

Source "Doin' Time in Fairplay" by Linda Bjorklund

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."

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 Ifinger 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."