

Judge Elias F. Dyer:

Martyred Son of Father John L. Dyer

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The Rev. John L. Dyer, pioneer Methodist minister, whose labors in Colorado earned him the affectionate name of "Father Dyer," walked into Denver from Minnesota on June 20, 1861. His horse had been carelessly allowed to founder by an inn-keeper on the way and had to be sold; his purse and pocket-knife had been stolen; and his meager possessions included a gun and his watch. Tragedy had come to him many times in his forty-nine years. He had lost his wife some twelve years before and an infant daughter of thirteen months soon afterwards. He had married a woman who had one husband who had died but one who was still living, and she had not been divorced. So it was necessary for him to go through a divorce and he suffered greatly from a deep sense of guilt. But he was destined to face much more tragedy which we would like to recount to you.

Elias Dyer, the second son of Father Dyer, had preceded his father to Denver by one year and was working in Mr. Sprague's store in West Denver. After visiting with his son for a few days and also preaching in the Methodist Episcopal Church on the next Sunday evening for Rev. Mr. Kenny, the new pastor, Father Dyer set out for the mountains hoping to work around Buckskin Joe. He had swapped his watch for about twenty dollars worth of provisions—flour, side-bacon, dried apples, coffee, sugar, salt, and a few cans of fruit. Elias gave his father a buffaloskin and a quilt for bedding. This is the only reference to this young man until much later.

In 1872, he had a visit from his sister, Rachel, who had helped him raise his

children after his widowerhood. They decided to take a trip to the mountains to see his son, Elias, who was working a mine near Horseshoe Pass. It was known as the Dyer mine and was later sold to H. A. W. Tabor for three thousand dollars.

On July 4, 1875, tragedy struck for Father Dyer. He writes: "When the 4th of July, 1875, came we had dinner and some speaking—a very pleasant time—in a grove. I remember how comfortable I felt in realizing what liberty and blessings we had in our United States, and how thankful we ought to be for them, although they had cost the blood of so many of our friends. About that same time, at Granite, in Lake County, they were interring my son, who had been murdered by a lawless mob—of which dreadful tragedy I heard the next day. The particulars I will relate at the close of this year's record. The shock of this affliction almost overcame me. My boy was gone! What should I do? Temptations arose like a torrent, and nought but vengeance presented itself. But the Spirit whispered: 'Vegeance is mine; I will repay, saith the Lord'."¹

Father Dyer knew Lake County very well. He had served as probate judge there for one year. His account of the happenings in the County preceding the murder of his son are very lengthy, much too lengthy for this article. However, we will try to condense much of it in order that the whole story may be understood.

There was a group of men in the county who ran things to suit themselves, perhaps forty or fifty or even more, whom Dyer calls a lawless mob. They were prone to treat newcomers with harshness unless they cowed before their strength.

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¹ John Dyer, *The Snowshoe Itinerant*, Cranston and Stowe, Cincinnati: 1889, p. 282.

A newcomer, Elijah Gibbs, happened to be of sterner stuff and refused to be stampeded. Consequently, he was soon at odds with this reigning group. In an argument with a man by the name of Harrington, open warfare nearly broke out. One night Harrington was murdered and Gibbs was accused of the crime. However, although circumstances did not seem to point to him this group decided to take justice into their own hands. After his trial and acquittal, they visited him at night and ordered him to come out of his house or they would burn him and his family out. He refused and began to defend himself. In the melee that followed, two of the mob were shot and killed by Gibbs and this mob withdrew. He was able to escape with his family and came to Denver for a time. But the mob began a reign of terror in the county, rounding up innocent people, subjecting them to a type of inquisition if they defended Gibbs and even hanging some for a time in order to change their minds.

At this time, Elias Dyer was the probate judge and was travelling in the circuit in order to hear cases. While on his way to Granite to hold court, he was overtaken by four men who took him by force to a school house where many were being held and questioned. These were those believed to hold that Gibbs was innocent of murder and that he was right in defending his home. A mock court was held to ascertain whether these men sympathized with Gibbs, and Judge Dyer was among the accused. Some of the men were encouraged in their testimony by being lifted off the floor by having a rope around their neck.

Judge Dyer was finally released from custody, but his pony was gone and he was forced to stay in the neighborhood over night. The next morning, he was hauled before the "court" again and was handed a written sentence:

"Chalk Creek, Lake County
January 29, 1875

Judge Dyer—you are hereby notified to resign your office as probate judge, and

leave this county within thirty days, by order of the Committee of Safety."²

He was restored his pony and proceeded to leave Chalk Creek, but was further stopped and ordered to go to Fairplay. This was finally accomplished after real hardship and the judge made his way to Denver and then to Castle Rock. He wrote to his father from there:

Castle Rock, February 8, 1875

"Dear Parents:

"I write you from Sam's. Came up from Denver to Clint's last night. Am intending to go back to Denver tomorrow. Have had a terrible time of it, but begin to see our way out. Am intending to proceed against them for attempted assassination, and for damages, as some of them have means. Gave note to Sam, and what McPherson says. I did believe, and do believe, Gibbs innocent of the crime accused of; but minded my own business, and did nothing but my duty as a good, law-abiding citizen, and nothing but what a Christian might do with a clear and approving conscience. I have done nothing that you or any of the connection need blush for, nor what you would not have felt compelled to do under the same circumstances. I am proud and glad to have been able to assist the suffering innocent, even in as humble a manner as I did. My advice and influence has been after the teachings of Christ, and I feel that God approves all my words and acts in this matter. I feel that I have lost and suffered more than the rest of my friends; but I believe that good will come of all: and I have learned not to distrust God or his ways, but have full confidence that, somewhere in all the boundless future, he will make all even, and give me that rest for which I long. The path of duty is the path of safety. I feel it, and shall act accordingly. Many good people are praying for me and my work; and they can do no more; for their hands are tied. I pray constantly to be able to work without fear, and with malice toward none.

"Will be to see you as soon as I can,

² *Ibid.*, p. 308.

but can't say exactly when; but in the meantime, believe me, I will endeavor, by the help of God, to do all my duty and nothing wrong.

"If you have time to write a line to Denver, it would reach me.

Yours very, very truly,
Elias F. Dyer."³

"All of us are together today."

Judge Dyer tells how he is prepared to move against the mob with warrants but that he hesitated to do so only on his own, and there was no one with courage enough to swear them out. He also mentions that some of the mob are beginning to leave the county out of fear, but that those remaining were pretty belligerent.

The next letter came from James H. Johnston, informing the father of his son's death by the hand of an assassin or assassins at half-past eight o'clock on the morning of July 3, 1875. He enclosed a letter from the Judge to his father, his last one:

Granite, July 3, 1875

"Dear Father:

"I don't know that the sun will ever rise and set for me again, but I trust in God and his mercy. At eight o'clock I sit in court. The mob have me under guard. Mr. Gilland is missing this morning, I do not think harm has befallen him. God bless you, my father, in your old age, and in Sam and his boy—in all your children—but you know John bears the name. Bless him and his forever, O my God!

"My love to all friends, and I say I am proud to be your son. There is no cowardice in me, father. I am worthy of you in this respect. God comfort you and keep you always. I am, in this one respect, like Him who died for all; I die, if die I must, for law, order, and principle; and too, I stand alone.

"Your loving and true, and, I hope in some respects, worthy son,

Elias F. Dyer."⁴

The Rocky Mountain News, dated two

⁴ *Ibid.*, pp. 313 f.

³ *Ibid.*, pp. 310 f.

In a letter to his father, dated May 30th,

days later, carried an item from Fairplay:

"This place is the scene of terrible excitement over a tragedy that, used as all are here to deeds of blood, strikes the entire community with a horror not felt for many a day. The feud which has divided Lake County into two factions, each equally lawless, although one purporting to be the representative of order and legal authority, ever since the shooting of Harrington by Elisha Gibbs over a year ago, which resulted in the night attack on Gibb's house on the 22nd of last January, to the mortal harm of two of the assailants, and the final running of Gibbs out of the country, has culminated in the murder of Judge Dyer, of the Probate Court of this County, for no other crime, apparently, than endeavoring to his duty. The particulars, as near as I have been able to collect them, are as follows. Dyer had issued sixteen warrants for the arrest of members of the so-called Committee of Safety, and deputized Doctor Dabbins to arrest them. The latter returned the warrants, saying he had showed them to one Burnett, but had no means of bringing him to Granite. Dyer then deputized a man named Sites, who proceeded to carry out the order. He went immediately to Brown Creek, and arrested, first, Burnett, and afterwards Chaffin, a ringleader of the Safety Committee faction, and a man named Moore. Sites then went up the river to make other arrests, and, on returning to Brown Creek, met Weldon, the sheriff of Lake County, who told him to give him the warrants as he could make more arrests in one day than he (Sites) could in three weeks. Sites gave him the warrants, and last Friday evening the sheriff of Lake County, with about thirty armed men, came to Granite a little before dark. The mob took Dyer to the court-room. Fifteen or twenty citizens followed, but were ordered back. What transpired in the court-room no one knows. When Dyer came out, he was very pale. He immediately went to Johnson's store, and wrote a letter. That night he was guarded, and the next morning the mob again took him

to the court-house. A few moments after entering, they came out, but shortly afterwards, they returned, and, as they were passing up the stairs, four shots were fired. One ball struck Dyer on the arm. When he found himself wounded, he begged for his life; but the assassins finished him by shooting him in the head at the back of the right ear, the ball lodging beneath the left eye-brow. He lived fifteen minutes, and was conscious, but unable to speak. While Dyer lay weltering in his blood, and in the death agony, John D. Coon, ringleader of the mob, bent over him, exclaiming, 'What a horrible murder.' which sentiment is re-echoed by the men hereabouts, who are aching to hang Mr. Coon for his share in the crime. I will endeavor to collect further details of subsequent occurrences as I shall be able to gather them, but do so at the peril of my life, if any of the Committee of Safety learn of my taking such action."⁵

An editorial in the same issue said in part: "The story told in our Fairplay dispatch will strike the entire community with horror. Making all allowances for the exaggeration natural under the circumstances, the account stares us in the face with an apparently unprovoked and cold-blooded murder. At the rate we are going on, Colorado will soon earn a reputation that will make her a stench in the nostrils of respectable people."⁶

An official account of the murder was sent to Governor Routt in Denver, who offered his assistance if and when the facts could be presented in the case.

An editorial in the same paper the next day said rather strongly:

"It is equally an unfortunate thing for the territory at large. There are very few people, especially if they are of an invalid turn of body, from which classes so much of our population has been drawn, who will care to come to a country where probate judges are murdered by committees of safety headed by sheriffs of

the county. Colorado will get a bad name that will render her noisome throughout the nation, unless some effectual measures are taken to stamp out, once and forever, the tendency to resort to mob law that is now so prevalent in many places within her boundaries."⁷

In conclusion, there are three or four other facets to this incident of tragedy.

In this book, *The Snowshoe Itinerant*, Father Dyer also reprints an article from that region's newspaper which was highly critical and even slanderous about his son. He probably did so out of the strict desire to present all sides even though he could not accept them as true. What a rugged character this pioneer preacher displayed!

The Governor did offer a reward of two hundred dollars for the arrest and conviction of those involved in the murder, but on one was ever brought to justice for the crime.

Strange also was the fact that one member of this "Committee of Safety" was elected Probate Judge and was the one to oversee the settlement of Judge Dyer's estate. The way in which it was being handled forced the father to send his other son and lawyer up to Lake County and only by threatening to expose the whole proceedings was anything realized from the estate. The accounts against the estate had just equalled the assets to the dollar.

But stranger yet, ever more strange than fiction, was the recollection of Father Dyer that when he was crossing Mosquito Pass in the middle sixties carrying mail and gold from Buckskin Joe to California Gulch, he had given permission for a man to travel with him. This man had become so cold and tired on the long, arduous climb that he wanted to sit down and rest at the summit. To do so in that midnight cold was sure death, and so Father Dyer tells how he literally kicked the man down the mountain in order to save his life. That man turned out to be a member of the mob that killed his son!

⁵ *Rocky Mountain News*, Vol. XVI, July 6, 1875, p. 1.

⁶ *Ibid*, page 1.

⁷ *Ibid*, Vol. XVI, July 7, 1875, p. 2.

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