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In the Shadow of Billy the Kid

SUSAN MCSWEEN AND THE LINCOLN COUNTY WAR

by Kathleen P. Chamberlain



Susan McSween survived the shootouts of the Lincoln County War and created a fortune in its aftermath. Through her story, we can examine the struggle for economic control that gripped Gilded Age New Mexico and discover how women were forced to alter their behavior, make decisions, and measure success against the cold realities of the period.



In 1878 southeastern New Mexico declared war on itself. After the gun smoke cleared, writers tried to explain the Lincoln County War in terms of “good guys” against “bad,” victims against ruthless criminals. To spice up their copy, they created a celebrity, Billy the Kid. His exploits prompted the publication of more than two hundred books on the Lincoln County War and persuaded Hollywood to produce some forty films featuring Billy. Once historians began to painstakingly peel back the layers of the outlaw’s story, however, they discovered a somewhat typical, albeit extreme, example of Gilded Age ambition beneath the violence. The battle was not between the forces of good and evil, but between merchant factions vying for economic control of southeastern New Mexico. Although one might argue that Billy the Kid kept the story of the Lincoln County War alive, his narrative has also tended to discourage any larger political, economic, or social interpretation of the event.

Few novelists and only a handful of historians noticed that a major player in the Lincoln County War—and arguably one of the most cunning—was, in fact, Susan Hummer McSween Barber, who survived the shoot-outs of 1878 and turned economic chaos into personal wealth. She epitomized the single-minded capitalist so revered in the latter decades of the nineteenth century and earned the title Cattle Queen of New Mexico largely on her own initiative. To survive, Susan adopted male standards of success—accumulation and strength—rather than domesticity. When it suited her purpose, however, she slipped behind convention and played victim, married, and acted the genteel Victorian lady even as she took her male counterparts to court, managed her own ranch, filed for divorce, and retold the harrowing tale of the Lincoln County War time and time again. Through Susan McSween’s story, we can examine the economic power struggle that gripped territorial New Mexico after the Civil War and discover how women were forced to alter their behavior, make decisions, and measure success against the cold realities of the period’s laissez-faire capitalism.¹

1. In 1987 historian Darlis Miller and several New Mexican researchers began to investigate the history of the women of Lincoln County, whose stories have largely remained buried amidst male-oriented narratives. See Darlis Miller, “The Women of Lincoln County, 1860–1900,” in *Writing the Range: Race, Class, and Culture in the Women’s West*, ed. Elizabeth Jameson (Norman, 1997), 147–71.

SUSAN MCSWEEN BARBER began her life as Susanna Hummer on December 30, 1845. She was born in rural Adams County, Pennsylvania, a few miles from Gettysburg. Her father, Peter Hummer, was a member of the Church of the Brethren, a religious denomination with roots in the Anabaptist traditions of Germany. Like Mennonites, the Brethren dressed plainly, refused to swear oaths, and abhorred war; Americans sometimes derisively called the Brethren “dunkards,” referring to their belief in baptism by immersion and to the way they submerged individuals face first into baptismal waters. Susanna’s mother, Elizabeth Stauffer of Front Royal, Virginia, bore eight children and died on October 20, 1851. Five months later Hummer married Lydia Stauffer, Elizabeth’s younger sister, and that marriage produced eight more children. Hummer listed himself as “gentleman farmer” in the 1880 census. However, tax rolls from 1836 to 1880 reveal that his farms generated little wealth. When he died on October 24, 1886, his estate barely paid burial expenses.²

In July 1863, when Susanna was seventeen years old, Union soldiers confronted Confederate troops at Gettysburg. The Hummers undoubtedly watched regiments from both sides stream past and heard cannon and rifle fire in the distance as they huddled inside their farmhouse. According to Susanna’s obituary, she was a close friend of Jennie Wade, the only woman to die during the battle. It is not known why Susanna left home shortly after the battle. Perhaps Jennie’s death overwhelmed her, or maybe she had grown tired of the plain dress and strict religious codes. Or maybe, as Hummer family tradition relates, she found one of the passing soldiers irresistible, jumped from her bedroom window, and ran away.³ Susanna never told a single interviewer why she left or where she went. Perhaps she went to live with her recently married sister, Elizabeth Shield, in Columbus, Ohio, and moved with Elizabeth and her husband David to Stockton, Missouri. Regardless, Susanna’s life up to 1873 remains a mystery. Researchers Walter Noble Burns and Maurice Garland Fulton remained too smitten with Billy the Kid and the other men in the Lincoln County War to press her for details.

Sue E. Homer, as she now called herself, resurfaced on August 23, 1873, in Eureka, Kansas, where she married a man with an equally mysterious background, Alexander A. McSween. A red-haired Scot with a sweeping moustache,

2. Martin Grove Brumbaugh, *A History of the German Baptist Brethren in Europe and America* (Mount Morris, Ill., 1899), xiv; U.S. Census Office, Tenth Census of the United States, 1880, Adams County, Pennsylvania, Tyrone Township. See also Peter Hummer file, Adams County Historical Society, Gettysburg, Pennsylvania.

3. Notes on Susan E. McSween Barber, subseries O, series VI, Robert N. Mullin Papers (hereafter Mullin Papers), J. Evetts Haley Collection, Nita Stewart Haley Memorial Library, Midland, Texas (hereafter Haley Memorial Library).



Robert G. McCubbin Collection and True West magazine, Cave Creek, Arizona

McSween claimed to be an ordained Presbyterian minister, but when Susan married him he was practicing law. Alexander McSween apparently did well as an attorney because in February 1874 he purchased two town lots in Eureka for two hundred dollars and undertook to renovate their house, a four-month project that suggested extensive—and expensive—work.⁴

The worst economic depression in U.S. history to that time struck in 1873. It began as a Wall Street panic, but a wave of bankruptcies across the nation inevitably followed. Speculation in railroads and land brought the depression west. However, even by summer 1874, when farmers in other parts of Kansas reeled from deepening recession and a plague of grasshoppers that stripped corn

4. Marriage license, State of Kansas, issued August 13, 1873, file 47: Alexander A. McSween, Philip J. Rasch Collection, Lincoln County Historical Trust, Lincoln, New Mexico (hereafter LCHT); Frederick Nolan, *The Lincoln County War: A Documentary History* (Norman, 1992), 17. The couple’s wedding announcement appeared in the *Eureka (Kans.) Champion*, August 24, 1873.



Susan and her husband, lawyer Alexander McSween, arrived in Lincoln, New Mexico (left, circa 1888), in 1875, where he went to work collecting debts for L. G. Murphy and Company. The company, known as “the House,” sold everything settlers needed and functioned as bank, land brokerage office, and saloon.

Alexander “got crazy about money.” On the way to Lincoln the couple had encountered up-and-coming Miguel Otero of El Moro, Colorado, who recommended the town as an ideal place to settle and provided a letter of introduction to merchant Lawrence G. Murphy. Otero hired McSween to

and wheat in the fields, the economic downturn had not greatly affected Eureka. Eureka’s economic downfall came when an audit of county treasurer A. F. Nicholas’s books came up \$23,000 short and revealed that Nicholas had defrauded the county for at least six years. Worse, Nicholas was a major stockholder in the Eureka Bank. The bank failed, plunging the town into economic turmoil and perhaps finalizing the McSweens’ decision to leave. Alexander McSween sold the two town lots but left behind three unsold lots, the newly refurbished house, and a debt of \$646 to Samuel Webster of Lindsay, Ontario. He left no forwarding address. Although Susan later maintained that her husband’s asthma precipitated their move to New Mexico, his accumulated debt was undoubtedly a factor.⁵

The McSweens straggled into Lincoln on March 3, 1875, riding down the town’s single dusty street in an ox-drawn wagon piled high with their belongings. This was their economic nadir. Soon after, according to observers,

represent his interests in New Mexico and observed that “the McSweens made friends readily and were received with utmost cordiality by all residents of Lincoln.” Murphy hired McSween on the basis of Otero’s assessment.⁶

Murphy and his partners Emil Fritz and James J. Dolan were all veterans of the Civil War in New Mexico. Official post traders at Fort Stanton, seven miles from Lincoln, Murphy and Fritz had been expelled from the post in 1873 when Dolan, then an employee, got drunk and shot at an officer. They moved the mercantile operation to Lincoln and constructed a two-story structure so imposing that it was dubbed “the House.” The men then used their business monopoly in southeastern New Mexico and their

5. Nolan, *Documentary History*, 17.

6. Mrs. J. P. Church, interview by Lou Blachly, p. 12, reel 1, tape 115, Pioneer Foundation Oral History Collection, 123 BC, Center for Southwest Research, University of New Mexico, Albuquerque, New Mexico (hereafter CSWR); Susan E. Barber, interview by J. Evetts Haley, August 26, 1927, Barber, Mrs. Susan E. folder, subseries O, series VI, Mullin Papers, Haley Memorial Library, Midland; “Ringleaders in the Lincoln County War,” n.d., pp. 3–4, folder 18, box 5, Miguel Otero Manuscript Collection, 21 BC, CSWR, Albuquerque.

military and Masonic connections to forge an alliance with the increasingly powerful Santa Fe Ring and its leaders: U.S. district attorney and president of the First National Bank of Santa Fe Thomas B. Catron, territorial congressional delegate Stephen B. Elkins, district attorney William L. Rynerson, and others. Neither well organized nor terribly efficient, the Santa Fe Ring was “an informal confederation of businessmen/politicians swapping favors and telling no tales.” Territorial governor Samuel Beach Axtell was himself the product of the Washington spoils system and thereby too incompetent and corrupt to interfere. Axtell even profited from the association, once borrowing \$1,800 from John Riley, a silent partner in the House.⁷

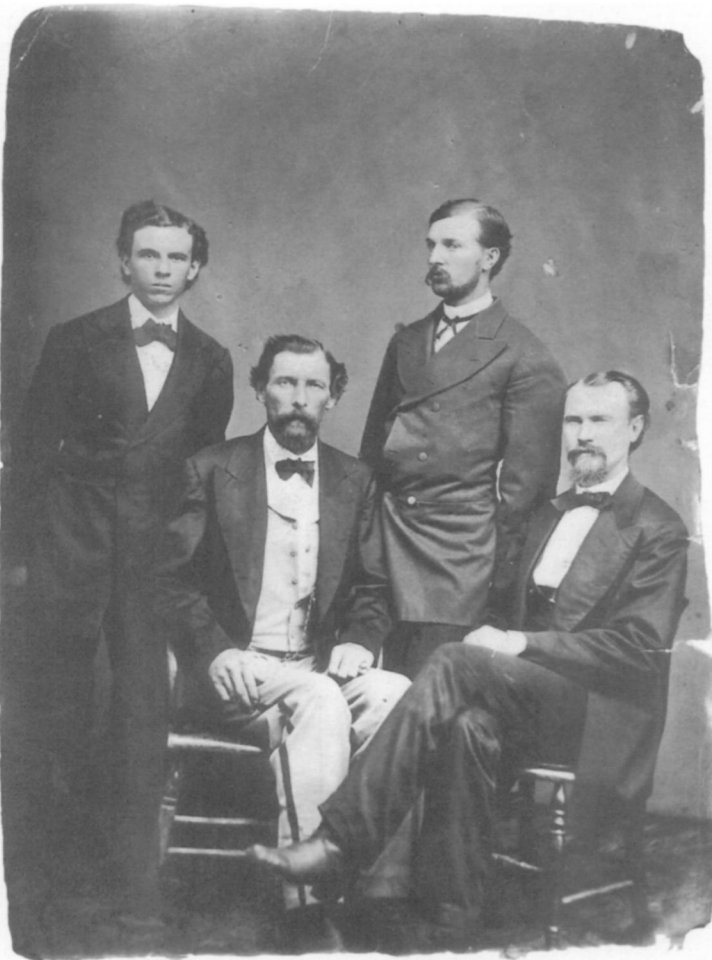
The House sold everything settlers needed and functioned as bank, land brokerage office, and saloon. Theoretically, the partners also supplied the Mescalero Apache reservation, but in reality they diverted much of the corn, lumber, beef, and farm tools to their store. Murphy and

Dolan supplemented their cash flow with the profits from various other illegal activities as well (especially after nominally honest Emil Fritz became ill with heart disease and went to Germany on June 10, 1873, allegedly to see his family one last time). They distilled whiskey and sold it to the Apaches. They sold land to which they did not possess titles to newcomers, advancing loans against future crops and then repossessing the land when it was almost paid off and putting it up for sale again. Murphy and Dolan controlled Lincoln County sheriff William Brady. Sharing their Irish heritage and military and Masonic connections, Brady made sure the force of law was always on their side. To further discourage any insurrection, the House also hired skilled gunmen such as Jesse Evans and John Kinney.⁸

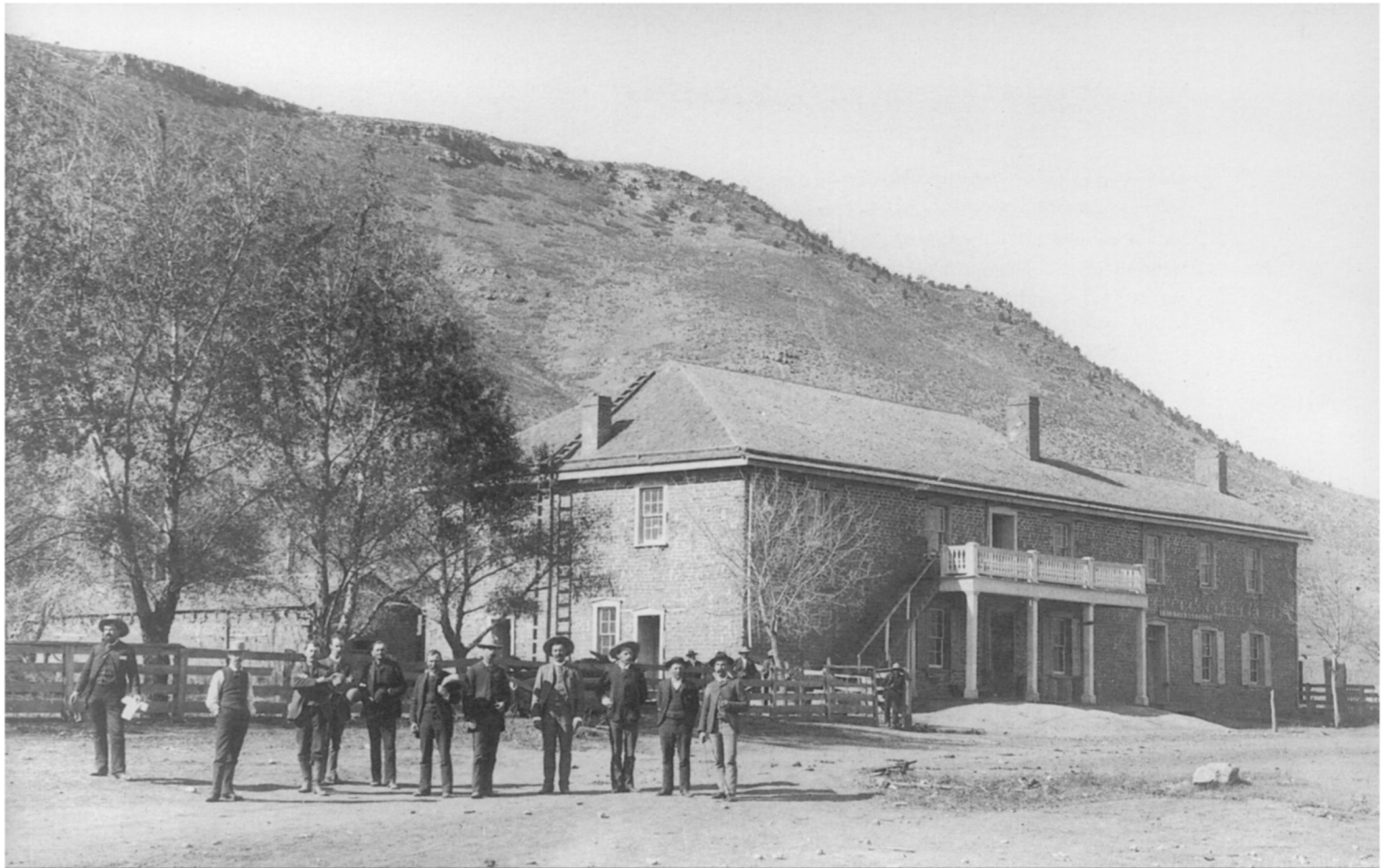
It was for the notorious L. G. Murphy and Company that Alexander McSween initially went to work, collecting debts owed to the House by settlers who were nearly always cash poor and forced to purchase supplies on credit. The 1873 depression had made the farmers of Lincoln County even less apt to pay their debts, a situation that cut into the company’s profits and banking operation. As the House floundered, its owners grew more demanding. McSween worked aggressively on behalf of the company—his salary was 10 percent of everything he collected—and he was known at times to strong-arm residents. He could also be brusque and abrasive. He offended Mexican Americans with his staunch anti-Catholic views and angered Democrats with his avid Republican politics. As a result of her husband’s business practices, Susan found few friends among the women in Lincoln.

Nearly all of the women of Lincoln County—Anglo and Mexican American alike—shared humble beginnings, which generated a sort of frontier equality in the community. Most women raised children, and both Hispanic and Anglo women were economic producers. Refugio Beckwith, for example, supplemented her family’s income with the sale of melons, berries, garden vegetables, and freshly churned butter. Ranch wife Ellen Casey increased her family’s cash flow by selling homemade butter, cheese, and eggs and with sewing and boarding the occasional traveler. Like most families, the Caseys lived for a time in a primitive *jacale*, barely more than a brush lean-to with a dirt floor and a single blanket flap covering the open door.⁹

Neither a farmer’s wife nor a mother, Susan McSween was an outsider to the community of women, and she attracted enemies for other reasons as well. Petite and pretty, she possessed what today we would call sex appeal. She took great pains with makeup and always sported an elaborate coiffure. She was undoubtedly the best-dressed woman in Lincoln. Carlotta Baca recalled that “Mrs. McSween always looked like a big doll.” Described as “most vivacious,” Susan apparently told anybody who would listen that she was descended from one of the royal



Lawrence Murphy (seated right) and Emil Fritz (seated left) partnered with James J. Dolan (left) to establish the House after being expelled as post traders at nearby Fort Stanton. In addition to legitimate endeavors, they engaged in illegal whiskey and land sales under the protection of the Lincoln County sheriff and hired gunmen.



As debt collector for the House and someone who held staunch anti-Catholic and pro-Republican views, Alexander McSween earned the enmity of cash-poor settlers, Mexican American residents, and Democrats. As a result, the McSweens found few friends in Lincoln. This 1883 view is the earliest known photograph of the building the House occupied, pictured after it became the Lincoln County courthouse.

families of Germany and “justly [prided] herself in this noble ancestry.” Ellen Bolton, “the only American woman in Lincoln until 1875,” had run out to greet the McSweens warmly when they first arrived. Others, however, vehemently disliked Susan. Ellen Casey detested her; in turn, Susan thought Ellen “contemptible.” Like her husband, Susan shunned Catholics, thereby precluding friendships with most of the Mexican American women, who largely controlled the social scene in Lincoln. And Juana Baca never forgave Susan for an outburst that occurred late in her eighth pregnancy. She and husband Saturnino leased a house from McSween. On July 2, 1878, Susan stormed over, accused Saturnino of sending men to kill her husband, and demanded that the Bacas vacate the house

7. Joel Jacobsen, *Such Men as Billy the Kid: The Lincoln County War Reconsidered* (Lincoln, 1994), 45; Nolan, *Documentary History*, 503. The practices of the New Mexicans simply mirrored national trends. Political rings—the most notorious was the William M. Tweed Ring of New York City—controlled elections, handed out building contracts, and dominated the legal structure in major cities, while nefarious organizations like the Whiskey Ring and Credit Mobilier manipulated prices and wages and drove out competition.

8. Philip J. Rasch, “The Rise of the House of Murphy,” in *Guns, Smoke in Lincoln County*, by Philip J. Rasch and Robert K. DeArment (Laramie, Wyo., 1997), 10–12.

9. Miller, “Women of Lincoln County,” 152.

immediately. Susan later claimed she did no such thing, but Juana Baca—and most Lincolniters—said she did. As a result, Juana had nothing kind to say about Susan.¹⁰

In addition to his collection business, Alexander McSween also worked for John S. Chisum, the largest rancher in New Mexico, notably assisting him in the sale of his Bosque Grande ranch in 1875. Chisum had arrived in New Mexico in 1867 with a herd of cattle in tow—probably mavericks from west Texas—and claimed two hundred miles of prime Pecos Valley land by right of discovery, in essence, squatting on the land since it was not yet open to settlers. Chisum then hired armed men to help hold his claim. The 1875 land sale brought in between \$219,000 and \$350,000, of which McSween received only a small fee for his work. Afterward, however, Chisum employed

10. Nora Henn, interview by author, August 21, 2002, Lincoln, New Mexico; Carlotta Baca Brent, interview by Francis E. Totty, December 6, 1837, folder 212, WPA Files, New Mexico State Records and Archives, Santa Fe (hereafter NMSRA); Nolan, *Documentary History*, 27–28; Mrs. J. P. Church interview; Sue E. Barber to Maurice Garland Fulton, March 10, 1928, Barber, Mrs. Susan, 1925–1930 folder, box 1, Correspondence B, Maurice G. Fulton Collection (hereafter Fulton Collection), AZ 57, Special Collections, University of Arizona Library, Tucson (hereafter UAL); Anne Buffington, “Out of the Shadows—Women of Lincoln County,” *True West*, 47 (July 2000), 21.

McSween to collect accounts just as he did for Murphy and Dolan. Chisum's bookkeeper reported that "if McSween does not collect anything, he gets no pay—that is the sum and substance of his big fees." Still, ranchers living in the Seven Rivers region between Artesia and Carlsbad in southeastern New Mexico hated McSween for his alliance with Chisum.¹¹

With income from collections and legal work, McSween amassed an estate estimated at \$13,686 in 1878. He and his wife lived not in a jacale, but in a house worth, with furnishings, \$1,853.50.¹² Susan carpeted the floors, placed curtains on every window, and purchased lamps, clocks, a sewing machine, stuffed chairs, and an organ. The nine-room, hacienda-style dwelling was palatial by Lincoln standards.¹³ According to historian Robert H. Wiebe, such conspicuous consumption "held great import in an otherwise undifferentiated society" such as New Mexico's.¹⁴ Many Lincolmites believed that this ostentatious display of wealth came at their expense. They were hardly mollified when Alexander deeded one half of the house to Susan's sister and brother-in-law, David and Elizabeth Shield, when they arrived in June 1877 so that David could become Alexander's law partner. With cash flow almost nil in 1870s Lincoln, however, it is likely that McSween, like L. G. Murphy and Company, faced difficult financial straits.

McSween and Murphy split over an insurance policy, and from this disagreement the two factions of the Lincoln County War emerged. Murphy's first partner, Emil Fritz, died in Germany on June 26, 1874, leaving a ten-thousand-dollar insurance policy. Murphy asked McSween to collect it. However, Merchants Life Insurance Company refused

to pay the claim, forcing McSween to travel in person to New York City to straighten things out. McSween clearly realized that Murphy and Dolan wanted the money for themselves. At the time, the House owed thousands of dollars to Thomas Catron and the Spiegelberg Brothers, leading Santa Fe merchants. Economic depression, the move from Fort Stanton, and the principals' intemperance were all contributing to the slow collapse of the House, and Murphy and Dolan schemed to divert the insurance money

to themselves instead of to Fritz's rightful heirs, his sister Emilie Scholand, and brother Charles Fritz. McSween returned from New York having settled the claim minus more than \$3,000 paid to New York lawyers and \$3,800 in travel expenses, fees, and compensation for lost income for himself. He deposited the remaining funds in his personal account in East St. Louis, not in Santa Fe, as the probate court had ordered. McSween claimed this was to protect the money from Murphy's reach until he could settle with Fritz's heirs. For some reason, McSween took it upon himself to search for additional heirs. When Murphy learned

of these improprieties, he fired McSween, and McSween filed a \$23,376 lawsuit against Murphy and Dolan, theoretically on behalf of Fritz's heirs, claiming this sum as Fritz's equity in their business.¹⁵

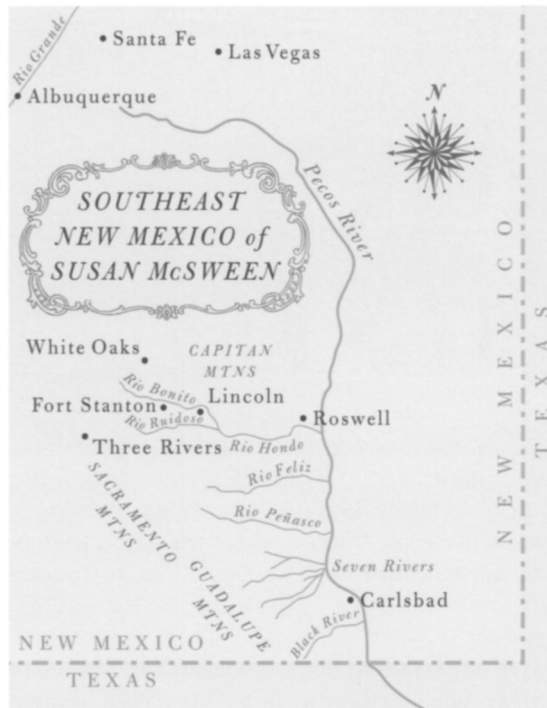
The arrival of a jovial, twenty-one-year-old Englishman named John H. Tunstall proved to be the final blow. McSween and Tunstall met in Santa Fe, and McSween persuaded the young man to make his home in Lincoln. Tunstall arrived on November 7, 1876, prepared to slice himself a piece of the Gilded Age pie. Tunstall liked Susan. He thought her smart and business savvy. "She is the only white woman [here] and has a good many enemies

he alienated many people in Lincoln County. This estimate seems high since there was not that much cash in southeastern New Mexico at the time. Utey, *High Noon*, 38.

13. David T. Kirkpatrick and Linda P. Hart, *Archaeological Test Excavations at the Alexander McSween Site, Lincoln State Monument, Lincoln, New Mexico*, rept. for Lincoln County Heritage Trust (Tularosa, N.M., 1989), 25. This source contains a sketch of how the McSween house must have appeared before it burned to the ground in July 1878.

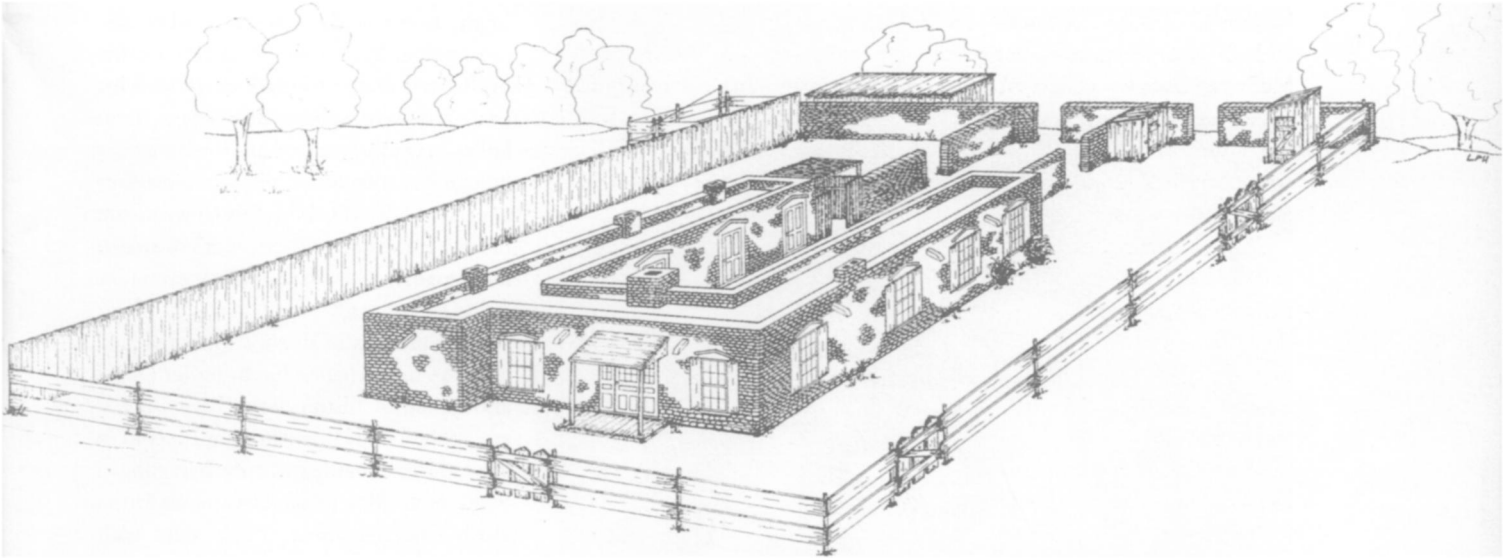
14. Robert H. Wiebe, *The Search for Order, 1877-1920* (New York, 1967), 3.

15. Jacobsen, *Billy the Kid*, 28.



11. John Tuska, *Billy the Kid: His Life and Legend* (Albuquerque, 1994), 10; Lily Klasner, *My Girlhood among Outlaws*, ed. Eve Ball (1972; repr. Tucson, 1988), 142. These ranchers had for years boasted that nobody could live in that section of the southeast New Mexico llano without first rustling cattle from Chisum. Robert M. Utey, *High Noon in Lincoln: Violence on the Western Frontier* (Albuquerque, 1987), 19.

12. "McSween Estate" and "Inventory," January 16, 1879, file O, series VI, Mullin Papers, Haley Memorial Library, Midland. There is also a copy of the McSween estate in the McSween folder, Probate Records, Lincoln County Courthouse, Carrizozo, New Mexico. If Alexander paid for his house and its furnishings from his collections—historian Robert Utey estimates that he collected thirty thousand dollars—then



The McSweens further alienated locals by living in luxury in this nine-room hacienda. Susan carpeted the floors, placed curtains on every window, and purchased lamps, clocks, a sewing machine, stuffed chairs, and an organ.

Courtesy Human Systems Research, Inc., Las Cruces, New Mexico. Illustration by Linda P. Hart, from *Archaeological Test Excavations at the Alexander McSween Site, Lincoln State Monument, Lincoln, New Mexico*, by David T. Kirkpatrick and Linda P. Hart, report prepared for Lincoln County Heritage Trust (Tularosa, N.M., 1989), fig. 7.

in consequence of her husband's profession," he noted. Verifying Alexander's claims that Lincoln held great economic promise, Susan provided Tunstall with a full description of Lincoln's economic and political climate. "She told me as much about the place as any man could have done," he said.¹⁶

Between late 1876 and February 1878 Tunstall and McSween mingled their finances to a degree that has frustrated historians ever since. Alexander leased Tunstall the land on which to build a store to compete with the House. Tunstall persuaded Chisum—whose Bosque Grande property sale had brought him a great deal of capital—to finance the first bank in southeastern New Mexico. With capital from his father in London, Tunstall purchased a ranch and livestock. He planned to bid for government beef contracts and even wrote to the War Department proposing that they make him official post trader at Fort Stanton. McSween, meanwhile, campaigned to persuade the U.S. Bureau of Indian Affairs to replace Frederick Godfroy, the Mescalero agent, with Presbyterian minister Taylor Ealy.

As far as the partnership went, the plan was for McSween to provide legal advice in exchange for 1 percent of the profits remaining after a deduction of 8 percent to repay the elder Tunstall's capital. After May 1878 McSween would graduate to full partner and "receive eight percent of what was then on the books." All this profit came with-

out him having to put up any of his own capital.¹⁷ If this agreement was ever put in writing, it burned in the fire that destroyed McSween's house in July 1878 or was lost when outlaws looted the Tunstall store the following day.

Susan strongly advised against her husband's plans. "I told Tunstall and Mr. McSwain [*sic*] they would be murdered if they went into the store business," she later claimed. "I did my best to keep McSwain [*sic*] from entering the business, but he went in against my will." Tunstall's father added similar cautions: "As regards the banking and storekeeping . . . I have no doubt but you may be right. . . . But in a poverty-stricken, cutthroat country like New Mexico, you would be always liable to be broken into and liable to be shot by some of your drunken customers, and that occupation would not be so good for your health."¹⁸

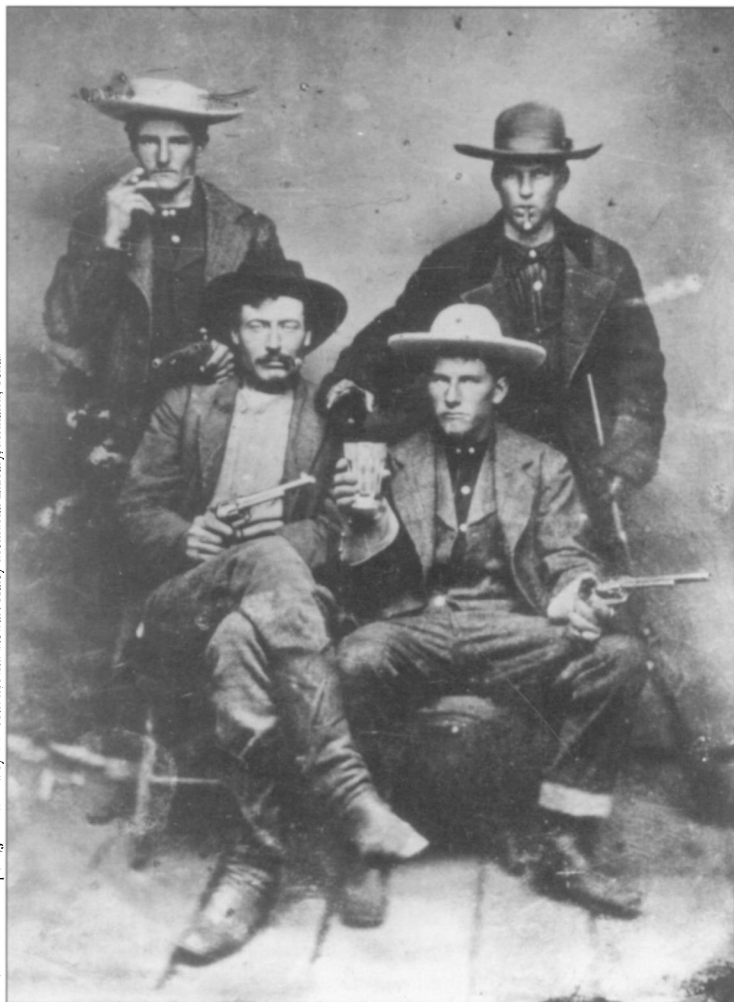
Events ultimately proved the naysayers correct. On December 21, 1877, Murphy and Dolan pressured Fritz's sister Emilie Scholand to charge McSween with embezzling the insurance settlement. On February 4, 1878, Judge Warren Bristol of the District Court of Mesilla ordered Sheriff Brady to attach ten thousand dollars of McSween's property until the trial. Brady used the alleged partnership between McSween and Tunstall to take over the contents of Tunstall's store and sent a posse to attach his livestock, in addition to making an inventory of McSween's house and its contents.

On a sunny but crisp February 18, 1878, Tunstall rounded up his horses and, according to legend, told his

16. John H. Tunstall to his family, November 16, 1876, as quoted in *The Life and Death of John Henry Tunstall*, ed. Frederick W. Nolan (Albuquerque, 1965), 193.

17. Nolan, *Documentary History*, 127.

18. Barber interview; Nolan, *Documentary History*, 198.



McSween split with Murphy and the House over an insurance claim, then started a bank, store, and livestock operation with John H. Tunstall, with financing from wealthy cattleman John S. Chisum. As Susan predicted, this arrangement drew the ire of Murphy and Dolan, who in early 1878 sued McSween for embezzlement and then seized his and Tunstall's property. Ultimately, Tunstall was shot in cold blood. Chisum then hired gunmen, who called themselves Regulators, to track the killers. These four armed men could have served on either side of the ensuing five months of open warfare between the Murphy-Dolan and Chisum factions.

cowboys there should be "no bloodshed . . . don't risk the life of even one man" to prevent the attachment.¹⁹ Then he inadvertently rode straight into the path of the oncoming posse. Members of the posse—probably some of Dolan's hired guns—shot Tunstall in cold blood. The senseless murder ignited open warfare. Susan was visiting friends

19. These words, although fictive, suggest the sentiment as voiced in Robert N. Mullin, ed., *Maurice G. Fulton's History of the Lincoln County War* (Tucson, 1968), 114–15.

20. Robert N. Mullin notes, subseries O, series VI, Mullin Papers, Haley Memorial Library, Midland. Although McSween was certainly disliked by many in Lincoln, others saw him as the alternative to the House.

in St. Louis at the time, but when she returned in March she found Alexander hiding out at the Chisum ranch and his partisans, now calling themselves Regulators, scouring the county for Tunstall's killers. It is noteworthy that just a few days after Tunstall's death McSween wrote out his will and named Susan—not brother-in-law David Shield—the administrator of his estate.²⁰

Five months of open warfare reached a climax in July when forces under Dolan and the anti-Chisum Seven Rivers ranchers clashed with Regulators in Lincoln in a five-day gun battle (Murphy had gone to Santa Fe in May to seek treatment for an alcohol-related illness). The sides gathered on July 14 and 15. By July 19 troops from nearby Fort Stanton under strutting, blustery Colonel Nathan A. M. Dudley had planted themselves squarely in the middle of Lincoln's main street, allegedly to keep the peace. Later that afternoon Dolan's men managed to pour oil around the back of the McSween house and set it on fire. Around nine o'clock that night they gunned down McSween and three others who were attempting to flee the burning house under cover of darkness. Seven men made it to the Rio Bonito about one hundred feet away and lived. One of these was an eighteen-year-old cowboy named William Antrim, or Billy the Kid.²¹

The shoot-out was called the Five-Day's Battle and the final moments were dubbed the "big killing." The outcome made Susan McSween the most visible and vulnerable member of the McSween faction. She found herself squarely in Dolan's crosshairs as she took charge of her husband's tangled estate and sought justice for his death. Murphy died on October 20, 1878, leaving the aftermath of the Lincoln County War—and the widow McSween—to Dolan. Desperate, Susan tearfully wrote a letter to John Tunstall's father a few days after Alexander's death, describing the event in poignant detail. At the same time, she could not resist adding, "I hope you will pardon me for speaking

Some sided with McSween because he refused to allow Tunstall's murder to go unchallenged. Also, his friendship with Chisum earned McSween the enmity of some small ranchers but the loyalty of others.

21. A Tunstall employee, Billy's loyalty to the murdered Englishman put him squarely into the McSween camp, even though the Kid reportedly felt little affection for the lawyer.

of another matter . . . [but] I was aware of your owing Mr. McSween about four or five thousand dollars.” “Can you not pay it to me?” she asked.²² The elder Tunstall eventually sent her one hundred pounds sterling, out of kindness, not obligation. She continued for several years to press for more.

In December 1878 Susan successfully petitioned the probate court of Lincoln County to make her administrator of the Tunstall estate. As administrator, Susan collected debts owed to the store and rented out the building for forty dollars per month. She pocketed what money she made, even though she knew Alexander had testified under oath that he owned no interest in the Tunstall store. She also took steps to round up the Tunstall cattle, which the posse had taken on February 18 and handed over to Murphy and Dolan partisans. By now the herd was scattered across southern New Mexico, in some instances sporting altered brands. Responsible for their recovery, Susan gave John Chisum and his brothers James and Pitzer power of attorney to receive and hold the cattle on her behalf. Meanwhile, Susan kept Tunstall’s parents abreast of news of individuals in Lincoln, about whom they undoubtedly had little interest, while pressing them for the purported debt.²³

As she delved into Tunstall’s affairs, Susan must have soon come to realize that he had not been an especially good businessman. He freely gave out credit, which she eventually wrote off as bad debts, spent money he did not yet have on his passion for expensive horses, and made cattle purchases to fulfill government contracts not yet awarded to him. He also illegally filed on extensive tracts of land under the Desert Land Act. Still, Susan, with the help of lawyers Houston I. Chapman and Ira Leonard, muddled through the paperwork and eventually settled the Tunstall estate on March 6, 1883. After paying all legal expenses, the estate broke even.²⁴

Nor was Alexander McSween the sagacious businessman he had thought himself. Much of his \$13,000 net worth was paper wealth or money owed to him under highly questionable circumstances. Of the latter type was

a debt owed by Richard Brewer, who had died in April 1878. Brewer, who reportedly left Wisconsin broken hearted after his fiancée married another man, had naively fallen victim to one of Murphy’s land scams. After turning over several harvests of wheat, corn, and hay in partial payment for land on the Rio Ruidoso—and using credit from the House for purchases—Murphy demanded immediate payment. Acting as his advisor, McSween persuaded Brewer to file for the land under the newly created Desert Land Act. He paid Brewer’s debts to the House and gave him a promissory note for \$2,000 at an interest of 2 percent per month. In January 1879 Brewer owed McSween \$2,437.42.²⁵

When she became the administrator of McSween’s estate, Susan demanded payment in full from Brewer’s parents or their signature on the deed. They naturally could not pay off the note and chose the latter. Lincoln residents saw Susan’s

treatment of Brewer’s aging parents as particularly callous. A former Tunstall employee snidely remarked that “the administratrix Mrs. McSween is not going to pay any creditor but herself.” Still, in the aftermath of her husband’s death, Susan McSween was, in a very real sense, fighting for survival. As Richard White notes, a working-class woman’s reality was “hard labor,” a life of taking in boarders, or worse. Alienated from others in Lincoln, Susan had nowhere to turn. Nor was she acting differently than any of her male counterparts.²⁶

As she handled the estates, the widow McSween also launched legal attacks against those she deemed responsible for her husband’s death. She corresponded with Frank Warner Angel, a New York lawyer whom the Department of Justice had hired to investigate reported illegal activities of federal officials and in so doing ended up collecting material on the murder of Tunstall. Angel spent two weeks in mid-May 1878 collecting sworn statements, mostly from McSween supporters, searching for evidence of corruption relating to Governor Axtell, Catron, Rynerson, Godfroy, and others. His final report recommended removing

Alienated from others in Lincoln, Susan had nowhere to turn.



22. “Mrs. McSween writes to John P. Tunstall of London,” July 25, 1878, subseries CC, series VI, Mullin Papers, Haley Memorial Library, Midland.

23. Susan E. Barber to Maurice G. Fulton, March 10, 1928, file 9, box 1, Walter Noble Burns Collection (hereafter Burns Collection), AZ 291 UAL, Tucson; “Power of Attorney,” April 1, 1880, folder 123, box 2, Lincoln County files: County Clerk, Contracts and Agreements, Book B, 1875–1884, NMSRA, Santa Fe; Robert N. Mullin notes, file J, series VI, Mullin Papers, Haley Memorial Library, Midland. Before his death Tunstall allegedly considered terminating the proposed partnership altogether for fear of losing everything to McSween’s insurance lawsuit. Robert A. Widenmann to J. P. Tunstall, April 28, 1878, as quoted in Nolan, *Documentary History*, 275.

24. “Summary of Report of Sue E. Barber Regarding the Tunstall Estate,” October 30, 1880, McSween-Tunstall Partnership folder, subseries J, series VI, Mullin Papers, Haley Memorial Library, Midland. Also see “Estate of John H. Tunstall,” Tunstall folder, Probate Records, Lincoln County Courthouse, Carrizozo, New Mexico.

25. Nolan, *Documentary History*, 537. Passed in 1876, the Desert Land Act allowed a settler to purchase 640 acres for \$1.25 per acre if he agreed to adequately irrigate it within three years. Although “adequate” remained ill defined and thereby opened the door to rampant fraud, many Lincoln farmers and ranchers used the act to obtain their land.

26. Susan E. Barber, Moral Character, Cast of Characters/McSween folder, subseries CC, series VI, Mullin Papers, Haley Memorial Library, Midland; Godfrey Gauss to J. P. Tunstall, November 22, 1879, Hilary Tunstall-Behrens Collection, London, England, cited in Nolan, *Documentary History*, 435; Richard White, “It’s Your Misfortune and None of My Own”: *A New History of the American West* (Norman, 1991), 278.

The warfare culminated in July 1878 in a five-day gun battle. On July 19 Colonel Nathan A. Dudley brought in troops from Fort Stanton (pictured, right) to quell the violence, but the McSween's home was torched that night. Fleeing the fire, Alexander McSween and five others were killed, but seven, including Billy the Kid, made it to safety.



National Archives and Records Administration, College Park, Maryland

Axtell from office, identified Catron and Stephen B. Elkins as the brains behind the Santa Fe Ring, and censured Godfroy. A number of changes followed. On September 30 Lew Wallace took the oath of office as the new territorial governor. In November 1878 Catron resigned as U.S. attorney for New Mexico. The Office of Indian Affairs dismissed Godfroy and appointed Samuel Russell in his place.²⁷

In mid-September Susan went to Las Vegas and again met Angel. She gave him additional information about Alexander's death, and Angel recommended that Susan contact Wallace since, as governor, he was in a better position to help. Angel's own notes provided the governor with observations of the widow. "Sharp woman now that her husband is dead a tiger," he wrote, adding, "use her however."²⁸ And Wallace intended to do so. He saw Susan's dilemma as one way to solve his own, namely, how

to advance himself politically in order to get out of New Mexico. From the moment Wallace set foot in the territory he had two goals: finish his novel *Ben Hur* and leave. He had accepted the New Mexico post expecting a quick promotion. His wife Susan summed up their feelings in a letter to their son: "We should have another war with old Mexico to make her take back New Mexico."²⁹ If only Wallace could suppress the violence in Lincoln and Colfax counties, he might receive a better post.³⁰ Assisting the outspoken widow seemed to Wallace to bring him one step closer to departing Santa Fe.

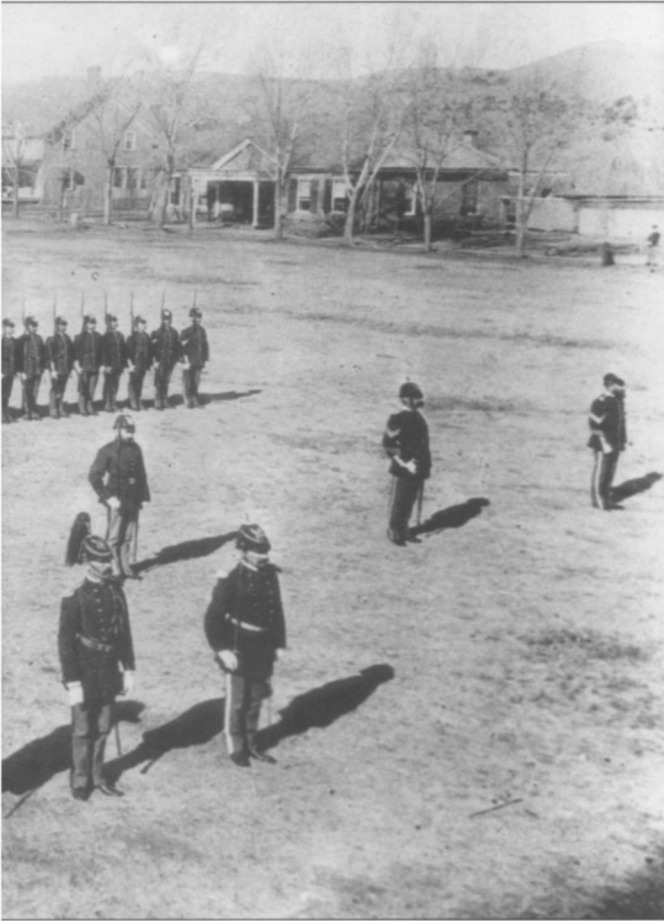
Although her greatest physical threat undoubtedly came from Dolan, Susan fixed on Colonel Dudley as the demon most responsible for her troubles. Financed in large part by gifts from London and John Chisum, she hired newcomer Huston I. Chapman as her attorney, which was probably the worst choice she could have made. Hot-headed and confrontational, he was almost guaranteed to inflame existing hatreds. With Chapman's help, Susan filed civil and

27. Kathleen P. Chamberlain, "Billy the Kid, Susan McSween, Thomas B. Catron, and the Modernization of New Mexico," in *New Mexico Lives: Profiles and Historical Stories*, ed. Richard W. Etulain (Albuquerque, 2002), 210.

28. Notebook, Lew Wallace Collection, 1799–1972, Indiana Historical Society, Indianapolis. Although the original notebooks are in Indiana, copies relating to Billy the Kid and the Lincoln County War are found in the Lew Wallace Papers, 1799–1972 (hereafter Wallace Papers), Philip J. Rasch Collection, LCHT, Lincoln.

29. Calvin Horn, *New Mexico's Troubled Years* (Albuquerque, 1963), 208.

30. Only after he resigned as governor in March 1881 was Wallace named minister to Turkey.



criminal charges against Dudley. At the same time, Wallace notified Colonel Edward Hatch, commander of the Ninth U.S. Cavalry and Dudley's superior officer, of the charges against Dudley. "Candidly speaking," the governor wrote, "the accusations . . . strike me as incredible; at the same time it is apparent that Mrs. McSween, whether with or without cause, is alarmed." Hatch, who vehemently disliked the arrogant Dudley and wished to be rid of him, pursued the charges, although he begrudgingly admitted, "I am under the impression if Dudley had not been so constantly under the influence of liquor while at Stanton . . . he might have managed matters very well." In early 1879, awaiting the outcome of a formal military court of inquiry, Hatch relieved Dudley of his command.³¹

Dudley's response was explosive and designed to put the pesky widow in her place. Although western chivalry gave women "a degree of independence and scope of expression" greater than their eastern sisters, this courtesy ended when a woman directly challenged a man's masculinity, as Susan had done by bringing charges against Dudley. Victorian-era men did not hesitate to use mockery or

31. Lew Wallace to Edward Hatch, October 28, 1878, Wallace Papers, LCHT; Lincoln; Edward Hatch to Lew Wallace, April 8, 1879, *ibid.*

allegations of moral impropriety to coerce compliance from any female who defied their authority. True to form, Dudley asked Murphy partisans to provide affidavits attesting to Susan's scandalous and immoral conduct. Saturnino Baca, who still bristled from her eviction threat, was only too happy to comply. What shocked him the most, he recalled, was hearing her declare "a woman who [has] a pretty face and good appearance [is] a fool if she [does] not make money" and boasting that "she had come to Lincoln specifically for that reason" and "cared little for how she did it." Although one would be hard pressed to find a single man in Lincoln who did not seek wealth, such testimony illustrates clearly that morality encompassed more than a woman's sexual behavior. Susan's ambition also constituted the adoption of normally male standards of behavior. Women might inspire men or serve as economic partners, but they were expected not to voice such blatant ambitions themselves.³²

More damning was George Peppin's affidavit. Post butcher at Fort Stanton after the Civil War and a Murphy partisan, Peppin had helped build the McSween house in 1877. Hence, he claimed he had witnessed Susan commit adultery with "a well-known citizen of Lincoln County." He did not name the man, but of course everyone assumed he meant John Chisum. Peppin further swore that Susan had confided in him that Alexander was impotent. Twenty-one-year-old Francisco Gomes undoubtedly titillated Lincolniters even more when he swore that Susan's "lewd and libidinous advances" had so overwhelmed him that he had had sexual intercourse with her "in the brush and undergrowth near the river" many times. Several officers under Dudley's command added juicy tidbits. At the height of the Lincoln County War, they swore, many of the young Regulators had bedded down at the McSween house nearly every night, allegedly to protect Susan while her husband remained in hiding. The implications of their testimony were clear.³³

There is no evidence to suggest the allegations had basis in fact, but Susan was never able to answer Dudley's charges formally. Lincoln undoubtedly buzzed with the scandal and so the damage was done, which was, of course,

32. Dorothy Gray, *Women of the West* (1976; repr., Lincoln, 1998), 115; Melody Graulich, "Violence against Women: Power Dynamics in Literature of the Western Family," in *Women's West*, 113; Saturnino Baca affidavit, November 6, 1878, Civil Case 176, Lincoln County Records: District Court, Lincoln County (hereafter Lincoln County Records), NMSRA, Santa Fe.

33. George Peppin affidavit, November 6, 1877, Civil Case 176, Lincoln County Records, NMSRA, Santa Fe; Francisco Gomes affidavit, November 6, 1877, *ibid.*; Colonel Nathan A. M. Dudley to Acting Adjutant General, August 24, 1878, Letters Received, New Mexico 1878, Records of the U.S. Bureau of Indian Affairs, Record Group 75, National Archives, Washington, D.C. In fact, several of the Regulators, including Billy the Kid, claimed that after a night of sleeping on the cold, hard floor Susan seldom so much as said "thank you" or offered them breakfast in the morning.

the point. When David Shield asked to examine the affidavits, neither Wallace nor Hatch would oblige. Shield argued on her behalf that the morals charges would prevent a full and impartial investigation of Dudley but could do little without actually looking at the statements himself.³⁴

Prior to the military court of inquiry, Susan endured a withering campaign of intimidation. On the night of December 13, 1878, for example, a drunk Lieutenant James H. French from Fort Stanton burst into her home supposedly seeking a former Regulator. In the process, he so harassed her that she filed charges against him the next day for felonious entry and assault. She always believed “some of the Murphy outfit” provoked the encounter “to kill Chapman as they knew he came here as my lawyer.” When on February 11, 1879, McSween petitioned Fort Stanton officials for assistance in retrieving Tunstall cattle from known rustler Bob Speakes, Dudley called her claims “farcical” and denied the request. Six days later an intoxicated Dolan and several of his gunmen murdered Chapman in Lincoln’s main street, firing at such close range that the powder charred

his clothing and flesh. Susan undoubtedly feared that the heretofore psychological attack against her was turning physical. In the ten months between Alexander’s death and court of inquiry, she more than once vacated Lincoln for Las Vegas. The first time “I escaped from nine desperados who came to kill me” and “rushed to Las Vegas,” she said. After July 1878 the Shield family moved there permanently in order to escape the violence. Susan, for the most part, remained in Lincoln.³⁵

When the court of inquiry opened on May 2, 1879, attorney Ira Leonard represented Susan McSween. Even Leonard, a well-respected lawyer and calmer head than



Susan blamed Colonel Dudley (above) for the fire and murders and filed civil and criminal charges against him. Dudley countered, collecting accounts of Susan’s scandalous and immoral conduct to use against her.

Chapman, however, could not prevent the inclusion of Dudley’s affidavits into the official record. The primary charges against Dudley were conspiracy to burn the McSween house and commit murder, refusal to protect the women and children driven from the burning house, and negligence in preventing the looting of the Tunstall store after the “big killing.” He was also accused of behavior unbecoming an officer and casting “aspersions on the character of a woman” to prevent inquiry.³⁶

Although Catron had originally planned to serve as defense attorney, it was Henry M. Waldo, a Santa Fe attorney, who represented Dudley. A parade of witnesses testified. Colonel Dudley was permitted to cross-examine—one might even say browbeat—witnesses, and the transcript reveals surprisingly few objections from the judges. Dudley denied displaying “any anger or passion on my part toward her [Mrs. McSween].”³⁷ He had allowed nobody to molest her and never ordered her out of his camp.

Others remembered things differently, describing Dudley on the day of the house burning as “domineering, rude, and [an] unsympathetic partisan” who spoke to Susan “as though he was mad.” While howitzers were aimed at her house, Dolan’s men managed to slip around the back and set fire to it. Then, “the next morning . . . the officers were laughing, smoking, and drinking and went up to Mr. Tunstall’s store. . . . Col. Dudley and [George] Peppin were in there and saw all the men dressing themselves [in clothing which they had obtained from the store].”³⁸

Governor Wallace testified first and stated that when he went to Lincoln on March 5, 1879, he found the people “in dread of the military commandant Colonel Dudley.” But, because he was not even in New Mexico in July 1878, Wallace’s testimony was largely dismissed as hearsay. By

34. D. P. Shields to Lew Wallace, February 22, 1879, Wallace Papers, LCHT, Lincoln.

35. Susan E. Barber to Maurice G. Fulton, November 28, 1928, Fulton Collection, UAL, Tucson.

36. Colonel Nathan A. M. Dudley to Acting Adjutant General, November 7, 1878, in Dudley Court of Inquiry transcript, May–June 1879, folder 1, box 12, Fulton Collection, UAL, Tucson (hereafter Dudley Court of Inquiry transcript); “Charges and Specifications Against Colonel Dudley,” Court of Inquiry, Fort Stanton, May–June 1879, MS 57, Dudley

Court of Inquiry folder, box 12, Fulton Collection, UAL, Tucson. Leonard so impressed Wallace that following the trial the governor named him his special assistant.

37. “Testimony of Lieut. Col. Dudley,” n.d., p. 61, Fulton Collection, UAL, Tucson.

38. Scott Theisen, ed., “The Fight in Lincoln, New Mexico, 1878: The Testimony of Two Negro Participants,” *Arizona and the West*, 12 (Summer 1980), 183; George Washington testimony, Dudley Court of Inquiry transcript; Sebrian Bates testimony, ibid.

the time Susan finally took the stand, she claimed to recall little about her encounter with Dudley or the affidavit she swore out to her attorney shortly after Alexander's death. She had paid little attention, she said, when her attorney read the paper to her. Susan's lackluster performance is in part explained by Wallace's weak showing and a desire to end the process.³⁹

Sure enough, on July 8 the military court exonerated Dudley. Concerned about the affair, General John N. Pope, commander of the Department of the Missouri, which governed military operations in New Mexico, read the transcript, criticized the outcome, and ordered court-martial proceedings, but he soon dropped the case undoubtedly because he saw little chance of conviction. Susan's only satisfaction was the fact that the trial had been expensive for Dudley. "Dudley told Chisum that it cost him \$6,000 of his and his wife's money," she noted.⁴⁰

Susan made one additional effort to seek legal redress, charging Dudley with arson and libel, but because the Warm Springs Apache war leader Victorio was terrorizing the area at the time, Susan could find no escort to Mesilla and failed to appear in court. The judge issued a bench warrant for her arrest, and she appeared a week later, on November 17. The court dropped her libel case, and a jury deliberated for a half hour on arson charges and "as if one voice" declared Dudley "not guilty." Spontaneous applause burst from the large audience.⁴¹

Despite these disappointing outcomes, McSween's own economic outlook began to brighten. To escape Alexander's embezzlement charge, she brought counterclaims against Fritz's heirs in the amount of ten thousand dollars. Both sides agreed to a series of trade-offs, and the Alexander McSween estate pretty much broke even. Susan

did manage to salvage a 160-acre homestead that she and Alexander had obtained in 1877. In November 1879 she filed for 160 acres under the Timber Culture Act on land adjoining John Chisum's property and acquired another 320 acres under the Desert Land Act. She also purchased several improved homestead properties from African American former employee Sebrian Bates. Thus, she began to piece together the foundation of her future wealth. Susan's personal property was valued at one thousand dollars in 1880. In addition, Chisum gave her forty head of cattle worth about four hundred dollars.⁴²

After a respectable two-year period, the widow McSween remarried. She met the quiet, hard-working George B. Barber as he read law in Las Vegas under the watchful eye of Ira Leonard. At first glance, Barber seemed an odd choice for the attractive and vivacious thirty-five-year-old widow. His U.S. Navy service during the Civil War had left him with such severe hemorrhoids that he was diagnosed with a prolapsed rectum, a condition that incapacitated him for several months each year. He suffered from chronic tuberculosis and impaired eyesight, an enlarged

prostate, bladder trouble, and a constant, frequently bloody cough.⁴³ One might question these diagnoses, however, since Barber lived until October 24, 1928, and died not of any of these ailments but of kidney failure. He married McSween on June 20, 1880, after which time she signed all papers Sue E. Barber.

It does not appear that love or companionship were the foundations upon which this marriage was laid. For one thing, if the Barbers lived together, it was not for very long. George read law in Las Vegas, and after he was admitted to the New Mexico bar on October 28, 1882, he opened a law practice in Lincoln and later in White Oaks. In 1883 the Barbers purchased grazing land at Three Rivers,



Robert N. Mullin Papers, J. Evetts Haley Collection, Nita Stewart Haley Memorial Library, Midland, Texas

Unsympathetic locals, including Hispanic community leader Saturnino Baca (above with child), were happy to help Dudley discredit his attacker.

There was no evidence to support Dudley's allegations of adultery and other misconduct, but Susan was never able to answer the charges formally, and the courts exonerated Dudley.

39. "Testimony of Lew Wallace," Court of Inquiry, Fort Stanton, May-June, 1879, MS 57, Dudley Court of Inquiry folder, box 12, Fulton Collection, UAL, Tucson; Susan E. McSween testimony, in Dudley Court of Inquiry transcript.

40. Barber interview. Also see Susan E. Barber to Maurice G. Fulton, December 22, 1925, Fulton Collection, UAL, Tucson.

41. *Mesilla (N.M.) News*, December 6, 1879.

42. Miller, "Women of Lincoln County," 163-64; "Assessment Book of the County Assessor, 1880," folder 33, box 1, Lincoln County Records, NMSRA, Santa Fe; Susan E. Barber to J. Evetts Haley, Notes on Lincoln folder, subseries O, series VI, Mullin Papers, Haley Memorial Library, Midland; Notes on Lincoln County folder, *ibid.*

43. Nolan, *Documentary History*, 435-36.

about fifty miles west of Lincoln, and Susan managed the ranch properties. In 1885 Barber used his legal expertise to create the Three Rivers Land & Cattle Company. It is noteworthy that the Barbers registered separate brands, although it was not altogether uncommon for a woman to retain control of land and cattle in the West.⁴⁴

It does seem that the marriage gave Susan the legal assistance she so often needed—court records reveal that she remained actively litigious—and allowed her to polish her tarnished reputation. She discovered in the years following Alexander's death that marriage offered a legitimacy that widowhood did not. Moreover, it signaled that she had put the Lincoln County War behind her once and for all.

For his part, Barber married an attractive woman with connections and a head for business. She was the most notorious woman in Lincoln County at the time, which

certainly added a bit of excitement to his life. Perhaps there were financial benefits as well; Susan sold Alexander McSween's extensive law library worth more than \$1,000 to George Barber for \$250. When Susan filed for divorce from Barber on September 15, 1891—yet another scandalous move—she claimed that

he had never financially supported her and that he had recently abandoned her. Local tradition claims, however, that the divorce was relatively congenial and came about primarily because Barber wanted children, which Susan could no longer have. George Barber, in fact, remarried and had children. Susan never married again.⁴⁵

44. Livestock Sanitary Board, Cattle Brand Book 6, Lincoln-Valencia Counties, 1898, serial 9430, NMSRA, Santa Fe; Livestock Sanitary Board, Cattle Brand Book 6, Lincoln-Valencia Counties, 1899–1905, serial 9441, *ibid.* It was not altogether uncommon for women to retain control of land and cattle the West. Historian Katherine Harris discovered that rancher's wife Jessie Hassig Challis of northeastern Colorado kept title to her own cattle and registered her own brand. Katherine Harris, "Homesteading in Northeastern Colorado, 1873–1920: Sex Roles and Women's Experience," in *Women's West*, 173. Joan M. Jensen, *Promises to the Land: Essays on Rural Women* (Albuquerque, 1991), 4, argues that western women tended to retain ownership of property even in marriage more frequently than did women in the East or Midwest.

45. William A. Keleher, *Violence in Lincoln County, 1869–1881* (Albuquerque, 1957), 160; Karen Mills, Lincoln County historical documents clerk, conversation with author, August 21, 2004.

46. "Thomas F. Ryan Rebuilds Tres Ritas Ranch," *El Paso (Texas) Times*, December 30, 1951; *White Oaks (N.M.) Lincoln County Old Abe Eagle*, April 21, 1892; Keleher, *Violence in Lincoln County*, 160; Tipton interview. For mention of gifts, see, for example, the *White Oaks New Mexico Interpreter*, May 22, June 19, 1891.

47. Nolan, *Documentary History*, 436.

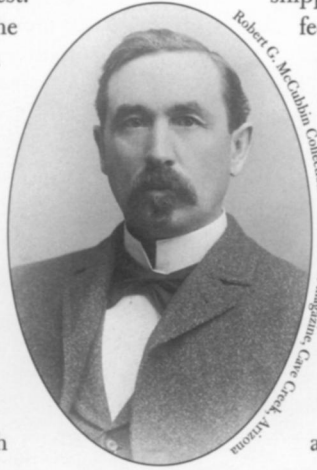
Whatever her motivations for divorce, Susan needed little financial support. Locals dubbed her Cattle Queen of New Mexico, and her cattle alone were valued at forty-nine thousand dollars in 1891. In April 1892 the Lincoln

County *Old Abe Eagle* reported that Mrs. Barber shipped approximately eight hundred head to feedlots in Kansas. Her scattered homestead acreages brought her, as she put it, "a nice profit" when she sold them over a period of years. She made several improvements to the ranch, including a small dam to capture seasonal water. Historian William Keleher maintained that Susan herself managed the property, including the hiring of ranch hands. She lived in the ranch's white-walled adobe house, which she filled with exquisite china, books, pictures, and silver. Susan, like John Chisum, was particularly proud of her apple and peach orchards. The *White Oaks*

newspapers frequently mentioned her coming to town with strawberries, apples, or other goodies, which she distributed freely.⁴⁶

Before and after her divorce Susan traveled relatively frequently to places such as Baltimore, St. Louis, and New York City. On one of her trips she befriended Hallie Davis

Elkins, Stephen B. Elkins's second wife, and in 1892 visited them at their summer home in Maryland. After leaving New Mexico for good in 1877, Elkins had served in a number of political positions, including as secretary of war from 1891 to 1893 and as senator from West Virginia since 1895. On that same trip east, Susan renewed her acquaintance with another former New Mexican, Lew Wallace, who was



Despite fearing for her life, Susan served as executor for the estates of her husband and Tunstall and rebuilt her personal finances, coaxing one hundred pounds sterling out of Tunstall's father and acquiring several homesteads and a herd of cattle. In 1880 she entered into what appeared to be a marriage of convenience with attorney George B. Barber (above, circa 1880s), perhaps to take advantage of his legal assistance and repair her reputation.

48. Mills conversation; Carroll Smith-Rosenberg, *Disorderly Conduct: Visions of Gender in Victorian America* (New York, 1985), 13; Sue E. Barber to Maurice G. Fulton, April 4, 1926, Susan E folder, box 1, Correspondence Barber, Fulton Collection, UAL Library, Tucson; Miller, "Women of Lincoln County," 163.

49. Albert B. Fall Papers, quoted in "Ranches," Pat Coughlan's Ranch folder, series VI, Mullin Papers, Haley Memorial Library, Midland. The original Fall papers are located in the Huntington Library, San Marino, California.

50. Susan E. Barber to Maurice G. Fulton, January 28, 1926, Fulton Collection, UAL, Tucson; "The Estate of Susan E. Barber," April 19, 1932, Probate Information folder, subseries J, series VI, Mullin Papers, Haley Memorial Library, Midland. Susan caught "prospecting fever" when she discovered silver on her ranch property beginning in the late 1880s, but her hopes were dashed when the price of silver plummeted after the U.S. adopted the gold standard and repealed the Sherman Silver Purchase Act.

51. Barber to Fulton, January 28, 1926; M. S. Zimmerman to Maurice G. Fulton, July 1, 1929, Fulton Collection, UAL, Tucson.

at the time the American minister to Turkey. She reportedly danced with him at one of the Elkins's parties.⁴⁷

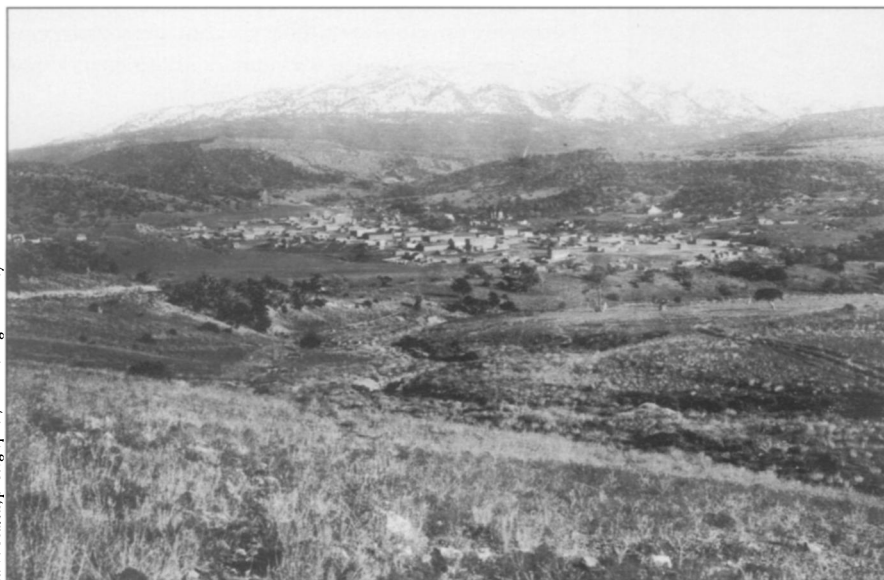
Susan made a point of acting the proper Victorian lady with friends, visitors, and employees. She demanded proper language and etiquette from her ranch hands and required that they wash their hands, comb their hair, and remove their hats when in her house. Local residents said she insisted that they address her not as "Sue" or "Susan," but as "Mrs. Barber." Having succeeded according to male standards of achievement, she slipped comfortably into accepted and acceptable gender roles. Perhaps, like many Victorian-era women, she emulated the manners of a genteel lady to establish herself as a member of the upper class. Whatever her reasons, she reinvented herself one more time without apologies, obliquely referring to the year or so after Alexander's death as "her troubles," and moved on with her life. There is no evidence that she ever advocated for woman's suffrage or other social or political rights for women. Even so, this "tiger," as Angel had so appropriately described her, perhaps unintentionally blazed a trail for others. By the 1880s some of her female counterparts in Lincoln owned hotels, restaurants, and various types of merchandizing enterprises, and a few raised sheep on a commercial scale. The "cult of true womanhood" was not a reality for many women in Lincoln County.⁴⁸

Susan sold one-half interest in her ranch in 1887 for an "undisclosed amount" and on July 3, 1902, sold most of what remained to Monroe Harper for \$32,000. She lived in her ranch house until 1917. About that time Senator Albert B. Fall—later Warren G. Harding's secretary of the interior and convicted of wrongdoing in the Teapot Dome scandal of 1923—enlarged his Three Rivers holdings with the purchase of the last of her acreage. Fall gave Mrs. Barber two notes for \$3,250 on March 29, 1917; the first was payable on June 1, 1918, and the second on June 1, 1919.⁴⁹

In December 1917 Susan moved to the town of White Oaks, a former mining town where she had over the years purchased several lots. Convinced that oil lay beneath White Oaks, she hired an independent driller in the 1920s. "The whole country has been pronounced a great oil fields by several geologists and I have secured a number of thousands of acres adjacent to it hoping for that big strike," she wrote to Garland Fulton. But before the driller drilled more than a few hundred feet, the money ran out and then he died. Susan never found anybody else interested in exploratory drilling and when she died, her estate contained thirty-three whole or partial lots in White Oaks worth a mere \$352.24. In fact, by 1931, her net worth was no more than \$2,340, the reduced circumstances the result of various calamities and two decades of living off of savings.⁵⁰

One of those calamities was a house fire in mid-1923 in which Susan allegedly leaped from an upstairs window and managed to save herself. But, as she told Fulton, "My losses were terrible." She then moved to a small, dilapidated house in White Oaks, curiously maintaining that she did not "want to improve it or buy much for it as no telling how soon I may have to leave here." She suffered a fall on June 17, 1929, and injured the ligaments in her hip so badly that she could not get out of bed for weeks. She lived for more than a year after that, but her health failed rapidly. Her handwriting became shaky, and her letters grew shorter and somewhat vaguer. She died on January 3, 1931.⁵¹

Whatever may be said about Susan Hummer McSween Barber, nobody could describe her as a generous person. In 1888, for instance, her brother-in-law David Shield had asked Susan for a five-hundred-dollar loan. Ill with meningitis, he was eager to keep several producing coal mines in which he owned an interest. She refused. David



J. C. Graton, photographer, U.S. Geological Survey

When Susan and Barber divorced in 1891, Susan's land and cattle holdings were such that locals dubbed her the Cattle Queen of New Mexico. During the following twenty-six years, she ran her ranch properties, traveled widely, and reinvented herself as a lady. In 1917, in her seventies, she gave up ranching to move to White Oaks (left, 1905), where she unsuccessfully drilled for oil on several lots she owned.

never recovered from his illness and died that year. A few years later Elizabeth asked her wealthy sister for help paying son Edgar's college tuition. Again Susan refused, even though the Shields had done her a number of good turns over the years, including, reportedly, buying Susan's wedding dress back in 1873 and helping finance the move to Lincoln.⁵² In fact, Susan seemed to hold most family obligations in low regard. Even though "she had plenty of money . . . and could have done so easily," she deemed it a waste of money to erect a marker on Alexander's grave behind the old Tunstall store.⁵³

Throughout her life, Susan maintained a distant relationship with the women of Lincoln. She liked Sally Chisum Roberts, John's niece, but Roberts's diaries say virtually nothing about Susan, leading one to wonder how close they really were. Susan vehemently disliked Ellen Casey's daughter, Lillie Casey Klasner, and referred to her as that "dreadful Mrs. Clasner [*sic*]" all of her life. Never-

*"Thirty graves [were] dug
in [Lincoln] town in five
months in 1878; only one
died a natural death."*



theless, the *New Mexico Interpreter* frequently recorded Susan's "welcome visits" to White Oaks and her distribution of "delicious strawberries" and "good tidings." Furthermore, longtime White Oaks resident Robert Leslie, who was a child in the 1920s, recalled that after the house fire Mrs. Barber lived with a woman named Laurel Lerner who cared for her until her death and that Susan generously gave away her jewelry and other items to White Oaks residents. He also remembered accompanying his parents and Mrs. Barber when they drove over to Alamogordo to see the feature film based on Walter Noble Burns's 1924 book

The Saga of Billy the Kid. "She really hated it [the movie]," he claimed, "and she really seemed to dislike Billy." She once declared, "Don't think for one moment that I am or was an admirer of Billy the Kid. He was too much like Dolan."⁵⁴

Susan's dislike for Billy seems, for the most part, to have stemmed from her resentment of the shadow he cast over everyone else involved in the events of 1878. Pat Garrett's *The Authentic Life of Billy, the Kid* "sent a dagger to my heart," she later remarked. Garrett's manufactured myth resurfaced in many of the dime novels and "factive" accounts that followed. Even the more serious researchers seemed to prefer the views of men such as Frank Coe, who had ridden with Billy, and eagerly declared, "The Kid was one of the greatest young men that New Mexico ever produced." Emerson Hough's 1907 *The Story of the Outlaw* devoted a separate chapter to Susan, but his account of the Lincoln County War is nevertheless laced with sensationalism. Walter Noble Burns's *The Saga of Billy the Kid* embarrassed Susan, particularly his depiction of her pleading during the five-day battle to "Save my piano. . . . Let the fire rob me of everything else, but save my precious piano" as flames lapped the house and the men desperately tried to think of an escape plan. Burns also had her

52. Ed Shield went to college, earned a law degree, and during Susan's final years sent her a "check every month." He even paid her funeral expenses. Shield shared Susan's estate with her niece Minnie S. Zimmerman, although in the final accounting the estate did not even cover Susan's burial. Eileen Z. Gunn to Maurice G. Fulton, November 7, 1949, folder 3, box 2, Fulton Collection, UAL, Tucson; "The Estate of Susan E. Barber," Probate Information folder, subseries J, series VI, Mullin Papers, Haley Memorial Library, Midland.

53. Eileen Z. Gunn to Maurice G. Fulton, November 18, 1949, folder 3, box 2, Correspondence E, Fulton Collection, UAL, Tucson. Neither did Susan use any of the money sent from London to erect a stone for John Tunstall.

54. Susan E. Barber to Maurice G. Fulton, April 6, 1926, folder 3, box 2, Correspondence E, Fulton Collection, UAL, Tucson. Susan E. Barber to Maurice G. Fulton, May 5, 1928, *ibid*; *White Oaks New Mexico Interpreter*, February 14, 1890, May 22, June 19, 1891; Robert Leslie, interview by author, White Oaks, New Mexico, June 20, 1999; Susan E. Barber to Maurice G. Fulton, March 21, 1928, Fulton Collection, UAL, Tucson.



M. G. Fulton, photographer, Robert N. Mullin Papers, J. Events Haley Collection, Nita Stewart Haley Memorial Library, Midland, Texas

By adopting male values, challenging male authority, and manipulating notions of female identity and behavior to suit her own purposes, Susan McSween (left) became a successful businesswoman. She is pictured here, probably in the 1920s, with her nephew Mr. Hummel and niece Minnie Shield Zimmerman.

playing a rousing chorus of the “Star-Spangled Banner” as the house burned. She told Fulton, “I . . . felt that they [readers of the book] would think me a daring, coarse, rowdy woman. . . . Is there no way to correct those lies?” Still, she did thank Burns for “making me famous.” This piano story was her legacy for years and continues to be a topic of much debate.⁵⁵

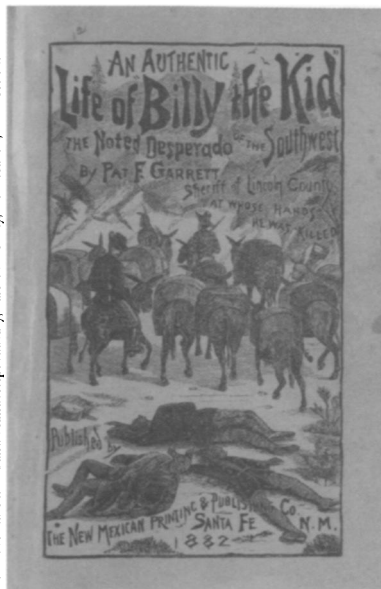
Maurice Garland Fulton, an English professor at the New Mexico Military Institute in Roswell, spent thirty years collecting material on the Lincoln County War and corresponded with Susan about the details of the conflict until her death, but he never finished his magnum opus. Instead he edited and republished the Garrett book in 1927, over Susan’s vehement protests. It was left to Robert N. Mullin, collector, historian, and executor of Fulton’s literary estate, to eventually piece together the material Fulton collected, which he published as *History of the Lincoln County War* in 1968, without, unfortunately, footnotes or a bibliography.⁵⁶ However, it is thanks to the efforts of Fulton and other early writers, researchers, and collectors that vast amounts of archival information, artifacts, and oral histories that might otherwise have been lost were preserved. Although these researchers focused primarily on Billy the Kid and a few of the other men, their efforts make it possible to begin to reconstruct the story of Susan Barber. Sadly, they pressed for few details about her life or the lives of other women and minorities in the Lincoln County War.

In the end, what does Susan’s life tell us about the late nineteenth-century Southwest in which she lived? For one thing, it clearly reveals that Lincoln County—far from being a place where stalwart pioneer men started democracy anew on the frontier—was a study in capitalist competition and that women fully participated in this

struggle. Although today we do not necessarily admire the dog-eat-dog capitalism of the Gilded Age, it is important to know that women too shared the mentality of the age and sometimes succeeded in their efforts to amass wealth and power.

At the same time, Susan McSween’s life is an interesting look at the politics of gender identity. Although her gender probably helped Susan survive—Mary Ealy once wrote “thirty graves [were] dug in [Lincoln] town in five months in 1878; only one died a natural death”—she endured much of the same physical intimidation as her husband but was also forced to defend her reputation. The pompous Dudley eventually rose to the rank of brigadier general despite a court of inquiry and two unrelated court-martials. James Dolan purchased the Tunstall ranch and became owner of the Tunstall store in 1882. He later served as a territorial senator. Neither Tunstall nor McSween cared how they destroyed the House just as long as they did so. It is Susan alone who carried the added burden of defending her morality. She nevertheless succeeded in a male-dominated world by directly adopting male values, challenging male authority, and finally by manipulating notions of female identity and behavior to suit her purposes.⁵⁷

To expect any mea culpa from Susan—or any other Lincoln County character for that matter—is to impose our own twenty-first-century expectations upon them. To seek some altruistic act from Susan in her later years to soften her image or to make her more of a “heroine” is to reveal our own gender bias. But if permitted to stand for a moment outside of Billy the Kid’s long shadow, Susan’s story adds a complexity and depth to the Lincoln County War and contributes to the larger picture of social, economic, and gender history in New Mexico. *M*



Cast in terms of good versus evil, the Lincoln County War prompted the publication of more than two hundred books, from dime novels to historical tomes—and made Billy the Kid a celebrity. Few writers noticed that the conflict was a capitalist competition and that Susan Hummer McSween Barber was one of its most cunning participants.

55. Susan E. Barber to Maurice G. Fulton, March 11, 1928, Fulton Collection, UAL, Tucson; Frank Coe to Walter Noble Burns, October 22, 1925, file 9, box 1, Walter N. Burns Collection, *ibid.*; Walter Noble Burns, *The Saga of Billy the Kid* (Garden City, N.Y., 1925) 128–29; Susan E. Barber to Walter Noble Burns, October 21, 1928, Fulton Collection, UAL, Tucson.

56. Maurice G. Fulton, *History of the Lincoln County War* (1968; repr., Tucson, 1997).

57. Mary R. Ealy to Maurice G. Fulton, December 7, 1927, folder 8, box 1, Correspondence E, Fulton Collection, UAL, Tucson.

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