

July 2021

Murder on the Range

Ivor O. Wingren

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Ivor O. Wingren, Murder on the Range, 21 Dicta 93 (1944).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Murder On The Range

BY IVOR O. WINGREN*

It was early June in the year 1917. Juan Chavez, the pride and joy of his father, Jesus Chavez, the foreman of the big sheep ranch on the Rio Conejos, down on the border between Colorado and New Mexico, soon would be sixteen years old. For a number of years Juan's father had taken Juan with him up to the high range to teach him how to handle the sheep. He had taught him how to make and break camp, where to bed down the sheep, and the vigilance necessary to keep the coyotes away. It had been great fun to camp out in the big, comfortable sheep wagon, and to watch the well trained sheep dog herd the sheep.

This year Juan alone would be the herder on the high range. It would be a little lonesome for him, up there in the high range by himself, but he would have the dog for company, the 30:30 rifle for protection, and every week-end his father, or Big John Smith, the owner of the ranch, would bring up fresh supplies and help to move camp. All of these things, and most especially what he would do with the thirty dollars a month he would receive as the pay of a full-fledged shepherd, Juan contemplated with enthusiasm.

At last the eventful day arrived, and Juan and the band of sheep moved off of the ranch for the high range. His father went with him and, after a week's journey, at a pace to accommodate the weakest lamb and the oldest ewe, they arrived at the first camp ground, some fifty miles from the home ranch. As he watched his father disappear over the ridge on his way back to the ranch, Juan felt a little lonesome, but he had the dog for company, the gun, and the well larded sheep wagon; and in a day or two his pride in knowing that he was doing a man's work overcame his loneliness. It was fun to pick a high point and sit and watch the sheep and send the dog on his various errands of turning the sheep back, or starting them on a different course; and he enjoyed lying on his back among the sage brush, or on the pine needles and watching the lazy clouds float by.

Thus, several weeks passed, his father bringing up the supplies on Saturday afternoon and staying overnight. Other than his father, Juan had seen only the forest ranger, who passed by occasionally, and a young doctor, E. K. Shelton, who had only recently settled in the little town over the mountain in New Mexico, and who had come by riding on his horse from the little town of Antonito, where he had visited his young lawyer friend, Ralph L. Carr, to tell Carr that in a few weeks he would be leaving for the army. The doctor had stopped and looked over the

*Of the Denver bar.

sheep, and had helped to prepare and eat lunch. Juan had had a terrible headache that day, and the doctor had given him a few aspirin tablets to take for relief.

On the following Saturday, Juan's father did not come up with the supplies; instead, the owner of the ranch, Big John Smith, brought them. As Juan's father had told Smith that the boy was taking good care of the sheep, Smith was very disappointed, and in his disappointment vigorously upbraided Juan and warned him that if he did not attend to his duties better he would be sent home. On his return to the ranch, Smith told Juan's father what had occurred.

The following Saturday, Juan's father went to the sheep camp with the supplies. What a shock awaited him! The sheep were scattered; Juan and the dog were in the sheep wagon, Juan delirious and dying, his body covered with black and blue spots. As he lay dying in his father's arms, the only words Juan was able to utter were "sheep" and "Smith."

The boy had died in New Mexico, and the grief-stricken father hastened to the sheriff in the nearest New Mexico town and there related his story. Suspicion at once pointed to Smith. It was apparent he had beaten the boy so badly that he had died from the beating.

Smith was promptly arrested, taken before the local justice of the peace, charged with murder, and held without bail. The feeling against Smith ran high, and lynching parties were freely mentioned. Later, when the more sober-minded members of the community were in control, Smith was permitted to send for his lawyer, Ralph L. Carr. When Carr interviewed his client, Smith assured him that he had not laid a hand on the young man, and that there must be some terrible mistake. Carr then went to the coroner's office to view the body, and noted that although the body was covered with black and blue spots, the skin was not broken. He remembered that his young doctor friend had been making a study of vermin transmitted fevers, and sent for him. Together they examined the body, and the young doctor called Carr aside and whispered in his ear.

Carr called for a preliminary hearing, at which Dr. Shelton testified that the wood ticks had been especially bad that year, and that Juan had died from Rocky Mountain spotted fever. Reluctantly the justice discharged the defendant. Carr had won his first murder case.†

†This is a true story, vouched for by former Governor Ralph L. Carr and Judge Joseph Thomas, of Antonito, Colorado. The names of the rancher and the Mexican shepherd are for obvious reasons fictitious.