

TERRITORY OF ARIZONA

COUNTY OF COCHISE

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P. H. Fallehy being duly sworn deposes and says that his name is P. H. Fallehy and that his occupation is that of a laundry man.

I was in Tombstone on the afternoon of Oct. 26th, '81.

Statement:

On the afternoon of Oct. 26th, '81 I left my home at 2:00 o'clock P.M. came down to Fremont st. to 4th with the intention of going to the P.O. When I got to the corner of 4th and Fremont St. I saw a crowd of people on 4th st. - near the gun shop - I looked in and I saw Ike Clanton with his hand under his jaw kneeling on the counter - I made inquiry of a stranger there I don't know the strangers name I asked him what the trouble was and he told me he did not know - I went up towards Allen St. - I see the Marshall in the doorway of a vacant store with a double barreled shotgun - he had the shot gun in his left hand and passing up the street - I saw Ike Clanton passing by where the Marshall was standing - Ike Clanton took no notice of the Marshall when he passed - Some stranger asked Ike Clanton what is the trouble - he says I don't think that their will be any trouble and he kept on walking and went to Jack Dolings saloon. I then myself went over to Thomas Kieds saloon - I stood then and looked over to Hafford's saloon and saw the Marshall in the doorway still having the shot gun in his hand - A stranger standing near me says their go to the Sheriff he was going towards the Marshall I followed him right after he went over and brushed through the crowd to where the Marshall and the Sheriff were talking - The Sheriff says what is the trouble the Marshall Virgil Earp and those men have made their threats I will not arrest them but I will kill them on sight - The Sheriff asked the Marshall in to take a drink in to Haffords saloon - I did not see them after they went into the saloon as I crossed over the street to the other side of the street to Smiths store - When I got over their I saw one of the Earps brothers I don't know his name but I think he is the youngest of them - talking with Doc Holliday - I looked across the street I saw the Marshall again

some man came up to them and called him aside and walked 40 ft from the corner on 4th st. - When this gentleman got through talking to Marshall Earp his 2 brothers with Doc Holliday all went down 4th st. together - I kept on the east side of 4th st. and followed them down 4th st. - when I got to the corner of Fremont and 4th St. I started to go directly across the street to the north west corner or to Summerfields Store - When I got midway between the sts. I see the firing had commenced - I kept my eye on the 4 men going down the street I mean the Earps and Holliday - After the shooting commenced I see Doc Holliday in the middle of the street and the youngest of the Earp brothers was I judge 3 feet from the sidewalk - the younger one of the Earps was firing at a man behind the horse - Holliday was also firing at the same man behind the horse and firing at a man who had run by him to the opposite side of the street - then I see the man who had the horse let go of the rein of the bridle and kept staggering all the time untill he fell on his back near a house - he still held his pistol in ~~his~~ hand but I did not see it go off after he had fell - I never see the two elder brothers of the Earps as I did not know where they were situated - I then went to the young man who was lying on the sidewalk and offered to pick him up - he never spoke his lips only moved - I picked up a revolver that was lying 5 ft from him and laid it at his side. This was the man that lay on the north side of Fremont st. - Just then a good crowd gathered around - I got outside the crowed I saw doc Holliday running towards where the same young man was lying still having a revolver in his hand making a remark the son of a bitch has got me and I mean to kill him - I did not see the shot gun after they walked down 4th st. I only saw the shot gun in the hands of Virgil Earp - I was to far away to see if any of the men had their hands up I do not know which party fired the first shot - I was to far away to hear any conversation - between the two parties .

/s/ P. H. Fallehy