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# FRANK M. MCMAHAN

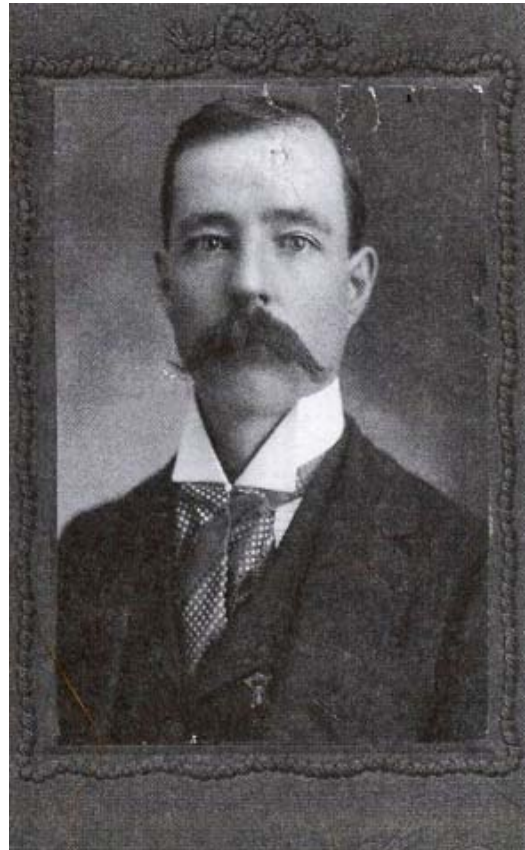
*“A Faithful and Reliable Officer”*

**Doug Dukes**

Francis Marion McMahan was a Texas Ranger for only a short period of time (September 1, 1893, until May 31, 1894),<sup>1</sup> yet some of the most important incidents in the El Paso area involving the Rangers and/or law enforcement in general include this lawman. Like so many other young men of that time, his commitment to law enforcement, and his feeling for duty and sacrifice lasted his entire lifetime and not just for his time as a Texas Ranger.

Frank McMahan was born in Saline County, Missouri, on July 9, 1870.<sup>2</sup> In 1880, he was nine years old and living with his family in Jones County, Texas, where his father Francis W. McMahan worked as a stock raiser. The remainder of the family at that time included Frank's mother Mary A. and his fourteen-year-old sister Mariah E. (also called Mollie and Mary in her later years).<sup>3</sup>

Frank moved further west when he was only twenty-three years old and relocated to be closer to his sister Mollie and work with her husband George A. Scarborough. George was a well-respected lawman in the area and later killed the man who shot John Wesley Hardin—John Selman. In September 1893, Frank enlisted in the Texas Rangers, Company D, under Captain John R. Hughes in El Paso, Texas.<sup>4</sup> Like his more famous brother-in-law, Frank was also named a deputy U.S. marshal under U.S. Marshal Richard “Dick” Ware. Frank was allowed to retain his Ranger commission<sup>5</sup> and was posted to Ysleta, Texas.



**Frank M. McMahan**

*Photo courtesy R.G. McCubbin Collection*



**The most famous picture of Frank McMahan with Company D Texas Rangers in 1894. Frank is top left behind prisoner. Photo Courtesy University of Oklahoma.**

Ware for a job, and ironically, back to Captain Jones for a Special Ranger Commission in 1893, which was unbelievably granted.

On April 5, 1894, Baz and Marshal Ware were in El Paso serving papers for the federal court, and as was his habit when off duty, Baz was drunk. He ran into Constable John Selman and one Frank Collinson, and the three men went down to a “house” belonging to Tillie Howard, El Paso’s most famous madam. While Selman and Collinson sat in the parlor, Baz went out on the back porch. In less than a minute, a shot rang out and Selman commented, “Bass has dropped his gun.” As Selman reached the back porch, Tillie Howard ran out blowing her police whistle to call for help.

Texas Ranger Joe McKidric was in El Paso under a summons to appear before the U.S. Grand Jury on a smuggling case and heard the shot and the police whistle. He ran to the back fence of Tillie’s and climbed over it to see what had happened. Baz had his gun in his hand, and McKidric asked him why he had shot. Bass simply looked at him and asked, “Do you want some too?” He then shot McKidric in the head at pointblank range and fired another shot into the body after it fell. McKidric had not fired shot. Selman jumped down off the porch and was drawing his gun when Baz shot at him. The first bullet missed, but the black powder smoke blinded Selman and caused deep powder burns. In what today might be called instinctive shooting, Selman fired at Baz and hit him just above the heart. Baz fired twice more, striking Selman both times in the right leg. These injuries caused Selman to use a cane for the remainder of his life.

Baz stumbled back and fell over the same fence Joe McKidric had vaulted moments before. He stumbled down El Paso’s Utah Street (now South Mesa) and was located by Texas Ranger Frank

McMahan, who was also running toward the gunfire. McMahan demanded that Baz surrender, and with the help of another man, helped the dying lawman into the Barnum Show Saloon. Baz begged McMahan to protect him from the mob that he was afraid would be after him.<sup>11</sup> After being examined by Dr. T.S. Turner and seeing that nothing could be done, Baz was moved to a bed in a back room, where he died about four hours later. With his last breath he asked, "Where are my friends?" He died alone.<sup>12</sup>

Baz Outlaw was listed as being under arrest by Frank McMahan when he died, so Frank was credited with the arrest.<sup>13</sup> Ranger McKidric was sent to Austin for burial in Oakwood Cemetery, and the cost of burial was paid by the state of Texas, Joe McKidric, and the men of Company D.<sup>14</sup>

Frank McMahan requested a discharge from the Rangers in April 1894,<sup>15</sup> but it did not become effective until May 31, and he gave his all during that final month. McMahan arrested Harry Harrard on May 9 for illicit liquor dealing, and he apprehended a string of smugglers: "China" Frank on May 11, Juan Del Roal two days later, George Griffin on May 18, and Chung Hoon on May 25. Finally, on May 27, McMahan made a "scout by rail" to Alpine Texas to get Charlie Compton, who was wanted for illicit liquor dealing. Frank was out for two days and traveled 446 miles. Charlie was turned over to the U.S. Deputy Marshals,<sup>16</sup> as were all prisoners arrested during May by Ranger McMahan,

Frank McMahan left the Rangers, but he did not leave law enforcement. He remained a deputy United States marshal and was very much involved in West Texas incidents. In June 1895, he participated in the surrender of Martin M'Rose (also spelled M'Roz, Mrose, or Morose), who was a fugitive from New Mexico and was staying in Juarez to avoid the New Mexico charges and extradition. Representing M'Rose was attorney and gunfighter John Wesley Hardin.<sup>17</sup>

M'Rose had heard rumors concerning his wife Beulah and his attorney Hardin, and he did not like what he was hearing. He had several meetings with Scarborough about returning to El Paso from Juarez. Scarborough had been able to gain the trust of this wanted fugitive and had even passed several messages back and forth between M'Rose and Beulah.<sup>18</sup> Finally, M'Rose agreed to meet Scarborough at approximately 11:00 p.m. on June 29 in the middle of the Mexican Central Railroad Bridge that crossed the Rio Grande from Juarez, Mexico, to El Paso. He intended to come back into El Paso with Scarborough.<sup>19</sup> However, Scarborough had arranged for his brother-in-law Frank McMahan and Special Texas Ranger Jefferson Davis Milton to be waiting on the El Paso side of the bridge, hidden in the weeds, and they intended to take M'Rose alive if possible.<sup>20</sup> After meeting in the middle of the bridge, M'Rose spoke with Scarborough for a while before deciding to cross over to the El Paso side.<sup>21</sup> After climbing down to dry land in El Paso, Scarborough gave the signal



**US Marshal's badge of Frank McMahan.**  
*Badge Courtesy Don Yena Collection.*



and both Milton and McMahan came out of the weeds and ordered Martin's surrender. M'Rose did not want anything to do with that. As he was pulling his gun against the three officers, Scarborough said, "Don't make no play; we don't want to hurt you."<sup>22</sup> M'Rose continued to pull his gun and aimed it at Scarborough, cocking the hammer.<sup>23</sup> When the shooting stopped, Martin M'Rose was dead. Due to local citizens' condemnation of the killing, it took two years before a jury cleared the three lawmen.<sup>24</sup>

Frank McMahan was also involved in a situation that filled many southwestern newspapers for several months in 1894. Victor Ochoa was a U.S. citizen who was in political opposition to Mexican President Porfirio Diaz and had planned a violent overthrow of El Presidente. After being arrested at the request of the U.S. State Department and then released due to lack of evidence, Ochoa attacked a Mexican Army outpost and barely escaped. He then hooked up with a desperado wanted in San Angelo for murder and jailbreak. When Ochoa's companion killed Jeff Webb, an Alpine cowboy, both were then wanted by Texas Rangers and the U.S. Marshal.<sup>25</sup> Ochoa was finally arrested by Texas Rangers and jailed in Pecos County. Sheriff A.J. Royal kept Ochoa in his jail and away from federal custody until Ochoa gave a speech to the Hispanic community supporting Royal's reelection. The speech he gave was in Spanish and was not understood by Royal. It also did not include any mention of support for the sheriff, so Ochoa was immediately put back in county lockup to await federal officers, only to be released by a group of masked men later that night. This entire incident caused quite a dustup there, as it resulted in Texas Rangers arresting Sheriff Royal, his deputy Barney Riggs, and two other men for complicity in the escape of a prisoner (Ochoa) because they were accused of being part of the masked mob. Texas Rangers Fulghum and Schmidt located and arrested Ochoa again, placing him in the jail in Toyah in Reeves County. Ochoa's escape caused Royal to lose the next election, and some believed it resulted in Royal's murder in November 1895. In August 1895, Frank McMahan and U.S. Marshal Richard Ware escorted Ochoa and a Chinese alien on the long train ride to Kings County Penitentiary in Brooklyn, New York.<sup>26</sup>

On Sunday, September 1, 1895, Frank McMahan was married to Alice Cary Hunter of Fort Mason, Texas, at the home of his brother-in-law George Scarborough in El Paso, Texas. As the *El Paso Herald* noted, "The groom has a excellent reputation in this county where he is well known as faithful and reliable officer."<sup>27</sup> Frank and Alice set up housekeeping in Valentine, Texas. The bride was the sister of noted Texas historian and publisher J. Marvin Hunter.<sup>28</sup>

After going to work for the El Paso Police department in 1899, Frank followed Scarborough to New Mexico. In April 1900, George Scarborough was killed by outlaws, and Frank was named head of New Mexico's Cattle Raisers Association's Rangers.<sup>29</sup> The 1900 census shows Frank and Alice living in Deming, Grant County, New Mexico. They are renting their home and Frank is shown as a "Peace Officer." Living with them now is their first daughter Mary, born earlier that year, as well as Alice's sister Lillian Hunter, who is 21 years old.

On August 27, 1900, legendary lawman Deputy Sheriff William D. "Keechi" Johnson was killed at McKinnie Park, about 40 miles from the town of Mogollon, New Mexico. An outlaw by the name of Ralph Jenks, supposedly in Johnson's custody, was the only witness. Jenks stated that at least two unknown men had shot Johnson from ambush. Not finding much credibility in Jenks's statement, Sheriff Jim Blair decided that Jenks, his brother Roy, and Henry Reinhart, a man named who was in the area at the time of the ambush, were guilty of Johnson's death. Getting assistance from the Cattle Raisers Association, Rangers McMahan, Ed Scarborough (son of George Scarborough), and

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J. Marvin Hunter (McMahan's brother-in-law), Sheriff Blair went to Mogollon to take possession of Jenks and Reinhart, who had been arrested, and escort them to Silver City, the county seat.

The group was riding along Duck Creek at 9:00 a.m. when Jenks reportedly reached over and grabbed Ed Scarborough's pump shotgun from the scabbard on Ed's horse. When Jenks jumped from his horse and tried to work the action of the shotgun, Scarborough told him several times to drop the weapon. When he did not, Scarborough shot him twice in the chest and once in the head, killing him instantly. Frank McMahan arrested Ed Scarborough and took him to Silver City, where he was placed in jail until he was later no-billed by the grand jury. It was said that Scarborough, McMahan, and Hunter all believed that Ralph and his brother Roy were indeed the killers of Keechi Johnson.<sup>30</sup>



**Grave marker for Frank McMahan**  
*Photo Courtesy Ron Hyatt.*

Frank did leave law enforcement for a time. In the 1910 census, he and family are shown living in Terrell County, Texas. Frank was 39 years old, and his wife Alice [sic] was 37 and listed as being born in Tennessee, as were her parents. Frank's occupation is shown as "frameman-Brakeman RR," and he was working for the Southern Pacific Railroad in Sanderson. There are now two children enumerated: Mary, born in New Mexico, is age 9; Lillian, born in Texas, is age 5.<sup>31</sup>

In the 1920 census, Frank is again listed as a U.S. deputy marshal, and the family is renting a home in Tempe, Maricopa County, Arizona. In addition to his wife Alice and daughters Mary and Lillian, Alice's 70-year-old mother Mary Hunter (Calhoun) is living in the home.<sup>32</sup>

The 1930 census shows Frank working as an inspector for the United States Immigration and Naturalization Service. He lives in the City of Ventura, Ventura County, California, and owns a home valued at \$6,400. His mother-in-law Mary still lives with Alice and him, but both girls are married and moved away. Daughter Mary is now Mrs. Henry Long, and daughter Lillian is married to Mr. Joseph B. Jennings. Both are living in San Diego, California, with their families.<sup>33</sup>

Later, Frank and his family moved to San Diego, where he continued to work for the United States Immigration and Naturalization Service. On March 6, 1940, he died of a heart attack in Yuma, Arizona; he was sixty-nine years old.<sup>34</sup> Yuma was considered part of the INS San Diego Area, and Frank was there on business when he died. He would have been eligible for retirement in July of that year. The following obituary is representative of the respect people held for Frank:

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## FRANK M. McMAHAN

*Services for Frank M. McMahan, 69, who died unexpectedly in Yuma, Ariz., Tuesday, will be held at 3 this afternoon at Bonham Brothers' Mortuary under auspices of John D. Spreckels Masonic Lodge, of which he was a member. He also was a member of San Diego Sciots. The Rev. Thomas L. Coyle will join the Masons in conducting the service. A veteran member of the U.S. immigration service, Mr. McMahan would have been eligible for retirement in July. He was born in Saline County, Missouri, July 9, 1870. In 1895 he married Alice Cary Hunter, of an old prominent Texas family, who survives him together with two daughters, Mrs. Mary Long and Mrs. Joseph B. Jennings, and three grandchildren, Mary Lou Jennings, Henry A. Long and Alice Long, all residents for many years in San Diego. McMahan resided at 1244 Cypress St. He also is survived by two sisters, Mrs. Mary F. Scarborough and Mrs. Elizabeth Worrell.<sup>35</sup>*

Alice Cary McMahan died on January 5, 1958. She is buried beside her husband in Glenn Abbey Memorial Park, San Diego, California, 36 in lot 5, section 77, block 5. Frank rests in lot 6, section 77, block 5. Although the cemetery has Frank's middle name listed as "Marlon" rather than the correct "Marion," his grave marker appears to be accurate. Alice Cary McMahan's marker shows her birth date as 1892 rather than the accurate 1872. For those that have joined the 21st century, the GPS coordinates for the grave of Frank McMahan are as follows: 32.65188 / -117.04733.

### Notes

1. Texas Ranger Muster Rolls and Monthly Returns, Texas State Library and Archives, Austin, Texas.
2. Death Certificate, Arizona State Board of Health, State File #520, Frank Marion McMahan.
3. 1880 Census, Jones County, Texas, enumerated June 9-11: 400.
4. Texas Ranger Muster Rolls and Monthly Returns.
5. Robert K. DeArment and George Scarborough, *The Life and Death of a Lawman on the Closing Frontier* (Norman, Oklahoma: University of Oklahoma Press, 1992), 44.
6. Monthly Return, Frontier Battalion, October 31, 1893, Texas State Library.
7. Ibid, November 30, 1893.
8. Capt. Hughes to Adj. Gen. W.H. Mabry, December 1, 9, and 31, 1893, Texas State Library.
9. Monthly Return, Frontier Battalion, January 31, 1894.
10. Texas Ranger Service Records, B.L. Outlaw, Texas State Library.
11. Capt. Hughes to Adj. Gen. W.H. Mabry, April 6, 1894, AG General Correspondence, Texas State Library.
12. DeArment and Scarborough, *Life and Death of a Lawman: 72-74*; Metz, Leon, *John Selmon, Gunfighter* (Norman, Oklahoma: University of Oklahoma Press: 1980), 148-150; *El Paso Times*, June 6, 1894, and November 4, 1973.



13. Monthly Return, Frontier Battalion, April 30, 1894.
14. Hughes to Adj. Gen. Wheatley, May 12, 1895, Adj. Gen. Correspondence, Texas State Library.
15. Hughes to Adj. Gen. W.H. Mabry, April 30, 1894, Adj. Gen. Correspondence, Texas State Library.
16. Monthly Return, Frontier Battalion, May 31, 1894.
17. Richard C. Marohn, *The Last Gunfighter: John Wesley Hardin* (College Station, Texas: Creative Publishing, 1995), 224.
18. *El Paso Times*, June 30, 1895.
19. Deposition of George A. Scarborough before Justice of the Peace W.D. Howe, June 30, 1895.
20. Ibid.
21. *El Paso Times*, June 30, 1895.
22. Scarborough Deposition.
23. *El Paso Times*, June 30, 1895.
24. Marohn, *The Last Gunfighter*. 226. There have been several articles written about this fight that do not include Frank McMahan, only George Scarborough and Jeff Milton. As an example, see Bart Skelton, "A Lawman to Remember," in *Guns and Ammo*, November 2008: 96.
25. DeArment and Scarborough, *Life and Death of a Lawman*: 53-56.
26. *El Paso Times*, August 18, 1895.
27. *El Paso Herald*, September 3, 1895.
28. DeArment and Scarborough, *Life and Death of a Lawman*: 210.
29. Ibid., 232.
30. Ibid., 257-249; Bob Alexander, *Lawmen, Outlaws, and SOBs* (Silver City, New Mexico: High Lonesome Books), 202-216.
31. 1910 Federal Census, Terrell County, Texas, Enumerator Dist. 122, sheet 3, enumerated April 19, 1910.
32. 1920 Federal Census, Maricopa County, Arizona, Supervisors District 1, Enumeration District 31, Sheet 16A, January 20, 1920. Mary Ann Hunter (Calhoun) is shown to be 70 years old, born in Tennessee. Her father was also born in Tennessee, but her mother was born in Georgia.
33. 1930 Federal Census, Ventura County, California, Supervisors District 13, Enumerator District 5-6-27 Sheet 12A, San Diego County, California, Supervisor District 21, Enumerator District 37-229, sheet 21, April 4, 1930, and Supervisors District 21, Enumerator District 37-103, Sheet 4A, April 5, 1930.
34. Death Certificate, Frank Marion McMahan.
35. *San Diego Union*, March 9, 1940.
36. Death Certificate, Mary Alice McMahan, San Diego County Records Office.