

# William H. Kilburn's Death

Unknown Author

Submitted by: Linda S. *Turner* Stailey

A most curious story about this (Chenoweth) family was told ... by James Augustus Simmons. Jim was born a Chenoweth, his father was Isaac Earl Chenoweth, but Jim changed his name when he grew up. Howard Pinckney Chenoweth, his uncle, had been involved in a drunken gunfight in Silver City, NM in 1904<sup>1</sup>. Apparently Howard had been blowing off steam from a hard day in a local saloon. Confronted by the law, he had shot and killed both Marshall Kilburn and Deputy Sheriff Perfecto Rodriguez in a gunfight out on the street. In a court transcript furnished me by Jim, The Marshall testified in a death bed deposition.

"I William H. Kilburn Marshal of the town of Silver City, County of Grant, etc., believing myself to be beyond probabilities of recovery and fully imbued with the knowledge of impending death make this my foregoing declaration as to the cause of my injuries.

I was in bed up at my house and I heard two shots and I got up and put on my clothes and shoes and came down there through China Town and saw two fellows Howard Chenoweth and Mart Kennedy going up the street with Elmo Murray so I was probably four or five feet from them when Kennedy said 'Lets kill the son of a bitch'. The moon was shining and it was light and I could see them. When Howard Chenoweth fired and shot and I fell like a beef and hit the back of my head on a rock and then when he had gone on just a few steps Howard Chenoweth said 'Ain't I a brave one.' I tried to call them but I could not make them hear and they went to Dodson's corner ....."

Sentenced to 54 years in prison, the Chenoweth family broke Howard out of jail and after hiding for about a year in the hills, Howard went to South America where he married Sarah Aloida Yule, a native of Uruguay. They had 7 children and Sarah died in 1930 in Brazil. After a number of years, the family managed to obtain a pardon for Howard and he returned to the US with his children, several of who still live in New Mexico. Howard died in Tucson in 1947.

Source: *Chenoweth Family Newsletter* - E-Newsletter:  
<http://www.chenowethsite.com/newsletter/nlvol6-1.htm>

<sup>1</sup>The date of the gunfight was supposedly September 1906.