

John A. Himebaugh

To my children, other kin and whom so ever interested:

The photograph herewith made this 5th day of January 1922, of a framed picture and other historical souvenir matters and things therein, was given to our Pioneer Association in 1909, to be placed and kept in the corridors of the El Paso County Courthouse in Colorado Springs. As part of their large collection of other antique historical public exhibit. I made so as to furnish each of you a copy instead of some one having the original.

When I took the frame out to have it photographed, I added an "insert," a copy of the only picture I had taken of myself during my service in the Civil War. Dated 1864 at Nicholasville, Kentucky, (as a member of Company H, 7th Ohio Cavalry). And one of myself in 1914, for the purpose of having the scheme represent a period of fifty years. The center figure of the framed medley or "crazy quilt" matter is the only real art; it is a drawing made with pen and ink (by John Harrison Mills) of myself making a snowshoe, and is perfect as to the details of that view inside of my cabin. Even to the statues of Colorado. (Then a Territory). On the "soap box" was its place for my office as a Justice of the Peace. In that one room cabin 14 by 16 feet in size, and where five of us boys live. Which was called and known as the "Kansas Boys Cabin," at Hot Sulphur Springs, Grand County, Colorado. This drawing was made to represent a frontier Justice Office, and was so used by Harpers Illustrated Weekly. When all work had to be done by wood engraving. This required a copy to be furnished in pen and ink lines. By my request I had it returned to me. During February 1876, I made a trip out of the range on snowshoes to Georgetown, and by railroad to Colorado Springs. When I mounted and framed it in an old frame 14 by 20 inches in size, and pasted in all the souvenir matters about the margin. All postage stamps are of issues back of that date. The "shin plasters" and "wild cat" State Bank Note are explained by card in the lower right corner of the frame. There is a fine steel engraving of President Lincoln and his family in the back of this picture which belongs to that frame. (Mr. Himebaugh's framed picture, was stolen in the 1940's, from El Paso County).

I might relate a great deal of frontier J.P. court experience of that far west pioneer time (1874-1877). That would be called irregular and not permitted anyplace within the United States, at this time.

To illustrate; I will state how I disposed of one criminal "Dutchman" case. In the summer of 1875. Al Hanscomb had made a claim to a ranch on the north side of the Colorado River, above Hot Sulphur Springs. He hired a young German to work by the month. One evening when Hanscomb returned to his ranch cabin, he found that the German was gone. Missing were a Sharps rifle and a canteen containing a few dollars in small change. It did not take Al long to find the German's hobnailed shoe tracks out on what we call the Corral Creek trail. Leading to Troublesome Creek. Al having a good horse made it to a trappers cabin, above the forks of the Troublesome, by night fall. The trapper appeared, so Al told his story. The trappers cabin had been robbed of a gun and a few other things. They both took the thief's trail early the next morning out of Middle Park, via Rabbit Ears Pass, into North Park. Hanscomb and his trapper friend were well equipped with rifles and ropes. To capture and execute whom ever they went after on their "war path." They had made up their minds to make short work of the "Dutchman." Some ten miles down on the North Park side of Rabbit Ears Pass, they overtook their thief. With him were both rifles and the canteen, along with the trappers articles. They immediately roped him for hanging and did hang him near to death. The poor fellow cried and begged so pitifully for a confession. Saying that he had never done a criminal act before. Al and the trapper decided to finish the hanging. The "Dutchman" exclaimed in his broken english, "vot vill come off my wife and shildren in Sheremany?" Which was to heart softening for the two old bachelor pioneers to finish a job of hanging a man.

One then said; let us give him a good whipping and turn him loose. They did give him a good whipping. Then it dawned on them that they and this crime belonged to an organized county. If this fellow reported his punishment down about Laramie City, they might be in trouble. So, they concluded to bring him back to my court and did so. They told me all about the stealing and what they did etc. I suggested that we think this thing overnight, and decide

what to do in the morning. This was July 7, 1875. Grand County was poor, had no jail, treasury, courthouse and very little taxable property. By its organization, Grand County was attached to Clear Creek County for judicial purposes. Which provided Grand County to keep its prisoners in the Georgetown jail, at Grand County's expense. Also, that Grand County hold one term of District Court a year. This was a clear enough case of grand larceny but it would have cost our county \$1000 and the poor prisoner would have to be in jail for 11 months before he could have a trial. There was no doubt that the German would serve a penitentiary term at State expense. All of which could not have done him more good than his punishment had done. Besides preventing him from providing for his family.

In the morning I told the prosecuting witnesses not to appear, but for them and four or five others, go out a mile on the Georgetown road and provide themselves with good whipping sticks. I turned the prisoner loose, and provided him with two days rations of elk meat, bread and matches for a night campfire. I saw to it that the prisoner went on the right road, to receive another good whipping. Everybody concerned was satisfied (except the prisoner). There was no cost for Grand County to pay one dollar. The distance from Hot Sulphur Springs to Georgetown is 50 miles. All it cost was time in a day.

I held office as J.P. until November 1877. Using the same room in my cabin. My last experience prevented me leaving Grand County for one month. I had to comply with the County Judge's request. This had more thrills than all previous cases! There was an election contest case to be heard which required the County Judge and two Justice's of the Peace to sit with him. The Judge (Captain Dean) selected Barney Day and myself. We meet at Judge Dean's two room cabin. The Sheriff, Thomas H. Johnston refused to recognize our court or serve with or for it. We appointed Tom Wallace as constable to serve papers and perform the Sheriffs duties. After a day or two the Sheriff elect, James Kinney came to Judge Dean's court with five other men. William and Mann Redman, Charles Mayo, McClelland Stearns, and John H. Stokes. They walked into our presence with guns in our faces. Kinney demanded the seal and the papers of the court be delivered to him. Judge Dean remained calm. He advised Kinney to sit down, yet Kinney persisted. The Judge strode forward placed his hand on Kinney's shoulder and ordered him to cease. Kinney lost control of himself and presented a pistol at the Judge's head shouting, "I'll kill you, you damned s.o.b.," and jerked the trigger. The weapon sprouted flame and noise, and missed. The ball embedding in the opposite wall. The room was bedlam. William Redman, screamed abuse and brandished his revolver. Three additional pistols and a shotgun were at full cock. The Judge kept his nerve and deliberately walked to a side table and locked the County seal and papers in a drawer. Court was declared over, and all were ordered out of the cabin. When the shot was fired Dean's boy Fred, rushed out and over to Dave Gardner's house. Gardner got his rifle and stationed himself at the corner ready for action. Whether it was that, or Judge Dean's cool actions--anyway they took down their guns, without getting what they demanded. All was quiet in less time it took to write about it. I exited the door in time to see Gardner with rifle pointed our way. I called, "Don't Shoot!" Nobody was hurt.

Barney Day had good horses. He hitched up his best team of horses to his bob sledged team, and drove Dean and myself over Berthoud Pass to Idaho Springs where we took the train to Denver and see the Governor. Who referred us to the Attorney General for legal advise. Then we returned to Hot Sulphur Springs, and made our findings as per the legal advise. I moved out of Grand County as I had previously wanted to do.

That feud continued for several years. When the County Seat was moved to Grand Lake, it finally resulted in the killing of Barney Day as a Commissioner, Captain Thomas J. Dean as County Clerk on July 4, 1883. Undersheriff William Redman was said to have committed suicide at several places outside of Colorado. Sheriff Charley Royer did commit suicide in Georgetown. This all ended the start of the 1877 troubles, which began in Hot Sulphur Springs.

During all my official service as Justice of the Peace, I did not receive a fee from Grand County, the State of Colorado, or any individual. Among other things, I had the distinction of performing the first marriage in Grand County, and I also burned the first kiln of lime, built the first fireplace and chimney with lime mortar that was in my cabin, and shown in

the drawing. The most memorable and lasting things I done and left over at Hot Sulphur Springs, is the Himebaugh Gulch named for me, and those stone bridge piers! Built in November & December 1874. The bridge is over the Colorado River below the hot springs. I built those bridge piers for John Quincy Adams Rollins-he had finished his Rollins Pass Toll & Wagon Road over the range that summer.

I built those piers under what would be called, difficulties; I had no tools but a pick, shovel and stone hammer-no team or derrick. I quarried and rolled all the stone from the quarry to where they are now placed in the piers by hand. Two men and myself. We worked many times when it was 20 below zero and more. I was paid \$2.00 a day, and my helpers \$1.00 a day. We boarded ourselves.

The pants I wore at the sitting for the photograph and drawing, were buckskin. Which I killed the deer and tanned the hide. As there were no sawmills on this side of the range, most of the cabins were without a wood floor. But I had plenty of time. I took straight spruce poles and honed them halfway on one side and straightened the edges. Then spotted them on the round log sills, which made a very nice tight smooth floor for my cabin. We had no cook stove. All of our cooking was in an open fireplace. Our meat was the game of the country, and there was plenty of it. Elk, deer, and buffalo, the first year. There after we depended mostly on elk, with beaver tail and bear for special eats.

(John Himebaugh moved to Colorado Springs. He married Hattie Spaulding. John built the Spaulding House & Hotel at 210 Tejon Street. Mrs. Himebaugh passed away in 1887. Mr. Himebaugh built Himebaugh Place, today known as The Alamo Building, located across from the El Paso County Pioneer Museum. John A. Himebaugh & Family are buried in the Evergreen Cemetery, Colorado Springs. He was a member of The Grand Army of the Republic Post # 22 in Colorado Springs).

John Himebaugh was born on May 5, 1843, died on February 28, 1931 at age 88 years.