

Jailer Edward Innes

Mesa County Sheriff's Office

September 27, 1906

Jailer Edward Innes, 28, was working in the county jail on Wednesday, September 26, 1906, just after the prisoners evening meal. Innes was in the hallway observing three inmates in a cell playing cards when he received several blows in the back of the head, with a piece of wood, from another prisoner. That prisoner was John (AKA George) McGarvey who was a trustee out of his cell helping with the evening meal. Jailer Innes fell to the floor while McGarvey took the jail keys and a 'big six shooter' from Innes, threatened the other inmates and escaped from the jail. The other prisoners hollered out the windows of the jail and summoned help which arrived within a few minutes. Innes was moved to the Sheriff's house next door to the jail and was treated by Dr. Parker and three other physicians. They advised that he had a severe concussion and head injuries, and unlikely to survive. His mother stayed at his side but he only regained consciousness a couple of times before dying at 11:40 PM the next day. McGarvey had been a prisoner for about five months and was being held for criminal assault on a 9 year old girl who was the daughter of a local hotel keeper. He had been sickly and was a small man weighing only about 130 lbs which may be why he was a trustee at the jail. His assault case was due to come up during the October term of the District Court.

Mesa County Sheriff Struthers, Undersheriff Hardy and Deputy Knowles immediately began a search for McGarvey. The news travelled fast and a \$500.00 reward was offered for his capture. Various reports were received claiming to have spotted the wanted man however those leads proved to be incorrect. The Coroner's Jury met on Saturday, September 29th and their verdict was "...that Jailer Innes had met death at the hands of George McGarvey, and that it was a case of felonious killing." Coroner Hanson issued a warrant with a charge of murder which was given to Sheriff Struthers. One of the false reports led to a group of 150 men surrounding, and searching a large swampy area near the Steele ranch on Saturday night however no trace of McGarvey was found as he was over 20 miles east of there.

Rancher William McDowell captured the escaped man at his ranch, 2 miles from De Beque, on Sunday morning. He stated that McGarvey came to his place about 8 AM on Sunday morning asking for a job then offered to work for a meal. McDowell had him chop wood while McDowell's wife prepared a meal for him. McDowell had heard of the escape and phoned De Beque [perhaps the switchboard operator] to get a description of the escapee then sent his wife to the nearby Allen Hight ranch for assistance from his neighbor. McGarvey came into the house, ate breakfast, and walked out with McDowell following him. McDowell grabbed his shotgun, pointed it at McGarvey and told him to sit down so he could look him over. McGarvey did as requested, but then turned to roll a cigarette letting his hand get close to his coat pocket. McDowell told him to get his hand away from his coat and kept him covered until Hight arrived, searched McGarvey and discovered the revolver that later was determined to have been taken from Deputy Innes. McGarvey was then marched into De Beque and placed in the De Beque jail until Undersheriff Hardy and Sheriff Struthers arrived via train a couple of hours later and they took their prisoner on to Glenwood Springs and placed him in jail there.

McGarvey's statement of his travels the previous days were that he had gone northeast through town, past the fairgrounds, after leaving the jail and walked most of Wednesday night then hid out near Palisade on Thursday evening and Friday. He hitched a ride on an E/B freight train west of Palisade on Friday night but was kicked off by a conductor near De Beque Canyon. He stayed near the Cameo coal mines Saturday night before going to the McDowell ranch on Sunday morning.

Funeral services for Edward Innes were held on Sunday, September 30, at 3:00 PM at the Innes family home at 755 Ouray Street in Grand Junction. The newspaper noted that it was the "largest attendance that has marked a funeral service in Grand Junction in recent years." Burial followed at the Orchard Mesa Cemetery and was reported that "it was of the longest funeral processions ever seen in Grand Junction." The Grand Junction band led followed by the funeral car, fire vehicles, and carriages totaling nearly 70 vehicles. Jailer Innes was born on November 23, 1877 in Butler (Bates County) Missouri and was the only child of William and Lucy Innes. Ed Innes had served as a jailer for 17 months after previously serving as fire chief of Grand Junction from Oct 21, 1902 until April 26, 1905.

The October term of the District Court began on Tuesday, Oct 2nd with numerous cases on the docket. McGarvey was ordered to be held without bail while other cases were dealt with. The next day McGarvey was returned to Grand Junction from Glenwood Springs, arraigned on the charge of Murder and James S. Carnahan Esq. was appointed by the Judge to represent him. Attorney Carnahan requested a delay so that McGarvey's father could arrive from New Jersey but "District Attorney Selig objected on the grounds that there should be a speedy trial under the circumstances." A jury was impaneled and the prosecution presented its case. The murder weapon was exhibited, an 18" piece of a split 2x4 with a large knot in the end, and several of the prisoners that were in the jail testified to the attack. Closing arguments were held over to Thursday morning and the case went to the jury in the afternoon. The jury deliberated for two hours before announcing they had reached a verdict. It read as follows: **"We find the defendant, John McGarvey, guilty of murder in the first degree and fix the penalty at death."** Sentencing was held over to the next day.

On Friday, Judge Theron Stevens passed sentence on John McGarvey after a scathing verbal commentary. The judge noted that McGarvey "was young in years but old in crime." "You have had a fair and impartial trial," said the court, "twelve good men whose honesty and integrity cannot be questioned, as good and fair a jury as could have been selected has heard the evidence and found you guilty of murder. You have had eminent counsel," ... "the district attorney and all concerned have provided you with a fair, a just trial." The judge then denounced the murderer in no uncertain terms. "You should be wiped from the face of the earth, you are a disgrace to your fellow men. Had you one hundred lives the taking of them all could not atone for the foul crime." He then went on to speak of the splendid character of Edward Innes, the only child of an old couple with a bright future ahead of him. The judge finished his comments by telling McGarvey that he would be taken to the penitentiary at Canon City and hanged during the week of January 7, 1907. Before pronouncing sentence he asked the prisoner if he had anything to say. McGarvey answered "NO". Judge Stevens closing words were: **"John McGarvey, it is the judgment of this court that you be hanged by the neck until dead and may God have mercy upon your soul."**

John McGarvey was received at Canon City on October 6, 1906 and became prisoner #6636. His prison booking sheet indicates that he was a bricklayer, born in Scotland and that his father was living in Long Branch, NJ. John McGarvey was 23 years old.

John McGarvey spent his last 3 months alive in solitary confinement in cell #25, cell house No. 1. His last hopes were that he would receive 'executive clemency' from the governor. The Board of Pardons received his request to appeal to governor but denied it. Governor McDonald determined that he would not interfere with the death sentence. McGarvey's last hope was, the inauguration of Governor Buchtel taking place on January 8, 1907, that the new governor would grant clemency since he was a former Methodist minister. Governor Buchtel responded in writing to McGarvey and a portion of his letter read as follows: "I am heart broken over the circumstances which make it absolutely necessary to deprive any man of his life but I have no reason for mitigating the sentence of the court in this case." After hearing the letter read to him McGarvey stated that he was resigned to his fate and willing to give his life to make amends for his crime.

John McGarvey was hung at 7:28 PM on Saturday, January 12, 1907 when Warden Cleghorn gave the signal and the automatic hanging machinery went into motion. After the plate the prisoner was standing on shot back, McGarvey was left hanging in the air. His body was allowed to hang for 18 minutes before the doctors present pronounced him dead. Two minutes later his body was cut down and an autopsy was held. The doctors stated that he was dead within 4 minutes after the trap had sprung. No contortions were reported and the death certificate was signed while the body was still suspended in the air. The execution was witnessed by Mesa County Sheriff Schrader and Dr. Parker. The citizens of Grand Junction got the justice they wanted in this case. McGarvey was never tried on the Criminal Assault charge.

Keith Dameron, Historian

Colorado Law Enforcement Memorial

Sources:

The Daily Sentinel, Grand Junction, CO – Various issues September 27, 1906 to January 14, 1907.

US Census – Mesa County. CO 1900 & 1910; and Long Branch, NJ 1900.

Museum of Colorado Prisons - Canon City, CO.

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