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GIO OBERTO

of

Telluride, Colorado

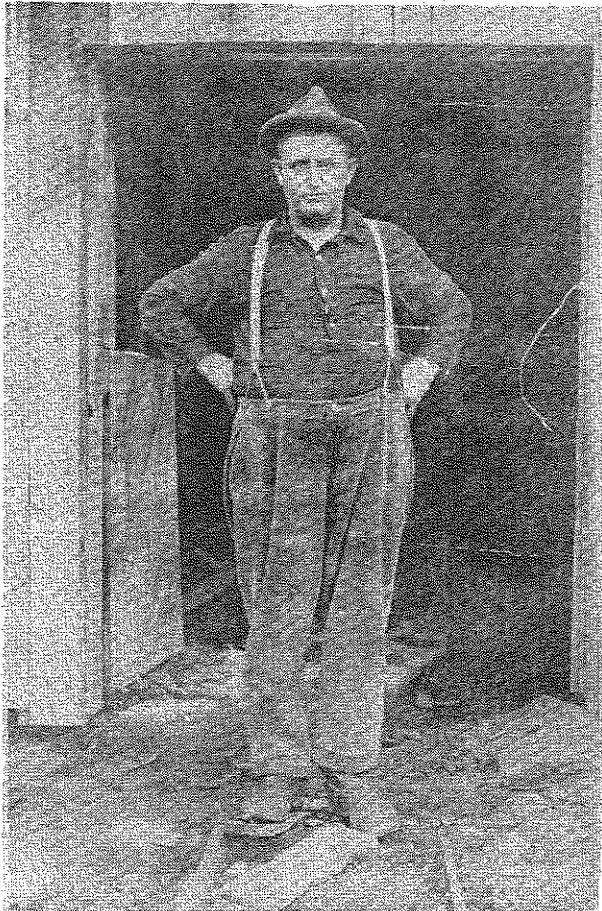
by E. B. Adams



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GIO OBERTO

of
Telluride, Colorado



Gio Oberto

GIO OBERTO

How many times have I written or dictated that name? How many times have I seen that ungainly signature? What images appear in the "ventricle" of memory when I look upon it again. When he died more than 16 years ago, I felt an urge to attempt to record my recollections and impressions of the man. The impulse or the mood did not persist in sufficient strength to bring fruition, but it has never left me; and now, after more than a decade and a half and when I am past the 77th mile post on life's circuitous highway, I am making the effort, feeble though it may be.

I am not attempting this sketch to please his sons or his grandchildren or other relatives or anyone else. I am not a writer, but I can look backward upon the winding road of the past. In so doing, I am not unaware of the fact that I am doing some talking about myself. When you have traveled along the Highway of Life with a man for 25 years, as a friend and legal counsellor, necessarily you believe that you know something about the man. So I feel that I knew him better than did his children or any other friend or acquaintance of his.

Although I profess to be a quasi-fatalist, whatever that philosophy may mean, I am obliged to admit that I think that during that period of my life, he exercised an influence over my actions and of course my practice to some degree. With pardonable vanity, may I believe that through my counsel he also may have been slightly affected in some of his actions.

It is my desire to tell a few things about him, facts within my knowledge, but of course, with them some deductions and impressions necessarily arising therefrom. In so doing, I am aware that I am intruding myself to some extent in the picture and though I have no desire so to do, it cannot be helped.

The mental image of Gio Oberto or my physical memory of him is quite definite; but the difficulty is to find the appropriate words and commingle them together upon the paper canvas so that the reader may see the man, in the light I am attempting to record him.

I may know a man well, his appearance, his voice, his mannerisms, so that I could pick him out among a thousand, but to give a sufficient description to police headquarters to enable a detective to pick him out of a crowd is to say the least, difficult.

In his middle fifties, Gio Oberto was a man of medium height, round in body, with a barrel like chest, no evidence of fat, always weighing around 200 pounds. He had large hands at the end of his long arms, with blunt, thick fingers, nails usually broken and discolored; a peculiar shaped head, no roundness in the back, but rising straight up to the crown. His dark brown hair plentiful but coarse, always cut short, standing up on his head, never in need of a comb. It grew somewhat low on his forehead giving the impression of what we call a low brow. Brown eyes looked at you always seriously, on either side of a large Roman nose of the type usually known as predatory. A mouth of medium size, heavy cheeks, round chin, lips not thin nor yet thick. Very little hair grew on his face. I do not recall of ever having seen any stubble on his chin. There were no wrinkles on those heavy cheeks.

He was of the north Italian type, not the Sicilian and would have made an admirable member of the famous Fifth Legion of Julius Caesar.

He seldom smiled and I cannot remember of ever hearing him actually laugh. Always boots on his feet, clothing rough but serviceable, shirt open at the neck, a very white skin wherever showing, though his face was brown. A loud heavy voice, it seemed to me always raised but not yet gruff. The depth and timbre of his voice was unusual. It was said of him, that at times, he did not need to use the telephone, for one could hear him down the street, the distance of the phone call. One feels that he used it for a purpose, though it may have been natural. In sum, a powerful man of immense physical and mental energy, shall we say concerned exclusively with the material things of life.

So far as I know his education of the conventional type was wholly negligible. He could sign his name to a letter or check and add up figures. He never read a paper printed in English; whether he could read in Italian I do not know.

But he possessed an incredible memory; being without the aid of reading or writing he had to have one.

I understand that Gio was christened Giovanni (John) and not Guiseppe (Joe), but since he signed his name Gio, people anglicized it into Joe and hereafter herein it shall be Joe.

I recall when I first met Joe. Before our initial meeting, of course, I knew who he was and he knew who I was in Telluride; but figuratively speaking we walked on opposite sides of the street. It must have been close to 50 years ago. I was attorney for the Smuggler-Union Mining Company. His multifarious activities did not include the best interests of that corporation. Among other things he had started a little store on the road between the Smuggler and Tom-boy mines. Some trouble had arisen over its operation; the Smuggler and Tom-boy managements believing that it was being operated primarily for exchanging some of their high grade ores for gold coin.

I believe that I had written him a letter about the validity of the lease he had on the ground where the store was located, which furnished a reason for him to speak to me direct. We happened to meet one evening in Joe Piquard's saloon, which like gambling and other houses, then as now, a particular name now forgotten. He bought me a drink and we fell into amicable conversation and after some sparring around, the matter of the lease was satisfactorily adjusted.

From time to time thereafter I did legal work for him. This was not altogether palatable to the Smuggler management, but he was careful not to bring me anything which conflicted or might conflict with the company's interests.

I remember one time I was suing a debtor of his upon an account. It was just before noon, Joe was on the witness stand. I had asked him what was the year in which he had furnished the supplies, whatever they were. He named the year. I then asked him how he was able to identify the year, expecting that he would associate it with some well known local incident. Perhaps to impress the judge and jury of his accuracy he said, "I have it in my note book", and pulled out a little vest pocket book. Feeling dubious I went on to something else and shortly court recessed. Knowing that the opposing lawyer was also suspicious, and in his cross examination would examine the book; at lunch I said, "Joe let me look at your book". He handed it over and it was one of those calendar books dated one year after the year when he said he had made the entry; and what he had in it was unintelligible to me and would have been just

as unintelligible to the Angel Gabriel. When court reconvened he explained that he had the wrong book and must have lost the one for the year in question. Of course, he didn't want people to believe that he had to rely upon his memory alone for every business detail.

Among other things, characteristics if you please, which I greatly admired was his physical courage. I do not think that he was ever afraid of any man, beast or physical thing. If he was, he successfully concealed the emotion. Perhaps his strength of body had something to do with it, but not all. I will even exclude him from Hamlet's category "How conscience does make cowards of us all". I have no doubt but that on many occasions, he was disturbed, he must have been, but not afraid. I think that losing money "disturbed" him more than anything else, which is not unnatural with anyone. With him, I believe, it was not so much the loss of the dollars, but the wound to his ego, which by the way is not an abnormal feeling.

He never displayed any timidity in Court and never appeared abashed in the presence of those who might be termed his cultural superiors.

He would sign a bond for almost any man charged with an infraction of the criminal law. Whether he figured that he could always catch the defendant if he tried to jump his bond, I don't know. I do remember the time when he signed a \$1,500.00 bond for some stranger, whose check he had cashed before he signed the bond and the check was returned "no funds" at which time the defendant had started on foot across the range for Ouray, Silverton or elsewhere. Joe and the deputy sheriff started after him on horseback; the deputy and the horses played out, but Joe continued in pursuit on foot and after 2 days and nights of constant travel found his man and returned him to the jail at Telluride. The defendant then said that he would plead guilty. The district judge was at Montrose, so Joe and the sheriff conveyed him to Montrose and after the plea was entered the sheriff took the bond jumper on to Canon City. I was acting as Deputy District Attorney then and so know the facts.

He had a more precise knowledge of the location and ownership of patented and unpatented mining claims in San Miguel County, as well as the farm and grazing lands, than did any county assessor that I knew in my 20 years residence in the County.

Of course, Charles F. "Dad" Painter, the abstractor and insurance agent, knew as much, but he hadn't traveled on horse and muleback and on foot over that rugged terrain as had Joe. The name Painter reminds me of another case. Joe owned or held a mortgage on a piece of land near Dallas Divide, about 30 miles west of Telluride. A new building had been put up on it, partly as a residence and partly as a storage room for grain. Joe met Charley Painter one day and told him to place some fire insurance on the structure and gave him a check for the first years premium. Painter made some sort of a note of the transaction on his insurance books, but issued no policy. During the year, the building burned. We filed suit against the Painter Abstract and Insurance Agency Company and named as other defendants all of the fire insurance companies for which this company acted as agent. The case came on for trial. The defendants were represented by a Denver lawyer. Joe went on the stand to describe the contents of the building and the value thereof. He spoke up so certainly, confidently and assuredly that when the lawyer was through with his cross-examination he was willing to have judgment entered against the Painter Agency for the amount of the demand, the insurance companies having been theretofore dismissed from the case. The Painter Agency was heavily mortgaged, but was carrying a large insurance load for the Smuggler Company so when its next premium became due I garnisheed the Smuggler and collected Joe's judgment with interest in the amount of about \$6,000.00 So far as I knew there was no particular hard feeling or animosity between Joe and Charley thereafter.

JOE AND THE PROHIBITION ERA

The experiment noble in purpose—may the United States never endure another such experiment! Colorado went dry before the Nation did except for a period when we were entitled, each citizen, to import not more than 2 quarts per month. Prohibition did not disturb Joe. He was not a whiskey drinker, though he did like his wine on occasions. In 1919 when all the pre-legal whiskey had been sold and consumed and before local moonshiners had been able to develop a satisfactory beverage, it became apparent that the Volstead Act would not quench the American thirst. I well recall one winter afternoon when Joe and I discussed the Volstead Act and the cognate subjects of moonshining and bootlegging. I am not sure but I think Joe told me that he thought that he could make at least \$20,000 a year. I strongly urged him not to have anything to do with the business, not that I was in favor of the Volstead Act or prohibition of any kind, but because I feared the consequences to him, the pains and penalties of the law when caught. Thereafter when Telluride was raided by 6 or 7 Revenue Agents and 10 or 12 offenders carried away, Joe Oberto was not among them.

However, Joe was always able to get the illegal beverages as often as friendship or business required. In 1921 when Harry Payne Whitney severed Bulkeley Wells from all of the mining ventures in which Wells had unprofitably spent 8 to 11 million dollars of the Whitney money, the fact of severance had become public in Telluride. Mr. Wells was taking the morning train, and being no longer a director of the Rio Grande Southern Railroad, he had to pay his fare, of course, like the rest of us. I decided to invite him to dinner the night before he left, so I asked Joe if he could get me a bottle of good wine. "Sure", he said and delivered a flagon of red wine encased in woven cane. It looked and tasted like an imported beverage and certainly had exhilarating effects, at least upon me; for at the conclusion of the dinner, when we had some knowledge of the disaster that had fallen upon a bar sinister's descendent of King Charles the First, I toasted him in the language of the gladiators when they entered the arena, "Ave Caesar, Morituri te salutamus". It was not ill received.

Since I have mentioned Bulkeley Wells I might say a few words about him. During his last years use of the Whitney money, I was reliably told that his personal expenses amounted to \$75,000.00 for that year. Whitney gave him \$10,000.00 a year for 5 years, thereafter. Then broke and despondent after borrowing \$20.00 from a friend Wells shot himself to death in San Francisco. "Sic transit gloria". He and Joe were not particularly friendly although I do not believe that Bulkeley Wells, consciously sought to offend anyone, certainly no woman, but I do recall Joe telling me one time that he and Wells had a little argument during which Joe remarked, "Well, you don't own Telluride".

A few years after I moved to Grand Junction, one summer night Joe and Charles Silva, his nephew, drove up to the back door of our house and unloaded two kegs of whiskey in the basement. It was good corn whiskey. A few days later while the folks were away I invited five or six of the boys to a little poker party. After they were settled around the table, I remarked that I was sorry that I could not offer them anything to drink, but that my wife had prepared some wonderful English tea which they might like. So I set out tea cups, got a china pitcher, went down to the basement and filled it with the Oberto tea, brought it up, filled their cups and asked them to taste it; the surprised but pleased expressions upon their faces I shall never forget.

THE DAMAGE SUIT THAT NEVER CAME TO TRIAL

It was election night in Telluride, long before the advent of radio. The telegraph operator was induced to remove his instrument from the depot to the Pastime. Joe owned the Pastime and operated it together with Walter Eames, "The Big Kid", who was shot to death in Grand Junction, in an attempted hold up in his upstairs card room at 4th and Main. Buck Waggoner hereafter mentioned was there working for him at the time.

I do not know who bestowed the name Pastime upon the building, and its activities. At all events, you could obtain tobacco in its various forms and many non-alcoholic beverages together with the privilege of passing your time, in wooing the Goddess of Chance.

On this night the Pastime was packed and the sidewalk in front was crowded with men standing in front to hear the returns. A sudden commotion occurred, a body appeared in the air and fell on the street. The body got up and moved away. I was in the room and so did not see the disturbance, other than to see Joe shoving a short heavy set man through the crowd and through the door. The next day, I got the details. It was Mark Gaddo. He was drunk and had started a commotion inside. Joe moved him out onto the sidewalk; somewhere Mark called Joe a "basta", and pulled a knife while they were on the sidewalk in front. Joe hit him; the blow raised the man over the gutter and into the street. Gaddo did not reappear. The next day Joe talked to me about the incident. He said that the next morning he had gone across the street to the office of Fred B. VanAtta, the Justice of the Peace, and had asked the J.P. to file a complaint against him for assault and battery; and had pleaded guilty after, of course, reciting the facts and then paid a fine of \$10.00 and costs.

Thereafter M. J. Galligan, a Pueblo attorney, filed a damage action for Gaddo in the District Court claiming \$3,000.00 damages. We answered and counterclaimed for \$5,000.00 damages. There was a slit in Joe's clothes, perhaps from the knife, and of course the opprobrious epithet of "basta". The case never came to trial; the pleadings are still on file in the office of the Clerk of the District Court at Telluride.

JOE AND THE BANK OF TELLURIDE

For a good many years I was attorney for Bill Wheeler's bank—The Bank of Telluride—not Buck (C.D.) Waggoner's Bank of Telluride—which came later, Joe apparently didn't know Buck as well as Bill Wheeler did. For Bill, although leaving Buck as cashier, would never sell him any stock until he decided to sell Buck all of his stock. Buck and Joe were apparently friendly, perhaps using each other as their interests might appear to warrant until Buck got Joe to sign to the bank a \$15,000.00 promissory note for Buck's accommodation, and when Joe got uneasy about Buck, he decided to take it up. Joe asked me to do something about it, and then not connected with the bank, I prepared a letter to the State Bank Commissioner, setting forth the facts. I told Joe that we shouldn't send the letter if Buck would surrender the note for I felt than an examination of the bank then might bring about the closing of its doors, in which event I hadn't figured out how Joe might escape payment. So one afternoon late Joe brought Buck up to my office. It was winter and my room was almost dark. I don't know why I didn't turn the light on, but there was enough light for me to read the letter aloud to him. After reading the letter I demanded the return of the note by the next day. Buck said he wanted about four days time, so we gave it to him and the note was returned to Joe.

When Bill Wheeler sold his bank stock to Buck, he was kind enough to tell me that he would require Buck to buy my few shares, if I so desired.

I had been a director together with Judge William H. Gabbert of the Colorado Supreme Court for some years and naturally enjoyed this distinguished company, when the directors annually examined the bank's affairs.

Although the judge was no longer on the board, I decided not to sell at that time. I changed my mind about two years later, when I found among the assets of the bank a promissory note for \$10,000.00, which was secured by a deed of trust upon some property at Placerville, which I had foreclosed and had procured a deed to the bank of the mortgaged property.

Buck had somehow got the note out of the Court files and returned it to the bank, in order to deceive the bank examiner. Of course, Buck gave me no satisfactory explanation and, as soon as I could I sold my shares to a Telluride dentist.

It may be that I owed a moral, perhaps a legal duty to have informed the Bank Examiner of this deception. Had I done so, it may be that he would have found other fictitious assets, resulting in the closing of the bank.

Had it been closed then, Buck would not have been able to have perpetrated his \$500,000.00 fraud upon New York's Chase National Bank, thereby gaining national notoriety, and a short term in the federal penitentiary at Atlanta, Georgia.

When I sold my shares, I told the purchaser that I was not making any representations about their value, seeking refuge behind the ancient maxim of "caveat emptor". The reader, before condemning me, should put himself in my shoes. "Therefore all things, whatsoever ye would that men should do to you, do you even so to them; for this is the law and the prophets".

JOE AND THE TOMBOY MINE

The Tomboy Mine in Savage Basin above Telluride was owned by the Tomboy Gold Mines Company, Ltd., an English corporation. While it always had a peer or two on its board of directors, it left the management to Americans. Unlike the Smuggler, it always made money for its stockholders. Originally a gold mine because its first operation was upon a gold vein, it later acquired the Argentine, a wide vein containing gold, some silver and lots of lead. Before shutting down, it also bought the Montana Mine across the gulch. Before buying this mine the Company had it examined by Gelasio Caetanni of Burch and Caetanni, mining engineers, of San Francisco. Caetanni's father was of the Italian nobility, and his mother was an Irish lass. My wife and I met him and dined him when he was in Telluride making an examination of the Black Bear mine for Bulkeley Wells. Caetanni returned to Italy in World War I. He was the engineer who supervised the driving of tunnels under a flat area occupied by the Austrians, overlooking the Italians, which they could not take until it had been undermined through these tunnels. Caetanni was Mussolini's first ambassador to the United States.

The Tomboy Mine closed in 1928 since it could no longer be profitably operated. Its last manager was N. S. Kelsey. When it became noised around that it was shutting down and was to be sold and since there was no local mining company interested in buying it, Joe conceived the idea of acquiring the Tomboy Mine and mill or at least an interest therein, without putting up too much money of his own. He immediately interested John H. Moore and Dr. Charles H. Tidd both of whom had money and were anxious and panting to make more. It would be difficult to say which of the two was the more avaricious. Joe proceeded to make himself agreeably acquainted with Mr. and Mrs. Kelsey. I imagine, rather I think it is a fact, that Kelsey was first approached to see if he would be interested in becoming a silent partner in the proposed purchase. Kelsey may have deliberated upon the offer, but at all events declined. The sale had to be approved by the Company's engineer in New York City and London. However, Kelsey's attitude toward the figure that the purchasers proposed to offer was of great importance, for naturally the company expected him to advise it as to what was to be expected and whether he or someone should sell the mine, equipment and the mill machinery; for it then appeared obvious that the mine was worked out. Mrs. Kelsey was a childless woman of neurotic disposition; somehow Joe learned that she had expressed a desire for a beaver skin coat. She was not a small woman and then as now beaver hides were not articles of commerce. However, Joe proceeded forthwith to acquire the beaver hides. How and where was never revealed to me except that I remember that he said the entire operation including the making of the coat cost him some \$500.00.

The head bookkeeper for the company was a man by the name of Hertzog, then living in Denver. He was cultivated for his knowledge of company figures through correspondence, etc. These matters occupied a couple of months until finally I was invited to accompany the trio to Denver to close the deal. The New York representative had a power of attorney to execute the deed. We did not see him personally but dealt with Henry McAllister, then probably Denver's most able lawyer. After getting the figure from him we were advised that the purchasers would be required to pay the second half of the current taxes, which included the previous year's production tax and amounted to nine or ten thousand dollars. That evening I told them that I thought I could get Mr. McAllister to word the deed, whereby the purchaser assumed the taxes and they could expect the County Commissioners to cancel them or at least materially reduce them. I definitely recall Dr. Tidd saying, "If you can get him to do that I will buy you a \$150.00 suit of clothes". We got the kind of a deed we wanted and a few years later they got the taxes either cancelled or reduced to a nominal amount, but I never got the suit of clothes.

Moore and Tidd advanced the purchase price of \$26,000.00 and some hundreds; each of the triumvirate was to have one-third interest with Moore and Tidd to be reimbursed first for the moneys paid by them.

Joe took over the work of selling off equipment, trying to place the mine under lease and option, in all of which he spent a lot of time and effort. Tidd for some reason which I have forgotten deeded his interest to Joe. It may have been on account of the law suit to which I shall refer. I recall that I drew a declaration of trust whereby Joe declared he would reconvey the interest upon demand to the Doctor or his wife.

Joe had interested an old mining man from California in taking a lease and option. He brought in a man by the name of Schueler of Pueblo. They unsuccessfully tried to promote the property and failed to carry out the terms of the lease and option. As I recall, Tidd wanted me to commence an action to cancel the lease and option. I did; the defendants mailed me a copy of their answer and counterclaim for \$150,000.00 damages but before the original was filed with the Clerk of the Court at Telluride I prepared a Motion to dismiss our complaint, and had dismissal entered at Delta by Judge Logan. They appealed to the Supreme Court, but the dismissal was sustained and eventually they gave up the lease and option. I believe that this trouble was the reason for the Doctor getting his name off of the deed. He had become terrified of law suits. This case is reported in 84 Colo. 534.

I then drew an agreement between Moore and Joe whereby Joe was to have full charge of the property with the right to sell it under certain terms. He was required to keep accounts of receipts and disbursements. He put John "Peg Leg" Foster on the property as custodian and watchman, for there was still considerable equipment and machinery to be salvaged. When Moore demanded statements he was furnished same but was dissatisfied; the relations became strained and finally Moore started a suit in the District Court and over our objections was appointed receiver of the property.

When Judge Bruce announced his decision; for we put in no evidence, relying upon the irregularities of the procedure, it was one of the few times that I ever noticed evidence of disappointment and dejection upon Joe's face. We took the case to the Supreme Court, Judge Bruce was reversed and Joe again took possession of the Tomboy. I wish that I could have seen his face when I phoned him that he was still running the Tomboy. This case is reported in 93 Colo. at page 93. Thereafter Moore remained in his lair watching and waiting with Carl Sigfrid his lawyer until 1938, when he bought the Oberto-Tidd interest in the Tomboy. Joe was not anxious to sell, but Sigfrid threatened to bring a partition suit which meant that if such action was successful, the property would be sold at public auction to the highest bidder. The mill, of course, had long since been dismantled; the Smuggler mine and mill had been sold to the Grimes Brothers of Denver, for \$75,000.00. Moore had more money than Joe, for by that time he had made considerable through his interest in the Camp Bird lease. While our Supreme Court had held in one case that a partition suit would not lie with respect to a mining claim, this was contrary to the holding of some of the courts in mining states as I informed Joe. So he fixed the price at \$42,000.00 Moore offered \$40,000.00. Joe refused. Then Sigfrid wrote me a letter and said that Moore would pay me \$1,000.00 if I would recommend to Joe that he accept the offer of \$40,000.00. I should have kept the letter, instead I returned it to Sigfrid saying that I didn't want a letter of that kind in my possession. So Moore paid the \$42,000.00. Then Joe had to settle with Tidd. I recall that he came to Grand Junction. After some talk in my office, they went out. I understood that they drove around in the Doctor's car all night, going as far as Ridgeway. When they returned Joe said Tidd would take \$8,000.00 for his share, so I wrote out a receipt in longhand for him to sign. I would like to have had a tape recording of their conversation. At the bottom of the depression, Tidd loaned Joe a few thousand dollars and required him to secure the loan with diamonds of at least five times the amount of the loan. I recall that when Joe paid the note, Tidd was in California and Joe was a little uneasy about getting the stones back, but they were returned.

For some reason, Joe turned over the balance of this money to me, which I deposited in the Denver National Bank as trustee, and after a time paid it over to him, having drawn a few checks to persons at his request. I don't believe that he doubted my integrity, but there appeared no logical or business reason for me to temporarily handle this amount of money, for believe me in those days that was an "amount".

Joe decided about this time to make a trip to Italy and took off for New York. He never made the trip, being unable to obtain a passport. At one time he told me that he had gotten his Brother out of Italy into the United States. He never related the details, other than that they had surreptitiously crossed the Italian border into France; but how they managed to get from France to Telluride without papers was never revealed to me.

He waited around New York about a week before returning. While there, he sent me six bottles of Champagne. Frankly, I had never had the opportunity to develop a taste for this particular juice of the grape; but appreciated the subtle flattery implied in the gift.

I was reminded of the incident of many years before, when Bulkeley Wells, returning from Boston, gave me a quart of Whiskey which he said was thought to be at least a hundred years old, since a barrel had been uncovered in the cellar of an ancient Boston dwelling. But whether it was fifty or a hundred, it was "Nectar on the lip".

If I may digress a moment, I think Joe liked and appreciated me because I never over-charged him and in particular because he knew that if I had wanted to I could have been Moore's lawyer and not his during the ten years of Tomboy.

ANOTHER MINING EPISODE

Joe's interest in working mines through personal investment began and ended with the Old Nellie, a gold mine up Bear Creek, near Telluride, in which he told me he dropped \$30,000.00 leaving him flat.

In 1924 when I moved to Grand Junction from Telluride, he and Jake Lewis obtained a lease on some mining claims then belonging to the Radium Company of Colorado, an ill-fated venture of Bulkeley Wells in his expenditure of some of Harry Payne Whitney's millions. These claims in Mesa County were being worked for radium, the high grade carnotite ore being shipped crude to some company in New Jersey. Joe's interest was subletting some of the claims to miners at a higher royalty than he was obliged to pay. I kept the books and bank account for him and Lewis. The partners didn't get along too well. About the time the lease ended, Joe went to the owners and got a new lease in his own name. I knew nothing of this until it had been secured. On its face this was a violation of a fiduciary relationship between him and Lewis and after a time Lewis sued him for about \$11,000.000. The case came on for trial to a jury; the jury was empaneled; we moved to dismiss the action which was granted; for after long and anxious search I had found a case sustaining our position. We surely would have been sunk for it was obvious that the jury was against us.

CONCLUSION

In 1934 I was one of three lawyers seeking the Democratic primary nomination as a judge of the Supreme Court. Naturally, I placed second in the race, for one of my opponents was Young of Colorado Springs and the other, Strong of Greeley, so there was no chance for me, being between the Young and the Strong. Young was elected.

I intrude this personal reference, only to state that Joe expressed no sympathy for my defeat, which in a way was complimentary for he didn't wish me to quit the practice.

There are many other incidents and episodes in that more than a quarter of a century of Telluride and Grand Junction association, interesting and illustrative of his life and character. The untimely death of the Mother of his sons; his business association in Telluride and Grand Junction with the "Big Kid"; his invaluable assistance to me in the selection of a jury in trials at Telluride; why he quit driving an automobile; my recollection of the time when he said to me, "I always tell my lawyer the truth"; his unpublicized charities and many, many other incidents which to my mind at least justify my attempted characterization of the man. "But age, with his stealing steps, Hath clawed me in his clutch" and I must pause.

He departed this life suddenly and presumptively painlessly, though none have ever returned to say that Death's dart may sometimes pierce without pain.

I attended with many others, his funeral at Telluride and saw his body returned to earth in Lone Tree Cemetery.

In all sincerity, I say as Hamlet said of his Father:

"He was a man, take him for all in all
I shall not look upon his like again".