

This is a short biography of outlaw John Kinney, submitted to SCHS by descendant Troy Kelly of Johnson City, NY.

John W. Kinney was born in Hampshire, Massachusetts in 1847 (other sources say 1848 or 1853). He and his family moved to Iowa shortly after John was born. On April 13, 1867, Kinney enlisted in the U.S. Army at Chicago, Illinois. On April 13, 1873, at the rank of sergeant, Kinney was mustered out of the U.S. Army at Fort McPherson, Nebraska. Kinney chose not to stay around Nebraska, and he went south to New Mexico Territory. Kinney took up residence in Dona Ana County. He soon became a rustler and the leader of a gang of about thirty rustlers, killers, and thieves. By 1875, the John Kinney Gang was the most feared band of rustler in the territory. They rustled cattle, horses, and mules throughout New Mexico, Arizona, Texas, and Mexico. However, the headquarters for the gang was around the towns of La Mesilla and Las Cruces, both of them located in Dona Ana County.

Kinney himself was a very dangerous gunslinger. His apprentice in the gang was Jessie Evants. On New Year's Even in 1875, Kinney, Jessie Evans, and two other John Kinney Gang members name Jim McDaniels and Pony Diehl, got into a bar-room brawl in Las Cruces with some soldiers from nearby Fort Seldon [sic]. The soldiers beat the four rustlerls in the fight, and the outlaws were tossed out of the establishment. Kinney himself was severely injured during the fight. Later that night, Kinney, Evans, McDaniels, and Diehl took to the street of Las Cruces and went in front of the saloon they had recently been tossed out of. The four rustler opened fire on the saloon, shooting through the saloon and walls. When the shooting had stopped, two soldiers were dead, one civilian was dead, two other soldiers were wounded, and one other civilian was wounded. Kinney and his gang participated in several other killings later on.

In early 1876, Jessie Evans left the John Kinney Gang and took with him other members of the gang. With these men, Evens formed his own gang, called the Jessie Evans Gang, or the Boys. The Jessie Evans Gang and the John Kinney Gang still worked together in a way thought, since they were both links in the chain gang. The chain gang was an association all the rustling gangs in the west had with each other. One gang would steal some cattle and sell it to another gang, who sold it to another gang, who sold it to another gang, and so on. This way the stolen animals could get moved across the country, with no way to determine the original owner, or the original thief. Other links of the chain gang were the Clanton Gang and the Seven Rivers Warriors.

On November 22, 1877, Kinney shot and killed Ysabel Barela in the street in La Mesilla. Kinney and his gang fled for Silver City, in Grant County, New Mexico Territory. They continued their illegal activities in Silver City, until they were hired to fight in the El Paso Salt War. The John Kinney Gang went to San Elizario, Texas and were deputized. There, they murdered several people and raped several women. After the Salt War ended, the John Kinney Gang stayed in Texas, with Kinney working at a saloon in El Paso. They shortly after returned to Dona Ana County and in June of 1878 were hired by District Attorney William Rynerson to fight for the Murphy–Dolan–Riley side in the Lincoln County War. The John Kinney Gang reached Lincoln on June 22, 1878 and were deputized by Sheriff George Peppin, a Dolan man. Furthermore, Kinney was offered \$500 worth of John Tunstall's cattle by Jimmy Dolan if he killed Alex McSween. Fightin in the war also reunited Kinney with Jessie Evans, whose gang (along with the Seven Rivers Warriors) was also fighting for the Dolan side.

While serving in the war, Kinney boasted he had already killed fourteen men. Kinney had his gang ransack the fillage of San Patricio, where the Regulators hid out, but they did not find the Regulators. The John Kinney Gang participated in the Five-Day Battle in Lincoln from July 15 to July 19. At the end of the battle, at dusk of July 19, the Regulators inside the burning McSween home fled the house.

During this time, the fleeing Billy the Kid fired a bullet into Kinney's face, but Kinney survived. Kinney and his gang looted the Tunstall store the next day, and they shortly after returned to Dona Ana County. On November 30, 1878, Kinney was arrested for the murder of Ysabel Barela. The trial was held not in Dona Ana County, but in Grant County. On December 21, 1878, Kinney was acquitted of the murder of Barela. He and his gang then continued their illegal activities, while Kinney took another job serving as a scout for the army. In 1881, Kinney was deputized and was assigned to be one of the men to escort the convicted Billy the Kid from La Mesilla to the jail in Lincoln.

Charged with cattle rustling, Kinney was arrested in 1883, brought to trial in Mesilla, and convicted. He was sentenced to pay a five-hundred dollar fine and to serve five years in the Kansas State Penitentiary at Leavenworth. Kinney paid the fine, served a little less than three years in prison, and was released on February 19, 1886. By this time, his gang was long gone, and he got a job running a feed lot in Kingman, Arizona. He also later served in Cuba during the Spanish-American War. After this, he became a successful miner at Chapparral Gulch, Arizona, and later settled in Prescott. He died there on August 25, 1919.

Photo submitted by Troy Kelly



John Kinney, and his daughter

This photo of Kinney and his daughter, Mary Lynn, was taken probably in Prescott, Arizona, shortly before he died.

Information added by Paul Harden, SCHS



Photo from "True West Magazine," and obviously taken by a photographer in his studio, date unknown (likely late 1870s). John Kinney is man in center, standing.



This Library of Congress photo is the only known photo of outlaw **John Evans**. The woman is presumably his wife. Note the wife is holding the pistol, not John!

The following are excerpts from a history article by Paul Harden entitled "Cowboys and Cattle Rustlers," first appearing in the El Defensor-Chieftain newspaper, Sept. 1, 2012.

The Kinney Gang

In 1873, 25-year old John Kinney mustered out of the U.S. Army at Ft. McPherson, Nebraska and quickly made his way to Doña Ana county. He soon formed a gang of about 30 outlaw men specializing in cattle rustling with a little thievery and killing on the side. By 1875, the Kinney gang was the most brazen and feared band of rustlers and hooligans in the territory. For example, on December 31, 1875, Kinney and several of his gang got into a bar brawl in Las Cruces. Standing outside the bar for a little New Year's Eve fun, they riddled the establishment with bullets. When the smoke cleared, two soldiers from Fort Selden and a civilian lay dead, with several others groaning from their wounds.

In 1876, several men of the gang, led by outlaw Jessie Evans, broke away from the Kinney Gang to start their own gang called "The Boys," though continued to work with Kinney to remain the most feared gangs. These were just two of numerous cattle rustling gangs operating in southern New Mexico

When the Kinney and Evans gangs weren't busy rustling cattle, they made themselves available as hired guns. They were hired to fight on the Dolan-Murphy side of the Lincoln County wars. Once the shooting ended in Lincoln, the bored outlaws returned to Doña Ana to resume their cattle rustling enterprise.

Kinney bought a ranch near the silver mining camp of Lake Valley. It was from here he directed his cattle rustling empire. From Lake Valley, he would send out small bands of a half-dozen men to the large ranches in the Black Range and Socorro County. The stolen cattle was quickly whisked off to El Paso, slaughtered, and purchased in large quantities to feed area Army forts, the Indian reservations, and the railroad workers building the southern route to California.

Kinney became a very wealthy man. In spite of his wealth, and an outlaw at heart, Kinney and his men would often frequent saloons along the Rio Grande. Their night on the town always ended up with a shootout or a brutal fight. The people from Las Cruces to Socorro became terrified of the Kinney Gang. Even law enforcement felt the intimidation, giving the outlaws more or less free reign of the Territory. As a result, large-scale cattle rustling continued, ruining many ranchers from Mesilla to western Socorro County.

Military Intervention

In 1883, rustlers stole over 10,000 head of cattle from the Mesilla Valley. Similar numbers of cattle "disappeared" from Socorro County. The ruined ranchers in the area could take no more. A petition signed by over 100 ranchers in Socorro and Doña Ana counties was delivered to Gov. Lionel Sheldon to urge military intervention. Even the corrupt Santa Fe ring advocated action, seeing their ranch investments in the south dwindling. The New Mexican newspaper in Santa Fe urged the governor's action by identifying Kinney as "one of the most dangerous and desperate characters ... since Billy the Kid." Actually, he was much worse than Billy the Kid, but the association drummed up political support.

The U.S. Army refused to get involved with civil matters. Instead, Gov. Sheldon called the "Mesilla Calvary," a volunteer militia unit, into active service using his executive powers. He assigned Col. Albert Fountain, a veteran of Carleton's California Column, to command the unit. The "Shakespeare Rangers" were also activated, another militia unit of ranchers in the boot heel region.

The Mesilla Calvary was ordered to capture as many of the cattle rustlers as possible to break up the gangs; the Shakespeare Rangers were to patrol the New Mexico-Arizona border for cattle rustlers and outlaws.

Fountain focused his attention on the kingpin of them all: John Kinney. He launched his fight with not only pistols and rifles, but the printed word. Fountain ensured every newspaper in New Mexico reported how "the war was on" with the rustler gangs and how they were authorized to "shoot to kill" any rustler who resisted arrest.

The outlaw rustlers, drinking their beers at the local saloons, probably laughed their heads off upon hearing about the impending war against them. By the end of March, 1883, the laughing stopped.

Fountain's War

Armed with a stack of arrest warrants, Col. Fountain sent his militiamen off in small groups in every direction. Within days, the Las Cruces jail was filled with wanted outlaws. Realizing the tables have turned, many temporarily fled the Territory. Several were snagged by the Shakespeare Rangers as they attempted to flee into Arizona.

Kinney the kingpin was nowhere to be found around his Lake Valley ranch. A few days later, however, Fountain received word that Kinney and his mistress were captured by the Shakespeare Rangers in extreme southwest New Mexico while attempting to cross the border into Mexico.

However, John Kinney was hardly the only cattle rustler in the area. After his capture, Fountain loaded his men and horses onto the train. Disembarking at Nutt Station, they were met by some mining guides and two deputy sheriffs. Mounting their horses, they began their sweep north and west through the Black Range and into western Socorro County.

Arriving at Hillsboro and Kingston, local ranchers and townspeople confirmed that Tom Cooper, John Watts, Hank Brophy, Charles Thomas, and two men known only as Tex and Butch, were the worst of the bunch. Following local leads, Fountain and a detachment of his men went to Lake Valley. There, they found and arrested Butch; his partner, John Watts, escaped on horseback.

As Fountain described the ordeal, "John Watts was seen, but he escaped from me, mounted a horse and fled, only to run into Captain Van Patten's company. He was ordered to halt, when he drew his Winchester on Captain Van Patten; a dozen carbines were at once pointed at him and he surrendered."

With prisoners in hand, they rode all night to the village of Cienega in the Black Range. Stopping to make coffee and breakfast, Butch and Watts escaped and fled into the early morning darkness. Captain Salazar left with his men to pursue the fugitives. When found on the road, Butch and Watts refused to stop or surrender when asked. Salazar ordered shots to be fired. Every man in the company thought the command was addressed to them. As a result, a volley of 30-40 shots rang out. Butch and Watts fell dead on the trail.

Returning to Kingston, Fountain located and arrested James Colville. He operated a slaughter pen for stolen cattle from the W-S and other ranches in western Socorro County.

Receiving a report of an uprising in Lake Valley, Sergeant Leandro Garcia and some men were sent to the mining camp. Upon their arrival, they discovered the Sierra Mining Company had found three cattle rustlers and locked them in a dynamite shack. Sgt. Garcia took them into custody. One was a locally known rustler named John Shannon. Breaking free of the guard, Shannon was shot dead as he attempted his escape.

On March 23, the various elements of Fountain's command returned from the trail and reconnoitered in Kingston. By now, the news of the capture of Kinney, and the host of other rustlers, had spread throughout the territory, including details printed in the Socorro Chieftain newspaper. This was long-awaited great news.

As the militiamen entered Kingston, they were heartily greeted by the town with an impromptu parade and festivities. Fountain recorded, "Here my command was kindly, I may say enthusiastically received by the people of the town. The ladies and gentlemen of the town gave the officers and men of my command a royal reception at the school house and left nothing undone to prove that their entire

sympathy and support were with us.”

In a few short weeks, Fountain's small army had rid the Territory of many of the cattle rustlers. Twenty years later, historian Ralph Emerson Twitchell summarized, “Entire herds of cattle were driven from Socorro, Doña Ana, and Grant counties and sold in Texas, and other herds were slaughtered in the woods and the dressed meat shipped in car-load lots. The people had been terrorized by this combination of outlaws and no one dared to make complaint or testify against members of the gang until the militia had broken their strength and had the ring leaders actually in custody.”

Kinney was found guilty of cattle rustling by a Las Cruces jury and sentenced to five years in prison. As New Mexico did not yet have a territorial prison, Kinney was sent by train to Fort Leavenworth, Kansas to serve out his sentence. He was released in 1886 after serving only three years. When Kinney returned to Doña Ana, he found all of his old fellow rustlers either in jail, had been killed, or simply disappeared. He left New Mexico to spend the rest of his days developing mining claims in Arizona, where he died in 1919.

Socorro County Rustlers

By the mid-1890s, cattle rustling in the western part of the county, and on the W-S Ranch near Alma, seemed to be on the increase. When Holm O. Bursum was elected Socorro County Sheriff in 1884, he pledged to rid the county of the rustlers once again. To accomplish this, he hired his old friend, Col. Fountain, now a special prosecutor for the New Mexico Cattleman's Association. Bursum and Fountain rounded up several cattle rustlers found operating out of Magdalena, Council Rock, and near Quemado. All were tried in the Socorro County Courthouse. Bursum had the pleasure of escorting the convicted rustlers to the newly built Territorial Penitentiary in Santa Fe.

Once Socorro county seemed to be free of cattle rustlers, Fountain turned his attention to the Tularosa basin. The ranchers in the area, led by rancher Oliver Lee, accused the large cattle barons of taking all the good grazing land and water. The big cattle companies, in turn, accused Oliver Lee and his band of ranchers of cattle rustling and murder.

Fountain obtained indictments against ranchers Oliver Lee, Bill McNew and Jim Gilliland, suspected of cattle rustling and other misdeeds. After the indictments were filed in the Lincoln County Courthouse, Fountain and his 8-year son returned to Doña Ana on February 1, 1896. They never arrived. Their blood stained wagon was found off the trail near the Chalk Hills east of Las Cruces.

Sheriff Pat Garrett arrested Lee, McNew and Gilliland for Fountain's murder. The “murder trial of the century” was held in Hillsboro. The jury found the cowboys not guilty after the trial ran to well past midnight. Pat Garrett was later found shot to death not far from where Fountain was killed.

To this day, the slain bodies of Fountain and his son have never been found. New Mexican's still speculate whether Oliver Lee, or another cattle faction, was responsible for the murders. The Fountain murders remains New Mexico's most prolific cold case.

Some of the references used in this article: “The Real Billy the Kid” by Miguel Otero; “Leading Facts of New Mexican History” by Ralph Emerson Twitchell; various issues of the Socorro Chieftain newspaper; and other research by the author.



Photo courtesy El Paso Community College

Photo of **Col. Albert Fountain** who vigorously pursued and prosecuted many of New Mexico's cattle rustlers. He and his son disappeared under mysterious circumstances, presumably killed by one of the cattle outlaw gangs. The bodies of Fountain nor his son have ever been found.