



Thanks...

Apparently, there was a contest at the office of the Clerk of the Court, Cochise County Superior Court, in Bisbee. I think the contest had to do with seeing who could be the most helpful, efficient, competent, and friendly person in the building. The competition was intense. They didn't tell me the outcome, but from my perspective the winner was me.

Thank you to Stephany Delk, who initially assisted me in finding the right court-case information, after I made several wrong turns.

Thank you to Cindy Hayostek, who went WAY out her way to help me find Judicial Docket books and hand-written accounts of the various court cases, and who is responsible for making sure those records are preserved, repaired, and restored. She also gave me LOTS of ideas about other resources available there and elsewhere in the county.

And a special thank-you to Denise Lundin, the big boss (Clerk of the Superior Court) who really surprised me by finding me in my corner, offering all kinds of ideas about resources and possibilities, and who showed great patience in listening to my usual rambling of stories and thoughts.

They all have better things to do, and not one of them rolled their eyes and laughed at my history-geek-ness.

Thank you!

The scam was on from the moment he took office. Charles Edney was appointed Justice of the Peace in late January, 1901 for Judicial Precinct Number 12, the town of Gleeson, in the Territory of Arizona. The job of *Justice of the Peace* involved the settlement of small disputes and minor infractions of the law. There had never been a *JP* in Gleeson before. In fact, the town was only renamed Gleeson the previous October when it got its first post office. Its first deputy had taken the job in August of 1900, and had already resigned by December. His replacement, P. D. O'Donnell, was a friend of Judge Edney. There was not much money in either the deputy or the *JP* positions, and both men were expected to hold down other jobs in order to make ends meet. Edney, however, had other plans for bringing in a few extra dollars.

Gleeson was a typical small mining town, located in the southeast corner of Arizona about a dozen miles east of Tombstone and at the very southern tip of the Dragoon Mountains. Long controlled by the fierce Chiricahua Apache tribe, the Gleeson area became settled by the white man in the 1880's after Cochise, Geronimo, and the rest of the Apache were forced out. Prospectors roamed the hills, and miners followed in their steps, creating little pockets of semi-civilization here and there throughout the territory. Miners were a tough group. They worked hard and they played hard. Their play was usually lubricated by copious amounts of alcohol. Edney's plan was to take advantage of this situation to augment his meager *JP* salary.

His buddy, Constable P.D. O'Donnell, would find a drunken miner making a bit too much noise or walking a bit too unsteadily, and would arrest him, bringing him before his buddy, the Judge. Edney would fine the man five or ten dollars, plus "court costs", and would release him to stumble home and sleep it off. There was no jail building in Gleeson at the time. The "jail" was a large oak tree next to the wash, with a cable secured around it. Those unfortunate miscreants unable



The Jail-Tree, still visible in Gleeson

to pay their fine would find themselves shackled to the cable, where they had to serve their sentence, typically one day for each dollar they owed. As there was no roof, no walls, and no toilet, the miners often found creative ways to somehow come up with the money rather than spend a few days shackled to the jail tree.

Occasionally, an opportunity would arise to charge someone with a crime a bit more serious than just public drunkenness. Judge Edney had to be careful, however, because if the crime were too serious, he'd have to either drop the charges or bind the defendant over to trial at the county seat in Tombstone. That could be dangerous for him, because his little scam might be uncovered. Such was the case when Andy Garrett and John Koen came before the judge.

Andy Garrett was a 16 year old kid, the namesake and son of Scottish miner Andrew Garrett. The family lived in Tombstone, but young Andy had an independent streak. He worked as a compositor at the office of the Tombstone Prospector, and kept a wide variety of friends. One of them was John "Boston" Koen, who came to Arizona from Massachusetts. John was 9 years older than Andy, and took work as a miner in the vicinity, wherever he could find it.

Early in the morning of March 7, 1901, "Boston" and Andy had shared a bottle or two of whiskey, and decided to re-acquaint themselves with a young Mexican woman, Dolores Ybarra, who had spent some time with them earlier in the evening. The exact details of this second encounter were disputed later at the trial, but her testimony and cross examination by Andy Garrett included the following exchange:

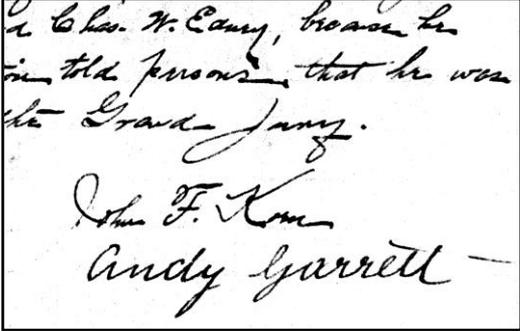
Question by Garrett: "Did you tear my clothes off?"

Answer by Ybarra: "Yes."

In the end, both Garrett and Koen decided they were being scammed, and that they would not pay the fine, but instead take their chances with a trial. Knowing that a trial in Gleeson might expose his scam, Edney threatened them with sending their case to the Grand Jury in Tombstone. Since young Andy Garrett was well

known and liked in Tombstone, he and Koen figured they'd stand a better chance at the "big courthouse", and so filed an affidavit alleging "we cannot obtain justice in this examination from said Chas. W. Edney, because he has previous to this examination told persons that he was going to bind us over to the Grand Jury." Edney had no choice, now, but to actually send them to Tombstone.

The trial took place in June of 1901, and the conflicting testimony as well as the general lack of evidence caused the jury to find the pair not guilty.

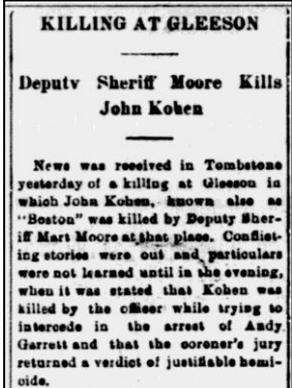


A handwritten note in cursive script, enclosed in a rectangular border. The text reads: "to Chas. W. Edney, because he told persons that he was to bind us over to the Grand Jury." Below this, the names "John F. Koen" and "Andy Garrett" are written in a similar cursive hand.

Portion of Koen and Garrett's affidavit

In the meantime, Constable P.D. O'Donnell had had enough of the scam, and resigned his position at Gleeson. His replacement, L. J. "Mart" Moore, was appointed constable in April of 1901. Moore was also a friend of Edney, although he was not so enthusiastic about participating in the Judge's ongoing scam.

A month after his acquittal, Andy Garrett was back in Gleeson, and came upon Judge Edney eating breakfast at the restaurant in town. He entered the restaurant and began arguing and yelling at the judge about their previous dealings. At one point, young Andy picked up some dishes and silverware and began hurling them at Judge Edney, who took refuge behind a table, trapped as he was in the small restaurant. The commotion gathered a crowd, and Andy stormed out of the restaurant and headed down the street. Edney called for Constable Moore to arrest Garrett on the charge of "Assault with a deadly weapon." Apparently Edney considered the flying spoons and plates being flung by the kid to be deadly weapons. Moore arrived, spoke with Edney,



A newspaper clipping with a black border. The title "KILLING AT GLEESON" is at the top. Below it, the sub-headline reads "Deputy Sheriff Moore Kills John Koen". The main text of the article describes the killing of John Koen by Deputy Sheriff Mart Moore at a restaurant in Gleeson, mentioning the commotion and the subsequent arrest of Andy Garrett.

then went outside again, stopped Garrett on the street, and began to arrest him. This is where it all got out of hand.

At that point, John “Boston” Koen arrived and started to interfere with the arrest. He told Garrett to just walk away, and yelled at the judge that they were not going to fall victim to another bogus arrest charge. Turning to Constable Moore, he said, “And if you try to arrest us, I’m going to kill you!” At this point, Koen threw back his hand as if to draw a gun (he was unarmed). Moore saw the move, and immediately drew his weapon and fired a single shot just above Koen’s eye, killing him instantly. Garrett screamed and ran away, but was tackled and handcuffed by Moore, who was badly shaken by the whole encounter.

The trip to Tombstone must have been a very quiet ride. Young Andy Garrett, in handcuffs, had just seen his best friend shot dead at close range. Judge Edney was probably pondering how he was going to explain all of this without exposing the ongoing scam he’d been running in Gleeson. Mart Moore was clearly shaken by the whole episode, and told Judge Edney that he was done with the entire affair. He was quitting his job as constable, and would have nothing further to do with it. After dropping Andy Garrett off in Tombstone, and watching officials depart for Gleeson to round up a coroner’s jury (which cleared him), Moore had a further discussion with Edney, and repeated his statement that he intended to quit as constable. He never really wanted to be part of that arrest-and-fine scam of Edney’s, but he sure didn’t get into the job to be involved in killing people over it. Moore then walked over and barged into the County Board of Supervisors meeting, and verbally tendered his resignation. Visibly shaken, he informed them that he was resigning his position as deputy sheriff and constable at Gleeson. The Board of Supervisors heard his statement, but did not accept his resignation, telling him they knew he’d had a rough day, and that he should think it over. Then, if he still wanted to resign, he needed to do it in writing.

Moore’s reaction seriously upset Edney’s apple cart, not only putting the brakes on his Gleeson scamming enterprise, but endangering his position as *Justice of the Peace* as well. Not certain of

Moore's state of mind, and worrying whether he would keep his mouth shut, he hinted that if Moore turned the dime on him, Edney would respond by swearing that Moore had murdered John "Boston" Koen deliberately, and not in the line of duty. This argument continued for months, until in December, Edney followed through on his threat, and testified before the Grand Jury that Moore had murdered "Boston" Koen in cold blood. Because he was a *Justice of the Peace*, Edney's testimony was given great weight, and the Grand Jury handed down an indictment of Moore for first degree murder.

In the meantime, young Andy Garrett was given a choice. Considering that his "offense" was so minor, he was told that he could either face assault charges, or leave the county. He chose the latter, and was given three days to gather his effects, say goodbye to his family in Tombstone, and get out of Cochise County.

The investigation into the killing of "Boston" Koen went on for a full year. As the story unfolded, more and more witnesses were brought before the Grand Jury, and the back story was exposed. Moore testified about the arrest-and-fine scam in Gleeson. P.D. O'Donnell, the previous deputy, was subpoenaed, and gave testimony. Mrs. Jack Clifford, who operated the restaurant, and several prominent citizens of Gleeson were also brought in to testify, including John Gleeson and B. A. Taylor, who witnessed part of the altercation. In the process, the prior case regarding the assault against Dolores Ybarra was re-examined, although she herself was long gone. The translator who took her original testimony was brought in and questioned instead. This investigation by the Grand Jury continued until December of 1902, fully one year after the indictment of Moore for murder was handed down. Slowly, the tangled details of the entire affair were sorted out and laid down.

In the end, the case against Moore was dropped completely, since its only substance was the testimony of the increasingly suspect Judge Edney. Edney resigned his position as *Justice of the Peace*, and his wife divorced him, sickened as she was with the story as it began to come out.

In December of 1902, the Grand Jury brought a charge of perjury against Charles Edney, who slipped away into the night. Ed-

ney never actually faced trial, and was only fleetingly seen again after that. He died of pneumonia in the town of Bisbee a little over a year later, in March of 1903. L.J. "Mart" Moore, having been cleared of all charges, stayed away from any further jobs as lawyer, and returned to being a miner.

Young Andy Garrett, having been just a pawn in this soap-opera affair, returned to Tombstone to live with his family. His end, however, is probably the greatest tragedy in the long affair. In August of 1903, eighteen-year-old Andy was out hunting with his two buddies, William Blackburn (also eighteen) and young Jack Cowan (sixteen). They were hunting rabbits near the Cowan ranch just east of Tombstone, along the road to Gleeson. Cowan was at a distance, while Garrett and Blackburn were walking together. A rabbit darted out of the bushes to the left, and Blackburn too quickly moved to raise his shotgun. It caught in his shirt and went off, with the barrel pointing right at Garrett. The full force of the shotgun blast was directed into Andy Garrett's head, and he was killed instantly. Young Blackburn was disconsolate and spent weeks sobbing uncontrollably at the loss of his best friend.

The Tombstone Prospector/Epitaph, where Andy once worked as a typesetter, printed an account of the entire tragedy, giving a glowing eulogy for this tragic young man.

Andy Garrett was the son of Mr. and Mrs. Andy Garrett, and was well known and highly esteemed. He was exemplary in his habits, sober and industrious; a quiet, peaceable young man, just budding into splendid manhood, and his sudden taking off is of general regret, and his tragic ending has cast a pall over the entire community.

Deceased was an active member of Protection Hose Co., and his funeral will be held under the auspices of the Tombstone Fire Department.

Mrs. Garrett, the mother of the deceased, is prostrated with grief over the loss of her boy, and it is feared the shock to her system may prove serious.

Young Blackburn is also suffering over the sad affair, and while his mother weeps bitterly over the unfortunate occurrence the boy has completely collapsed and is wildly mad with remorse.

THE PROSPECTOR, in common with the entire community, extends deep sympathy to the bereaved family who are called upon to make such a sacrifice.