

Sheriff Middaugh's Pursuit of Justice

James A. Gordon had lived on a ranch outside of Denver City since 1859 when he began drinking heavily over a troubled relationship. Whisky it seemed, eased his mind and it was whisky that motivated him to move to Denver City where it was abundant. In a drunken state one night, Gordon shot a man he didn't even know in the leg. Unaware of what he had done until friends informed him the next morning, a sober Gordon located the man and offered to pay his medical bills. Shooting the man troubled Gordon, so he drank more to erase his memory of it.

It was Friday, July 27, 1860, just days after that shooting when Gordon set-out for another night of drinking at Denver Hall. There he brandished his pistol and threatened to shoot a man. As he left Denver Hall, he took a shot at a dog and set-out for the Louisiana Lunchroom where according to *The Rocky Mountain News* he, "Began his favorite pastime of creating a disturbance." Gordon demanded a drink, threw a bottle at the shelf behind the bar and pulled the hair of patron John Gantz, because Gantz attempted to leave. Gordon threw Gantz to the floor and while pinning him down, fired his revolver into the man's head killing him instantly. Gordon fled, later passing-out under a tree in west Denver where he was awoken by friends informing him he killed a man the night before. His friends urged him to leave Kansas Territory and go back to the states to avoid a lynching. After riding back to his ranch, he told his father what had happened. Gordon left for Fort Lupton where a group of armed men attempted to capture him. Realizing he had nothing to lose, and reasoning he would rather be shot than hanged, he ran to his horse and galloped away, daring the men to shoot. They obliged and opened fire, with a few rounds passing through his hat. Evading capture, he headed south to Bent's Fort confident he had left his pursuers behind. Traveling by wagon Arapahoe County Sheriff William H. Middaugh and Deputy U.S. Marshal Armstrong remained on his trail.

Information had Gordon traveling with a returning 40 wagon train from New Mexico Territory back to the states along the Arkansas route of the Santa Fe Trail. The two lawmen intercepted the wagon train only to learn Gordon had left a few days earlier, traveling south. Sheriff Middaugh figured Gordon was a day's travel ahead of him. Outside the town of Humboldt in present day southeastern Kansas, Sheriff Middaugh, Deputy U.S. Marshal Armstrong and the Coffey County (KS) Sheriff located Gordon, standing along a roadside while his mule grazed. Seeing he was outmanned and outgunned, the armed Gordon surrendered without a struggle and was taken to the nearest blacksmith to be fitted with irons. Sheriff Middaugh took his prisoner north to Leavenworth, with the intent of returning him to Denver City by stage line to stand trial for the murder of Gantz.

The closest organized courts to Denver City were in Leavenworth, having actual courtrooms, judges and attorneys. Denver City still relied on people's courts to administer justice. As Gordon sat in the Leavenworth jail awaiting transport to Denver, a local judge ordered Gordon held-over for trial in Leavenworth for the murder of Gantz. Sheriff Middaugh felt betrayed and was now forced to return to Denver City without his prisoner to gather witnesses and organize their transport over 700 miles from home to testify in Leavenworth. Courtroom proceedings began September 17, 1860, under established U.S. law. Still a part of Kansas Territory, statehood for Kansas was only months away. Jurisdictional questions were asked of the witnesses regarding the location of Denver City. All testified it was in Arapahoe County, Kansas Territory except one, who claimed to have assisted in the establishment of the northwest boundary line set by the legislature. He informed the court Denver City was in the County of Montana, not Arapahoe. With this the judge ruled no U.S. court had jurisdiction over the matter and ordered the defendant released.

Those in attendance were shocked that a cold blooded murderer was freed without punishment and demands to hang and shoot Gordon began.

People lined the courthouse halls roughing Gordon up as he passed, tearing his clothing in their attempt to pull him away from Sheriff Middaugh and others escorting him so he could be lynched.

Though no longer in custody, jail was the only secure place to harbor Gordon from the angry mob surrounding the outside. In the following days more complications arose when the U.S. Marshal took custody of Gordon again, this time for theft of mules. Eventually Gordon was released to Sheriff Middaugh, and the two boarded a stagecoach back to Denver despite Gordon's objections. In Denver City a people's court convened and the trial was held outside behind the Express Coach Co. stables. Gordon's defense of insanity and drunkenness failed, and the jury returned a verdict of guilty. He was sentenced to hang October 6, 1860. Before his execution, Gordon wrote his account of events, thanking Sheriff Middaugh for his kindness and for saving him from the lynch mob in Leavenworth. In a more reflective moment Gordon wrote, "To whiskey I attribute all my troubles and sufferings, and what I have caused other people."

The case never ended for Middaugh; years later while waiting for a train near Julesburg, CO. the former Arapahoe County Sheriff was ambushed and shot to death allegedly by friends of Gordon in retaliation for his arrest and execution.

Source: Rocky Mountain News; August 30, 1860. "*The Capture of the Pikes Peak Desperado*" and "*Gordon's Capture*" (The Capture of the Pikes Peak Desperado listed the date of the murder as June 27, 1860. This conflicts other accounts. It also identifies the victim as F. Gantz)

The Western Mountaineer; August 30, 1860. "*James A. Gordon Captured!!*" (This article refers to Gordon as a 'double murderer' however no other victim was named in this or other articles)

Rocky Mountain News; September 24, 1860. "*Attempt to Hang Gordon!*" (This article mentions Sheriff Middaugh was 'seriously injured' and 'badly hurt' in defending Gordon from the lynch mob, but does not state what the injury was)

Rocky Mountain News; October 2, 1860. "*The Gordon Trial*" (Discusses the people's court, the verdict and sentence)

The Mountaineer; October 4, 1860. "*Trial of James Gordon*" (Describes make-up of people's court and Gordon's statements)

Rocky Mountain News; October 8, 1860. "*Gordon's Statement and Confession*" (Detailed statement by Gordon)

Denver Behind Bars; Lenny Ortiz, "*William H. Middaugh*" p.55Aventine Press 2004.