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The True Story of Wilson & Cummings Murder by Ted Sewell

On the fateful morning of 4th Feb. 1896 who killed Daniel Cummings, and John Wilson? The finest legal minds in the country thought they had the mystery solved, wrapped up and disboxed, when Diamondfield & Jack Davis was tried and found guilty of the crime. But later, after receiving a reprieve and then full and complete pardon, Diamondfield Jack was again a free man, the murder of the boys, Wilson & Cummings, remains a mystery as ever, and so it remains to this day: no doubt the murderer has passed on to his final reward who can say. I for one have always felt that Diamondfield Jack was not guilty of the murder and was rightfully acquitted of the deed. In fact, his acquittal was about the only right thing about the whole case. It has been said, that during the trial of Diamondfield Court would have to be adjourned to sober up another witness. As a precipient in the trial I can truthfully say it happened many times.

I am the man that discovered the bodies of John Wilson and Daniel Cummings, about two weeks after they had been murdered. I know just what was written in the note that was brought in as evidence at the inquest and was never seen again. I know the exact position of the bodies when found. There have been so many false told and stories written about the murder, some partially right, some entirely false. I would like to the best of my ability, to set down the facts as I found them. Much has been written of the war between the cattle men and the sheep men in the years between 1890 and 1900. The southern part of Idaho came in for its share of the dispute between the two factions. The Sparks-Hershel Cattle Company, among others claimed the grazing lands surrounding Rageron. The sheep men favored the area near Oakley, both small towns in the southern part of Idaho. All that land at that time was open range, and there was plenty of feed for all the cattle and sheep too, but greediness entered the picture. The cattle company claimed most of the water rights, all the best grazing lands, and chased the sheep men to their imaginary boundaries. The result was of course a far gone conclusion. The sheep men built the land was

2) as much as at was the cattle men
bitter feelings, fights and some unexplained killings
The Sparks-Herrel Company was a big outfit with
a number of foremen particularly belligerent toward the
sheep herders, one of the foremen was called Bowers
no doubt many of the old timers will remember him
at the trial, It is possible that both sides had a point
in the dispute, the cattle men claimed that the sheep
ability to eat the grass so close together with their sharp
hooves cutting up the soil, made the range unfit for
other animals. The sheep men came back with the
argument that the land was free to all, and the cattle
outfits were hogging all the best range, and water.
As the feed became scarce around camp, the herders
drove their bands farther and farther into the domain
sub sacred to the cattle men, despite repeated warnings
of reprisal in some form or another. It was into this
explaining situation that Diamondfield Jack Davis
rode one day, from no one knew where. Davis had a
habit of turning up where trouble was brewing, this
same had spread before him and soon the Sparks-
Herrel outfit hired him as a trouble shaker. Diamond
field may have been fast on the draw, favored six
guns rule rather than the law and was always
ready for trouble. However I never saw any thing to
prove the stories he loved to tell about him self as
has been the case with many self acclaimed Bad men.
It is my belief that the stories grew out of proportion
to the truth. Be that as it may, I have read little
in all the stories I have come across about Diamond
field Jack, of the actual murders for which he was
tried and found guilty. Wilson & Cummings were
shearing sheep for Johnie Grey. I had a band leader
from my brother in law. There was a couple of other
outfits up near the line set up by the cattle men.
The boys as well as my self, had received threats from
the cattle men, that we were trading on dangerous ground
but being young unmarried men the threats went
unheeded. On several occasions I heard sounds outside
my sheep camp after I had gone to bed, I would get
up, creep cautiously out side and stand for what seemed
like hours in the willows near by, gun in hand
waiting for the shots that never came, I was never
molested. One herder became so terrified he crept into
the middle of a band of sheep bedding down for the night
30 some head were killed around him, but he went harmed

3) So it went on until the fateful morning of the
4th of Feb. 1896, a day in a sheep herders life starts
with the dawn, and this morning was complicated
with the promise of a heavy snow storm, I rounded
up my band of sheep and strayed farther down to a
more sheltered spot, out of the storm, I stayed there
for about two weeks, until I felt the weather was settled,
then I returned to my original camp site I was told
later that this snow was the only thing saved my life
I was on the list to be eliminated along with Wilson
and Cummings. As I came back to my camping place
I could see the boys camp wagon, it looked like it
hadnt been moved, I went on and got squared
around at my place, with a worried feeling, I knew
of the bad feeling involved I finally saddled up
rode over to see if every thing was all right,
As I rode up to the wagon I could see the dogs
were tied to the wagon tongue, they looked like they
were almost starved, a harness laying near by was
partially eaten they were so weak they could hardly move.
By this time I was really alarmed, the flap of the
wagon was down I called "hello", no answer, I then
dismounted & went to the wagon, it was then I saw
the blood on the wagon tongue, there were some
empty shells on the ground, The silence was broken
only by the whimpering of the poor dogs, I knew
some thing was wrong, terribly wrong, a dog is very
important to the sheep herder, no man in his right
mind would go away & leave his dogs like that, I lifted
the flap that served for a door to the camp, every
nerve tense and ready for --- I didnt know what
I climbed slowly up into the wagon, my eyes searching
the interior, for some lurking danger, There was a man
stretched out, across the foot of the bed, going closer I
could see it was Cummings or Dan Cummings body,
he had been dead for several days his body was
fully clothed, even to an over coat, he had fallen
backwards onto the bed, his hat lay where it had
fallen off his head as he landed on the floor, I must
have been standing beside the bed when he was shot
and just fell backwards, There was no blood on
the floor, only a small spot at his feet, but a lot around

4) around his body, he had been shot through the lower part of the body, & slowly bled to death, the autopsy showed that he had lived several hours, although it was that, there was a shelf at the foot of the bed over his head for books, he must have taken the doctor book and searched through it ~~in~~ in vain for some way of helping himself.

The doctor book lay at it, fell from his hands when he grew too weak to hold it any longer. I felt numb from the shock of finding the boy this way. My eyes searched the tiny room frantically trying to find the answer to the question, but the wagon kept its secret, the howling of the dogs outside sending shivers up and down my spine.

There was a pan of biscuits on the table by the stove, several pans on the stove, one of the boys must have been preparing a meal. The thought brought me up with a jerk, John Wilson was the Camp Under Cummings the herder, where was Wilson? Had they quarreled and it had ended like this? but no I discarded the thought as soon as it entered my mind. The boys were nice fellows, the best of friends, neither one of them would do this terrible thing. I picked up the doctor book & took it to the door where the light was better, maybe the boy had left some message there or some clue, I scanned the page but found nothing. I layed the book back beside the body and as I did I noticed something showing by his overcoat. It was a slip of paper, it had been tucked into the waist band of his trousers. I opened the paper with trembling fingers, was wondering, but dreading what I would find, the note read like this - - - - -

If I Die Bower

That was all, the letters scrawled out as his numbing fingers lost their grip on the object he was writing with. To me it looked like the note had been written with the head from a bullet, not with blood, as so many stories have it. There was no writing on the canvas

5) of the wagon, either in blood or other wise
All there was, was the pathetic little note, left by a
dying man, in vain hope of seeing justice done.
I placed the note back where I had found it and
turned to leave for help, when I thought I saw some
thing showing showing, at the head of the bed, I pulled
down the pile of bedding and there lay the body of John
Wilson, a sight to chill the blood of even the bravest
man. He had been shot through the mouth, and upper
part of his body. I felt myself getting faint as I
looked at what was left of him. His body had
been cleverly hidden by the bedding, apparently so that
the killer, or killers could ambush the unsuspecting
Cummings, as he came into the wagon. To me
when he heard a noise out side, a noise unusual
enough to cause him to lift the door flap and
lean out to see what it was. It was then he was
shot in the mouth the blood from the wound had
covered the wagon tongue. They must have then carried
his body to the bed and hid it laying in wait
like savage animals for the next victim who entered
the camp unaware of the horrible fate awaiting him there.
Then the killers rode away, little knowing at carrying
that one man was, not dead, but lay there, through
endless pain-racked hours, until death finally ended
his suffering. The snow storm, heavy as it was
must have greatly aided the killing, for no doubt
covered the blood on the tongue and the shells for
other wise it seems Cummings would have noticed
some thing wrong. The shock of finding the bodies
had made me forget the poor dogs tied to the
camp. I started out then went back and gathered
up some food & water & gave them. I didn't
enter them as in their starved condition I
was afraid they would try to get at the
bodies. I got on the horse and went
back to my camp sending Noel Karlson
and he was with me at the time for the

6 Sheriff and Dr. Storey who was the
Coroner as well as the local doctor. Horses,
our only mode of travel in those days
plus the fact that the Sheriff was not in
Casper when Karlson got there. It was some
time before he finally showed up bring-
ing the doctor with him - I went with
them and helped move the bodies to a
wagon for their last long trip to town.
As I knelt on the bed to lift the bodies
my knee was soaked thru with the blood
I became so sick I could hardly lift my
share of the weight but we finally got
them loaded in the wagon. I put the
dogs loose & watched them follow the
wagon on its lone some journey. Before
the Sheriff left the camp he gathered up
the shells lying around the wagon
examining them carefully, they were 44's
a foreman for Sparks Herrel Co. owned
such a gun and a search was begun
for him. right away. He was found before
too long but was able to prove that he
wasn't around at the time the murder
was committed and was released.
There was an autopsy performed on the
bodies and it was determined that they

7) had been dead for about 2 weeks
both shot with the same gun. Diamond
Field Jack had disappeared about this
time & in view of his many exploits a
search was started for him. He led the
Sheriff quite a chase before Inky Waley -
my brother-in-law, who was then Sheriff
caught up with him in Arizona. When
Sheriff Waley met Diamond Field Jack &
informed him of the charge against him
Diamond Field asked the Sheriff an odd
question - He said to the Sheriff: "The sheep
were pretty well bunched up wasn't they?"
The Sheriff looked at him in surprise and
answered in the affirmative. Diamond
Field nodded his head as if to say "I
thought as much" but said no more
at the inquest the note found on
Cummins body was brought in as
evidence but at some time between
the inquest and trial the note dis-
appeared and was never mentioned
at the trial. The trial was held at Albion
Idaho amid much fan fare and wide
publicity. Both the prosecution and the
defense were represented by the best

8) legal talent in the County. I was called as a witness at the inquest and the trial. It ended as most of us know with Diamond Field Jack being found guilty and sentenced to be hanged. The general public felt that justice had been meted out the right man but among others was glad when the news came that he had at long last been pardoned. Before Diamond Field Jack's pardon came thru it was the duty of Sheriff Inky Clayley to hang him by the time set by the judge. Sheriff Clayley went up into the timber, selected the best logs & poles he could find, brought them down to the jail & putting and preparing them with the greatest care. He proceeded to build the scaffold taking great pride in his work. When the fateful day rolled around Sheriff Clayley was ready for it with the most out standing gallows ever built but as the records show Inky Clayley's lifeful gallows was cheated, not once, but twice with dramatic last minute reprieves. It has been told that the last time Diamond Field was standing

9) on the gallows when the rider came
with his stay of execution. In any case
Samuel Field Jack was pardoned and I
believe Inby Cayley faded out of office
without once testing the accuracy of his
Carpentry work. After the trial had left
the front pages and had been forgotten
by many a man who worked for the
Cattle Company used to come and talk
to me. This man seemed to have a great
weight on his mind & conscience esp-
ecially when liquor had a little the best
of him - The gist of his conversation went
like this: and it was always the same
"I never harmed you did I, Ted" I have
seen the man with tears in his eyes. He'd
go on: "I saw that murder, Ted, it was
horrible, the bloodiest thing I ever saw, we
drew straws to see who did the killing,
Ted" I was lucky I didn't have to do it
& Ted you was going to be killed, too but
you was gone. I never harmed you, Ted
did I." The maudlin imaginations of a
drunken man? Perhaps.