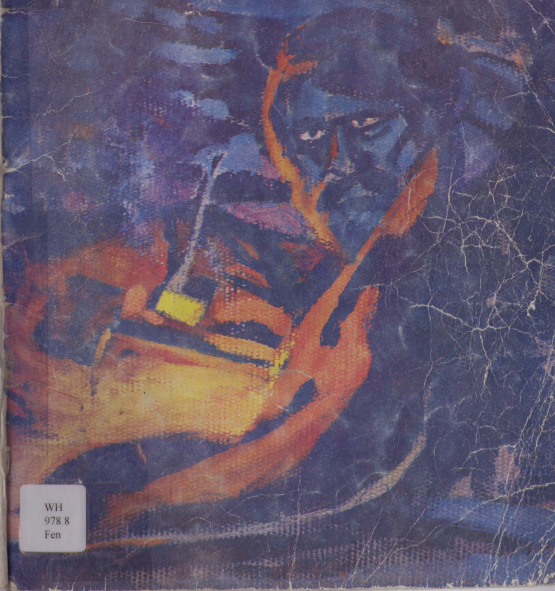




... Packer's behavior was that of a deranged man. . . . "I came back and cut some flesh off these dead bodies and cooked it," he shouted from the witness stand.

ALFRED PACKER

The True Story of the Man-Eater



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Personal Foreword

by
Fred Mazzulla

Noted Colorado Historian and Collector of Western Memorabilia

Gastronomically speaking, if blueberry pie and the hot dog are pure American then Al Packer is pure Colorado. Our cannibal is hashed and re-hashed badly by pulp magazines at least twice a year. Ralph Carr, Gene Fowler, Herndon Davis, John C. Bell, Wilson Rockwell, Dick Grissom, Bob Brown, Betty Wallace, Stella Pavich, and Paul Gantt, among others have proudly polished a facet or two on this semi-precious stone. Members of the Packer Club can be found in all parts of the world. Today you can buy the "Packer Sandwich" in Lake City, Colorado.

In 1942, my secretary typed five copies of the record of Packer's first trial in Lake City. One copy is in Lake City, one in Gunnison, one in the State Historical Society, the fourth copy went to Ralph Carr (former Colorado governor, deceased), and I have the fifth copy.

The transcript of the evidence in the second trial in Gunnison may or may not exist.

Red Penwick has exhausted all known sources for Packer material—except one, where he found the door locked and the key had been thrown away. Red has taken all of the facets and has come up with a beautifully polished semi-precious stone—the lapis lazuli, which incidentally, is native to Gunnison county. Also native to Gunnison county is the hardest and toughest granite in the world, from which our Colorado State Capitol is made; the most beautiful marble in the world from which also the Lincoln Memorial and the Tomb of the Unknown Soldier are made.

Lincoln said: "Fellow Citizens, we cannot escape history. We . . . will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the latest generation. What has once happened will invariably happen again when the same circumstances which combined to produce it shall again combine in the same way."

"Packer, The Man-Eater," will take his place with the famous Donner Party of California and will rank in interest with the careers of Jesse James, Dave Rudabaugh, Billy the Kid, Wild Bill Hickok, Tom Horn, Big Nose George, Poker Alice, Cattle Kate, Calamity Jane, Featherlegs Shepherd and Laura Evans. This lusty segment of the Colorado story is the truth, the whole truth and nothing but the truth, beyond a reasonable doubt.

Out Where the West Begins we take the robust and the lusty in stride.

7-22-64

FRED M. MAZZULLA

slight - 11/87



ALFRED PACKER

The true story
 of Colorado's
 man-eater

By ROBERT M. FERWIS

Gunnison County Library
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 Gunnison, CO 81230

ACKNOWLEDGEMENTS

Any book based on fact involves the effort of many more people than just the author. No book of this nature could be accomplished without the grateful help of people in research. Aids, therefore, grateful acknowledgment is made in the production of this work to the fine folk at the Colorado State Historical Society, the Western History Department of the Denver Public Library; Ken Record, Denver geologist who made the search for the map compiled by Arvid E. Ray Baker of Empire Magazine; friends in southwestern Colorado; and in Phyllis Record at The Denver Post, without whose assistance this story would never have been possible.

Special recognition is paid to H. Ray Baker, son of Denver's and Colorado's foremost artists, art director and former editor of Empire Magazine of The Denver Post, whose professional work across the cover and back page of The Socialist, Ray, who was lured by promises of \$2500 to examine his elderly, octogenarian father to art collecting, employed a bold and original editorial effort in portraying his impressions of Alfred Packer, the notorious cannibal. H. Ray Baker received every editorial fee dollars immediately after publication in Empire magazine of these photos of art, including one from Arthur Edmund Rudabaugh (Bill Atkins the Yearlings) who said: "Baker kept me awake several nights with his portrayals of this ghoul."

Acknowledgment also is made to Bill Houshka, associate editor of The Denver Post, who edited the original draft of this article as it appeared in Empire Magazine.

Reprinted under the supervision of
 PHYLLIS JAMES RECORD
 Research Assistant



Here, stripped of the inaccuracies of legend, is the tale of cannibalism that once horrified the nation

THE STRANGE, FEARSOME FIGURE limped down out of the mountains, out of the deep snow of the forest and into the clearing. A Winchester rifle was slung over one shoulder. In one hand he clutched a coffee pot filled with live coals. His feet were wrapped in strips torn from an old blanket.

Long, black, matted hair clung to the back of his neck like soiled mattress stuffing. His dark eyes burned in deep-set sockets. He was like something that had materialized out of a nightmare.

He looked like a man who had walked through hell, barefooted, without a canteen. His face was pinched, wan. He was sick. He staggered. He seemed to be groping for something he couldn't find. This much was obvious even at a

great distance. Here was a man who had indeed been through a hell—a hell of blistering snow, starvation, fear and death out of which he had lived.

It was early morning, April 16, 1874. Spring had greened patches of grass on the sunny side of buildings of Los Pinos Indian Agency near the banks of Cochetopa Creek in what is now Sagauche county, Colorado.

Three employes at the Los Pinos Agency had just sat down to breakfast when they sighted the man approaching. They were Stephen A. Dole, secretary to the Indian agent; Major James P. Downer, justice of the peace, and Herman Lauter, government clerk and constable.

The details of exactly what happened next are lost in history. Presumably the three men rushed out to



help the stranger into the mess hall. One account has it that the man was ravenously hungry. Another says he gagged at the sight of meat. Still another report was that the first thing he asked for was whisky.

At any rate he mumbled his name "ALFRED PACKER" and slowly he related the first of several contradictory stories about his misadventures on the trail. It was a pathetic tale of hunger, cold and loneliness, not unusual for the early days of the west.

But later, faced by the growing suspicions of men who had known him, Packer unfolded a ghastly tale of murder and cannibalism. It was a story that shocked and revulsed the nation. The disheveled wild man who staggered into the early-day Indian Agency post was soon to become known around the world as "Packer, the Man-Eater."

The story of Alfred Packer has become a legend, and like most legends, it has been badly distorted in the retelling. Virtually every incident in the tangled skein of which the story was woven has two or three conflicting versions. Through them all runs the theme of survival of the fittest—or quickest.

GOLD IN COLORADO!

For all practical purposes, Alfred Packer's story starts in the late fall of 1873. The West was still a wild country, much of it unexplored, and in the trackless mountains were gold and silver bonanzas waiting to be discovered.

In a Provo, Utah, boarding house, a motley collection of fortune-seekers talked excitedly of a new gold strike near Breckenridge, Colorado. Most of the men were strangers to each other, drawn together by chance and a common lust for gold.

Packer appeared at the boarding house when the excitement was at its peak.

"The Colorados," Packer said. "I know 'em like the back of my own hand. I've dug gold there and I've been all throughout the best diggings of the whole state. If it's gold you're looking for, I can show you where to find it in return for a grubstake."

Packer was described at the time as being nearly six feet tall and muscular, weighing between 165 and 175 pounds. His hair, which he wore long, and his beard, were coal black in color. He was about 31 years old. A long, slender nose was prominent just below a low forehead. In contrast to his ap-

pearance of strength, was his high-pitched, somewhat whining voice — a voice that one man in particular, would never forget.

It was the kind of nasal whimper that grated on a man's nerves. It was the kind of voice that would cause a man to turn his head and see who was talking.

Packer enlisted in the Union Army in April of 1862 at Winona, Minn., and was discharged seven months later at Fort Ontario, New York, for a physical disability which entitled him to a federal pension of \$25.00 a month.

He apparently had worked as ranch hand, hunter, guide and scout, and as a miner at Georgetown, Colorado, before he moved to Utah.

Two of the men in the Provo, Utah, boarding house agreed to split Packer's grubstake. One was Robert McGrew, a former Pennsylvanian. The other was George Tracy, an Irish immigrant. The party bought horses, wagons and provisions and set out in late November for the Colorado gold fields, generally following an old Mor-



mon road east from Provo. The road was in poor repair, however, and the caravan was slowed to roughly 10 miles a day.

How many left Provo in the prospecting party isn't known for sure, but apparently a number of men joined it along the way. By the time the group entered Colorado, it numbered 21.

In addition to Packer, McGrew and Tracy, there were the following:

Shannon Wilson Bell of Michigan.
Mike Burke and John McCoy of Ireland.
A Dr. Cooper from Scotland.
George Driver and James Humphrey, both from Philadelphia.
A man known only as "Italian" Tom.
O. D. Loutsenhizer of Ohio.
Frank "Reddy" Miller of Germany.
James McIntosh of Georgia.
James Montgomery of Canada.
George Noon of San Francisco.
Israel Swan of Missouri.
Preston Nutter of West Virginia.
Dave Toll of Boston, Massachusetts.
Issac and Tom Walker, brothers, origin unknown.
Jean "Frenchy" Cabazon from, of course, France.

Swan, about 60, was the oldest. Noon was the youngest, and he is reputed being called "the kid." Both of these men, together with Humphrey, Miller and Bell, were to play unwilling though major roles in the Alfred Packer story of cannibalism in the days of the early West. So was Cabazon, although in a different, and we might add "longevity" manner. He was to change the course of Packer's life.

The hard going took its toll with the group. Food ran out, and the men plodded along subsisting on chopped barley which had been brought along for horse feed.

On January 21, the party descended into the broad valley of the Uncompahgre River near the point where it joins the Gunnison River, adjacent to where the city of Delta, Colorado now stands.

The men by this time were complaining bitterly. Packer was one of the most vocal. He said he had agreed to guide the group in return for his board but that so far all he had received was horse food. Nevertheless, the grim party plodded ahead.

JUMPED BY UTE INDIANS

Suddenly the little wagon train was jumped by a band of Ute Indians who demanded to know where it was headed. The Utes suspected Packer's party was made up of settlers moving into their territory in violation of a treaty made with the U. S. Government. Leaders of the group satisfied the Indians they were only prospectors and the Utes took them to their chief at Montrose, Colorado, the famous early-day Indian chief, Chief Ouray, in whose memory, there now stands a memorial near the site of Montrose, on the banks of the Uncompahgre River.

It was a bitter winter and the outlook was for yet more severe weather. Chief Ouray invited the party to remain at his tribe's winter camp. There the prospectors repaired their gear, hunted to replenish their meat supply, and waited for milder weather.

Chief Ouray's hospitality justified the title which he had won as "The White Man's Friend." He gave these men flour, meat and other sorely needed supplies and saw that at no time did they want for anything which he could provide out of his primitive larder.

But restlessness soon set in. Some of the men were anxious to push on toward Breckenridge and stake claims. There were quarrels, and early in February a small group left camp with only one rifle among them.

In the group were Loutsenzhizer, the Walker brothers, Burke and Driver. Their immediate destination was the Los Pinos Indian Agency post. Chief Ouray advised them to follow the Gunnison River to a government cattle camp which had been established to supply meat to the Indians, and then proceed to Los Pinos.

A blizzard set in shortly after they left camp. The party became lost. One of them shot a wolf and the men ate what they could stomach of it. Then the lock on the rifle broke. Helpless now, the men came upon an emaciated government cow which they killed with their bare hands.

DRANK WARM BLOOD

They drank its warm blood. Then they ate the raw meat. With new strength, they managed to find the cattle camp and waited for better weather there as guests of James P. Kelley, government cattle superintendent, and Sidney Jocknick, his aide.

Back in Chief Ouray's camp, the dog fever continued to burn. Packer accompanied a second party out on

February 9. With him were Bell, Humphrey, Miller, Noon and Swan.

Preston Nutter and James Montgomery were the last to see them as the six men trudged up the Uncompahgre Valley into a mounting winter storm. Later, they recalled that Swan and Noon were carrying rifles. Bell had a hatchet. Miller carried a skinning knife in his belt, and Packer apparently was unarmed.

That was the last any of the six men were seen alive until Packer limped into the Los Pinos Indian Agency sixty-six days later. He was then alone, and was now carrying a rifle as well as a skinning knife.

For those who have never experienced a blizzard in the Colorado Rockies,



In 1853 Colorado was a wilderness of relentless ferocity and stresses.

it should be noted here that a storm can sweep down on an area almost without warning. In a matter of a few hours that storm, shutting off visibility almost completely, can pile up as much as three, five, sometimes ten feet of snow, enough to bury a man alive. It was weather such as this that Packer's party encountered.

Packer and his group estimated it would take only a week to reach their destination, so they took provisions accordingly. According to best reports the party, when it started out, was fairly well equipped with blankets and heavy garments sufficient for a rough trip through the snowbound country. What actually happened on the strange expedition is doomed to remain a mystery forever, known only to the winds and mountain peaks which witnessed this strange episode. There are stories that the men became lost and took the wrong route to Lake City. Some say they went over the mountains, an unlikely adventure — almost impossible under weather conditions which exist in that area. There is one story that upon reaching the mouth of the Lake Fork of the Gunnison River the party took the right fork leading to Lake City instead of following the Gunnison River.

Packer's first story was that he had become snowblind and footsore, and his companions had left him while they forged ahead to seek provisions. When they failed to return, Packer said, he proceeded alone and somehow had managed to survive the ordeal in the wilderness. It was a plausible tale.

By one of those strange coincidences of fate, Preston Nutter arrived at the Los Pinos Agency on the same day as Packer. Nutter had waited in Chief Ouray's winter camp until the



CHIEF OURAY AND OTTO MEARS

Famous early-day personalities of Southwestern Colorado, had a part in Packer's story.

weather improved, and had reached the Indian Agency in only two weeks time.

Nutter sought out Packer and asked about the others.

Packer greeted Nutter warmly, nervously shook his hand and said he had never expected to see any of his friends again. He recounted the story of how he was abandoned and spoke sorrowfully of their missing companions.

Packer made a very rapid recovery from his ordeal in the snowy outdoors, and soon he was ready to travel on. But first, saying he was short of money, he sold the rifle he had been carrying, a Winchester, to Major Downer for the sum of \$10. Then Packer and Nutter set out together for Saguache, still hoping to reach Breckenridge.

Along the way Nutter noticed the knife which Packer was carrying and inquired about it.

"Miller stuck it in a tree, then went off and left it," Packer replied, and for the moment Nutter thought nothing more of it.

Saguache was a "big town" compared to the Los Pinos Agency. Packer promptly set up camp in a saloon owned and operated by James "Larry" Dolan.

Packer's behavior then became not exactly that of a man who was broke. He bought drinks for friends, played and lost at cards, reportedly was carrying a bankroll in two billfolds, and even bought a horse for \$70 from Otto Mears . . . a man who was later to become famous in Colorado history as the "great road builder" of the San Juan area.

Dolan and Packer became fast

friends. The two slept together on the barroom floor, Packer sharing Dolan's blanket. Later Dolan became a chief witness in both of Packer's trials. He testified "Packer did not look poor, as if he had starved at all. He simply looked rough, as one would after a mountain trip. . . ."

"I saw two fifty-dollar gold notes, yaller notes, which he had in a long pocket, in which the bills were set up edgewise. There was lots of smaller bills.

"He offered me a loan of \$300. He lost \$37 in the saloon playing freeze-out for the drinks in one day."

While Packer was enjoying himself the other members of the original party of twenty-one reached Saguache. They remembered that Packer had to be grubstaked at the start of the expedition, and they regarded his spending with growing suspicion.

The more they talked together, the less satisfied they became with Packer's explanation of the disappearance of Bell, Humphrey, Miller, Noon and Swan.

They did not hesitate to make their dissatisfaction known to all.

PACKER IS QUESTIONED FULLY

There was so much talk in the air around Saguache that General Charles Adams, the Indian agent, felt obliged to question Packer fully when he arrived back in Saguache from Denver on May 1, some fifteen days after Packer



had first made his way into the Los Pinos Agency.

Packer again told much the same story he had related at the Indian Agency, but added a few more details. He said one of the party had given him the rifle, that he had shot a rabbit with it and later lived on rosebuds.

General Adams asked Packer to go back to Los Pinos with him, and Packer agreed. On the road they encountered Frenchy Cabazon. It was a strange confrontation, for Cabazon had heard Packer's story being retold at Los Pinos and had refused to believe it, and now he repeated his doubts.

The two men stared savagely at each other. Packer, in effect had been called a liar. He shook his fist in the Frenchman's face and shouted, "You've given me reason enough to kill you. I'll do it the next time we meet. That's a promise."

After arriving back at the Indian Agency, General Adams questioned Packer at length about the money in his possession. Packer became progressively more confused.

Trapped in one inconsistency after another, he finally broke down and told the general the story that became known as Packer's "first confession."

"After leaving Ouray's camp, the provisions had given out soon. The men had gotten lost, and after wandering around for several days, old man Swan died from hunger. The men stayed in camp, cut up a piece of his body and ate that," Packer related.

Then they started out again and took pieces of flesh with them, until four



or five days thereafter Humphrey died. He was done away in the same way, because the men were out of food again and hungry.

Packer admitted taking some \$133 in money that Humphrey was carrying on his person. Packer had a habit of referring to himself in the third person as "Packer." His confession continued:

"While Packer was out one evening gathering wood for the fire, on returning to the camp, he found Miller dead. Miller had been sick of rheumatism and delayed the party on the march. It was therefore by the party agreed upon that he be sacrificed.

"Further on, several days after that, Bell had shot Noon and they both together had eaten his flesh.

"Then, only me and Bell was left and we traveled to a grove of timber near the banks of a lake. We were sitting around a campfire when Bell arose, and taking his rifle, aimed a blow with the butt end at me. The blow missed and the stock, striking a tree, broke off. There was nothing I could do. I had to kill Bell. In only a few seconds, he was dead and couldn't utter a sound."

Packer lived on Bell's flesh for several days. He had taken some of the flesh along with him and finally reached the agency. He had been out of meat only a day or so when he reached the agency.

His questioners recoiled in horror at his tale of cannibalism, made all the more repulsive by Packer's high-pitched, whining voice.

Packer's statement was taken down, and Packer swore to it and sign-

ed it as his confession in the presence of Justice Downer. It was dated May 8, 1874.

But even after this horrible confession in which Packer shouted and waved his arms excitedly, details of his story were widely disbelieved.

There were many who thought Packer had killed his companions for money, food, or both.

General Adams ordered a search party to be sent out, and accompanied by Alfred Packer, the party was to scour the Lake Fork of the Gunnison River, in search of remains of the victims.

THE FIRST MAJOR BREAK

Packer went along reluctantly. As the searching party approached Lake San Cristobal where the town of Lake City was soon to spring up, he became





increasingly uneasy and said the area was unfamiliar.

Not far away, a campsite was found and in the rubble a pillbox was located bearing Packer's name.

There was ample evidence that someone had spent considerable time there.

Someone of the searching party suggested that Packer had killed his companions and possibly dumped their bodies in the lake.

A beaver dam was broken up and the lake level lowered, but no bodies were found and the search was abandoned. Still, the cloud over Packer refused to be dispersed.

General Adams ordered Packer arrested on suspicion of homicide and Sheriff Amos Wall locked him up in the adobe shack that served as Sa-guache's jail.

There in jail, Packer languished for the most of the summer while officials pondered their next move.

To use a term dear to detective story writers, the first major break in the case came in August of that year when the remains of Packer's five missing companions were found while Packer remained in jail.

There are conflicting versions about the circumstances of the discovery. One account has it that in late August of 1874, John A. Randolph, an artist, came upon the bodies while sketching some mountain scenes for Harper's Weekly.

James D. Martin, who was living in the San Juan Mountains at the time, insisted in an interview made years later that the bodies were discovered by

George Nicholas, F. P. Wells and a Captain Graham.

Whoever it was that found them, the bodies were on a bluff overlooking Lake Fork, not far from the campsite where Packer's pillbox had been found. No attempt had been made to conceal the bodies. There were no camp utensils, no boots, no weapons.

TESTIMONY GIVEN ABOUT LOCATION OF THE BODIES

Preston Nutter was among those who hurried to the scene. Later, he testified:

"Two of the bodies were lying with their heads pointing downstream, two with their heads up the stream and one at a right angle to these. The heads of the men were cut open as with a hatchet.

"The party had apparently camped there only a short time, possibly one night, because a log about six inches thick was not burned through and there was not many ashes.

"Swan's head had a blanket over it, where the hatchet gash had been made. The fibers of the blanket were driven into the gash . . . I saw more bones there than I ever saw in my life belonging to the human race.

"Miller's head was entirely gone. We never found it, but we recognized



the body by clothing and other effects."

Nutter went on to testify that there was no visible evidence of a struggle in the camp but Swan's clothing had been ripped. The implication was that the clothing had been torn open in a search for the victim's valuables.

There also was testimony to the effect that "clear-cut evidences of cannibalism" had been discovered. But the validity of this testimony is questionable in view of the condition of the bodies which had been left out in the open weather for some six months.

It was clear, however, that whether some of the men died of starvation and exposure and some of gunshot wounds — as Packer had said — the hatchet wounds were sufficient to cause death.

Even so, a remarkable fact remained unexplained: Packer had lived 60-some days on some sort of food. Were his macabre meals made up of the flesh of ALL his companions?

James D. Martin, who told his story in 1923 to Thomas F. Dawson of the Colorado State Historical Society, said Miller's skull was found a year later some distance from the death camp by one G. A. Depping. Animals could have dragged it away. There were 10 or 11 cuts on the top of the skull in addition to the temple being crushed. This indicated Miller had not died immediately. The others apparently had been slain by single blows as they slept.

The wounds in Miller's skull made it likely that he had been attacked and struck repeatedly before being felled by the blow to the temple.

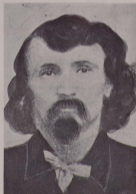
PACKER PLACED IN IRONS

Word of the discovery spread quickly through Sagauche. Packer was placed in irons inside his cell. But that might he disappeared, and was not to be heard of for nine long years.

Packer later said that he was passed a key, fashioned crudely from a pen-knife blade, with which he unlocked the irons. He never identified his benefactor.

Lawmen scoured the hills. Several members of the original party of 21 swore vengeance and searched fruitlessly for months, but no trace of Packer could be found. It was to be nine years before society caught up with Alfred Packer.

In the meantime he was a "free man."



Alfred Packer, long-haired pioneer.

Was Alfred Packer innocent of murder? Some interesting questions were to confront this pioneer jury

ONE NIGHT IN MARCH, 1883, an itinerant peddler of household notions stopped at John Brown's roadhouse on LaPrele Creek while en route from Cheyenne, Wyo., to Fort Fetterman. The roadhouse was crowded and noisy. The peddler's name was Jean (Frenchy) Cabazon.

Through the thin partitions as he tried to sleep, Cabazon heard a high, whining voice. It was a voice a man never forgot. It stirred memories that Cabazon had lived with for nine years, and he trembled with excitement.

Next morning Cabazon met the owner of the voice. He said his name was John Swartze. He was bearded, tall and black-haired. Two fingers were missing from his left hand and he wore a dental bridge. But Cabazon recognized him immediately as Alfred Packer, the Man-Eater, wanted in Colorado for homicide.

The last time the two men had met. Packer had vowed to kill Cabazon on sight. But now he failed to recognize Cabazon, one of the 20 men with whom

he had left Utah for the gold fields of Breckenridge back in the late fall of 1873.

SEIZED WITHOUT STRUGGLE

As soon as he could, without attracting attention, Cabazon sought out Sheriff Malcolm Campbell of Converse County and told his story. Campbell knew the man who called himself Swartze. Only two months earlier Swartze got himself drunk at the Hog Ranch, the notorious hawdy house across the North Platte River from Fort Fetterman, became disorderly and threatened a waiter with a pistol. Sheriff Campbell had jailed Swartze overnight and released him when the waiter refused to press charges.

Now the sheriff checked with authorities in Laramie and quickly received instructions to arrest Packer. Campbell rode out to a cabin on Wagon Hound Creek where Packer had been staying and arrested him without a struggle. Packer was delivered in Cheyenne to Sheriff Clair Smith of Hinsdale County, Colorado, and reached Denver on March 16.

HUMAN JERKED BEEF.

The Man Who Lived on Meat for Four Months.

Who Would You Choose For Captain of a Boat of Human Meats?

A General Who Lives on the Outside Edge of the Fellowship.

Packer Arrives in Denver and Meets and Reunions Several Men.

He Makes a Confession, But Doesn't Explain the Free-Trade Matter.

He Says He Intended For Many Years to Eat Human Meats.

Partisans of the Free-Trade Party Denounce General's New Theory.

One of the most noted scientists the human body has ever known, according to the latest scientific knowledge, is a man who has lived on meat for four months.

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It seemed almost everyone in Denver turned out to stare at "the ghoul of the San Juans" as some newspapers called him. General Adams, who by this time was post office inspector, joined law officials in questioning Packer. Pack-

er said he had lived in Colorado, Arizona, Montana and Oregon before finally moving to Wyoming after his escape.

That night Packer made his "second confession" in the presence of Sheriffs Smith and Campbell, General Adams and U. S. Marshal Simon W. Cantrill.

"I, Alfred Packer, desire to make a true and voluntary statement in regard to the occurrences in Southern Colorado during the winter of 1873-1874," the confession started. "I wish to make it to General Adams because I have made one once before about the same matter."

Thus began to unravel Packer's strange story of hunger, violence and cannibalism that preceded his arrival at the Los Pinos Indian Agency nearly 10 years earlier. Packer continued:

"When we left Ouray's camp we had about seven days food for one man. We traveled two or three days and it came a storm. We came to a mountain, crossed a gulch and came onto another mountain, found the snow so deep, had to follow the mountain on the top and on about the fourth day we had only a pint of flour left.

"We followed the mountain until we came to the main range. Do not remember how many days we were traveling then—I think about 10 days—living on rosehods and pine gum and some of the men were crying and praying.

"Then we came over the main range. We camped twice on a stream which runs into a big lake, the second time just above the lake. The next morning we crossed the lake, cut holes in the ice to catch fish. There were no fish so we tried to catch snails. The ice was thin, some broke through.



Alfred Packer poses in his yard in his later years.

He is a man who has lived on meat for four months.

He is a man who has lived on meat for four months.

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Denver newspaper "spreads" the Packer steady story in March, 1873, here.

"We crossed the lake and went into a grove of timber. All the men were crying and one of them was crazy. (Israel) Swan (the oldest member of the group) asked me to go up and find out if I could see something from the mountains. I took a gun, went up the hill, found a big rose bush with buds sticking through the snow, but could see nothing but snow all around.

"I was kind of a guide for them but I did not know the mountains from that side. When I came back to camp after being gone nearly all day, I found the red headed man (Shannon Wilson Bell) who acted crazy in the morning, sitting near the fire roasting a piece of meat which he had cut out of the leg of the German butcher (Frank Miller).

"The latter's body was lying the furthest off from the fire, down the stream. His skull was crushed in with the hatchet. The other three men were lying near the fire. They were cut in the forehead with the hatchet. Some had two, some three cuts.

"I came within a rod of the fire. When the man saw me, he got up with his hatchet towards me when I shot him sideways through the belly. He fell on his face, the hatchet fell forward. I grabbed it and hit him in the top of the head. I camped that night at the fire, sat up all night.

"The next morning I followed my tracks up the mountain but I could not make it, the snow was too deep, and I came back. I went sideways into a piece of pine timber, set up two sticks and covered it with pine boughs and made a shelter about three feet high. This was my camp until I came out.

"I went back to the fire, covered the men up and fetched to the camp the piece of meat that was near the fire. I made a new fire near my camp and cooked the piece of meat and ate it. I tried to get away every day but could not, so I lived off the flesh of these men, the biggest part of the 60 days I was out.

"Then the snow began to have a crust and I started out up the creek to a place where a big slide of yellowish clay seemed to come down the mountain. There I started up but got my feet wet and having only a piece of blanket around them I froze my feet under the toes and I camped before I reached the top, making a fire and staying all night.

"The next day I made it to the top of the hill and a little over. I built a fire on top of a log and, on two logs close together, I camped. I cooked some of the flesh and carried it with me for food. I carried only one blanket. There was \$70 among the men. I fetched it out with me and one gun.

"The red-headed man had a \$50 bill in his pocket. All the others together had only \$20. I had \$20 myself. If there was any more money in the outfit, I did not know of it and it remained there.



General Adams, who secured Packer's first confession.



Heresden Davis' famous sketch of the Lake City trial. Collection of Fred and Jo Harrold

HIS EYES WERE WILD

"At the last camp just before I reached the agency, I ate the last pieces of human meat. This meat I cooked at the camp before I started out and put it into a bag and carried the bag with me. I could not eat but a little at a time.

"When I went out with the party to search for the bodies we came to the mountains overlooking the stream, but I did not want to take them further. I did not want to go back to the camp myself. If I had stayed in that vicinity longer I would have taken you (General Adams) right to the place but they advised me to

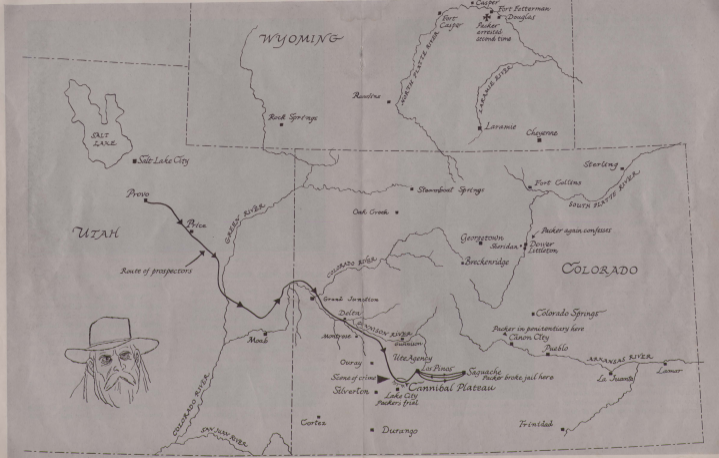
go away. (Packer didn't explain who 'they' were.)

"When at the sheriff's cabin in Saguache, I was passed a key made out of a pen knife blade with which I could unlock the irons. I went to the Arkansas Valley and worked all summer for John Gill, 18 miles below Pueblo, then I rented Gilbert's ranch still further down, put in a crop of corn and sold it to John Gill and went to Arizona."

The statement was sworn to and signed.

Newspaper accounts say Packer's behavior during the "confession" was

PACKER'S TRAVELS . . .



that of a demented man. His eyes took on a wild look, he jumped to his feet occasionally and waved his arms, a reporter wrote.

THE TRIAL BEGINS

Packer was destined to go on trial for his life only two and one-half miles from the very spot where he spent the winter on the flesh of his companions. During his 10-year absence, a thriving mining center had sprung up near Lake Cristobal. Its name was Lake City and it boasted a population of 1,500.

On April 6, 1883, District Attorney John D. Bell, assisted by J. Warner Mills, a Lake City attorney, filed murder charges in Lake City District Court against Packer in the death of Israel Swan.

Three days after the trial got under way before District Judge M. B. Gerry, Packer was defended by Attorney Aaron Heims and A. J. Miller.

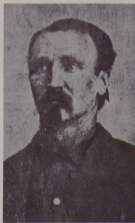
Seating a jury was difficult because feeling still ran high against Packer. Three days were consumed in selection of a jury from 56 veniremen.

Witnesses included O. D. Loutsenhizer and Preston Nutter of the original party of 21; General Adams, Maj. James P. Downer, Sheriff Clair Smith, Under-sheriff John O. Davis, Packer's former drinking buddy and saloonkeeper Larry Dolan; Otto Mears and others.

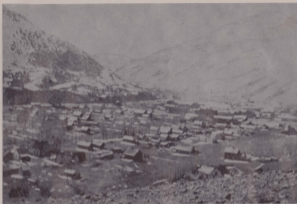
Packer testified six hours in his own behalf after asking the court to permit him to talk without interruption. He told how the six men boiled snow water to make a thick gravy from the last of their

flour, how the wind piled snow so high in the gulches they couldn't cross them.

"We had seven days grub for one man. After we had traveled on the snow—we hadn't traveled two days upon the snow—had saved a pint of flour and Miller owned that. We boiled snow water and made a thickened gravy or mush. After we had eat our grub, it was snowing and storming so we couldn't see any distance. The wind was sweeping the snow in so deep that we couldn't follow the gulches. We followed the ridges. We had an idea that the Los Pinos Agency was laying off under the Rocky Mountains and all under the ridge we could see the valley. We argued with



Packer as he appeared at the time of his arrest in Wyoming.



Lake City had become a booming mining city at the time of Packer's first trial.

each other and all came to that conclusion. We thought if it was in the Springs we could see it from any ridge. We plowed the Rocky Mountains, followed the ridge up across and kept on after the little pint of flour was eaten.

"George Noon gave up his moccasins made of goat skin," Packer related. "Gave them up. We roasted them and eat (sic) them and that was our supper. That was George Noon.

"We soon used up our matches. We carried fire in a coffee pot. Old Man Swan carried this fire on account of keeping his hands warm. He was getting worn out, poor and sick. He would travel on behind and we broke trail.

"When I tired out another man stepped in and walked ahead. About four

or five days after we eat George Noon's moccasins, Bell gave up his."

Packer continued to tell how tempers shortened and sharp words were exchanged. After eating Bell's moccasins the party found some rosebuds and wolfed them down.

"From the time we eat Bill's moccasins till we found these rosebuds was five or six days. Then I gave up my moccasins. That was right on top—near the top of the Rocky Mountains, right to the edge of timber, right into the timber, and camped all night."

Packer said Bell was the most ill-tempered, grumbling constantly, and in fear of starving to death. "Swan by this time had all but given out.



This was the way the burial place of Packer's victims looked on Carnation Plateau, several years before a more suitable marker was erected.

"We had been praying, shouting, crying, everything, before we came down into this place where the dead bodies were found. Bell never spoke, hadn't said a word for two or three days, looked wild. Swan prayed. I tried to pray. Miller and Noon prayed. Humphrey prayed. We all prayed, and cried for salt."

They had been chewing pine gum, Packer said, "but it would make us weak, keeping our mouths open the air would get in and we would swallow it. . . . After coming down on the side of the hill, we camped at a big pine root, there had been a fire built of part of the root sticking up, some parts of it about 10 feet long; it had been burned before we came there; that night we had our prayer meeting. Everything we would think of we would wish for; but the whole wish was for salt. The next day we came to what you call a lake. I don't know as it is not a lake,

but a level place. We camped there. We found some buds.

" . . . We got on the ice. I tried to break it. We seen water and thought we could find some fish; the water was only that deep (indicated); the rest was slime and mud. George Noon was desirous to venture out. We couldn't build a fire in that deep snow quick enough. Thought we would freeze to death. George Noon was the lighter man so he ventured out. He said it was not much deeper than where we broke through. So we came to the conclusion that it was only a swampy place. We tried but couldn't find anything. . . .

A MACABRE MEAL

"When we camped there that night," Packer said, "we gave up. I don't say I was a strong man. We all give up. Were crying, praying. Old man Swan



A modern memorial now marks the burial site of Packer's five victims.

was the poorest man in the outfit—was clean gone, but he said he couldn't go any further. That settled it. We couldn't go any further. We couldn't leave him there. I told them that I would go up the hill maybe I could see the (Los Pinos Indian) Agency from the hill.

"I did not know where the agency was or whether we had passed the agency. When I volunteered to go, old man Swan begged me to go. The boys prayed for me to go, said they would have a good

fire and see if they could find some rose-buds. . . .

"When I came back into the camp it was pretty near night. Bell was kneeling near the fire. It was dark, very dark, the bushes were very thick in the shelter from the storm.

"As I came in on the trail I got as far from the fire as from here to that bench [indicates]. Bell grabbed his hatchet and made for me. I asked what

was the matter. I was standing on the trail. I fell down in the snow. Bell had his hatchet up this way. (Witness raised his hand and arm in a striking position.)

"He didn't say anything. I never thought, I took aim. No, I didn't take aim, but I shot him. As he came forward, I struck him with the edge of the hatchet. It struck right that way and cut through. I hollered to the party. Nobody answered me so I stood looking at Bell for a little while. I went to the fire and let the hatchet lay there. It was storming then—snowing hard. I saw the fix the rest of the men were in."

At this point the defense counsel, Miller, asked Packer to describe the position of the bodies. Packer went on:

"This is Swan, that was our camp fire. Here was Noon's and Humphrey's just them two. I calculate this was Miller's; that was the trail—just one trail, he was hit on the back of the head three times I believe with a hatchet—Bell owned this hatchet and took this hatchet only when we would use it for cutting wood.

"Swan, I think it was Swan—one of these men—had two licks; one man had a cut on the breast bone. I think it was the end man. You ask me why I examined these bodies so close.

"That same night I took blankets and covered every man up and I sat by this fire. Kindling up the fire, I sat there all night long. The pieces of meat Bell laid there were laying there yet. The next morning was the first I laid these men in that shape close together as I could. Bell laid on his face, I turned Bell over on his back.

"I could not stay there. Right below



Packer's photo, taken at Canon City, while serving his sentence there.

here where this is; it is not further than Sheriff Smith's house is from this place in some fir timber. I went there and built a fire.

"Gentlemen: Right there is my last feeling. I went back and eat (sic) this piece of meat. That is what hurt me, eating this meat and it had hurt me for nine years. I was not responsible for what I eat. I couldn't help it. Right there I had no feeling. I had no fear of freezing. I just was happy. Right there I cut that piece of meat. Boiled it in a tin can and eat a little. I laid down and slept. I took sick and sat up against a tree. I put a pole across, set up pieces of bark and two pieces of pine. Right there I lived in this stupid position. I don't know how long I was in that fix. I felt perfectly happy. Slept and slept and slept, seemed to be perfectly happy and contented.

"I didn't think of freezing, didn't think of the agency; never thought of



Small shack in Sheridan was Packer's home in years after his release from state penitentiary.

nothing only sleep; the meat was a little salty. I had always been praying for salt. In the course of time, I don't know how long, fear came back to me again. I wanted to leave there.

"When I waked up I wanted to leave. I thought of the men, thought of everything, I wanted to go and go. I did go. I started. I wanted to go on. I came back. I went down the stream. Didn't take any provisions. I took a coffeepot with fire. I came back both times; and exactly how long I stayed there living like this—I told you that it began to thaw sometime in March because I came out the last of March, it began to thaw crossing on the snow.

"I tried again, before I tried to go I came back and cut some flesh off these dead bodies and cooked it. I had a stick to cook it on. I have nothing but the butcher's skinning knife to cut it with. That was the only weapon that Miller had—used it cutting this meat.

THE TRAIL'S SECRET

"I seen Bell's pocketbook. I opened it and found a \$50 greenback. I took it. That was wrong, I admit that. Had got \$20 more off the others. If there was any more I left it on the ground. I put that in my pocket. I started up the mountain, the snow was off in spots.

"The next morning I started down



Topographical map of area involved in Packer episode.

the gulch, I believe this same gulch runs to the Los Pinos Agency, I know it took me to the Los Pinos Agency."

Packer concluded his statement by saying he had eaten rosebuds and three pieces of meat on the last leg of his journey, not realizing at the time that he was only three-quarters of a mile from the agency.

When Packer finished his statement, the case went to the jury.

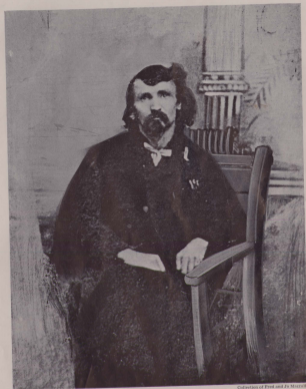
Some interesting questions arise at this point. The prosecution said examination showed Bell had been shot in the back. This indicated Bell had been ambushed by Packer. But Packer in his Denver "second confession" said he shot Bell "sideways through the belly." The combatants had faced each other in the dark. Both suffered from snowblindness. Both were numbed by cold, exhausted, floundering in the snow. Was it possible

that Packer told the truth, but that Bell was hit in the back in the struggle?

If Packer's story, as related from the witness stand, was to be believed, his admitted killing of Bell could be justified on the grounds of self-defense, and it would be Bell who had slain the other members of the party.

And what about the unexplained marks on Miller's skull? Had he been awakened by the sounds of the other men being killed? Had he sprung up in time to grapple with the killer before falling before the fatal blow?

The jury had only Packer's version of the story to weigh in his defense. All the others who had first-hand knowledge of that terrible night were dead. If Packer's version were accepted, he would have to be acquitted for he was charged only with the slaying of Israel Swan.



"Official" photo of Packer which he sold for 50 cents, while serving a three-year jail term at Gunnison.

Packer couldn't face the awful truth of his heinous acts that winter

THREE HOURS after they began their deliberations, the 12 men of the jury hearing the murder trial of Alfred Packer shuffled back into the courtroom at Lake City, Hinsdale County, Colorado. The date was April 13, 1883.

District Judge Melville B. Gerry asked the foreman whether the jury had reached a verdict. "We have, your honor," the foreman replied.

Gerry ordered Packer to stand. Packer rose, his face pale against his black beard.

The verdict was what everyone had expected. Packer, the confessed eater of human flesh, was guilty of the death of Israel Swan, oldest of the five men who had accompanied Packer into the wilderness in their search for the gold fields of Breckenridge.

Judge Gerry lost no time in pronouncing sentence. Moved, perhaps, by the drama of the moment, Gerry delivered a floridly eloquent speech that deserves reproduction here in full.

"Alfred Packer," Judge Gerry began solemnly, "it becomes my duty as judge of this court, to enforce the verdict of the jury, rendered in your case, and impose upon you the judgment which the law fixes as the punishment of the crime which you have committed.

"It is a solemn, painful duty to perform. I would to God the cup might pass from me. You have had a fair and impartial trial. You have been faithfully and earnestly defended by able counsel. The presiding judge of this court, upon his oath and his conscience, has labored to be honest and impartial in the trial of your case, and in all doubtful questions you have had the benefit of the doubt.

"A jury of twelve honest citizens of this county have sat in judgment on your case and upon their oaths they find you guilty of wilful and premeditated murder. A murder revolting in all its details.

"In 1874 you, in company with five companions, passed through the beautiful mountain valley where now stands the town of Lake City.

PICTORIAL DESCRIPTION

"At that time the hand of man had not marred the beauties of nature. The picture was fresh from the hands of the great Artist who created it. You and your companions camped at the base of a grand old mountain, in sight of the place you now stand, on the banks of a stream as pure and beautiful as ever traced the finger of God upon the bosom of the earth. Your every surrounding was calculated to impress your heart and nature with the omnipotence of Deity and the helplessness of your own feeble life. In



Main Street of Gunnison as it appeared during the time of Packer's second trial.

this goodly favored spot you conceived your murderous designs.

"You and your victims had had a weary march, and when the shadows of the mountain fell upon your little party and night drew her sable curtain around you, your unsuspecting victims lay down on the ground and were soon lost in the sleep of the weary; and when thus sweetly unconscious of danger from any quarter, and particularly from you, their trusted companion, you cruelly and brutally slew them all.

"Whether your murderous hand was guided by the misty light of the moon, or the flickering blaze of the campfire, you only can tell. No eye saw the bloody deed performed; no ear save your own caught the groans of your dying victims. You then and there robbed the living of

life and then robbed the dead of the reward of their honest toil which they had accumulated; at least, so say the jury.

"To the other sickening details of your crime I will not refer. Silence is kindness. I do not say things to harrow your soul, for I know you have drunk the cup of bitterness to its very dregs, and wherever you have gone the sting of your conscience and the goadings of remorse have been an avenging Nemesis which have followed your every turn in life and planted afresh for your contemplation the picture of the past.

"I say these things to impress upon your mind the awful solemnity of your situation and the impending doom which you cannot avert. Be not deceived. God is not mocked, for whatsoever a man

soweth, that shall he also reap. You, Alfred Packer, sowed the wind; you must now reap the whirlwind.

"Society cannot forgive you for the crime you have committed. It enforces the old Mosaic law of a life for a life, and your life must be taken as the penalty of your crime. I am but the instrument of society to impose the punishment which the law provides. While society cannot forgive, it will forget. As the days come and go and the years of our pilgrimage roll by, the memory of you and your crime will fade from the minds of men.

"With God it is different. He will not forget, but will forgive. He pardoned the dying thief on the cross. He is the same God today as then. A God of love and mercy, of long suffering and kind forbearance; a God who tempers the wind to the shorn lamb and promises rest to all the weary and heartbroken children of men; and it is to this God I commend you.

"Close your ears to the blandishments of hope. Listen not to the flattering promises of life, but prepare for the dread certainty of death. Prepare to meet thy God; prepare to meet the spirits of thy murdered victims; prepare to meet thy aged father and mother, of whom you have spoken and who still love you as their dear boy.

"For nine long years you have been a wanderer, upon the face of the earth, bowed and broken in spirit; no home, no loves, no ties to bind you to earth. You have been, indeed, a poor pitiable wail of humanity. I hope and pray that in the spirit land to which you are so fast and surely drifting, you will find that peace

and rest for your weary spirit which this world does not give.

THE "SENTENCE OF DEATH"

"Alfred Packer, the judgment of this court is that you be removed hence to the jail of Hinsdale County and there confined until the 19th day of May, A.D. 1883, and that on said 19th day of May, A.D. 1883, you be taken from thence by the sheriff of Hinsdale County to a place of execution prepared for this purpose, at some point within the corporate limits of the town of Lake City, in the said county of Hinsdale, and between the hours of 10 a.m. and 3 p.m. of said day, you then and there, by the said sheriff, be hung by the neck until you are dead, dead, dead, and may God have mercy upon your soul."

Struggling to retain his composure, Judge Gerry completed the sentencing with head bowed. He had delivered a masterpiece that would be quoted widely in schools of law, but he never knew that in the next few minutes his words were to be completely distorted and that this distortion would become more generally quoted than anything he uttered.

The sentencing had barely concluded when Larry Dolan, the Saguache barkeeper, dashed to the nearest saloon and shouted these now famous words: "They're gunna hang Packer . . .

"The judge, he says, 'Stahnd up, y' man-est'n' son-iv-a——; stahnd up.' Thin, pintin' his finger at him so ragin' mad he was, he says, 'They wux sivin Dimmycrats in Hinsdale County, and yez ate foive iv them, G—— damn ye. I sintins ye t' be hanged be th' neck until yez are dead, dead, dead, as a warnin'

ag'in reducin' th' Dimmycrat populashion iv th' state.'"

Because feeling against Packer ran so high in Lake City, he was turned over to one of Colorado's most famous old-time lawmen, Sheriff C. W. (Doc) Shores, and locked up in the jail at Gunnison City. Defense attorneys, however, cheated the scaffold. They seized upon a fluke in the state statutes and appealed Packer's case to the Colorado State Supreme Court.

The high court's opinion handed down during the October, 1885, session both explains the appeal and the court's ruling. The "prescribed punishments for murder were repealed by the legislature without a savings clause after the crime was committed (March 1, 1874) and before the conviction now complained of," the court ruled.

The mixup came when laws of the Territory of Colorado were re-enacted as laws of the State of Colorado. Absence of a "saving" clause, which would have carried over punishments for murder, had the effect of making Packer's trial null and void. The court said:

"The crime was committed against the peace and dignity of the people of the State of Colorado; whereas, . . . there was no State of Colorado in existence at the time of the killing. . . ."

The lower court's verdict of guilty was set aside and the case remanded for re-trial.

Packer then was charged with manslaughter in each of the five deaths. Punishments for manslaughter had not been repealed when the statutes were worked over by the legislature.

Three years dragged by before the second trial was attempted. During this time Packer was held in the Gunnison jail. There he attracted the morbidly curious, some who wanted to write his life's story and others who wanted to pray with him.

DESCRIPTION OF PACKER

Sheriff Shores had ample opportunity to observe Packer closely. In the recently published book, "Memoirs of a Lawman," edited by Wilson Rockwell (Sage Books, \$6), Shores said: "Packer had a persecution complex and took it out on everybody that he could, including his own relatives. . . . Packer wrote some of the most depraved letters that I have ever read to his sister in Pennsylvania. Among other things he accused her of neglecting him, and threatened to kill her when he was released from prison.

"Of all the prisoners that I held in custody during my eight years as sheriff, Packer was the only one in whom I failed to find at least a few good qualities. He was slow-witted, cowardly, vicious and a natural bully."

Shores said he learned from conversations with Packer and from letters he had written, that the man-eater had "committed other serious crimes for which he was never arrested or prosecuted. Shortly after his escape from the Saguache jail, for example, he murdered two young men east of Colorado Springs and stole their team and wagon.

"Later on near Tombstone in Arizona Territory, he killed a prospector and took possession of his horse and pack mule. So, if one can believe him, and in this case he had no motive for lying, this

is a part of Packer's story which has never been told."

On April 31, 1886, Packer's second trial began in the Fourth Judicial District Court at Gunnison City with Judge William Harrison presiding. Packer pleaded not guilty to charges of manslaughter in five separate deaths.

It was practically a repeat performance of the first trial except that Herschel Millard Hogg was now district attorney. His assistant was J. Warner Mills who had helped prosecute the first case.

Witnesses repeated their testimony of three years earlier and there was testimony to the abundance of game in the region. Witnesses said the men, well armed and supplied with ammunition, should have been able to subsist on rabbits, if nothing else, and could have shot beaver at the lake.

PLENTY GAME IN REGION

Jim Beatty, a Montrose, Colo., motel operator and Jeep fan who frequently has explored the area traveled by the Packer party, said recently he could make the same trip during any present winter and live "off the land."

"Even in this period when the game population has been reduced, you can still find an abundance of snowshoe rabbits and other game," Beatty said. "I could take a sleeping bag, light cooking utensils and hunting equipment, and make the trip any time."

During the trial Packer answered questions gruffly, cursed Judge Gerry and other witnesses. After two days the jury received the case, deliberated two

and one-half hours and came in with a verdict which was read by S. S. Duree, jury foreman. Packer was found guilty.

This time it was Packer instead of the judge, who made a lengthy and impassioned statement. There was great excitement! Nearly everybody in the courtroom stood up. After taking a drink of water, Packer said:

"... I wish you to understand that I have had a fair and impartial trial, and that the jury couldn't help bringing in the verdict they did. If I had been on the jury and such evidence had been produced, I think I would have convicted myself. There is a chain of evidence that has run against me that I cannot wipe out. It is impossible to wipe out.

"I hold no malice toward the jury, and I am going to my long home. I expect to get 40 years and I don't want to live to see the end of it. I don't know what Packer would be should he get out of the pen after 40 years. . . .

"My counsel have done the very best they could do for me. But this is a mysterious case. It is a mystery to me. I can't wipe out the evidence against me, although I know there is something wrong about it. In later years it will be cleared up for there has never been a case where a man has been sentenced unjustly that sooner or later it was not cleared up. I had one hope, and that was that sometime I would be able to hold up before the people of Colorado that I am not guilty of the murder of the four men. I killed Bell. I admit it, and have done so all along.

"But he is the only man I killed. As I said before, the whole mystery will be cleared up sometime. Some of these old

witnesses will die, and if they don't die suddenly, they will—on their death beds—throw lots of light on this matter and then you will see that Packer was innocent.

"Now, judge, I expect a sentence of 40 years. You must give it to me under



Pally Fry (Mrs. Lizzal Ross Anthony), early day Denver Post columnist, who worked for Packer's release from the Colorado State Penitentiary.

the circumstances, but won't you do this? Won't you sentence me to 40 years for the killing of Bell? Don't say anything about the others. Just give me all for one man."

Judge Harrison said the law didn't permit him to do that. Without histrionics, Judge Harrison pronounced the sentence—40 years in the state penitentiary—eight years for each case of manslaughter to run consecutively.

Packer lowered his head, mumbled "Forty years . . ." and was led back to jail.

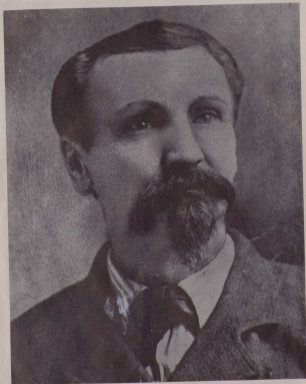
The headlines of the Rocky Mountain News of August 6, 1886, expresses the general reaction:

PACKER, THE MANEATER,
AFTER 13 YEARS,
RECEIVES A PUNISHMENT
INADEQUATE TO HIS CRIME

Packer's attorneys again appealed the case to the State Supreme Court but the appeal was denied for lack of transcript. The only record of the trial testimony was contained in newspaper accounts and was incomplete. In all, through the next few years, the case reached the Supreme Court five times.

PACKER: CONVICT NO. 1389

At the penitentiary, Packer became convict No. 1389, a model prisoner. After 13 years imprisonment, Warden C. P. Hoyt wrote that he believed Packer, who then was 60, "should be allowed to go



Alfred Packer in 1886, at the time of his trial at Gunnison, made his best appearance.

out from here without delay." Packer was suffering from Bright's disease and apparently didn't have long to live.

An appeal to the parole board failed. Then Packer received unexpected assistance. Mrs. L. E. Anthony, who wrote for *The Denver Post* under the pen name, Polly Pry, launched a vigorous editorial campaign in Packer's behalf that was to continue for months with the backing of *The Post's* co-owners, Frederic G. Bonfils and Harry Tammen. The editorial adventure nearly cost both men their lives.

Polly declared that she was convinced of Packer's innocence. He was guilty of nothing more than cannibalism, she said, and under the circumstances that was permissible. Cannibalism long had been the unwritten law of the sea.

Packer gained many supporters. Fellow prisoners chipped in nickels and dimes to raise a fund. A Denver social leader, Mrs. E. L. Leach, came to his aid; so did D. C. Hatch, an old cowpuncher friend he had met in Wyoming.

Polly circulated a petition and got more than 300 signatures. Signers included the mayor, Henry V. Johnson; Police Chief John H. Farley; J. A. Thatcher, president of the National Bank; R. T. Johnson, district judge; N. J. Ellis, city attorney; D. C. Bailey, U. S. marshal, and T. M. Patterson, owner and editor of the *Rocky Mountain News*.

Early in January 1900, W. W. Anderson, a Denver lawyer, told Polly Pry he had an ingenious plan to release Packer. The crime, he insisted, had been committed on an Indian reservation and thus was not within a civil court's jurisdiction.

This possibility previously had oc-

curred to both Polly Pry and the editors of *The Post* and Anderson was invited to meet with them to discuss the proposition. At the meeting Anderson was told his idea had some merit but Tammen and Bonfils said they first would like to discuss it with *The Post's* attorneys.

Meanwhile, Anderson visited Packer at the penitentiary, represented himself as an agent of *The Post*, and persuaded Packer to grant him power of attorney. To top it all, Anderson collected \$25 from Packer—from his Civil War pension—as attorney's fees.

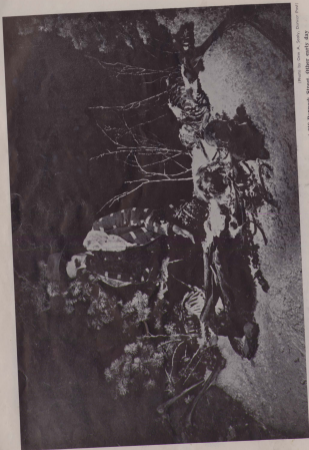
When Bonfils and Tammen heard of Anderson's action, they sent for him. Anderson came to their office at 1019 16th St. expecting trouble. He carried a concealed .38-caliber pistol.

There were heated words. Anderson was called "a cheap skate and liar," whereupon he struck Bonfils on the cheek. Bonfils and Tammen threw him bodily out of the office and slammed the door.

Enraged, Anderson drew his revolver, jerked the door open and fired four shots. One bullet penetrated Tammen's forearm. Another struck him in the left shoulder. Bonfils was hit directly over the heart.

In this instant of high excitement, Polly Pry stepped in front of Anderson and knocked his hand upward just as he was preparing to fire another shot. Anderson fled down the hall.

The bullet that struck Bonfils penetrated the chest cavity and he lay near death several days. Neither of Tammen's wounds was critical and he recovered rapidly.



(Photo by One A. Sperry, Denver Post)
 This is Colorado's notorious "Packer, the Man-Eater" as being shown in the BEAVER WAS HESTER at 310 Barnack Street. Other early day historical characters are also displayed there.

PACKER WINS SYMPATHY

The attack only served to intensify the editorial fight The Post waged in Packer's behalf. Anderson was charged with attempted murder. Packer was brought to Denver as a witness to testify to Anderson's representations at the prison, and the morbidly curious thronged to see him.

The trial ended with a hung jury and Anderson was never retried. But the campaign to free Packer won increasing sympathy from the public.

On January 8, 1901, Gov. Charles S. Thomas, who refused to release Packer, was succeeded by Gov. James B. Orman. The day before he stepped down as governor, Thomas signed a document which overshadowed the inauguration. It granted Packer a parole on the condition that he remain for the rest of his life within the boundaries of Colorado.

On that day The Post termed the release a "gracious act" and said that "with rare exception here and there, the people will rejoice to see Packer at large."

"For 17 years," The Post observed, "Packer has been confined to the penitentiary. Whether he is guilty or innocent of the crime with which he is charged no living man knows. That the nature of the crime aroused public sentiment to a fever heat against him goes without saying; That he was the victim of the most violent prejudice, if nothing worse, is equally certain."

One of the first things Packer did was to travel to Denver and thank his benefactors at The Denver Post. Polly Fry exhorted the public to permit Packer to live in peace.

Packer remained in Denver only a few months, then moved to Littleton to prospect with a friend, Ed Connolly. The two men explored Deer Creek Canyon and Packer staked out some copper claims.

Then in 1902 Packer moved to the suburban town of Sheridan not far from Fort Logan, where he built a little shack and raised flowers, rabbits and chickens and lived on his government pension. Packer moved in 1905 to Deer Creek Canyon and was sorely missed by the children who used to follow him around at Sheridan and beg him to tell tales of the pioneer West. While they listened with fascination, they munched with glee the candy which he had bought for them.



Packer's grave in Littleton cemetery, shortly after his interment there.

In testimony to his acceptance by the children in Sheridan, "The Englewood Enterprise" paid tribute to Packer in a story dated December 12, 1940:

"Just after the turn of the century, on the sunny banks of the Platte, under Rough and Ready's stone walls, scores of children gathered on Saturday afternoons around an aged man who distributed to all nickel bags of candy. Open mouthed and all ears, they listened while he told brave tales of pioneers, Indian battles and encounters with grizzly bears. The white bearded story-teller came in from his lonely cabin 'Deer Creek way' and stocked up with groceries. He was Alfred Packer, 'the man eater,' the most famous of Colorado's criminals, convicted of killing and eating five lost and starved companions near Lake City. Paroled from the penitentiary by Governor Charles S. Thomas, the gentle old man was the 'Pied Piper' to the youngsters who followed him in droves each Saturday afternoon to thrill to his stories and munch his candy beside the old mill that ground their fathers' wheat."

One day in July, 1906 Packer walked from his cabin about a mile to a ranch where he apparently collapsed. Charles Cash, a game warden who knew Packer, found him unconscious and took him to the home of his mother-in-law, Mrs. Van Alatine.



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THE END FOR ALFRED PACKER

The widow gave up her only bed for Packer and for nine months Packer languished there. On occasions Packer would rave and shout his innocence of "the crime."

Packer died at 6:50 p.m. April 23, 1907. At the bedside were Mrs. Alstine, her daughter, and Cash. He was about 65 years old. One account says he made no deathbed statement although he was conscious to the end. Another has it that Packer's last words were "I am innocent of the crime."

Packer was buried with rites of the Grand Army of the Republic in the cemetery at Littleton with his few new-found friends attending. Post Commander E. B. Thomas of the Fremont Post No. 83 "said words" and the body was lowered into the grave.

Later a small tombstone was erected with the inscription "Alfred Packer, Co. F, 16 U. S. Inf."

Far away on "Cannibal Plateau" near Lake City, Colorado, another stone marks the resting place of Packer's companions.

The mystery surrounding their deaths is locked forever in the austere and unrevealing hearts of the mighty San Juans.

Garrison County Library
307 N. Wisconsin
Garrison, CO 81230



ABOUT THE AUTHOR

This book is the meeting of two legends. While the Alfred Packer saga is one of the great legends of the old West, its author, Robert W. (Red) Fenwick is one of the real legends of the modern West.

As a newspaperman, Red Fenwick is as well known in Tulelake, Wyoming, or Wagon Moked, New Mexico, as he is in his home base at Denver. His weekly column "Hikin' the Range" in the *Reserve Magazine*, of The Deaver Post, is a byword in thousands of ranch and farm homes and hundreds of small towns throughout the Rocky Mountain Empire. The best of these columns have been assembled in Red Fenwick's West, published in 1956.

Red Fenwick is an acknowledged authority on the history and legends of the Rocky Mountain West; however, he is far removed from the stereotyped image of the geologic historian. He is everyman's ideal westerner—a frank, honest, a ready smile and a warm sense of humanity, topped with a Stetson hat and cowboy boots.

Red was born in Indiana, and spent his early childhood in Kentucky. Later, the family moved to Wyoming and the West became his home.

Fenwick began his newspaper career with the *Greyhill* (Wyo.) *Standard-Tribune*. He joined the *Deaver Post* in 1942 and began a versatile association with newspaper reporting and later as a columnist and roving ambassador of good will. He is equally at home with bankers, sheepherders, Indians, cowboys, cattle barons and millionaire oil men.

In his varied newspaper assignments, Red once wrote a series on the plight of the modern reservation Indian. Another series launched a nationwide drive to assist the poverty-stricken Navajo Indians. In still another, he was able to prove a man's innocence and free him from a life term in prison.

Another historian of the old West once described that part of the country as "a land where the ghosts once walked." Despite the transience of our times, Red Fenwick is still a big man, making big tracks, in a big country.

Fenwick, Robert
Alfred Packer

DATE DUE

MA 1 2 1960	FE 25 '60	
JUN 26 '60	FE 29 '60	
NOV 11 '60	FE 25 '60	
DEC 7 '60	NOV 23 '59	
NOV 28 '60	MAR 12 '59	
NOV 16 '60	MAY 23 '60	
FE 13 '60	NOV 17 '59	
MAY 21 '60	FE 6 '59	
NOV 18 '60		
DEC 16 '60		

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