

Letter About Joe Devine's Death

Pryor, Colo., Jan 15th, 1910

Felix Plamondon
Fall River, Mass.

Dear Friend,

Yours of Jan 4th received. Also, a letter from Eugene and both received at same time. Mrs. Devine lives a half mile from me, have sent our daughters over three times to tell her we heard from you but she is not at home, think she is in Walsenburg with some of her friends. We are very glad to hear from you and we were afraid our letters would not be sent out for we think they will try to set Payton free as he and a younger brother are the only support of two sisters. It would not be as hard for them to support themselves as it would be for Mrs. Lavigne to care for herself and boy.

You asked who Joe married. He married a Spanish girl about ten years ago, they buried their first two babies, one three weeks old and the second one also quite young. The third child is a boy, nearly seven years old. Samuel is his name, if I remember right, Joe called him after his father. Samuel is a smart boy, dark complexion with black hair and eyes. Mrs. Lavigne talks good English but can not write, only in Spanish. If she could write, you would have had letters from her. Joe was a carpenter, stone mason and blacksmith and an expert in any of them.

He has been a blacksmith in Pryor for three years working for Victor Fuel & Iron Co. and during these three years, he has been deputy sheriff and for five or six years had been deputy sheriff in Rouse, for which he drew a good salary and done no other work. During the time he was deputy in Rouse, he was sent by members of the CF&I Co to Death Valley, Idaho on some business. He was a big man with the company at that time, so the businessmen of Rouse had formed a ring and wished Joe to join them, which of course would have put many dollars in Joe's pocket if he had. They knew Joe was a fearless man, and thought that he would do their dirty work. Joe told Mr. Thomas that as soon as he was asked to join, he resigned and came to Pryor where he worked until his death. You would be proud of Joe Devine if you only knew all. Joe was honest as the sun, owed no one a dollar and there are many who owe him if the truth was known.

Joe Devine owned a three-roomed house where his wife and child are living and another house, which she sold since his death. Also some land in Texas, which Joe drew in a land drawing. She also sold this since he died. She will be obliged to go to work when this money is gone. She is one of the neatest housekeepers, very good-natured who doesn't know anything but hard work. She had a good husband and home, for he only made less than \$150.00 per month and spent his money freely.

Two weeks before Joe was killed (on a Saturday night), Joe was in Pryor Saloon, which was the proper place for him as he was deputy sheriff. John Payton was searching a drunken man's pockets. Joe saw him of course, spoke to him and said "what are you doing, aren't you ashamed of yourself ". Then the young fellow answered him in a dirty

manner. Then Joe called him down in the proper way, telling him how he was, to do such a thing. At that a brother Mickey Payton interfered and was abusing Joe, then Joe, as we were told struck him with his gun a few times and made him go home. Mickey told someone that he would get Joe Devine (which is the name he goes by here). Now if you were here, anyone would tell you that no man dare step up to Joe and offer to fight nor would allow any man to carry a gun without a license. We don't think Joe knew that Payton threatened to kill him. Payton waited his chance and they were all at the Saloon on Sunday afternoon of September 5th. Mickey Payton left a few minutes before Joe and borrowed a shot gun from a Slavonian, went and hid behind Pryor store until Joe came by on his way to supper, which was then 5:30 P.M.

When Joe was even from where Payton was hiding, Payton hollered "ho there", which of course caused Joe to turn and look towards where the sound came from. Undoubtedly, Payton had his gun pointed square on him when he called to Joe. He first shot him in the forehead, about an inch and a half from the middle of the forehead. This mark -V- lower corner turned upward will show you the size and shape of the wound which dazed him or else Mickey would not have been able to have fired the second time. Joe threw his hand back on his hip pocket when Payton fired the second shot, striking him in the chest and stomach. Joe fell against the fence and was in a sitting position with his hand under him. Our Pryor company doctor, who had just passed Joe and was about 50 feet away, turned and saw Joe fall. The doctor ran to Joe's assistance. Payton, running toward Joe at the same time and tried to shoot him again while he was dying. The doctor and others lifted him into the doctor's buggy, in 8 minutes he was dead and before he reached home which was not over two hundred yards away.

Walsenburg, our county seat being 11 miles from here, took the sheriff two hours to get here for Payton. Held coroner's inquest Monday morning and pronounced it cold blooded premeditated murder. Payton had his first trial in October. The jury stood one for conviction. We have no law in Huerfano County, for this man would have been hung before now.

I could tell you of a dozen murders, like one where men have gone to the pen and only served a year or two. In this same Pryor Saloon, a man shot two men and put a bullet through the third man's hat and served 18 months in Carson City.

Mr. Thomas said it would not cost you folks anything to fight the case, as it is a state case and the prosecuting attorney has the case. If only we could see this man Payton hang, is the wish of many here. The same fellow has been in saloon fights many times before. If you wish to write Mrs. Lavigne, send letters in my name and I will read them to her and do her writing. She may have a photograph of Joe, herself and boy, which she could send you for some keepsake.

She has several photos of Joe in different ways. Also, she has a photograph of a brother of Joe's standing. If I remember right, at a carpenter's bench and this brother is a perfect image of Joe, only taller.

Another photo shows a family group of his father, mother, brother's wife and children. She said she thought so much of those photographs. We went over to see him as soon as we got the news of his death. They were then waiting for the ambulance (10:30, Monday morning) to take the body to Walsenburg, in which city he is buried. I saw

the wounds, not less than 30 buckshot entered his chest and stomach. Payton must have shot high for only one shot touched his head. If this one shot had not taken effect, Joe would have killed Payton (everyone thinks so).

Joe told Mr. Thomas that he was a French Canadian, he was a Catholic, I think his wife is a Catholic. He could speak French, Spanish, English, some Slavonian and Italian. All together, Joe Devine was a smart man and we all miss him.

He also told us that he had not seen his folks for many years. He dressed well, always wore a black stetson, a nice looking man and always had a pleasant word for everyone. He did not look a day over 40 years, though I don't know his age. As it is now ten minutes past midnight, I will draw this letter to a close by saying that I will answer any and all letters, which come from you addressed to either Mrs. Lavigne or me.

Mr. Plamondon, you will do me a favor by sending this letter to Joe's brother Eugene, as it will save me writing two and I am not much of a hand at writing. It takes me so long to write.

I have told you all I can think of and tried to tell everything so you will understand. Payton's final hearing comes in February, I think. Will write you soon again.

Very Res
Address Rouse, Colo. As before
Mrs. E. A. Thomas