

# MINING, KENO, AND THE LAW

## The Tombstone Careers of **Bob Winders**, Charley Smith, And Fred Dodge, 1879-1888

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"MINING SUIT INVOLVING MILLIONS", trumpeted the headline of the June 26, 1909 Tombstone Prospector. The accompanying story declared that "perhaps the largest mining case ever filed in Arizona was instituted yesterday in the district court here." Dr. Thomas Winders, a thirty-seven-year-old San Francisco physician who had grown up in Tombstone, had filed the action against the Copper Queen Company on behalf of the estates of his father, Robert Jackways Winders, and stepfather, Origen Charles Smith. The lawsuit, the paper observed, "is one of a remarkable record and dates back to the early history of Bisbee and Tombstone".

Ironically, this venture into "courtroom mining", in which the Winder-Smith heirs claimed \$1,250,000 in damages, probably marked the closest that "Uncle Bob" Winders and "Hairlip[sic] Charley Smith ever approached to fortune. Although Smith and Winders never struck a bonanza, their decade of mining ventures in southern Arizona epitomizes the efforts of thousands of hopeful souls who swarmed the Arizona mining camps in the late nineteenth and early twentieth centuries.

The Tombstone careers of Bob Winders, Charley Smith, and their friend, Fred J. Dodge, in mining, gambling, and law enforcement during the years 1879 to 1888, provide a glimpse of this period's workaday world in the Arizona boom towns. Robert Jackways Winders, the eldest of the trio, was born in 1822 in Fayette County, Pennsylvania, and migrated to Texas in time to serve during the war with Mexico. Five-feet-two-inches tall, with hazel eyes and auburn hair, the twenty-four-year-old Winders rode with Col. John Coffee "Jack" Hays's celebrated rangers, participating in the battle of Monterrey with such ranger luminaries as John "Rip" Ford and William S. Oury. Both men became

Winders's lifelong friends.

In 1865, the forty-three-year-old former ranger married fifteen-year-old Margaret Collins in Brownsville, Texas. The couple began a round of gambling and saloon operations that took them from the Rio Grande through Houston, Galveston, and Jacksboro before they settled in booming Fort Worth in July 1876. There Winders operated the elegant Cattle Exchange Saloon and employed a bartender named James Cooks Earp - a matter of some consequence to Winders's later Arizona ventures. Winders also befriended a young roustabout with the imposing name of Origen Charles Smith.

Judging from the ages he gave to various census enumerators and voter registrars, O. C. (Charley) Smith was born in 1849 or 1850 in Indiana, both his parents were born in Ohio. Charley had achieved fame as a foot racer in his youth, an ability that would help him on one occasion elude would-be holdup men in Tombstone, and on another to recover a runaway buggy carrying the young daughter of Cochise County judge Webster Street.

Smith proved less accurate with a gun than he was fleet of foot. Embroiled in several shooting scrapes, he usually hit his man, but apparently he never killed anyone. On January 18, 1878, he was seriously wounded in a shooting incident with a disorderly patron at Fort Worth's Waco Tap, where he tended bar. "The ball," Fred Dodge later wrote, passed "through him on the Right Side just below the nipple", rendering Smith susceptible to respiratory ailments in later years. "Spitting blood and well aware of his critical condition", Smith remained "as calm, cool, and nervy as ever". According to the Fort Worth Daily Democrat. He survived that affray to tend bar at the Red Light, the Waco Tap's rival dance hall, before leaving Texas for Arizona with Bob and Maggie Winders.

"Born on August 29th, 1854, at Spring Valley, Butte County, California. . . I was the first White Child to be Born in the northern part of Butte County", Frederick James Dodge wrote years later. Raised in the California gold country, Dodge learned to drive two-, four-, and six-horse hitches, "fast freight handling fruit into the Mining Camps." He also kept store and managed a railroad eatery for his parents, but, "lonesome for the Mountains and the Excitement of the Mining Camps", he proved a restless fellow. By his own account, Dodge "learned to play cards. . . of Course I wandered around some". Fred's wanderings took him to Pioche, Nevada, and Bodie, California, and involved encounters with mining camp worthies Dave Neagle, Pat Holland, and Nellie Cashman, whom he would

meet again in Tombstone.

In the fall of 1878, a temporary spasm of reform spirit gripped Fort Worth, resulting in a series of raids and arrests and a clamor for saloon closings. Prospecting for new fields of enterprise, Uncle Bob Winders wrote his old ranger friend William S. Oury, now living in Tucson, about opportunities in Arizona Territory. Oury's reply, dated December 8, 1878, reveals that Winder's initial inquiry dealt with both mining and gambling. "On the San Pedro river, about sixty-five miles southeast of this place [Tucson], a mining region has been discovered called the "Toombstone District", Oury reported. The Toombstone was "surprisingly rich in silver. . .the surface indications are the most promising that I have ever seen, the veins are very large and the ores astonishingly rich, and it would seem almost impossible that some of them should fail to be permanent.

Oury seemed less sanguine about gambling prospects. Claiming that he had gotten "too old to hang around a gambling table", he nevertheless wrote that "Charlie Brown is keeping a large saloon here and there are a number of games in his house", as well as "quite a number of gay sports who all appear to get along very well - how they do it, I am not able to say."

Prompted by such reports, Winders sold out his Fort Worth's interests and on March 12, 1879 was off for the mines of Arizona Territory. His six-wagon caravan drawn by large, fine mules included Winders, his wife, Margaret, their infant son, Thomas, Jennie B. Goldstein, the couple's thirteen-year-old adopted daughter, and nine other would-be prospectors, O. C. Smith among them. Although one fellow migrant from Texas claimed that "most of the boys that were with Uncle Bob were the most homesick lot of fellows you ever saw", Winders himself rejoiced that "we had no bad luck on the way and no sickness" during the almost two-month journey.

"I would not advise anyone to come here unless they understand mining", Winders wrote to a friend from Tucson in June. So, Uncle Bob quickly educated himself. He had already visited Tombstone and reported accurately on its principal mines, which he dubbed "wonderful rich". He also observed that "I expect there is at least three or four hundred claims in the Tombstone district." Winders and Charley Smith soon added to the list. With high hopes they topped their claim markers with location notices bearing the names Maggie (after Winders' wife) and Jennie Bell and Little Tom (after his children). They whimsically named one find at the south end of the Dragoon Mountains

the Lost Mine.

Thirty-one-year-old Wyatt Earp stood in as witness while his two friends staked their Lost Mine claim on January 28, 1880. Winders and Smith had renewed their friendship with Jim Earp and his younger brothers, Virgil and Wyatt, when the trio arrived in the Tombstone district on December 1, 1879. Five days later, Winders, with Jim, Virgil, and Wyatt Earp, laid out a claim that Winders regarded as the most promising he had yet located. The First North Extension of the Mountain Maid nestled amid a number of other Earp and Winders claims. As the name suggests, it lay just north of a profitable existing work, the Mountain Maid, that S. R. and Charles Calhoun had claimed in February 1879. In May 1881, Winders and the Earps filed their first application for patent on this claim, which they received in October. Other Winders patents with other partners would follow.

Realizing that their claims would take time to develop, Winders and Smith reverted to gambling in order to make ends meet. Winders, who had kept a faro bank at Fort Worth, opened a keno game in Tombstone. By the time that the premier issue of the Tombstone Nugget rolled off the press in October 1879, Uncle Bob was as familiar to the gambling fraternity in Tombstone as he had been in Fort Worth. The following year Charle Smith joined Winders in turning the keno goose in an Allen Street saloon.

Meanwhile, ex-stage driver and mining camp veteran Fred Dodge arrived in Tombstone. Alarmed at the high incidence of stagecoach robbery in the territory, Wells, Fargo & Company's general superintendent, John J. Valentine, sent Dodge to Arizona as an undercover operative to report on outlaw depredations, as well as on the misdeeds of company employees and peace officers. Dodge probably arrived in Tombstone from San Francisco in the spring of 1880 and quickly became friends with the Earp brothers and their mining partners, Bob Winders and Charley Smith. Dodge later wrote that after he had gained entry into the ranks of Arizona law enforcement, "Charley Smith and I always rode together when urgent", an assertion borne out by contemporary accounts.

1880 and 1881, Winders and Smith followed a typical boomer pattern, locating additional claims and purchasing and selling interest in still others. Finding most of the promising ground in the Tombstone district already claimed, they expanded their searches into the Dragoon Mountains to the east of Tombstone and the Huachucas to the west. During a foray into the booming Bisbee area, they located the Bounty and Black Jack claims.

After sinking a shaft on the Bounty in November 1880, the partners told a Nugget reporter that the prospect was showing up well. Years later, the Black Jack would briefly tease their heirs with dreams of mineral wealth. In September 1881, Smith and Winders described "a copper deposit at Bisbee that shows no walls, in a shaft nineteen feet deep and five by three. A good showing."

Part of the education of a mining camp operation included fending off adverse claimants. Tombstone provided Winders and Smith with excellent opportunities for instruction. The first came from Ed Fields, derisively dubbed the "Duke of Tombstone" for his sartorial splendor and the expansive character of his ambitions. Fields bought the Gilded Age claim, overlying part of the Tombstone townsite, on July 1, 1879. The Gilded Age proved aptly named. One correspondent asserted that, despite Fields's bid to control the townsite by virtue of his mine ownership, "there is not the slightest evidence on any lead, lode, vein, or mineral in or about the shaft that he is sinking."

The lack of mineral notwithstanding, Fields pressed his case as far as the Arizona Supreme Court. Tombstone diarist George W. Parsons wrote that the Duke captured a "goodly part of the town by this decision". Then Fields began a series of ejectment actions aimed at vindicating his title to the surface ground covered by the Gilded Age. Smith and Winders had survived two of these suits, which were dismissed before the Tombstone Mill and Mining Company bought out the Duke and his colleagues. Fields probably had aimed at this goal when he first broke ground on the Gilded Age.

The partners faced more formidable opponents in the Tombstone Townsite Company, owned by James S. Clark and Mike Gray. Based on an illegal 1880 conveyance of practically the whole Tombstone townsite from the village's second mayor, Alder Abner Randall. Clark and Gray mounted a claim to all of Tombstone, including lots held by Winders and Smith. The Arizona Supreme Court eventually damned the proceedings among Randall, Clark and Gray as "a bold attempt to transfer substantially this whole townsite to four persons which would enable them to speculate off of the present and future inhabitants of the town . . . a legal and actual fraud which ought not to be countenanced for a moment", but the affair clouded Tombstone real estate titles for years. Many attempts were made to get before the courts the question of the validity of the Mayor's deed to the Tombstone Company.

Winders began one of the more ingenious of these efforts in the summer of 1881, when

he filed a criminal complaint with Justice of the Peace Wells Spicer, charging ex-mayor Randall with malfeasance in office in conveying the townsite to Clark, Gray & Company. Justice Spicer, a vociferous opponent of the Townsite Company, found that the defendant Randall had made "an wholesale disposal of the whole city to an association of speculators for speculative purposes" and denounced the action as a "high-handed outrage upon an entire community". But because the Arizona legislature had failed to criminalize mayoral malfeasance, Spicer felt compelled to dismiss the case.

Winders testified before Spicer in support of his criminal complaint against the ex-mayor, then exited the courtroom to join wife Margaret at the bedside of their new baby, Robert, who had fallen ill. After Randall went free, attorney Ben Goodrich made a sneering remark that Winders should be arrested for bringing charges against his client. Winders responded, "I have no regrets for the course I then took, and would do so again, honestly believing that I have the just and legal right to do so as a citizen and property holder of this town, who it is well known has been put to great expense and trouble by the fraudulent acts of the ex-Mayor, who was discharged from custody on a legal technicality when the evidence aduced [sic] showed conclusively that he was guilty as charged."

Fred Dodge took a more direct action against the lot jumpers about a week later, when Tombstone suffered its first major fire. "The next morning after the fire," Dodge explained, "Lot jumpers were much in evidence and were squatted on Many good business lots. The Title to all Tombstone lots were in dispute and were waiting the result in the courts." City Marshall Virgil Earp conferred with his brothers and the town's influential citizens and determined to restore possession to "the man who was in possession when the fire wiped him out", who "would then have to abide by the Court decision".

Dodge, and probably Smith as well, rode with the Earp posse that night. The horsemen "dropped a Lasso Rope over a Tent-pole and then on a Gallop, they jerked the tent free from its holding and left the Lot jumper lying there." Dodge recalled that the posse then instructed, "Lot jumper, you git, and they did." By this time, friendship forged in joint mining ventures and at the gambling halls caused the Earps to rely on Dodge and Smith. To Wyatt Earp, Charley Smith was a loyal comrade; he dubbed Fred Dodge "a fine companion and a wonderful friend".

On the night of October 27, 1880, Dodge followed Pima County deputy sheriff Wyatt

Earp and his brother Morgan through dark Allen Street to arrest several cowboys shooting up the town. Wyatt borrowed Dodge's pistol and used it to buffalo the cowboy leader, Curly Bill Brocius, after Brocius shot Tombstone marshal Fred White at close range. Dodge guarded Brocius at the ramshackle village jail, while Wyatt and Virgil Earp rounded up the rest of the shootists.

Several months later, Dodge and Smith helped the Earp brothers balk a would-be lynch mob aimed at hanging "Johnny Behind the Deuce" Rourke, who had killed mining engineer Philip Schneider in neighboring Charleston. "Terrible excitement on the main street," diarist Parsons wrote on January 14, 1881. After Rourke, a gambler, fled to Tombstone, "the officers sought to protect him and swore in deputies, themselves gambling men (the deputies, that is) to help. Many of the miners armed themselves and tried to get at the murderer. Several times, yes, a number of times, rushes were made and rifles leveled . . . Terrible excitement, but the officers got through finally and out of town with their man bound for Tucson."

Dodge stood, shotgun leveled, in the hollow square headed by Wyatt, which included fellow gamblers Virgil and Morgan Earp, Jack Salmon, George "Shotgun" Collins, Turkey Creek Jack Johnson, Doc Holliday and Sherman McMasters. The lawmen pushed through the mob without serious obstruction. Charley Smith drove the fast team that carried the Earp brothers and their prisoner to the railroad in Benson, bound for Tucson.

Despite his friendship with the Earp brothers, Fred Dodge shared the suspicions of many in Tombstone about the Earps' ally, John H. "Doc" Holliday, and his alleged involvement in, or foreknowledge of, the March 15, 1881 attack on the Benson stagecoach in which the driver and a passenger were killed. "Doc never played square with anyone in that country," Dodge asserted years later. Veteran Wells Fargo detective Bob Paul, who rode shotgun messenger on the stage on the night of the attack, seems to have shared Dodge's suspicions, which heightened the tension gripping Tombstone over Earp-cowboy antagonisms.

Notwithstanding his concern for remaining undercover, Dodge openly rode with the Earp brothers in pursuit of highwaymen who robbed the Bisbee stagecoach in September 1881. Years later, Cochise County deputy sheriff William M. Breckenridge, who also accompanied the posse, referred to Dodge as a gambler, indicating that Dodge's cover remained intact. The day after the robbery, the posse trailed two suspects to Bisbee.

There the lawmen arrested Frank Stilwell, a deputy of Cochise County sheriff John Behan, and Pete Spencer. When the prisoners arrived in Tombstone, Deputy U. S. Marshal Wyatt Earp rearrested them for robbing the United States mail.

Probably because of his open collaboration with the Earps, Dodge - whom the Nugget identified as "a well-known sport" - tangled with a cowboy in Tombstone's Alhambra Saloon. Replicating the antics of his friend Charley Smith, Dodge fired at the cowboy "or in the floor, which it couldn't be definitely ascertained." Andy Bronk, one of Virgil Earp's city policemen, arrived before the smoke cleared and drew criticism from the pro-cowboy Nugget for his failure to arrest Dodge: We have not heard of the ordinance prohibiting the carrying or firing of firearms within the city limits being repealed. It is possible, however, that it only applies to laboring men, and is a case of 'special legislation' exempting a certain class."

In an attempt to enforce Tombstone's anti-gun ordinance against the Clanton and McLaury brothers, on October 26, 1881, the Earp brothers and Doc Holliday slew Frank and Tom McLaury and Billy Clanton. The cowboys' return fire wounded Virgil and Morgan Earp. Charley Smith and Fred Dodge quickly arrived on the scene. Smith joined the Citizens' Safety Committee, backing the Earps, and Dodge rose from a sickbed to join Wyatt at the site of the shooting on Fremont Street. Smith, Dodge, and Winders all supplied portions of the bail money for Wyatt Earp and Doc Holliday in the aftermath of the street fight.

These actions made the three friends targets for cowboy retaliation. Shortly after Tombstone justice of the peace Wells Spicer released the Earps and Holliday from custody, holding that they had killed the three cowboys in the discharge of an official duty, Dodge narrowly escaped an ambush laid from the second story of Allen Street's Grand Hotel as he was parading a rival gambler named Deadwood Scotty, the apparent decoy, in front of him at gunpoint. Dodge afterward learned "that it was arranged [sic] with Scotty to get me down there opposite the Hotel and with some excuse he was to step aside and then I was to get it.

Shortly after the stagecoach bearing Tombstone mayor and Earp supporter John P. Clum was attacked, Dodge opened a faro game in Isaac Levi's Allen Street saloon. He hoped, he later recounted, to obtain information, "as there was much going on there in the way of Cooked work." Wyatt Earp had urged Dodge to reconsider his plan as there "were too



many chances for me to be assassinated, but I took some chances and told Wyatt that I would quit there in a few days."

Circumstances seemed to justify Earp's fears. Dodge soon won ownership of the entire saloon from Levi, whom the gambler detective described as an inveterate, though not very skillful, faro player. Angry over his loss, Levi drew his pistol, fired, and narrowly grazed Dodge's shirt collar before being disarmed. Threatened with repossession at shotgun point, Dodge quickly assembled reinforcements in the persons of Charley Smith and Turkey Creek Jack Johnson. He held the saloon long enough to accept a cash payment from several of Levi's friends and relatives, settling the controversy.

Two nights after Dodge acquired the Allen Street saloon, the ambush shooting of Virgil Earp plunged Tombstone and Cochise County into a war marked by multiple homicides and the marching and countermarching of rival federal and county posses with the federal deputy marshals, led by Wyatt Earp, chasing "cowboys", and Sheriff John Behan and his deputies in pursuit of the Earp party. Lacking funds to deal effectively with the crisis, U. S. Marshal Crawley P. Dake turned to Wells, Fargo & Company for assistance. The company's general superintendent forwarded a check, which Dake used to mount a posse led by Deputy U. S. Marshal Wyatt Earp. Both Dodge and Smith rode with Earp, as he scoured the countryside in January 1882, seeking Virgil's assailants and suspects in two recent stagecoach robberies.

On the night of March 18, Charley Smith joined several Earp partisans who rushed to Morgan Earp's side after he fell mortally wounded, shot in the back through the rear windows of Campbell and Hatch's Billiard Parlor. "This is a hard way to die," Smith heard Morgan murmur as the doctors pronounced his wound fatal.

Ill with a recurring fever, Dodge received the news of Morgan Earp's murder from Wyatt early the following morning. "I know the fellows who killed Morg," Earp told Dodge, "and I am going after them. I've got Federal warrants for all of them in my pocket. Maybe they'll be fools enough to resist arrest."

Smith carried money from Earp partisans to the beleaguered federal lawmen afield after Morgan's killers. After one such foray, George Parsons wrote that "Tip [Daniel G. Tipton] and Smith [were] arrested this evening while entering town. Much excitement. False charges. [Cochise County sheriff John] Behan will get it yet."

Charged with helping the Earp posse elude Sheriff Behan after its exit from Tombstone on March 21, Smith and Tipton were released by Tombstone justice of the peace A. J. Felter on grounds that the arrests were illegal and the warrants upon which they were made were defective. Although the Epitaph discredited as "without foundation" the report that he had left town, Smith later admitted that he left Arizona Territory with the Earps when they headed for refuge in Colorado, leaving several dead enemies along their back trail.

Smith returned to Tombstone. After the expiration of Sheriff Behan's term, he and Dodge became Cochise County lawmen. Both secured deputy sheriff's commissions from Behan's successor, Jerome I. Ward. Smith retained his badge under the next sheriff, Robert Hatch. Dodge also partnered with Tombstone constable Isaac Roberts until Roberts's murder in March 1884. "I done all the riding and Ike [Roberts] done the town work," Dodge recalled. "I felt sure that he did not know my true Standing [as a Wells Fargo detective] and I never told him - It gave me a fine chance to attend to the getting of information that I was always looking for. Charley Smith still continued to ride with me and I gave him two-thirds of the money that come to me when Ike and I divided our Fee."

Dodge and Smith carried out a prickly assignment in 1884, repossessing a property from Charleston justice of the peace Jim Burnett, who maintained order at gunpoint in his bailiwick. Dodge narrowly eluded death from a spring-trap shotgun Burnett had rigged inside his cabin. Thirteen years later he testified as an adverse character witness on behalf of Burnett's killer, William C. Greene. Dodge provided a graphic description of Burnett's earlier attempt to murder him.

From 1883 through 1888, Smith and Dodge followed a familiar pattern. In December 1883 they were members of the posse that pursued the men who committed the Bisbee Massacre, until Smith fell ill as a result of his old Texas chest wound. Several years later, Dodge, abed with rheumatism, appointed Smith to fill his position as Tombstone night watchman and special police officer.

In 1887, the pair rode after the perpetrators of twin train robberies. This chase reunited them with their old friend Virgil Earp. His left arm crippled by cowboy shotguns in December 1881, Earp had recuperated in California, where he served as marshal of Colton. Probably working as a Wells Fargo detective while on leave of absence

from his marshal's job, Earp wired Dodge and Smith to meet him in Benson. Riding across a mesa, the crippled lawman convulsed Dodge and Smith and horrified their Yaqui Indian tracker by allowing his boneless left arm to flop about. Earp remembered how the posse ascended a series of rough hills in their unsuccessful pursuit of the holdup men. "By George it was steep," he said. "We had to hold on to the tails of the horses and let them pull us up."

A long-running quarrel with Charles Cunningham eventually ended Smith's Tombstone law-enforcement career. On November 25, 1885, Smith moved to separate two quarreling patrons of the Bank Exchange Saloon. Another drunken faro player, Charles Cunningham, attempted to interfere and (perhaps more significantly) called Smith a "damned hairlip son of a bitch." The unarmed deputy sheriff, seeing the larger Cunningham approach him with blood in his eye, grabbed a pistol belonging to Tombstone marshal Dick Gage and fired one shot, blasting Cunningham just below the right knee. Though Dr. George Goodfellow at first feared that Cunningham would lose his leg, Smith's antagonist recovered. After hearing testimony, the Cochise County Grand Jury dismissed charges against Smith the following February.

Almost three years later, the two Charleys resumed their quarrel. Late on the night of September 22, 1888, the pair argued in the French Wine House in Tombstone. According to one account, "Smith made a gun play at Cunningham, who was unarmed." Egged on, Fred Dodge believed, by an ostensible friend of both men named Lazard, Cunningham hastened to heel himself. Brandishing Lazard's pistol, he confronted Smith on Allen Street, shouted "Charley, does it go," and began shooting. Smith toppled off the board sidewalk, his "hip bone . . . shattered all to pieces.

Dodge arrived on the scene and found his stricken partner lying on a table in Pony Brown's saloon, with Lazard holding Smith's leg. "Mad and sore," Dodge ordered Lazard from the room. Dr. Goodfellow, who was attending Smith, told Dodge "that there was very little hope of saving his life. We got him onto a stretcher and carried him home. He lived with Bob Winders and had come to the country with him, and it had always been home to him. He did not die then, but his suffering was intense - he was a cripple and could hardly get around." Bound over to appear before the grand jury, Cunningham was eventually released. In later years, he expressed his regrets to Dodge over the shooting, and his opinion that the false friend, Lazard, had been the cause of it all.

Dodge, writing in old age, stated that Smith died a couple of years later from the effects of Cunningham's bullet. The detective's requiem for his friend was premature, but understandable. A decline in silver prices, water flooding the mines, and a series of kindred disasters had combined to place Tombstone en borrasca. When author Owen Wister visited the camp a few years later, he wrote his mother that Tombstone "has a past but nothing else. . .many blocks of buildings stand entirely deserted. Houses, saloons, hotels, large shops - their doors nailed up and the panes cracked out of the windows." The safety of large silver shipments and mine payrolls no longer a concern, Dodge completed his undercover assignment for Wells Fargo. On October 10, 1888 he and his wife, Elizabeth (Patsy), sold their home and then, with stepson Charles and infant daughter Ada, departed for California.

With Tombstone in decline, Bob Winders also looked for greener pastures. The Eptiaph reported in May 1887 that he "had gone to Nogales, where he will remain for some time." In a complicated series of transactions stretching over the next two years, Winders and Smith sold fractional interests in their Black Jack claim adjoining the Copper Queen in the Warren district, as well as other interests in other claims or mines. Although they deeded portions of the Black Jack to Ben Williams, long time agent of the Copper Queen Company, Williams may have neglected to obtain a full one-quarter interest and thereby raised the possibility of subsequent litigation.

As the Winders family prepared to return to Texas, Charley Smith left Tombstone for Ramsey Canyon in the Huachuca Mountains, west of the fading boom camp. Years earlier, Smith had located a number of claims in the Hartford district of the Huachucas, which he now worked with a younger partner, Guy Powell. He also resumed his involvement in local politics and was elected delegate to the county Republican convention from Ramsey and Miller canyons.

With wife Margaret and sons Thomas and Robert at his side, Uncle Bob Winders died at San Antonio, Texas, on April 24, 1890. According to his widow, who applied for his Mexican War pension of eight dollars per month, Winders left no assets. Margaret returned with her sons to Tombstone, where she married her husband's old partner, O. C. Smith. Their daughter, Oneida Smith, was born in 1892.

The Smith - Winders marriage seems to have ended unhappily. Charley soon left the dying Tombstone district for Tempe, where he took over operation of the Tempe Hotel in

1893. Margaret, as Mrs. Winders once again, opened a bakery and ice cream parlor in Tombstone. By the time Margaret died in Tucson in 1902, her daughter Oneida had also adopted the Winders name.

Despite Fred Dodge's recollection that Smith died of wounds received from Cunningham, Charley proved harder to kill than that. He went on to serve as deputy sheriff, constable, marshal, and justice of the peace in Tempe. At the time of his death on November 28, 1907, he was wearing a Pinal County deputy's badge in the little town of Maricopa. The pharmacist, who initiated estate proceedings in order to collect his bills, valued Charley's net worth at "\$222.43 in money and some few articles of wearing apparel."

Of the three friends, Fred Dodge fared the best and lived the longest. After departing Tombstone, Dodge worked openly as a detective for Wells Fargo until his retirement in 1918. He eventually acquired a ranch in Boerne, Texas, where he lived until his death at age eighty-four on December 16, 1938. Before he died Dodge wrote his memoirs and collaborated with Stuart Lake on a biography of Wyatt Earp.

And what of the Black Jack copper claim and the 1909 lawsuit brought by Smith's and Winders's heirs against the Copper Queen? Two months after filing the suit the suit, D. Thomas Winders, eldest of the Winders-Smith children, died suddenly of tuberculosis of the bowels. Robert Winders and Oneida Smith apparently did not pursue the action or press further for disposition of their father's estates.

Compared to mining moguls James Douglas or Lemuel Shattuck, Bob Winders and Charley Smith realized little from their adventures in Arizona mining. O. C. Smith and Fred Dodge exemplify Arizona territorial lawmen in the performance of their monotonous, grueling, often dangerous, and sometimes deadly duties.