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# The Kidnapping of Judge Stone\*

BY CARLOS LAKE†

In the early 70's the railroad running out of Denver to Golden, Black Hawk, Boulder and Longmont was known as the Colorado Central. William Loveland of Golden was president, and he and Jay Gould, together with a member of each of the boards of county commissioners of Gilpin, Clear Creek, Jefferson, Boulder and Larimer counties, constituted the board of directors. They bought their equipment for the road through Mr. Gould, who at that time was the railroad magnate of the United States. In the years 1873 to 1875, which were mighty lean years, the railroad company got behind in its interest payment. So Jay Gould decided to take over these lines, since they ran through a country which was bound to turn out good. He applied to the United States circuit court for a receiver, and it was generally known that Dave Moffat was to be appointed. That threw a chill over the citizens of Golden, as the shops and offices were there and that was the principal industry that kept the town. A meeting of the board of directors was called to talk the matter over and see what could be done. They called in an attorney, A. H. DeFrance, later judge of the first judicial district, and he secured for his assistance Judge Gorslin. The two attorneys considered the matter for a few hours and then reported to the board of directors that there were only two means they knew of to prevent the appointment of this receiver. One was to pay the interest and the other was to prevent Judge Stone, who was the circuit judge at that time, from getting to Boulder on the last day of the term of court, when the appointment was to be made.

The board of directors next called in Mott Johnson, who was afterwards sheriff of Jefferson County and an old Fifty-Niner. Someone asked, "Mott, do you think you could organize a band of fellows that would go out and stop that train and take the judge off?" Mott said he would see what he could do about it.

Mott came out and hunted me up and said, "Carlos, here is a job they want done. What do you think about it?"

I said, "I am ready if we can get enough to assist us."

We called a meeting for that night at eight o'clock. This was next to the last day of the term of court at Boulder. We met at the appointed time, and there were about twenty fellows present. The question was submitted to them. There were fourteen, I think, who signified their

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\*An address given before the First Judicial District Bar Association.

†Mr. Lake, now a resident of Denver, was one of Colorado's pioneers. He was for many years a prominent business man in Golden.

willingness to tackle the job, and the other six were dismissed with instructions to keep the matter under their hats. Then we formulated our plans. First, we sent for somebody close to the railroad company and told him we would organize this band and that we would want a man placed in Denver to telegraph Golden if the judge were on the train. Next, we stationed another man at the telegraph office in Golden with instructions to come to our rendezvous and inform us whether the judge was still on the train. Then we made arrangements for a carriage to be driven out to the place we were going, a place then known as Kenneer's Lake about half way between Denver and Boulder.

We provided ourselves with masks, saddled our horses and met at two o'clock the following morning at the Avenue Bridge and from there rode out to Kenneer's Lake. We laid around there in the brush, keeping out of sight, until between eight and nine. The train was supposed to be there at nine o'clock.

Mott Johnson said to me, "Carlos, I want you to, and will you, officiate as head man in taking the judge off the train? You can call to your assistance whoever you think you need."

"I will go you one," I replied, "I am an expert in that line of business."

So I selected a German Jew, Gus Hobbs, as my assistant. He was a good, big husky fellow and I was twenty-four and pretty husky myself. We had some ties piled on the track and got ready for the train. About fifteen minutes before the train was due, a messenger from Golden came riding over the ridge down to where we were. His horse was all lathered and covered with foam. He had ridden on the run from Golden. "Boys," he yelled, "the judge is on the train."

This Dutchman, who was prancing around, said, "Carlos, I don't know whether I can do that or not. I'm pretty nervous."

I said, "Gus, you ain't the only nervous man here. I never stopped a train and took a judge off before. So buck up, we will do the job."

Pretty soon the train whistled, coming through a deep cut on the east of the lake, and there was Gus right beside of me, cool as a cucumber. I had no fear and wasn't at all scared. The train stopped and as I had arranged, four men got on the other end of the platform and came in. Gus and I boarded the train and as we went in the door, we found a gentleman and a lady sitting on the first seat on the left. The woman looked up and saw me with a mask on and threw her arms around the man. They rolled on the floor. I paid no attention to them but looked down the coach, and half way down I saw the judge sitting there, looking out of the window.

Old General Sam Brown, who at that time was one of the leading attorneys of this territory—doubtless some of you knew him or knew

of him—was one of the attorneys for the petitioner in the receivership matter. He got up and said, "I protest against this indignity." As he tells it, he hadn't more than got those words out of his mouth when some fellow stuck a gun under his nose. He looked down the barrel of the gun and it looked to him like a four-inch stove pipe. The fellow behind the gun said, "Set down," and, as the general put it, "I set."

So we proceeded right down and when I got to where the judge was, I put my hand on his shoulder. He never had seen me until he turned around; I had a big gun and I stuck that under his nose.

"My God!" he said.

I reached around and grabbed him by the arm and pulled him out of the seat and away we went and got down to the platform.

I said, "Judge, look out. I'm going to jump. You hold on to me and I will hold on to you." Off we went; both of us fell but neither one was hurt in the least. The train moved on; it was moving when we jumped off.

The carriage drove down and we loaded the judge into the carriage and struck out for Coal Creek Canyon. That was about four miles, and I assure you we didn't lose any time in getting there. We got to the mouth of the canyon and stopped there, and I said, "Judge, you will have to get out of the carriage and get on this horse."

He said, "I can't ride, I don't know anything about riding a horse."

"You are safe," I said, "get on and we will have a man lead the horse; no trouble, no danger." He got on and away we went.

There was an old Irishman by the name of Jimmy O'Brien who owned a place at the mouth of the canyon. We had to go through his field. We took down his fence, and old Jimmy came running out; and I dropped back and I said, "Jimmy, you put up the fence and if anybody comes here inquiring about anybody going this way, tell them you haven't seen anybody."

We went over the ridge, on the branch of Ralston Creek, and in behind a cliff of rocks that runs from Ralston Creek to Coal Creek. We went over in behind there and stopped and parked the judge in a good comfortable place under a tree. We had two men with field glasses, and we sent them to the top of the ridge as look-outs. Pretty soon one of the look-outs came down to where we were and said, "Carlos, they are after you."

"What have you seen?" I asked.

"I saw a special train go through loaded with soldiers," he replied, "and they had a platform car on the rear with a brass cannon. They are going to Boulder."

"Well," I said, "they won't find us in Boulder. You go back up there and hold on to your position there."

Nobody could get within three or four miles of us without our seeing them. We laid around there until dark and at dark we saddled up and mounted our horses and rode around through the country until we struck the Belcher Hill road. We went down this road to the Belcher ranch, which we reached about ten o'clock. We got some fresh milk and loafed around there for a while. The proprietor of the ranch, Gill Belcher, was there and he was one of the county commissioners and also one of the members of the board of directors of the railroad. We stayed there until after ten o'clock and then started leisurely up the road towards Golden.

Mott Johnson had gone into town and left it all to me. I was riding behind, with the judge on my left and another man on my right, and when we got about two miles from Golden, I saw a man coming on horseback. I recognized the horse. He rode past the boys in front until he got back to where I was, and he motioned to me and I slowed down, halted, and went back up the road a little ways. He said, "Mott sent me to tell you to disband the boys and tell them to get into town the best way they could: that Dave Cook, the sheriff's office and the National Guard are all out hunting you."

I studied the matter over a little and concluded it was a little early to let the judge go: that Dave Cook or some of the detectives might pick him up and take him to Boulder. I went back to the judge and I said, "It is only half past ten; you will have to go back up the road. I will send this man with you, who knows every foot of the ground and you will be perfectly safe. At eleven-thirty I will have a carriage out here to take you home. It is a little early; you might get to Boulder."

"I can't get to Boulder," the judge protested.

"Dave Cook might get you there," I told him. "We have been truthful to you; you haven't had a hair of your head harmed; you have been treated all right, and I give you my word of honor I will have this carriage here at half past eleven to take you to Denver."

"All right," said the judge, "you have treated me all right so far and I think you will from now on."

He was taken back up the road, and after he had gone I called to the boys, "Throw off your masks, boys. Get home as best you can. Don't let anybody catch you under any circumstances."

After they had gone I took off my mask, rode over to the mouth of Clear Creek Canyon, crossed the foothill and rode down the creek to the back of my father's hotel. I went in the back way and upstairs and changed my clothes and went down out on the street.

I hadn't gone far when some fellow asked me where I had been today.

"I have been to Bear Creek fishing," I said. "What's all the excitement? I see a crowd of people."

"Haven't you heard the excitement?" he asked. "A mob took Judge Stone off the train and in the mountains and the report is they hung him up there."

"That is an awful thing for them to do," I replied.

I went on a little farther and some fellow had just come in with an extra of one of the Denver papers and the extra stated some man had come down from Black Hawk, down Golden Gate Canyon, had been interviewed, and he told the reporter that while he didn't see the judge nor the mob, from the information he got at Golden Gate Canyon, he believed they hung the judge up in Golden Gate Canyon. Everybody was on the street, men, women, and children. I, of course, was keeping tab on my time. So at just before twelve o'clock I slipped around and went over and found out the driver had just come through with the judge, going to Denver. So that information was given out generally and everybody went home.

The next morning the treasurer, John Humble, came in and said. "Do you want to go to Boulder? They are going on a special car. Come on, take a ride."

Mott and I got on the car and when we got to Kenneer's Lake the train stopped and we looked out and there was half a dozen horsemen. We got out. It was Dave Cook, Billy Wise, Pete Hawley, Fred Smith, and the whole band of detectives.

"Do you know anything about this kidnapping yesterday of Judge Stone?" they asked us. "This is the place described as being the place where he was taken off the train."

Humble said, "I don't know anything except what we heard."

Well, Dave Cook knew Mott and I for years and years—we were friends of his—and Dave said to Mott, "What do you know about this?"

"I don't know anything about it," Mott replied. He turned around and said, "Carlos, what do you know about this?"

"I don't know anything."

"I think you are both damn liars," Dave Cook said. "It is generally reported that this mob was organized in Golden, and if there was a job of this kind to be pulled off from Golden they would not have overlooked you and Mott Johnson."

We went to Boulder, and everything was quiet. We learned the clerk of the court had adjourned court on account of the absence of the

judge and the term had ended. The circuit court met only once in three or four months.

We came back, and that day the Governor called a special grand jury in Denver. The judge was brought before them and told his case, and they asked him if he could recognize the fellow that drove the carriage that brought him to Denver. He said he could, so they issued a subpoena for Charlie Shockley, and a writ was issued commanding the marshal to bring him before the grand jury. The deputy marshal came to Golden and drove up to the livery stable and asked about Charlie, and they said he was uptown some place. He drove on to the old Loveland corner, hitched his horse and got out, and a man was standing on the sidewalk, and he said to him, "Are you Charlie Shockley? Well, I've got a writ to bring you to Denver."

"You will have to wait a minute until I tell my sister," Shockley said. He went in the store, jumped out of the back door, and ran down First Street to about where Coors brewery is. The marshal stood there for a few minutes and Charlie didn't appear. The marshal began to question the people about Charlie.

The proprietor of the place said, "He come through here; he seemed to be in a hurry, and I haven't seen him since." The marshal looked around for Charlie half an hour, through the different saloons and places and gave it up and came back to Denver.

About an hour after that I was on the street and a boy came up to me and he said, "Charlie Shockley is in the grove at the brewery, and he sent me to tell you and Mott Johnson where he was and for you to send word what he should do." I gave this boy a piece of money and said, "Son, don't you tell that even to your mother; don't tell her about this message, anything about it."

I went to see Mott and we talked this matter over and we concluded we would send Charlie out of town. I went to the livery stable and got a good saddle horse and in the meantime I had gotten thirty or forty dollars in money, and I rode down to the brewery. I gave Charlie the money and horse and told him to go down to Evans, and to go under the name of Joe Smith, and to stay there until he heard from us. He skipped out, and that same afternoon the jury convened again and the judge was called before the jury, and after they got in session the judge said to them—we had an underground communication with that grand jury; we knew what they were doing all of the time—the judge said, "Now, gentlemen, I believe that I don't want to go any farther with this case. These boys took me on a little ride and treated me very nice. I am afraid if they get into trouble they will take me on another ride and it won't be as pleasant as the first one."