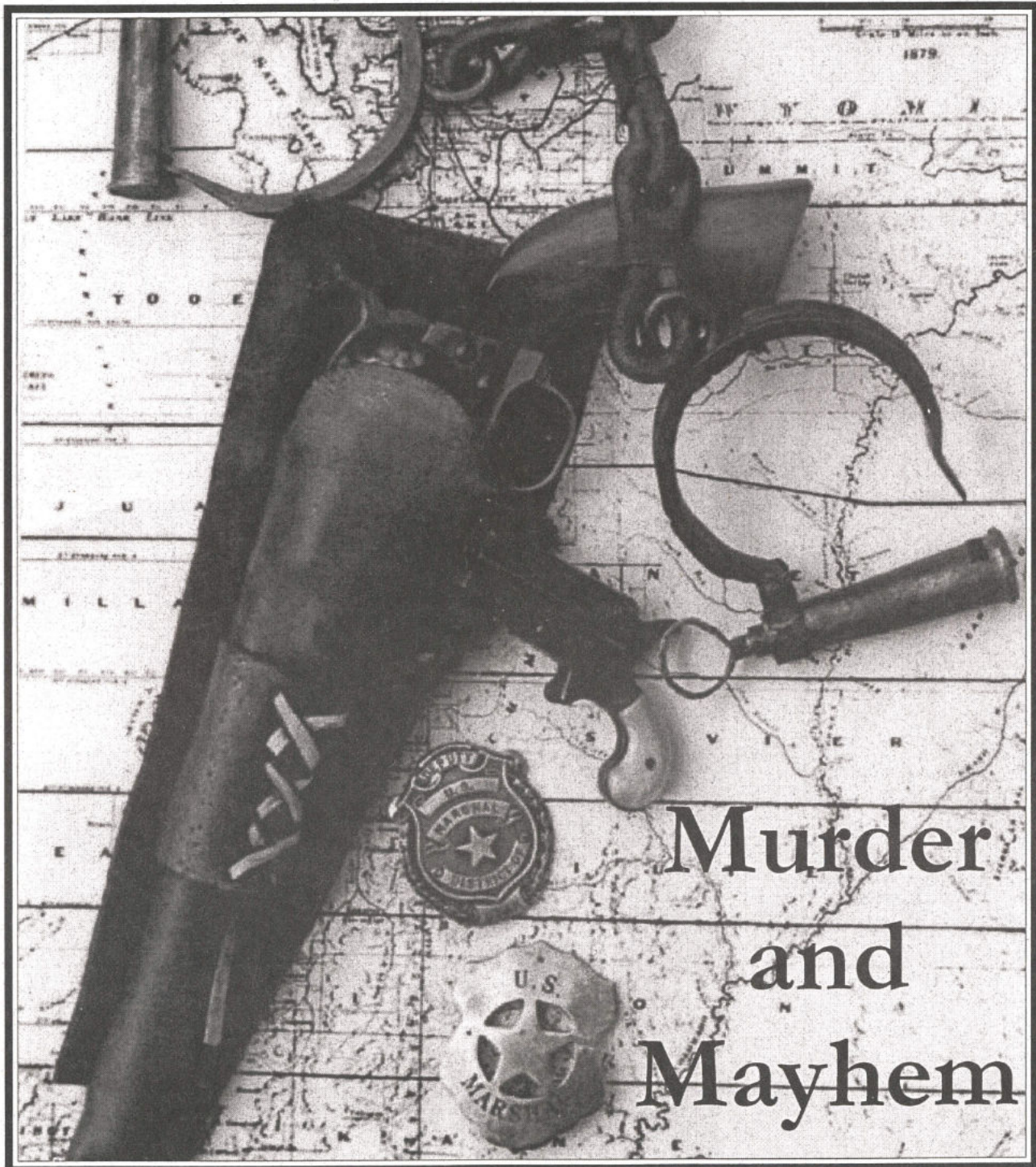


# Canyon Legacy

Journal of the Dan O'Laurie Canyon Country Museum  
Fall/Winter 2001/ Volume 43

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Murder  
and  
Mayhem





**Journal of the Dan O'Laurie  
Canyon Country Museum**

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**Within...**

**M**urder and Mayhem ...a strange title for a journal devoted to the arche-  
ology, geology, and history of a region, you might say. But what of  
that history? Was our past composed entirely of tough pioneers and  
upstanding citizens who never did wrong, acted unwisely or reacted too strongly  
to a situation? Were they never influenced by passions, either real or blown out  
of proportion by external factors? Were they never caught in situations where the  
only act was the wrong act? Was our town, our county, our land so useless to the  
rest of the West that no one came from other regions bringing with them the  
greed and scheming that often result in tragedy? If anyone believes these state-  
ments, it only shows that they have never delved into the day-to-day history of  
Grand County or read the headlines that routinely rocked the citizenry from their  
complacency.

The country, with its hidden canyons and tortuous trails, was also flaunted as  
a region where the lawless could roam without fear and there are tales of those  
men to be found here. But there are also those heartbreaking stories of a choice  
along the path of life where the wrong turn was taken and the lives involved were  
changed forever. They are our past and they make us what we are.

Additionally, in the center section, the reader will note that there is now a  
year-end index section. After the task of a 5-year updated version, we realized  
that the job could be more easily accomplished and possibly even more compre-  
hensive if we did the index yearly. By utilizing the center pages, the reader has  
the choice of leaving the index with the year-end issue or removing just those  
pages and placing them with the multi-year index found in Issue #40. We hope  
that this will prove to be more helpful than an occasional, massive update and  
will prevent having an entire issue filled with nothing but index material. Addi-  
tionally there will be a change of format in future issues, moving away from  
themes, and this will help keep the material accessible.

- Rusty

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The mission of the Dan O'Laurie Canyon Country Museum is to preserve and  
display artifacts and information, and to promote research and education which  
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# Canyon Legacy

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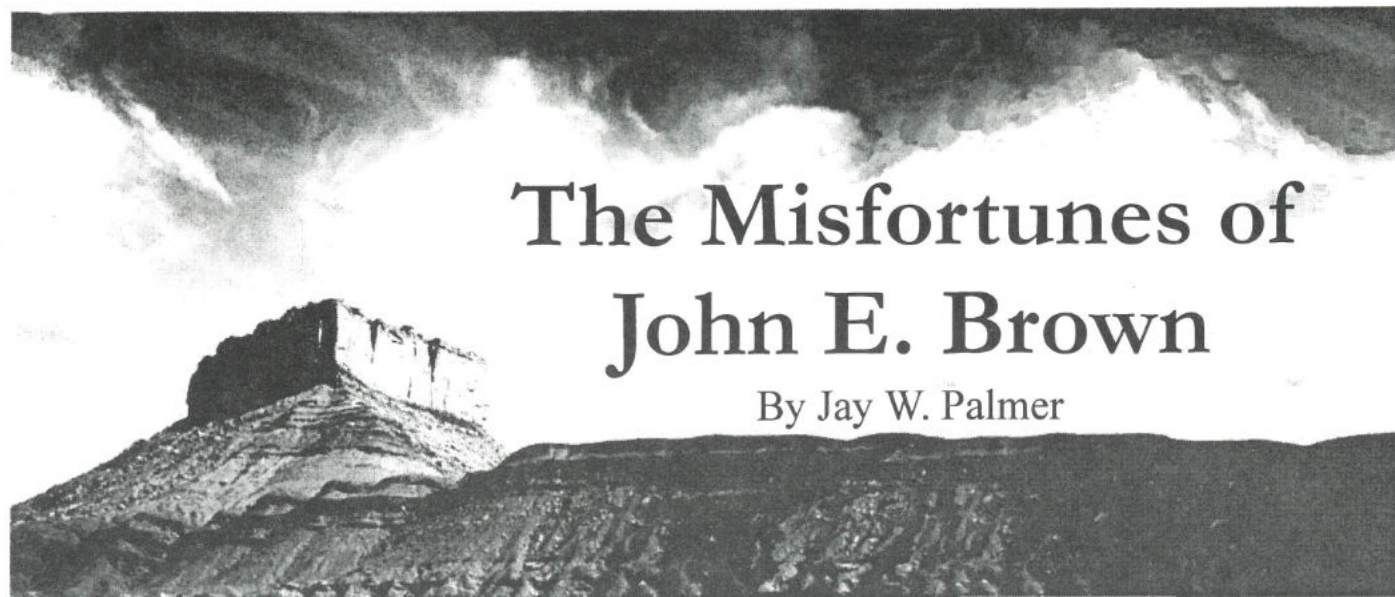
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Front Cover: An 1879 Utah map provides the background for articles seen by those on both sides of the law.  
Back cover: The old Moab Courthouse, circa 1906. Photo courtesy of Dan O'Laurie Museum.





# The Misfortunes of John E. Brown

By Jay W. Palmer

Jimmy and Lelia DuBois were walking along a road to their home near the old Mormon Fort in Moab about one o'clock in the morning, when she shrieked "My God! It's Daddy. With that, her father, John E. Brown, offered one of the two brand new 30-30 Winchester carbines that he was carrying to his son-in-law shouting, "OK! Let's fight and settle this." Jimmy responded with a thrown rock. As Brown raised his rifle, Lelia ran towards her father to try to stop him just as he pulled the trigger. The bullet went through her heart killing her instantly and continued its flight hitting Jimmy DuBois in the lung. Brown fired again at DuBois, hitting him in the leg. DuBois died a few hours later.

John E. Brown, a Grand County commissioner and successful cattleman, had made many enemies but most of his troubles were with James (Jimmy) DuBois. DuBois, a cowboy from Santaquin, Utah, started working for Brown in Indian Creek (now part of Canyonlands) about the time Brown sold out and bought a large ranch in Sinbad Valley on the eastern slopes of the La Sal Mountains. DuBois went with him to Sinbad and was fired and re-hired many times. On 2 June 1905, he married Lelia and the following December a baby girl was born. Brown opposed the marriage but there was little he could do about it.

Brown and his new son-in-law continued having trouble. In May of

1907, both were arrested after a fist fight at a dance in Moab. They were found guilty and fined for disturbing the peace. Problems continued until finally on 18 November 1911, Brown shot and killed them both.

The evening had started peacefully. The Browns and the DuBoises had ridden together in a buggy to a dance at Woodman Hall in Moab. The DuBoises lived a short distance south of the Browns in a small stone house close to where the old Mormon Fort once stood. An hour before the shooting, Brown and DuBois were on the best of terms and drank together. However, when the couples started home, the men got into a quarrel about DuBois chasing other women and then Jimmy refused to ride in Brown's buggy. Brown became enraged and, with his wife, raced home in the buggy. The DuBois couple and several others continued walking home and met Brown returning with two Winchester rifles in his buggy. Mrs. Brown supposedly tried to intercede with either her husband or James DuBois, resulting in even further escalation of the conflict. She was then knocked to the ground not once but twice during the melee, at which point the altercation turned deadly as Lelia tried to get between the two quarrelsome men.

After the killings, Brown barricaded himself in his home which was later surrounded by the sheriff and a posse. Twenty hours later, Brown surrendered, was placed in jail, and

charged with first degree murder. The double tragedy left three little children fatherless and motherless at the hands of their grandfather.

*"I killed my girl accidentally but I killed that s- of a b- of a man on purpose and I don't care who knows it." - John E. Brown*

John E. Brown, born 11 Jan 1861 in Draper, Utah, first appeared in the Blue Mountain country as a 17 year-old cowboy working for Joshua B. "Spud" Hudson's "B on flank" cattle outfit. It is difficult to assess Brown's role in establishing and building the Hudson cattle operation. He apparently was hired on at the Utah Settlements where Hudson and his foreman, William Green Robinson, had come to buy cattle. Later he made a number of trips to the settlements with Hudson to buy cattle and drive them to the Blue Mountain Country. Many cattlemen gave cattle bonuses to their cowboys for their help in these drives. Both Robinson and fellow cowboy, Dudley Reece, received \$5,000 loans from Hudson to buy cattle. It is hard to believe that Hudson would not have provided some sort of bonus to Brown as well. At this time, there were many unbranded cattle and maverick calves on the range. One report says that Charlie Johnson turned a large herd loose in the Blue Mountain country in 1879. However, since

Johnson did not come into the region until 1881, this might have been the Thatcher Cattle herd which was driven there in 1876 by Lou Paquin and others. Thus, John E. Brown might have gotten his start through cattle bonuses as well as mavericking (branding unclaimed calves) which was an accepted practice at that time.

In May 1883, the Durango, Colorado, Daily Herald, reported that Eli Ilaff and Harold Carlisle, representing a London, England company, had just purchased 7,000 head of cattle in the Blue Mountain country for \$210,000. This consisted of the cattle herds of Peters, Dudley Reece, Green Robinson, and a half interest in Hudson's herd. There is no mention of John E. Brown selling any cattle; however, he may have had only a few head. Brown then went to Coyote (where La Sal is today) with Green Robinson who obtained another thousand head from the Utah settlements for his Cross H ranch. Brown was employed as company cowboy to look after Robinson's cattle interests.

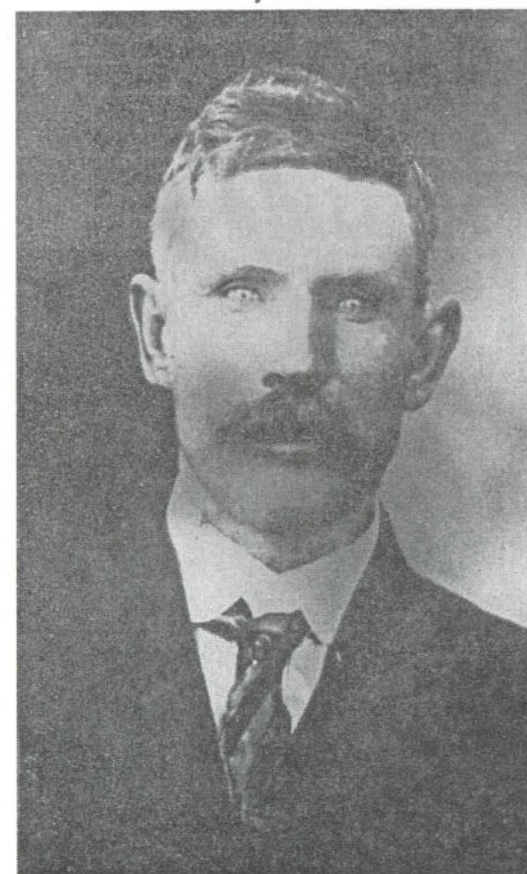
During the summer of 1885, the Pittsburgh Cattle Company bought the cattle and ranch interests of Green Robinson, the Maxwells, the McCartys, Neal Olson, and the Tom Rays. About this time John E. Brown married Fanny Ray, daughter of Mr. and Mrs. Tom Ray, the first settlers of "Old" La Sal who had arrived in the fall of 1877. Green Robinson also married a daughter of the Rays making Brown and Robinson brothers-in-law. Brown worked for the Pittsburgh Cattle Company for two years. By 1887, he had acquired enough cattle to start his own cattle ranch in Indian Creek where he planted an orchard and built cabins and corals. The Browns' first daughter, Lelia, had been born a year earlier on 20 May 1886 at "Old" La Sal.

In the Indian Creek Country, Brown continued to build his herd; however, not without controversy. On one occasion, a neighboring cattleman, Harry Green, took several cattle from Brown's herd that Green claimed

were his. This was done even though Brown held a gun on Green.

During the fall of 1897, Brown sold out to D. M. Cooper and V. P. Martin, who were buying up Indian Creek ranches, and moved to Moab. Later that year in October he bought a cattle ranch in Sinbad Valley on the eastern side of the La Sal Mountains. His brother-in-law, William Doaks, became his partner at that time.

In January 1909, Brown was elected a Grand County commissioner, and in May of 1910 opened bids for the Dewey Ferry across the Colorado River near its Dolores River conflux. By this time he and his wife, Fanny, had two daughters, Lelia, and Viva who was born in 1900 at Moab. By 1910, Brown was grazing 8,000 head of cattle on a wide range covering parts of the La Sal Mountains in Grand and San Juan Counties, Utah, Sinbad and Paradox Valleys in Montrose County, Colorado, and on the Thompson Desert, the Book Cliffs and the Old Taylor Ranch in Grand



Commissioner John E. Brown who shot and killed his daughter, Lelia, and her husband, James A. DuBois. Photo courtesy of The Ranch House Restaurant.

County. During this time, however, he and DuBois were accused of mavericking calves belonging to Amasa Larsen, Thomas Larsen, Carlos Wilcox and Mrs. Lottie Larsen. A hung jury eventually resulted in a change of venue and the case was continued until January of 1912.

In July of 1911 he expanded his interests further by purchasing the Moab Meat Market and hiring someone to run it for him. Thirty years after arriving in the Blue Mountain country from central Utah as an inexperienced 17-year-old cowboy with no apparent family ties, John E. Brown was one of the largest and richest cattlemen and one of the most influential men in southeastern Utah and southwestern Colorado.

In January 1912, after the killings, Brown resigned as county commissioner. Then Mrs. Brown became very ill. In April of 1912, Brown was removed to the Carbon County Jail in Price, Utah, in a change of venue since prosecutors felt that he had too many friends in Moab to get an impartial jury. On 2 July 1912, after deliberating for only four hours, the jury found that Brown was justified in taking the life of DuBois. The jury also found that the killing of Brown's daughter was accidental.

The defense convinced the jury that Brown killed DuBois in self defense - that just before the first shot was fired, the two men were in a hand-to-hand encounter, and when the second shot was fired DuBois was in a crouching position, picking up rocks to throw at Brown. John E. Brown walked out of the courtroom a free man surrounded by his friends. Earlier in the day, the courtroom was thrown into a state of excitement when John DuBois, a brother of James, was arrested when he threatened to kill Brown.

John E. Brown never fully recovered from the tragedies. He continued going to county fairs and showing his horses but with less enthusiasm. He still took an active part in the rodeos and fairs



throughout the Intermountain country and often officiated at these events.

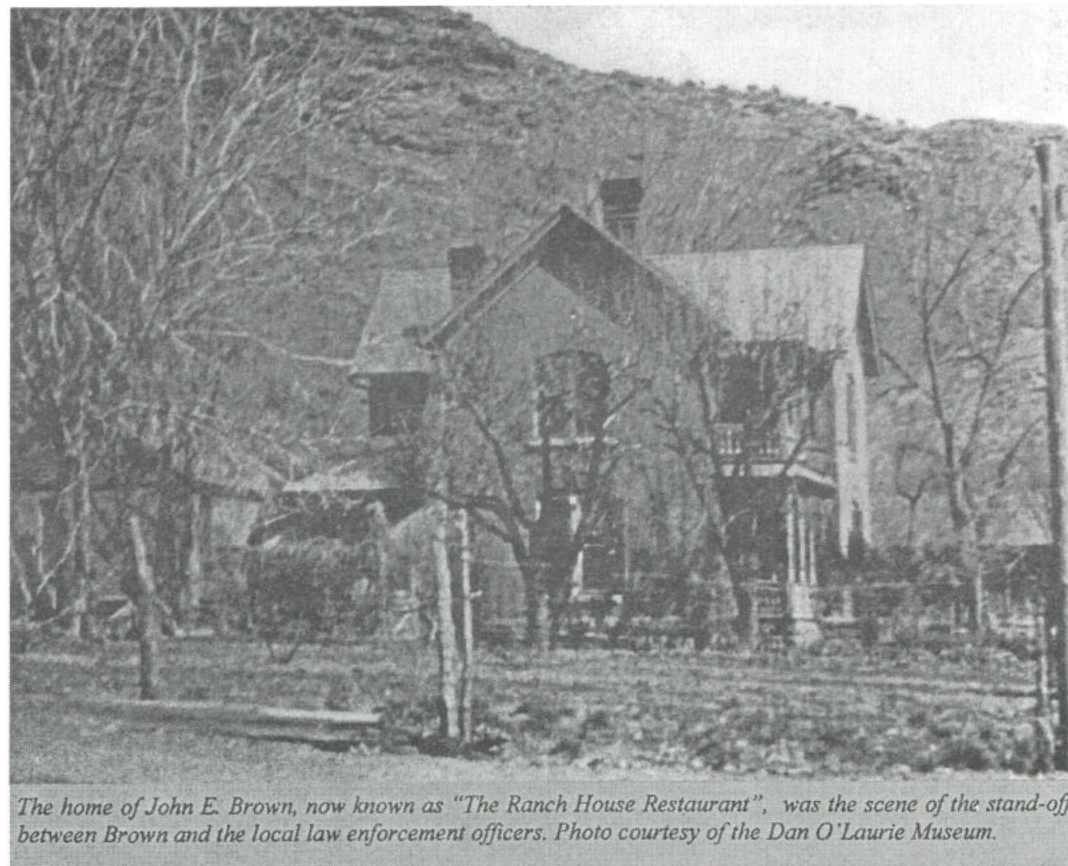
*Brown got off as a free man after he killed John DuBois' brother, yet John DuBois and his son got a stiff prison sentence for rustling and butchering one of Brown's calves.*

But he began having financial difficulties. Before the tragedies, he had sold his Sinbad Cattle Company interests to his brother-in-law, William Doaks, and a one-fourth interest in his cattle range on the Thompson Desert to W. Ellsburg. Now there were greater difficulties. In May of 1914, Brown and William Doaks sold their Sinbad ranches consisting of 5,000 acres of land and 1,000 head of cattle to the Pace Brothers Cattle Co. for \$90,000. Doaks and Brown dissolved their partnership, with Brown retaining all cattle and range rights in the Ten-Mile country between Moab and Thompson and becoming the sole owner of the "Split Diamond" Cattle Company. At this time, Brown also bought the cattle interests of Ellsburg and additional cattle in Mexico.

Brown also went in a new direction buying first a three-quarter interest and, in May 1915, the remaining interests in the Maxwell Hotel in Moab which he renamed the Merchants Hotel. He started a restaurant in April of 1915. He also operated the Thompson mail line for several years. He apparently mortgaged his home and ranch near Moab since he obtained a mortgage from

an Ohio insurance company in 1914 and an additional mortgage in 1917. In April of 1922, the Brown home (now called the "Ranch House Restaurant") and ranch were sold at a sheriff's sale when the insurance company foreclosed. This was two years after the "Great Snow" of 1919-1920 when many cattlemen went bankrupt so perhaps livestock losses were a factor in the foreclosures.

In another unusual turn of events, Amasa Larsen, Brown's cattleman neighbor, was charged with rustling Brown's cattle, and John DuBois, James A. DuBois' brother, was charged with stealing and butchering one of Brown's calves. The case against Larson was thrown out of court, but John DuBois and his son were found guilty of larceny in July 1922 and both were sentenced to from one to ten years in the Utah State Penitentiary. This latter event was ironic: Brown got off as a free man even though he killed John DuBois' brother, yet John DuBois and his son got a stiff prison sentence for rustling and butchering one of Brown's calves.



*The home of John E. Brown, now known as "The Ranch House Restaurant", was the scene of the stand-off between Brown and the local law enforcement officers. Photo courtesy of the Dan O'Laurie Museum.*

John E. Brown died in December 1930 in East Orchard Mesa, near Grand Junction, where he and his wife had resided for about three years. He had been ill for almost a year and when he finally died his body was brought back to Moab for the funeral. Both he and his wife Fanny are buried at the old Moab Cemetery next to the common grave of their daughter, Lelia, and her husband, James A. DuBois.

John E. Brown remains an enigma. He rose from a poor, young cowboy to a rich and powerful cattleman and politician, only to be faced with a double tragedy that was in a large part of his own making and which haunted him the remainder of his life. What disasters of life our passions can inflict upon us.



*Jay Palmer, a frequent contributor because of his wide range of historical interests in the area, lives in Tampa, Fla., and is a professor of chemistry and archeology. He was born in Moab and raised in Monticello where he still has a cattle ranch.*

# WAS IT JUST ANOTHER MURDER..? WHO WAS JOE PACE?

By Karima Fouad

Joe Pace was born in Salado, Texas in 1859 (now Bell county, just southwest of Waco), but who was the man? Murderer? Bandit? Adored by children, feared by men? In the 19th century West, men were motivated by land, livestock, and opportunity. Joe Pace certainly was. He came to Utah after he killed a young man in Steamboat Springs, Colorado. Back then justice was often carried out with fists or weapons, especially when it came to land.

Pace came to Utah from Colorado just as the town of Westwater was beginning to boom. In 1884, the lines of the Denver and Rio Grande Railroad drew workers who settled the small town of Westwater to work on the Ruby Tunnel. From there, cattle and sheepherders sought land and miners sought fortunes in gold. At one point in Westwater's short his-



tory, the population was larger than Moab. There were two stores, a school, a restaurant and a post office. Westwater was a wild town at the time Joe Pace lived there. Land claim disputes were common. As the town increased, the older settlers found land being bought up around them by two Colorado land developers. The newer homesteaders frequently alienated the older-timers. Gradually, as the railroad work decreased, cattle and sheep herding increased. The Pace-Fuller Ranch became one of the largest ranches in Westwater, originally owned by Bob Fuller, Pace's cousin. After Bob's death however, Pace bought the ranch with Mrs. Fuller.

The story of Joe Pace is a bit murky. Beginning with his name, we have to wonder who he really was. After his death in September of 1941, his grave marker read Sterling P. Pace although his obituaries list him as Joseph Sterling Pace. So what was his true name? It appears he had a brother named Joseph L. Pace who was killed in the Civil War battle of Arkansas Post on January 10, 1863. So, Joe may have taken his older brother's name as his first, and used Sterling as his middle name. Why he did this is unclear.

## WAS JOE PACE A MURDERER OR MAN OF JUSTICE?

It is clear that Pace loved ranching and worked for various ranchers until he bought in on the Fuller Ranch. In his obituary, he was called "one of the old school of cattlemen in western Colorado and played an important part in the devel-

opment of the livestock industry throughout the slope."<sup>1</sup> Before moving to Utah, he worked for a millionaire rancher named Charles Sieber in Grand Junction. While Pace worked in Grand Junction, another man named Joe Harris killed Charles Sieber. Sieber had called Harris a "rustler" and they appeared to have argued. Harris then shot Sieber, but was acquitted on the grounds of self-defense as Seiber had a Winchester in his hands.<sup>2</sup> Joe Harris and Pace were to meet seven years later in Westwater. Harris apparently tried to drive Mrs. Fuller and Pace from the Westwater range. They were arguing over land and Harris had two lawsuits against Pace and Mrs. Fuller. Harris was known for his temper and had at one point stalked through Mrs. Fuller's residence threatening to kill Pace.

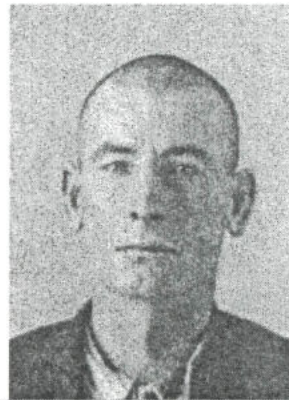
It may have been revenge, it may have been accidental, or it may have been a way to get rid of a nuisance; whatever the reason, Pace shot and killed Harris on October 3, 1909. Pace then immediately sent a telegram to the Sheriff in Moab admitting to the killing. The *Grand Valley Times* portrayed the killing with graphic detail, "Westwater, the scene of several bloody tragedies in the past had another chapter added to its turbulent history Sunday, when Joseph Pace sent a .30-.30 Winchester ball crashing through the brain of Joseph Harris..."<sup>3</sup>

The following trial investigated both men and found that Harris had killed Sieber and Pace had killed a young man in Steamboat, Colorado. Pace had been referred to as a high-



roller.... "He was a liberal spender and made many friends. He was handy with a gun and delighted in shooting up the town whenever he had sufficient red liquor under his belt." At the time of the shooting, Pace had been showing off, twirling his gun in a saloon when the gun discharged. The bullet went through the front door and struck a man, Sam McFadden who just happened to be walking by. McFadden was killed and although the death was ruled accidental, Pace served time in Cañon City.<sup>4</sup>

On November 14, 1909, Joe Pace was acquitted of murdering Joe Harris. The headline read, "Twelve men find that the killing of Harris was justified."<sup>5</sup> The killing appears to be justified because Harris threatened Pace, but little else is known.



Joe Pace, seen here in an 1895 mug shot taken when he was admitted to the Colorado State Prison at Cañon City after the Steamboat Springs shooting. He was later pardoned by the Governor. Photo courtesy of the Colorado State Archives.

#### OTHER ACCOUNTS OF JOE PACE

For insight into Joe Pace's personality, maybe the best accounts are from others who were children at the time Joe was rancher. Catherine Moore, the granddaughter of Charles Sieber, talks about Joe Pace in the book, "Riding Old Trails" by James Curtis. Charles Sieber often hired outlaws to work his ranch and Catherine remembered Joe as "one tough hombre from Texas," yet as a

child, she recalled a gentle man, "I adored Joe Pace and spent a lot of happy days at their summer camp. Joe would go out and gather a half-dozen calves, put them in the corral for me to ride. If I stayed on one, he would cheer, but if I went off, which I usually did, he would laugh and tell me to try another one." Catherine had also perceived the fear Joe set in men, "Back and forth through the herd we ran with our horses, hollering and siccing the dogs. We would scatter those ewes and lambs for a long ways, and never once did we see a herder. They were too scared of Joe Pace."<sup>6</sup>

Howard Brouse of Kannah Creek was 14 years old when he worked with Pace, "If I had to sum up old Joe in one word, it would be - ornery." He said, "I never saw him do much shooting, but I do know he wasn't much good with a hand gun. Fact is, that he usually shied away from shooting at all." This may account for the "accidental" death. But there is a contradiction here to the fun-loving, gun trickster who twirled his gun in bars. "Whenever he butchered a beef at the ranch, he would hand me his .45 and tell me to kill it." Then Howard goes on to talk about the time a porcupine had crawled into the horse corral and Pace tried to kill it. "Old Joe rested the barrel on a fence rail and emptied the gun at that porky. Didn't hit him once. It could be that his eyesight was failing, but he never gave any other sign of it."<sup>7</sup>

Kenneth Young of Glade Park, however, recalled that Joe Pace was a good shot when using his Winchester and "shot from the hip." He remembered one time when Joe dropped three wild dogs from a pack with just three shots and another time when, after taking a ribbing from some of his friends about this shooting style, he kept a can jumping till he emptied his gun.<sup>8</sup>

Things quieted down in Westwater after Pace was acquitted. He married and continued ranching in Westwater even after the town was abandoned in the 1930's. He returned to Mesa County in Colorado to ranch in the Pinion Mesa and

Glade Park areas, becoming one of the largest individual landowners on the western slope. In his later years, Pace moved to the lower altitude of California due to an illness associated with old age. He died in September of 1941 in a hospital at Loma Linda, California. Although he lived a tumultuous existence while ranching, conflict and killings were common for the time. Pace lived to be 82, which was rare at the turn of the 20th century. He may have lived with a few blemishes on his record, but at the end, he was recalled as a hard working, pioneering man with spirit.

*Karima currently lives and works at home in Castle Valley. She has many literary interests, including poetry, but local history has also become a new interest for her.*



Joe Pace's brand as registered in the Westwater area. It was called the "bell" brand.

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4. "Shooting Was Accidental." *Grand Valley Times*, 22 October 1909.
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7. Ibid
8. Ibid, p. 214-215.

# The "Unwritten Law"

by Rusty Salmon

In the early American West the home and family usually followed behind the original trappers, prospectors, miners, cowboys, gamblers, and assorted ne'er-do-wells who founded various settlements and towns. Utah was generally an exception to this rule because of the influence of the Mormon Church and its aggressive plans for expansion throughout the region. However, even in those areas like Grand County, which sprang to life without that guiding hand, the family unit soon became the cornerstone of society. It is not surprising then that, in addition only to Texas, Utah had an actual law included in its books which in other states was referred to as the "unwritten law."

A train arriving in Thompson Springs, one of the main rail stations along the D&RG Railroad line in southeastern Utah, was nothing new but this particular morning it would trigger the beginning of events which would include a double homicide, a murder trial, and eventually a reappraisal of opinions long held by a community. On this hot, sultry July morning of 1920 the desert air was shattered by the blasts of a high powered rifle as an elderly man stormed through town seeking to avenge his honor.

Train No. 1 from Grand Junction had arrived slightly late that morning and sixty-five year-old Eutimo Duran sat in the shade of a nearby building waiting patiently as it finally pulled into the station and the few passengers began to disembark. He had his rifle, not an unusual accessory in those days of the wilder West, sitting across his knees. What was unusual was that he hadn't been parted from that rifle for several days and was rumored to have become almost crazed since returning home from a recent trip to find his wife had left in his absence to go to Colorado on the train. She had sup-

posedly accompanied a man whose incessant attentions had become well known in the little community.

Like most small towns, the gossip kept up with the implied details of the relationship which had apparently been suspected for several years and most locals knew that Duran's beautiful young wife, Pilar, had traveled to Grand Junction several times over the preceding six months. A sheep man had also suspiciously traveled to Grand Junction at the same time, remaining gone from the area for the same number of days. The coincidence was simply too much for Duran and the wagging tongues had apparently not gone unheeded by him.

Christino Jiron had been working for the Myrup sheep outfit in the Book Cliffs, too conveniently close

for Duran, and Jiron would often come into Thompson for supplies or simply to spend some leisure time. After the relationship with Pilar Duran had supposedly begun three years previously, the elder Duran had stormed up to Jiron several times, warning him to stay away from Pilar or there would be trouble. On one occasion, Jiron had responded by pulling a gun on Duran and holding it to his head. Stories circulated later that Jiron had actually pulled the trigger but that the pistol had misfired thereby saving Eutimio Duran's life but convincing him that the younger man would, indeed, be willing to kill him if the troubles continued.

And continue they did. After arriving home several nights ago to discover his wife's absence yet again, Duran became incensed with the relationship and the attention it was getting in the small town. His honor had been sullied and it was time to recover any self-esteem he had left! Each day he had waited in the shadows near the station for the two to arrive, seething and muttering to himself, finally trudging home to the little farm just west of town where the family



Stacks of wool bags waiting for shipment at Thompson Springs which was an important shipping point for the owners and the men who worked with their flocks. Photo courtesy of A.J. Rogers

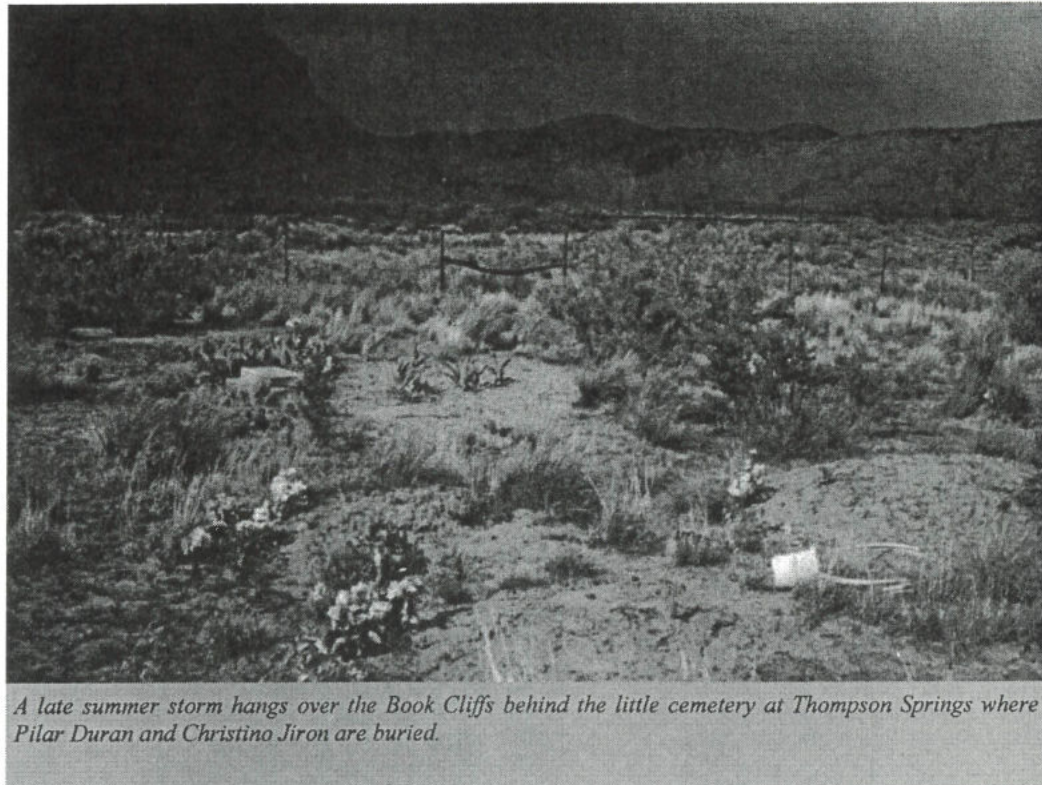


had resided for several years. Only last night had he recovered his senses enough to actually consider what he planned to do and, fearful for his sanity and his freedom, he had put in a call to Moab. Attorney Knox Patterson had listened to the irate ravings of Duran about the stinging embarrassment that Jiron was heaping upon him and sensed that something more serious was behind the call. In a burst of insight, Patterson told Duran to leave his home immediately and catch the stage that very evening for Moab. He would be waiting for him and would expect to see Duran at his office first thing in the morning. Duran ended the call

with a declaration that he would be there but Patterson had no idea that other wheels had already been set in motion.

Now, as the train began pulling from the station, carrying people and goods across the vast scrubland to the west, Eutimio Duran peered carefully at each of the figures that had disembarked. Spotting his wife and another familiar figure, Duran stepped into the light and began approaching the people and businessmen milling about, with the rifle dangling from his right hand. Pilar, her beautiful black hair neatly cinched and pinned up under her hat, spotted her determined-looking husband approaching and sensed that something was very wrong. Grabbing her small valise, she turned away from the station and began walking rapidly home, occasionally glancing worriedly back over her shoulder to determine if her husband was following.

But Eutimio Duran only had eyes for the man chatting amiably with some friends as they walked away, crossing the tracks carefully. Raising his rifle, Duran called Jiron's name and Jiron, sensing trouble from the startled look on the faces of those



A late summer storm hangs over the Book Cliffs behind the little cemetery at Thompson Springs where Pilar Duran and Christino Jiron are buried.

around him, turned in time to hear the shot as Duran pulled the trigger not once but twice. Christino Jiron, shot both times through the head, was killed instantly and his body fell to the ground between the tracks in front of the depot.

Duran, his eyes now glazed and unfocused, turned towards his little farm. E.K. Holbrook, the deputy sheriff, was in the Thompson store and heard those first fateful shots, as did many others in the little town. As he glanced out the store window, he noticed Duran holding his rifle loosely and walking steadily towards his home but he also noted that he didn't seem to be in a hurry nor that anything seemed particularly wrong. The deputy, lulled into a false sense of calm, returned to his shopping.

Following Pilar who had begun to run after hearing the shots, Eutimio finally caught up with her before she could bar his entry into the house. Although she begged and tearfully pleaded with Duran for her life, he calmly, almost methodically, shot her three times at close range and then stepped back out to the porch. Deputy sheriff Holbrook, hearing the second barrage and now fully realizing

what he had seen, raced to the home and accepted Duran's peaceful surrender. Returning to his office with Duran in custody, he immediately notified Sheriff W.J. Bliss in Moab, as well as the county attorney O.A. Tangren, and Doctor Williams, all of whom left immediately for Thompson to begin an inquest. Duran was brought back to Moab to stand trial for the murders.

Early reports of the murders blasted across the headlines of the *Times Independent* with Jiron being referred to as Christino Jaramillo, a name he was also known by in the region. County residents tut-tutted about the circumstances of the murders and were told that the trial could be as soon as the August term of district court, although it was eventually on the November docket. It became known immediately that the defense was planning on using the "unwritten law" as justification for the killings and, after pleading not guilty to both counts of murder, it was determined to try Duran separately -- first for his wife's death, then that of her alleged paramour. The 1907 law included the following definition of justifiable homicide "*Homicide is.... justifiable*

*when committed by any person..... when committed in a sudden heat of passion caused by the attempt of the deceased to commit rape or to defile the wife, daughter, sister, mother or other female relative or dependent of the accused, or when the defilement has actually been committed."*

In a town where small cases of cattle rustling, water rights, and unpaid bills took up the majority of the court's time, a double murder like this engendered a certain amount of excitement, attention and discussion and everyone waited to see the outcome. Two days were taken to select the jury which then proceeded to hear both sides of the case for almost a week. Fifteen witnesses were examined who first, for the prosecution, described the killings, and then, for the defense, told of the supposedly well-known affair of the victims which drove Mr. Duran to kill in a heat of passion. Other witnesses who felt that he was perfectly sane countered charges of irrational behavior on Duran's part. Apparently an "expert witness" at this time was usually a neighbor who knew the usual disposition of an accused party rather than the psychiatrist of today's courtroom dramas.

After a mere two hours of deliberation, a verdict of not guilty was returned and Duran was then allowed to go free after posting bail of \$1,000 on the second charge, that of killing Jiron. By December, the excitement had died down. The charges of killing Jiron were quietly dismissed with the County attorney stating that the failure to convict Duran of his wife's murder made it unlikely that the state could obtain a conviction on the remaining charge.



During the following years the "unwritten law," which had been used in several other cases in Grand County prior to this one, was considered again, now in light of the women's suffrage movement and the greater free-

doms of the modern society. The old ways were changing, the old ideals and values being challenged at every turn. Under this new "enlightened" government the next case to come to the Grand County court would be looked at differently and the outcome would not be as assured. And it wasn't long before the residents again read headlines of passion and death.

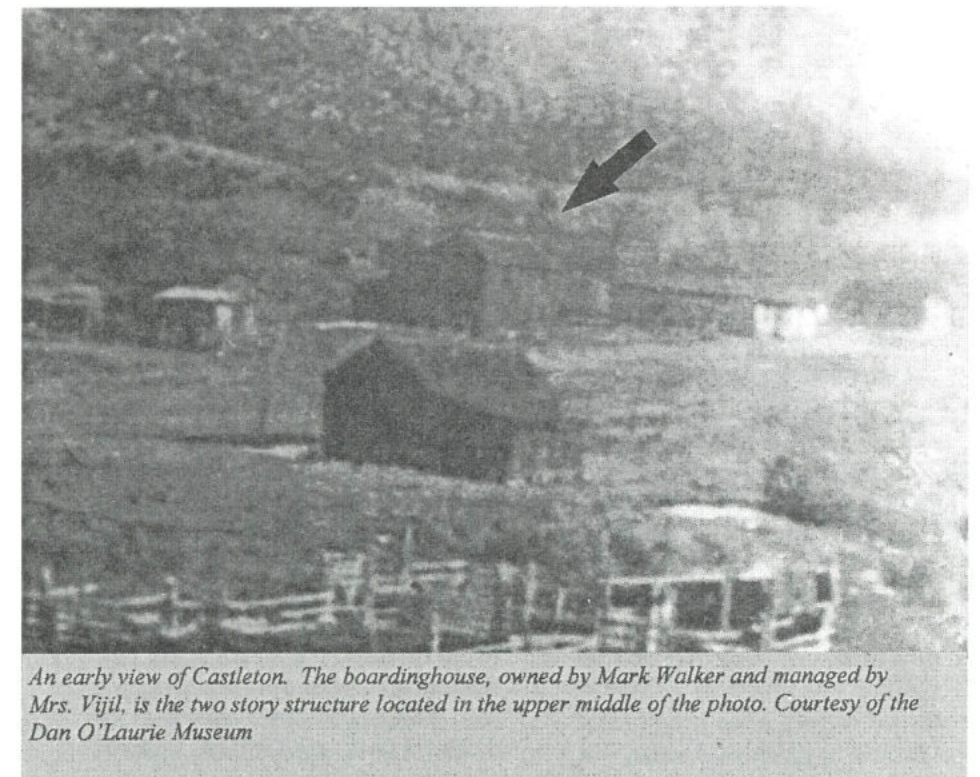


It was October of 1925 and the frost had already heavily tinged the gardens of the residents who called the little town of Castleton home. Located almost 2,000 feet higher than Moab and in closer proximity to the La Sal Mountains, it had become a staging area for not only miners but also many of the local sheep and cattlemen. A boardinghouse, called the Walker hotel and run by Mrs. Epifanio P. Vijil, seemed to always be full as the men passed through the town, stayed awhile and then moved on with the various herds. Mrs. Vijil and her daughters from her first marriage saw to the needs of the clientele. Her husband, Epifanio, whom she had married in March, tended

sheep herds for Don Taylor as did many of the other Mexican boarders. The new marriage, unfortunately, had turned sour before the summer was over and the two had already separated.

On this Friday evening the phonograph was playing brightly in the front room of the boardinghouse where Mrs. Vijil was relaxing after the dinner hour and chatting with another resident, Fidel Archuleta. Still in the dining room, Frank Chavez sat reading a newspaper and enjoying the music floating in from the adjacent room. He had only come to the boardinghouse long enough to collect his suitcase and grab a bite to eat as he had promised Don Taylor whom he also worked for, that he would accompany the Taylor lambs to Grand Junction where they would be sold.

Sometime between 8:00 and 9:00 P.M. a door directly into the dining room opened and E.P. Vijil stepped into the room. Glancing about, he asked Chavez to accompany him outside, Chavez answered "all right" and stepped out the door, possibly wondering if Vijil was bringing him word from Taylor about a change in plans. As he walked into the darkness, however, two shots rang out and he fell to



An early view of Castleton. The boardinghouse, owned by Mark Walker and managed by Mrs. Vijil, is the two story structure located in the upper middle of the photo. Courtesy of the Dan O'Laurie Museum



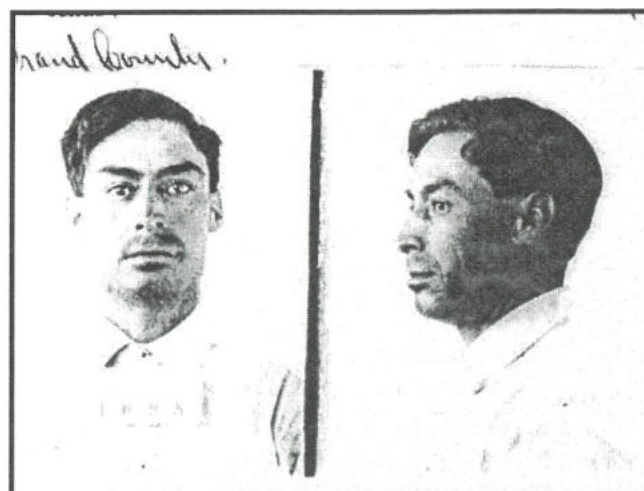
the ground. Although the first shot had gone wild, the second was a head wound that was instantly fatal.

Hearing the shots, Mrs. Vijil ran into a bedroom adjacent to the front room where she and Archuleta had been playing the music and only just in time, for Vijil came storming into the front room waving around a .32 automatic revolver and demanding that Archuleta tell him where his wife was. While Archuleta professed ignorance of her whereabouts and mumbled incoherently in obvious fear of being shot, Mrs. Vijil wriggled under a bed where she stayed until Vijil left without finding her. Grabbing a horse belonging to Leonardo Morell from a nearby corral, Vijil raced off into the darkness riding bareback.

After Chester Wright, another Castleton resident, determined that Chavez was dead and Vijil gone, the sheriff's office in Moab was notified and, by 11:00 o'clock that night, Deputy Sheriff Vere Westwood, the county attorney, the justice of the peace and others were on their way to the scene of the crime. Because of the condition of the roads at that time, their route took them north to Thompson, around through Cisco and Dewey, and then to Castleton. Little did they know that they had probably passed Vijil at some point since he had headed up the river towards Cisco and the train station there.

After the inquest Saturday morning Deputy Sheriff Westwood immediately retraced his steps toward Cisco, assuming correctly that the fleeing man was headed there. However a severe storm obliterated all tracks by the time he reached Sager's Wash, costing him valuable time tracking the fugitive. Meanwhile, Vijil reached Cisco and boarded the No. 12 eastbound freight train about 4:00 o'clock Saturday afternoon.

It was almost three weeks later when word was received by Sheriff Westwood that Vijil had been caught near his old home in Espanola, New



Booking photo taken at the Utah State Prison of Epifanio P. Vijil. Courtesy of Utah State Archives.

Mexico. The sheriff and a driver left for New Mexico to extradite Vijil, but their car became stuck in the mud south of Durango. Another car, which had been traveling the same route and also been stuck, offered them a ride and the sheriff and his driver got into the new Dodge touring car to ride to a nearby ranch until their vehicle could be extricated. Striking a match while riding in the back seat, however, the sheriff unintentionally ignited fumes from two cans of gasoline stored near him. The others dove from the car and finally managed to pull the sheriff out but the freak accident, which almost cost the sheriff his life, completely burned up the new car along with the sheriff's suitcase, two guns, handcuffs, 130 rounds of ammunition, and all his papers. Vijil was eventually extradited anyway and the party returned to Moab escorting Vijil.

It was April before Vijil was finally brought to trial and then, after two days of selecting a jury, Vijil's lawyers promptly changed the plea of innocent to guilty when the charge was reduced by the county attorney from first degree murder to voluntary manslaughter "while in a sudden heat of passion." Apparently the testimony of the first few witnesses had induced the county attorney to reduce the charges although he was no longer able to dismiss them entirely

as might have been the case several years earlier. The judge pronounced sentence and Epifanio Vijil was sent to prison for a term of one to ten years.

Such cases have always been the fodder of headlines and public scrutiny but over the years the ability to commit murder and walk away from any recrimination has become more and more difficult. The most recent version of the Utah Criminal Code written in 1973 states that "... It is an affirmative defense to a charge of aggravated murder... that the defendant caused the death of another.... under the influence

*of extreme emotional distress for which there is a reasonable explanation or excuse; or... under a reasonable belief that the circumstances provided a legal justification or excuse for his conduct."*

Even though this phrasing still resides in Utah Law the act of murder no longer goes unpunished. At best the sentence may be reduced because "...If the jury does find special mitigation by a unanimous vote, it shall return a verdict on the reduced charge as provided... special mitigation under this section does not, in any case, reduce the level of an offense by more than one degree\* from that offense, the elements of which the evidence has established beyond a reasonable doubt." It is not that such actions no longer occur, but that they are now punished more appropriately.

*\*emphasis is author's*



#### References:

1. Personal interview with Carmen Martinez, Pilar and Eutimo Duran's granddaughter
2. Personal interview with Berniece Bowman, former Castleton resident
3. Various *Times Independent* articles of 1920 and 1925-26



*The following true story was written by Arthur Ballard who, with his brother, was one of the of the primary land and business owners in Thompson Springs during the early years. He then moved back to England but years later sent this story about the time they were held up by the outlaw, Joe Walker.*

Possibly to the merchant in the East conducting his business under the ample protection of the police, the conditions under which the trader in the West does business would make a striking contrast.

In 1896, two brothers embarked in a small general store business at a point on a trail much frequented by Indians, freighters, stockmen and their parasites — horse and cattle thieves and hold-ups — all to be handled impartially and tactfully by the trader. The store was a rough lumber, unpainted shack containing a line of groceries, hardware and clothing. A portion of the building was partitioned off for the use of Uncle Sam's mails. Adjacent was a hotel and a log building used as a saloon where poker games ran high.

To the north of this spot a trail winds away through a dark canyon leading to a rough mountainous country, while to the south a road leads over a sand desert to a distant Mormon settlement on the Grand River.

About sundown one March evening an outlaw well known to the two storekeepers, and whose exploits were already the talk of the sheep and cow camps — a well-built, dark-complexioned man of medium height — entered the dimly lighted shack and cheerfully greeted the storekeepers. He then proceeded to

# Joe Walker's Last Ride

by Arthur Ballard

make small purchases — overalls, spurs, rope and the like. The overalls he took into an adjoining lean-to and put them on, which subsequent events proved to be a ruse to ascertain the whereabouts of the storekeepers' firearms and the number of people in the building. Then stepping out of the store he returned with a partner who wore an artificial black beard. The gentleman with the beard claimed to be feeling sick and asked for whiskey and then made a few purchases. A shepherd walked in and lazily stretched himself upon a card table in one corner of the building.

The outlaw, who was the notorious Joe Walker, called for his bill which the storekeeper handed to him. Instead of drawing out his pocket-book Joe produced a long .44 and poked it into the face of the surprised storekeeper who was in the act of handing him the bill. At the same time the bearded gentleman covered the recumbent shepherd and the other storekeeper with his gun, demanding them to hold up their hands. Joe set his back against the door to prevent further intrusions.

About this time another shepherd, finding his entrance to the store and post office barred, peeped through the dim and dirty window pane and was just able to make out that something of an unusual nature was going on inside. Being more curious than wise, he squeezed his way into the store only to look into the barrel of Walker's .44. He held up his hands without waiting to be told.

Walker asked how much was in the till and, when it was opened up, grabbed the contents which only amounted to a few dollars. In searching his victims for possibly concealed weapons he jerked a silver watch out of the vest pocket of one of the brothers who remarked that it was only a Waterbury.

"Keep the damnation thing," said Joe, and thus, by a little prevarication of the truth, a valuable watch was saved. Possibly Joe was getting a

little nervous and overlooked such details as the make of the watch. The situation was getting tense; two men were holding four men prisoners. They did not make a good job of robbing them.

Joe Walker backed out of the store and at the same time ordered his victims to follow and the gentleman with the black beard brought up the rear. This silent and orderly procession walked, or more accurately marched, in Indian file, hands aloft to a corral where two horses were tied and then stood in line underneath the gun of the black bearded gentleman while Walker mounted. Walker still further detained the four in line while his black bearded friend mounted, then gently backing away, derisively told the four in line to do their shouting, and vanished from view into the darkness.

Aching arms were dropped to sides and slowly and sadly the four walked back to the store to talk over recent events and compare notes.

Two months later the storekeeper, standing outside his store, saw a cloud of dust approaching from the mouth of the canyon, the mountain trail. As it approached he distinguished six horsemen, all armed and driving pack animals in front of them. Two mules carried strange long narrow packs wrapped in tarpaulin, securely lashed with a diamond hitch, which hung evenly on both sides of the animals. These six men were the Sheriff's posse; those two long narrow packs contained the lifeless bodies of Joe Walker and his partner. This was Joe's last ride.



*Joe Walker was "supposedly" killed by a posse of 13 men after a 13 day chase on Friday the 13th. However, newspapers of the period seem to indicate that the posse was composed of 10 men, including Joe Bush (also discussed in this issue). The year was 1898 and it happened on Hill Creek, about 40 miles from Thompson. The other man, John Herron, has been referred to as his partner or just a cow-boy passing by, depending on the version.*





The bank, seen here on the right, sat next to the Times Independent office. Notice the iron gate on the front door which the robbers had to spring in order to gain entry. Courtesy of the Dan O'Laurie Museum.

# The Moab Bank Robbery

by Jim Murray

On April 27, 1923, the small town of Moab was surprised to discover that their town bank had been robbed. This was not only the first burglary of any consequence but also the first bank robbery in the history of southeastern Utah in spite of the area's well-known bandits and outlaws who had roamed through the region at will. During the wee hours of that Friday morning, between two and three A.M., three burglars had started out on what would eventually become a comedy of errors.

Two of the men had supposedly passed through Moab about ten days before, scouting out the bank and burying their burglary tools near the Colorado River Bridge. They then returned to Price and got a third man to join them. They later claimed that they had caught a freight train to Thompson and walked to Moab. The three had arrived in Moab Wednesday night and waited another 24 hours to put their plan into action. They first tried to enter through the back by sawing through the bars but broke their hacksaw. They were finally forced to try entering through front door by springing the lock on the iron gate and gaining entry through the main door with a wrecking bar.

Meanwhile H. B. Green, the bank's bookkeeper, just happened to be going by, having spent the evening at the Moab hospital. Hearing a

noise and stopping to investigate, he was surprised by a man stepping from behind the bank's coal house. The burglar pulled a gun on Green and then placed him inside the small furnace building at the rear of the Times Independent (the bank's neighboring building). He searched Green, then bound and gagged him, tying his hands and feet with wire. Green soon heard four separate explosions. The other two bandits had broken the combination lock off the outer door by bludgeoning it, and then had blown the inner vault door with nitroglycerin. The inner safe was then dynamited twice and a final charge of nitroglycerin was used. The town slept through it all!

After all this and removing the money, both bills and coins, they placed Green inside the destroyed vault and told him they'd call the authorities to rescue him once they reached Thompson. Fortunately, because of the dense smoke, they did not lock the vault and, since he wasn't tied securely, Green escaped in 20-30 minutes to give the alarm.

At first there was some contradictory evidence about a car leaving town although no one had seen it but then Saturday morning two drivers from the Moab Garage Company phoned Sheriff Murphy from Thompson. They said they had seen the tracks of three men just west of Courthouse Station. Shortly after that Ralph Miller and Winford Hector

returned to town from a ride in the hills and said that they had also seen foot tracks heading off to the west from Courthouse bridge. They had also found a place where it appeared that three men had stopped the previous day. The sheriff called deputies in Thompson and Elgin about noon telling them to be looking in the desert and, with others, he headed up to the Courthouse Bridge area. It was there that he found a piece of a \$5.00 bill and a wrapper from a roll of currency.

Meanwhile Deputy Frank Meador had come down from Thompson with Deputy Martin Geer and they followed the tracks north to the 17-mile rock where the tracks left the road heading westward. Apparently attempts had been made to disguise the tracks and they were heading for a ridge a mile distant. Meador and Geer, armed with only one rifle and a pistol, decided to return to Courthouse Station. After having dinner and borrowing another rifle from Mrs. John Jackson, they returned to the trail.

They soon met Jack Murphy who was coming from Thompson with a load of freight and he volunteered to go along and was also deputized. About 4:00 PM, after going about two more miles to an area called Klondike Ridge, they spotted the burglars lying in the bottom of a draw, just killing time. The deputies maneuvered into a good position only

30 yards away and Meador commanded them to come out with their hands up, firing his rifle into the air with the second command to show that he meant business.

Two of the men jumped up to surrender but another rifle shot was necessary to convince the third man. The deputies recovered three rolls of bills which the men had buried in the bottom of the wash as well as their three revolvers. Deputy Meador had also looked for the additional silver and coins at the time of the arrest but was told that it had been stashed and they wouldn't find it. The deputies then marched the crooks back to the road and waited for the evening stage to come along so that they could be brought to Moab. It had been only 37 hours since the robbery.

While being held at the County jail in Moab that Saturday night the men had, at first, maintained silence about the crime but eventually confessed and told the details. Apparently they had hidden in the rocks above Courthouse for the most part of the day Friday after the robbery, watching the main road into Moab, and then tried to move during the night. They soon realized that they couldn't make much headway as they were continually forced to backtrack and work their way around various obstacles in the desert country. At first they were reluctant to disclose the hiding place of the rest of the money but the chance for a reduced sentencing seemed to win them over.

The bank robbers had taken approximately \$7,000 in cash and silver. Much of the paper currency was originally blown to pieces, as evi-

denced by the crime scene and the money recovered at their capture site. The silver coins, however, had been hidden before the men had even left town. They finally showed the authorities where it was buried.....the same spot where they had buried their burglary tools days before. One of the burglars, Fred Prentice, took them to the north end of the Colorado River Bridge where the 2 bags of silver were hidden in a crevice of a big rock and covered with three feet of dirt and rocks. When it was all counted, the authorities had recovered \$30 more than was stolen and the burglars said it was \$30 of their own money!

Details came out about the three men as they were held for trial. They were identified as Joe Conley, a 41-year-old railroad man from North Dakota, George Borden, a 31-year-old miner and railroad car repairman from Butte Montana, and Fred Prentice, a 35-year-old who claimed to have been a miner in Moab 20 years previously in the La Sal Mountains and who had worked on the River Road construction. They were believed to be wanted elsewhere for similar crimes. Other Utah banks at Nephi, Sandy, St. George and Fillmore had also been held up since the first of the year. It was felt that there might be a connection because of similar equipment which was used and the fact that one of the men seemed to match the description, but that this robbery was cruder and less professional. Authorities also doubted their story about their arrival in Moab because they wouldn't have tried to escape through the desert if they'd

already walked through the area and knew how rugged it was. The police thought they must have been part of a gang and that things didn't go off as planned for the escape by car.

When the men went to trial in May they were charged with 2<sup>nd</sup> degree burglary with a punishment of 1-20 years imprisonment as per the agreement. Judge Dilworth Wooley recommended the maximum time, although they apparently had no intention of hurting anyone as they were

"solicitous" of the bookkeeper's well-being. Only Conley asked for leniency, stating that this was his first offense and he had learned his lesson, but the judge said leniency had already been shown by the reduction in charge. On Monday, May 14, 1923, the three were taken to Salt Lake City to the State Penitentiary. Meador, Geer and Murphy were each rewarded \$100 by the bank for their capture of the robbers. And, on June 21<sup>st</sup>, the bank installed one of the most modern bank safes on the market, a massive 2-ton Diebold, with round burglar-proof doors and a time locking device at a cost of \$1700. But the story doesn't end here.

## Oct. 9, 1926, three years later.....

Apparently three men left Grand Junction during the early hours of the evening to go to Utah over what was then called the Pike's Peak highway. About midnight, however, a group of tourists ran across them approximately 12 miles east of Cisco. Seeing that there seemed to be trouble the tourists approached the vehicle and saw that two of the men were wounded, one severely. The third, uninjured man told a story of banditry and the tourists help get the group back to a hospital in Grand Junction. The man with the most severe wounds, who gave his name as Mike Conway, refused to talk about the incident saying only that he "wouldn't swear anybody into the penitentiary." His wounds soon proved fatal and he died a short time after arriving at the hospital.

The uninjured man, George Hughes, returned to Cisco to notify the Grand County authorities of the trouble and the shootings. Again he told the tale of two men attempting to hold them up while he had slept in the back seat. When Conway and the other occupant, Albert Bates, had protested, the shooting had begun. Conway's attempt to escape had resulted in his more serious wounds. Since there was nothing suspicious about the story, it came as a shock to the local authorities when Hughes committed suicide shortly after his return to Grand Junction, leaving a note about his ill health being the



Fred Prentice (l), the man who showed where the coin bags were buried, and George Borden (r) in their prison admission photos of 1923. Courtesy of the Utah State Archives.



cause. Hughes had \$180 on him and \$500 in the bank in Grand Junction. In the note he said to give \$250 to Bates and spend \$100 to bury Conway. This money and the strange turn of events alerted the police to the possibility of there being more to the story than they had originally thought.

Questioning the other wounded man, Albert L. Bates, added only a few details. He agreed that Hughes had been in the back seat asleep, saying that he had been drunk, a detail Hughes had omitted. He also said that the three were miners on their way to the mines at Bingham hoping to find work and that the two bandits had fired on them after he had slapped one of them. His wounds to arm, leg and ear were received at that point as was Conway's first wound, a shot to his leg. Only after the men ordered them from the car did Conway try to escape, however, resulting in the fatal shot to his abdomen. At that point, Bates said, the men took their wallets...Conway's had about \$40 and Bates' wallet had about \$210 in it... and left.

Meanwhile the case got stranger by the minute. Although the officers were proceeding to search for the supposed highway bandits, they also searched Bates' Ford and found goods that had been burglarized in Colorado. Grand County attorney C.A. Robertson, who had gone to Grand Junction as part of the investigation, called home to say that the men also had a full kit of burglary tools in their car. Additionally, forensic evidence seemed to show that Conway wasn't running away when shot but that the gun was pressed against him, with powder burns and a gun impression still on his coat. Grand County's Sheriff Westwood also could not find any evidence of the supposed Chevy or any proof of the shooting at the scene. And finally, after his death, authorities noticed the resemblance of "Mike Conway" to Joe Conley, one of the men who had robbed the Moab Bank!

Pictures were sent and the details began to add up. The authorities determined that "Conway" had indeed been Joe Conley aka Mike Burke, Mike Ward, John Conley, "St. Louis"



Joe Conley, aka Mike Conway and other alias', as he appeared in the Utah State prison admitting photos taken in 1923. Courtesy of the Utah State Archives.

Mike, Joe Martin, and Mike Donnelly! Apparently the man who had pleaded before a Moab judge that it was his first offense had a long history of illegal activities. Conley's record was said to date back to 1911 and that he had served dozens of jail terms in the northwestern states and finally jail terms in Salt Lake City for bank robbery and safe-blowing. Conley had also been arrested in Colorado Springs in 1922 and was called a "cured dope fiend." After determining his identity, the *Grand Junction Sentinel* called Conley "one of the most notorious criminals of the west" who had been sent by Salt Lake City "yeggmen" (a rather quaint but descriptive term of the times which referred to burglars) to be in charge of activities in the Colorado area. He was called an expert in the use of dynamite, nitroglycerine, and safe-blowing techniques and his gang was blamed for twelve or more robberies since May. These included a warehouse and also a lumber company office in Grand Junction, the railroad station at Fruita, stores in Mack, Gypsum, DeBeque, New Castle, and other jobs in western Colorado and eastern Utah. Over \$450 was taken in one safe job which reminded the officers of the large amounts of money that Hughes had when he had died.

All during this two-week investigation Bates had been recovering in the hospital, thinking that the story they had originally given the police had been believed. Not until the offi-

cers confronted him with the evidence would he talk more about his relationship with Conley who he said he met in Salt Lake City about nine months previously, just after Conley was paroled from prison. Bates, it seemed, also had a long criminal record and had been arrested for forgery recently in Denver. He was known to be one of the smoothest criminals in the region, known as "Whitie" Bates or "Frisco Whitie" by the underworld.

Authorities soon decided that Denver yeggmen were competing with the Salt Lake City-based gang and that the competition had probably caused a showdown in the desert near Cisco. Bad blood was known to exist between the gangs and had caused a fight in a Denver boardinghouse recently in which two of the participants had been identified as Conley and Bates.

Although witnesses at Cisco said that one of the supposed bandits might have stopped by there the night of the shooting trying to buy liquor and get up a poker game, authorities were never able to tie anyone else into the shooting.

Bates, as the last member of the threesome left alive, was held on the charges of all the burglaries with the evidence that had been recovered from their vehicle and he was eventually sent to prison. His escape the following year in 1927 only added to his long list of criminal offenses. Bates didn't take advantage of his new-found opportunity to go straight, however, and, after being captured and later incarcerated for other crimes, he eventually died at Alcatraz in the 1940's. All of which only adds to the flavor of this convoluted and interesting tale which started with a bank robbery and ended, years later, in death.



*Jim Murray lives in Salt Lake City and visits the Moab region often with his wife and family. He is a lead electronics service technician, who is originally from New York.*

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## The Ringling Runaround

from the files of the  
*Grand Valley Times*

The case of Roger D. Ringling, a young man supposedly in the area as a horse buyer, was well known to the readers of the *Times* during late summer of 1908. Speculation surrounding his disappearance had leaned towards believing that he had met with foul play when two sheepmen riding on the mesa discovered items belonging to him. They found chaps, a saddle and a bridle bit that had been Ringling's. Since the chaps had what was presumed to be blood on them, the sheriff began a formal investigation into the disappearance. In August Ringling had met with Harry Farrer and William Bell and accompanied them to Sulyer Mesa to look at some of



The missing Roger D. Ringling

their horses. He had subsequently "disappeared." Although a search was made at the time, he had most conveniently vanished into thin air, leaving neither trail nor leads to follow up on. The first place the Sheriff went was to Green River where he found considerable evidence that also pointed to foul play. He then went to Sulyer Mesa along with several Green River men in an attempt to search for the missing man's body. But it was March, the snow was deep, and little progress was made. The group abandoned the search waiting until the weather was more favorable and some of the snow melted.

The sheriff had obtained a wallet containing letters, papers and photographs of the missing man. He now contacted those relatives and friends that were listed in the papers in the wallet. The first break in the case was a response from

relatives in Missouri who said that they had received a letter from Ringling several months after he had vanished near Green River. They also stated that they thought he was in Nevada when he had written to them.

Following up on that clue, the Sheriff learned that Ringling might have worked for a man in Palisade, Nevada. He sent a letter of inquiry and then sent one of the pictures of Ringling from the wallet. Asking for confirmation that this was the man who had worked there from early winter of 1908 until spring of 1909, he received a reply that the picture was a good likeness of the man who had worked there, calling himself Ringling, and that they weren't sure why Ringling had left Utah in the odd manner that he did. It was stated that if he showed up again they would try to find out. There was no doubt, though, that the last time they had seen him Ringling was very much alive and well. The Sheriff was satisfied and the case was closed.



## Cashin' in His Chips at the Cashin Mine

by Howard Greager

In the early 1900's the violence that had plagued the lands surrounding the Paradox valley would not give way to civilized customs and refined behavior easily. A group of men, principally from the Bedrock area, formed a gang to terrorize the inhabitants of the Paradox Valley into leaving their homes and ranches and thereby their property and wealth for appropriation by the members of the gang. This same tactic was used many years prior by "the regulators" who tried to frighten a man named Monte Leach into leaving his property in 1895. The "regulators" never became violent and bloodthirsty, however, and ceased operating when Leach established that he had no intention of leaving Paradox Valley.

One of the trademarks of the Bedrock gang in their method of operation was to cut off the victim's head and put it somewhere far removed from the body. The first person to fall victim to this savage gang was "Slim" Hecox, a watchman at the old Cashin Mine. He carried quite a large sum of money on his person in a money belt. He also carried two .44 caliber pistols and maintained that no one could separate him from the money belt (as he affectionately patted the butts of the Colt revolvers). He claimed the name "Hecox" was a misnomer for "Hickok" and professed to be related to the famous gunman "Wild Bill Hickok." He also declared that the money

he carried was his share of the Coffeyville, Kansas bank robbery that he took part in when he was a member of the Jesse James gang.

The Bedrock gang needed quick money to finance some of their operation. They devised a plan whereby two gang members would go to the watchman's shack, where he often sat making out reports, and engage him in conversation. A third member would then hide outside a window and when the chance presented itself, he would kill the watchman and they would take the money belt. Everything about the plan fell right into place as the watchman was quite trusting with the visitors who he thought were his friends. They killed him, robbed him, and cut off his head according to the plan. The head was taken several miles up La Sal Creek and buried in an irrigation ditch. The body was carried into a little-used back room of the shack where several sacks of horse feed were stored. The

body was placed behind the sacks and several of them were used to cover the body. One sack in particular was a little rotted and when it was dropped down on the still-bleeding stump where the head had been, it split open and whole oats flowed out of the sack and covered the gruesome sight.

A few days passed and the watchman was missed when he hadn't made his regular trip down to the Valley for mail and supplies. Some Paradox residents went to the Cashin Mill to check on him and discovered enormous amounts of blood in the spot where "Slim" always sat to read and do his letter writing. Also a bullet was lodged in the wall behind his place at the table. The men searched the shack and shortly found the headless body partially concealed under the oats. The Sheriff was immediately notified and he in turn notified a Mrs. Gates of Chicago, Illinois, the owner of the mine property. "Slim"

Hecox was a very favored person with her and she sent three detectives to Paradox to solve the murder.

Meanwhile the body of Hecox was brought down to Paradox to await burial. It was placed in an old wagon box until the coffin, which was being built by some friends, arrived. Where the loose oats had been surrounding the neck of the corpse there was much clotted blood and the oats started to sprout from the supply of moisture during the several days that had passed since the murder. The stump was solidly covered with sprouting oats. When the men who were to



John Miller (l) and Dean Myers (r), 17 and 19 years old, as they looked when admitted to the Colorado State Penitentiary. Courtesy of the Colorado State Archives, Denver, Colorado.







Jim Gazaway was accused by the others of masterminding the Hecox robbery and murder. Prison photo courtesy of the Colorado State Archives.

bury "Slim" returned with the coffin to the wagon box containing the body, they found about two dozen chickens gathered about the corpse "just pecking away." I was told many times by some of the old timers in the area that the sale of eggs from that flock took a dramatic downturn that lasted a couple of weeks.

"Slim" was buried in the Paradox cemetery. In a few days the detectives sent by Mrs. Gates called a meeting at the schoolhouse for all the Valley residents to be interviewed. They wanted to get as many leads as possible. One detective, noting that

nearly everyone present was carrying some type of firearm, declared, "There are entirely too many guns in this audience." One rancher pronounced, "There will continue to be until you find the murderer or murderers of Slim Hecox."

The detectives figured out pretty quickly who the gang members were and organized a posse that captured them all as they filed in to a secret meeting at an old abandoned ranch house near Bedrock. They were transported to the Montrose jail and upon being interrogated by the Sheriff the whole story came out. They disclosed the location of where the head was buried and it was shortly retrieved from the irrigation ditch.

But the pine box that the body of Hecox had been buried in was built only long enough to fit his headless body. After the head was found it seemed only fitting that it should be buried with the body. So, the coffin was dug up, opened, and since there was no other place to put it, the head was placed in the crook of "Slim" Hecox's left arm. The coffin was resealed and reburied and that is the way old Slim lies today...holding his head in the bend of his arm.



*There are some additional interesting sidelights to the tale of the killing of Lemuel "Slim" Hecox. He had apparently suspected that he was in danger and on Thanksgiving, the day before he was killed, Slim had stopped by a neighboring ranch stating that he feared for his life. The money in his belt amounted to almost \$4,000 and he had shown it around to too many people. Later, one clue to the identities of the murderers was from a bootlegger who had been given a \$20 heirloom gold piece which everyone knew belonged to Hecox, and the other was Hecox's engraved watch which was found in the possession of a Castle Valley resident and brother of one of the suspects. Three men were eventually convicted, Jim Gazaway, and teenagers John Miller and Dean Meyers. The young boys claimed that they were the ones who actually killed Hecox although Gazaway had planned it. Because of the severity of the crime and the fact that they laughed about it, showing absolutely no regret, they were all sentenced to life imprisonment. Several days after his conviction Gazaway tried to escape by throwing pepper (which he'd saved from his meals) into the eyes of his jailer. He was foiled only when he ran into the sheriff as he left the jailhouse. Within several years, both Miller and Meyers, now young men in their twenties, died in prison. They did, indeed, serve a "life sentence." Many years later in 1933, Jim Gazaway finally managed to escape from the Colorado State Penitentiary at Cañon City and, as far as records can determine, he was never caught.*

*Howard Greager has written many books dealing with the Four Corners region and currently resides in Colorado. His credits include The Hell That Was Paradox, In the Company of Cowboys, They Shall Fall as the Leaves, The Mind of a Fox and Posey's Spurs.*



The Cashin Mine is located about 50 miles southeast of Moab near the Utah-Colorado border. Photo courtesy of the Dan O'Laurie Museum.

# Death & Disappearance at Dead Horse Point

By Vicki J. Barker

Stories of tragedy and intrigue, mystery and murder have crept into the history of Dead Horse Point over the years, almost imperceptibly -- like the thick fog that slowly creeps up the sheer rock walls to the precipice, there to be dispersed by gusty winds that push and whip it into writhing, spiraling wisps that dissipate quickly into nothing as they sail out over the Point into the huge void beyond.

Only if you happened to be at Dead Horse Point when a fog rolls in, and sat patiently while the sun's heat pushed it up from below, and felt the winds racing up from behind you to rush against the moistness coming over the ledge would you know about the dance of the fog at Dead Horse Point.

It's about the same experience trying to sort the facts from rumors about mishaps and murder on Dead Horse Mesa. You almost had to be there, and if not, then you'll find out more by knowing someone who knew someone else who knew someone who died up there, or who read something, or who wrote something, or who heard something, and told you about it. At that point, you are closer to knowing some part of the history of tragedy that hangs over Dead Horse Point than the buzzards that fly overhead.

For most, scenes of despair and death that have transpired on that grand mesa remain unsolved -- and in some cases, untold -- mysteries, because the stories are few, spanning many years, and not all made print. Some exist only in archival records or the memories of people involved or related to a victim or survivor, living mostly on hearsay and folklore. (You would be hard pressed to find a file on the woman who, pregnant with twins, fell to her death from Dead Horse Point in the 1960s.)

Stories about lightning-strike victims make headlines for a day and are gone like thunder. One or two of the more sensational incidents have held reporters in trance for several months as the stories evolved from coroner's report to court case to convictions, reward and punishment. One particular case, like the murder story to follow, ended with three people dead. Actually, the story never has really ended, as one of those presumed dead was never found, and the question remains alive, resurrected every once in awhile over the past 40 years. Whatever happened to Denise Sullivan?

For those old enough to remember the holiday horror story and subsequent search for the 15-year-old from Connecticut, contemporary reports of unidentified bones or artifacts popping up in the desert Southwest stir vivid memories of July 4, 1961. The fireworks display that Denise, her mother Jeanette and companion Charles E. Boothroyd witnessed that Independence Day was violent. Paradoxically, a stranger the traveling trio had met at Dead Horse Point who acted as their tour guide for two hours later flagged them down in the dark to rob them, feigning car trouble nine miles from Dead Horse Point near the Dubinky Well turnoff.

In the fracas, Denise's mother was shot in the back of the head and Boothroyd in the face while the girl cringed in the back seat of their Volkswagen. Then, the man went after Denise.

The following account of what happened to the Sullivans and Boothroyd that July Fourth, and the aftermath -- a manhunt and the search for the girl -- is based on current interviews with search participants and state park employees, news coverage from 1961 in *The Moab Time Independent* and *The Deseret*

*News* (which included interviews with Boothroyd, who survived the attack); and on information from author Steve Lacy's book, *"Whatever Happened to Denise Sullivan?"*, published in 1979 and updated by Dr. Lacy and Jaffod W. Pickett of the Footprints From the Past Museum, in an official publication of the Utah Peace Officers' Assn., *The Utah Peace Officer*, Winter 1991-92 issue.

Charles Boothroyd, then a 55-year-old widower from Hartford, Conn. (now deceased), had long been promising Denise's mother Jeanette a vacation to a favorite place of his, the wondrous red rock country of southeastern Utah. Mrs. Sullivan, 41, a retired Naval officer, had been divorced twice -- first from Donald F. Dean and most recently, 1958, from Dennis Sullivan -- and was struggling as a seamstress to supplement public assistance to support her two daughters when she met Boothroyd.

A month-long sojourn West with Boothroyd sounded like a welcome respite to Jeanette, and her teenaged daughter Denise enthusiastically agreed to go along. After all, out in the open West, she hoped to learn how to drive Boothroyd's 1960 VW on some remote dirt road. The three packed up the light-olive green Bug, waved goodbye to 4 1/2 year-old Jeanne Sullivan, Denise's younger sister who stayed behind with her grandparents and headed out of Rockville, Conn. with spirits high.

Their itinerary included a visit to Utah's new state park, Dead Horse Point, accessible then by graded and dirt roads. About 28 miles northwest of Moab, Dead Horse Point was designated a state park in 1959. The park was so new, the only staff was park manager Bruce Olsen, humorously referred to as "the lone ranger." There was no Visitor Center, no campsites or picnic tables, and the



shelter and rock barriers at the Point were just being built. A visitor could contemplate the vastness and ribbons of rivers beyond the 2,000-foot drop-off in solitude for hours, visitation was so low at that time.

That is what the Sullivans and Boothroyd encountered when they arrived: a solitary, middle-aged, clean shaven, dark-haired man, gazing into the distance. He calmly acknowledged his new company, and seemed nice and helpful when the Sullivans, dressed in look-alike paid slacks, approached the stranger with Boothroyd to ask if he knew anything about the park. Boothroyd later told reporters that the man spent two hours walking the Point with them while they shot pictures. As the day advanced, the stranger said he had to go, and it occurred to Boothroyd afterward that they had failed to ask his name, or where he lived.

With darkness approaching, the three left for Moab to stay the night. About nine miles down the road, Denise recognized the stranger's tan-colored car stopped on the side of the road. At Mrs. Sullivan's suggestion, Boothroyd pulled over. The man said he'd had engine trouble and needed a flashlight, which Boothroyd swiftly delivered, then stood by as Jeanette also got out of the car to offer assistance. The man fiddled with some wires under the hood, climbed into his car and started it, then stopped the engine and got out with a .22-caliber rifle in his hands. He shouted, "This is a holdup, and I want your money!"

Boothroyd tossed his wallet to the ground and instructed Jeanette to cooperate when the robber demanded her purse. She protested that they would need to have their identification, reached into her bag, threw a wad of \$250 at the man, then rebuked him angrily and turned to walk away. Apparently flustered by her behavior, the gunman pointed at the back of her head and fired. She crumpled to the ground, moaning lightly as blood began to pool around her brown hair. Enraged, Boothroyd sprang at the robber, but in midstep was shot in the face. He felt the warmth of blood gushing down his face and reached up just as another

shot was fired. The second bullet hit his hand, and Boothroyd fell to his knees, then slumped to the ground, his hand covering his face.

He remembers the killer standing silently a short while, then walking over to Mrs. Sullivan and removing her shoes, placing them on the shoulder of the road. He then rolled her body down a ravine bordered by sagebrush. He left her bag where it lay. Then, Boothroyd recalled, the Volkswagen suddenly started up. Denise had no driver's license, but Boothroyd had started teaching her how to drive his car, with a clutch, during their trip. Boothroyd saw the assailant run for his car as Denise popped the clutch, jerking down the dirt road in first gear, trying to gain speed. The killer's car spewed a cloud of red dirt into the air as it sped off after Denise.

Hanging onto consciousness, Boothroyd watched as the sedan caught up to the Bug within seconds. He told investigators the killer rammed the VW repeatedly, trying to force it off the road. Out of control, the VW dove into a barrow pit



Jeanette (l) and Denise on July 3, 1961. Use of copyrighted photo courtesy of Dr. Steve Lacy, Footprints from the Past Museum.

alongside the road and stalled. Denise was unable to get the engine going or get out of the car and run before the killer got to her. Boothroyd heard her screams fade as the murderer's car sped northward down the road.

Two miles north, an oil-rig worker had heard the gunshots and hurried to his vehicle, then drove south toward the sounds. Within about a half mile, Shell Oil Co. employee Leonard Brown noticed a 1955-model American-made car speeding toward him. He was able to discern only the letters CJ, on Utah plates, before it passed in the dark. It was about 9:30 p.m. Next, Brown saw the wrecked VW, stopped to see if anyone was hurt, found no one, and hurried on. Within seconds, he slammed on his brakes at the sight of a bloodied Boothroyd on his knees, waving from the side of the road. Brown ran to Boothroyd, wondering if there'd been an accident or a fight. Boothroyd mumbled that he'd been robbed and shot.

Brown ran to his vehicle and radioed Shell headquarters in Farmington, N.M., who called the Grand County Sheriff's Office with the report and description of the suspect's car. Boothroyd directed Brown to where Mrs. Sullivan was, and told him about Denise. Brown later said Mrs. Sullivan appeared to be dead at the scene. She was later pronounced dead at Dr. J. S. Allen Hospital (now Allen Memorial Hospital) in Moab. The oil worker applied first-aid to the injured man's facial wounds for two hours while waiting for the ambulance, which arrived with Dr. J.P. Munsey, Sheriff John Stocks (now deceased) and several Utah Highway Patrol troopers.

Stocks had issued an all-points-bulletin for the Four Corners states and ordered roadblocks to try to stop the car Boothroyd and Brown described, warning that the driver was armed and dangerous. After talking to Boothroyd, Stocks also reported Denise's abduction to the Federal Bureau of Investigation. By dawn, he organized a Jeep posse to begin a manhunt for the killer-kidnapper and his prey, the 90-pound choir girl from

Connecticut. Boothroyd underwent emergency surgery at the Moab hospital, where Munsey removed two slugs from the victim's head. The eyewitness was then flown to LDS Hospital in Salt Lake City to recuperate.

Wednesday, July 5, 1961, the Sheriff's office was flooded with calls from people wanting to help. The search area stretched from Hovenweep National Monument in the south, along U.S. Highway 6 & 50 to the north, the Utah-Colorado border on the east, and west to the Green River. It was the largest and most intensive search ever conducted by law enforcement in southeastern Utah, involving all types of vehicles, aircraft, boats and people on foot. But by nightfall the day after Jeanette's murder, there was still no trace of the killer or Denise and winds began to blow that threatened to extinguish any tire tracks or footprints that might be out there.

Interestingly, five U.S. Navy helicopters were re-directed to assist in the search July 5, after arriving to help the U.S. Secretaries of the Interior and Agriculture in a survey of the area for possible inclusion in a proposed Canyonlands National Park. The UHP also provided two crag-hopping planes for the search. By 9 p.m. July 5, four FBI agents arrived to investigate the kidnapping. That night, Sheriff Stocks announced publicly that he felt chances were slim, 100-to-1, that Denise would be found alive.

Thursday, July 6, the focus of the manhunt shifted to the Kane Creek area and the Shafer Trail, which descends from Dead Horse Mesa. Stocks also ordered dragging operations on the Colorado River in the search for Denise. Boater O.L. Anderson was in charge on the river above Moab. F.M. Pimpell kayaked down the river to the approximate area of the Big Chief uranium mine site, in Lisbon Valley.

Also on July 6, Cliff and Wilma Aldridge of Moab reported having seen a car like the suspect's at Dead Horse Point early in the afternoon of July 4. Mrs. Aldridge remembered noticing "CJ" on the license plates, which would have been newly issued

because the state had only started putting letters on plates in 1961. She also said "CJ" would be Carbon County plates. And the man in the car fit the description of the killer.

The boat search Thursday turned up a pair of red sneakers on the river banks, on the stretch east of the Colorado River Bridge, along State Highway 128 (Lacy's book shows a black-and-white picture from the vacation, showing Denise in her plaid pants and dark-colored sneakers). However, the author wrote that the FBI later claimed that Denise wore leather sandals.) Sheriff Stocks narrowed the river search to the area where O.L. Anderson had found the shoes. Ray Tibbetts, former Grand County commissioner, was with Stocks that day.

"It was at Tommy White's Rapid, below the ranch. One place I went with John Stocks that day, one print was very visible between two rocks. We dragged the river with grappling hooks and stuff, but didn't find anything." Tibbetts said the site was "full of seismic shot-line" and that he and Stocks theorized that the killer-kidnapper had probably tied the girl up with the line, then found a place along the river to dispose of her. "We concluded, with that shot line, he was carrying a heavy load down the hill, and going down, he'd stepped between these two rocks. It was his print, definitely. He made a very definite trip down to the river — off a side hill, into the rocks along the river. In other words, he was carrying her when he threw her in."

Tibbetts said they found only the one footprint which, because it was so deep, was a clue that the kidnapper had been carrying something heavy. They figured he had jumped from rock to rock, to avoid leaving tracks. But in this one place, a rock gave and his foot left a "very visible" impression in the sand. Tibbetts is convinced the killer took Denise to the river. He is inclined to believe the killer threw her in, although he may have done so to drown her, then disposed of the body elsewhere.

The Thursday that the river search began, a woman in Price, had called the Sheriff's office and reported that her husband, Abel

Aragon, had gone toward Moab to look for work but called Monday to say a job possibility there had fallen through. He'd planned to look around a little more but hadn't returned, and his wife was concerned. Tibbetts said the woman had also mentioned that Aragon had sent her money but didn't say where it came from.

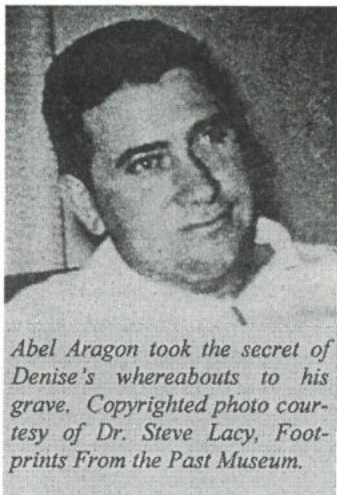
Friday morning, miner Bill Beck called the Sheriff's office to report he'd met a man named Abel at 2 a.m. Wednesday, July 5, on Polar Mesa. Beck said Abel had asked him to mail a letter to his wife in Price, which Beck failed to do because he put it in the glovebox of a borrowed pickup truck and forgot it when he returned the truck. Beck had just heard about the killing the previous Tuesday and thought he should report this strange meeting that occurred about five hours after the murder and kidnapping. Immediately, the letter was retrieved, but apparently it contained only personal writings from Aragon, a longtime resident of Carbon County, to his wife, Eva (now deceased) and their five children in Price.

Aragon, an honorably-discharged veteran of the World War II Marines who'd been awarded the Navy Cross and the Purple Heart for valor, worked as a coal miner. He had been unemployed since early February because of a layoff at the mine in Castle Gate. Tibbetts said the unions had organized strikes and most of the coal mines were shut down. Carbon County Sheriff's Deputy Charles Semken, a close friend of Aragon's, went to see Eva and learned that Aragon had driven his car to Moab -- a tan, 1955 Plymouth sedan, bearing Utah plates, license number CJ 6636.

The hunt for the killer-kidnapper quickly closed in on Polar Mesa, once a uranium mining camp in the northern foothills of the Manti-LaSal Mountains. Access to Polar Mesa was from Highway 128 up Onion Creek in the Professor Valley area.

It was Friday night, July 7, about 10 p.m. when the manhunt ended. FBI agents under Leonard Baylock were driving on U.S. Highway 160 when they spotted the suspect's car heading toward Crescent Junction. They forced the car to the side of the





Abel Aragon took the secret of Denise's whereabouts to his grave. Copyrighted photo courtesy of Dr. Steve Lacy, Footprints From the Past Museum.

road as it neared the junction and demanded to see the driver's license. Aragon retorted with a demand for proof that the officer was FBI. As the agent reached for identification, Aragon rolled up his window, locked the car door, and shot himself behind the right ear with a .22-caliber handgun. While one agent ran to the gas station at Crescent Junction to call for help, Aragon lay alive but unconscious in the locked car. The other agent waited for station owner Pat Wimmer to smash out the car window, then reached in and found Aragon still breathing.

Aragon arrived by ambulance at the Moab hospital around 11:40 p.m. He never regained consciousness and died in the operating room at 12:28 a.m. July 8, 1961. Aragon was born July 6, 1926. He had inflicted a fatal gunshot wound to his head the day after his 35th birthday. His suicide was presumed a confession of guilt. He never breathed a word about Denise.

The following Monday, July 10, officers and FBI returned to Polar Mesa to search again for some sign of the girl. Clothing belonging to Aragon was discovered lodged between some rocks at one point, and he had buried his shovel. They found the .22 rifle used in the shootings and identified as Aragon's. His wife had also reported that Aragon owned a .22 rifle and pistol.

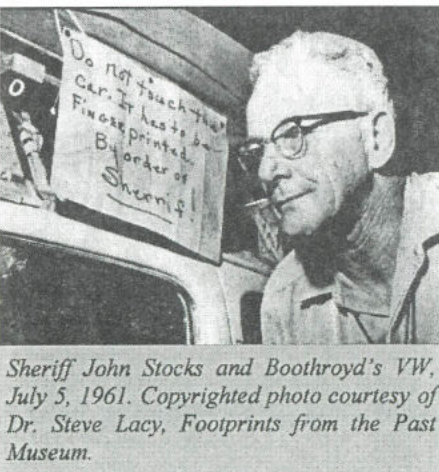
Lora Ince, camp cook, reported that Aragon had talked a lot about the shootings over the three-day period, asking if anyone had heard what the suspect looked like, or what he drove. Thursday morning, on his birthday, he had come into the kitchen saying

he'd heard a woman scream and wondered if anyone else did.

"We had pretty good reason to believe she was up there," said Verle Green, a former uranium miner and member of the Jeep posse who participated in the manhunt and search for Denise. Searchers reported parallel tracks from smaller feet next to Aragon's prints on the mesa. The Sheriff said there were some signs of struggle. Green remembered some of the miners who'd shared the bunkhouse trailer with Aragon those days reported strange behavior -- that Aragon would leave for a couple of hours in the evening and then return. He said Aragon had some peanut butter jars that some believe he used to carry food and water to the girl, whom he'd tied up and hidden.

"Some believe he kept her alive and came to Moab to call his wife, and figured nobody knew, and then he heard the news, and then he went back up and killed her," Green said. Green was also aware that the Sheriff believed Denise had been dumped in the river. Stocks told Green later that he felt his theory was confirmed following a search of Aragon's car, which showed various standard car tools missing.

"He figured they were used to anchor the body," Green said. The ex-miner believes, however, that Denise met her demise on Polar Mesa. "There's mines all over Polar Mesa. The Navy was mining the mesa before the war, and then there was the mining in the 1950's," Green said. "She could be buried in a mine dump, and there were a lot of drill holes that had washed out. And he was a camouflage expert .... from



Sheriff John Stocks and Boothroyd's VW, July 5, 1961. Copyrighted photo courtesy of Dr. Steve Lacy, Footprints from the Past Museum.

the war, he could cover up anything, I think she's buried."

While the facts about Denise's death may never be known, her mother's death remains a haunting memory on the mesa across the Colorado River. Ray Tibbetts, who recalls finding chips of "Dubinky flint" in Aragon's car when it was searched for clues on Denise's abduction, says he always thinks about the shooting whenever he drives past the site on the way to and from Dead Horse Point.

"I call it Murder Point," he said.

Mike Harker, a former Dead Horse Point park manager now living in Salt Lake, remembers park visitors asking about the story throughout his tenure, from 1970-92. "It kind of hung with the park," he said. "There's been all kinds of tragedies and fatalities through the years," said Max Jensen of Moab, another former superintendent. Jensen preceded Barker at the park, and was around when the pregnant woman died from falling off the Point. He heard more about that incident than the Sullivan-Aragon case, but does remember seeing newspaper clippings and being curious about Denise and the aftermath of the abduction.

Bonnie Benson started working as a park naturalist at Dead Horse Point in 1997. "And there were still things being said, about this mystery, about this girl that disappeared," she said.

Just last year, *The Deseret News* created a major new recognition for reporters like Robert Mullins who received a Pulitzer Prize for his coverage of the Sullivan killing and kidnapping 40 years ago. In February 2000, the statewide daily created the Robert D. Mullins Excellence in Reporting Award in recognition of outstanding journalism in spot news coverage.

♦♦♦♦♦

Vicki J. Barker is a Moab native who, as a professional journalist, has received awards for investigative reporting, spot news coverage, and serious feature writing. Before returning to Moab in 1999, she had worked for various newspapers in Oregon, Colorado and Utah including writing for the *Salt Lake Tribune*, the *Deseret News*, and *Ogden's Standard-Examiner*. Her current plans are to remain in Moab.

# Joe Bush, U.S. Marshal

Written for The Historical Records Survey, Utah State Historical Society,

by Frank Silvey, Monticello, Utah, 1936

In the early settlement of La Sal, Bluff City, Monticello and Blanding we find a number of outstanding characters—leaders who did their part in the early settlement of San Juan County. The homesteaders planted orchards and shade trees, surveyed in a crude manner ditches to get water on these lands, built schools, churches, and entertainment halls and crude roads and trails. The cattle interests at that time were active in building cabins, developing water and placing large pine watering troughs for stock, building real "honest-to-goodness" corrals, and building trails and passable roads to practically unexplored districts. In fact, all interests did their part in helping to develop a country that only a few years back had been claimed by the Indians as a whole and was still claimed by the Piutes or renegade Indians.

During this period of early settlement, 1877 to 1887, few if any outlaws visited this district. The ranges, broadly speaking, were a wave of grass. Cattle and horses were in good condition the year around and, while the settlers endured some hardships, as a rule they were one happy family and more sociably inclined than today.

About 1887-88, there came a change. Outlaws of various types began to be evident in this county, and a few years later it came to be a rendezvous of outlaws, working from the Canadian border to Old Mexico. They came from many different states. Some passed through San Juan county; others stopped here and would "rustle" from the pioneers. Our local officers of San Juan and Grand counties seemed powerless to cope with these outlaws, so at this time Joe Bush, a Deputy U. S. Marshal of Salt Lake City, was sent down into our district to help our

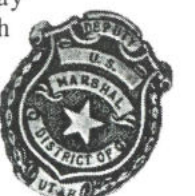


local officers get some of these outlaws. Joe Bush had the reputation of always getting his man and he proved this over a period of several years in his visits to southeastern Utah by arresting and taking out to Salt Lake City a number of so-called outlaws. Having met Joe Bush at Hatch ranch and Moab a number of times, this writer remembers him as being about 6 feet 10 weighing about 200 pounds, rather light complexioned, steel blue eyes, a loud gruff voice, and rather slow motion although at times he would show a quick, nervous action, that showed he could move fast in case of emergency.

He always carried a sawed-off shotgun, and his method was to walk straight up, all the time talking to an outlaw, and disarm him. Bush seemed successful in this procedure as he always arrested his men without bloodshed with one exception — John Gibson. Outlaws like Curtis, Bill Bowen, Bob Parker and others had been arrested by Bush and taken out for trial and generally convicted, although all got off with very light sentences. Early in the winter of 1889, Bill Bowen, Frank Denby and John Gibson were seen by members of the "Cross Canyon Pool" branding a bunch of LC calves, coming on them so suddenly as to frighten them. The rustlers made a "brush run" and got away. This case of calf rustling was soon reported to the Salt Lake authorities and Joe Bush was sent down to arrest the rustlers. We must here note that Utah was yet a territory (not admitted to the Union until Jan. 4, 1896) and the general orders were given at Washington and Salt Lake

City. Joe Bush succeeded in getting Bill Bowen with very little difficulty, but Frank Denby and John Gibson escaped arrest for a time. About a month after the arrest of Bill Bowen and Bush's trip out to Salt Lake with his prisoner, Bush returned to San Juan county to get Gibson and Denby. Learning that Gibson had broken his leg and was staying with his sister, Mrs. Tom Roach, at Monticello, Bush decided at once to attempt the arrest of Gibson. John Gibson was noted in southeastern Utah as a gunman, fearless and brave and would surely shoot when crowded. Bush knew this and also that Gibson was on crutches, could not make his getaway, and so would be doubly desperate. Without a moment of hesitation Bush, his sawed-off shotgun in hand and ready for instant use, knocked at the door and called for Gibson to come out with his hands up. Gibson replied, "Come and get me if you dare." Bush kicked in the door, but could not see Gibson as he had concealed himself behind a curtain. Again Bush demanded that Gibson come out with his hands up, and again Gibson refused and stuck his six shooter and a part of his body out from behind the curtain. At that instant Bush fired and Gibson fell, with a badly shot-up shoulder, blood gushing at a rapid rate from the wound. Temporary aid was given to the wounded man and a rider was dispatched for a doctor at Grand Junction.

Joe Bush made a number of arrests in southeastern Utah for a number of years after this event and he became noted and feared by outlaws in general. A few old timers of today remember Joe Bush and the saying: "Me Joe Bush."





# Current Law Enforcement - Grand County Sheriff's Office

by Sheriff James D. Nyland

*Sheriff Jim Nyland has been married for 36 years and has 3 children and 6 grandchildren. He has lived here since he was in the 5<sup>th</sup> grade, graduated from Grand County High School and, after a year of college, was drafted into the military and served his tour in Vietnam. After getting out of the service, he worked for Grand County Road Department and also the potash mine for several years. During this time he became interested in community affairs and he was asked if he would be interested in going into law enforcement. There was a program where the Veteran's Administration would pay a large portion of his salary and the local government only had to pay the other portion. He thought he'd give it a try and for the first six months thought that he hated it. This changed, though, and he stayed with the Moab City Police Force for 6 years. When the 1977 election approached, a number of people asked him if he would run for the position of Sheriff. He didn't think he was interested but they eventually convinced him. Sheriff Bowman was ready to retire, it was the last day and ten minutes before 5, and he told his wife that he'd just file (it was a lot cheaper to file in those days) and see what happened. There were three other men running at that time who had all filed on the Republican ticket and he had filed as a Democrat. Sheriff Bowman said he'd withdraw and support Nyland since he thought Nyland would do a good job. Between the county convention and the primary, Nyland eventually had only one opponent. He won the election and has been in this position ever since.*

Grand County's law enforcement has changed dramatically over the years and I'm now in charge of a modern, up-to-date Sheriff's Department. My name is Sheriff Jim Nyland and I've been the Sheriff for the past 23 years and have seen many of those changes.

The Sheriff is the only elected law enforcement officer. Everyone else is either appointed or hired. The Sheriff has a lot of authority, probably more than any other law enforcement officer, and actually more than a lot of other elected officials if he chooses to use that authority. It's quite a unique position. The Sheriff's authority supercedes the National Parks, BLM, and Police Departments and he has full authority by state statute. I've never had to exert that power but if they were doing a particular investigation I would have full authority to step in and take over if the situation warranted it. Elections are held every four years and this is my 23<sup>rd</sup> year as Sheriff.

## The New Job

When I walked into the Sheriff's office in 1978 there were two cars, one full time and one half-time deputy, and the Sheriff's position. In dispatch we had one telephone, two ra-

dios and a typewriter, and we had a jail that was composed of four 4-bunk cells which could hold only 16 people. There were also two "drunk tanks," a day room, and the budget was \$63,000. Today's budget is about 1.5 million dollars, and we now have 16 sworn officers, 7 correctional officers, and 5 communication personnel working in the jail. We can now house 54 people and that has really been a plus even though we had a difficult time getting the jail built. But it was the right time and it has kept us out of any legal issues regarding compliance with state and federal regulations. With the increase in people that have come here, we've had to upgrade and we've kept up with it. We have a very good department right now. The county has been very supportive and I never asked for anything we didn't really need.

When I first arrived, I had to buy my own handgun. Everybody bought their own gun, whatever kind they wanted, and there was no consistency. Now the county purchases our guns so that there is uniformity and we're all using the same kind of equipment. This could be important, for instance, in a gun fight where everyone would be using the same ammunition. Other changes in the department have also really been dramatic. Everything is computerized

today. We keep in-house files on the computer, all of the reports, and also all the civil papers. We're up to date and are connected to the National Crime Information Center and we can go back into dispatch if we need a criminal history on someone and we can type that up on the system. It goes not only nationwide but we can get information from other countries such as criminal records or driver's license information. We can get anything from the computer that any other law enforcement group could get anywhere in the entire nation and we're connected with every law enforcement agency in the nation. For instance, the other day one of our investigators had someone call him and they'd come up with a possible lead on a homicide which had occurred here on the interstate a couple of years ago at a rest area. Now, if he needs a piece of information on that homicide, he can go into the system and request it.

Our communications system also dispatches to every emergency service in the county so we can talk to the Moab City Police, the National Parks, the BLM, the fire department, and the ambulance service. We even have a frequency that we use called the Inter-local Government frequency so that we can contact the city street department, road department, the water con-

servancy district, state roads and others in case we have any kind of a natural disaster or emergency. Then we can communicate with all those people so everybody knows what everybody's doing.

## What They Do

The Sheriff's Department jobs are a lot different than those done by the police. The Sheriff is responsible not only for the jail, law enforcement and community safety, but also responsible for what happens regarding court security. We serve all the legal, criminal and civil documents that come out of the courts.

Another job of the Sheriff is that he actually oversees all of the emergency management. My chief deputy, Doug Squire, is the Emergency Manager for the County. The Sheriff has full direction over that in all the counties in the state of Utah, covering such things as a major flood or fire. A terrorist would be a criminal matter but during the gas line explosion episode we had, we were able to put everybody together in a specific location and we had it set up on the Incident Command System. That means that there's one person from each emergency service that comes to the command center. Decisions are made there and then those people go back to their organizations and tell them what they need

to do so we can keep everything pretty much unified and everyone knows what they're supposed to do. We used the Incident Command vehicle from Monticello during that emergency but we're trying to get one of our own right now. We've been trying to acquire one for several years but they're quite expensive and

then you have to add all the equipment too. That's quite a lot of money but those are very good to have if you have a major incident. We also have direct communication with the San Juan Sheriff's office, Emery County Sheriff's office, Carbon County and the Price Highway Patrol dispatch and also a communications center out of Colorado. We try to get communications established with everybody that surrounds us so that we can talk to and work with each other if we have a problem.

We have violent crime but, luckily, not a lot of it. The most violent person I've ever run into was when we arrested a serial murderer out of California and we believe he is the one who actually killed someone at Thompson. We can't discuss much about it at this time because of the status of the trial but this is an example of what the computer system is really good for. The minute we have any kind of a serious crime we try to gather all the information as quickly as we possibly can and we send it nationwide. In this particular incident we knew we had a .22 caliber gun involved and we also had other evidence so we entered all of that into the system. Two days later there was a Highway Patrolman in Kansas who pulled into a rest area and this suspect was sitting there. He just happened to go and check on this person and he

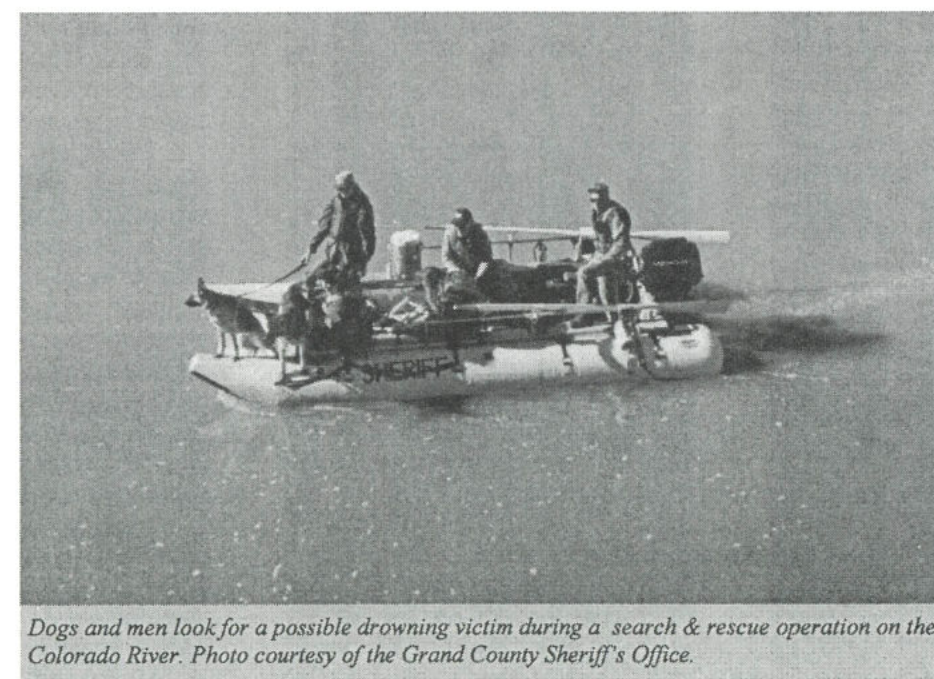
found the .22 caliber handgun which we had a good slug on that we could match to the gun. There were also other facts indicating he was the individual we were looking for and we found additional information that he was going to commit another crime there in Kansas. They're prosecuting him in California right now.

One of the most serious situations we were involved in was that threesome that came out of Cortez that killed the policemen there and shot two others. A lot of my men were down there working with the San Juan County Sheriff's office, the Cortez office and the FBI.

We've had other homicides over the years and, in fact, we've still got two or three that we have no idea about. One of them is the individual we found in Arches National Park in the early 80's. He'd been out there in a ravine for about 6 months in the wintertime and had no identification. All he had on was a t-shirt, a pair of levis and his underwear and he'd been shot. We had the Medical Examiner's office take fingerprints off of his hands and we ran those through the military records (since we also have a hook-up with them on fingerprints) and also the FBI crime lab in Quantico, Virginia, but evidently he hadn't been fingerprinted or in the military. The Medical Examiner is in Salt Lake City and any other evidence

that we collect at a crime scene is sent up to the Utah State Crime Lab, part of the Department of Public Safety for the State of Utah. We don't have any problems with that at all.

We've never had any kind of shooting between the police and anybody since I've been the Sheriff and we haven't had anybody shot or killed in the line of duty, although one of our inves-



Dogs and men look for a possible drowning victim during a search & rescue operation on the Colorado River. Photo courtesy of the Grand County Sheriff's Office.



tigators, John McGann, died of cancer.

## Grand County and Moab City Law Enforcement

Regarding the issues of Grand County vs. Moab City, over the years there has always been a bit of friction between the two governmental agencies. The law enforcement agencies' relations are probably better now than I've ever seen them in 23 years. We're all working in the same direction now and our main objective is to provide security and safety for the citizens of the county. Law enforcement jobs may overlap because there will be crimes that happen in the city and the suspect lives in the county or maybe we'll have somebody that commits crimes in both. Investigators all get together at least once every two weeks and they sit down, discuss cases, the criminal element, narcotics, or people that are on parole from prison. We have every organization represented there from State Adult Probation and Parole to BLM, Park Service, City and County, and Highway Patrol. We try to work together because many times we can solve crimes by exchanging information.

Right now there aren't any issues of conflict between Grand County Sheriff's Office and the Moab City Police Department at all. We're working together very closely and it's pretty incredible and works quite well. Another thing we're doing between the City and County is the decision to go half and half and hire one person to do nothing but work narcotics which we have a lot of. So far we've been lucky and have no gangs or real gang activity. That's the nice thing about being somewhat isolated.

## Training and Tenure

All of our officers have to go through the Utah State Police Officers' Training to receive their basic training before they're even put out on the street. Then they do a 2- to 4-week field training with one of our senior officers before they're ever on

their own. We also do a lot of extra training yearly and most of our men do 100 hours of inservice training and some do a lot more per year. These sessions cover subjects such as toxilizer (sp?), search and seizure (which is very important now), and all legal updates. Each time the legislature meets, for instance, they pass new laws and we have a special session to sit down with all the officers. We have an attorney come in and he goes over all the legal changes. We do a lot of training and my motto has always been that we work for the citizens of this county, whether they're an ex-criminal, a politician or an average citizen, everybody's supposed to be treated the same and we do just as much for one as we do for everybody else. Even the ones that have been in jail or prison still trust me. If they have a problem they'll come in here, sit down and we'll talk about it. A lot of times I'm able to gain information from them which they voluntarily give to me. I just ask them and, if they have a problem, I try to help them and try to work it out if I can and, if I can't, I try to tell them who to go to who can help them.

I want my officers to enforce the laws. If they have to arrest someone and bring them in, then they do the paperwork, get their reports done and go on to the next one. Or if someone calls and they have a civil dispute, a land issue, or a domestic problem, I want the officers to go and help them so that we don't have any serious problems in the future. We try to

work that way as much as we possibly can.

Most of my people have been on the job quite a while. Deputy Doug Squire has been here over 20 years, and others such as Steve Brownell, Kent Green, and Curt Brewer have been here between 15 to 20 years which shows that most of the people that are in the management positions have been here a long time. They all started in the jail as a jail person and some of the people who currently work in the jail have been back there 5-6 years. It makes a better person out of an officer if they can actually work there with the people who come into the jail. Later, when they move out on the road, they have a little better understanding and work a lot better with people. It has really worked out well. I've got a lot of good, dedicated people who work for me and I'm very proud of them.

The officers that work out on the street do a lot of their own investigations and don't just go out, take a report, and then dump it onto an investigator. They learn how to process a criminal scene, how to work with people in civil matters, baliff in court so that they have experience there and they also serve civil papers so that they know exactly what those papers are and, if people ask about them, they'll know what to tell them. We have two people that are assigned to do investigations with the County Attorney's office. The men will do an investigation to see if they have enough evidence to indicate whether

a person has committed a crime, then they put all that information and evidence together, take it to the County Attorney and sit down to screen the case. He reviews it and determines if there's enough to be able to prosecute that person and whether they should go to court.

The Bureau of Land Management has also rangers but they don't investigate any routine crimes. They investigate crimes that are actually against federal lands; for instance, people digging dinosaur bones or archeological artifacts or vandalism on federal lands.

When the FBI comes into our area they call my office first, letting me know what they're doing, because people call me to ask if these guys are legitimate.

Search and Rescue has been a major impact for the past ten years and

we've done some dramatic search and rescues and we're known both statewide and nationwide for the expertise that we have. We've got people in Search and Rescue that are very qualified and do a lot of training on technical situations. It doesn't matter where it happens in this county, those people can get in there and make a removal one way or the other, by the use of helicopter, ropes, or back country vehicles. People come here and they don't understand the elements. We get people in the back country where they've changed the names of things and one time we had a guy that broke his collarbone and, with him using a cell phone and telling us where he was, it still took 4 hours to really figure out where he was so we could get to him.

We're fortunate because not only the County Council but the people have been really supportive and we have a lot of top quality equipment for our varied terrain. We have boats, all-terrain vehicles, climbing equipment as good as Salt Lake County's if not better, and we use the global positioning system (GPS). GPS is great because we can use it on crime scenes

in the back country and get an exact location in case we ever have to go back there or, if we have a seriously injured person in the back country that needs to be flown out in a helicopter, we can call the pilot on the radio and give him those exact coordinates.

## The Future

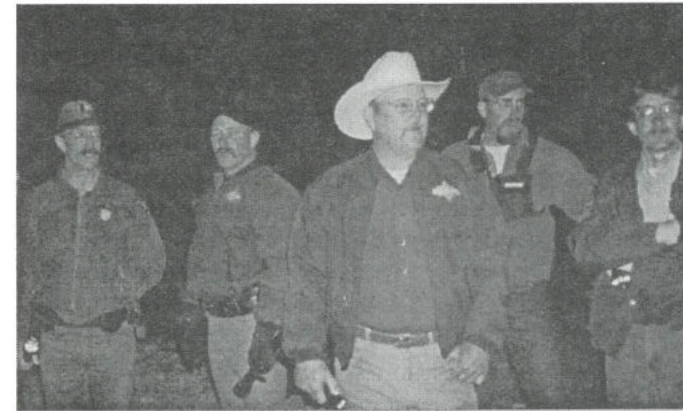
As far as the future of law enforcement in general we're just going to keep up with the times. We watch what goes on and we see the needs of the community and we'll work on those needs, particularly where they affect the people that live here. I have a specific officer that works with the DARE program in the schools, and does a lot of things in the churches and at the High School. Educational programs are important, whether it be on drugs, ATV safety, neighborhood watch, or discussing fraud with the senior citizens such as telephone fraud, people who want to put new roofs on their house, pave their driveway, soliciting for magazines or other scams. We have a program coming out next month on Internet crimes against children or Internet crimes in general. In this day and age you've got to be able to keep up. We have Internet services here and we check sources and sites that people come in with just to see if they are legitimate and we call the Attorney General's office to see if there have been any complaints. We try to provide a service to the community as much as we possibly can. It's your tax dollars we're spending and we want the people to get a good service for them.



*Sheriff Nyland likes to hunt, play golf and other outdoor sports in addition to spending a lot of time with his children and grandchildren riding ATV's and snowmobiles. Because of his love of the outdoors and trying to spend as much time there as he can, he had been thinking about retiring but now says he will probably run again. "It's still fun and the last five years have been the best of the 23. People have really been good to me."*



*Sheriff Nyland at the scene of a search & rescue operation. Photo courtesy of the Grand County Sheriff's Office.*



*Sheriff Nyland and men from other agencies at the Easter "Dump Bump." Photo courtesy of the Grand County Sheriff's Office.*

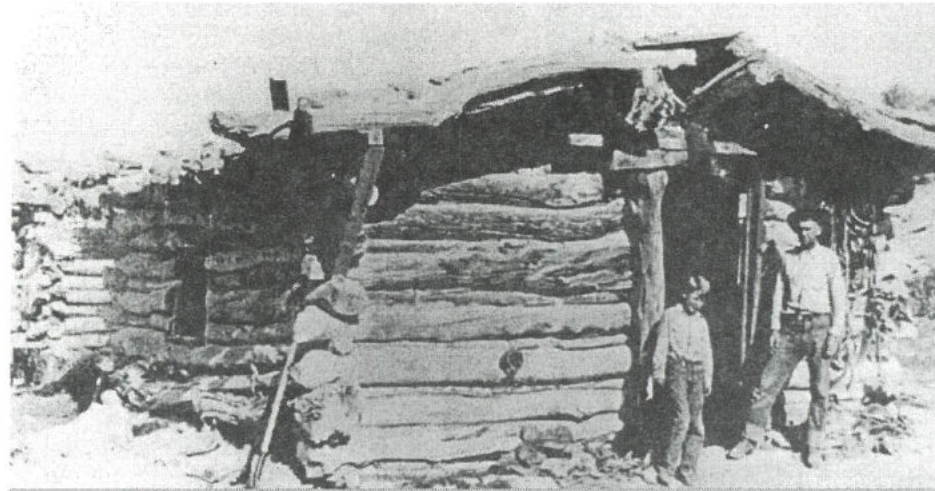
## Other Law Enforcement Agencies

We interact with the Highway Patrol and others because in a rural community we rely on each other so much. We might have a situation happen out on the east side of the county and it might be 85 miles out there and 30 minutes before you get someone to back you up. In this county we investigate all crimes and that has just been the policy. As Sheriff, I need to know what's going on, and if there's any death in the county, I'm called no matter where I am.

The National Park Service enforces traffic laws, check and patrol their campgrounds, and if they just have a misdemeanor theft with no suspects they'll do a report. The officer will then bring in the report and we'll do a cover sheet at the Sheriff's office because the NPS doesn't have access to NCIC files. If they have a serious crime or a death out there then we investigate. They have Federal Law Enforcement authority but they don't have any authority anywhere but in the National Park boundaries.



# The Turnbow Tragedy



Marvin Turnbow with one of his sons at their cabin, now referred to as the Wolfe Cabin in Arches National Park. Photo courtesy of the Dan O'Laurie Museum.

The obituary, if read by an outsider, told about a man whose life sounded normal.... rancher, cattleman, wife, kids, well-respected, good neighbor, will be missed by all. Reading it and not knowing the past, one would be struck most forcefully that the tragedy was in his death, rather than his life. Friends out for a fast ride in a new Buick, a missed turn and hurtling bodies as the whirling vehicle careened through a ditch and up a hillside, and finally the broken bones and fractured skull which eventually resulted in death. But the real tragedy lay in the past and, as the local editor had pleaded at the time, "...since this week's tragedy cannot be erased, let it be forgotten as nearly as possible." And so, over the years, it had been.

James Marvin Turnbow was born in Texas on 3 April 1884, and his family had lived in Texas, Arizona and Colorado before moving to Utah. In 1903, Turnbow came to Moab and in 1905, he married Jennie Walker. They soon had a fine family of three children - Addie, Raymond and Hettie. Marvin Turnbow was basically a rancher and cattleman and in those early years his cattle ran on the desert encompassed in what is today's

Arches National Park. For some time he and his family lived at the cabin there, which is now referred to as the Wolfe cabin.

Within a few years, however, events began to change the Turnbow family. In 1910 a man named Clyde Bailie arrived in the area and became friends with Marvin who took him home to meet his wife and family. Several years later Bailie apparently began to pay undue attention to Mrs. Turnbow. Marvin, who had become distrustful, said that in February of 1915 he confronted his wife and that she confirmed his suspicions about her and Bailie. At that point, Jennie Turnbow apparently decided to leave Marvin and he stated later that he had offered to divide his property with her which she refused. She came back, however, in June after they had been separated for awhile and said she wanted to be reunited with her husband and family. After intervention with Marvin by several local women "on behalf of the interests of the children," the couple decided to reconcile. The peace of the reunion was short-lived, though, since Bailie soon began to write to Jennie Turnbow again. Turnbow had then moved his family to Green River hoping to leave

by James L. Walker

behind the problems with Bailie, but he later intercepted a letter in which Bailie supposedly threatened to kill him.

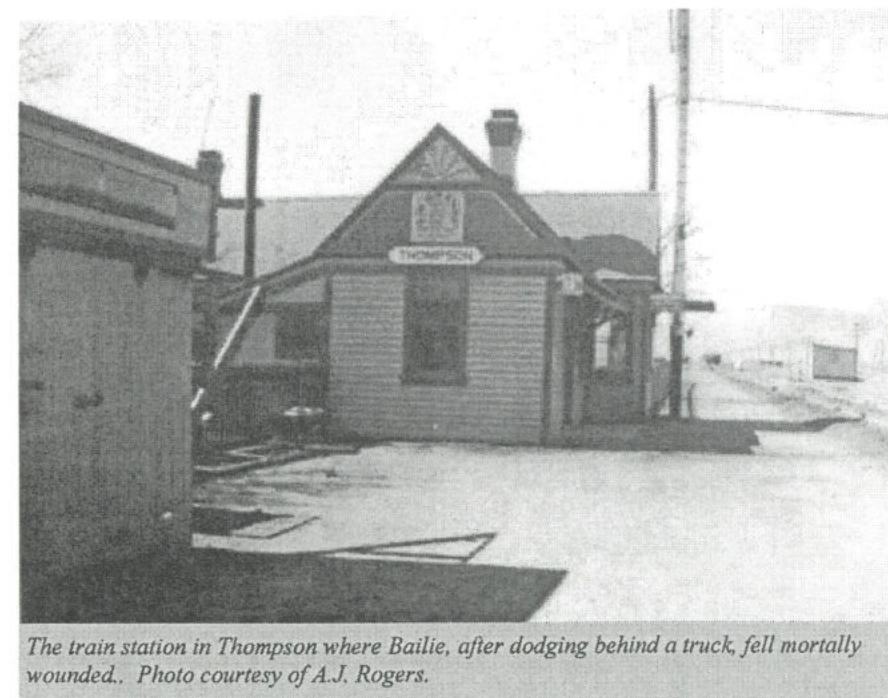
Two days before Christmas, after having spent some time in the Moab desert looking after his cattle, Turnbow was returning to Green River on horseback and leading a pack mule. Getting to Court House station in the evening, he decided to stay for the night with some freighters who were camped there. A sheepman arrived who asked if any in the group knew where he could find a fellow named Roy Moore. The answer from someone in the group was that Moore had gone to Green River with Clyde Bailie. This apparently alerted Turnbow to the fact that Bailie might again be seeing his wife, Jennie. Outraged, Marvin left the camp, intercepted an auto on its way to Thompson and there caught the train for Green River.

Arriving in Green River, he confronted his wife who supposedly not only admitted that she had been seeing Bailie again but asked Turnbow what he was going to do about it. Incensed after hearing that Bailie was gone and had probably caught the train to Thompson, Turnbow raced to the station. He arrived in time to get aboard but first sent home his eight-year-old son who had followed him to the station. The ride passed uneventfully until, halfway to Thompson, Bailie supposedly came into Turnbow's railcar, his hand on his gun as he passed by Turnbow. Nothing further happened until the train reached Thompson. Bailie was the first off and Turnbow followed close behind.

On the train platform Bailie was shaking hands with a friend, Mervin Davis, and he held a suitcase in his other hand. At this point Turnbow began shooting, possibly hitting Bailie with the first shot. (Turnbow would later testify that he thought

Bailie reached into his coat pocket, presumably for a gun. This supposedly overwhelmed his reason and caused him to begin shooting.) Bailie dodged behind a mail truck parked in front of the door of the depot as Turnbow continued firing. He had fired a fast six shots, only two of which eventually hit Bailie, but they were enough to wound him mortally. Onlookers, hushed by the sudden turn of violence, noted that Bailie had never actually drawn his weapon nor did he utter a word before dying. One of those eyewitnesses was county attorney Knox Patterson who would eventually represent the state at the trial.

Marvin Turnbow now calmly went to the closest phone, notified the Moab central office to send out the sheriff and the coroner, and patiently waited at Thompson for the arrival of the officers. The inquest held at the scene determined that the killing was felonious and Sheriff Bliss brought Marvin Turnbow back to Moab to be held in the county jail until his preliminary trial the following Monday morning. His wife Jennie and family, who had come to Thompson on hearing the news, also returned to Moab for the hearing. Meanwhile, Bailie's body was shipped to Grand Junction to await the arrival of his father who was coming from Nebraska to take him home for burial.



The train station in Thompson where Bailie, after dodging behind a truck, fell mortally wounded. Photo courtesy of A.J. Rogers.

Surprisingly, no witnesses for the defense were produced at the preliminary and only a few for the state. The court released Turnbow on a \$2,000 bond paid for by several local citizens and friends including Mark Walker, Jennie's father, and he awaited his trial to be held in district court in April. Rumors were already circulating that he would be using the "unwritten law" as his defense. The small community began to buzz with the gossip and the scandal attending the murder trial escalated as the spring approached.

March, however, brought a tragic end to a portion of the story. Surrounded by controversy and unable to face the trial and public humiliation, Jennie Turnbow decided not only her own fate but also that of her three children. Early in the morning of 7 March 1916 she shot all three of her children and then turned the gun on herself, lying down to die beside them with four bullet wounds to the chest. She had professed her innocence of the illicit affair since the beginning and had publicly declared that she wouldn't help her husband get off for Bailie's murder. She had burned many of her possessions and wrote a stinging letter, condemning and cursing her husband and others of the community, and stated that she preferred death to a living hell on earth. She even stated that it was better for

her children to die than carry the name of Turnbow.

When the sheriff arrived ten minutes after the shots were heard they discovered that only the youngest child, 6 year old Hettie, was still alive, but just barely. She regained consciousness and talked about the shooting, but died eight hours later, before her father arrived from the desert where he had been working his cattle. The *Grand Valley Times* stated that the entire valley was "enveloped in an overpowering sense of horror for the act committed and pity left for the ones left to mourn" and the funeral was one of the largest ever held in Moab. Editor Loren L. Taylor wrote an impassioned plea to the community to not lay blame or make rash judgments and to move forward, putting this sad day behind them.

But soon April and District Court took all of the attention. As the court proceedings began, potential jurors were dismissed by both sides causing additional people to be interviewed, the charge was changed from second to first degree murder, and the bail was increased to \$5,000. Witnesses for the state began to take the stand but, in retrospect, seemed to be more supportive of the defense than the prosecution. The defense then began their parade of witnesses and Marvin Turnbow eventually testified about his version of his life and marriage until Bailie's arrival and the events that led up to the killing.

In closing arguments the defense attorneys, Samuel A. King of Salt Lake City and local Moab lawyer C. A. Robertson, stressed the reliance of their defense not only on the law regarding the sanctity of the home and marriage but also on the defendant's argument of self-defense after he supposedly was convinced that Bailie, who had earlier threatened him, was going for a gun. County attorneys Knox Patterson and J.W. Cherry not only scoffed at the self-defense angle but pointed out that Turnbow's complaints about the relationship between Mrs. Turnbow and Bailie were questionable. Mrs. Turnbow was now unable to defend herself on this issue or shed any light on the story and there was supposedly no other "hard" proof



which could be admitted in court. The jurors began deliberating Turnbow's fate just before 6 P.M. and, less than seven hours later, returned a verdict of "not guilty."

Marvin Turnbow, after his family's tragic deaths, was taken in by Jennie's brother and his brother-in-law Reuben Walker and Reuben's wife, Susie. Within a very short time, however, that marriage had also dissolved and Susie Walker then married Marv Turnbow in 1918, providing yet another bizarre twist to the story. They eventually had four children born to the marriage.

In late 1933 after Arches was finally made a national monument, Marvin Turnbow was nominated and appointed to be the first custodian of the area, due perhaps to his long association with the region which had been his cattle range.

The final fate of Marv Turnbow finished the story as far as everyone was concerned. To this day, little has ever been said of this affair. Apparently Editor Taylor's admonishment to the community to let the issue be forgotten was taken quite literally.



Jenny Walker Turnbow, photo courtesy of James L. Walker

Not only that, but the potential for further embarrassing questions was alleviated by the community's total silence. Family members kept silent, passing on none of their knowledge or possible suspicions to their kin

until now, 85 years later, no one knows anymore of the tale than can be gleaned from the papers and court documents of the day.

Questions still swirl around the story. How did Jennie manage the four shots to her own chest which caused her death? How could the entire story of her affair with Bailie not be proven in court except by hearsay? Why was Marvin conveniently unable to be found for many hours after the shootings of his family? And, finally, how could a man who had supposedly been betrayed by his wife turn around and do exactly the same thing with a brother-in-law's wife? The questions now are no more than historical conjecture and fodder for thought. Opinions are formed on less and nothing will change.

*James L. Walker spent his childhood in Moab and then returned to the area with his wife, Nola, during the 1960's. He taught Utah History for 34 years before retiring.*

## Museum Hours

### Winter Hours

*November 1 through March*

**Monday through Thursday**

3 to 7 p.m.

**Friday and Saturday**

1 to 7 p.m.

**Closed Sundays and Holidays**

### Summer Hours

*April 1 through October*

**Monday through Saturday**

1 to 8 p.m.

**Closed Sundays and Holidays**

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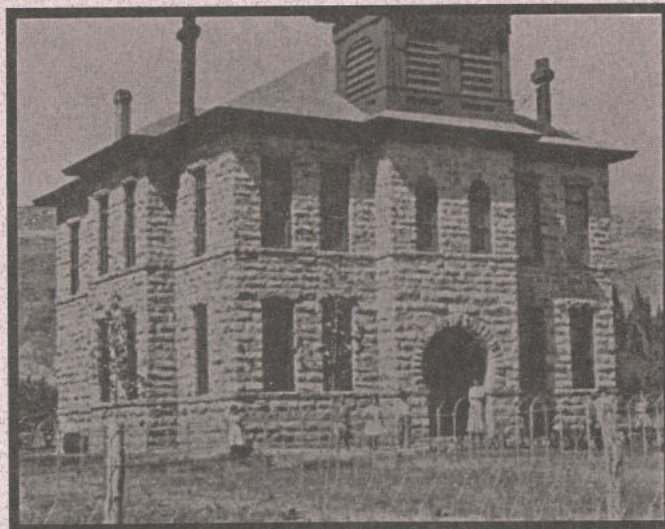
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