

*Leadville's*  
**Tales From The Old Timers**



**The Last Years of Baby Bee Taber**

**Fun In A Mining Camp**

*(A Leadville Badger Fight)*

**The Lost Gold Mine On Mt. Elbert**

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**The Lost Gold Mine On Mt. Elbert**

By MRS. HELEN SKALA

and

MRS. DORA KROCESKY

Gunnison County Library  
307 North Wisconsin  
Gunnison, Colo. 81230

Published by Mrs. Helen Skala and Mrs. Dora Krocesky

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1. Baby Doe Tabor
2. Leadville, Colo. - history

### TO OUR READERS

Because we believe that these stories are from a space-in-time that can never be recaptured or relived, and with the passage of time could be lost to the enjoyment of all those people, who for a short time while reading this book, can recapture the sadness, the fun and mystery of a day gone by. It is our desire to preserve other such stories from 'The Old Timers.'

After reading this book we would appreciate your comment on our endeavor. Our address is on the bottom of this page.

### ACKNOWLEDGEMENTS

In grateful appreciation to the wonderful people that made our first efforts possible.

THE LAST YEARS OF BABY DOE TABOR.....  
Mrs. Bridgie Ryan  
Denver, Colorado

FUN IN A MINING CAMP  
A LEADVILLE BADGER FIGHT.....Mr. Owen Davis  
Carbondale, Colo.  
Mrs. Bertha Roberts  
Leadville, Colo.

THE LOST GOLD MINE  
ON MT. ELBERT.....Mrs. Susie Fikany  
Leadville, Colo.

Mrs. Helen Skala & Mrs. Dora Krocesky  
Box 532  
Leadville, Colo. 80461

## HISTORY

Leadville's history dates back to 1859, when placer gold was found in California Gulch by gold prospectors. Soon after, Oro City was established as the county seat of Lake County, one of Colorado Territory's original 17 counties. In the 1870's, gold and silver bearing lodes were discovered on Fryer Hill, and the mining rush was on at a heightened pace. The fabulous silver king, H. A. W. Tabor, made the area famous. Attesting to the role that the Leadville area has played in the state's development is the fact that close to one billion dollars of mineral wealth has been produced there from 1860 to 1960.

In 1878, when Leadville was incorporated, it was Colorado's second largest city, with a population of 15,000. By 1880, the city and surrounding area had a population of upwards of 40,000. The panic of 1893, which followed repeal of the Sherman Silver Purchase Act by Congress, had a devastating effect on Leadville's economy and the city's population declined sharply.

## MATCHLESS MINE AND THE TABOR STORY

The Matchless Mine symbolizes the almost unbelievable wealth and good fortune of the never-to-be-recaptured boom mining days . . . and the lonely seclusion of those who waited for the "good" times to return again.

Purchased by H. A. W. Tabor for the sum of \$117,000, the Matchless Mine paid back as much as \$1 million per year during the peak years of its 14-year operation.

Horace A. W. Tabor and his first wife, Augusta, were natives of New England. After an unsuccessful homestead farm in Kansas, they came to Colorado by covered wagon in 1859 and operated general stores, boarding houses and other services in the various mining camps.

In 1860 they followed the gold rush to California Gulch near Leadville and opened a general store, which also served as the post office in Oro City, the first settlement in the Leadville area. Later they moved their store to the growing town of Leadville and built their two-story home, which still stands in Leadville as "Tabor House" at 116 East 5th Street.

Although he soon was to become the most celebrated man of his time, H. A. W. Tabor was virtually unknown outside of Leadville in the year 1877.

Even less well-known was an inconspicuous prospector named August Rische. August Rische was a three-year veteran of the Union Army, who had moved to Fairplay, Colorado after his discharge. Rische became a shoemaker, but later he joined the gold rush, working an unsuccessful claim called "The 25" in California Gulch. There, on April 20, 1878, he formed a partnership with another ex-shoemaker named George T. Hook to pool their fortunes in search for richer ground.

The two men appealed to Tabor for funds to finance their explorations. Tabor, in return for one-third of any pay dirt found, agreed to provide the men rations and equipment.

On May 1, 1878, Rische and Hook reached a 25-foot depth in the shaft of the Little Pittsburgh mine they had opened, and shortly thereafter the mine began to pay fabulous amounts to the three partners. In one week the three men split \$8,000, and a short time later the mine was producing 75 to 100 tons per week with values of more than \$200 per ton.

Within a year, Hook retired and sold his interest to Rische and Tabor for \$98,000. Later Rische sold his interest to David Moffat and J. F. Chaffee for \$262,000. When Tabor finally sold out to Chaffee and Moffat, he received \$1 million.

The wealth of the Little Pittsburgh enabled Tabor to embark on many ventures. He was elected Leadville's first mayor; he headed a group of local citizens in establishing a telephone company; he constructed the beautiful Tabor Opera House, which still stands at the corner of Third Street and Harrison Avenue. Tabor also took over construction of the Tabor Grand Hotel at Seventh Street and Harrison Avenue, and he organized and sponsored the city's first fire department. A hose cart he bought for use by the fire laddies is still on display at the Carriage House.

But more important, the money Tabor made from the Little Pittsburgh financed his second successful and most famous venture in silver mining . . . The Matchless Mine.

The Matchless was opened by three impoverished prospectors named Folyo, Wilgus, and Moore. They sold the mine in 1879 to Tabor for \$117,000. The Matchless was solely owned by Tabor, and soon after it had been developed, was paying him \$2,000 a day with grand totals of \$80,000 to \$100,000 per month. The Matchless was a bonanza all through the 1880's and became the main prop of Tabor's \$12,000,000 fortune.

The same year that Tabor bought the Matchless, he was elected Lieutenant Governor of the state, and he later became one of Colorado's U. S. Senators.

As his fortunes grew his tastes increased, but his lavish mode of living did not appeal to Augusta, who had a more conventional and conservative personality. The two began to drift apart, especially after Mrs. Elizabeth Doe, known as Baby Doe, appeared and caught Tabor's eye. Tabor and Augusta were soon divorced, and the separation because of "the other woman" became a national scandal. Tabor and Baby Doe were married in Washington in 1883 during his term as U. S. Senator. Their wedding invitations, fashioned from solid silver, and Baby Doe's unequaled wedding dress are on display at the state museum in Denver. For a few brief years they lived in splendid style, staying in suites in the finest hotels in the nation, returning occasionally to their mansion in Denver.

However, the Silver Panic of 1893 dealt the death blow to silver mining, and the Matchless Mine ceased to pour forth the bushels of wealth that supported the Tabor legend.

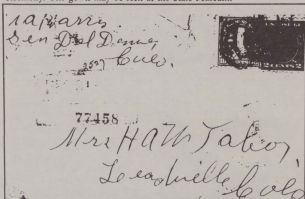
His fortune gone, Tabor and Baby Doe lived in poverty in Denver until, just before his death, he was made postmaster of that city. Tabor desperately believed that silver would come back again, and his dying words to Baby Doe in 1899 were, "Hang on to the Matchless. It will make millions again."

For nearly 36 years Baby Doe struggled and starved to follow this injunction, until finally her frozen body was found in the dwelling cabin next to the shaft in March 1935. During her long vigil at the mine she was occasionally seen in the streets of Leadville, her feet wrapped in burlap sacks to keep out the cold. Food and clothing bundles sent to her cabin by sympathetic friends were most often sent back to them un-opened.

After her death, vandals and souvenir hunters tore the cabin to ruins, and the owners removed the machinery from the mine proper. In 1953, a non-profit organization, the Leadville Assembly, Inc., started a successful movement to restore the cabin and open it to the public.



The \$7,000 wedding dress worn by Baby Doe in Washington, D. C., in March of 1883. President Arthur, senators and congressmen attended the ceremony. The gown may be seen at the State Museum.



This envelope was among the many papers and letters on the floor of the cabin at the Matchless after the death of Baby Doe in the Spring of 1935.

## The Last Years of Baby Doe Tabor

By Helen Skala

The story of Baby Doe Tabor, her beauty, wealth and romance have been told many times; but only the people of Leadville remember her in her lonely little cabin at the Matchless.

My earliest recollection of the fabulous Baby Doe goes back to about the year 1933. Due to some slight illness, I had remained home from school. My father was sitting in our bay window at our home at 211 East 5th Street. As he looked out the window he suddenly turned to me and said, "There is one of the most famous people in all of Colorado history. That is Baby Doe Tabor." I looked out to see a pathetic little figure walking down the middle of the road. The snow was deep, and most of the walks unshoveled. She was a small woman with an old and worn car coat and bonnet. On her feet she had wrapped several layers of burlap bags to keep them dry. My father then told me of her fairy-tale life, which had led those same burlap-wrapped feet to most of the important events of her day - even to her wedding at the White House, with the President of the United States attending. My father related all of the great events in Leadville and Colorado history in which H. A. W. Tabor had been instrumental. His funeral, in Denver in the year 1899, would befit any great man or dignitary of his day.

It was a familiar sight for the people of Leadville to see Baby Doe walking to town to get a few groceries, order coal, or mail a letter. It was understood by everyone that this proud little lady did not want charity from any one. The boxes of food and overshoes, sent to her at her cabin, would be returned unopened if she knew from whom they came. After her death, many such boxes of candy and overshoes were found stacked behind the door of her cabin. The anonymous benefactors had failed to sign their names.

When she visited the many small grocery stores of that day, she would purchase only enough food to keep body and soul together. She would say in her proud way, "Please charge this, and I will pay you because I

am Mrs. Tabor." At other times, she would give her I.O.U. for the amount of the bill. Many of her I.O.U.'s are on display in the museums of Leadville. No one in Leadville ever refused her small requests.

When the Tabor Grand Hotel was built on the corner of Harrison Avenue and Seventh Street in Leadville, it contained the Tabor Suite. At any time during her lifetime, Baby Doe could have moved into these rooms. It had a glassed-in balcony, which would have permitted her to look up Seventh Street to the Matchless Mine. In her faithful endeavor to follow Tabor's last wish, "Hang on to the Matchless; it will make you rich again," Baby Doe chose to remain at the mine and guard it with a shotgun from intruders and people she felt would steal it from her. Long winters, with blinding blizzards and bitter cold weather, were endured without complaint.

For children, during the 1930's in Leadville, there was very little planned recreation. One of our favorite pastimes was to hike up to the east end of town to the old mines. Many times we visited the Matchless. As we approached the cabin, Baby Doe would come out carrying her shotgun by her side. When she saw we were children, she would come out to speak with us. As we looked into the beautiful and kindly eyes, which were the most startling sky blue, we felt no fear of the gun. She would ask us what day it was, and, if we replied that it was Sunday, she would ask if we had gone to church. As we hiked on by or stopped to ride the raft in the water back of her cabin, she would wave to us and disappear into the cabin.

As soon as the snow thawed in the Spring of 1935 after Baby Doe's death, our Scout Leader took us to the cabin. When we walked into the cabin, we found everything thrown in the middle of the floor. Many of the boxes of candy and overshoes that she could not return were still there. The people who had ransacked must have thought Baby Doe had money or other valuables hidden there. Nothing of value was found in the cabin. Later, fourteen trunks were found in storage in Denver and with the Sisters of Charity at St. Vincent's Hospital in Leadville. I picked up one envelope, addressed to Mrs. H. A. W. Tabor, which I still treasure.

## THE SILVER WAS THERE

As Related to Helen Skala by Mrs. B. M. Ryan

Mrs. Bridgie Ryan personifies the wit, kindness and generosity of the pioneer women in a mining community. Mrs. Ryan, at the age of 90 years, still helps with daily Mass at the Rose Residence in Denver, Colorado. On one of her visits with my mother, a very old and dear friend, she told me the following story:

Her husband, Jim Ryan, was a miner and at one time, with a partner, went to work for Baby Doe at the Matchless. Jim and his partner built the present cabin at the Matchless for Baby Doe. Jim told how Baby Doe would dress in her old miners' overalls and boots and go down the mine to see how the work was progressing. It has been told that, when she could not afford to have lessees working, she would work the mine herself.

On a bright day in February, Bridgie Ryan, accompanied by one of her small sons, decided to walk the mile to the Matchless from her home on East 7th Street to take her husband a hot lunch. After delivering the lunch, she and her son started the walk home. As they were leaving the mine gate, a blue bird landed in the snow by the gate. Bridgie's first thought was that it was too early in the year for a blue bird. As they walked along, the blue bird would fly and land in the snow just ahead of them. This continued all the way home. As they entered their gate, the blue bird landed in the snow in their yard. In Bridgie's own words, "That very day Jim and his partner uncovered a huge body of silver in the Matchless."

Shortly afterwards a cave-in occurred, and the concussion threw both men out to the shaft. Jim was hanging down the shaft with a large timber across his upper legs, preventing his falling to the bottom of the shaft.

As soon as Jim recovered, he told Baby Doe about the huge body of silver they had uncovered. He told her that they would go back in and clear away the cave-in as soon as possible, for now they knew where the silver was. Baby Doe refused, and never again would she let anyone lease the Matchless. His pleading was in vain.

As he explained to Baby Doe, this was their big opportunity. Tabor's last words, "Hang on to the Matchless; it will make you rich again," could come true and all the dreams he had for his family would be realized. When Jim visited her cabin to try to make her listen to reason, he would carry water to the cabin from the stream a short distance away. As he walked down to the stream with her water bucket, he could see her watching him from the window. She was convinced that someone might even try to poison her to get control of the Matchless. After many unsuccessful tries, Jim tried to get others interested; but her answer was always the same.

So Baby Doe knew that the silver was there. Was this what she wanted to know? That Tabor's last words were true? Jim Ryan and his partner had confirmed Tabor's belief. Was her only interest in knowing those words were true?

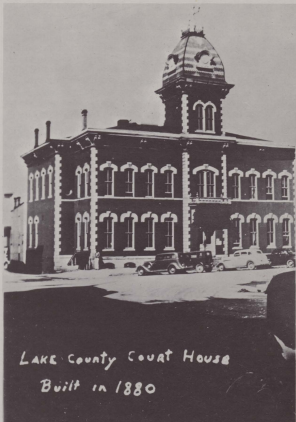
Further proof that Baby Doe was not interested in gaining wealth again is made clear in later years. When the book "Silver Dollar," a story of H. A. W. Tabor's life, was made into a movie and shown at the Tabor Theater in Denver, Baby Doe was offered a large sum of money to walk from one side of the stage to the other. Her response to this offer of money she so desperately needed was that Tabor was a tall handsome man, and, when they picked a shrimp like Edward G. Robinson to play Tabor, she would have nothing to do with it.

Many of my visits with Father Edward Horgan, Pastor of the Annunciation Catholic Church in Leadville from 1928 to 1956, turned to conversation concerning Baby Doe. His rectory was next door to the church. Many times, in the middle of the night, he would see the lights in the church burning, and he knew it was Baby Doe. She would come alone to pray. The scandal surrounding her wedding in Washington had made a deep and lasting mark. Evidence of her devout nature include the string she wore around her neck with a knot tied for every bead in a Rosary, at the end of which hung a large black cross. In her cabin she had erected a shrine to the Blessed Mother, which was always surrounded with fresh pine boughs.

When Baby Doe appeared on the streets of Leadville, she would stop to discuss mining with the old-timers. It was her habit to visit with the mining inspector to see if there were any new developments in the mining field. On the walls of her cabin were clippings from newspapers and magazines concerning mining. Elmer Kutzlub, driver of the delivery truck for Zaitz Grocery, would often give her a lift home with her groceries and carry her through the snow to the cabin when the snow was deep. According to Mr. Kutzleb, her cabin was always neat and clean. She would talk with him about mining, but never her past.

Many people in Leadville had never accepted Baby Doe, as their sympathy was for the hard-working Augusta. Augusta was the first white woman to arrive in Oro City. The miners were so happy to have her that they built her cabin. From that day on, Augusta was considered Leadville's First Lady; but even those people whose respect was with Augusta could not help but be awed by this once beautiful Baby Doe, who had sacrificed everything, including her children, to follow the wishes of Tabor, "Hang on to the Matchless."





Scene of the Leadville Badger Fight

## Fun In A Mining Camp

### "A ROCKY MOUNTAIN EPISODE" THE LEADVILLE BADGER FIGHT

By H. Owen Davis

Inasmuch as this episode, or rather well-planned joke, is at my own expense, I shall take great pleasure in endeavoring, albeit in a somewhat feeble way, the narration of something that I shall remember with pleasure for as many years as I may be given the unbounded joy of living! As long indeed as incidents such as the following occur in one's life, during those days of depressions, moratoriums, technocracies, etc., life, in my opinion, is really worth the living.

It was on Friday night April 21st (don't check me up with the calendar please!), that Mr. J. Petral came to the hotel at Gypsum, Colorado, where I was living at the time and invited me to go to Leadville with him and party of four others to see a dog and badger fight. Never before having had the experience of witnessing a bout of this kind, I was highly enthusiastic over the proposed trip and fell in with their plans without much urging. So the party was all set; and we met again at the Gypsum Hotel on Saturday night at 5:15. Here congregated for the journey to Leadville, and the festive fray, Petral, my friend and partner; Miss Viola Fitzgerald; Mr. Ed O'Berto; and two others from the resort town of Glenwood Springs made up the party.

Viola and I rode with Petral, while the others rode in O'Berto's car. This arrangement didn't seem to coincide with Petral's ideas, as the lady whom he had high hopes of entertaining was with O'Berto and party in the other car. In passing, it might be noted that my partner's forebears hail from way down in the heel of the boot! Further than this, sans comment!

We pulled out from the office of the U.B.M., Inc., at

around 6:00 P.M., drove to Minturn where we had dinner, preceded of course by several rounds of healthy drinks of some concoction alleged to be Colorado whiskey! Leaving the D&RGW Railroad town of Minturn, and driving across Battle Mountain in the vicinity of the famous Holy Cross, we, or rather Ed. O'Berto's car, ran into a rock slide, breaking the ignition system and a few other gadgets, rendering further travel in that car out of the question. Petral towed him to Red Cliff, where the disabled conveyance was left, and Mickey Walsh, the local Ford dealer, came to the rescue by supplying a sturdy mount from his own stables. This naturally occupied a lot of time, as we didn't get away from Red Cliff until 11:15, arriving at Leadville at 12:10.

Here, I want to inform any potential reader that O'Berto seemed very concerned at the delay, and 'phoned friends in Leadville advising of the break-down, and requested quite "earnestly" that proceedings be held pending our arrival. This we all agreed was very nice and considerate of him, and we jointly and severally thanked him most kindly for this consideration! We were his guests, he said, and he wished most sincerely that the fight did not start until we had arrived. Again we thanked him for his hospitality to us strangers.

In approaching Leadville, I contemplated many things. This city on the crest of the Rocky Mountains had been the Mecca of gold seekers for many years. It was my first visit, and I looked forward to the week-end of pleasure with much interest and anticipation. I had heard of this famous gold town for many years, and at last was approaching to trod the same ground as did Texas Jack Omahundro, HAW Tabor, and many other famous, as well as infamous, characters of the old west. Here also is buried the founder of the Elks' Lodge, so they say; but whether with his boots on I do not know. Am told by reliable people hereabouts that, at the time of this demise, the residents of Lake County were damned lucky to possess boots!

On leaving Red Cliff, some friends advised us that Leadville was a terribly wicked place, governed by boot-

leggers and harlots. I told my informers that this fact held no fears for me, as I had absolutely neither political nor social aspirations. Nothing is ever as bad as painted, and it is indeed hard to form an unbiased opinion from hearsay alone.

But the history of Leadville has been touched upon quite a few times in past years by ones of more literary ability than your humble servant, so I shall not bore anyone with much of my own mediocre attempts. Briefly, however, will here say that this one-time wonderful city first became known to fame in 1859 as California Gulch - one of the richest placer fields in the entire west, yielding in a couple of years over nine millions in gold dust. Afterwards, the camp was practically abandoned until the discovery of the carbonate beds in 1878. Immediately, another great rush ensued to this carbonate camp, which was then named Leadville.

Leadville is walled in on all sides by towering mountains whose summits (to put it in the orthodox poetical manner) are crowned by "eternal snow." Most prominent among these is Mount Elbert, the highest Colorado peak, altitude 14,431 feet. The town now, while not abandoned, boasts of 82,000 pushing up the roots of the Yew trees, and 3500 allegedly live ones wandering somewhat aimlessly about the streets, living in the past, talking to themselves; and regaling the gullible tourist easterner with stories of millions earned and spent in their heyday!

It has been, and still is, one of the most unique cities of the world - the Mecca of fortune hunters from all four corners - those who came with pick and shovel to themselves dig for it; robbers and highwaymen, confidence men, and all classes known to the catalogue of crookdom. The oldest known profession was too represented in a splendor never before seen in a mining town. Professional prostitutes gathered here by the hundreds to reap the golden harvest, and they wangled their share, and to spare, from the old boys!

Most of these old ones now are sniffing the columbines, having bitten the dust or snow, via brawls, black-

mail, and brothels. Death from natural causes is not often found in the records of vital statistics - a "malady" almost unknown.

Groups of men gathered around the numerous bars, with the "unspeakable annex" as Bret Harte would put it. Dancing girls of the honky-tonk chiseling around with the old boys. "Pay-day at the mines and the bearded brutes come down!" Gold dust is god, the medium of exchange for everything from a package of Sweet Caporals to the favors of the daughters of joy. Marquis de Sade would no doubt have hidden his face in shame and mortification. All heads are turned - here comes Babe the favorite - six axe handles and a plug of Star chewing tobacco broad across the hips; for in those days it was considered de trop to be slender.

We drove up to the hitching rack of one of HAW Tabor's monuments, the Hotel Vendome, and dismounted. The wind was blowing a gale! Down the street came a pretty girl carrying a package; and carrying also with considerable grace and skill the finest figure it had been my most profound pleasure to see so much of for quite a long time. She seemed conscious of this lavish gift of Mother Nature and apparently made no effort to forestall the cruel wind in its revelation. For purposes also of accentuation, she wore what was purported to be a dress, half way between her knees and what caused the Battle of Troy! You know how these dresses are; one expects with every step of the wearer to see why Mark Anthony deserted Rome, but one never does! I turned and followed her down the street with my gaze, hoping against hope that she would drop the package, but she did not! Verily, ill luck will pursue me all the days of my life it seemeth!

I turned toward our party and all but ran into Petral, who was rooted to the spot and whose gaze also was glued to the receding figure. There was a far-away look in his eyes, and he was muttering incoherently something about being behind with his spring planting.

Our friend, Ed O'Berto, was a very prominent attorney from Glenwood and had a wide acquaintance in

Leadville - due to the fact of having lived there in his boyhood days; as well as later being interested in mining operations in the nearby vicinity. We went inside the Vendome and registered as "Mr. O'Berto and party," which of course allowed some little bit of latitude. O'Berto immediately left us and went to interview Mr. Ryan, the promoter of this projected dog and badger fight. He soon returned, bringing Ryan with him, whom he introduced to all of us.

Ryan called Petral and me to one side and addressed us somewhat as follows: "Now fellows, I have a proposition to make to you, one which will well repay you for your trip up here. I have about two hundred shekels bet on this badger, seventy-five of which is bet that the badger will kill the dog in thirty minutes. We have been having lots of trouble in selecting competent assistants to hold the dog, and also to pull the badger out of the barrel. A lot of my friends here have big bets on these animals, and I want everyone to get a square deal." He said, "Now listen Fox, I want you to hold the badger, and you, Petral, to hold the dog; and for doing this and following instructions implicitly: if the badger wins as he should, I will split my winnings evenly with each of you."

"We also," he said, "have had some little trouble in selecting time-keepers," and turning to two of the ladies of our party he offered them ten dollars each to keep time, as he explained previously that one of his bets was that the dog would be killed in a half hour. To this the ladies agreed.

As agreement in everything had been then reached, O'Berto volunteered the legal opinion that it all should be put in writing, signed, and witnessed. So retiring to a nearby desk, he drew up proper contract with all the legal phraseology, - including seven "now therefore" and eleven "whereases," which we all signed; upon which Ryan carefully folded the paper and put it in his pocket.

This concluding the arrangements, we proceeded in a body to Ryan's pool-room where the fight was to take place. As we entered the room, we noticed to the left a

large blackboard on which bets in large figures were written down – some taken and some were not. Most of the bets were on the badger, at about two to one!

Back at the Vendome Hotel, on first arriving in Leadville, we had occasioned the acquaintance of Mr. O'Mannie and Mr. Lane, who were, we were told, reputable citizens of Leadville, and who held the highly respected offices of Judge and District Attorney. We, at that time, chirped with them for a bit, and in the course of the conversation asked them if they were going to the fight. They informed us in shocked tones that such a proceeding on their part was impossible on account of the offices they held, and also on account of the bitter protests of the ladies of Leadville against these brutal affairs. Also he, O'Mannie, just having conferred upon him the position of Judge, felt as though he would be doing himself, as well as his constituents, a grave injustice in legally, as it were, countenancing such a proceeding; as it was well known that the statutes of the sovereign State of Colorado forbade such fights between dumb animals. The S.P.C.A. also, he said, were warm upon the trail of the promoters and he feared that, sooner or later, some indictments would ensue. "However," he said, "the Sheriff and all his deputies are out of town, and at least there will be no interference tonight. We are very glad to have you all in our town over the week-end, and trust you will enjoy yourselves to the utmost!" He further informed us that he was leaving at eight o'clock for Breckenridge to hold court the following week, and thought he had better be getting some sleep. So saying, he bade us goodnight and proceeded homeward.

As all the participants and "paid admissions" had not yet arrived, we followed the crowd to the back portion of the establishment and proceeded to toss a few African Golf. Petral and I won a few dollars, but quickly lost them again. (I will not say how many more.)

The hour was waxing late, about one o'clock Sunday morning, and Ryan came in and announced that all was ready for the fight. We all took our respective positions; myself and timekeepers standing upon chairs, and Petral

on the floor close by holding the dog. This dog was tearing at his leash and growling at a great rate, and Pete had some difficulty in restraining him. It looked to me as if stark tragedy was on the verge of "ensuing," and for my own part, and that of the ladies (my dear and respected friends) was glad indeed that we were standing on chairs out of harm's way. Just then all eyes were turned toward the door, as two sturdy men were entering carrying a large barrel between them. They apparently were having one hell of a time keeping the badger in the barrel, as a third held the bottom of a chair over the opening. Both men were staggering as though the animal were jumping about inside eager to be out and at the ferocious dog, with which he was to engage in mortal combat! Placing the barrel several feet from my chair, and about ten feet from the dog, they handed me one end of a rope – the other end of which, they said, was secured to the badger. Ryan, then requesting silence, spoke as follows:

"Now folks, are you all satisfied with the people we have selected to carry on this fight?" Everyone present assented, and so turning to me the spokesman further said. "Now Fox, when Miss Fitzgerald counts - ONE - TWO - THREE - you pull the rope as I have instructed you." My friend Viola slowly and deliberately told off the numerals of the Camel Driver (rest his bones), and I began to pull upon the rope.

It was just then the lights went out, and someone knocked me off the chair onto the floor; and I fell into a huddle with Petral and the young ladies, as they all had been treated in similar fashion. The lights came on again shortly, and I found myself in the grasp of deputy sheriff Olds of the County. Gathered around Pete and the ladies were other deputies, also the High Sheriff himself in person. They said to us in no uncertain tones, "Come with us all four of you, you are under arrest!" I asked, "Come with you where in Heaven's name?" Their reply was, "You'll damn soon find out." In my rage at the injustice done me, I jerked away from them and demanded an explanation of their high-handed treatment of us. It was of no avail, as we were informed that the judge would do most



The Lake County Courthouse, Built in 1880, which was partially destroyed by fire on June 30, 1942

of the talking, and all of the listening. A good scuffle ensued, but being woefully outnumbered on all sides, they pulled and dragged us from the pool room, with the crowd yelling their derision in the politest language that Leadville could boast. It is a certainty that the coal miners of West Virginia could have learned colorful language indeed that night had they been there; and those damned bohunks are no slouches themselves when it comes to tossing about the King's English!

Half way down the street it occurred to me that we had not been told what we were arrested for, so we stopped again for another harangue; crowds of people all about blocking the traffic on both sidewalk and street. So we were told that an indictment for cruelty to animals awaited us; - participating in a premeditated fight between a badger and a dog, which was positively forbidden by the statutes of the State of Colorado. Hum! -

Nothing to do but go with them, so we departed for the court house. They took our names, searched us and threw us in jail. As I am not essentially a profane man, I shall not attempt a complete description of that jail cell. It was the lousiest, dirtiest, place anywhere on the face of God's green earth. The shutting and clanging of doors; alas, cold doors, doors that one grasps with both hands and peers through - seeing nothing but other doors with other hands likewise affixed and with similar dejected faces peering through upon the chill of steel and stone! These latter emitted curses and imprecations upon us, your humble servants, for breaking into jail at that hour Sunday morning, and disturbing their peaceful slumbers. Instead of having our ardor cooled by this turn of affairs, we thought ourselves able to tear the masonry apart and cast it into the damnable faces of those who had incarcerated us!

Three carnivorous rats of huge and fierce mien came out of hiding and eyed us with baleful malevolence; gloating among themselves at the repast in store for them: A bedbug the size of a terrapin walked across the floor, stopped, stared a moment, then licked his chops hungrily and moved on. He, too, was looking forward to the human sacrifice.

Reading Gaol - Stone Walls Do Not a Prison Make!  
Oh no! Had that poetic been present, in our crowd, at the time we would have joyfully torn out his gizzard and fed it to the accursed rats that thronged the place.

Well, a fine mess we all agreed; so we planned and plotted anew but to no avail. We then began singing The Prisoner's Song, to the great disgust and dismay of the prison authorities, who immediately turned the lights out. This put the ladies in such a panic that they shrieked at the tops of their voices, so they chose the lesser evil and turned the lights on again. But look who's here when the lights came on again!! Ryan the drunk!!! Another fellow with him too.

Ryan staggering about and vomiting down the backs of our necks said, "Folksh, I'm awfully shorry about this, I know it was prohibited by law, but when I was in Salida today to get the badger I saw Lewis the Sheriff and he told me he would be out of town tonight, and for us to go ahead and hold the fight, and enjoy ourselves; but apparently he did not tell me his deputies would be away also. I really didn't think anyone would interfere. But now as the Sheriff himself was on hand the whole thing looks like a frame-up to me. We are all in a hell of a mess, but don't you folks worry to much, I'll pay your fines!"

As before stated, one of our party from Glenwood, O'Berto was an attorney, so the guards were kind enough to get him to the jail doors for a conference. We told him in the name of Christ to get us out of the filthy place. He said, "I don't know what it's all about friends, but I'll do the best I can." He knew the judge well, also the District Attorney, and promised to call them on the 'phone and try and arrange a trial at once. He returned in a few minutes and said, "No trial tonight, but they are willing to release each of you on \$500.00 bail and have a trial the following Thursday." We of course could not raise that amount of money between us, much less two thousand cold iron hombres. The prison people would not even allow us to call our friends in order to arrange bond. Such cruel and inhuman treatment, I had heard of

before only in revolutionary Russia. I turned to Petral and the rest of my friends and we severally and together cursed the jailor, his forbears, and his offspring unto the thirty-seventh generation, calling them dogs and sons of those animals! That diatribe put us in excellent standing with all attaches of the jail house!!

After more plotting, we again prevailed upon O'Berto to try his luck with the Judge, so he departed at once to a telephone. Returning to the bastille again in about 30 minutes, he informed us that the judge had told him that, owing to the unusual circumstances surrounding the entire affair, he would give us a trial at once. All we prisoners were then herded from the jail to the court room. Almost immediately about 200 spectators had gathered for a look at the criminals and to witness the trial. On all sides craning necks, giggles, and obscene remarks greeted we strangers!

We were deposited in the dock to await the coming of the eminent Judge and District Attorney. They soon arrived, and for an instant we prisoners were granted a respite from the stares of the multitude. All eyes were directed upon the duly elected "judiciary," who stalked into the room with all the dignity of justices of the U.S. Supreme Court. Petral and I looked at these two gentlemen just once, then hitched up our trousers and took an extra burnish on our horns. Attorneys crowded around us as thick as would-be best men at an Irish wedding!

I took one more long and searching look at the Judge, as upon him rested the outcome of our predicament. One look was enough to assure me that we could expect no mercy. From his affected dignity and sanctimonious expression he appeared as one who could justify anything on earth by the misapplication of St. Paul. His lordly mien deligned, for the nonce, not to rest upon us mere mortal criminals!

Behind him came District Attorney Lane, quick of step, nervous and uncertain - as if he had forgotten to put the cork in the bottle after taking the last drink! Petral whispered to me that he was nothing but a low-grade

XXXX and a known stealer of dirty garments from a blind washerwoman!

His honor, the judge, mounted to the bench, rapped for order, and called the court into session.

The defendants were six in number, and O'Berto agreed to defend us all. Attorney Lane was to represent the City of Leadville. The court then proceeded with the selection of jurors, and after all preliminaries disposed of, Lane began the objection to the court that he knew all of the defendants and did not want to prosecute them, as he more or less considered them his friends; and so asked the court to post-pone the trial, remanding us to jail until the following Thursday when his assistant, a stranger to us, would be on hand for the prosecution in his stead. After some debate, the Judge over-ruled his objection, whereupon the trial got under way. Attorney Lane's attitude then proved turncoat, and from then on he proved as relentless a human being ever to trod the terrestrial sod. As an opening shot he, to our utter amazement, remarked, "Gentlemen of the Jury, I am brought almost forcibly from my bed at this late hour to prove to you the guilt of these defendants who sit before you. They have been arrested for participating in a BADGER FIGHT, which is strictly prohibited by the laws of Colorado. If you knew them as I feel that I do, you can have no sympathy for them. It is a sad day for this, our noble country, when such criminals are allowed to roam at large, inflicting their brutality even upon dumb beasts. You probably know some of these people, especially Mr. Ryan; and knowing him, at least one cannot sympathize. He is the public enemy x x x x. The judge then rapped for order, cutting short the eminent Lane's eloquence, and ordered the trial to proceed.

Mr. Kelly, the deputy sheriff who arrested Petral, was sworn, and testified as follows:

Examination by District Attorney Lane

Q. Mr. Kelly, I understand that you are a deputy sheriff for Lake County, Colorado, are you not?

A. Yes sir.

Q. I understand further that you made arrest of one or more of the defendants in the case being tried tonight.

A. Yes sir.

Q. Will you please tell the court just what took place?

A. As I was walking down State Street -

(Loud laughs from the spectators)

"Order! Order!" called the Judge as he rapped sharply with his gavel.

Proceed Mr. Kelly:

- as I was walking down the street I heard a terrible commotion in Ryan's pool room, and stepped in to see what it was all about. I saw Mr. Petral standing in the room holding a dog, and the dog barking and growling at a great rate. Mr. Fox was standing on a chair with a rope in his hand, one end of which was tied to a badger; the two young ladies were standing on chairs holding watches, also a sum of money that had been bet on the fight.

Mr. O'Berto.

I object, as Mr. Kelly had no way of knowing this money had been bet on the outcome of the alleged fight.

The Judge.

Objection overruled, proceed Mr. Kelly:

I stayed and watched for the fight to commence, and when one of the girls counted THREE, Fox pulled the rope and the badger came out and started for the dog. A terrible and bloody fight ensued in which the badger was killed and torn to pieces, and the dog sustained a broken leg. All this happened before I could make my way to the promoters of the fight and arrest the guilty ones.

Mr. O'Berto.

I object to further testimony in this case until both the badger and the dog are produced as evidence in the courtroom.

The Judge.

Objection overruled, please proceed -

O'Berto again interrupted the judge saying, "But your honor how can justice be done these defendants unless this badger and dog be brought in? How can these jurors be convinced unequivocally of the guilt or innocence of the persons being tried unless these animals be produced as exhibits -

The Judge.

Mr. O'Berto, I will reverse my ruling in this instance, and these animals will be produced as evidence at the proper time, which is not now. Does that satisfy you?

Mr. O'Berto.

Yes, your honor. (Mr. O'Berto sat down.)

Mr. Kelly, the witness.

The lights went out just as the badger was killed. When they came on again, which they did almost immediately, I was nearest Petral and arrested him. Glancing around the room I saw that deputy Olds had Fox by the arm and deputy Strong had arrested the ladies; and we took them all to jail. On the way there, Petral tried to bribe me to free him by offering me \$40.00. He said, "We might just as well get together on this." But I said, "Tell it to the judge!"

\*(Kelly then pulled two bottles of alleged whiskey out of his pockets and produced them as evidence - stating he had taken one from Petral and one from Fox. This seemed to have gotten under Pete's hide pretty badly for he got from his seat and shouted, "It's a damned lie." The Judge threatened him with contempt of court if he did not keep quiet and speak when spoken to. Pete sat down, but with an expression on his face as if he had evacuated his intestinal content.) \*See 18th Amendment!

As Mr. O'Berto did not wish to cross-examine, Mr. Kelly was dismissed.

Deputy Olds was then sworn and testified as follows:

Questioned by Mr. Lane.

Q. Mr. Olds, you also are a deputy sheriff for Lake County, are you not?

A. Yes sir.

Q. Will you please tell the court what you know about this badger fight that took place tonight?

A. I happened to be passing by Ryan's pool room, and heard a terrible noise there, and looking in saw a big crowd of people gathered around a dog and badger preparing to begin a fight. Mr. Fox, one of the defendants, pulled the badger out of the barrel and the fight started. Within a few minutes, before I had time to intervene, the dog had killed the badger, and had himself sustained a broken leg!

(At this juncture, a loud wailing was heard in the rear of the courtroom.)

The judge rapped for order, but the wailing and whimpering continued, disturbing the entire proceedings. The judge finally sent an officer to bring the culprit forward, which was done.

One look at the fellow was enough! The entire courtroom was set into an uproar. He was one of those short bearded, greasy collared, falcon beaked circumcised, who yelled at the top of his voice, ignoring the pounding of the judge, that he had lost twenty dollars on the fight; all the money he had. The judge said, "Can't you keep quiet?" Isaac said, "Yes, for twenty dollars, which I lost, I would keep quiet for the rest of my life!"

The judge fined him fifty dollars for contempt of court; whereupon the Son of Abraham came forward with hands outstretched, palms up, head down in his collar,



and solemnly said: "Gentlemen, I have been bankrupt four times, and I couldn't pay you ten cents on the dollar even if you tore the heart out of my body!"

The judge, in rapping for order, broke three gavels!

Sheriff Olds continued his testimony, corroborating that of Kelly; but stated further that Fox had vigorously resisted arrest, and had told the arresting officer that someone was surely to pay for such a high-handed affair. Further stated that he saw deputy Wilson take the liquor from the pockets of the two men defendants.

It is not necessary to elaborate on the testimony of the other witnesses against the defendants, except to say that they all, without exception, corroborated the "damning" testimony of the arresting officers.

This ended the testimony for the prosecutions.

Miss Fitzgerald was first sworn to the witness stand. She had already, and out of turn, bluntly told the court that the entire matter was a frame-up, and the injustice done those several defendants would be paid for dearly by someone; but she was rather vague, like Fox, as to whom that "someone" would be.

**Questioned by Mr. Lane.**

Q. Please give your name and residence.

A. Viola Fitzgerald - Glenwood Springs, Colo.

Q. Did you, or did you not act as timekeeper in this badger fight tonight?

**Mr. O'Berto.**

I object, your honor, as this is a leading question.

**The Judge.**

Objection overruled. Answer the District Attorney's question, Miss Fitzgerald.

A. Yes, I agreed to, but I -

Here the witness broke into loud sobs that she had a husband and two children to provide for, one a mere infant, and that this terrible thing would cause her husband to leave her, break up her home - could never see her people again - would be destitute, and would have to make her humble living begging on street corners!

Owing to the hysteria of the witness, examination could proceed no further. Witness was dismissed for the time being. O'Berto escorted her to a seat and we all tried to comfort her, to no avail.

The other lady timekeeper then took the stand to give her testimony. She stated, in answer to interrogation, that it was all a big joke - she had seen neither badger nor fight, and that Ryan had bribed us all into the entire affair.

Thundered the judge: "You will not think this a joke after it is over with, young lady! I can tell you!"

Witness dismissed without cross-examination.

Mr. Ryan was then called to the witness stand, and was questioned by O'Berto. He admitted that he was guilty only of instigating the badger fight, but that he took absolutely no part in the actual encounter between badger and dog. After a few further questions, he was turned over to the prosecutor. Stated first, however, that there was no harm whatsoever being done and no law being broken. Said he had gone to Salida that day to bring up the badger, and had called Mr. O'Berto to come up for the fight, bring along as many friends as he might choose, telling him that it would be the best fight of the season, as he had a dandy badger and a fighting son of a gun of a hound!

**Questioned by Attorney Lane:**

It is understood, Mr. Ryan, that you persuaded the other defendants to participate in this dastardly affair, and had them sign some kind of agreement to that effect. Is that correct?

A. Yes sir, I met Mr. O'Berto and party in the Vendome Hotel and they signed an agreement such as you mention.

Q. Have you this agreement with you?

A. Yes sir, here it is!

(Takes paper out of pocket and hands it to District Attorney Lane. Mr. Lane requests the court to permit the document as an exhibit in the trial, which was done, the clerk duly marking same Exhibit No. 2.)

Mr. Lane: Proceed with your testimony, Mr. Ryan.

Ryan: While in Salida I met Sheriff Lewis, and during course of conversation he stated he would not be back in Leadville the coming night; further telling to go ahead and have a good time.

Mr. Lane: Never mind what Lewis told you, go ahead!

(Laughter in the courtroom)

Ryan: I admit I had been previously warned about these fights, but thought that, owing to the absence of the Sheriff, I would not get caught. I have already said I was guilty of instigating the affair, and throw myself on the mercy of the court, feeling that justice will bound to be done me . . . .

Mr. O'Berto rose and interrupted, asking Ryan if he wished to change his statement regarding guilty as to instigating the fight. Attorney Lane voiced loud protest, and quite an argument ensued. The judge finally brought the court to order and said:

"Mr. O'Berto, your actions are entirely out of order and very unethical, for a lawyer of your known standing in this section of the state. I must remind you that, if you wish this good reputation to continue, that you conduct yourself more in keeping with legal procedure and parlia-

mentary practice. Mr. Lane has not yet turned the witness over to you for rebuttal, and therefore I request your silence until he does so. Please proceed, Mr. Lane."

O'Berto sat down with a very crestfallen look and muttering to himself about the high-handed actions of Lake County courts.

Ryan further said that he did not care to change his statement — that he was guilty as mentioned — that there was a badger fight, but that he took no part in the fight. He was duly cross-examined by O'Berto, but the evident state of his intoxication and his apparent resignation to the fate awaiting him gave encouragement to neither O'Berto nor the rest of the defendants.

**Mr. Petral, take the stand!!**

Examined by Mr. O'Berto.

Q. Please state your name, residence, and business.

A. Jas. E. Petral; residence near Cutting's Ranch, Eagle County; business, contract work on the Dotsero Cutoff.

Q. Did you take part tonight in a fight between a badger and a dog?

A. No sir.

Q. You are here with such charge brought against you. Will you explain to the court how this situation came about?

A. Mr. O'Berto, there is only one answer I can give to your question. All of us have been framed into this farce, to what purpose I do not know, except probably to swell the depleted treasury of the City of Leadville.

Mr. Lane: Your honor, I object. This remark is a serious insult to the court and to the City of Leadville, and should not go unpunished.

The Judge: Objection sustained; and I warn you, Mr. Petral, to answer Mr. O'Berto's questions and refrain from such opinions. This is a serious affair, whether you think so or not. Continue your questions, Mr. O'Berto.

Mr. O'Berto:

Q. What were you doing in Ryan's pool room tonight when arrested?

A. I was standing on the floor petting a dog.

Q. Did you witness a fight between this dog you were petting and a badger?

A. No sir.

Q. Did you see a badger in the pool room tonight?

A. I did not!

Mr. O'Berto: Take the witness, Mr. Lane.

Cross-examined by Mr. Lane.

Mr. Petral, I ask you to kindly remember your oath to this court, and I therefore expect truthful answers. There has already been too much perjury here tonight, and it is a disgrace to the entire judicial proceedings.

Mr. O'Berto: Your honor, I object, and request that you warn Mr. Lane to confine his examination of my client to sensible questions pertaining to the case at hand, and not endeavor to give him a school-room lecture.

The Judge: I sustain your objection, Mr. O'Berto. Mr. Lane, please proceed with your examination of Mr. Petral with more regard for legal ethics and jurisprudence. (Mr. Lane, also very crestfallen, continues.)

Q. Mr. Petral, do you mean to tell this court that you saw no badger fight and no badger in Ryan's pool room?

A. Yes sir, that is what I have said.

Q. I again must warn you, Mr. Petral, of your oath, and ask you again if the badger was not killed in this fight, and the dog's leg was not broken?

A. Mr. Lane, I am thoroughly tired of your nonsensical questions, as I've already told the court that there was neither fight in the pool room tonight nor a badger that I saw.

Q. Well then, Mr. Petral, how do you account for your arrest and the charges brought against you?

A. I have already answered that question once tonight, and even a lawyer should be able to understand it; but in case you did not, I shall do so again: This entire matter is a frame-up or a plot to inveigle us strangers into paying fines into your treasury.

(Loud commotion in the courtroom. Judge hammers with his gavel until order is restored.)

Q. I understand you were seen holding a dog in Ryan's place. Why were you doing this?

A. I was petting the dog, as I am very fond of them. In fact, the more I see of some men the better I like hound dogs!

(Mr. Lane advances and picks up one of the bottles of alleged whiskey and asks Petral if he ever saw it before.)

A. I saw it for the first time awhile ago, when the deputy sheriff produced two bottles, and claimed to have taken one of them from my pocket. This was a damned lie of course and part of the scheme to railroad us visitors back into your filthy jail, or instead pay exorbitant fines. I was treated this way only once before in Salt Lake County, Utah, when I was caught in the mountains charged with fishing without a license and no water within fifty miles.

The Judge: Mr. Petral, for the last time I warn you. Do you not realize that you are in a court of justice?

Mr. Petral: I understand only that I am in a court of law, your honor.

(Loud laughter by the spectators)

The Judge: (In his severest judicial tones) Mr. Petral, whom do you think I am? What do you think I am here for? Will you kindly, in your bountiful wisdom, give me the definition of Judge?

Mr. Petral: Your honor, there are two definitions -

1. A humorous magazine!
2. A dispenser of justice if the price is right!

His honor broke a couple more gavels and fined Petral \$50.00 for contempt of court!!!

The commotion in the courtroom turned into a din, and it was necessary to call upon the police to restore order.

Mr. Petral now changed his demeanor, and seemed to be suffering acutely with contrition and remorse, and said: "Your honor, I'm very sorry for my show of temper, and request you to withdraw the fine for contempt. This matter is liable to cause me to lose my job, and I have a wife and two children in California to support; and also earnestly request that a jail sentence be not imposed upon me. Cannot the court be lenient in this affair, and not bring this disgrace upon my family? If a fine is imposed upon me, I will endeavor to pay it in some way.

Mr. Lane: Witness dismissed.

Mr. Fox was called to the stand, and after being duly sworn did testify as follows:

Questioned by counsel for defense, Mr. O'Berto.

Q. Please state your name, occupation, and residence.

A. Hugo F. Fox, residence Gypsum, Colorado, occupation working in offices of General Contractors, Dotsero Cutoff.

Q. Did you participate in a fight at Ryan's pool hall between a badger and a dog?

A. No sir.

Q. Please tell the court what part you did take in the alleged fight.

A. (Fox here testifies approximately as former witnesses; however, going into greater detail than either Petral or the young ladies.)

Q. Mr. Fox, were you drinking last evening; and did the arresting officers find a bottle of whiskey in your possession?

A. Mr. O'Berto, I do not drink intoxicating liquors in any form, and if anyone states he found whiskey on my person last evening, he is a damned liar.

Q. Just one more question, Mr. Fox. Did you see a badger in the pool room last evening?

A. No.

Q. Then what was in the barrel, and what was tied to the end of the rope that you were so vigorously pulling when the lights went out, as stated, and all of you were arrested?

A. I do not know, as I never had a chance to see into the barrel.

Mr. O'Berto: Take the witness, Mr. Lane.

Q. Do you mean to tell this court, Mr. Fox, that you never actually took part in a badger and dog fight, and that the badger was not killed, and the dog badly wounded?

- A. Mr. Lane, I have already answered that question in the court tonight, and am getting plenty weary of it.

(Mr. Lane takes one of the bottles of whiskey from the clerk's table.)

- Q. Mr. Fox, do you also deny having this bottle of whiskey in your possession when arrested?

- A. I most certainly do deny it; and further must remark that such an attempted plant in this age would insult the intelligence of a ten year old child. Your officers of the law here must have pinched the idea from Noah the time he was running ass's jawbones to the Samson forces.

Witness dismissed.

This closed the testimony in the case.

O'Berto then arose and plead to the jury for acquittal; especially of these who had accompanied him to Leadville as his guests; stating that these defendants had been unfamiliar with the whole matter; and especially asked that they consider the girls as though they were their own daughters. He begged with pardonable tears in his eyes that the jury bring forth a verdict of Not Guilty - at which O'Berto, counsel for the defense, rested his case.

Mr. Lane rose to his feet laboriously, with a curious but hard glint in his eye, and addressed the jury as follows:

"Gentlemen, I do not actually feel that the few words I am going to say are at all necessary. Your minds, beyond a doubt, are already made up. I was called from my bed and my family at three o'clock this morning to prosecute these criminals. It is now six o'clock, and at eight I must leave for Breckenridge for three days of hard work. When I first met these people last evening, I welcomed them to Leadville, and told them to try and enjoy themselves in our city. But my sympathy for them has entirely changed. I have listened to perjury until I am

sick of it. This disgrace to the City of Leadville must be punished! These defendants have the effrontery to tell us that the entire matter is a joke. I ask you, gentlemen of the jury, (picks up the two bottles of whiskey) is this a joke? They laugh at us and try to make fools of us, even have disrespect for his honor, our duly elected officer of the judiciary, (bows at Judge O'Many). I ask you, what will our growing sons and daughters think of us if we countenance such criminal action in our midst? The honor of our city, and of our very families, is at stake. Will we allow ourselves to be so sullied by these outsiders; some of them not even residents of the fair State of Colorado? Now, gentlemen, if you can retire into that jury room and bring forth a verdict of Not Guilty, then God bless you; but I ask you to bring forth a verdict of GUILTY, and do not believe you will keep the court waiting long for this verdict. Thank you!!

It will be remembered that, during the course of the trial, both the counsel for the defense and the defendants protested loudly that the dog and badger be brought into the court as evidence of exhibits; to all of which the judge replied that the badger had been killed, and the dog suffered a broken leg and other injuries. However, the judge now stated that he would be agreeable to bringing the badger into the court room as Exhibit 3, to be witnessed by defendants, court and spectators; and further that said badger would be brought in after the jurors had arrived at a verdict. In this, he stated, he hoped to impress everyone present with the horror and brutality engendered by the felons then on trial.

The jurors were not long in returning. All too soon we heard the rap of the judge calling the court to order. All the good men and true filed in.

The judge spoke: "Gentlemen of the Jury, have you reached a verdict?"

The foreman handed him a paper, at the same time saying, "Yes, your honor!"

The judge, "Gentlemen, is this a correct verdict as

arrived at during your retirement to the jury room?" to which the foreman replied in the affirmative, then proceeded to read the verdict as follows:

Miss Fitzgerald: Not guilty.

Miss Quillen: Guilty, but recommendation for leniency. Fine \$30.00.

Mr. Ryan: Guilty, without recommendation.

Mr. Petral: Guilty.

Mr. Fox: Guilty.

The judge now asked Mr. Ryan if he had anything to say before he pronounced sentence upon him, and he replied that he had nothing to say in his own behalf but that he wished to speak for his wife and family, and asked the judge to impose a fine only, relieving him from any possible jail sentence. The judge, however, said, "Mr. Ryan, you have been warned about this matter a number of times, and you have been arrested before and let off with a warning, but you did not heed it; now I will show you no mercy but give you all that you deserve. I, therefore, must do my duty and fine you Five Hundred Dollars and three months in jail!" Mr. Ryan broke into loud heart-rending sobs.

Mr. Petral was then called up to be sentenced, and was asked if he also had anything to say before sentence was passed upon him; to which he replied, "Your honor, I suppose I too will have to take my punishment, as the jury has found me guilty. But I have a home that will be broken up and a job I will lose!" The judge fined him also Five Hundred Dollars and three months in jail. When the sentence was passed upon Petral, he sank into his seat as one in a daze, and an expression on his countenance that would invoke shame in Sharon's passengers in the journey across the Styx.

The last to receive sentence was Mr. Fox. When the usual question was put to him, he replied: "Your honor,

I have a young wife who is shortly expecting a baby. If I lose my job over this affair, it will go mighty hard with her. Can't you give me a fine only, and not put me in jail, so that I at least can continue my work? Think what this means to my wife and family soon to arrive, and try and show a little mercy if you can! I was inveigled into this affair last night, not realizing that a serious felony was being committed.

To which the judge replied sternly, "Mr. Fox, I too have a job to hold and a reputation to sustain; and, if I do not punish you, it will mean that I will be removed from office. As much as I hate to pass this sentence upon you, I must give you a fine of Two Hundred and Fifty Dollars and three months in jail.

After these last few words were spoken by the judge, an eerie silence pervaded the courtroom - rent finally by a sigh, in unison, apparently from everyone present. Petral appeared immobile, with a glassy stare on his countenance. Fox sat rigid, also peering intently in Petral's direction. One of the young ladies who had accompanied them emitted a piercing scream, while Ryan again broke into wailing sobs.

The judge rapped sharply with his gavel, and addressed the court and spectators as follows:

"Now that sentences have been passed upon all the defendants in this case, I wish now that the badger be brought into the courtroom, and exhibited as promised. It is desired, in the exhibit of this horrible spectacle, that it may arouse pity for all dumb animals in the hearts of all those present. It should serve as an additional example also to all those misguided people tried in my court tonight. May they especially, on viewing this gruesome object of their malevolent design, carry with them as long as life endures a greater love and respect for nature's bountiful gifts bestowed upon us in this terrestrial sphere, haven and abode of mankind. I now direct that the badger be brought in."

Two men immediately came into the room carrying

a barrel, open at the top, with a piece of rope dragging on the floor. They set it gingerly on the table just in front of the judge's bench. The judge directed Fox to get on the table beside the barrel and take hold of the rope, which he did. He next directed Petral to stand on the table opposite Fox and on the other side of the barrel. Petral refused to do so, stating that he could smell the god damned skunk from where he stood. Falling in his effort to persuade Petral to approach the barrel, the judge directed that Fox pull the badger out with the rope. Hand over hand went the rope, and after coiling about fifteen feet on the floor, the rope in Fox's hands tightened and with blanched face and a shudder he gave a final pull.

Peeping over the edge of the barrel, and tied neatly by its artistic handle, appeared the most unique and superb piece of bedroom china ever witnessed by those present!! Buttercups and violets in fresco encircled this noble work of a potter's art. A urinal, ladies and gentlemen, an exquisite piece of majolica conceived by the masters of falence!!! But called rudely and ineptly by the vulgar and unappreciative a "Thundering Mug."

Fox jumped back, as if "stang by a bee" as Ring Lardner would no doubt express it. In his amazement he all but toppled from the table. Anger and chagrin took complete possession of him, and he yelled at the top of his voice at the judge, "What in the name of the goddamned hell is this all about?"

A mighty roar of laughter went up from the spectators. The sides of the courtroom bulged and shook.

The judge slowly descended the platform, clapped Fox on the shoulder and said, "It's a very fine practical joke, don't you think?"

And so, taking the two bottles of alleged whiskey, he ignobly empties them into the innocent object of the furore, stating at the time that one contained excellent root beer, and the other very passable cold tea. Needless to say, no one at that juncture disputed his honor's assertion!

## EPILOGUE

After the dry throats of all Leadville's inhabitants had been duly irrigated at our expense, Petral and I, together with O'Berto and party, emerged upon the street just as roseate and exquisite dawn was bursting over the crest of Mt. Lincoln.

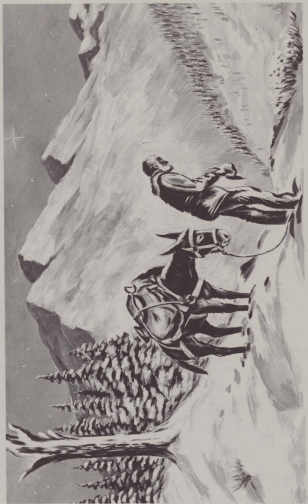
All climbed aboard, preparatory to the journey homeward. Hesitatingly and thoughtfully, I linger a moment longer in profound contempt and disgust! I strike the attitude of Gargantua in his contemplation of Paris - reaching with the other hand for the door of Petral's Ford!!

*To those of you who are not from a mining camp and have never heard of a Badger Fight, let me assure you the entire story is true. Badger Fights were not only held in Leadville but in all mining camps. When things became too dull in town, some unsuspecting visitor was selected to participate in the Badger Fight.*

*The Badger Fight captures completely the Spirit of the fun-loving miner and the people of a mining camp. In my father's words, "Mr. Ryan could cry so convincingly that his acting would gain sympathy from even the spectators, who were aware of the well-planned joke." The dog belonged to a Leadville citizen and had been trained to react ferociously at the sight of the barrel. His reward for a good performance was an extra dish of beer. This particular Badger Fight was arranged by the gentleman lawyer from Glenwood Springs, and the officials and people of Leadville, as an unforgettable evening of entertainment for the lawyer's guests.*

*It has been my privilege to become acquainted with one of the unsuspecting visitors.*

*By Helen Skala*



**The Lost Gold Mine  
on Mt. Elbert**

*If Memory Returns  
He'll Be Wealthy*



## The Lost Gold Mine On Mt. Elbert

### IF MEMORY RETURNS HE'LL BE WEALTHY

The touch of a surgeon's knife or the prick of a needle is not an act which would uncover millions of dollars hidden in the earth. Yet could the right touch or the right prick have been made on the brain of Marc Jones, formerly of Leadville, the clearing of the man's brain would lead to one of the greatest discoveries in the history of metalliferous mining, according to John Anson, a former prospector of this camp, who stopped off to view the remains of his old partner, Heon Hastings, a victim of suicide.

The tale which Mr. Anson told is a weird, romantic story of a lost mine, near Mount Elbert, and of the knowledge of its location which lay in the clouded brain of Marc Jones.

"Who will find the South Paw mine, I wonder? Whoever is the lucky man to uncover that vein in Mount Elbert will be one of the multimillionaires of this country. He will be rich; he will open a camp that will rival Cripple Creek, Leadville, Goldfield and all the others. I wonder who it will be. I tried six years myself and have given it up. The South Paw is buried in Mount Elbert and in the brain of old Marc Jones."

These are the words with which John Anson, of Nevada, disclosed his remarkable story of the existence of a lost mine in the region of Mount Elbert. The mine is called the South Paw and was discovered by Marc Jones, who is now being kept in a private asylum somewhere in the northwest. The location of the property is, or rather has been known to but one man in the world, and that man is Marc Jones. Just as he was about to disclose the location to Anson and Heon Hastings, the man met with an accident which blotted out from his brain memory of his previous life. In the cloud that settled on Jones' consciousness enveloped knowledge of the location of the South Paw in the Mount Elbert district.

Anson, who was now a wealthy mining man in Nevada, had taken Jones all over the world to consult brain specialists. Many of them operated on him; some subjected the unfortunate man to months and even years of treatment in sanitariums. But none of them ever succeeded in restoring consciousness and the faculty of memory to the man who discovered the South Paw, the location of which lay obscured deep down in Jones' sub-consciousness.

Mr. Anson was passing through Leadville and dropped into the morgue, where the body of Hastings lay after it was found in an old shed on Front Street. He said that he had once been a partner of Hastings, and, when told at his hotel that the man had shot himself a short time ago, he went to the morgue to view the remains.

When Mr. Anson stepped into the undertaking parlors, the coroner saw a well-dressed man of 60 years of age. He had the air of prosperity about him. One would guess him to weigh 180 pounds, and not an ounce of this was fat. It was all bone and muscle. He had the bearing and the tone and the air of a successful mining man - that is, a man whose wealth seldom goes to his head, one who has achieved without being puffed up, a wholesome, efficient, intelligent man.

When he looked at old Heon as he lay in the morgue with the same grim and determined look on his face that he carried through life, Mr. Anson said, "I used to know him in the early days of this camp. In fact, he and I used to prospect and back together in the Sugar Loaf district. I left here and struck it rich. He stayed and died poor. Heon was a good a miner as I and in some respects much better. He earned wealth as well as I did. But I guess that's the way of the world."

Then Mr. Anson turned and walked out of the morgue. As he reached the coroner's office he asked suddenly, "Did Heon leave any papers when he died - anything about the South Paw mine?"

The papers which were found in the old prospector's pockets and in his cabin, after he had been carried in dead, were produced. Anson then looked through them

carefully. He fingered over the old bills, searched through note books and examined old letters. Finally he selected an old assay card and looked at the writing closely.

The card had been made out to Marc Jones. Holding up the card, Anson said, "That's the one Jones showed Heon and me over twenty years ago. Yes, sir, it's the one we brought back from town the day before he set out to show us the South Paw, the mine he said would create a boom equal to the days of '79 or the opening of the Comstock lode. The South Paw - but we never could find out where it was located. It is in the Mount Elbert district somewhere, but Jones can't tell us where it is. Jones is off and has been that way for the past twenty years. If that rock hadn't fallen on Jones' head, I'd be richer than I am today, and Heon wouldn't be in there, and there would likely be a mining town - a big one - at the foot of Mount Elbert."

Anson then read the assays which Jones had obtained from the South Paw samples. The card was dated June 2, 1882. The figures indicated that Jones had brought ore to the assayer that ran fabulously rich in gold.

"But I'll have to begin the story at the very beginning," said the mining man of Nevada. "I've enough to satisfy me now; and it would do me good to have some other fellow find that vein which Jones has buried in the clouds of his brain out there in Seattle.

"I came here in 1880 from Nevada and worked in the mines for a couple of years. In knocking about the town, I met Hastings and Marc Jones. They thought they had a good thing in Sugar Loaf, but they hadn't the money to go ahead. I had saved some, and they painted up the prospects in such colors that I decided to take a chance with them.

"So we went out to their cabin in Sugar Loaf and began work on their claim. We were always going to strike it in another month, but we never did. My funds were getting down to the zero mark.

"I forgot to mention that Jones believed in signs. One of his favorite beliefs was that, if seven matches ever pointed in one direction by chance, in that direction he would find a rich body. Every night he would take a handful of matches and scatter them on the table. Sometimes there were two, sometimes three, and once six with the heads pointed to the west. But one night he made his throw on the table, and there were seven matches pointed in the direction of Mount Elbert.

"That was enough for Jones. The next morning he set off on the horse with provisions for a couple of days. Heon and I stayed at Sugar Loaf and worked the claim. We joked with Jones a good deal when he started off that morning and called it a wild goose chase. Heon was even out of sorts because he was quitting work for such a silly thing as seven matches.

"But Marc went just the same. We didn't lose much sleep building castles out of Jones' seven matches. We simply wished he would get back to help with the work about the mine, without any thought that anything would come of his journey in the direction of the seven matches.

"A few days later Jones came trailing back. He was looking tired and hungry as he said he ran out of provisions. But he was dancing happily and spurred his nag into a gallop as he approached the cabin. It was evening and we went out to meet him. When he had dismounted he jerked a couple of sample sacks off the saddle, threw them on the ground and began to dance around them like a crazy man. He stopped his jumping now and then to hug us and cry, 'Boys, I've found it; boys, I've found it.'

"After five minutes of this kind of performance on the part of the hysterical Jones, we managed to get from him what he had found.

"'A mine,' he cried, 'an old mine and it's a bonanza. Look at those samples and these.'

"Before we could pick up the canvas bags, he had actually reached into his pockets and pulled out a handful

of dull yellow lumps. They were nuggets, and he stuck them under our very noses, crying and laughing and explaining that he had found them in the old mine.

"When things were quieted down a little and we had examined the nuggets, we went after the sacks. The dirt was the very best I had ever seen. You could see the gold shot all through it. We went to bed that night and talked until early morning over the prospects of the mine which Jones had found in the Mount Elbert district.

"He said that he had traveled two days without seeing anything that looked likely and had examined the ground frequently. 'But it was the matches,' Jones kept telling us. 'I threw matches on the ground every half mile, and they always pointed in the same direction. So on I went in that direction.'

"According to his story, his compass of superstition led him up a narrow canon. Through this he passed, and three miles farther on it opened into a wide gorge enclosed on either side with aspen-covered hills. To the hills at one side of the meadow, Jones said that he noticed a pile of old timber and a dark spot that looked like a tunnel. He turned to the right and approached the spot, finding it to be the ruins of an old prospect. It was what the matches had been pointing to, he thought. The timbers were rotten and had fallen.

"Jones worked all day to clear the way and then cautiously entered the old tunnel, fearing that it would cave in at any minute. Fifty feet from the portal he said he found a nugget. Fifteen feet further he discovered a second. Prowling around in the wet drifts, he picked up the handful which were lying under his pillow the night he returned and told us all about it.

"The samples which he brought back, Jones said he picked up at random in the drifts. He claimed that there was any amount of dirt of the same and better quality there.

"The next day after Jones' return, we went to Lead-

ville and had an assayer test the samples. There is the card which he made out and which tells better than anything else the richness of the old mine at the foot of Mount Elbert."

"The card contains the name, South Paw Mine. How do you account for that?" Mr. Anson was asked.

"I forgot to tell you," said the Nevada man, "that on the night Jones returned we named the mine, or rather he did. Jones was left-handed in all his work about a mine and was proud of it. He said that his 'south paw' has always made him a living and that it was the best friend he had. So he named the old mine he discovered after his 'best friend.'

"After we got back from Leadville with the assay returns, Jones and Hastings and I set off for the South Paw. But we never got there. The old mine is still a lost mine, and I hope that some day some lucky man will run across it.

"We reached the little canon through which Jones had passed and were jogging along easily. Jones, of course, was in the lead. Suddenly in front of us we heard a shower of pebbles and rocks. One of the smaller ones struck Jones on the head. He was knocked unconscious and fell from his horse. Hastings and I rushed to him. There was but little blood running from the wound which the pebble had made, and we thought Jones would come to and be all right again in an hour.

"Finally, after some work on our part, he opened his eyes. We spoke to him and asked him how he felt. He only stared back at us vacantly and wanted to know who we were. We laughed and thought he was having some fun at our expense. I thought that he could not be hurt seriously, or he would not be cracking jokes at that time.

"But Jones wasn't joking. He was in dead earnest. He didn't know us. Soon he got to his feet and looked about him. Then he asked where he was. We told him

and suggested that, if he felt well enough, we would go on to the mine.

"'I don't know anything about mines,' said Jones, and began to talk about farms. He had been raised on a farm in Illinois. After an hour or so of this talk, it dawned upon Hastings and me that the blow from the stone had injured poor Jones' brain. We questioned him hour after hour about the way to the South Paw, but he always replied that he knew nothing about mines and would hold up his left hand when the South Paw was mentioned and say, 'There it is.'

"We took Jones back to Leadville, and I spent six years hunting for the lost mine but never found it. Then I left Hastings and went to Nevada and took Jones along with me in hopes that his memory would come back. But it never did. I've tried all the doctors in the world, but it is no use.

"Now I am keeping him in an asylum. He has forgotten everything about Leadville and the South Paw. I'm in hopes that some day he will remember, but have almost given up."

Mr. Anson rose and asked to take the assay card with him, as he was leaving Leadville that night for Chicago.

Gunnison County Library  
307 North Wisconsin  
Gunnison, Colo. 81230