

The King of the Rustlers

By Steven W. Hooper

We all know the story of Chicago area gangster Al Capone. The crime boss, sometimes known as “Scarface,” was able to elude Treasury Agent Elliot Ness for years only to be taken down by Treasury Agents working for the Internal Revenue Service in 1931. If Capone had been familiar with the case of John Kinney who was known as New Mexico’s “King of Rustlers,” he might have been more careful.

John Kinney (1853-1919) was a well-known murderous outlaw who roamed through the Southwest from 1873 until his capture in Arizona in 1883. Kinney was the mastermind of a small army of interlinked bands of rustlers that operated from the Great Plains to California and on both sides of the Mexican border. The *Santa Fe New Mexican* once described Kinney as a “braggart” who talks loud, drinks hard and claims to have killed many men.

In March of 1878, Kinney decided to settle in Mesilla, New Mexico Territory and focus his criminal enterprises strictly on cattle rustling. On his ranch near Rincon, New Mexico, he established a slaughter and dressing station to process the stolen cattle. The operation required thousands of cattle to be stolen from honest ranchers on both sides of the border. It was during this period that the *Santa Fe New Mexican* began referring to Kinney as the “King of the Rustlers”.

By 1883 the situation in New Mexico Territory had become untenable. Governor Lionel A. Sheldon ordered the state’s militia’s commander, Major Albert Jennings Fountain, to hunt down the rustlers and treat them as public enemies. Fountain’s campaign against the rustlers was highly effective and by March of 1883, he had broken up many of the rustler rings and Kinney and his gang were on the run.

Fountain had no idea of where Kinney had fled, but a group of Treasury Agents did. In a recent article on the website HISTORYNET, <https://www.historynet.com/capture-new-mexicos-rustler-king/> author Paul Cool reveals how Kinney was found. A just-discovered report from acting Special Agent William Penn Howland to Secretary of the Treasury Charles J. Folger reveals for the first time how U.S. Customs participated in locating Kinney on the Gila River in the Arizona Territory.

Special Agent Howland and the Collector of Customs at El Paso, Abner Tibbitts, met on March 1, 1883, in Benson, Arizona Territory to investigate the smuggling of cattle from Sonora, Mexico into the United States. The pair determined that Kinney had brought a herd of cattle across the border, and they suspected that Kinney was in the vicinity of the Gila River. Collector Tibbitts quickly dispatched a mounted inspector to find the outlaws on the river.

The Mounted Inspector, known only as “Wilson,” was able to locate some of the smuggled cattle along with Kinney and his gang on a bank of the Gila River near what today is Duncan, Arizona. Mounted Inspector Wilson sent word back to Special Agent Howland in Lordsburg, New Mexico that he had located the smugglers, but he was outnumbered and needed reinforcements.

Agent Howland immediately telegraphed this information to Collector Tibbitts who had returned to El Paso. Collector Tibbitts telegraphed Governor Sheldon who ordered the New Mexico militia Shakespeare Guards to meet with Collector Tibbitts and the other U.S. Customs officers in Lordsburg. By March 5, 1883, the guard members under Captain James F. Black along with U.S. Marshal S.L. Sanders were headed for the Gila River to apprehend the Kinney gang.

On that same day, U.S. Customs officers Howland and Wilson rode all night to reach Silver City, New Mexico to raise additional men for the expected confrontation with the Kinney gang. The officers were unable to find any trustworthy men willing to join the posse in Silver City. Many citizens lived in mortal fear of Kinney and did not want to take part in his capture.

Officers Wilson and Howland then split up with Special Agent Howland riding to Fort Bayard to plead for help from the Army. Because of the recently passed Posse Comitatus law, the Army could not immediately provide any help. In the meantime, Mounted Inspector Wilson rode down the Gila River to join up with the U.S. deputy marshal and the Shakespeare Guards.

On March 7, 1883, the pursuers surprised Kinney and his party as they watered their horses and relaxed at Ash Springs. Kinney, his wife and the rest of the gang were forced to surrender without a fight. In all modesty, Kinney would later tell a reporter that “the man who took him was a very brave man.” The *Los Angeles Herald* reported that “Next to the arrest of ‘Billy the Kid’ the arrest of Kinney figures in the annals of New Mexico criminal history.”

Kinney's downfall was smuggling cattle across the Mexican border. Like Al Capone, he found out that messing with the Treasury Department has punitive consequences. If only he had paid the duty on those Mexican cattle; he may have escaped justice, at least for a little longer.

Primary Sources:

"A Noted Desperado Captured," *Marysville Daily Appeal* (Marysville, California), March 9, 1883, p. 2.

Cool, Paul, "The Capture of New Mexico's Rustler King," *Historynet.com* website, <https://www.historynet.com/capture-new-mexicos-rustler-king/>, posted 02/12/2021.

Cool, Paul, "Salt Warriors," Texas A&M Press (College Station, Texas), 2008.

"Capture of Kinney," *The Santa Fe New Mexican* (Santa Fe, New Mexico), March 8, 1883, p. 4.

"Crushing Crime," *The Santa Fe New Mexican* (Santa Fe, New Mexico), March 10, 1883, p. 4.

"Kinney, King of the Rustlers, Captured-Fears that he may be Rescued – Lynching Possible," *Los Angeles Herald* (Los Angeles, California), March 9, 1883, p. 2.

Kelly, John, "Short Biography of Outlaw John Kinney," Socorro County History Society, http://socorro-history.org/HISTORY/kinney_gang.pdf.

Rasch, Philip P., "The Rustler War," *New Mexico Historical Review*, October 1964.

Thompson, Mark B., "So, what did Abner Tibbitts do for Hillsboro – and New Mexico?," *Hillsboro Historical Society* website, posted August 15, 2012, <http://hillsborohistory.blogspot.com/2012/08/so-what-did-abner-tibbetts-do-for.html>.