

Diary of a Desert Trail

By Edward L. Vail

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Today's story from the diary of Edward L. Vail written in 1890 is thrilling in its vivid description of the arrest of the Fox brothers, two horse thieves, who joined the Vail party in crossing the desert to San Diego, California in 1890.

The Fox brothers joined the cattlemen shortly after leaving the Empire Ranch and had travelled with the desert trailers until they had reached the line into California, where they were arrested, and one of the boys shot by a deputy sheriff from Arizona.

Sheriffs Join Party

Young Fox and I found some grass and brought it to the sick steer. Fox was a pleasant young fellow and said that Tom Turner had offered to give them work on the Empire Ranch if they would go back there with our men. A little later was surprised to see a carriage with four men in it coming toward our camp from the west. One of the men beckoned to me and I walked over to see what they wanted and who they were. They were the first people we had seen since we left the Colorado River, about a hundred miles back. He said he was a sheriff from Arizona and as he spoke I recognized him. He then asked if we had two Americans with us who joined us near Yuma, and I replied that we had. Then he introduced me to the other three men, one of whom was his deputy and the other, his driver, who was from Temecula, California, and I think he said a deputy sheriff there. The fourth man, the sheriff told me came with him from Arizona and was the owner of some horses which he said the Fox boys had stolen from his ranch. The sheriff then told me that he and his deputy had followed the Fox brothers all the way to Yuma and then they had followed our trail after the boys until we crossed the line. They then returned to Yuma and took the train for California, as he could not go into Mexico.

As nearly as I remember I said: "Sheriff, you know the reputation of our outfit; it has never protected a horse thief and has always tried to assist an officer in the discharge of his duty." I also told the sheriff that the boys had done the best they could to help us in crossing the desert and that I was sorry to hear they were in trouble. I felt it was my duty to tell him that the boys were well armed and quick with a gun. "You have plenty of men to take them," I said. "Be careful. I don't want anybody hurt." The sheriff answered, "If they ask you anything, tell them that we are mining men going out to look at a mine."

I knew if the boys were sure that the men were officers there would be bloodshed at once. It was a very unpleasant position for me as I really felt a good deal of sympathy for the brothers and I knew them to be young and reckless. The older one came to me and said, "Who are those men and what do they want?"

I had to tell him what the sheriff told me to say: viz, that they said they were mining men out to look at a mine near there. I could see he was not satisfied and was still anxiously watching the sheriff's party. The newcomers then said they were hungry and I told the man who was cooking to get them something to eat. While they were eating they talked about the mine they were going out to see and I think the boys were less suspicious of them.

Very soon after I was standing on one side of the chuck wagon, the elder brother was leaning against the back and his brother near the front wheel on the opposite side of the wagon from me. Suddenly I heard a scuffle and when I looked up I saw the sheriff and another man grab the elder boy and take his gun. His deputy and assistant were holding his brother on the other side of the wagon. They had quite a struggle and young Fox pulled away from them, ran around the wagon past me with the deputy in pursuit. He ran about a hundred yards up a sandy gulch and the deputy was quite close to the boy when he raised his gun and fired. Young Fox dropped and never moved again. I was close behind the deputy as I had followed them. When the latter turned toward me with his six-shooter still smoking and he was wiping it with his handkerchief. "I hated to do it," he said, "but you have to sometimes."

I was angry and shocked at his act, as I had never seen a man shot in the back before. I then saw the other Fox boy walking toward his brother's body, which was still lying on the ground. The officers who had him handcuffed tried to detain him, but he said, "Shoot me if you like, but I am going to my brother." He walked over to where the body lay and looked at it. Then he asked me if we would bury his brother and I told him he could depend on us to do so.

Sheriff's Posse Leaves

Then I told the sheriff there was no excuse for killing the boy as he could not get away in that kind of country. He replied that he was very sorry about what had happened but said, "You know, Vail, that I got my man without killing him, and that it was impossible for me to prevent it, as I had my hands full with the other fellow at the time."

Tom Turner was not in camp when this happened as he had gone out around the cattle. The sheriff and his posse left shortly after and took their prisoner with them, but they left the body of young Fox lying on the ground where he fell.

We dug a grave and, wrapping the young man's body in his blanket, buried him near the place where he fell. It was the best we could do. I saw a man in Tucson last week who told me he was at Carrizo Creek a few years ago where he saw the grave which had a marker with the inscription, "Murdered."

(To Be Continued)