

Early Forms of Criminal Justice (1859-1861)

by LaDonna Gunn

In 1859 when Colorado City and other mining and farming towns formed in the Pike's Peak region, the federal government had the responsibility for law enforcement and protection through the territorial governors of Kansas, Nebraska, Utah, and New Mexico. Not only were these territories large in physical size which caused policing problems for the governors; but the Indians had legal right to a large portion of the land within the territories through treaty agreements. In 1859, the government had not yet opened the federal lands for public occupancy. Thus, prospectors, land speculators, settlers, and others migrating into the western territories were trespassing.¹ Nevertheless, because the federal government did not hinder or stop western migration, the people in the new mining and farming communities established their own vigilante governments.²

In Colorado City, before the local residents held county elections in the fall of 1861, the people of Colorado City and El Paso County organized a temporary, vigilante justice system that the locals accepted and followed as the governing authority for the Pike's Peak region. Since the region consisted primarily of miners and merchants, when someone committed a crime, the local people always attempted to expedite the matter to a satisfactory conclusion, avoiding any unnecessary delays from the more important tasks of mining and selling goods.³

Both Anthony Bott and Irving Howbert recorded two examples of this early vigilante justice system. The first incident occurred during the summer of 1860. John (or Jim) Laughlin and Pat Devlin were partners in a ranch located northwest of Colorado City. Problems arose in the partnership between Laughlin and Devlin, resulting in the two men becoming enemies. While both men were in town one day, Laughlin shot Devlin with a double-barreled shotgun. Because the town's people assumed that Devlin was going to die immediately, the people arrested Laughlin for murder. By quickly assembling themselves, the town's people shared responsibilities for conducting a trial. The people appointed three judges to hear the evidence and appointed a sheriff to contain Laughlin. In this form of justice system, all of the people in the area participated as jurors. In fact, Anthony Bott brought his construction crew down from working on Ute Pass to act as jurors. After hearing the evidence, the jurors rendered their verdict of "justifiable homicide" by crossing to the side of the street represented as the "not guilty" side. The irony of the whole procedure was that Devlin did not die for two weeks.⁴

The second incident also occurred in 1860 when several local men caught a Mexican man for stealing two horses. When the local men brought the man before an assembly of local people, the locals appointed three judges, a sheriff, a prosecuting attorney, and a defense attorney. After hearing the evidence, the judges requested the locals to render a verdict. The people found the Mexican guilty and sentenced him to death by hanging. Reverend William Howbert intervened on behalf of the accused man, explaining the seriousness of hanging a man and requesting to conduct a religious ceremony. But, the people did not allow any interruption in the

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trial and sentencing of a convicted horse thief. Irving Howbert reported that "in less than thirty minutes from the time of [the man's] conviction, he was executed."⁵