

## The OutlawBrothers

By Mike Milligan

Outlaw/Counterfeit Cave in Westwater Canyon is riddled with many unanswered questions. The cave is said to be manmade and dug out in the 1860s or 1870s during a time when the region was mostly uninhabited by settlers.<sup>1</sup> It wasn't until the early 1880s that small communities developed along the newly laid tracks of the Denver and Rio Grande Railroad at Cisco and an inland site at West Water.<sup>2</sup> Neither of the settlements was near the Grand (Colorado) River. Utes occupied Grand Junction area until they were forced to leave for a reservation in 1881. Some mining booms were reported in the early 1880s at Westwater and one source reported counterfeit coins were produced in the cave sometime during that decade.<sup>3</sup>

The region began to settle mostly along the railroad tracks and major crossings of the Colorado and Green Rivers. Outside of the settlements the area was desolate harsh country and was ideal for outlaws to hide out. Between 1880 and 1900 there were numerous news reports of horse thieves in Colorado and Utah escaping the law by herding stolen horses into the Dolores Triangle; Westwater being along the Northwestern border of the triangle. Lawmen were reluctant to pursue outlaws after outlaws entered the Triangle because of the terrain and incalculable locations for bandits to hide or ambush them. An unsubstantiated story related to Outlaw/Counterfeit Cave is that horse thieves would leave their stolen horses on top to pasture between Little Dolores and Marble Canyons while they holed up in the cave. This could explain wild horses that were found in the area.<sup>4</sup>

Outlaw Cave derived it's current name from a handed down story that was told to Dee Holladay of Holiday River Expeditions. Residents of former towns of Westwater and Cisco named it Counterfeit Cave because of the Spanish counterfeiters. Dee began commercially running Westwater in 1966 and fortunately he began gathering history about the Canyon. He befriended Ray and Mary Rose who leased the Rose Ranch upriver of the Cisco boat

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<sup>1</sup> Harold H. Leich diary, 17 August 1933, University of Utah Special Collections

<sup>2</sup> Initiall the Denver & Rio Grande Railroad was narrow gauge and established a water stop approximately ten miles inland near the Westwater Exit 227 off of I-70. In 1890 the railroad switched to standard gauge and moved the location neared to the river changing the name to Westwater. The former railroad settlement was approximately a mile from the current Westwater boat launch.

<sup>3</sup> Harold H. Leich diary, 17 August 1933, University of Utah Special Collections

<sup>4</sup> Holladay, Dee

landing. Ray told him that the previous owners claimed that two brothers robbed a bank in Vernal at the turn of the twentieth century and hid out in the cave until one of them died from wounds he received during their escape. The brother's death also explains the possible grave found a half mile downstream in Marble Canyon.<sup>5</sup> The story may or may not be real. We do not have any evidence documenting it.

As far as we know Chloe and her son's Charles and Roscoe Hallett are the original owners of the Rose Ranch located at mile 111 on the Canyonlands River Guide. Chloe and her husband Charles H. Hallett initially homesteaded land near the head of Westwater Canyon in 1892. By 1900 a widowed Chloe and her two sons had moved downstream to the Cisco area. The story that Dee was told is that the Vernal bank robbers resided in the cave during the winter and that the Hallett's helped take them food and supplies. The winter was harsh and froze parts of the Colorado River. Where the River was frozen they used ice skates to deliver the supplies.<sup>6</sup>

The Hallett boys lived in the area most of their lives and were acquainted with the canyon; Roscoe assisted with a government survey of Westwater Canyon. If it wasn't Vernal bank robbers then possibly the facts have been distorted through the years?

Perhaps the story evolved from a different set of brothers and instead of a bank they robbed a train. Perhaps it relates to the first robbery of a Denver and Rio Grande Railroad train on November 3, 1887.

We learn of brothers Bob, alias Ira, and Jack Smith two years earlier in 1885 when they may have been involved with the murder of rancher Sam Jones of Unaweep Canyon, Colorado. On May 19, 1885, Sam Jones saddled his horse and left his ranch headed for Silverton, Colorado, where he anticipated receiving several thousand dollars from a lawsuit. He never made it back home. His decomposed body with bullet holes in it was found in the West Creek area of Unaweep Canyon where it was dumped over a precipice. Bob Smith was the man who located the victims bullet riddled vest and where the body was dragged and sent over a cliff. He also implicated Jones's partner, John L. Campbell, who was convicted of the murder. Bob's innocence was questioned in 1891 during a retrial for John Campbell where additional

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<sup>5</sup> ibid

<sup>6</sup> Milligan, Mike, *Westwater Lost and Found*, 2004, Utah State University Press; Page 58, 88-96.

evidence was presented possibly implicating Bob and his brother. A story of the incident appeared on July 18, 1891, in the *Grand Valley Sentinel* and revealed an additional note about Bob and Jack Smith escaping capture after robbing a train in 1887 by “sailing down the Gunnison River into the Grand (Colorado) River and on to the Utah Line.”<sup>7</sup>

On the morning of November 3, 1887, Bob with his brother Jack Smith, Ed Rhoades, and Bob W. Wallace (Boyle) robbed a Denver and Rio Grande (D&RG) train near the Unaweep switch a few miles east of Grand Junction, Colorado. It was the first D&RG train robbery after the railroad was established seven years earlier. The robbers had an ingenious getaway plan involving a boat that was frustrated by some bad luck and by a relentless sheriff that resulted in them being pursued for over two months under extreme weather conditions all for a measly \$150.

The Salt Lake express train was headed for Delta, Colorado, when it slowed down shortly after 1:30 AM to make a sharp turn near Unaweep switch after the engineer Ed Malloy observed rocks and railroad ties blocking their path. Bringing the train to a stop, the Malloy and the train’s fireman Fred Sellinger were immediately accosted by four masked men and told to get down from the train. While one of the outlaws held a gun on the engineer and fireman, the others approached the mail car waking the mail clerk H.W. Grubb who didn’t realize what happened until he too had a pistol pointed at him after opening the car door. The outlaws ransacked the mail looking for cash and valuables. Finding nothing of real value they then proceeded to the express and baggage car. The baggage master Dick Williams recognized that the train was being robbed and resisted opening the door until the robbers threatened to dynamite it. Inside there was a small safe with approximately \$150 and a larger more secure safe with more than \$3,000. After his life was threatened the baggage master reluctantly opened the smaller safe. However, he was unable to open the larger safe because he did not have the combination for it. For security against such acts the D&RG Railroad prohibited giving the combination to anyone on board the train and it could only be accessed at certain stopping points along the route. Apparently the train robbers did not have dynamite. After thirty-five minutes the discouraged robbers conceded defeat recognizing they could not open the

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<sup>7</sup> Is He Innocent? The History of a Crime: John L. Campbell a Victim of Circumstances, Grand Valley Sentinel, 1891 July 18

larger safe and disappeared into the night with a much smaller haul than they anticipated.

Later that morning a Grand Junction posse arrived at the scene of the robbery. Spreading themselves out at the Unawep Switch, the posse unsuccessfully searched the entire area for tracks from the outlaws and finding none they disbanded after a couple of fruitless days. The morning of the robbery the railroad telegraphed Gunnison Sheriff Cyrus (Doc) Shores to assist in capturing the bandits. Doc Shores also doubled as a deputy United States Marshall allowing him jurisdiction to investigate crimes in other counties. The D&RG Railroad desperately wanted to make an example of the robbers and turned to Doc Shores for his renowned tracking abilities..

Arriving at the scene Sheriff Shores was initially perplexed. He and his brother-in-law M.L. Allison of Grand Junction spent two days circling the area along the railroad tracks that followed alongside the Gunnison River to Delta. The switch was at a point where the Gunnison River is generally too deep to ford with horses yet without any tracks Shore's began to suspect that the outlaws must have come from the other side of the river. Allison surmised that the "train robbers had wings."

The next day Shores and Allison ferried their horses across the Colorado River at Grand Junction and after another thorough search late in the day they discovered two separate sets of footprints along the river bank on the opposite side of the Gunnison River, upstream of where the incident occurred. To confuse the trackers the robbers separated into two parties and as they emerged from crossing the river each pair in the group followed the lead person's footsteps onto dry land for a distance hoping to dissuade anyone tracking them from believing they were the four train robbers. Sheriff Shores did not fall for their trickery. However, he found it unusual that they were on foot and didn't have horses or another means of transportation on the other side of the river.

Returning the following day Sheriff Shores and Allison found where the four sets of footprints converged and entered into Bangs Canyon. The lawmen tracked them over difficult rocky terrain for twenty miles into Bangs Canyon until Sheriff Shores was convinced that the outlaws were headed to the Dolores River area "where it would be good country to hide out in." They needed to get there first.

Returning to his home in Gunnison Shores arranged for better horses and had them shipped to Whitewater where he and Allison were joined by special agent for the D&RG Express Company, James Duckworth. Riding through Unaweep Canyon their party made better time and reached the Dolores River near Gateway that evening hoping to intercept the outlaws. Instead they learned that they were a couple of days behind the outlaws who were headed to Sinbad Valley near the Utah border. Near Gateway they met a cow camp owner Tom Denning who they persuaded to join them because of his familiarity with the region. The four men led by Sheriff Shores continued their ride to Sinbad Valley and arrived at a summit overlooking the valley just before dark. They then followed a steep Ute trail down into the valley that caused their horses to slip several times. Once they reached the bottom inclement weather struck and a hard rain came down. They shot their guns into the air a few times in hopes that someone living in the valley might offer them shelter but there was no response. They stopped to get out from under the rain. There was no dry wood to make a fire so they kept warm by huddling together and draped their saddle blankets over them.

The next day the rain turned to snow. In the Valley they located a cabin that was being used to make bootleg whiskey. The cabin was being lived in but the occupant stayed away for several days while Doc Shores and his posse waited for the snow to subside. The severe weather affected James Duckworth who wound up getting pneumonia and would later die from it. The outlaws who were on foot had fared worse in the inclement weather and chose to double back and returned in the direction they came from to the Gunnison River and lower elevations.

After several days the lawmen traveled south toward the Dolores River where they suspected the outlaws were going. Reaching Paradox the lawmen inquired about the four men but there was no sign that they made it that far. With Duckworth ill and no sign of the outlaws they decided to return to Grand Junction. Unfortunately the route back to Unaweep Canyon was blocked by ten to twelve feet of snow that fell during the storms. Forced to continue south they rode to the Dolores River then followed it to its confluence with the San Miguel River. Snow continued to fall and they stopped for a few days at a ranch near a placer mining town of Uravan. At Placerville they split up for Doc Shores to get help for Duckworth. The two men took a stage to a former railroad town of Dallas where Duckworth took a train to Denver and later died. Doc Shores then met up with Allison and Denning at Montrose and they continued toward Grand Junction stopping at

Delta where they learned from residents the identities of the robbers and that a boat was involved. Up to this point Doc Shores questioned why the outlaws were on foot. Now he knew.<sup>8</sup>

The Smith Brothers, Rhoades and Wallace (Boyle) met shortly before the train robbery while working on the Midland Railroad in Carbondale, Colorado. The Smith brothers would have been familiar with much of the area having worked in the State for a couple of years primarily in Mesa County and along the Western border and Eastern Utah on ranches and herding cattle. Rhodes did some mining at several locations throughout Colorado and spent time in Grand Junction. Robert Boyles was a bit more reserved about his whereabouts and unbeknownst to his comrades they only knew him by an alias name Robert Wallace.

While working in Carbondale they developed an ingenious plan to rob a D&RG Railroad train and escape by boat on the Gunnison and Grand (Colorado) River. The plan may have been conceived by the Smith Brothers possibly a year earlier where several newspapers reported that they went down the Colorado River to Arizona the previous year. Quitting their employment they traveled to Delta and built a boat.<sup>9</sup>

Describing the strangers Delta residents said that the four men came to their town shortly before the train robbery. They were on foot leading a black pack horse with supplies. They setup a camp along the Gunnison River outside of town and proceeded to build a boat. The project attracted attention and had townspeople stopping to observe the boat's progress. For several days while the boat was built the strangers shared some information about themselves from their casual conversations with the onlookers and other enlightenment including their names was overheard when the strangers spoke amongst themselves.

A day or two before the robbery Jack Smith sold the pack horse to a resident and the four men loaded the boat with guns and supplies then launched it onto the river and headed toward Unaweep switch where the robbery was planned.

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<sup>8</sup> Rockwell, Wilson editor, *Memoirs of a Lawman*, Sage Books, 1962; pages 145-185

<sup>9</sup> *Caught At Last: Capture of the Denver and Rio Grande Train Robbers*, *Deseret News*, 1888 February 08; Page 14

After hearing the evidence presented by the Delta residents Doc Shores now had the suspects' names and the means for an escape. He surmised that something must have happened with the boat. For the numerous times that he and Allison searched the banks along the Gunnison River near the switch they did not see any boats. Later after the outlaws were captured they related to Doc Shores that "the boat was caught in an eddy near Whitewater and capsized. Although the occupants managed to right the boat and salvage their role of blankets as it floated downstream, they lost all of their Winchesters and shotguns which sank to the bottom of the river."<sup>10</sup> They retained their pistols; however, they felt that they needed shotguns to pull off the heist. Their plans disrupted the men then rowed the boat down to Grand Junction where they hid it along the bank of the Grand River. To avoid suspicion they shaved and cleaned themselves up then went into town to purchase the necessary weapons. Leaving the boat hidden along the bank they walked three miles up the road to the Unawep switch and the holdup. Arriving at Grand Junction Doc Shores, Allison and Denning searched the banks of the Grand River and located the boat. The outlaws were still in the area.

Returning to his hotel in Grand Junction Doc Shores received a message from an agent with the Denver & Rio Grande to investigate a report that the outlaws were seen at Raven's Beak that was north of Palisades along the Grand River. Inclement weather continued to affect the men as they left immediately during the night for Raven's Beak. Partway they found a cabin to stay in supposing it was warmer than the frigid weather they were in. Unfortunately the cabin was like an ice box and all of the men caught colds. Raven's Beak was a false alarm. All the men returned to Grand Junction where Tom Denning was hospitalized with pneumonia, Allison returned to his work and Doc Shores took time to recuperate from his illness. Having gone through extreme harsh conditions Shores could not help but believe that the outlaws had suffered more and had likely turned back having been on foot. After Shores sufficiently recovered he returned to the boat and it was gone.

Working alone, Doc Shores tracked the outlaws down the Grand River. "It did not take me long to find where the boat had been dragged over the ice and snow in the unnavigable portion of the stream. The tracks of the men who pulled the craft were about a week old.

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<sup>10</sup> Rockwell, Wilson editor, *Memoirs of a Lawman*, 1962, Sage Books; Page 166

I rode down the Grand as far as Cisco, Utah, where I was told that four men had been seen coming down the river in a boat. Later they came into town and caught a freight train going west. The next day I rode westward into the town of Green River where I again inquired about any strangers...”<sup>11</sup>

There is no testimony describing the conditions the robbers experienced while travelling by boat. After three of the outlaws were captured they told Sheriff Shores, that “they had been living out doors like wild animals and suffered a good deal of hardship and privation long enough to be glad to be taken in and kept where it was warm and given something to eat.”<sup>12</sup> As described before at points on the Grand River they had to drag their boat across ice, otherwise, they traveled in it. There were two locations within the Utah border that the robbers could have boarded a train. One was at the head of Westwater Canyon where a small railroad stop was inland about ten miles from the river and the other was at the mouth of the canyon at Cisco. It appeared that they wanted to continue by boat but there are a couple of news reports that indicated the boat may have been sunk. At Green River/Blake one of the robbers hired a German immigrant to steal lumber and take it downstream to a designated location on the Green River for them to build another boat. Unfortunately, the German was captured and put into jail by Constable Farr of Green River after his makeshift raft hauling the lumber caught on a sandbar. After the German did not arrive with the lumber the robbers left.<sup>13</sup>

The Smith brothers and Ed Rhodes stayed together and were soon captured around January 10, 1888, at Woodside, Utah, by Sheriff Shores and deputies M.L. Allison and Sam W. Harper of Gunnison and Tom Denny of Grand Junction. The Gunnison Review Press reported; “Very little property of value was found upon them or in the dugout. They had no guns but four revolvers, \$6.50 in cash, only a pair and a half of blankets between them and were about out of grub, their boots were about worn out and their feet were protected by rawhide sewed or laced over their feet. They had evidently had a hard time.”<sup>14</sup>

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<sup>11</sup> Ibid; page 168

<sup>12</sup> The First Train Robbery on the Denver & Rio Grande Railroad in 1887, unpublished manuscript by S.W. Alias “Doc” Shores, Denver Public Library

<sup>13</sup> The First Train Robbery on the Denver & Rio Grande Railroad in 1887, unpublished manuscript by S.W. Alias “Doc” Shores, Denver Public Library

<sup>14</sup> The Train Robbers: Captured by Sheriff Shores’ Deputies, Harper and Allison. They are Securely Lodged in the Gunnison County Jail., Gunnison Review Press, 1888 January 12; Page 1



Later that month on January 26<sup>th</sup> Sheriff Wells captured the fourth train robber, Bob W. Boyle who was working near Price, Utah.

The similarities of the story told of Vernal Bank Robbers escaping to Westwater's Outlaw/Counterfeit Cave and the D&RG Railroad train robbery are intriguing. The Hallet's would not have been around to help them if they had stayed in the cave. They did not arrive into the region until 1892 when both Charles and Roscoe were children. However, some unknown individual may have lived near the Cisco pump station at the time and possibly helped the robberies, and relayed their story of the two outlaw brothers. Regarding the story about one of the brothers being injured, Jack Smith was wounded in his cheek from an accidental shotgun blast from Ed Rhodes while they were hiding in Bangs Canyon. When it happened the wound looked like it could be life threatening. Concerned about his brother, Bob Smith left to go to Grand Junction for help. When he arrived at the Gunnison River and saw a posse he changed his mind. While Bob was gone Ed had cleaned up Jack's wound and bandaged it as best he could. Jack was sitting up smoking a cigarette when Bob returned.

The weather conditions described by Sheriff Doc Shores match those given by Ray Rose to Dee Holladay. Part of the river was sufficiently frozen for a boat to be dragged over it, or for somebody wearing ice skates to deliver supplies to the wanton robbers.

During most of the time that Doc Shores was pursuing four unknown train robbers. There were reports that six men were involved with the robbery. On December 27, 1887, the Denver Republican reported, "Two of the gang who stopped the passenger train on the Denver & Rio Grande Railroad in October last near Grand Junction, Colorado, were captured yesterday at Vernal, Uintah County, Utah..."<sup>15</sup> The two men that were arrested were later released after learning the truth about the robbery. Could this be our Vernal connection?

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<sup>15</sup> Capture of Two Express Robbers, Gunnison Review Press, 1887 December 29; Page 1