samuel Travers Clover, one of two reporters the cattlemen invited to accompany them. His assignment was to cover the events, ostensibly from the cattlemen's point of view, and report back to Chicago by telegraph.

At the conclusion of the gunfight at the KC Ranch cabin, Frank Canton discovered a small notebook under Champion's body. He and the other leaders of the company read it, after which Major Wolcott gave it to Clover, who then published its contents, a record of the last hours of Champion's life. When Clover saw that the invaders, surrounded at the TA Ranch by angry Johnson County citizens, would have to fight for their lives, he recognized his chance to write a sensational account. He slipped through the lines into the protective custody of the United States Army. A few days later, again under Army escort, he made his way to Douglas, Wyoming, where he filed his story. Champion's manuscript was printed in Clover's article in a rather terse prose style, but follows the same narrative line as the text of "The Ballad of Nate Champion," which is of course rhymed.[17] A few weeks after the incident Clover evidently lent the diary to a colleague, Henry A. Blair, because the former acknowledged "the return of Champion's diary pages" adding "I shall keep them for as long as I live."[18] The diary has not been seen since.[19]

O. W. Burt collected the text for "The Ballad of Nate Champion" from Leland White and Archie and Obed Garner, who lived in Afton in southwest Wyoming.[20] The same text is also found in *Powder River, Let 'Er Buck,* by Struthers Burt. The latter stated, "For a while along the Powder the following ballad was popular. No one seems to have the vaguest idea who wrote it or how the tune went. It is a transcription, as it says, a condensed one, of the hour-by-hour diary Nate Champion kept."[21]

The song as given by O. W. Burt[22] is shown in Figure 1, below. The tune consists of four phrases to match the quatrain structure of the half-stanza. It is in the mixolydian mode, has a range of one octave (c′ to c′′) and its contour

reflects the typical Anglo-American "rainbow" curve, the top of the arch reaching c′′ mid-way through the third phrase (measure 11). Triadic motion is evident in the first phrase, after which scalar motion is predominant. A leap of a fourth to the high point of the song is the most dramatic feature of the tune (mm. 10-11). Burt's tune is not harmonized, but a suggested harmonization has been added in order to make a more thorough comparison with Devoe's version of the song. The implied chords are primary, I, IV and V, common to many folk tunes. The waltz meter was common in popular music of the day, and the rhythmic patterns accommodate the predominantly iambic meter of the text, also typical of many folk ballads.

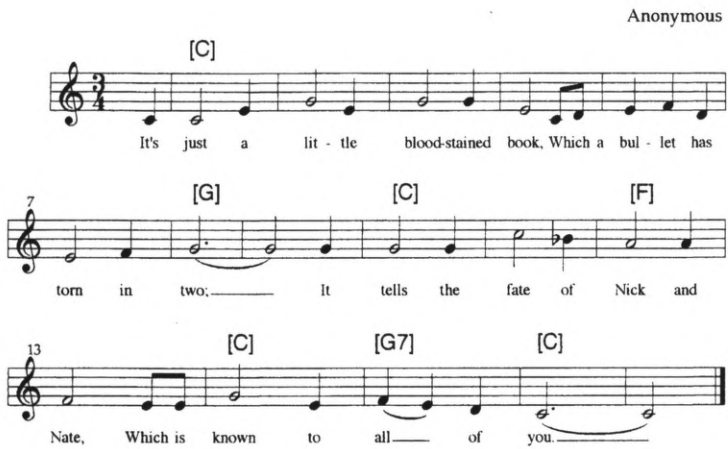


Figure 1. The Ballad of Nate Champion

Some of former Kaycee area resident Daniel L. Devoe's ancestors were involved in the Johnson County War, even though his father, Clark Devoe, did not settle in the region until 1906, well after the end of the conflict. Hank Devoe, Daniel's great-uncle, was the foreman of the Bar C Ranch; a well-known photograph shows him with the roundup crew of 1884.[23] County records show that another great-uncle, C. M. Devoe, served on the Johnson County Commission at the time of the affray.[24]

Daniel L. Devoe is a self-taught guitar player who still plays "every once in a while . . . for my own enjoyment, for fun."[25]

> DD: A friend of mine showed me a few chords, but I just taught myself.
> AD: How old were you when you learned to play?
> DD: Oh, I was fourteen when I got my first guitar, but then I was about twenty . . . when I really learned how.

AD: Do you play by ear or read from sheet music?
DD: I play by ear. I don't read music at all.
AD: Did you ever play in a band?
DD: No, I never did. I just played by myself.[26]

In February 1985, he made two cassette tapes of folk and popular songs as a birthday present for his sister, Maggie Firnekas. The tapes contain a great variety of folk, popular, country, cowboy-western and religious music.[27] Devoe also included two Johnson County War songs, "Blood Stained Book" and "The Invasion Song."

"Blood Stained Book"
(Devoe variant)

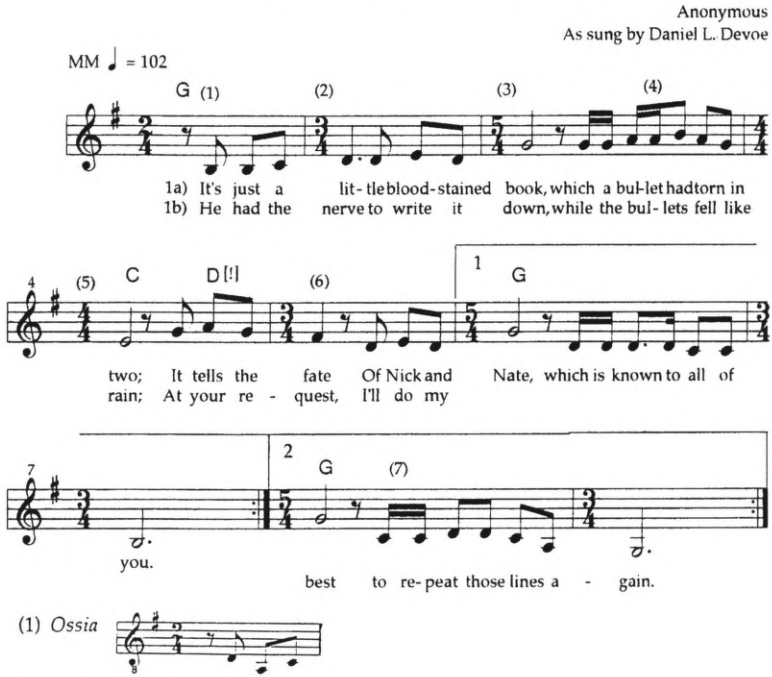
Devoe's tune first lingers on the dominant (measure 2, d′) and rises to the tonic (m. 3, g′), drops to the submediant (m. 4, e′) then ascends step-wise to the tonic again (mm. 5 and 6) before falling off to the mediant (m. 7a) or to the lower tonic (m. 7b). (Refer to figure 2, below.) The tune, by means of repetition, using a first ending (imperfect cadence) and second ending (perfect cadence), accommodates a full stanza of text. Although the pitches are consistent from verse to verse, some alterations are shown in notes to figure 2. In a manner typical of many folk singers, Devoe sustains the long notes of the tune irregularly, making the music subservient to the text and creating an uneven metrical structure. The most frequent meters are given in the staff with their alternates listed in figure 2. Because of his limited technique, the harmonic changes are somewhat unconventional at times. At one point (mm. 4-5), he persistently introduces the dominant chord one beat early. Devoe also occasionally uses flexible meters and irregular chord changes.

The textual changes Devoe makes do not generally alter the meaning of the story, but seem rather to reflect the way in which he learned and then reshaped the song. Some of the modifications produce contrasting poetic meters, by throwing the text out of the iambic foot and into dactyls or vice versa. In the fourth verse Devoe substitutes the word "nearly" for "now about," which is easier to sing and fits more neatly into the predominant iambic meter. In the seventh verse the near-homonym "splintering" replaces the original "splitting," with an improvement in meaning perhaps. All these changes are typical of person-to-person folk song transmission.

"The Invasion Song"
Anonymous, 1890s

"The Invasion Song" is the only Johnson County War song that is mentioned in G. Malcolm Laws's classic compendium of American folk ballads, *Native American Balladry: A Descriptive Study and A Bibliographical Syllabus.* It apparently never achieved great popularity, since Laws lists it in his second

Figure 2. Blood Stained Book



(2) 4/4 in some verses.
(3) Time signature ranges from 4/4 through 7/4 in various verses.
(4) The two sixteenth notes g′ are sung as one eighth note g′ in the second half of each verse.
(5) Time signature ranges from 4/4 through 6/4 in various verses.
(6) The D major chord should occur here. The first eighth note d′ sung as an eighth note e′ in some verses.
(7) The two sixteenth notes d′ are occasionally sung as one eighth note.

appendix, "Native Ballads of Doubtful Currency in Tradition: Songs of lesser influence and those which are extinct from the oral tradition."[28] The author shows evidence of regional bias when he classifies "The Invasion Song" as a cowboy song rather than a murder ballad—apparently all songs about cowboys are grouped as such, no matter what their subject matter. Laws states that he found the song text in O. W. Burt's *American Murder Ballads,* and that it is a "ballad printed only once, with little indication of where, when or from whom the singer learned [it]."[29]

The text and a tune are preserved on a recording (audio cassette) also made by Devoe, who sings both "The Invasion Song" and "Blood Stained Book" to the same tune. Such tune grafting is an excellent example of the dynamic folk music process. Devoe first learned the former song from his father, Clark Devoe,

then learned "Blood Stained Book" many years later when he purchased a copy of O. W. Burt's *American Murder Ballads* in a Portland, Oregon, bookstore.

> AD: Did those songs catch your eye because you grew up in that same area? [southern Johnson County]
> DD: That's right. Well, my dad used to sing "The Invasion Song" when I was growing up. He knew that song.
> AD: Is that where you learned the tune, from him?
> DD: Yes, that's right.
> AD: Did you learn the guitar chords from him also?
> DD: No, Dad didn't play an instrument. He sang *a cappello* [*sic*], you might say. He just sang the song.
> AD: Did he know the other one? ["Blood Stained Book"]
> DD: No, I learned it from the book.
> AD: Did you use the music [given] there?
> DD: No, I can't read a note of music. So I just used the same tune, so I'd have something to sing it to. It's the same tune Dad sang it to.[30]

"The Invasion Song" must have still been sung in southern Johnson County during the first few decades of the twentieth century, although Devoe said he did not know where his father learned the song.

> DD: They [Hank and C. M. Devoe] came there [to the Kaycee area] some time before Dad did.
> AD: Did they know "The Invasion Song"?
> DD: Well, I never did hear them sing it, but I don't know if they did or not. Dad had to learn it from somewhere.[31]

The song presents a broader picture of the events than "The Ballad of Nate Champion," and the text is considerably more emotionally charged. In the manner of many folk ballads, "The Invasion Song" was principally intended to sway public sentiment, rather than merely to describe events and individuals dispassionately.

The Invasion Song

Sad and dismal is the tale I now relate to you,
'Tis all about the cattlemen, them and their murderous crew.
They started out on their manhunt, precious blood to spill,
With a gang of hired assassins, to murder at their will.

God bless poor Nate and Nick, who gave their precious lives,
To save the town of Buffalo, its brave men and their wives.
If it hadn't been for Nate and Nick, what would we have come to?
We would have been murdered by Frank Canton and his crew.

Poor Nate Champion is no more, he lost his precious life,
He lies down in the valley, freed from all care and strife.
He tried to run the gauntlet, when they had burned his home,
And Nick was lying lifeless, lips wet with bloody foam.
The run was made; his doom was sealed, a fact you all know well.
They left his lifeless body there, on the slope above the dell.
No kindred near to care for him, to grasp his nerveless hand;
A braver man was never faced, by Canton's bloody band.

The very next name upon the list, was that of brave Jack Flagg.
Frank Canton must have surely thought, That he would 'fill his bag'.
Jack and his step-son came in view, a-riding 'round the curve;
"Throw up your hands! By God, they're off!"
Frank Canton lost his nerve.

'Red Angus' next, the 'canny Scot,' was marked for Canton's lead.
But Angus, warned by bold Jack Flagg, for aid and succor sped.
The countryside now swarmed to life, the settlers armed in haste;
Soon 'Red' had hundreds at his back, who Canton's minions faced.

To Crazy Woman's winding bank, the cowed invaders fled,
With KayCee blazing in their rear, and Ray and Champion dead.
Here, held at bay, the cravens halt, 'till soldiers came to aid;
And now, secure in jail they rest, the debt of blood unpaid.

Olive Wooley Burt. American Murder Ballads. *London and New York: Oxford University Press, 1958, 172-174. Reprinted with permission.*

The anonymous author leaves absolutely no doubt as to his sympathy for the settlers' cause. He not only relates the fact of Nate Champion's death, but also gives a graphic description of the corpse in the third verse. The cattlemen are dubbed a "murderous crew" and the hired gunmen from Texas "a gang of hired assassins"—hardly the language of an impartial outside observer.

Frank Canton is mentioned by name in "The Invasion Song" as the man who led the siege at the KC Ranch cabin in which Champion and Ray were killed. Western American scholar Mark E. Harvey describes Frank Canton (né Joe Horner) as "one of those enigmas of the Old West who lived a dual life of outlaw and law-man—the same vein of mankind which produced . . . Tom Horn and Wyatt Earp."[32] Canton had a long arrest record in Texas for murder, bank robbery, and, ironically, cattle thievery. He had moved to Wyoming to begin a new life.[33] Canton himself wrote a fascinating account of the cattle war in his autobiography, one of the few documents that recounts the story from the cattlemen's point of view.[34] Canton mentions the deaths of Champion, Ray, and others but does not claim to have played a role in the murders that he allegedly caused. Canton took great pains to shield his unlawful past, and the anonymous balladeer probably has vilified Canton solely because of his association with the white-caps and his activities during the Invasion.

O. W. Burt learned of "The Invasion Song" from the same sources as "The Ballad of Nate Champion." The tune to the former song may not have been known to Burt's informants because the author does not provide a melody.[35] His informants provided two interesting bits of evidence concerning the song's origin, however: it was "composed at the conclusion of the trouble in 1892"; and "the verses had been 'made up' by a drunken cowpuncher and set to music by a woman from Buffalo, Wyoming."[36] Attribution to two anonymous individuals from socially marginalized groups lends the song an extra element of authenticity. There is no reason to doubt that the text was written soon after the surrender of the cattlemen and their mercenaries to the United States Army as part of a continuing conversation among the citizens of Johnson County. In the time-honored tradition of broadside ballads, the verse might well have been set to a familiar tune by the unknown woman from Buffalo, in order that it be quickly learned by interested parties in agreement with the text's sentiments.

"The Murder of Tisdale and Jones"
Anonymous, 1890s

"The Murder of Tisdale and Jones" is extant as a manuscript written on a piece of ruled notebook paper, from which an unknown person has made a typewritten copy. Both are located in the Johnson County Public Library Music Files.

The Murder of Tisdale and Jones
(A song to the air of "Poor Old Dad")

One night as I sat leisurely by my fireside so bright,
I picked up The Buffalo Bulletin which just fell 'cross my sight.
Of many things I read about, they were different but were true,
While gazing on the columns as I read The Bulletin through,
I read where the supposed rustlers could get no work at all;
The rich men tried to down them, yes, and shove them to the wall;
There is many an honest cowboy that would be glad for work to do.
I said, "God, help the poor man," as I read The Bulletin through.
I next read of the murders of John Tisdale and Jones.

Pierced in the back by bullets while returning to their homes.
They were shot out on the prairie and made the dust to bite,
For afraid the cruel assassin was to meet them in a fight.
Now if Freeman knows the murderer, why don't he come to the front?
And the people down in Buffalo will go out on a hunt.
Their hands may have been bloody to manhood from their youth.
It stood for the law to sentence them when they had learned the truth.

Now Tisdale's wife is living yet and battling on through life.
Who is there to protect her, keep her from care and strife?
When she reached her husband dead, it broke her heart in two.
I cried aloud, "It is a shame," as I read The Bulletin through.

Jones' true love, broken hearted, her grief she could not hide,
When she found that her lover had out on the prairie died.
God pity that young lady, whoever she may be.
She is mourning her young life away while the murderer goes free.

A remark added at the bottom of page two of the manuscript has also been preserved on the typescript: "Written and composed by musician Patrick Burns, 8th Infantry, Fort McKinney, Wyoming." The soldiers of the 8th Infantry were apparently well-received in Buffalo, and its "distinguished band, under the skilled leadership of Professor Carlsen" played for many balls and parties held at the post, to which the townspeople were also invited.[37] Such good rapport between the Army post and the town led to an "emphatic if unofficial sympathy with Johnson County, from the commanding officer on down, when the invasion took place."[38]

Patrick Burns was also stationed with the cavalry troops at Fort McKinney. As an infantryman, he was probably not directly involved in the surrender and transport of the invaders, but he surely was aware of the activities of his fellow soldiers on the Army post. The sympathies of the author of "The Murder of Tisdale and Jones" clearly lay on the side of the townsfolk and small ranchers, and the song is an immediate commentary on the aftermath of the insurrection rather than a description of it. The text is more restrained than "The Invasion Song"; yet Burns is clearly moved by the human tragedy and the injustice of the situation and feels genuine sympathy for the men who died as well as for their survivors.

Both the meter and rhyme of the Burns's poem are somewhat uneven, with the final line of stanza one probably belonging to the subsequent stanza. All other lines are paired and rhymed as regular couplets. The tune suggested in the manuscript is "Poor Old Dad," which may also have been known as "Dear Old Dad." No music is extant. The text scansion and rhyme scheme do not fit the popular tune "Great Grand-Dad" or its many variants.

"Our Heroes' Grave"
Anonymous, 1890s

The last, and perhaps most enigmatic, of the nineteenth-century songs about the Johnson County War is "Our Heroes' Grave." The text was printed in *The Wyoming Derrick* on May 12, 1892, exactly one month after the siege at the TA Ranch.[39] A manuscript copy, written in the hand of the same person who penned "The Murder of Tisdale and Jones" is located at the Johnson County Public Library. Both the newspaper article and the manuscript indicate that the song was written by Charles Story and "set to music and sung at the indignation meeting at Banner."[40] I have discovered no further mention of music for this text other than the reference to the Banner meeting. Neither the newspaper nor the manuscript reveal information about the tune to which it was sung.

Our Heroes' Grave

It was on the Powder's Middle branch,
Nate met his death at the KC Ranch;
No quarter he asked, none would they give,
No show on earth had he to live.
He fought them through long hours of pain;
He fought alone, his comrade slain.
His heart was oak and his nerves were steeled.
God, could this hero's doom be sealed?

In his cabin he lay in slumbers sound;
Outside the demons lurked around.
No warning had he of outside foe,
'Till a bullet laid his comrade low.
His rifle he grasped and fought all day,
For many long hours he'd held them at bay.
When the torch was applied his cheek grew pale,
And he met his death from their leaden hail.
With voices hushed and hearts turned weak,
Oft tears were seen on the browned cheek.
The quiver plays on the lips of pride,
When we think of the death that poor Nate died.
The women with flowers his casket dressed,
And followed in tears to his place of rest.
Then gave him thus as a body of the brave,
Then lowered him down to a hero's grave.

The poetry is certainly more polished than that of "The Murder of Tisdale and Jones." The iambic tetrameter of the text flows quite smoothly and the couplets rhyme in a regular order. Stilted phrases, clichés and inverted word order are pervasive, and the author often forces his choice of words to achieve rhyme at all costs. Although it is written with an elaborate style of expression common to much nineteenth century poetry, the overall tone or mood of the text is somewhat reserved, especially when compared to "The Invasion Song." The somber text depicts the event in general terms, rather than focusing on any one aspect of it. The first two stanzas portray Nate Champion's final hours, while the last verse expresses the emotions of people at his funeral.

In addition to depicting the conclusion of Champion's life and his burial, the style and emphasis are intended to evoke the reader's sympathy with the bravery of the hero and the sorrow of the townsfolk. Virtually the entire town of Buffalo attended joint services for Champion and Nick Ray, held on April 15, 1892.[41] Like "The Murder of Tisdale and Jones," "Our Heroes' Grave" is not in the current repertory of any of the informants in this oral history project.

The reference to "the indignation meeting at Banner" is provocative, but unclear. Evidently a gathering was held or at least planned at Banner, Wyoming, a village situated at the east end of a spur of the Big Horn mountains known as Moncreiffe Ridge, about halfway between Buffalo and Sheridan. The

invaders, although incarcerated, were still uncomfortably near and the citizens were still upset about their neighbors.[42] Only a single reporter, Helena Huntington Smith, alludes to meetings of this type in her book, *The War On Powder River.* In her discussion, community gatherings were concerned with the reasons why the invaders and their hired gunmen were never fully prosecuted.

> Wyoming was too exhausted and too sick of the whole business to care. Its sense of outrage over the invasion had spent itself over the past nine months, as one community after another had held meetings and passed resolutions condemning the invaders; it had gradually adjusted itself to the knowledge that they would never pay for their crime.[43]

Concluding Thoughts

Most historians agree that neither side achieved a clear-cut victory in the Johnson County War. Likewise, one could say that neither side truly lost. The settlers thwarted the immediate objective of the cattle barons to destroy them and seize their property. The invaders were protected by the United States Army from the wrath of the settlers and from their own alleged violations of the law by the Wyoming state judicial system.

The citizens of Johnson County wrote songs intended to stir up public sentiment, to express anger and outrage, and to mourn fallen heroes. The settlers had clearly won an emotional victory, for all known ballads emanating from this conflict commemorate their side. Why have no songs survived, if any were ever written that present the cattle barons' side of the story? From their own perspective, the cattlemen truly believed they were fighting for a just cause, and were actively supported by many government officials at the local, state and national levels. The Federal Government (in this instance the United States Army) has a long history of mediating conflicts in the American West, but during the siege at the TA Ranch, such mediation amounted to a well-timed rescue from certain death at the hands of the settlers and townsfolk. The invaders and their forces were lucky to get out of northeastern Wyoming without being shot or lynched, and, in the eyes of the prevailing balladeers, the cattle barons plainly had no themes of heroism and personal sacrifice to celebrate in song.

Men such as Frank Canton and Nate Champion, with their rather nefarious backgrounds, might be considered unlikely heroes. But during the nineteenth and twentieth centuries—indeed from time immemorial—such individuals have often been molded and shaped to fit a songwriter's own vision of a largely mythical West where bad men could do good deeds and where their heroic actions could prevail in the face of overwhelming tragedy.

The Johnson County War ballads are important to local amateur singers and their audiences alike. These songs have a nostalgic, sentimental appeal, for they are about historical events from the singers' own culture, and thus they impart a sense of identity and place. The songs also derive from some individual informants' family traditions and are considered as valuable treasures,

on a par with more tangible heirlooms. They have been handed down as cultural artifacts from one generation to another, often in a slightly altered form, but preserved relatively intact nonetheless. Further field observations have revealed other families who have passed their own Johnson County War songs through several generations.[44] Now that some of these songs have been brought to light again, perhaps they, like other relics of the Johnson County War, can be preserved for future generations.

Notes

1. G. Malcolm Laws states that "A ballad is a narrative folk song which dramatizes a memorable event." (*Native American Balladry: A Descriptive Study and a Bibliographical Syllabus*, 2nd ed. [Philadelphia: The American Folklore Society, 1964], 2). The Johnson County Cattle War was certainly one of the most noteworthy events in the history of the state of Wyoming. Broadside ballads are stories in rhyme about an actual occurrence. The term originally referred to "a single sheet; cheaply printed and sold for a small price; often with woodcut illustrations." Today it is used to mean any specific historical event commemorated in song, however transmitted.

A modern ballad has also been composed about the event, Chris LeDoux's "Johnson County War," can be heard on his album *Powder River* (American Cowboy Songs, Inc., 1989). LeDoux's song is comprehensive in scope and well written, but is outside the range of this article on nineteenth-century Johnson County War songs.

2. Mark Harvey, "A Civil War in Wyoming: A Centennial Commemoration of the Johnson County War," (M. A. thesis, University of Wyoming, 1992), 3.

3. Mark Harvey, "Legacy of a Range War," *Wyoming Annuals* 65 no. 4 (Winter 1993-94): 27.

4. Helena Huntington Smith, *The War on Powder River* (Lincoln: University of Nebraska Press, 1966), 59-61.

5. Combinations of letters such as Bar C, EK and others are transliterations of brands used by ranch owners to identify ownership of their livestock.

6. Harvey, "A Civil War," 88.

7. Down through the years, legend has it that former Johnson County Sheriff Frank Canton, who worked as a stock detective for the Wyoming Stock Growers Association and as a known sympathizer with the big cattle companies, was the gunman who ambushed Tisdale and Jones in a draw south of Buffalo; however, no charges were ever formally filed. See also Robert K. DeArment's thorough biography of Canton, *Alias Frank Canton* (Norman & London: University of Oklahoma Press, 1996).

8. Harvey, "A Civil War," 39.

9. Smith, *Powder River*, 188.

10. DeArment , *Alias Frank Canton*, 98, 331.

11. A prominent merchant, Robert B. Foote, who was an elderly Scotsman, "mounted his celebrated black horse, and with his long white beard flying to the breeze, dashed up and down the streets calling the citizens to arms . . . to protect all that you hold dear against this approaching foe." (Asa Shinn Mercer, *The Banditti of the Plains* [Norman: The University of Oklahoma Press, 1954], 83-85). According to less impassioned reports in the local press, the old man rode up and down roaring, "Come out, you so-and-sos, and take sides." (Smith, *Powder River*, 214).

12. Smith, *Powder River*, 183.

13. A table of the nineteenth-century Johnson County War Ballads and their sources:

A) "The Ballad of Nate Champion," anonymous, early 1890s. Variants found in:
   1) Olive Wooley Burt, *American Murder Ballads* (New York: Oxford University Press, 1958), 175-177 (text & tune).
   2) "Blood Stained Book," tape recording, sung by Daniel L. Devoe, Johnson County Public Library Music Files.

B) "The Invasion Song," anonymous, early 1890s. Variants found in:
   1) O. W. Burt, *American Murder Ballads*, 172-174 (text only).

2) Tape recording, sung by Daniel L. Devoe, Johnson County Public Library Music Files.

C) "The Murder of Tisdale and Jones," Patrick Burns, 1892, Johnson County Public Library Music Files (text only).

D) "Our Heroes' Grave," anonymous, early 1890s, Johnson County Public Library Music Files; also in the American Heritage Center Archives, University of Wyoming, Laramie (text only).

14. Laws, *Native American Balladry*, 9.

15. Austin E. Fife and Alta S. Fife, *Heaven on Horseback: Revivalist Songs and Verse in the Cowboy Idiom*, Western Texts Society Series, vol. 1, no. 1 (Logan: Utah State University Press, 1970), 3.

16. O. W. Burt, *American Murder Ballads*, 175.

17. In addition to the diary, a hand-lettered sign reading "Cattle thieves, beware" was also found on Champion's body. Astonishingly, Helena Huntington Smith states, "The Chicago reporter did not choose to tell the whole story. It was Clover himself who wrote the sign and buttoned it on the dead man's vest." (Smith, *Powder River*, 208).

Following are the contents of Champion's diary, exactly as Sam Clover printed it in his book *On Special Assignment*, which is a partly fictionalized account of Clover's own adventures as a newspaper correspondent, in which he portrays himself as Paul Travers. Clover used ellipsis markings to indicate the passage of time rather than as editorial deletions. He stated, "The outlaw had deliberately jotted down in the memorandum-book the passing scenes of the last hours of his life . . ." (Samuel Travers Clover, *On Special Assignment: Being the Further Adventures of Paul Travers, Newspaper Reporter* [New York: Argonaut Press, Ltd., 1965], 257).

> "Me and Nick was getting breakfast when the attack took place. Two men here with us—Bill Jones and another man. The old man went after water and did not come back. His friend went to see what was the matter and he did not come back. Nick started out, and I told him to look out, that I thought there was some one at the stable who would not let them come back . . .
>
> Nick is shot, but not dead yet. He is awful sick . . . I must go and wait on him . . . It is now about two hours since the first shot. Nick is still alive. They are shooting and are all around the house. Boys, there is bullets coming in like hail. Them fellows is in such shape I can't get at them. They are shooting from the stable and river and back of the house.
>
> Nick is dead. He died about nine o'clock. I see a smoke down at the stable. I think they have fired it. I don't think they intend to let me get away this time.
>
> It is now about noon. There is some one at the stable yet; they are throwing a rope out at the door and dragging it back. I guess it is to draw me out. I wish that duck would get further so I can get a shot at him . . . Boys, I feel pretty lonesome just now. I wish there was some one here with me so we could watch all sides at once . . . They may fool around until I get a good shot before they leave.
>
> It's about three o'clock now. There was a man in a buckboard and one on horseback just passed. They fired on them as they went by. I don't know if they killed them or not . . . I seen lots of men come out on horses on the other side of the river and take after them . . . I shot at the men in the stable just now; don't know if I got any or not . . .
>
> I must go and look out again. It don't look as if there is much show of my getting away. I see twelve or fifteen men. One looks like (name was scratched out). I don't know whether it is or not. I hope they didn't catch them fellows that run over the bridge toward Smith's . . . They are coming back. I've got to look out.
>
> Well, they have just got through shelling the house again like hail. I heard them splitting wood. I guess they are going to fire the house to-night. I think I will make a break when night comes if I live . . . Shooting again. I think they will fire the house this time. It is not night yet . . . The house is all fired. Good-by, boys, if I never see you again." [signed] Nathan D. Champion (Clover, *On Special Assignment*, 258-259).

18. Smith, *Powder River*, 208.

19. Over the years, some controversy has arisen about whether Clover really published the substance of the diary that Canton found or was merely indulging in sensationalistic journalism.

Scholar Mark Harvey has noted: "If the diary had been made up by Sam Clover . . . it [is] hard to imagine that Clover, a city-slicker, could have made up a diary that sounded . . . like it was written by a [former] Texas cowboy. Comparing the diary with Champion's oral testimony [at a trial] just a few months before, one has to come to the conclusion that Champion wrote it." ("A Civil War," 100-101). One is probably justified in assuming that the text of Clover's article is closely representative of the actual words Champion wrote in his diary under such harrowing circumstances.

20. O. W. Burt, *American Murder Ballads*, 175-177.

21. Struthers Burt, *Powder River Let 'Er Buck* (New York: Rinehart & Co., Inc., 1938), 297-299. The song text also exists as a typescript copy, located in the Music Files at the Johnson County Public Library in Buffalo, Wyo. The unknown typist states that he has copied it from *Powder River Let 'Er Buck*. The same person has added the following anecdote, which is not found in Burt's book: "Concerning the nerve of Nate Champion, this story [was] told to Gray Norval by Al Smith: Al was spending the night in a cabin with Nate. Someone tried to break in the door. Nate raised himself up, took a shot at the door, then put his gun under his pillow and went back to sleep. The next morning spots of blood were seen on the path outside the door."

22. O. W. Burt, *American Murder Ballads*, 175-177.

23. Harvey, "A Civil War," 77.

24. Charles M. Devoe was listed as a county commissioner in a public legal notice printed in *The Buffalo Bulletin* in April 1892 (Amos W. Barber, scrapbook, Wyoming Stock Growers Collection, Archive Box No. 286, American Heritage Center, University of Wyoming, Laramie, n.d., 347). His descendant Daniel L. Devoe also mentioned that his great-uncle "Charles . . . was Marshall in Buffalo for quite a long time in the late 1800s" (Letter from D. L. Devoe to the author, 13 November 1996). Which side of the conflict Charles supported remains unknown. Helena Huntington Smith describes him as an "esteemed early settler and former roundup foreman," and mentions that he was an acquaintance of Frank Canton, but her statements do not imply that C. M. Devoe's sympathies were necessarily on the side of the invaders (Smith, *Powder River*, 171).

25. Daniel L. Devoe, telephone interview, 21 September 1996.

26. Ibid.

27. Copies of both cassette tapes are located in the Johnson County Public Library Music Files and in the American Music Research Center Archive, Ariel Downing Collection, College of Music, University of Colorado at Boulder.

28. Laws, *Native American Balladry*, 260.

29. Ibid., 257.

30. Devoe, telephone interview, 21 September 1996.

31. Ibid.

32. Harvey, "A Civil War, 93.

33. Ibid.

34. Frank M. Canton, *Frontier Trails: The Autobiography of Frank M. Canton*, ed. Edward Everett Dale (Boston: Houghton Mifflin Co., 1930), 74-106. Another is John Clay's *My Life On The Range*, (Norman: University of Oklahoma Press, 1962). Clay was a businessman from Scotland who came to Wyoming in the early 1880s. He was not directly involved in the range war, but held high office in the Wyoming Stock Growers Association, and was privy to all the policies and decisions central to the conflict.

35. O. W. Burt, *American Murder Ballads*, 172-174.

36. Ibid., 173. In an interview with a *Billings Gazette* reporter, seventy-eight-year old Kaycee resident T. D. "Bunny" Taylor said he remembered "a couple of songs that folks used to sing [about the Johnson County War]. One, 'Little Black Book,' was about Nate Champion's diary . . . [and] the other was 'The Invasion Song.' It came later than 'Little Black Book.' They were about the only songs we heard when we were kids." Taylor also conceded that he did not "know much about the events of the war" (quoted in Pat Blair, "The Johnson County Cattle War," *The Billings Gazette*, 5 April 1992: E1). His statement about the historical placement of "The Invasion Song" is based on hearsay (telephone interview, 30 June 1992). Olive W. Burt gives no information about the background of his informants, making their remarks equally difficult to document. We will probably never know the actual time of composition for any of the nineteenth-century Johnson County War songs.

37. Smith, *Powder River*, 142.

38. Ibid., 141.

39. *The Wyoming Derrick* was a Casper newspaper published from June 21, 1890 through March 2, 1906. How the poem got from Johnson County (or perhaps Sheridan County) to Casper, which is about 115 highway miles south of Buffalo, is uncertain. The article has been preserved in another source as well: Gov. Amos W. Barber clipped it and pasted it into his scrapbook (Barber Scrapbook, n.d., 347).

40. Barber Scrapbook, n.d., 347.

41. Smith, *Powder River*, 230.

42. Undertaking such a journey to Banner is not an impossibility, even in horse-and-buggy days. Banner is located about eighteen miles from Buffalo, so persons mounted on fresh horses could have ridden the distance in (conservatively) four to six hours, less than a full day's ride. At the height of the hostilities, "a young Methodist a preacher named Marvin A. Rader [who] was in sympathy with the people of Johnson County . . . rode in from Big Horn [a distance of approximately twenty-five miles] to help inspire and organize them to resist attack" (Smith, *Powder River,* 216). Smith also notes that Rader was one of two ministers who presided at the funeral of Nate Champion and Nick Ray (Ibid., 230).

One can ride a horse at a walking gait at about three miles per hour; at a faster gait, such as a lope or canter, a horse and rider can go about five or six miles per hour. Driving a team is somewhat slower, generally about three miles an hour, although buggies can often travel faster than heavier wagons. Thanks to Marie P. Tibbets of Sheridan, Wyo., who frequently employed such means of travel as a young woman, for information about journeying by horse and buggy (telephone interview, 30 May 1995).

43. Smith, *Powder River*, 282.

44. On October 16, 1998, the author gave a presentation on the Johnson County War Ballads to members of the Johnson County Historical Society. Several elderly residents knew parts of "The Invasion Song" and "The Murder of Tisdale and Jones," and one woman brought a yellowed piece of paper on which another Johnson County War ballad was written. The poem had been known to her family for several generations. She would not let me handle it, but mentioned that she was thinking about placing the document in a museum at Kaycee, Wyo.

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