

Tale of Notorious Gunmen Ends In A Pool of Blood

By G.R. Williamson

Shortly before midnight on March 11, 1884 two of the most feared pistol fighters of that day pushed through the saloon doors of Jack Harris' Vaudeville Theater & Saloon on the corner of Commerce and Soledad. In less than an hour Ben Thompson and John King Fisher lay dead in an upstairs room cut down by a hail of gunfire. A hastily arranged coroner's inquest ruled that the killings were done in self defense but a room full of witnesses knew that the two men had been murdered in cold blood. At the time of the massacre King Fisher was serving as the Deputy Sheriff of Uvalde County and Ben Thompson had just finished serving two terms as the City Marshal in Austin.

Today most of the people that travel past the corner know very little about its violent history. The saloon and cigar store has been replaced with a multistory building and pavement covers the dirt streets that once converged on Main Plaza. All of the men that were a part of the blood feud of the early 1880's have been forgotten - only their tombstones remain.

Thompson grew up in Austin during its early frontier days, served in the Confederate Army, survived the cruelty of Reconstruction, and eventually evolved into one of the most infamous of the cattle trail gamblers. He and his brother Billy divided their time between the rowdy cattle towns of Kansas and the gambling halls of Austin. Over the years Ben developed the reputation of being a skilled gambler and a deadly pistol fighter, he is reputed to have killed a number of men before he met his own demise in San Antonio. Exactly how many men he killed is subject to speculation - stories abound that it was upwards of two dozen but realistically the number was probably much less than that. Bat Masterson, one of Thompson's friends during that era, wrote that, "... it is very doubtful if in his time there was another man living who equaled him with the pistol in a life and death struggle."

King Fisher on the other hand gained his deadly reputation with a pistol in the wilds of the Nueces Strip, that lawless area of land that extends from the Nueces River to the Rio Grande border. Following the Civil War, ex-rebel guerrilla fighters and outlaws of every description drifted into the region making it one of the most dangerous sections of land in the state.

Fisher was initially hired as a "stock marshal" to eliminate the many rustlers that wrecked havoc with legitimate ranching in the area. He quickly gained a deadly reputation with pistol, tracking and killing rustlers as he found them. Eventually he started his own ranch and over time became the leader of a loose-knit gang of stock thieves that stole cattle and horses on both sides of the Mexican border.

The Texas Rangers were sent in to capture or kill Fisher and his gang but once there they found that Fisher had total control of the region. Ranger Captain Leander McNelly reported to the governor that, "The country is under a perfect reign of terror. ... the citizens are too much afraid of the desperados (King Fisher and his gang) to give any assistance in even keeping them secure after they have been placed in jail, and they would never think of helping to arrest any of them. No witnesses can be found who will

dare testify against the desperadoes and I am told by the Circuit Judge that he is convinced no jury in three counties Dimmitt, Maverick, and Live Oak can be found to convict them..."

Both Fisher and Thompson were jailed several times during their lives and charged with crimes ranging from cattle rustling to capital murder. With well paid lawyers both men were able to have all of the charges acquitted against them and, once the charges were cleared, serve as lawmen.

Though the two men knew each other their paths rarely crossed until war was declared between Thompson and the owners of the Vaudeville Theater & Saloon. In 1881, while serving his first term as Austin City Marshal, Thompson claimed a dealer in the San Antonio saloon had cheated him at a gambling table. He pulled his gun, scooped up all of his money and threatened to kill anyone who tried to stop him from leaving the saloon. The owner Jack Harris in turn threatened kill Thompson if he tried to set foot in his place again. Heated words continued between the two men until Thompson returned to San Antonio in July of 1882 for a final confrontation.

With Thompson standing in the street outside the saloon the two men hurled insults at each other until Harris raised a shotgun and pointed it in Thompson's direction. The Austin lawman's pistol was out in a lightening fast draw and he fired two rounds at the saloon man who was sitting on a stool behind a wooden lattice screen. One of the bullets tore into Harris and he died a few hours later. Thompson was arrested and jailed in the old "Bat Cave" jail on Main Plaza. Later after a lengthy legal battle he was acquitted of murder charges and allowed to return to Austin.

The dealer accused of cheating Thompson, Joe Foster, and Billy Simms took over running the Vaudeville Theater. They immediately sent out word to Thompson that he was not welcome in the saloon. Thompson, who had turned in his badge in Austin, laughed at their bold talk and vowed to return anytime he saw it to do so. This is where King Fisher enters the picture. He was a good friend of Joe Foster and, being on reasonable terms with Thompson, it is presumed that he wanted to broker a diplomatic truce between the feuding parties. As it turned out this was a fatal mistake on his part.

While in Austin on county business King Fisher visited with Thompson over drinks in a saloon. Then that evening on March 11, 1884 the two men rode the train back to San Antonio for a night on the town.

First they took in a performance of "East Lynn" at the Turner Opera House and then took a hack over to the Vaudeville Theater. They arrived around eleven o'clock, pushed through the saloon doors, and greeted everyone with smiles. Both had been drinking and those who knew the situation eyed the doors for a quick exit if bullets starting flying. Surprisingly Billy Simms met them at the bar and cordially invited them to choice seats in the second story balcony for the performance that was going on in the back theater.

By all appearances it looked like Fisher had been able to get the men to bury the hatchet and end the feud. Upstairs Thompson and Fisher ordered cigars and more drinks. A short time later Simms joined them at their table and they invited a private duty policeman, Jacobo Coy, to join them as well. Onlookers were amazed at the congenial group laughing and talking as they sat around the table. Then Thompson spotted Joe Foster sitting across the room and asked for him to join them. As he approached the table Thompson offered him his hand to shake on the end to hostilities. Foster refused and

things turned ugly. Hot words were exchanged and then the room exploded in gunfire. When the shooting stopped Thompson and Fisher lay dead in a pool blood while Foster was propped up on a bench with a bullet hole through his leg.

At the coroner's inquest on the following day a few witnesses testified about the shooting and then it was ruled that Joe Foster and Jacobo Coy had killed the men in self-defense. Joe Foster did not testify at the inquest but later told a reporter that he had personally shot Ben Thompson before being shot in the leg.

Those that were in the room during the shooting saw an entirely different scenario. They were not asked to testify at the inquest but related their story to the Austin newspapers a few days later. According to several different witnesses Thompson and Fisher were cut down in a barrage of gunfire by men hidden behind a wooden screen. Contrary to what Foster told the reporter, they said that Foster had never fired a shot at Thompson but instead had blown a hole in his own leg trying to get his pistol out of his waistband.

Many years later Frank H. Bushick, who had been the city tax commissioner and was the editor of the San Antonio Express between 1892 and 1906, wrote an account of the shooting in his book, *Glamorous Days*. Bushick was on good terms with the San Antonio gamblers and other various members of the "sporting" community. He stated that it was a well-circulated fact that Simms and Foster had stationed three men armed with Winchesters in a theater box with instructions to shoot Thompson if trouble started. Bushick identified the shooters as a bartender named McLaughlin, a gambler by the name of Canada Bill, and a Jewish theatrical performer with the stage name of Harry Tremaine. The men were reported to have been paid \$200 for the killings and slipped out of the theater in all of the confusion that ensued that night. All three left town that night and never returned to the city. According to Bushick the coroner's inquest was a total sham.

As to why no one was prosecuted for the deaths of Thompson and Fisher it is important to realize the political situation of that day. Jack Harris had not only been the leader of the "sporting" community but was also the political boss of the Democratic Party in San Antonio. Every elected official owed his winning at the poles to Harris' political machine. When Thompson killed Harris he essentially killed "the goose who had been laying the golden eggs" for the politicians. As to why King Fisher was also killed remains a mystery but it is speculated that he was basically with the wrong man, in the wrong place, at the wrong time.

Ben Thompson's body was returned to Austin where the whole town turned out for his funeral. He was buried in Oakwood Cemetery where his tombstone can be seen today. Ironically, Thompson had won a high quality marble tombstone in a poker game a few months before he was killed. At the time of his funeral the slab could not be located so a much less elaborate grave maker was used. Many years later the marble stone was found in the basement of the Iron Front Saloon when it was torn down for construction of the Littlefield Building on Congress and Sixth Street.

King Fisher's bullet riddled corpse was returned to Uvalde where he was laid to rest in a cast-iron coffin with a glass porthole over the face. Seventy five years later when Highway 90 was widened as it passed through Uvalde, Fisher's coffin was moved to its present location at the Pioneer Cemetery on High Street in Uvalde. The grave is surrounded by a wrought iron fence and lies serenely beneath a large oak tree.

Jack Harris' tombstone can be seen in the San Antonio City Cemetery. Directly behind Harris' grave lies Joe Foster's grave. Foster died from complications following a leg amputation performed few days after the shootings.

Billy Simms, who probably played a major role in having Thompson and Fisher killed, is also buried in the San Antonio City Cemetery several hundred yards away from Jack Harris and Joe Foster. Simms survived the shootout and went on to become a prominent citizen in the community until he met an untimely death due to a ruptured appendix.

At the time of their deaths, Ben Thompson and King Fisher were well known and had reputations so overwhelming that most adversaries gave way without either man having to draw his pistol. Yet, surprisingly enough, taken as a whole, they were well liked by most people of that day. Throngs of people mourned their deaths at their separate burials in Austin and Uvalde.

Tom Sullivan, a deputy sheriff in Medina County during that era, probably provided the best eulogy for the pair when a reporter asked his opinion about them shortly after the slayings. Giving the question some thought he responded by saying, "They called King Fisher and Ben Thompson bad men, but they wasn't bad men; they just wouldn't stand for no foolishness, and they never killed any one unless they bothered them."

Today with only the tombstones left to remind us of this infamous period in San Antonio history it is easy to rush past the intersection of Soledad and West Commerce oblivious to its notorious past. For the most part the inglorious story of the violent blood feud lies buried beneath the bricks and pavement of Main Plaza.

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