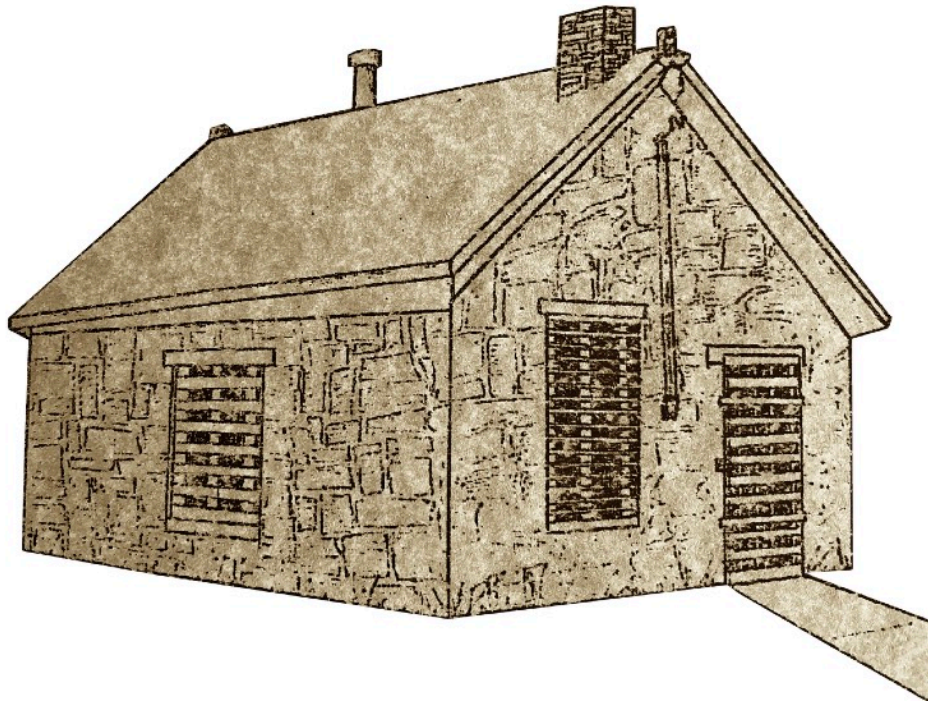


Doin' Time In Fairplay



By Linda Bjorklund
For the South Park Friends of the Park County Library

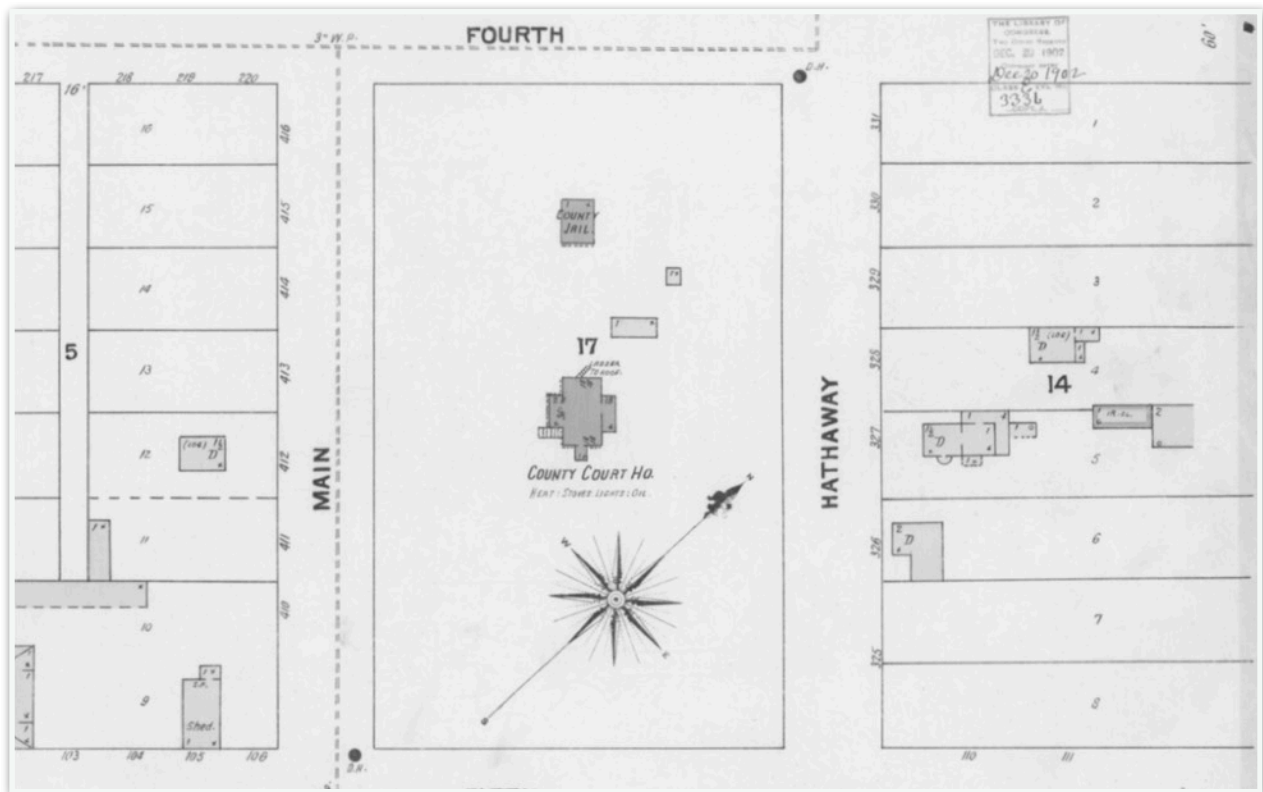
Prologue

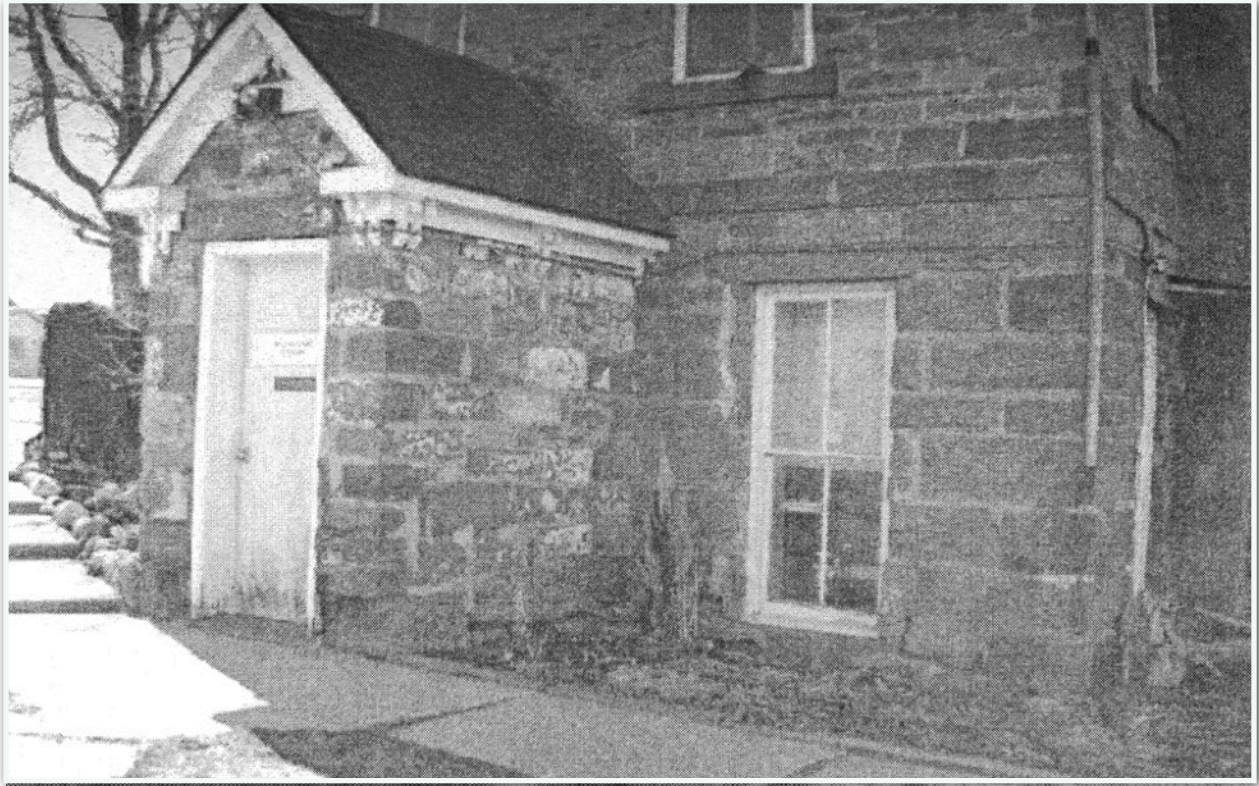
The Colorado gold rush in 1859 brought miners to the Rocky Mountains to seek their fortunes. A number of them settled in a camp that they called "Fair Play." The name was officially changed to "South Park City" in 1869 and restored to "Fairplay" in 1874. A plat of the town had been drawn up which included a Court House Square. In 1873 the town deeded the Court House Square to Park County. The Board of County Commissioners had plans drawn up and let the contract out for bid to build a county court house. In January, 1874, the commissioners accepted the bid of Frazier and Lewis in the amount of \$10,500.

The plans called for an impressive structure to be located in the center of the block, featuring Victorian architecture. The building can be described as a two-story red stone structure with a garden level basement. It was constructed of locally quarried dressed and rusticated stones. The Park County Court House was ready for occupancy in November, 1874.

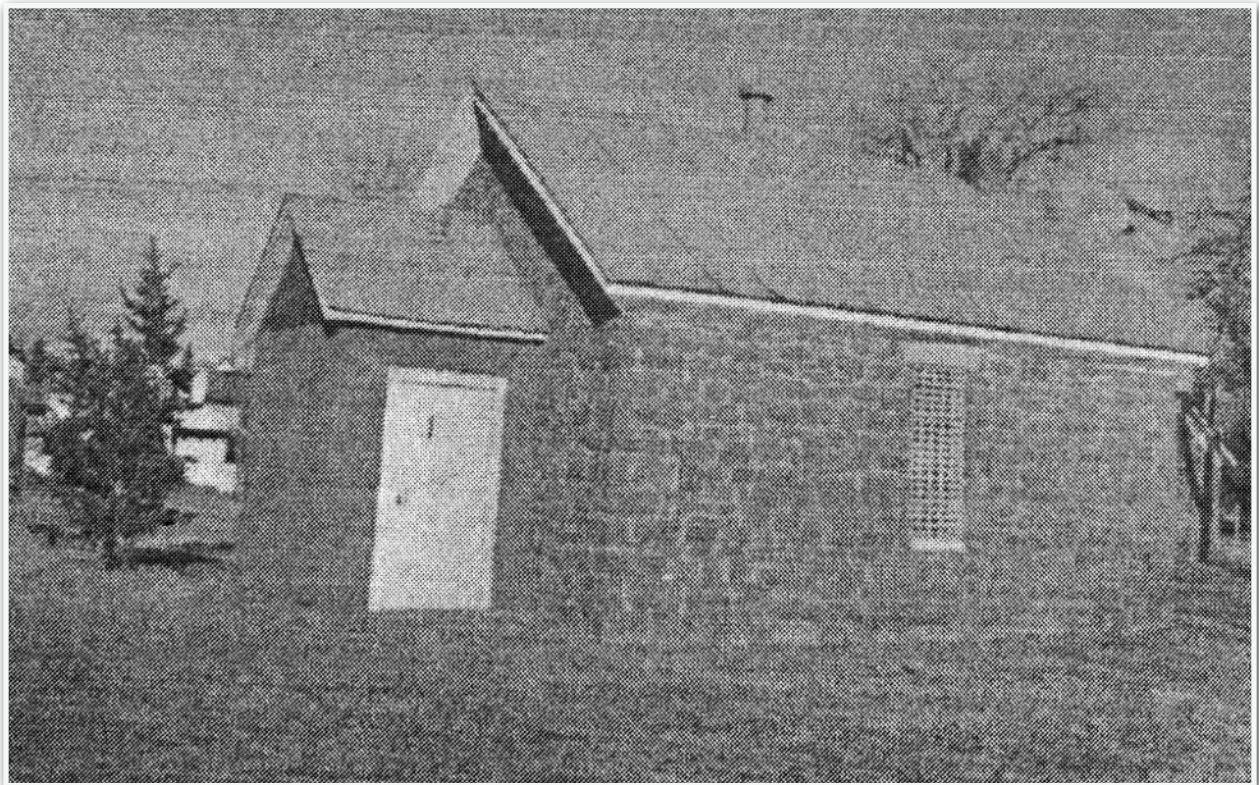
The first level was used for county offices, and the second level was, and still is, the District Court. The partially underground basement contained the sheriff's office and county jail. Later excavations disclosed leg irons built into the stone walls. There apparently was at least one window, which was change in to an interest in later years. The central cell became about would have our doors were added to the north and south entrances.

During the next few years, several instances in which incarcerated prisoners found ways to escape prompted to the commissioners to begin plans to build a separate jail that could be more efficiently reinforced.

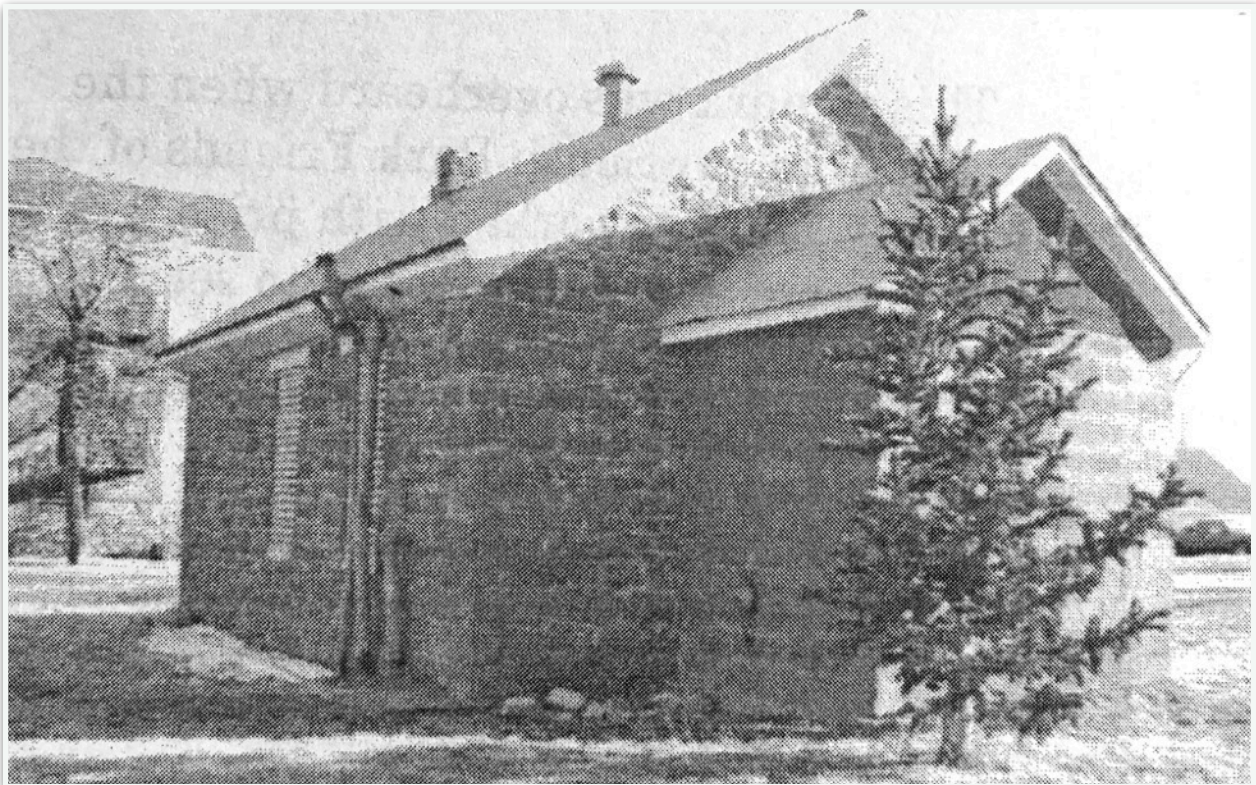




Entrance to court house base , where original jail was located.



Jail from rear looking West



Jail from side looking East

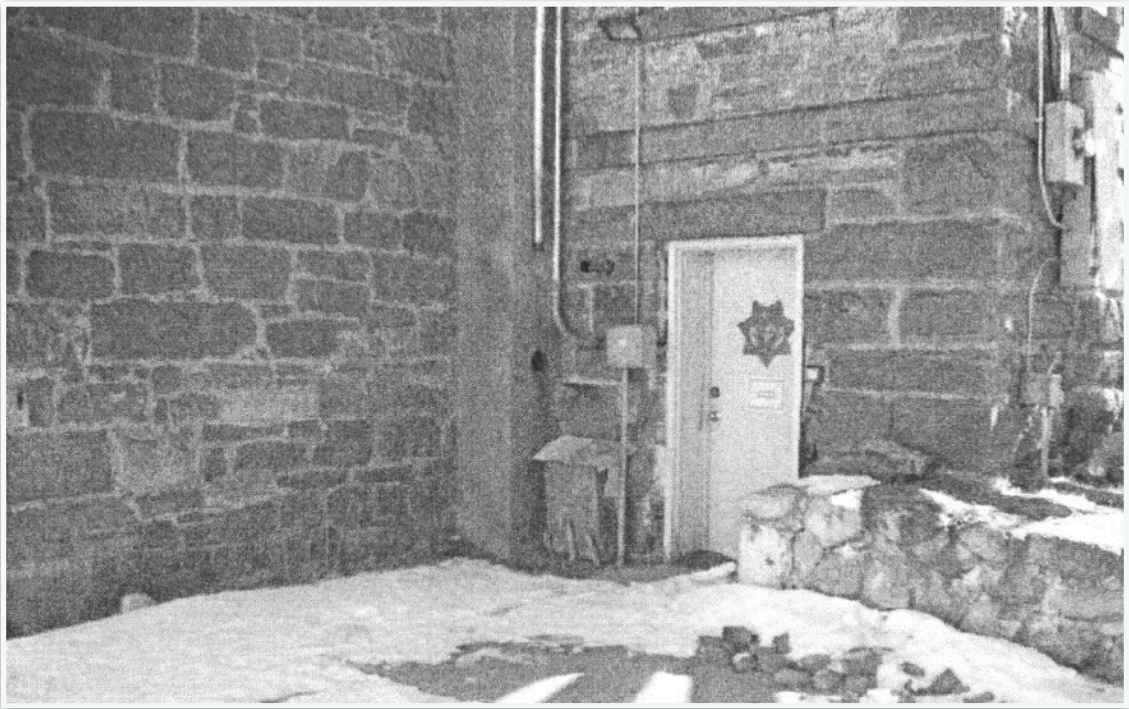
Doin' Time in Fairplay

"I sure wouldn't wanna do time in here, man!"

This remark was overheard when the volunteers from our South Park Friends of the Park County Library worked with prisoners from the present day Fairplay jail to set up the tent for our 2002 book sale during the summer Burro Days event. The two men in orange coveralls walked down the aisle, eyeing the primitive dark cells and feeling the chill of those steel cages with no little amount of trepidation. It is difficult to believe that as recently as 1978 this sort of structure was actually in use to retain law breakers.

Linda Bjorklund's extensive research of archival records and subsequent account of local crimes reveals that all too many wrongdoers did indeed become reluctant guests of the town in first the courthouse retention facility and the later "improved quarters." The idealism of many of the tales about the American "West" diminishes when the actual stories of murders, the lynching and hangings in this small rural town are read in her book, "Doin' Time in Fairplay."

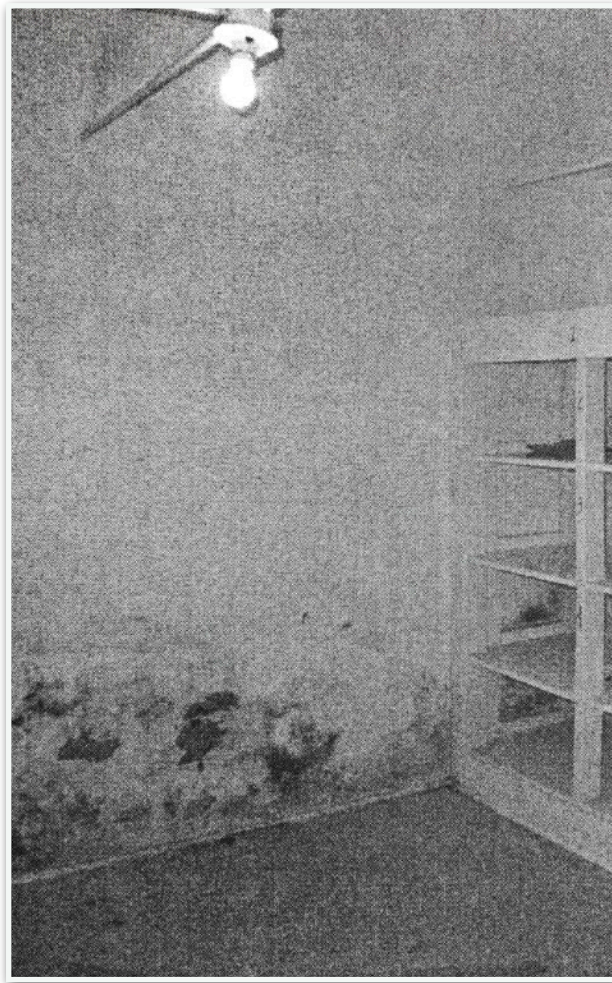
Since there are invariably inquiries about the small building adjacent to the old Park County Courthouse when visitors stop, it was decided to put its history into written form and make it available to those interested in it. The South Park Friends of the Park County Library wish to thank the author for the donation of time she has put forth in this effort.



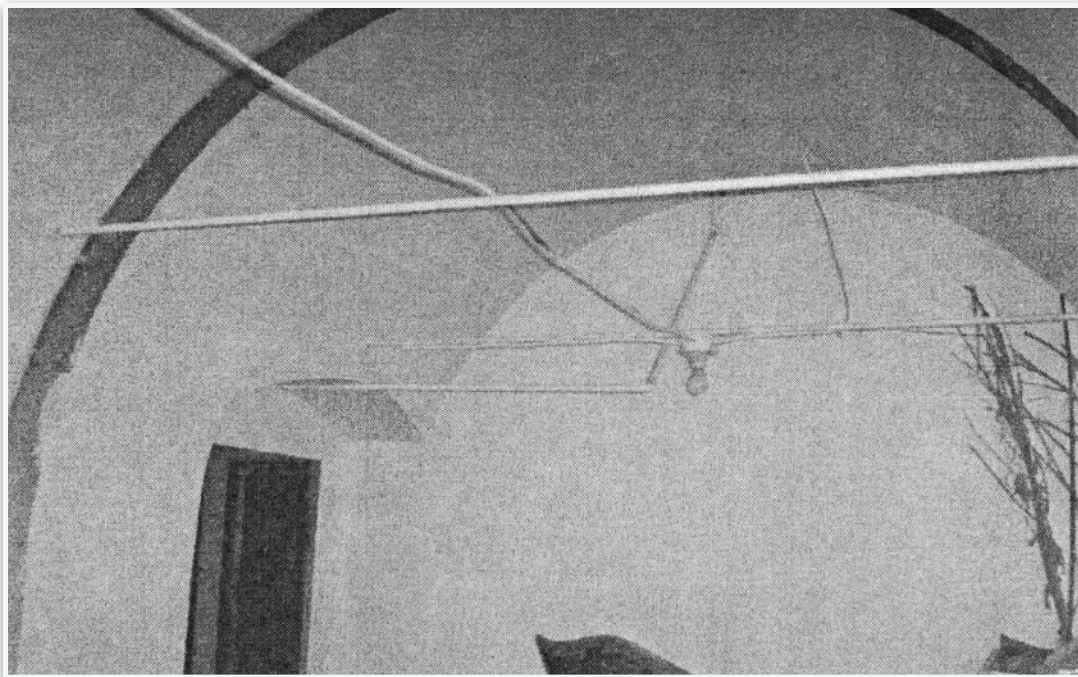
Rear door to court house basement



Vault door installed in court house basemen



Vacant room in court house basement formerly used as jail.



Same room in court house basement showing vaulted ceiling

He did it in cold blood.

John J. Hoover was one of those gold seeking miners who came to the Colorado gold fields in 1860. As did many of the miners of the day, he tired of the hard work for ever decreasing returns and, in the 1870's opened up the Cabinet Billiard Parlor in Fairplay, which featured a saloon and a billiard table.

In those days Fairplay's water supply consisted of a system of manmade ditches which flowed throughout the town. If a resident needed more than a bucketful of water, he would construct a temporary dam and fill the required containers, then remove the dam. The ditches periodically became filled with debris, causing overflows and decreasing the water supply to those down the line.

The proprietor of the Fairplay House, a hotel not far from Hoover's billiard parlor, had suffered several heated discussions with Hoover about the deplorable condition of the ditch. So, early in April of 1879, he hired Thomas Bennett, a quiet and unassuming young man, to clean out the ditch in front of the hotel. Bennett set to work and dammed up the ditch, then cleaned out the offending rocks and trash. He went into the hotel, either forgetting to remove the dam or planning to remove it after a bit of libation. Meanwhile, the water, unable to flow on its normal course, filled up the ditch behind the dam and backed up until it began to approach the billiard parlor.

Hoover, who was well known for his "violent and irascible temperament," as well as his habit of drinking prodigious amounts of his own inventory, immediately became incensed. He found his revolver and stormed over to the Fairplay House to resolve the matter.

Witnesses later testified that, about half past one o'clock in the afternoon, Hoover walked through the dining room of the hotel over to the office. He came up to the counter where Bennett was standing and said to him, "I own that house and lot, and I am going to run it, too. I will not have my family imposed on."

Bennett replied, "Hold on. I don't want any trouble and don't impose on any one."

Upon that, Hoover pulled out his revolver and fired. Bennett put his hands up to his chest and said, "I am shot," as he fell to the floor in back of the counter.

At that point the cook and other hotel workers came to see what the fuss was about. As they approached the door, Hoover exclaimed, "Get in there and shut the door or I will give it to you, too!"

Hoover looked around and noticed that Bennett was attempting to get up. He snarled, "Get up you s_ of a b_ and I will give it to you again." He cocked the weapon once more. A boarder who was nearby, exclaimed, "For God's sake, don't shoot him again!" Hoover paused for a moment, then turned around and walked out.

Bennett was carried into one of the hotel rooms and placed on the bed. Clothes were ripped from him in an attempt to learn where he was shot. Meanwhile a clerk had gone in search of Sheriff John Ifinger, and finally found him at his home, just finishing his lunch. The clerk breathlessly explained that the sheriff was needed, that Hoover had shot Bennett. The sheriff proceeded to the billiard parlor where Hoover and his wife were waiting. Hoover, apparently somewhat sobered by now, told the sheriff, "You can consider me your prisoner.â€

The sheriff collected Hoover's weapon, a .38 Colt revolver, then escorted him to the county jail, where he was locked up.

At around 4:30 in the afternoon several witnesses gathered in the room where Bennett lay, and asked him about the incident. "Did you have words with Mrs Hoover?" Bennett answered that he had not. "Did you and Hoover quarrel?" Bennett replied, "I didn't know he was around until he came into the office." Upon being asked if there was any reason Hoover might want to shoot him, he replied, "No No No, Oh my God he did it in cold blood."

It wasn't until 9 o'clock in the evening that the doctor was able to examine the victim, but by that time Bennett had died, so all the doctor could do was describe the wound that probably had killed him.

An inquisition was held the following Friday and the jury found that Thomas Bennett came to his death by a pistol shot fired by John J. Hoover feloniously. Sheriff Ifinger took the prisoner to Denver for incarceration until a trial could be scheduled.

Meanwhile, in the jail...

The District Court convened later in the month to try two other murder cases. In the case of The People vs. Frank Jones, the accused had shot Jack Jones in the Red Light dance hall and claimed self-defense. The jury found him guilty of manslaughter and Judge Bowen sentenced him to seven years. In the case of The People vs. William McDonald the charge was assault with intent to kill, as the victim was still very much alive. Having been found guilty of the charge, McDonald was sentenced to ten years. The Fairplay Flume, in an article printed on May 8, 1879, expressed concerns of the townspeople that one man who actually killed his victim got only a seven year sentence, while another, who did not manage to do away with his victim, got ten years.

The Grand Jury was concerned over the number of murders and the prospective prisoners that would need to be detained and decided to inspect the jail to make sure that it could hold them all until they could be tried. They recommended that "iron shutters be procured for the windows, three or four cells be provided with steel linings and that the outside doors be covered with sheet iron."

A month later a prisoner escaped from the court house jail. The story is told in the May 29, 1879, edition of the Flume under the heading,

Escape of Charlie Murray

"Sunday morning the sheriff took breakfast into the jail for Charlie Murray and unlocking the cell door in which he was confined allowed him the liberty of the corridor while he was eating. He then locked the outer door and went to town, where he remained for some hours. Murray eat his breakfast and then prepared to escape. By piling up chairs and other movables in the corridor he was able to reach the ceiling and soon knocked loose the light boards that had been placed over the hole in the floor by means of which the defaulting treasurer, Moffat, made his escape some years ago. The hole is only about eight by thirteen inches in size and would seem too small to admit the passage of a man's body, but Murray evidently thought that if it was large enough for Moffat it was for him and made the venture. When the sheriff returned to lock him in his cell the bird had flown, leaving no trace except the open hole. Search was instituted at once but was soon given over as no trace of his whereabouts was to be found. The county will be saved a large expense in his keeping, as he could not have been tried until November

next, and as he will not be likely to return to the county, it will be the gainer there also, while the place that he afflicts with his presence will be the worse off by one sneak thief."

Another shooting

On January 25, 1880, a vicious murder was committed in Alma, just north of the county seat of Fairplay.

John Jansen, a miner in his mid-thirties, worked with a local mining company and also did odd jobs around the town of Alma. He was described as a "Dane, who was an industrious, hard-working man without an enemy and with many friends." He had met up with Cicero C. Simms the previous winter, and shared his cabin with Simms, providing shelter, bed and provisions, for which his erstwhile tenant only did the cooking when "he was not too surly or indisposed." .

Simms, in his early twenties, had never learned to read or write, but left his native Tennessee after encouragement by local law enforcement officers, one of whom stated that for years no county court was held when young Simms was not prosecuted for riotous proceedings. He went to Kansas for a while, and had to leave there after an incident in which he pulled a pistol on a saloon keeper, who, fearing for his life, grabbed a poker and slashed Simms across the face with it. After Simms had spent the winter in Jansen's cabin, he got into a fight in Fairplay, in which he pulled a pistol on one of the local men. Sheriff Ifinger confiscated the weapon, but gave it back upon Simms' promise of good behavior. The miscreant left town and spent the rest of the year elsewhere in Colorado.

Simms returned to Alma the following January and ran into his old roommate at a local saloon, where they spent the day of Sunday the 25th playing friendly games of cards. After they had eaten an evening meal together, they were seen to be sparring and jesting with one another on the street. At some point during the horseplay Jansen knocked off Simms' hat. Simms demanded that his hat be immediately replaced. When Jansen declined, Simms pulled out his pistol and shot his companion in the forehead. Upon hearing shouts from horrified bystanders, he walked backwards, still brandishing the smoking weapon, until he reached the corner, whereupon he turned and ran.

A party of volunteers started in hot pursuit but could not catch up to Simms. Sheriff Ifinger was summoned and got together a group of some twenty assistants to search for the shooter, without success. The town board of Alma offered a \$500 reward for the arrest and capture of one Cicero Simms and furnished the following description:

"Simms is about five feet and six or seven inches tall, slender, of very light complexion, large staring blue or gray sunken eyes, high cheek bones, square chin, small mouth, mustache hardly perceptible and no whiskers, scar on under side of right jaw resembling a cut or burn. When he left Alma he had on a pair of fine boots with small heels, black hat, black half-frock coat, light pants. Said Simms is a native of Tennessee."

On the following Thursday, Denver police found Simms at a well known boarding house there and apprehended him, returning him to the county jail in Fairplay. After a preliminary hearing was held, the prisoner was charged and bound over without bail. Sheriff Ifinger kept him in the county jail for the night, then took him back to Denver for incarceration until a trial could be scheduled.

A trial was scheduled for April 28 of that same year, and Simms was brought back to Fairplay to attend it. He was in the county jail when the following events took place which were to be recounted in court house history.

Out the court house window

Meanwhile, John Hoover's attorney had managed to delay his trial for the better part of a year, claiming that certain important witnesses were not available for testimony. The attorney also managed to die before issuing the proper subpoenas for the case. The witnesses had been prepared to testify that Hoover had fallen into a sixty-foot mine shaft some eight years previous, and the injuries had caused him to become mentally deranged and insane. They alleged that he was a quiet and peaceable person before the fall and subsequent to it became subject to fits of insanity and mental derangement.

The trial was finally scheduled for April 27, 1880, and on that day, Hoover's attorney convinced him to change his plea from not guilty of murder to guilty of manslaughter. The court accepted the plea and Judge Thomas M. Bowen sentenced Hoover to serve a term of eight years at hard labor at the State Penitentiary in Canon City, taking into account that the penalty for manslaughter was ten years and Hoover had already spent a year in custody.

Sheriff Iffinger took the prisoner downstairs to the county jail and posted two guards to watch him until he could be transported to Canon City. Some time between two and three a.m. the following morning a group of angry men pounded on the sheriff's door, demanding that he provide them with the keys to the jail. Upon the sheriff's refusal, the crowd then departed and went en masse to the county jail.

The guards were quickly disarmed and told to leave. The mob then broke down the doors to the outer cell, Hoover, realizing what was happening, tried to smash out the window with his shoe and a tin can. When the unruly crowd broke down the door to the inner cell, Hoover cried, "Must I die like a dog?" Someone in the group answered, "Bennett died like a dog." The vigilantes hustled Hoover up the stairs and in a matter of minutes had put a noose around his neck and shoved him out a second story window of the court house building.

The guards, having been given back their weapons, fired shots in the air to raise an alarm. The sheriff arrived by this time and found Hoover hanging in front of the court house entrance. He verified that Hoover was indeed dead and proceeded to cut him down, immediately tagging the rope as evidence.

An inquisition was convened, comprised of six local residents, including such notables as Samuel Hartsel and Timothy Borden. The findings were that

"John J. Hoover came to his death by being hung by the neck, by a rope being suspended from the front window of the Court House in the Town of Fairplay said County and State, about three o'clock of the morning of April 28, 1880. The said hanging was done by a party of masked men and to the jury unknown. And we further exonerate the Sheriff from all blame having done all that was in his power to prevent it."

First Public Execution

On that same day, April 28, Judge Bowen was scheduled to conduct another murder trial, that of Cicero C. Simms.

Legend has it that the judge, upon arriving at his desk early that morning, found a neatly coiled noose. It seems a bit improbable that this was the actual noose used on Hoover, since the sheriff had already tagged it for evidence pending the inquisition as to the cause of Hoover's death. At any rate, Mrs. Bowen, who was in the habit of traveling with her husband, sat in the court room and heard bits and pieces of the previous night's doings as the Simms trial progressed.

Simms was duly found guilty and sentenced to hang at a public execution. At the end of the day, after a conversation with his wife, Judge Bowen, as well as District Attorney C.W. Burris, opted to pack their bags and leave town, Several cases still on the docket were left untried.

On April 29, 1880, the following editorial appeared in the Fairplay Flume:

"The term 'western justice' has passed in to a synonym for hasty action and punishment for a crime. Not infrequently, however, it has its birth in intelligent minds and grows out of mature reflection. Life is always held too cheap on the frontier and so many obstacles are thrown in the way of justice that while the comparatively innocent are frequently punished severely, the guilty, too, often escape their deserts, and though lynch law and mob violence are always to be deprecated, there are times when they are productive of beneficial results to the community. It may be an exaggerated sense of duty which forces men to have recourse to such desperate remedies but it is nonetheless a strong incentive. The Flume does not desire to vindicate the motive where it is that of revenge, but would defend even an exaggerated sense of duty where the peace of the community is at stake."

The following week another editorial appeared, criticizing the judge for leaving before another prisoner could be tried, whom the general public thought was innocent, and who would now have to spend additional time in jail awaiting a new trial.

Under the heading "They Lacked Nerve," the editor scourged the judge and district attorney:

"The least that can be said of Judge T. M. Bowen and District Attorney C. W. Burris is that they lacked nerve. They became frightened unnecessarily and no doubt they imagined themselves in actual danger, but had they been nervy, they would have stood their post of duty in any event, instead of ingloriously 'skipping' the town as they did last Thursday afternoon, leaving an unfinished docket and a record for timorousness. The grand jury had just handed in a new batch of indictments and not one of the attorneys, the sheriff or other officers of the law, except the district clerk, knew that the court had adjourned until after the judge and his retinue had left the town. And all the excuse that his friends can offer is that Judge Bowen left on account of his wife's fears."

Simms was taken back to Denver to await scheduling of his hanging and returned to Fairplay after an unsuccessful attempt to get the governor to grant a stay of execution.

On July 23, 1880, at one o'clock in the afternoon, Cicero Simms was led from the county jail to a carriage which took them to a newly built scaffold. In front of a crowd of 800 people, nearly one-third of whom were ladies, Simms was prepared for execution. The sheriff read the death warrant and asked Simms if he had any last words. Simms replied, "I have little to say. I do not think I had a fair trial. I forgive all of my enemies." The prisoner was bound hand and foot and a black cap was put over his head. The noose was adjusted and the trap dropped. Death came instantly.

The Flume, after lengthily recording the event, published an article headed, "Other Murders."

"Although within a year Park county has been the scene of several murders, yet previous to that time the crime had been of rare occurrence here, and the execution of Simms is the first instance in which a Park county murder has suffered the death penalty."

The writer went on to list several murder cases and discuss their merits. He concluded with,

"The record of the past two years has indeed been a bloody one, but we believe that the execution of Simms will have a salutary influence upon the minds of evil doers. The first public execution in Park county is a thing of the past, but its wholesome influence still remains and will work a healthy sentiment among would be transgressors of the law."

The same newspaper elsewhere declared that "The new county jail, which is to be provided with steel cells, will likely be built during the coming fall. The edifice will be located back of the court house, and when completed will do away with many hundred dollars expense annually in transporting prisoners to and from Denver. When the plans are completed we shall furnish a full description."

New Jail Built

The following September, the Flume was good as its word, and published the following:

County Jail Building "The county jail building is to go up without delay. The contract for the stone work was let to Clapp & Co. yesterday, and they will begin construction at once. The building will be merely a covering for the steel cells that are to be placed therein, and is to be built immediately in the rear of the court house. The dimensions are 20 X 25 feet upon the ground, and ten feet in height. On the inside the rear will be occupied by two steel cells and a corridor of the same, set two feet away from the wall at all points, and the front will serve as a room for the use of the sheriff or jailer. When the building is completed there will be no further need of conveying prisoners to Denver for safe keeping, and the expenses of criminal trials will be considerably lessened."

And in November, 1880, the new jail building was declared to be finished and accepted by the county commissioners. Steel cages were yet to be installed for the cells, which would hold up to twelve prisoners at any one time.

Treasure Box Robbers

Two of the first guests to inhabit the new cells were William D. Hudnall and Robert McCullom. These two had become involved in what was labeled the "Treasurer Box Robbers'€ case. Hudnall, McCullom and Walter Metland either worked for or had worked for the McLaughlin Stage Lines, which would pick up passengers and items in Fairplay and outlying towns and take them as far as Red Hill, where the train depot was located.

In July of 1880, McCullom, who was the stage driver on the Red Hill route, had told the others about a huge cash shipment that was expected to be sent by that route, some \$20,000 worth. They hatched a plan whereby Hudnall and Metland would arrive at the depot first and hold the driver, guard and passengers at gunpoint while taking the box with the money.

Their plans went awry when the stage actually beat them to the depot and was already unloading when they got there. However, Metland managed to get all the people out of sight so Hudnall could make off with the box. The three thieves met at a spot near Como to break open the box and negotiate on how to split up the money. All they found in the box was about \$65 in cash and a gold watch that was on its way to a jeweler for repairs. The three buried the box near a telegraph pole.

The next night Hudnall and McCullom dug up and reburied the box near another telegraph pole, not trusting Metland.

The two then left the area and found their way to Alamosa, toward the southern end of the state. They apparently were not the most intelligent of crooks, as they began to tell a number of people about their escapade. One of those, W. Campbell, a waiter at a dance hall frequented by the pair of thieves, listened carefully and then repeated the story to the local sheriff, who promptly arrested them and transported them back to Fairplay. Meanwhile, Metland, who had remained in Fairplay, got wind of the arrest and prudently left town, never to be seen there again.

The two sheriffs easily found the treasure box containing the cash and gold watch near the telegraph pole just as the waiter had reported. Both cases were tried in November of 1880. Hudnall pled guilty and was sentenced to three years in the state penitentiary. McCullom and another fellow who had only agreed to go dig up the box and bring it to the robbers, were both sentenced to six months in the county jail. One can only speculate that Hudnall got the longer term because he was the one who physically took the box from the depot.

Shot For a Shed

In September of 1880, another shooting occurred, this time near Como. P. A. Golden was a section boss for the railroad and lived with his wife and child in a small house near the track. He had gotten into an argument with William Clark about a board bill and Clark, trying to get even, claimed that he owned a little shed that was located near the Gordon house. Clark hired John Doolittle to help him dismantle and move the shed.

Clark and Doolittle were noisily ripping the roof off the shed early one morning when Golden and his brother came out of the house to see what the ruckus was all about. Golden told them to stop, that the shed was on railroad land and belonged to the railroad. Doolittle was standing on a box next to the shed, pulling roofing material down, when Golden's brother tried to push him off the box. Doolittle pulled a revolver from his boot leg, where it had been concealed, and fired it directly at Golden, hitting him in the chest.

Doolittle turned and walked toward his own cabin, also in Como, and met along the way a local saloon keeper, who joked about Doolittle going hunting out of season. Doolittle confessed, and was given the advice to surrender immediately. An angry group of railroad workers had assembled and were set to hang the murderer on the spot, but the saloon keeper pledged to take Doolittle to Sheriff Ifinger for due process by law. Golden died of his wounds later that evening. Doolittle was consigned to the county jail and reported to be having terrible nightmares.

The Fiddling Felon

The new jail seems to have been put to continual use; in November of the following year it was reported that, due to the large number of prisoners being held, heavy iron

gratings were installed at all the outside openings as an added precaution against escape.

A few years later, in March of 1884, four prisoners were occupying the jail. The sheriff, now Sheriff Burns, was surprised at his home when he heard a knocking at one o'clock in the morning. The nocturnal visitor turned out to be one of the prisoners, Frank Record, who escaped from the jail with two of the others, went to his father's house nearby, then went to rouse the sheriff.

It seems that previous prisoners had begun the job of effecting an escape by secreting in a small saw, and the task was taken up by Jacob Byard, who was awaiting trial for a murder he had committed in Hall Valley. Record, whose skills as a horse thief were exceeded by his skills as a fiddle player, was allowed his instrument and provided frequent entertainment with his violin, while Byard was busily sawing away at a hole in the back cell, using the delightful music as a cover for his activity. An opening 10 inches by 16 inches was finally completed on the evening in question. Three of the prisoners went out the opening into the corridor of the jail. They couldn't get out of the windows, so one climbed on top of the cell cages and went up through the crawl space into the rafters. They dug out the stones and plaster in the corner of the gable on the back side of the building, so that one of them could get out onto the roof. A ladder had carelessly been left against the side of the building, which the escapees immediately put to use. Byard and Charles Buck, who had been arrested for assault, left for parts unknown. A 'chinaman' opted to stay in the jail and complete his sentence, and Record was returned to his cell to await his trial for horse stealing.

More Inmates

A rather bizarre case in March of 1890 put yet another lodger in the county lock-up. One Edward McDonnell had become a member of a group called the Foot and Walker Brigade, which was on a field trip hiking through the mountains toward Denver. McDonnell may have gotten tired of the physical exertion, and, coming upon a push car on the railroad tracks near Bailey, he opted to take the easier route. Not considering the possibility of encountering a speeding train on either side of him, he pushed his way along the tracks into Pine Grove, where railroad officials caught him and placed him under arrest. There was a bit of difficulty in coming up with a proper charge and the sheriff finally settled on 'stealing a push car.'

The next month, April of 1890, another escape was made. There were five prisoners occupying the jail, so Deputy Sheriff Yocum had taken to sleeping on a bed in the outside corridor at night to guard them. While he was out getting his evening meal, two of the prisoners, J. K. Sullivan, who was charged with assault on a Como railroad engineer, and Fred Shrock, a thief from Howbert, had gotten together and fashioned some tools out of wire and a jackknife, which the deputy had allowed them to use for eating. They stuck their hands out through the bars and pulled in several chunks of wood from a woodpile stacked against the building. The knife had been converted to a saw and used to make a small hole in the door to the cell. Gaining access to the outer corridor, the enterprising thieves went to work on the door jamb, and were able to loosen the bolt enough to create a small opening, through which the two men escaped. It might have been a lucky thing for Deputy Yocum that he didn't arrive until the escapees had left; they were prepared to club him with the chunks of wood as he came

into the jail. The deputy admitted he should not have allowed a prisoner to keep a jackknife. At least one of the men was soon caught and brought back.

Violence once again erupted in June of 1894, this time at a tie camp near the Hill Top Station, where the Colorado Midland regular gauge tracks crossed over the narrow gauge tracks, in a location now known as Trout Creek Pass. Two tie camp workers, David Morris and Charles Sheldon, who had lived in the same cabin for a few months, went to the station to pick up their pay, and proceeded to spend it in the makeshift saloon nearby. Much later in the evening, both headed out towards their cabin. Noticing that they were both well inebriated, and each was carrying additional whiskey, a driver of the tie camp team offered to take them home. Still drinking, the two indulged in several arguments, but seemed to make up after each one. The driver dropped Morris off at his own cabin, where his wife made a cup of tea for the reeling man. The driver went on to take Sheldon to their cabin, another quarter mile away. Meanwhile, Morris had fallen asleep. He later awakened and left the driver's cabin, returning an hour later, exclaiming "Well, I've killed the old man."

The driver and his wife went to investigate and found Sheldon on the floor of the cabin he had shared with his friend, in a pool of blood, having been stabbed with a knife. The coroner later reported that death must have come instantly as the wound went directly into the heart.

In testimony at his trial, Morris swore that he remembered nothing after the pair had gone into the saloon and gotten drunk. Asked what the trouble was between him and the dead man, he replied, "There was none, whatever. We were good friends." He further commented bitterly that, "If it had not been for that hole (meaning the saloon) this trouble would never have occurred. But, if I have committed this crime I ought to suffer for it."

Demise of a School Board

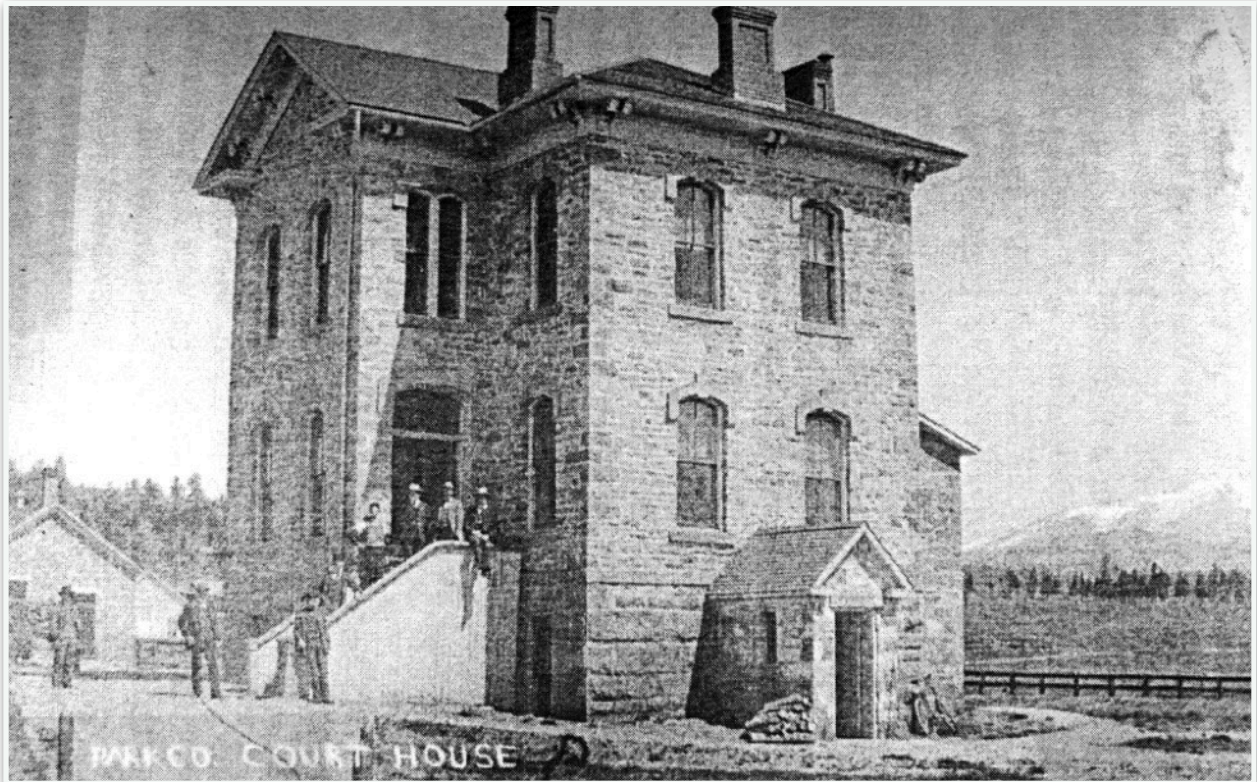
One of the most sensational crimes committed in the history of Park County occurred in 1895.

Benjamin Ratcliff had fought in the civil war as a Union soldier and worked for a while afterwards as a special agent for the government. He came to Colorado with his wife Elizabeth in about 1870, and began ranching among the timbers near the town of Bordenville. The Ratcliff's had three children, the oldest a boy, Howell, and two girls, Elizabeth and Lavinia. Mrs. Ratcliff died in 1882, leaving Benjamin to raise the three children.

The Bordenville school board, which was made up of three of the more prosperous ranchers in the neighborhood, had sent Ratcliff a notice that his children ought to be attending school. At that time Howell was twenty years old and the girls seventeen and fifteen. Ratcliff more than likely thought that none of them needed whatever education the one room school could offer them as opposed to the household and ranch work he needed them for.

The notice from the school board was ignored until a neighbor, who had taken it upon herself to let Ratcliff know about some particularly vicious gossip that members of the school board had been, if not initiating, at least perpetuating. It had been observed that the seventeen-year old daughter, at a distance, seemed to display a suspicious

roundness to her maroon: stories quickly spread about who the Father must be, since the whole family had kept pretty much to themselves.



1895 photo from the Ed & Nancy collection
Park County Local History Archives

Benjamin, who rarely involved himself in community affairs, made it a point to discover that a school board election was to be held on certain day, at which time all the school board members would be at the school house, supervising the voting. On that day, May 6, 1895, Ratcliff, carrying both his pistol and his Winchester rifle, rode on his horse to the school house and dismounted, going into the school house just as the voting was scheduled to begin. He immediately brought up the subject of what he considered to be slander of his character and demanded an apology. The board members began a heated discussion about the matter, denying having anything to do with the rumors. The spokesman of the group, who was known to carry a weapon in the pocket of his overalls, made the mistake of advancing toward Ratcliff as he put his hands inside his pockets, Ratcliff fired a shot into the floor at the fellow's feet as a warning,

Instead of realizing the seriousness of the situation and making an apology, all three of the board members began yelling and arguing. Taylor, who was the spokesman, made another step forward, which Ratcliff took as a hostile gesture, and shot him in the face.

It isn't known what happened after that, whether Ratcliff imagined himself to be back at war, or if he just got carried away with his anger. At any rate, he shot the other two school board members, McCurdy and Wyatt, and then left the school.

Wyatt lived long enough to identify their assailant and state that none of them had weapons. Ratcliff rode his horse into Como and gave himself up to Deputy Sheriff Link. He was immediately transported to the jail in Fairplay.

Remembering another hanging in the not-too-distant past, the sheriff decided to take Ratcliff to the Buena Vista jail, then considering that to be still too close, took him on to the Pueblo County Jail.

At his trial, Ratcliff declared that he did not commit cold blooded murders, that he thought his life was in danger, and that he felt he had to "preserve the honor of his daughter.

He was, nevertheless, found guilty and executed for the crime. Two of the three school board members were buried in the Como cemetery; Ratcliff was not buried next to his wife in the Bordenville Cemetery, but in a lonely spot near Rock Creek.

Saga of Insanity

Over the following years, the jail continued to be in constant use, one instance being related in January of 1899, that Mr. George Rogers came up from Howbert, a small town that now lies beneath the waters of Eleven Mile Reservoir, bringing with him 'a man whom the people in that vicinity think is crazy. The man would be confined in the county jail until his sanity or lack thereof could be determined.

After the gold and silver miners had gone on to more lucrative endeavors, the main occupation in Park County became cattle ranching, the tough hay and mountain grasses found ideal for fattening steers.

The Beeler family came to the Black Mountain area, about fifty miles south of Fairplay, in 1898. Harry Beeler, Sr., had been a banker in Kansas and had come west when he suffered severe losses in his business there. He ran a 1200 acre ranch in South Park, along with a sawmill and post office in a town called Divine,' and was successful for a few years, then this ranch too, began to decline. He and his wife had two children, daughter Beulah, and son Harry, Jr.

In 1913, a neighboring rancher filed a complaint against the Beelers, and in particular against Harry, Jr., for butchering cattle not legally purchased and selling the meat. The rancher had been out on the range looking over his steers, when he came upon one that had been freshly killed and partially skinned, with the ears and part of the brand cut out. As this was about a mile from the Beeler place, he rode to their house, noticing a distinct odor of burning cowhide coming from the chimney. When he attempted to get information from Mrs. Beeler, she refused to let him in the house or tell him anything. He then reported to her what he had found and that he had suspected young Harry of doing the deed.

Sheriff Obe Spurlock came out and arrested Harry for rustling and put him in the county jail. Harry posted bail and skipped town, but the sheriff located him in Buffalo, New York, after he sent a letter to his mother for trial. from there. He was brought back to Fairplay

Harry's attorney was a feisty little fellow, who appeared to be winning the case for his client up until he made disparaging remarks against the Cattle Growers' Association and accused them of being "cattle barons and cattle gangsters" whose only purpose was to retard the development of the west by harassing and terrorizing homesteaders." The opposing attorney, who had been fairly easy going up to that point, had represented cowmen throughout his career. He lit into his opponent with a vengeance and, as reported by Harry Epperson in "Colorado As I meat. The rancher had been out on the range looking over his steers, when he came upon one that had been freshly killed and partially skinned, with the ears and part of the brand cut out. As this was about a mile

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In the end, Harry was convicted of rustling and sentenced to three years in prison at the state penitentiary in Canon City. Shortly after he arrived there, the warden informed his parents that his mind had snapped and he had been sent to the insane asylum in Pueblo, Harry's mother tearfully begged to have him released into their custody, swearing that his treatment in prison had caused his insanity. An uncle reported that Harry's mental condition had not been right since an incident in his youth in which he had been struck in the chin by a wagon wheel.

In 1915 the governor turned him over to his parents, after continual pleas from his mother. Harry was brought out to the ranch and established in a small log cabin near the main house. His mental condition had gotten so bad that he didn't recognize the family and he was so violent he had to be chained to the wall. He ripped off any clothes put on him and his mother had to slip in at night after he had gone to sleep to cover him up with a quilt.

Years went by until, in 1928, Harry's sister Beulah, close to her death in a Salida hospital, begged authorities to check up on her mother and brother. By that time Harry Sr.,

had died of a jaw infection brought on by infected cattle. When officers went to the Beeler ranch to investigate, they found a filthy naked man with a long beard, chained so that he could barely reach a bed, and living in a mass of debris many years old. As they approached the small cabin, inhuman screams and the clanking of chains greeted them. They wrestled him into custody and took him to the county jail in Fairplay, to await a sanity hearing.

At the hearing Anna, his mother, begged to be allowed to keep him, crying that he wouldn't be treated right in the insane asylum. The court decided that Harry was indeed insane, and sent him to the state hospital. Anna died in 1934, but had been granted a last visit, at which Harry didn't recognize her. He lived on until he was 60 years old, his violence having been somewhat subdued in the asylum, but he never gained his mental facilities back.

Different Crimes, Same Jail

S H. Law was the Park County Sheriff in 1938. By this time cold blooded murders had become less common and the crimes for which one could be locked up in the county jail were somewhat less violent.

In April of that year Howard Stone, a Fairplay resident of about a year, had not been as prosperous as he had hoped. He purchased firewood, potatoes and other staples from J. H. McLain of Trump, and gave him two \$30 checks, one for a bit of cash. When McLain attempted to cash the checks, there were no funds in the bank. Sheriff Law and his deputy, Doc' Bell, went to Kansas, where Stone had been apprehended, and returned him to the county bastille.

In May of the same year, Sheriff Law, was compelled to place another fellow on the county's list of free boarders. Clarence Williams of near Jefferson, filed a complaint against his neighbor, Frank Sutterfield, for firing a .22 rifle at Williams' horse, shattering the animal's shoulder. After it was found necessary to kill the horse, a .22 bullet was extracted from its shoulder. An investigation by the sheriff revealed that shell casings of that caliber were found close to Sutterfield's cabin. Sutterfield denied any knowledge of the incident, but was charged and put in jail to await a hearing

In June, Bernard Moran, a young man who was well known to the sheriff due to his numerous encounters with the law, made off with cash and postal money orders belonging to a friend, as well as the friend's motorcycle. He took the motorcycle and the stolen goods to Denver, where it was reported found in a repair shop there. Moran was apprehended in Denver, and Sheriff Law picked him up and returned him to Fairplay to the county jail.

Moran succeeded in escaping from the jail by forcing out the upper portion of the iron lattice door until there was enough space for him to crawl through. He went straight to his brother's place of employment at a mine on Sheep Mountain, where the sheriff recaptured him in short order.

And in yet the same month, two mine workers from the London-Butte Mine came into town to have a few drinks together at a local saloon. Shortly after the friendly get-together, William Hawkins discovered that his wallet, along with \$600 worth of certificates of deposit.

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Erickson was charged with grand larceny, but at his hearing he declared that he had not intended to deprive Hawkins of his property, but that he had taken it while drunk and should not be held responsible. Unimpressed, the judge bound him over to district court and fixed his bond at \$1,000.

In July, Sheriff Law was called to pick up a fellow in Como, to prevent a lynching by local residents. Arthur Young had come into town and one day, blatantly knocking at the door of one of the homes, asked to see a small daughter who lived there. The parents were immediately suspicious, and asked around about the stranger. The townspeople started watching for him. A short time later Young was seen taking a small boy into an outhouse. Several neighbors sneaked up and looked through a crack in the wood to see what was going on. What they saw infuriated them to the point that it took a cool headed citizen to report the incident to the county Sheriff, who was quick to come and get Young before the angry people could string him up.

Upon being charged, Young claimed he had been under the influence of liquor and didn't know what he was doing. Witnesses noted that he didn't show any symptoms of being drunk at the time. The Flume was quick to label him a 'sex pervert.'

Toward the end of July, Floyd Powers became a tenant of the county jail, after he was arrested for larceny. Powers had been employed by the South London Mine for several years and was a married man with children. He had been promoted to shift boss and seemed to be doing well. Noticing that cigarettes seemed to be disappearing at an alarming rate, mine commissary manager G. R. Campbell marked some of the cartons in an effort to track them. Powers was subsequently caught selling some of the marked cartons of cigarettes to fellow miners at a substantially lower price than they could be gotten at the commissary.

Wyoming Jewel Theft

In March of 1939, Sheriff Law arrested Jack Herman, who was wanted by the sheriff in Cheyenne, Wyoming, for jewel theft. Sheriff Law had taken Herman to the Hand Hotel for an evening meal and was returning with him to the jail when Herman broke for liberty. He headed down an alley, jumped a river embankment, and headed for the dam. The sheriff yelled "Halt," but Herman kept on going. Sheriff Law then pulled out his .38 pistol and shot four times. Herman, still running, made it across the dam, but fell and bruised his leg. He limped over and hid in the trees. Sheriff Law enlisted the services of the first citizen in an auto he saw, and the two drove across the river, easily apprehending the limping runaway.

After Herman was returned to the jail, he was questioned extensively until he agreed to reveal where he had hidden the jewelry. He led the Wyoming sheriff and the Fairplay Chief of Police to a spot in the back of the Hand Hotel, where they found seventeen

diamond rings and one lady's wrist watch, all of which had been taken from the Cheyenne jewelry store.

Lazy Hunters Serve Time

On August 30, 1940, two young fellows, James Walston and Preice Oleson, who had been employed at the Snowstorm placer near Alma, left work that evening in a borrowed car. taking with them a .22 rifle, intending to shoot some jack rabbits or other edible game. Having no luck at that, they noticed cattle grazing next to a creek near Bailey, and decided that a bit of veal would taste just as well. Easily killing a young calf, they skinned and field dressed it, then took the carcass back to their apartment in Alma, where they quickly consumed the meat.

Meanwhile, cattlemen had discovered a calf hide and head on the banks of the Sacramento Creek and reported it to Sheriff Law. The feet of the calf were found where they had been thrown into a bush nearby. Suspecting the two, the sheriff got a warrant to search their apartment and found there a number of rib bones and remains of a calf lung. The boys were arrested and separated for questioning. One of them claimed that they had accidentally hit the calf with the car, so

they brought it back home to make use of the meat. Their stories, however, didn't coincide, and both of them were charged with rusting. They finally confessed the truth and both were sentenced to terms of three to seven years the state penitentiary.

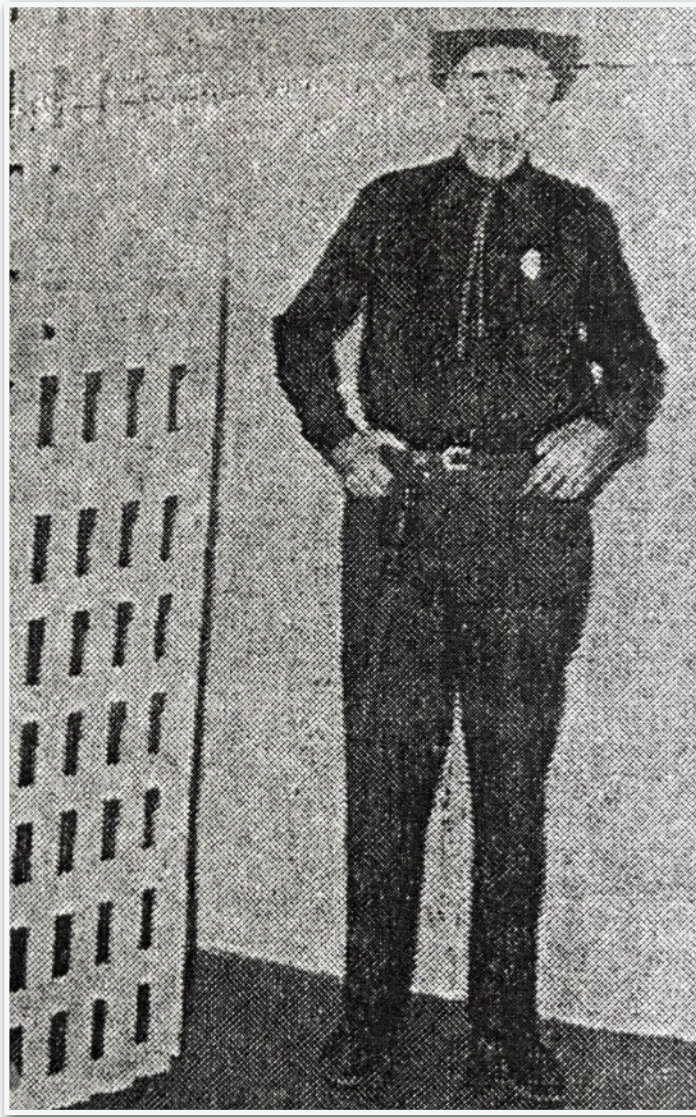
Renovation Reveals Relics

In March of 1953, Everett Bair, a local historian and writer, published an amazing story in the Fairplay Flume regarding articles found as the court house was getting readied for renovation. Harry Ault and Jack Moran were tearing out partitions and the false floor of the old jail, when they found a dozen whiskey bottles that had been hidden under the floor. They claimed that labels on the bottles were inscribed, "Old Kentucky Whiskey from J. J. Hoover, Fairplay, Colorado."

They also reputedly found an old moldy gunny sack and opened it up. Inside it was a thin rope fashioned in the manner of a hangman's noose, and a tag attached to it revealed writing in old green ink that said, "Exhibit No. 1, J. J. Hoover, Fairplay." Bair then related the entire story of the 1880 hanging.

The bizarre find was apparently met with disbelief, as an article elsewhere in the newspaper was addressed to "Those Doubting Thomases" and assertions made that the rope was indeed from that former era. Some local historians believe that the rope is authentic, but others who were around at the time of the find, scoff at the immense joke played on the public. At any rate, the rope and whiskey bottles now reside with Bair's family in Texas.

In February of 1957, it was reported that an inmate had set fire to the county jail by piling up paper towels and other scraps and pouring disinfectant over it all, then lighting it afire. Instead of escaping, the prisoner was overcome with the smoke and was made to clean up the mess before a trial would be scheduled for whatever crime he had committed.



Wewrner Wickford jailer of the Park County Jail in Fairplay

Recollections of the Last Sheriff

The last Park County Sheriff to use the old jail was Norm Howey, who became a deputy in 1965, and was appointed sheriff in 1971 upon the resignation of 'Doc' Bell. Howey served as sheriff until 1986.

Up until the 1950's the jail was quite primitive, with no plumbing and only a coal or wood stove in the front for heat. When renovations were ordered, a forced-air furnace was installed, the small addition at the rear of the building constructed to house the mechanical equipment. At the same time a toilet and washbasin were put in and a sump dug to take care of the waste. Electricity was added.

Prisoners didn't get such luxuries as hot showers, but they could clean up in a lavatory at the court house prior to their hearing. They were not allowed out for 'exercise' as in modern prisons, they could just do push-ups and sit-ups within their cells. Prisoners' clothing was rarely laundered, and then only if they were being held for twenty or thirty days.

Meals were taken in to them after being prepared at a local hotel or restaurant. They didn't get movies or TV, but were allowed books to read and a radio was placed just outside the cell so that it could be turned on or off, but not pulled into the cell.

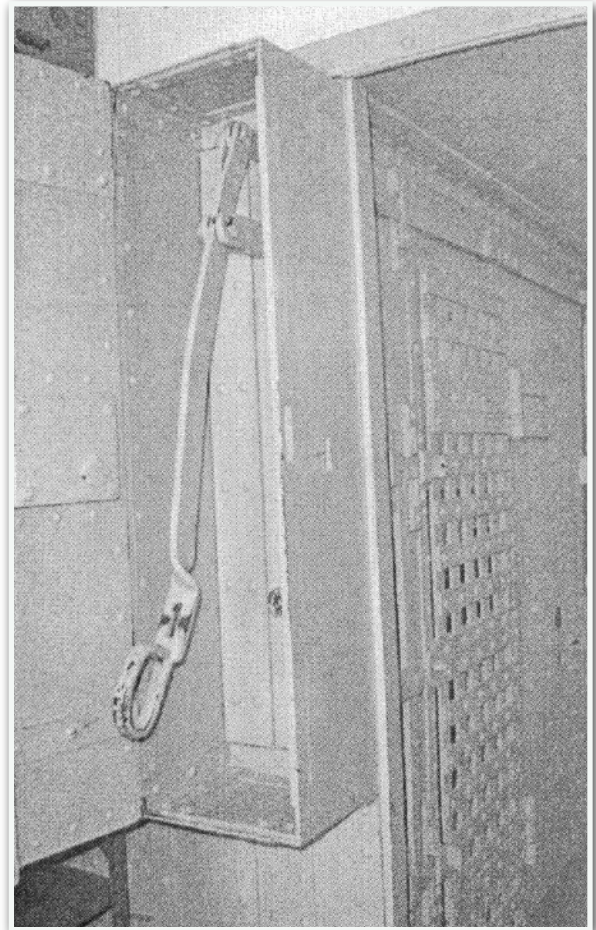
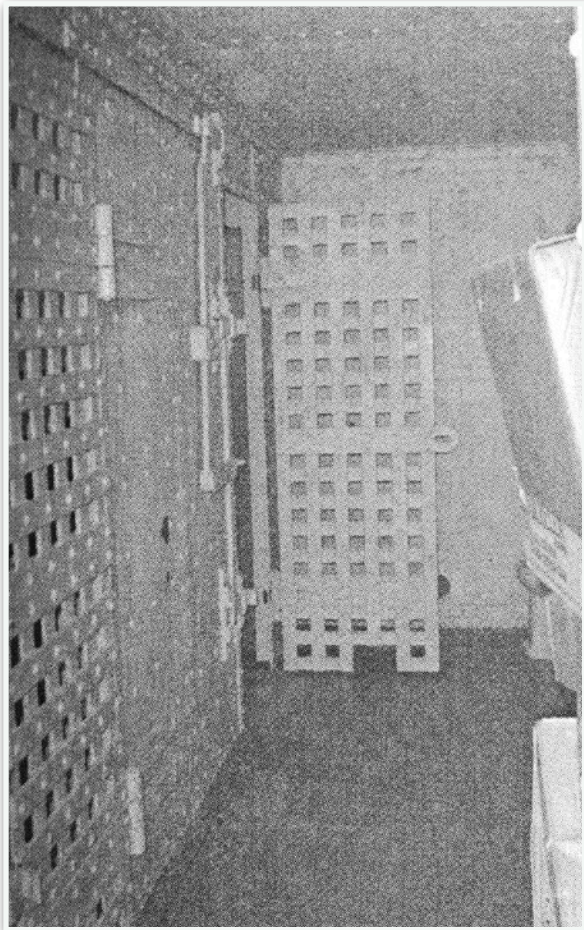
Women were not kept at the county jail. but transported to other facilities.

The jail was not a pleasant place to stay, Howey declared. He remembers picking up drunks ("intoxicated drivers" in polite society) who, after spending a night behind its bars. were ready to plead guilty just to get out.

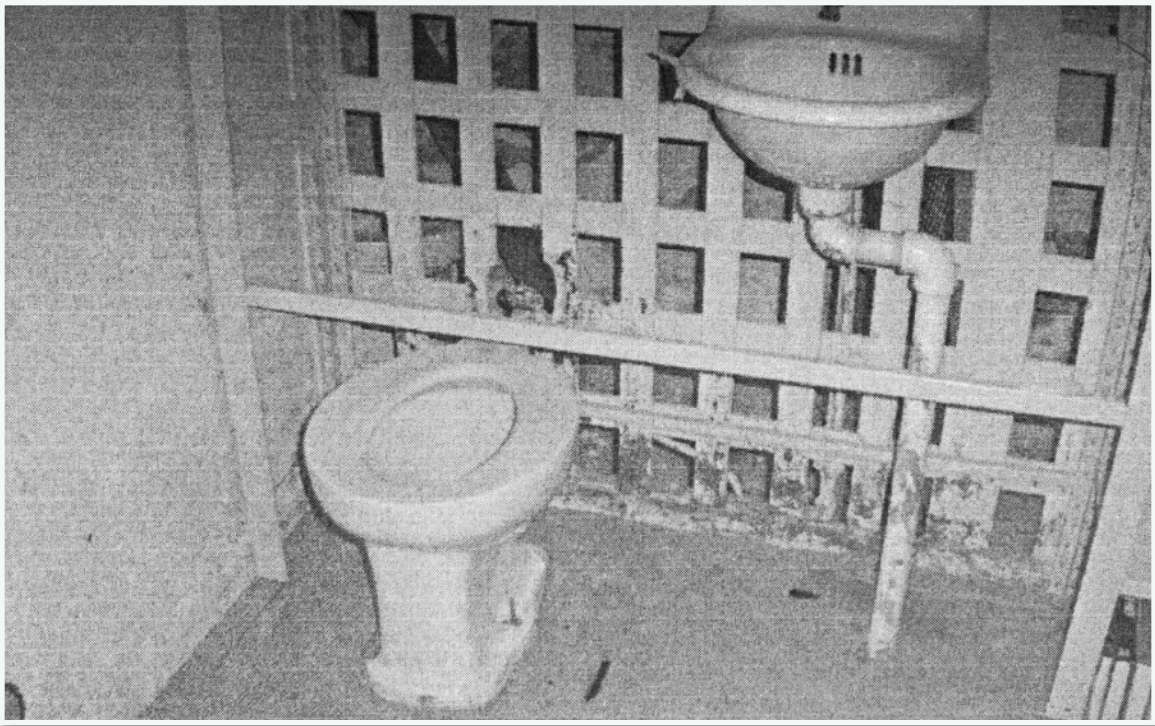
Howey vividly recalls a case from June, 1967, when he took the call to pick up a man in Hartsel who had arrived there and announced, "I just killed my wife and her boyfriend, call the sheriff."

The story came out that Oscar Gose and his wife and child were living in Wyoming, when she up and left with her boyfriend. Viola Gose and Ben Garcia were working at the Hartsel Ranch when Gose caught up with them. He drove out to the ranch and found them working in a corral. He told her to get to her knees and beg and she refused, so he shot her in the head, then shot Garcia three times. Refusing an insanity defense, Gose was convicted and serving time in prison, working in a garage where they fixed tires. He was airing one up when the rim flew off and hit him in the head. He died without regaining consciousness.

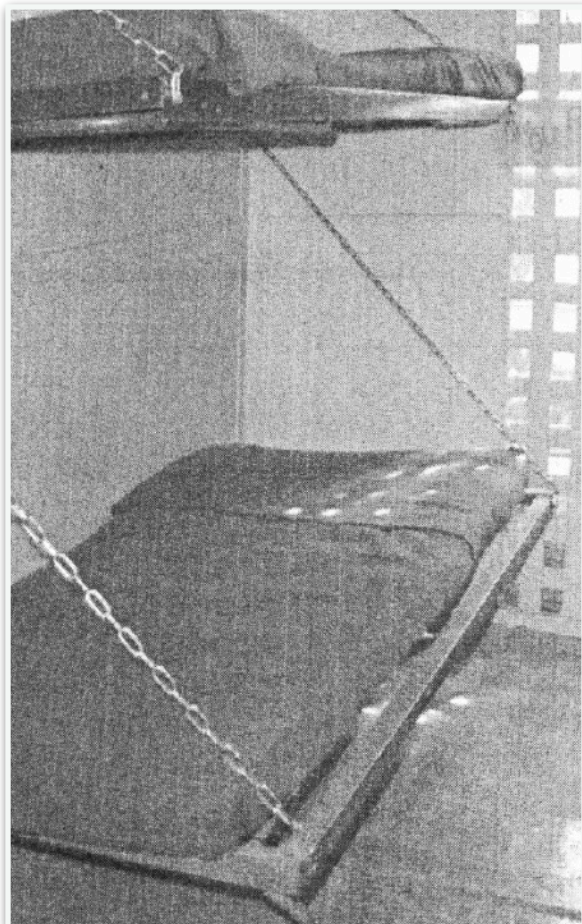
An order came down in 1978 to discontinue use of the old jail, and Howey was forced to transport prisoners to another facility for the remainder of his term. The new Park County Jail was completed in 1995.



Views of jail cell showing cell doors and locking mechanism



Toilet and wash basin used by prisoners



Bunk beds in jail cell

Fairplay, Colorado

1995

This here's a tale 'bout this Ol' County Jail.

'Twas built at this place in 1874 where the old courthouse is right next door.

When the judge'd say:

"Time you hafta pay, out in the jail you'll stay both night and day.

It warn't made to be a pleasant way.

Oh, yeh, there was light and heat and meals wuz brung up from the street.

All shared a picture and cup to drink cuz there were no sink and no TV, rec room, or exercise yard, and them thar bars was kind hard.

Indoor plumbing was added in the 50s.

Sometime a great convenience while paying for a crime.

Leg irons was sometimes used and handcuffs too, on the accused.

Mostly it were men, but a woman, now and then for about 100 years it use had been.

There's one open room for a long while 'til times needed a different style; so the County shop welded the inner cells 'long in the 50s, so they tells.

So things were goin' along fur another 20 year, then the State made it clear that this jail weren't good enough any more. So, in 'bout 1976 the Sheriff clang shut the door. Then with criminals what'd he do? Took them to another County Jail are two.

That's what he done.

This here building stood with no one except to store evidence 'til a trial was thru.

By the way, now the prisoners do go to Park County Jail number two.

(Open in early 1995 on County Road 126 on the east side of Fairplay)

Nancy Howey



New Park County Jail built in 1995

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Liz Jennings

Doris LeDue

Mary Whitehair

The South Park Friends of the Library are proud to have sponsored this book. We are a group that raises money to help the library. The jail is special to us in that it houses our used books. These books are the major source of fundraising for us.

The purpose of this booklet is to spread information about this unique structure and its history while at the same time providing an additional source of fundraising. We thought it would be fun to gather some of the more interesting stories about people who had inhabited the old jail.

We hope you will enjoy it and at the same time support the Friends of the Library.

If you want to see the jail for yourself come on out for Burro Days (last weekend of July) and support the Friends' largest fundraiser.

For additional copies of this book contact:

South Park Friends of the Park County Library PO Box 592 Fairplay, CO 80440

Phone: 719-836-2848