

# Orange City Shootout

## Last Gunfight for Dalton Gang Pals

by Bill Lazarus & Rick Tonyan





# They were among the last desperados to ever rob a train. Killers and thieves, at home with six-guns and dynamite. Twins Dudley and Ben Johnson cut a swath of terror and death from California to Florida, until one of them died in a blaze of gunfire in the tiny Volusia County town of Orange City.

The gunfight, akin to the many face-offs between hardened gunmen on the streets of dusty Western towns, was but one of many vestiges of the Wild West to emigrate into the Sunshine State.

When the smoke cleared, this confrontation at an Orange City home left a Volusia County sheriff's deputy dead and the chief deputy wounded.

It also left a question that haunted lawmen and historians for years. What happened to Ben Johnson, one of the last living friends of the West's notorious Dalton Gang?

This saga began in 1872, when the twins were born. They were the sons of Chester L. Johnson, a skilled machinist from Whitsboro, New York. When the father died in 1890, the boys said goodbye to their mother and two sisters and then headed west to California, which was leaving its lawless frontier past behind and moving towards the 20th century.

California's gold rush had long since ended. There still were prospectors, but many had headed to the gold fields in Canada's Klondike and in the territory of Alaska. Civilization spread through California and into the Great Plains states. Banks and businesses were springing up; towns were forming; fences were closing off the open cattle ranges.

The U.S. Census Bureau in 1890 reported that the frontier was closed. There was no more free land anymore, no open territory where men with guns could blaze away at each other with disinterest for law or decorum. Three years later, Frederick Jackson Turner, espoused his thesis that the settling of the frontier was the historical foundation for American society.

But, there still were enough places that were unsettled enough to attract people like the Johnson brothers. The boys were drifters with minimal education. They went where they could find a job. In Tulare, in northern California, they befriended three Dalton brothers.

Bob, Grat and Emmett Dalton had not yet formed their outlaw gang. Hard-drinking marksmen, they had been lawmen in the Indian Territory – what later became the state of Oklahoma. In 1897, one of their seven brothers, Frank, had been gunned down while serving as a deputy U.S. marshal. Bob, Grat and Emmett also periodically served as lawmen in the territory between jobs as cow hands. Enforcing the law paid little and herding cattle was boring, so the three were eager to join a fourth brother, Bill, in turning outlaw.

In 1891, the Daltons decided to try their hands at train robbing, an increasingly lucrative venture in those days. According to federal statistics, various bandits attacked 341 trains



CONTINUED ON PAGE 22



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ORANGE CITY SHOOTOUT CONTINUED FROM PAGE 17

between 1890 and 1903. No other period in history comes close to those figures, a reflection of the changing opportunities for quick cash from crime. The telegraph and motorized transportation soon would end the bandits' heydays. But the excitement generated by any attempted train robbery encouraged copycats to give it a try. It was like opening a treasure chest: Who knew what might be inside the locked safe in the express car or in the various mail pouches?

The Johnsons steered clear of the Daltons' attack on the Southern Pacific Train Number 17 in Alila, California, on February 6, 1891. That probably was a good thing for the Johnsons. A Wells Fargo agent on the train took exception to the assault and started shooting. A fireman was killed and the agent wounded. Bill and Grat soon were arrested.

Although eschewing the Number 17 robbery, the Johnson brothers were having their own legal troubles. They became enraged at a former employer, a retired minister, whom they accused of withholding \$90 in wages. The ex-boss countered that the Johnsons were lazy and didn't deserve any payment. In rebuttal, the twins stole two of his horses.

The Johnsons soon were arrested and joined Bill and Grat in jail, where the Daltons were being held for their part in the train robbery. Bill later was acquitted. Although convicted and sentenced to 20 years imprisonment, Grat soon escaped and joined Bill, Bob and Emmett in Oklahoma.

After a series of train robberies, Bob came up with the idea of making a spectacular haul by sticking up two banks simultaneously. They chose banks in their hometown of Coffeyville, Kansas, and rode into town the morning of October 5, 1892. Their former neighbors recognized them and shot the gang to pieces. Grat, Bob and two friends died in the streets. Emmett was wounded and shipped off to prison. He eventually was released and – in a career choice that may seem appropriate to many Funcoast residents as their roofs leak – ended his days as a building contractor in California.

Bill chose to sit out the Coffeyville raid – a decision that probably prolonged his life for 16 months. On June 8, 1894, near Ardmore, Oklahoma, his fast gun met a faster one in the hand of U.S. Deputy Marshal Lawson Hart.

The fates of the Daltons perhaps led the Johnson twins towards a more law-abiding lifestyle, at least for a while. They got into ranching in California, until their mother joined them in 1895. The ranch was slipping into bankruptcy. To get money, the twins began robbing their neighbors. Their nightly escapades peaked when they slipped into the home of the local postmaster and relieved his safe of \$750 in coins and stamps.

In time, their midnight escapades were uncovered. The Johnson boys escaped the law, but their aged mother was booked for receiving stolen property. She cheerfully told authorities about the twins' fondness for the Daltons and other train robbers. The family clearly was not going to donate to the policemen's ball.

After leaving their ranch, Dudley and Ben needed money. Apparently, trains appealed to them. However, their experiments with train robbing had, at best, mixed results. Their first attempt was foiled by alert police. The twins, with a friend named Frank Morgan, tried again near Sacramento and, this time, at least



managed to stop the train.

But the train's engineer, Ed Ingles, drew a hidden revolver and plugged Morgan. Then the fireman, Patrick Burns, disengaged the baggage express car with the inept twins aboard. With passengers in tow, Ingles and Burns got the rest of the train into Sacramento and got help while the twins were stranded in the baggage car. Still, Dudley and Ben managed to escape, although lawmen now knew their identities. The twins again tried bank robbery and then, in 1898, pulled off another train job.

This time, in a scene reminiscent of the 1969 Hollywood movie *Butch Cassidy and the Sundance Kid*, the Johnsons tossed enough dynamite into the express car to leave it a twisted wreck.

Although there may have been \$75,000 aboard – which would have dwarfed the previous best haul of \$52,000 pulled off by other train robbers two years earlier – the Johnsons managed to salvage only a fraction of the money. The explosion sent coins flying everywhere and destroyed the bills. After raiding the mail pouches, the boys got away with maybe \$4,000, much of it in bent and blackened silver dollars.

The twins went into hiding while lawmen followed the trail of the many burned coins that kept showing up between California and Florida.

Meanwhile, sister Ada and her husband, James T. Johnston, had moved from Oregon to a place near Orange City by the St. Johns River in an effort to start a tobacco plantation. Their house was located on West French Avenue, about a mile west of the community. Ada's ailing mother joined the couple there in 1898.

The twins showed up in time for their mother's funeral in November and then moved into the spacious Johnston home, called the Shivers Place after its original owners. Johnston soon discovered that taking in his brothers-in-law was a bad idea. People noticed the public rows. As the December 11, 1898 issue of the *Volusia County Record* reported: "Not many weeks rolled by before there was a cat and dog life at the Shivers house."

On December 10, Johnston tried to evict Dudley and Ben. Instead, Ada stood up for her brothers and the erstwhile planter found himself ejected from his own house. He promptly found Orange City Marshal John Sperry, who took him to DeLand to swear out a warrant.

At 6 p.m., Chief Deputy Sheriff W.P. Edwards and Deputy Sheriff Will Kremer arrived at the house with Johnston and Sperry. Kremer, 22, was deputized only a few hours earlier. Edwards had come to Kremer's home to deputize his father,

Theodore, to help with the eviction. Since Theodore wasn't home, Will was deputized in his place. Although nobody in the buggy realized it, they were setting the stage for a bloody finale to the outlaws' saga.

Johnston, fearing his brothers-in-law would shoot him, asked to stay in the buggy. The three officers, who had no idea of the type of people they were going up against, walked to the house. Edwards went to the front door while Sperry and Kremer each went to side doors.

Edwards knocked on the door and Ada answered. She scornfully tried to shoo away the lawman. "You can't come in here or there will be trouble," she said.

"I'm coming in, and there had better be no trouble," Edwards said as he tried to shoulder the woman aside. He didn't get past the threshold before Sperry shouted that somebody was coming out a side door.

Kremer rushed towards Sperry and confronted the twins, both of whom had Winchester rifles at the ready. One of them fired, killing the young deputy instantly with a bullet above the left eye. Sperry drew his revolver and shot back as Edwards unholstered his sixgun and ran towards the fight. Ada stayed by the open front door and acted as cheerleader for her brothers.

Edwards jumped over a porch railing as his gun barked. The Johnsons fired at him, knocking him down with a shot in the chest. As he hit the ground, Edwards fired again, taking out Dudley with a slug in the heart.

It was over in seconds. Sperry got Edwards to a doctor in time to save his life. Then the marshal returned to the house with a large posse. They arrested Ada. But, Ben had vanished, leaving behind some burglary tools.

News of the shooting traveled back to California, where authorities wired Florida information about the notorious Johnson twins. Only then did local lawmen learn exactly what kind of opponents they had faced in what was supposed to be a routine settlement of a domestic dispute.

The gunfight with the Johnsons was one of many cross-pollinations between the Wild West and Florida. It wasn't even Orange City's first brush with western gunfighters. Two drifters from Texas arrived in town and bullied local residents shortly after Orange City was founded in 1876. The two were killed by someone with a shotgun one night, much to the relief of the locals.

CONTINUED ON PAGE 50

## Funcoast Follies

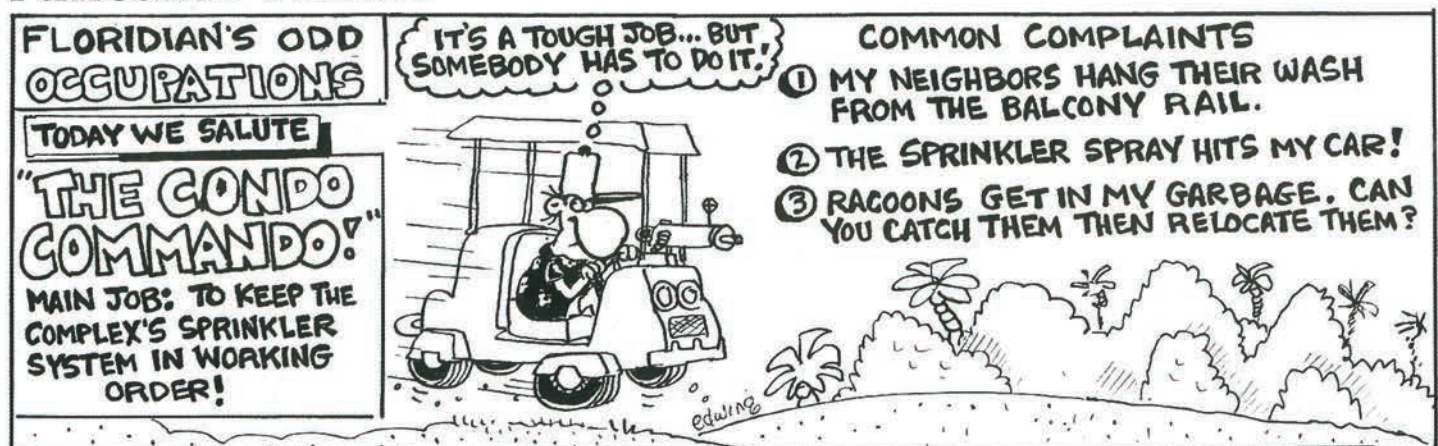






photo courtesy of the Kansas State Historical Society

An urchin of Coffeyville, Kansas, peers through a wooden fence at the remains of the Dalton gang. Pals and cellmates of the Johnson twins, two Dalton brothers and two friends were killed in a botched attempt to rob two banks simultaneously. Townsfolk recognized them and blasted the gang into history. A third Dalton brother, Emmett, was wounded with several bullets but survived. Emmett is shown in the small photo at the far left. Dead gang members are, from left to right: Tim Evans, Bob and Grat Dalton and Dick Broadwell.

#### ORANGE CITY SHOOTOUT CONTINUED FROM PAGE 23

Perhaps the most notorious Texas gunman, John Wesley Hardin, fled his home state when the law got too close to his heels in 1874. He came to Florida and changed his name to J.W. Swain. Hardin usually is credited with gunning down 41 men. What isn't generally known is that numbers 38 and 39 were Pinkerton Detectives whom Hardin beat to the draw in Jacksonville. On August, 23, 1877, Texas rangers arrested Hardin, after yet another gunfight in which one of his friends was killed, in Pensacola.

In one way or another, the law caught up with most of those of Hardin's breed. Most that is, except Ben Johnson. No one ever again reported seeing Ben, who apparently was unwounded in the

fight that killed his twin, in Florida or anywhere else. Ada Johnson also escaped, in her own way. Charges of accessory to murder against her eventually were dropped.

While the Johnson clan faded from history, violence continued to stalk the lawmen of Volusia County. According to records compiled by Osteen historian Robert D. Smith, who was writing a history of the Volusia County sheriff's department when he died of natural causes a year ago, Kremer was the county's second lawman to be gunned down in the line of duty.

The first, Sheriff Jefferson D. Kurtz, who died in a gunfight on April 24, 1895, was an uncle of Kremer's. Yet another uncle, Deputy Charles Kurtz, was fatally shot on September 5, 1907.

Chief Deputy Edwards lived but nine years after the Orange City gunfight. On November 4, 1907, he was hit in another shootout, this one on West New York Avenue, DeLand, and died the next day.

Anyone who follows news reports knows that law enforcement still can be a dangerous profession, but, at least the wildest days of Florida's frontier eventually followed the West's example and settled down.

The Wild West went on to become fodder for books, movies and television. But Florida's version, like Ben Johnson, has disappeared into the shadows of history.

20