



Buffalo Tales



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THE MITCHELL-KETCHUM TRAGEDY

by Alice Shaneyfelt Howell

The hanging and burning of Luther M. Mitchell and Ami W. Ketchum in late 1878 in southern Custer County was a shocking event that made news all over the state and across the nation. Newspaper headlines screamed, "Man Burners! Man Burners!"

The tragedy was a culmination of the battle between the homesteaders and the cattlemen. Although a blow-up was expected between the principals involved and possible killings anticipated, no one was prepared for the shock of the planned murder and burning of the men.

Homesteaders were trickling into Sherman, Custer and northern Buffalo Counties in the 1870's. As a rule they were quiet and inoffensive, of limited means, and desirous of making a home for themselves and their families on the plains of Nebraska. At this same time cattlemen from Texas, discovering their cattle did well on the nutritious grasses of the Nebraska rangeland, brought great herds and established cattle ranches on thousands of acres, building their home ranches on every available river or stream in an effort to exclude the settlers.

The largest ranch operation was that of Texan Isom Prentice (Print) Olive. In the autumn of 1876 he settled his family in a home along the railroad at Plum Creek (Lex-



District Judge William Gaslin about 1880.

Photo from *Judge William Gaslin*, by John Haskell.

ington), but established the Olive Ranch north of Plum Creek on the South Loup River, with his brother Bob as ranch foreman. Bob had recently returned from Wyoming and had taken the name of Bob Stevens to avoid arrest on a murder charge, for

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WITH THE SOCIETY

Upcoming programs of the Buffalo County Historical Society. Mark your calendars now.

- Jan. 27** 2:00 p.m., Kearney Women's Club
723 West 22nd Street
Program by Margaret Nielsen,
The "Kinkers" - Gymnasts of Vaudeville.
- Feb. 24** 2:00 p.m., Miller Community Hall
Program by Dr. Philip Holmgren
Freighting Experience in Buffalo County, 1876-1886
This program funded in part by the Nebraska Committee for the Humanities.
- Mar. 24** 2:00 p.m., at Trails & Rails Museum
Joint meeting with Fort Kearny Genealogical Society.
Panel Discussion: **Archives - Buried Treasure.**
- April 21** ANNUAL MEETING
First Lutheran Church,
3315 Avenue G, Kearney
1:00 p.m. Covered Dish Dinner
1:45 p.m. Business Meeting
Program by Karen M. Dyer **Music in the Life of Nineteenth-Century Settlers in Nebraska.**
This program is funded in part by the Nebraska Committee for the Humanities.

which a \$400.00 reward had been posted. Several thousand head of longhorn Texas cattle were driven to pasture on the hills of what is now Custer County. These cattle wandered all over the country, destroying crops of homesteaders and forcing many to give up their claims. This was unorganized territory, the law was difficult to administer, and many cattlemen took advantage of the situation.

Print Olive was the head of the ranch and the self-appointed new cattle king. Together with his brother Bob they formed a ruthless pair. The Olives made their own laws and forced many settlers, some with families, home and crops, to leave their homesteads.

Mari Sandoz, in *The Cattlemen*, describes the situation:

The transplantation of the new cattle king and his methods to Nebraska from south-central Texas, where he was almost literally driven out, caused much stir. Everything he did was big, highhanded, overbearing, bulldozing. At the ranch Print's word was law.... Before long the little ranchers who ran cattle on the government land were commanded to keep their stock out of it, and homeseekers warned not to come in. This range was now Olive property.

Two homesteaders who would not scare were Luther M. Mitchell and Ami W. (Whit) Ketchum. Both had settled on Clear Creek in Custer County and were neighbors and good friends. Mitchell was a middle-aged man with a wife and two step-daughters, the elder of whom was engaged to marry Whit Ketchum who was about 25, quiet, courteous and fearless. Mitchell and Ketchum both suffered loss of crops due to cattle from the Olive Ranch and Whit insisted that Olive must take care of his cattle and respect Ketchum's rights as a homesteader. Olive Ranch foreman, Bob Stevens, was not about to agree. One morning Ketchum found Olive's cattle in his crops. He mounted a horse, took two or three fierce dogs, and proceeded to move the cattle out. Ketchum's insistence on protecting his crops aroused the ire of Bob Stevens who threatened to shoot him at first sight. Friends urged Ketchum to get out and save his life, advice that he did not heed.

Along with cattle ranching went cattle stealing, and some would-be settlers made their living by killing off the ranchman's cattle and disposing of it at points within driving distance, often Kearney where it was referred to as "slow elk". When Whit Ketchum was implicated in such a charge by one Manly Capel who had been arrested in Kearney for cattle stealing, it was the opportunity the Olives had been waiting for. The charge against Ketchum was never proved. However, Bob Stevens obtained a warrant from Sheriff David Anderson for Ketchum's arrest, and with three others—all desperate men—proceeded to the Ketchum farm home on November 26 to arrest him.

Ketchum was in Mitchell's corral where the two men were hooking up to a wagon to return a borrowed bull when Bob Stevens and his men dashed into the yard on horses, revolvers in hand, and opened fire on Ketchum. Both Mitchell and Ketchum returned fire from the protection of the wagon box where they had been working. Several shots were fired from both sides. Ketchum was shot in the elbow and some of Stevens' men received wounds, but Bob Stevens was mortally wounded from a shot fired by Luther Mitchell. Dr. Dildine was brought from Kearney but could not save him. Stevens died on November 30 and his body was returned to Texas to lie beside another brother killed in a gun battle.



Buffalo County Jail, 1876-1959

Mitchell and Ketchum, realizing what would happen if they fell into the hands of the Olives, started for Merrick County where Mitchells had previously lived. Their first stop was the Loup City home of Judge Aaron Wall who advised them to keep moving east out of range of the Olive gang and to turn themselves into the authorities for protection. After securing a place for Mrs. Mitchell and her daughters, the two men turned themselves into Wm. Letcher, sheriff of Merrick County. Doubting the ability of his own jail to withstand an attack by the Olives, Sheriff Letcher decided that the only safe place for the men was in Kearney, which had the strongest jail in the area, newly built from Kansas limestone. So the prisoners were turned over to Buffalo County Sheriff David (Cap) Anderson.

In the meantime, Print Olive had offered a \$700 reward for the arrest of the two men and their return to Custer County. No sheriff was willing to turn the prisoners over to Custer County and the outlaw cattlemen who controlled that area. Finally, Sheriff Gillan of Keith County arranged to take the prisoners to Custer County. He promised to notify their attorneys, Elisha Calkins of Kearney and Thomas Darnell of St. Paul, so they could accompany them to Plum Creek, and thence to Custer County. Suspicious that Sheriff Gillan might be allied with the Olives, the attorneys kept a close watch on the situation, and on the morning of December 10, Darnell watched the noon train pull in, fearing the prisoners might be put on board, but seeing no activity, turned away and did not see Gillan who at the last moment hurried the prisoners onto the train. When they realized what had happened, Calkins and Darnell telegraphed Gillan at Elm Creek asking him to hold the prisoners at Plum Creek until they could arrive on the evening train, and this Gillan promised to do. The lawyers also telegraphed Attorney McNamar at Plum Creek to alert him to the situation, and to await the arrival of Attorney Darnell. By the time Darnell got there, Sheriff Gillan and the prisoners were already gone. Two telegrams tell the story:

Plum Creek, Dec. 11

We were stopped near the Loup by twenty armed men and Mitchell and Ketchem taken from us. I think they have hung them.

R. J. Gillman (Gillan)

and

Plum Creek, Dec. 11

E. C. Calkins

Mitchell and Ketchem were burned and hanged last night about one

mile from the Loup. I lost sight of the sheriff and the prisoners about twenty miles out, it then being dark. I found their bodies at 3 this afternoon. They were burned beyond recognition, were it not for their irons.

McNamar

Indeed, this was the tragic story. Plum Creek was the home of Print Olive and here he was surrounded by friends and ranch employees. When the prisoners arrived, they were at once put in wagons by Olive and his friends to start for Custer County over the protests of the Plum Creek attorney who urged them to wait for the arrival of the prisoners' attorneys. About five miles from the Olive Ranch the prisoners were transferred to Olive and the Olive party started for Devil's Canyon where the prisoners were hanged and their bodies set on fire. There the bodies were found about three o'clock the following afternoon and were brought back to Kearney where they were exposed to the view of the general public in the undertaking rooms of F. J. Switz. After an inquest, Mitchell's body was shipped to Central City for burial. Ketchum is buried in the Kearney Cemetery.

So great was the fear of the Olives that no sheriff would undertake the serving of a warrant issued by District Judge Wm. Gaslin for the arrest of those involved in the murders. Finally on January 6, almost four weeks after the murders, in a plan devised by Attorney General Dilworth and Lawrence Ketchum, brother of Whit, Olive and his accomplices were captured by surprise, one at a time, with no bloodshed or resistance.

The trial of Print Olive and Fred Fisher, one of the Olive accomplices in the murders, was held at Hastings, Nebraska in the court of District Judge William Gaslin, who as a frontier judge was known to conduct his court with a gun or two laid out on the desk in front of him. Feelings on both sides ran so high that the state militia was kept at Hastings during the trial. Both men were sentenced to life imprisonment, but on appeal the Supreme Court decided for Olive and Fisher on technical irregularities in the district court trial and they were released after serving 19 months. Print Olive was shot and killed a short time later in Colorado.

There are many conflicting stories about the events involved in the Mitchell-Ketchum tragedy. Many questions have been raised that will never be answered. Probably the most confusion revolves around the Sheriff of Buffalo County, David (Cap) Anderson, and his decisions (1) to issue a warrant for the arrest of Ami Ketchum and hand it to an Olive to serve, and (2) to hand over the two prisoners who were entrusted to his custody to suspected Olive men.

Joel Walker in a paper written for a Kearney State College history class has researched the questions and refutes the opinion expressed by Historian Richard Crabb in his book, **Empire of the Platte**, that Anderson received a \$500 bribe from Sheriff Gillan and Phillip DuFran, two corrupted officials ruled by Print Olive. There is no proof that any money ever changed hands. Furthermore, there was never at any time a blotch of Anderson's military or public record. He had had a very active and honorable military career in the Union Army. Anderson came to Kearney in 1872 and was elected sheriff in 1876, serving until 1879. Walker concludes that there is no way of determining that Sheriff Anderson was aware of Bob Stevens being an Olive. Stevens was the sheriff-elect of Custer County but not yet qualified to make an arrest. Furthermore, in Anderson's testimony at the inquest on the body of Stevens he stated: "There was a warrant issued here by Justice Cannon, sworn out by Henry Stevens

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and handed to me, and I deputized him to make the arrest." So the request was not made of Anderson, but of Justice Cannon. It was not mentioned at the inquest that Stevens was an Olive or that he was wanted for murder in Texas. Walker's conclusion is that "Anderson did not have any primary jurisdiction to arrest anyone in Custer County but possibly through the deputizing of Stevens, he was lending his authority to an already elected official and since it was Stevens and not Olive who requested the warrant, any power Print Olive had over Anderson was minimal and indirect."

Anderson's December 10 decision to hand the prisoners over to Custer County was, according to Walker's study, at least justice oriented. Assuming that Anderson did not know Stevens was a brother of Print Olive or that Sheriff Gillan was an Olive man, perhaps, Walker suggests, Anderson did not see this case as it has since been seen. He saw cattle thieves, fugitives and murderers, his deputy had been killed by one of them; they were law breakers and should be handed over to the Custer County officials.

Also, Anderson had other things on his mind at this time. The murder in Kearney County of a widow and her three daughters had just come to light and Anderson left on the manhunt for the murderer at about the same time Mitchell and Ketchum were released to Custer County.

These were chaotic times in this area of Nebraska when counties were not fully organized and jurisdictions not always clear. The brutal deaths of Mitchell and Ketchum were sad and unfortunate events in the development of the central Platte area but, as concluded by Walker, these murders forced important issues to surface. One to be dealt with was that equality before the law must be established between the ranchers and the homesteaders so that savage vigilante justice would not become commonplace within the boundaries of the state.

SOURCES

S. C. Bassett, *History of Buffalo County*; Marl Sandoz, *The Cattlemen*; John Haskell, *Judge William Gaslin*; Joel Walker, *Cap Anderson and the December 10th Decision*.

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