

WHEN LAUGHLIN SHOT DEVLIN

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Written by dave

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THE GAZETTE

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THURSDAY, APRIL 30, 2009

EI PASO CLAIM CLUB DISTRIBUTED FRONTIER JUSTICE

(WHEN JIM MCLAUGHLIN SHOT
PAT DEVLIN)

BY DAVE HUGHES

YOUR HUB CONTRIBUTOR

When Jim McLaughlin shot Pat Devlin the summer of 1860 from between two buildings half a block north of Colorado Avenue along what is today 28th Street, a crowd started to gather.

Devlin was on the ground apparently mortally wounded, and Laughlin just stood there with the shotgun that did the deed. Someone (it was probably James Garvin) came up and told two men

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to hold Laughlin while justice was done. For there was no government in Colorado City. It was still part of Indian Territory and no officials of either a US territory or state or a county were around, much less a town government. No police or sheriffs much less judges or courts. Or even a jail.

So Garvin, at that time the President of the El Paso Claim Club, held court. He quickly appointed one man prosecutor, another bystander, the defense, he acted as the judge, and pointed to the crowd and said "You are the jury." While standing over the body of Pat Devlin, the Claim Club, the earliest businessman's association in all of the Territory, conducted a complete murder trial, giving the accused the benefit of the doubt while the prosecutor pressed his charges.

The essential elements of all American jurisprudence were observed, even though nobody was a lawyer, or elected or appointed judge or carried a law book.

Laughlin argued that Devlin had pastured his cattle on Laughlin's land, by agreement. They would split the proceeds after Devlin drove his cattle to Denver in the spring, and sold them there. But he drank up and gambled away what ever he was paid. He went back to Laughlin's spread to get his belongings. Laughlin was mad, and they argued, Devlin said they would just have to shoot it out. Laughlin said he didn't have a gun. So braggart Devlin from Kansas (who probably stole the cattle in the first place) told him to go down into Colorado City and get one. So Laughlin did, coming down the Camp Creek road while Devlin followed him about an hour later yelling at the top of his lungs (to draw a crowd for he fancied himself a great gunslinger) "I'm coming to get you Jim Laughlin." But Laughlin, waiting between two buildings, true to the code of the West, didn't shoot Devlin in the back as he passed by, but called out "Morning, Pat!" Pat turned toward him but before he got off a shot, Laughlin gave him a belly full of buckshot.

The "jury" acquitted Laughlin on the grounds Devlin was a bad man. The whole trial lasted only 20 minutes, for they were busy pioneers. No time to stand on protocol. They then picked up Devlin and it took two more days for him to die! They had managed to try Laughlin for murder before his victim was even dead! They were impatient men; they knew he would die. They went back to work. Frontier justice.

THAT was the El Paso Claim Club which, in the absence of any government around, formed their own. They hung horse thieves, registered the first deeds of Colorado City (because there was no place to file claims or deeds; the nearest government office was 600 miles away) and ran the town. It was the oldest claim club in the Territory. Soon followed one north in early Arapahoe County, south in Canon City, and other places. They were also called "Mining Districts" in the mountains. At root they were just associated businessmen, who organized themselves to do what government couldn't: record land and mining claims, resolve disputes,

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keep law and order. They created extra-legal government where there was none. Yet it didn't take long before even the earliest legal courts, formed after Colorado Territory was formed in 1861, ruled that claims filed under the Claim Clubs were legal. The El Paso Claim Club became much more. Some argue it was just a vigilante organization. And indeed, in 1862 they broke into the Anway Fort Hotel, which stood at today's 2818 West Pikes Peak. There is a granite marker there showing it was the fortified place the women and children hid out while the Indians were on the warpath. One room was used as a jail. The Claim Club men broke in, dragged out a horse thief and hanged him forthwith. No trial this time.

The Claim Club traveled to Washington with Denver City, got Congress to create a new Territory — even persuading Congress to name it “Colorado” and not Corona or Idaho as they were inclined to do. And then outhustled Denver to make Colorado City the first Capital of Colorado Territory! They conducted their business as well as many a Chamber of Commerce does today. They held elections, kept minutes of their meetings, kept books, and arbitrated land disputes - a vital task on the frontier.

They even published their minutes in the Rocky Mountain News as well as the Colorado City Journal. One technique of “marking” a claim inside the Fosdick Plat of Colorado City (the core group of which still exists as legal lots and blocks) besides submitting the written claim to the Claim Club, was to lay out four notched logs in a square on the ground at the claimed lot, indicating an intent to build a house suitable for human habitation. By the rules of the Claim Club that would preempt and hold for a full year a quarter “section” of land. It was legally as respected, a traveler noted, “as if they were squares of Infantry.” The Claim Club was law and order. Only when Congress extinguished Indian claims to the land was the recording of deeds no longer needed.

But the Claim Club changed into the Colorado City Commercial Club, which became the town's promoter keeping that historic term “Club” alive and active for 60 more years. And after the annexation by Colorado Springs, it became the “West Colorado Springs Commercial Club” that was periodically revived until, in the 1930's, its lobbying efforts saved the Old Carnegie Library from being torn down. And in 1976, when the city wanted to “remove slum and blight, increase the tax base, and increase jobs, it was the Commercial Club which stepped forward to represent all the business property owners and succeeded in getting “Old Colorado City” revived based on many small, not a few large businesses, as downtown Colorado Springs tried — and failed with. I actually was hired for one year to run that proud, historic organization.- Its now dormant again, as the Old Colorado City Associates, who only represent the retail merchants now of Old Colorado City, and promotes business. But be assured; the Claim Club will rise again if “Old Town” is threatened by big government or con artists. They hung horse thieves once, and they can do it again!

ABOUT US

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CONTACT US

E-mail yourhub@coloradosprings.com. Fax 636-0202. Mail items to 30 S. Prospect St., Colorado Springs, 80903. YourHub editor Tim Bergsten 719-636-0125 or tim.bergsten@coloradosprings.com. YourHub community journalist Travis Duncan 719-636-0190 or travis.duncan@coloradosprings.com.

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YOUR HISTORY

WHEN LAUGHLIN SHOT DEVLIN

El Paso Claim Club distributed frontier justice

BY DAVE HUGHES
YOURHUB CONTRIBUTOR
STORY ID: 606897



Dave Hughes: Is a West Point graduate, west-side resident and an Internet pioneer.

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