



# HUMAN SYSTEMS RESEARCH

## Cañon del Perro

A HISTORY OF DOG CANYON

By

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with contributions by

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*Dedicated to  
Oliver Lee's Good Friend,  
Eugene Manlove Rhodes  
(1869 — 1934)*

*whose works truly preserve the spirit of the place . . .*

*A land of enchantment and mystry, decked with strong barbaric  
colors, blue and red and yellow, brown and green and gray;  
whose changing ebb and flow, by some potent sorcery  
of atmosphere, distance and angle, altered, daily, hourly;  
deepening, fading, combining into new and fantastic lines and  
shapes, to melt again as swiftly to others yet more bewildering.  
[“Bransford of Rainbow Range”, 1913]*

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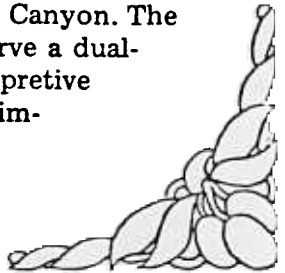
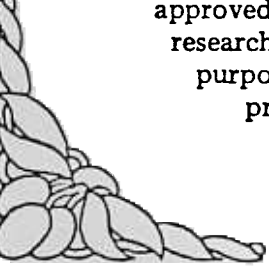


## INTRODUCTION

For thousands of years, the Dog Canyon springs served as a stop-over camp for aboriginal populations in southern New Mexico. Four or five thousand years ago, during the late Archaic periods, the canyon trail, leading from the floor of the Tularosa Basin through Dog Canyon, was used as an access route for groups of people moving from the lowland desert basin into the Sacramento and Guadalupe Mountains. In the early Historic period, the canyon above the spring was recognized as a stronghold and retreat for several groups of Apache. European settlement at Dog Canyon was not attempted until after 1881. Sometime prior to 1886, Francois-Jean (Frank) Rochas, known locally as *Frenchy*, settled on the south bench overlooking the spring in the mouth of Dog Canyon. At about the same time (there is no documentation as to who arrived first), Oliver M. Lee settled on the edge of the basin floor about one mile south and west of the mouth of Dog Canyon. Frenchy died of a gunshot to the chest in late December of 1894, his claim to the land and water at Dog Canyon still unfilled. Oliver Lee continued to reside at Dog Canyon for another thirteen years, filing claim to his homestead and the water rights on Dog Canyon in 1905, ten years after Frenchy's death.

The years from 1895 to 1905 in the southern portion of the Tularosa Basin were exciting ones. The railroad arrived, and with it, great numbers of new settlers. New towns and industry sprang up. The symptoms of this new growth in the last of the Frontier West were fast moving business deals for land and water, violence, and factional politics. Like many other prominent citizens of the time, Oliver Lee was part of this new growth, and became embroiled in the various struggles for political position and control of productive enterprises in the Territory of New Mexico. As an example, the land and water rights at Dog Canyon were transferred when Lee and partners incorporated as the Otero Irrigation Company to provide water to the railroad and the new town of Alamogordo. In 1922, Mr. Lee became State Senator for Otero County.

The Lee property at Dog Canyon and the water right were sold to the National Park Service in 1939 in order to supply drinking water for the new park at White Sands National Monument. However, the Army Air Corps began construction of a new air base in the floor of the basin that same year, and, ultimately, water for the National Monument was obtained through the improved Bonito Pipeline. The water from Dog Canyon was never used. A number of attempts were made to start a public park at Dog Canyon through the Bureau of Land Management and the U.S. Forest Service. However, until recently all were unsuccessful. Then, in 1977, during the 33rd Legislature for the State of New Mexico, funds were approved for the construction of Oliver Lee Memorial State Park at Dog Canyon. The research contained in this volume was conducted and compiled to serve a dual-purpose: to provide historical and natural background for the interpretive program at the Park, and to provide the necessary environmental impact study and plan for the development of the Park.



## RANCHING YEARS at DOG CANYON: WATER, FRENCHY and OLIVER LEE

*By Julio Betancourt*

### INTRODUCTION

Frank Rochas, a French immigrant, settled at the mouth of Dog Canyon sometime in the mid-1880s. In 1884, Oliver Lee and his half-brother Perry Altman, young cattlemen from Texas, arrived in the area. They first settled just west of Tularosa and later established headquarters barely a mile below the Frenchman's place, where the gravelly bajada meets the basin floor. For Rochas, the story ended rather abruptly in 1894, when he suffered a fatal gunshot.

Some years elapsed after Frenchy's death before Oliver Lee filed for the water rights to Dog Canyon. For the next decade, Lee maintained control of Dog Canyon, a decade that saw him through a murder indictment and turbulent politics in southern New Mexico. Undaunted by personal misfortune, he reached the State Senate in 1922-24. Dog Canyon remained in the hands of private interests until 1940, when the National Park Service, pressed to secure a water supply for its new park at White Sands, obtained title to the property.

Perhaps something else should be said before continuing. This narrative, involving Rochas and Lee, treads on treacherous ground. Unsolved murders in the West have often fallen prey to popular literature. The death of Frank Rochas, much like that of Albert J. Fountain and his son a year later, is no exception. Belated verdicts, some eighty years removed, are still the source of much speculation. Admittedly, familiarity with the circumstances behind Frenchy's death may provoke personal judgements. For that reason alone, I pass on the counsel of Eugene Manlove Rhodes that, *to judge a man by the standards of another time and place is prejudging, and that means oppression, and oppression breeds riots in hell.*<sup>3</sup> Following this bit of advice, the narrative will offer little more than the boundaries legal documents afford.

Despite the threat of Apache raids, Mexican and Anglo settlement had been established in the Tularosa Basin by mid-nineteenth century. In 1880, the population of Doña Ana (then including Sierra and parts of Otero Counties) totaled 7,612 inhabitants. The establishment of Fort Stanton opened the area for Anglos, particularly along the western tributaries of the Pecos. Mexican families had been filtering in from older communities along the Rio Grande, and the mining potential of the area was just being recognized. In the Organ Mountains, a lode was discovered in 1849 by a Mexican from Mesilla. A year later he was joined by an Anglo prospector, Hugh Stephenson, and a camp was well underway in the vicinity of San Agustín Springs. On the other side of the pass, the Stephenson-Bennett mine was prospering by the late 1850s. Further east, Stephenson began prospecting in the Jarillas around 1879.

The first wave of actual settlers arrived in 1862, a year which saw several communities along the Rio Grande devastated by heavy flooding. Farmers from the village of Colorado were forced to move elsewhere. They chose to go east to the Tularosa River, where plenty of water was available for irrigation. In the upper Tularosa, a sawmill known as La Maquina had survived the Apache threat and supplied timber for thriving communities to the south and west along the Rio Grande. When the Civil War period California Column occupied Fort Stanton, some protection from Apache raids seemed close at hand. Farmers chose to settle where the river fanned out just beyond the mouth of the canyon. Soon other immigrants arrived and the settlement on the Tularosa began to prosper.

By the late 1860s, George Nesmith and Joseph Blazer obtained title to land for a saw-mill, and other Anglos began settling the upper reaches of the Tularosa. In 1873, trouble developed over water rights between Mexican settlers at Tularosa and the few Anglos upstream. A detachment from Fort Stanton was dispatched to deal with the angry mob of Tularosa farmers.<sup>1</sup> Water along the Tularosa became a precious commodity.

Meanwhile, other streams flowing from canyons in the western escarpment of the Sacramento Mountains were being exploited. In 1871, James Hill and his family settled at the mouth of Alamo Canyon. Hill's son-in-law, Thomas Keeney, dug a ditch out of the canyon some five years later.<sup>2</sup> Further south, at Dog Canyon, development of the water resources did not materialize prior to the 1880s. More than likely, Mescalero presence in the canyon discouraged even the most determined settlers.

By the 1870s, the Homestead Act of 1862 had become a valuable asset to cattle ranching in southern New Mexico. The notion of small farms was a tenacious Eastern dream that would misfire in the arid West. In the West the effect was to legalize the acquisition of vast acreage for grazing, requiring only that a homestead be filed on areas where water was available. Between waterholes lay the vast public domain, on which the rancher grazed his cattle free of charge. This situation persisted until 1916, when grazing lands were classified as such under the Stock-Raising Homestead Law.<sup>3</sup> It was inevitable that transactions involving the public domain would foster graft. Homesteads could only be filed in legally subdivided townships, flooding the Surveyor General's office with more requests than could be reasonably handled. Naturally, political pull and ready capital were to the advantage of the prosperous ranchers and investors.

Although the Lincoln County War of 1878 did not directly involve land, it occurred in this atmosphere of graft and political influence. Hard cash was a rare commodity in southern New Mexico and federal contracts for supplying military posts and Indian reservations stimulated bitter competition.<sup>4</sup> With beef as the main provision, competition among suppliers developed into a full-fledged struggle in Lincoln County. Troublous times had arrived in southern New Mexico.

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In the mid-1880s, many newcomers arrived in southern New Mexico. Drought and depression drove the Homestead community in Texas and Oklahoma to New Mexico, where land and opportunity could be had for the asking.<sup>5</sup> Joining them were Europeans, like Frank Rochas, a middle-aged Frenchman with neither family nor friend. Though his exact date of arrival remains undocumented, tax records for Doña Ana County show that by June 1886, Rochas was established in the area, having built a cabin and stone walls that remain on the canyon slopes today.<sup>7</sup> His property at that time was valued at \$2,680, and we are left to assume that this sum represented a considerable investment in cattle.

In the spring of 1884, Oliver Lee and Perry Altman scouted for a place to settle in the Ruidoso country. They hailed from the area of the Little Elm Creek in Taylor County, Texas, where things were going none too well. On the Ruidoso, they crossed paths with Cherokee Bill Kellum, who owned a spread in a canyon nearby. Kellum guided Lee and Altman to Dog Canyon, where there was plenty of water for stock. Nothing indicates that Rochas had already settled at the mouth of the canyon. By early the following spring, Lee and Altman returned, bringing with them the Lee family, accompanied by two Negro men named Eph and Ed.<sup>7</sup> Rochas may have arrived in the interim.

Lee and Altman first settled just west of Tularosa. Sometime later, they moved to Dog Canyon establishing their ranch headquarters within sight of the Frenchman's place, about a mile to the southwest. It is doubtful that Rochas considered this an intrusion. Settlements at

the mouth of well-watered canyons were thriving in the Sacramentos, and it was inevitable that another would develop at Dog Canyon.

Francois Jean (Frank) Rochas was born September 22, 1843 at the village of Vif, Department of Isere, southeastern France.<sup>8</sup> The eldest son of Francois Charles and Anne Victorie Rochas, he immigrated to the United States at about age forty, leaving behind his father, a brother, and two sisters. Although there is no record of Frank's reasons for settling in New Mexico, business relationships and his personal correspondence indicate that he had established friendships with several prominent New Mexicans of European origin. The prosperous merchants in Territorial New Mexico were commonly Europeans. For instance, there were the Swiss entrepreneur, Numa Reymond, and the Frenchman, Theodore Rouault, both of whom traded with Rochas on his errands to Tularosa and Las Cruces. Rouault was executor of Rochas' estate. Also among the three letters collected by the Coroner's Jury at the time of Frank's death was one to his friend G. Monier (believed to be nephew of Archbishop of Santa Fe, Lamy). Considering the value of his property, we must also judge *Frenchy* a prosperous man for his time.

Other than the Territorial tax records, the first official record of Rochas presence in New Mexico was the result of charges he filed at the county seat at Las Cruces. A young man named Morrison had worked for him in 1886. Losing property from his cabin, *Frenchy* suspected Morrison and had him arrested at La Luz, accusing him of stealing a horse. Morrison was released and apparently headed for revenge:

*Rochas was building a stone wall, but had stooped over after a stone when Morrison fired. He was hit in the body but not disabled. He started to run to his cabin when a second shot hit his arm. He got in and barred the door. He lay all day in his bunk with his revolver ready. About 10 o'clock that night, Morrison broke open the door to finish his bloody work when Rochas fired, wounding him. He escaped, however, and in the morning a party went on his trail and followed him some miles by the blood he spilt. When last heard from, he had not been caught. Rochas will recover.<sup>9</sup>*

The years to follow were relatively quiet for the Frenchman. By 1888, he had acquired some 400 head of cattle and six horses; the value of his property had increased to \$4,143.00.<sup>10</sup> He had a running open account with Rouault's store in Las Cruces, where he also paid taxes.<sup>11</sup> *Frenchy* did his local trading at Charles Meyer's General Merchandise store in nearby La Luz.

In June 1892, Rochas sold his cattle to John H. Riley and William Rynerson of the Tularosa Land and Cattle Company. Prior to 1876, Riley had been a supplier of beef on government contracts and in that year had entered into the firm of L.G. Murphy and Company, a prosperous business establishment in Lincoln. After playing a minor role in the Lincoln County War, Riley had settled in Las Cruces where, in partnership with William Rynerson, he engaged in several cattle ventures and homesteaded land that would later become the community of Organ.<sup>12</sup> In 1885, Riley and Rynerson went into partnership with Thomas Catron and Pantaleon Sandoval, forming the Tularosa Land and Cattle Company. The firm incorporated in 1890, and controlled a number of ditch rights along the Tularosa, in addition to owning a large herd of cattle.<sup>13</sup> They bought *Frenchy's* cattle for \$5,716.40 at 8% interest from June 1, 1892, payable one year from date.<sup>14</sup> The note with the Tularosa Land and Cattle Company remained outstanding in July 1893; *Frenchy's* property value and taxes were minimal for the next four years.

Meanwhile, the Lee family had run into some trouble. George McDonald, Oliver's brother-in-law-to-be, had been killed while involved in the famous Good-Cooper feud of 1888.

Many of the cattle in John Good's herd actually belonged to Riley and Rynerson. Jim Cooper, Oliver Lee, Cherokee Bill Kellum, and Tom Tucker were charged with the murder of Walter Good, but were later acquitted.<sup>16</sup>

Southern New Mexico courts were then having their heyday and consequently, the political scenery was gaining a new complexity. Indictments, handed down by the dozen, were an effective means of political skulduggery. Obviously, favorable circumstances hovered above those who enforced the law. In the 1890s, Democrats, mostly immigrants from Texas, gained a foothold in southern New Mexico, largely due to the efforts of a brilliant young lawyer named Albert B. Fall. The native Republican Party, under the leadership of the well-known Colonel A. J. Fountain, had lost ground by the 1894 campaign for the sheriff's office, probably one of the most important offices of the day. For the Republicans, the sheriff's post was essential. Their constituency included many ranchers demanding action against the most recent wave of cattle rustling. A few months earlier, the Southwestern New Mexico Livestock Association was organized in Las Cruces. Fountain served as the Association's lawyer. The Democrats wanted to retain Sheriff Ascarate in office, while the Republicans chose to nominate Numa Reymond. Oliver Lee, among others, was deputized to keep order during the elections. Ironically, he and his friends were suspected by Fountain as the culprits heading a ring of cattle rustling. When ballots were in and a Democratic victory declared, the Republicans contested the election results and new trouble brewed.<sup>17</sup> By late 1894, the charges against Oliver Lee had multiplied and several investigators were working on the case. Six indictments against Oliver Lee and William McNew appeared but were never pressed.

Frenchy, in the meantime, was having his own troubles. In July 1894, he took action against the Tularosa Land and Cattle Company for the balance of the cattle sale. The Company had managed to pay \$3,000.00, but still owed the balance plus interest. Since William Rynerson had died the year before, Frenchy filed against his estate for a claim of \$3,311.40 and was awarded the settlement by Albert B. Fall, Probate Judge of Dona Ana County.<sup>18</sup> But Frenchy had other troubles as well. He had never filed legal claim to his property in Dog Canyon. On the 23rd of December, he wrote Mr. G. Monier, a Frenchman in Santa Fe, asking for advice:

*. . . I am also writing you because I need a little favor. I don't write English. My handwriting is bad. I would like to get in touch with the Surveyor General whose office is in Santa Fe. The land I am on is not surveyed and so I would like to know how to go about getting it surveyed and I thought you could get me all the necessary information. I think he has to know what township and what section I am on. Several times surveyors have gone by here. The last one left me a plan of my place with the number of the township and the number of the quarter section. But I can't find it; I must have lost it. I can't give you the name of the surveyor, but it ought to be easy for you to find him. He lives in Santa Fe like his father who is also a surveyor . . . the name of the place is Dog Canyon . . . I think perhaps you know these people, I mean these surveyors. That would make the whole business a lot easier . . .*<sup>19</sup>

On that same day he had written his brother and sister in France. To his brother he related that, *I am working on my vineyard. I have also put out some trees, some olives, some figs, apple, pear, cherry, plum, peach, so as to have a little of everything.*<sup>20</sup> He thanked his sister and brother-in-law for the design of a pickaxe they had sent: *I had a man named Marshall Fletcher make me one. He made me a pickaxe that weighs at least ten pounds and anyhow it's better than the one I had. I am getting old. I already have some gray hairs but I don't know what I can do about it.*<sup>21</sup>

Three days later, Daniel Fitchet found Frenchy dead in his cabin. The three letters had never been mailed. Fitchet reported the death to David Sutherland in La Luz. An official report was filed with Faustino Acuna, District Judge at La Luz. A coroner's jury of six men left immediately for Dog Canyon, arriving there early the next morning (on the 29th). They found Frenchy lying on his bed and next to him on the floor was a Winchester 44. They concluded that Frenchy had shot himself with his own rifle.<sup>22</sup> His possessions were inventoried and taken to La Luz where they were placed with Sutherland and Charles Meyer.<sup>23</sup>

Informed of Frenchy's death, Numa Reymond worried that since no relative survived him in the Territory, an estate of roughly \$4,000.00 might be *lost, destroyed, or diminished in value*. On March 4, more than thirty days had elapsed without applications for letters of administration and Reymond filed notice with the Probate Court in Las Cruces. Probate Judge Pablo Melendres appointed Theodore Rouault administrator of Frenchy's estate, upon his filing a bond for \$8,000.00.<sup>24</sup> In the meantime, Frenchy's relatives in France had been notified. His two sisters and brother petitioned the American consulate in Grenoble, Department of Isere, France, granting power of attorney over Frenchy's estate to the New York firm of Carter, Hughes and Kellogg. This petition was dated February 18, 1895.<sup>25</sup> Apparently, little was done until two years later. By then, Rouault had managed to compile a lengthy inventory of the estate<sup>26</sup> and the New York firm had appointed Simon B. Newcomb substitute attorney.<sup>27</sup> Rouault's report included, among other items, an account against the Tularosa Land and Cattle Company for \$3,401.07, for which Rouault had already received \$1,500.00. Rouault added \$500.00 to the estate for payment of an earlier note by Rochas to Numa Reymond, still owed by Rouault. The total value of the estate amounted to \$4,165.00 and was realized in full after payment of the note by the Tularosa Land and Cattle Company. Unfortunately, Frenchy's heirs saw little more than half of the amount after all accounts had been settled in 1900. Throughout the estate proceedings, no mention is made of the Dog Canyon property, leaving us to assume that, while Frenchy had paid taxes and had squatter's rights, the land remained public domain.

We know little about the relationship between Oliver Lee and Frenchy prior to his death. In December 1893, it is claimed that Lee constructed a ditch running from the mouth of Dog Canyon 2.4 km towards the Lee homestead.<sup>28</sup> If this is the case, he must have carried out a project which seemed favorable to the Frenchman.

At the time of Frenchy's death, Oliver Lee was immersed in turbulent events. In January 1896, Albert J. Fountain was in Lincoln for hearings on the numerous cattle cases pending. On his return from Lincoln to Las Cruces, Fountain and his young son Henry were waylaid and murdered near the White Sands. An accusing finger was pointed at Oliver Lee and friends. During the investigations that followed, interesting testimony was obtained by Pinkerton operative W. B. Sayers. Eli Slick Miller, later to become primary witness for the prosecution and residing in the Territorial pen largely through the efforts of Association lawyer Fountain, told Sayers that,

*McNew was with Oliver Lee when Lee killed the Frenchman in Broad Canyon [?]. The Frenchman had some cattle and a ranch at Dog Canyon and he was a cranky old man and when Lee had cattle rounded up, the Frenchman would go out and look through them and see if there were any stolen cattle in the bunch. He also threatened to have Lee indicted for stealing stock, and Lee was afraid he would and could furnish the proof . . . heard Lee and McNew talking about it several times and Lee said he would kill him. Then the Frenchman sold his cattle to a man named Riley and still lived at his ranch doing a little farming. He had some dogs and when Lee's cattle came around he would run them off with the dogs. Lee again threatened to kill him and one day Lee, McNew and a man named Dan*

*Davis went to the Frenchman's ranch on horseback; the Frenchman met them at the door with his gun and begun cursing Lee and Lee shot him; he fired at him three times, only one bullet taking effect. There was nothing to be done about it as the Frenchman had no relatives and no friends to take the matter up, so Oliver Lee jumped his claim and the matter ended. Miller learned this from Davis who had been present at the killing and who told Miller about it some time in June 1894. Miller was sent to the pen on the first of November, 1894. He says he thinks Davis is some place in that country yet but does not know. Lee once told Miller positively that he intended to kill the Frenchman.*<sup>29</sup>

Now obviously, Miller had much to gain by testifying against Lee and McNew. He was currently serving a ten-year sentence in the pen at the time of the interview. Also, we must note that at least some of Miller's testimony is inconsistent. Since Frenchy died in December 1894, how had Davis told him of the murder in June? Miller himself had been in prison two full months before the killing. In a court of law, Miller's testimony would not have withstood close scrutiny and in this historian's opinion, it would be poor scholarship to accept it as evidence some eighty years later. In addition to the Lee accusations, it should be noted that, since Frenchy had no relatives nearby to take the matter up, an outstanding debt for sale of his cattle and a court suit for collecting that debt might be construed as sufficient motive for his killing, thus implicating J. H. Riley on approximately equal evidence. There exists no legal evidence to prove the contention that Oliver Lee jumped Frenchy's claim to Dog Canyon. Frenchy never filed on the land or water rights at Dog Canyon and Lee did not file for water rights until 1905.<sup>30</sup>

By 1897, the Tularosa Basin was teeming with excitement at the prospect of construction of a railroad to El Paso and amidst the ruckus caused by the Fountain murder. John Eddy, who had promoted the railroad through the Pecos Valley, bought the El Paso and White Oaks Railroad from Jay Gould and managed to persuade Rock Island Investors to extend their own line from Liberal, Kansas to El Paso. The El Paso Northeastern Railroad, as it was called, bought out several ranches in the Sacramentos and began securing water rights. In April, Lee sold his Alamo Canyon holdings to Eddy, water rights and all, and surveyors had already arrived to lay out the first blocks of Alamogordo.<sup>31</sup>

Lee's troubles escalated the following year. Several indictments were held against him, one for the murder of A. J. Fountain, and he turned himself in at Las Cruces. Lee mortgaged some of his property, perhaps to post bail for McNew, who had already been arrested.<sup>32</sup> Fearing that he would not receive a fair trial in Dona Ana County, Lee and Gilliland took to the desert country, leaving their lawyer, Albert Fall, to handle their affairs. Senator Fall was able to push through a bill calling for the creation of a new county sliced partly from Dona Ana and Lincoln counties and carrying the name of, then governor, Miguel Otero. The bill's sponsors rationalized that the change was essential for the efficient administration of the new railroad.<sup>33</sup> But the Democrats, and Fall in particular, were well aware of the fact that a new county meant a new sheriff and an election they could easily win. Pat Garrett was brought into the case and managed a brief and highly unsuccessful skirmish at Lee's Wildy Well. Eventually, Lee was tried and acquitted at Hillsboro in Socorro County. During the defense, Fall disposed of Miller's testimony.

By 1900, Oliver Lee was back in business buying into the Tularosa Ditch and River Corporation.<sup>34</sup> On September 24, 1904, Lee signed over a quitclaim deed to J. S. Morgan, Fall's brother-in-law and his own close friend, that relinquished rights to some property just west of the railroad and Dog Canyon in exchange for \$1,000.00.<sup>35</sup> The following year, Morgan made the same arrangement with A. G. Mooney.<sup>36</sup> The town of Alamogordo was growing rapidly, and old ditches along the escarpment of the Sacramentos were being improved. The



ditch system out of Alamo Canyon was improved and reused by J. L. Hill.<sup>36</sup> At San Andres and Dog Canyons, Lee was also busy revamping old irrigation systems. An Appropriation of Water Notice was filed with the County on May 23, 1905.<sup>37</sup> Improvements were carried out the following year:

*Oliver Lee . . . says that he has heretofore constructed a ditch running from near the mouth of Dog Canyon . . . and appropriated a portion of the waters thereby. That such ditch was commenced and finished by him in the month of December, 1893, from the headgate thereof for a distance of about a mile and a quarter, to a point indicated as Station No. 23 on the map hereto attached; and on the first of March, 1906 he commenced to construct an extension of said ditch from said point . . . and is now continuing in the construction thereof to the end of said ditch . . .*<sup>38</sup>

The 1893 ditch probably supplied the Lee homestead with water, while its continuation led for about 8 km from the headgate to the Dog Canyon Station on the railroad. A second ditch, referred to as the San Andres, also originated in Dog Canyon, but instead, ran 5.6 km to a small reservoir to the northwest. In addition, two smaller ditches, the San Andres No. 1 and 2, originated in San Andres Canyon and fed the same reservoir.<sup>39</sup>

In January 1907, Lee borrowed \$10,000.00 from attorney J. L. Lawson against the Dog Canyon property and water rights.<sup>40</sup> In March, some trouble developed over property boundaries near Dog Canyon. J. C. Smith, who had come from east Texas to teach school and to run the first newspaper in Otero County, had filed for water rights to Dog Canyon along with four others. Disagreement involved a fence being built by some of Smith's partners along a nebulous property line that abutted a desert claim held by Lee's niece. A shootout resulted in which Lee supposedly shot James R. Fennimore in the hip.<sup>41</sup> In June, Lee testified concerning the land he owned at Dog Canyon and had made available to the railroad.<sup>42</sup> A partial settlement with Lawson was reached in July and Lee regained ownership to the Dog Canyon property.<sup>43</sup> But by the end of July 1907, the property again changed hands with Lee signing over a quitclaim deed to George Kimple.<sup>44</sup> On March 16, 1908, Jackley, Kimple, Lee and four others incorporated as the Otero Irrigation Company.<sup>45</sup> A mutual warranty deed was signed to R. R. Wade and Company officials involving the Dog Canyon property.<sup>46</sup> In August 1909, the unsurveyed lands at the mouth of Dog Canyon were finally subdivided by Charles Carter.<sup>47</sup>

On March 8, 1910, J. L. Lawson filed a complaint with the Sixth Judicial Court in Alamogordo, stating that the Otero County Irrigation Company was indebted to him in the amount of \$10,000.00. Apparently, the settlement with Lee was never finalized. Lawson requested a restraining order on the company's property and stock to prevent damage or removal of valuable property while the case was being heard in court.<sup>48</sup> On June 30, the Dog Canyon property was auctioned on the steps of the county court house. Lawson was the highest bidder at \$8,000.00 and the property was awarded to him less the cost of court proceedings.<sup>49</sup>

The next decade was relatively quiet. In the vicinity of Alamogordo, the water level had risen considerably due to the various irrigation projects along the footslopes of the Sacramentos.<sup>50</sup> Lee himself had turned to other interests. Joined with the First National Bank of El Paso in an investment of \$800,000.00 in a ranch high in the Sacramentos sometime in 1914, Lee was vice-president and general manager. By 1922, Lee became an important political figure in New Mexico and for the next two years, served as State Senator. The Circle Cross Ranch in the Sacramentos, encompassing more than a million acres, took heavy losses in the 1920s and went bankrupt. Lee continued to live in the mansion at the Circle Cross, finally moving to Alamogordo on . . . Lawson relinquished the Dog Canyon property to the National Park Service in 1939,<sup>51</sup> allowing Lee to witness the end of an era at Dog Canyon.

**Ranching Years in Dog Canyon:  
Water, Frenchy, and Oliver Lee**

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5. Vogt, Evon (1955) *Modern Homesteaders* Belknap Press, Cambridge. Vogt discusses at great length the move of the Homestead community from Texas and Oklahoma to New Mexico because of drought and depression in the late 1800s. The move was enhanced by the availability of land in New Mexico under the Homestead Act.
6. Tax list for Dona Ana County, State Archives, Santa Fe, New Mexico (TLDA).  
*Rio Grande Republican*, July 3, 1886.
8. Official document of the Consulate of the United States, Grenoble, France, dated May 10, 1895 and filed as proof of heirship by Frenchy's surviving relatives in the Probate Court of Dona Ana County. Rochas Estate File (REF).
9. *Rio Grande Republican*, July 3, 1886.
10. TLDA.
11. Running account of Frank Rochas with Theodore Rouault, Dealer in General Merchandise and Proprietor of Mesilla Valley Canning Factory—list of goods bought and date of payment for the period 1887-1894 (REF).
12. Fulton (1968:415), *op. cit.*
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14. Report of Theodore Rouault, Administrator in the matter of the Estate of Frank Rochas, deceased filed March 13, 1897 (REF).
15. Rochas, Frank vs. Rynerson et al., July 28, 1894, Case No. 1927, State Archives, Santa Fe.
16. Sonnichsen (1963), *op. cit.*
17. *Ibid.*
18. Rochas, Frank vs. Rynerson, July 28, 1894.
19. Letter from Rochas to G. Monier, December 23, 1894 (REF)
20. Letter from Rochas to Joseph Charles Henri Rochas, December 23, 1894 (REF).

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21. Letter from Rochas to Victorie Josephine Henrietter Griat and her husband Celestino Griat, December 23, 1894 (REF).
22. Report of Faustino Acuna, Coroner's jury findings filed with Dona Ana County, Probate Court, December 28, 1894 (REF).
23. Report of Faustino Acuna to Probate Clerk of Dona Ana County, January 2, 1895 (REF).
24. Information as to deceased, Frank Rochas, Report of Numa Reymond to Pablo Melendres, Probate Judge, Dona Ana County, March 4, 1895. Dona Ana County Records (DACR) Book 4, page 169 (6:169); Bond of Administrator with Rouault as Principal and Numa Reymond; Jacinto Armijo, and Albert Christy as Sureties, for the sum of \$8,000.00, filed with Probate Judge Melendres, March 4, 1895 (REF).
25. Official document of the U.S. Consulate, February 18, 1895, appointment of Carter, Hughes and Kellog as attorneys for the Rochas Estate (REF).
26. Report of Theodore Rouault, Administrator in the matter of the Estate of Frank Rochas, deceased, filed March 13, 1897 (REF).
27. Document filed by firm of Carter, Hughes, and Kellog with the County of New York, appointing Simon B. Newcomb as substitute attorney in the Rochas Estate proceedings, January 22, 1897 (REF).
28. OCR 25:104-106.
29. Report from Sayers to Governor Thornton, dated April 22, 1896 (interview took place on the 17th) Sonnichsen File, Special Collections, University of Texas at El Paso.
30. OCR 6:581; Sonnichsen (1963:106) alludes to the fact that Lee filed for Dog Canyon water rights in 1897, but the document he cites (OCR 6:179) pertains only to water rights along the Sacramento River.
31. Sonnichsen (1963) op. cit
32. OCR 17:261-263.
33. Gibson, A. M. (1965:270) *The Life and Death of Colonel Albert Jennings Fountain*. University of Oklahoma Press, Norman.
34. OCR 1:578.
35. OCR 6:507.
36. OCR 25:93.
37. OCR 6:581.
38. OCR 25:105-106 and 108-11.
39. OCR 25:108-11.
40. OCR 25:79.
41. Sonnichsen (1963:197) op. cit.
42. Metz, Leon C. (1974:169) *Pat Garrett: The Story of a Western Lawman* The University of Oklahoma Press, Norman; Hill and Sheperd vs. Alamogordo Water Works Company, Case No. 454, Sixth Judicial Court, Otero County, New Mexico, case file, UTEP Special Collections, Southern Pacific Railroad Collection.

FOOTNOTED REFERENCES (Continued)  
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- 43. OCR 24:96.  
OCR 25:474.
  - 45. OCR 31:86-87.
  - 46. Ibid.
  - 47. Carter, Charles (1909) Subdivision of TWP 18S, R10E. General Land Office, Santa Fe
  - 48. Proceedings of the Sixth Judicial Court in Alamogordo, Otero County, Cause No. 949 (OCR).
  - 49. OCR 376:495.
  - 50. Meinzer, O. E. and R. F. Hare (1915:107) Geology and Water Resources of the Tularosa Basin, New Mexico. *USGS Water Supply Paper 343*, Government Printing Office, Washington, D.C.
  - 51. OCR 112:144.
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