

WILLIAM HAROLD LUBY son of Hugh W. and Magraret C. "Maggie" (Dunbar) Luby. Born in Leadville, Colorado on May 9, 1892. Family moved to Minturn 1895. Grandson of John & Jennie (Quinlick) Luby, Irish pioneer miner in Leadville. Married to Bessie Mae Beam August 6, 1927. Died February 17, 1970 in Denver, Colo. Father of two sons: William Joseph Luby, born May 7, 1928 d. Aug 13, 1996 John Hugh Luby, born May 6, 1931. Brother of: Earl D. b. April 1, 1891 d. May 12, 1891, Corrine b. 1893-3, Jacqueline (b. October 1894 d. May 7, 1934), Gene Kenneth (b. May 1, 1904 d. Oct. 7, 1979). Jacqueline died of cancer in 1927 and Gene died several years after a stroke. Gene throat cancer--recovered. Attended school in Minturn, Leadville, and Gypsum Colorado and graduated from high school at Gypsum from Eagle County High. Graduate of University of Colorado Law School in 1914. Practiced law at Denver with Geo. Manley, Dean of Denver Law School, then at Red Cliff and after service in World War I in France & Germany, practiced law at Red Cliff and Eagle, Colorado when county seat moved in 1921. Served in U. S. Army in World War I, in France 1918-1919 in the 341st Field Artillery, 89th Division as a corporal, developed stomach ulcer. Elected district attorney of 5th Judicial District, Colorado, 1920 and served for twelve years. Elected District Judge of 5th Judicial District in 1934 until resignation January 10, 1969, after a stroke. Was one of Colorado's outstanding authorities in water adjudication. Member of American Legion, the 40 & 8, the Last Squad. CU Alumni Association. Hon. Life Member of Colorado Bar Association. Castle Lodge 122, AF&AM mason. Protective Order of Elks in Leadville. Eagle Lions Club. Boy Scouts of America holder of the Silver Beaver award. Republican party member and candidate--last election at age 72. Presbyterian Hospital in Denver with stroke, developed gangreen of toes from bed sores, diabetes complications, had front of feet cut off. Died in Davis Nursing Center, Denver, February 17, 1970; 77 years, 9 months, 11 days old. Buried in same plot with wife Bessie at Ft. Logan. He had a bad heart, was diabetic, lost his stomach to ulcers. He was 5'4" tall, small frame, bald, a smoker, drank some, loved fishing and hunting, very strict father, and was very intelligent.

BESSIE MAE (BEAM) LUBY daughter of Midas Henry Jackson Beam and Virginia Ann (Burk) Beam. 5'2" tall Born January 10, 1904 in Boston, Arkansas. Older brother was Cecil Beam. Married William H. Luby, August 6, 1927. Died March 1, 1966 in Eagle, Colorado. Father Jack was killed by a neighbor in a fight over a still he had. He was shot and then burned in November of 1904. Virginia re-married in a short time to Mr. Frank Alvord (an older gentleman) and had two children by Frank--Ann and Florence. They moved to Colorado (Gilman and later Eagle) where Virginia ran a resturant and later cooked for the rich and famous Maytag's and Love's and Col. Chitendon in Colo. Springs.

Bessie attended schools in Eagle, Colorado and graduated in the class of 1923. She attended college at Ft. Collins at Colorado A & M for a year and studied home economics. She was an outstanding cook. At one time she worked in Colorado Springs in a candy factory. Mother of two children: William Joseph Luby and John Hugh Luby. Grandmother of: William Frank, Mary Katherine, Michael Edwin, Elizabeth Ann, and Patricia Susan Luby. Bessie was small, 5' 2" tall, and weight about 100 pounds. She had long dark brown hair that fell below her waist when she was young. She was a real beauty. As a youth she took part in many plays and productions at

school. She was a good wife and mother, worked hard keeping house and raising fruit and vegetables and had a fine flower garden. She was a good neighbor and few ever went hungry who came to her home. Died March 1, 1966 at home, in the bedroom closet. She fell and strangled. She had been having blackouts quite often and when she fell, hit her head usually. She was home alone at the time.

Cases I remember (as I told Judge Hart 9-4-97, Dad had instructed me to destroy all his personal files after his death, I did so.)

James Bresnahan age 15, from Brighton, CO tried in Summit County. Beat his mother to death with a bat, then his father came along and he beat him to death with a tree limb. His grandparents paid for his defense. Parents would not let him have a car. Given 2 life sentences (ten years then) in Canon City Pen. Dad visited him after kid said he could do the time standing on his head. Changed his mind soon after he arrived.

Dad had to sentence many people, young, old, men, women. Most people think it will be easier for a panel of three judges to decide a death penalty--Dad would tell you no! One or three, it is very hard to do. Jim Sherbundy was the only one I think he would have wanted to get death for killing his friend Oscar Meyers. As a judge, he did not just send one off to Prison or Reformatory, he visited those places, too, often in peril of his life. One of the worst type trials were divorce for no matter how it is decided one or both parties will not like the outcome. In Salida, I attended court when he had 25 divorce cases in one day. This was prior to so-called "no-fault" cases. Each side got up and tore the other apart. One woman of 25 years of age, had five children in five years and wanted custody--where did the love go?

He prosecuted a case where he won the case on a fingerprint he found. Not many at the time had knowledge of fingerprinting. I seem to recall Eldon Wilson with his dad Murray Wilson studied the art of fingerprinting.

On 9-4-97 I enjoyed a talk with the Court Reporter. She showed me her computer program to check spellings on transcripts put directly on the computer from her stenotype machine. I told her about a water case on the Blue River that ran eight years. Leo Fessenden was the reporter, and he became ill. They sent his notes (some Gregg, some Pittman, Some Blackstone, and a bit of his own shorthand outlines) around the country to see if someone could read it verbatim--no one could. Had he died, the case would have had to be retried. Notes, then were not transcribed until the case was decided. Jack Roach was his next reporter and he took stenotype, which his wife Nina could also transcribe. The speed a reporter has to take notes is still 220 words per minute, whether on stenograph or by shorthand notes. You will note that in the Federal case of Tim McVeigh, you could see the day's transcript that night on the Web.

One of Dad's water cases was water flowing over the Continental divide, and he ruled--if God had wanted the water to flow that way He would have made it so. He was overruled by the Colo Supreme Court (but I still think he and God were right.) From early on, Dad advised the towns of Eagle County to file for their water rights, before some joker from

Denver, Colorado Springs, or Aurora with lots more money than brains took it.

You can verify this with Judge Hart--he tried cases before my father, Bill Luby was a stickler for detail, accuracy, proper form, spelling, etc. He was fair but impartial. For 35 years on the bench in the 5th Judicial District in Eagle, Lake, and Summit Counties (later also in Clear Creek County). Before that he was the District Attorney for 12 years. He served at the pleasure of the people of this district and once was even the candidate of both parties, as the Democrats refused to let a man run that wanted to. He believed you should give a firm handshake and look the other person in the eye.

He campaigned personally in the district and seemed to know almost everyone by name. One time over in the Bond-McCoy area he called on a man he knew was a democrat and would probably not vote for him. He knew he had a dog so he looked around as he went thru the gate and up on the porch, then after knocking he heard giggling but no door opened when all at once he saw the dog and he lit out for the fence a car. Dad escaped the dog. Later after a month or two he heard the man took his harvest money to Denver and got a new suit and hat. When he came home the dog did not recognize him and bit a large hole in his new pants.

Size-wise Wm. H. Luby was not a giant, at 5' 4", bald since mid-20s, a fighter in athletics or life for the rights of people. He played basketball (although mom said he seemed to crawl a lot on the floor), football with very little padding, baseball, boxing for self-defense. One time George Brown a reporter from a Denver paper, (you might also remember he was Lt. Gov. a short time) called during dinner and demanded my mother put dad on the phone. Dad took the phone and told mister Brown that if he ever spoke to his wife like that again he would find him in contempt of court and put him in jail. Dad preferred to try a case in court--not in the newspapers.

As a public official, he believed in privacy in non-public matters such as health. When he was ill for six weeks with tick fever, or when he had his stomach removed because of ulcers, he did not want a lot of talk about his health because he intended to soon get back to work. Only when my brother Bill had to tell him he must resign, did he give up hope of recovering from the stroke. I remember he was in the VA hospital at Fitzsimons and during the WWII he tried to call home and they asked his rank--you had to be Sgt. or better. He said Cpl. and the operator gave him a field promotion to Sgt. to get a priority call.

Those ulcers began with his trip by cattle boat to Europe. He, and everyone else were sick. He only ate Hersey bars and saltine crackers. They slept over the tables in the galley and threw up on those tables. That made everyone sick all over. On land the food was no better. You may wonder about the 40 & 8, the name comes from the cattle cars on the train. They could care 40 men standing or 8 horses, sometimes a mix of men and horses to pull their canons. His diet for many years was milk and crackers. When his stomach was removed, they gave him sulpha drugs but did not tell him to drink more water. By not drinking his whole

system was upset and he became diabetic.

If you travel over Tennessee Pass, you now see a second stone table near the one for the 10th Mountain Division memorial stone. It was put there by the men from Norway who escaped Hitler during World War II and came to America and joined the U S Army so they could go back and fight the Germans. In order to do that they had to become citizens of the USA. Dad naturalized thousands from Norway at Camp Hale. The names on their monument died in action in Italy and Germany.

Dad served on the Eagle County Selective Service Board during the war. Any service man in uniform hitching a ride got one. A group of men from the Army, Navy and Marines came to Eagle to sell War Bonds. They stayed at our home. They rode around in a jeep and talked to crowds about the need to buy bonds. I saw them walk around but later learned the marine had artificial legs. Maybe it was because Dad served in World War I, and was a member of the American Legion and the 40 & 8, but patriotism was much in vogue then. On the special days flags flew. Our fence had pipes with balls on top all around the house with little flags in each ball. We were treated to rousing speeches every year. Camp Hale had the "I am an American Day" programs, and the Army/Navy E Awards for Climax mine production were broadcast on radio KOA. I recall dad making one of very few mistakes that day as he introduced the one star general as a jigadere brindle.

Bill Luby loved to hunt, fish, garden, visit with friends, picnic with families he knew and shared with. Most of these things he did with Mother and my brother and I. Mom did not share in the fun of hunting or cleaning a goose, or other game. She tried to go with him fishing, so dad insisted she wear hip boots and they went where there were plenty of downed logs to step over. That's kind of like riding his donkey as a kid. His sister Jackie was always asking for her turn. When she got her turn it was in the back yard and under the clothes line. Necks were not made for swinging. Mother had the flower plot and berry bushes, Dad the vegetables, and fruit trees. He spent time morning and night working. The only thing I remember that took too much time was the rows had to be perfectly straight.

Dad also took time for the Boy Scouts and was awarded the Silver Beaver. He spent many long hours on Council and District Scouting. He believed in honor, trust, and above all truth. He could not stand for us to lie. Punishment came for not telling the truth. My father did not regularly attend church, but he never stopped Bill or I from going. We went to Sunday school almost as long as I can remember. Dad knelt beside his bed every night and prayed to God. Set the fire in the Majestic range and pray, like clockwork, every night.

When the county seat moved in 1921 from Red Cliff, Joe D. Allen and dad moved to Eagle and roomed with Kemps. Joe got married to Helen in about 1926, and dad married Bess in 1927. Dad bought the house from Kemp.