



Tom Holland's Saloon and the Knockout Business

BY FRANK GIBBARD

Sometimes what looks like low-level crime may have deeper, political implications. In 1974, a “third-rate burglary” led to the resignation of a U.S. President. In Denver, a robbery on Valentine’s Day, February 14, 1901, became a political *cause célèbre*. By the end of the Tom Holland affair, questions would be raised about corruption at the highest level of Colorado government.

The victim, Charles F. Wilson, ran a downtown soda fountain. He had been in the drug, soft drink, and confectionary business in Denver for many years. He had recently set up shop at a new location at 1657 Champa Street.¹

Across the street was the scene of the crime: Tom Holland’s saloon at 17th and Champa Streets. Holland’s Saloon served an upscale clientele, including business people and professionals. It was also rumored to be a hotbed of political intrigue, a hangout for ward heelers and ballot-box stuffers connected to Denver’s Democratic machine.²

Wilson’s Bankroll

On Thursday the 14th, Wilson worked the soda fountain until about 2:50 in the afternoon, when he departed his store to run some errands. He left a young lady in charge at the counter. His partner was working in a back room.

Wilson first went to the bank. He withdrew \$100 in cash, a sum worth nearly \$3,000 in today’s dollars.³ The attorneys at Tom Holland’s trial would devote an inordinate amount of time and effort to tracing each and every one of those hundred dollars. In the end, this strategy proved ineffective. But for the present-day reader, the trial testimony provides an interesting window on the value of a dollar in turn-of-the-century Denver.

According to Wilson, he headed over to William Enos’s barbershop at 923 15th Street for a shave. After Enos shaved him, Wilson pulled out his wad of tens and twenties. Enos told him he couldn’t make change for such big bills. They agreed he’d pay the next time he came in.

Wilson next paid a couple of debts he owed from the store. By his calculations, he paid a combined total of \$23 to W.A. Hover & Co. (a wholesale pharmacy) and Hurlburt Grocers. He also bought some cuff-buttons for \$5 from a Mr. Pembeck, who ran a clothing store next to Wilson’s shop.

After that, Wilson stopped back by his soda fountain. The young lady at the counter told him she needed change for their customers. He gave her \$7, and then left the shop to try to get some more change. At this point, he had \$65 left.

He tried Mr. Keith’s cigar store first. He couldn’t get change there. He went over to McCrea’s drug store, at 17th and Champa, but he struck out there, too. That’s when he made the unfortunate decision to obtain some change from Holland’s Saloon.

The Knockout Business

Wilson walked over to Holland’s, went up to the bar, and ordered a whiskey. There were two men behind the bar: Tom Holland and another man who Wilson hadn’t seen before.

A glass of whiskey from the barrel behind the counter cost 15 cents. Wilson threw a five dollar bill on the bar.

“Is that the smallest you have got?” Holland asked.

“A man is mighty lucky to have that these days,” Wilson replied.

Holland laughed. He said he agreed.

The other man, George Hughes, remarked, “That is more money than I have had in a month.”⁴

Wilson stuffed the \$4.85 in change in his vest pocket. He had the other \$60 in another pocket, inside a book. He took his drink to a nearby table. There he found a little sandwich, provided for the bar patrons. He ate the sandwich.

After a while, Holland approached him and asked whether Wilson would care to join him for another drink. Holland said he'd just lost a game of dice. Apparently he viewed this as an excuse for some social drinking.

"No thank you," Wilson told him, "I wouldn't care for any more."⁵

"You might as well be sociable and join us," Holland said.

"Well," Wilson replied, "If I take anything, give me but a tea-spoon full."⁶

Holland handed him a small drink. Wilson didn't notice whether it came from the whiskey barrel. He quaffed the shot.

Within 15 seconds, Wilson felt terrible. His vision went blurry. He became weak and nervous. Then he felt an urgent need to urinate.

Wilson asked where the "closet" was. Holland and Hughes got on either side of him and walked him to the bathroom. There, Wilson tried to relieve himself, but couldn't. Back in the tiny bathroom, the two men robbed him.

Though Wilson was effectively blind from the knockout drug and couldn't see what the men were doing, he could feel them going through his pockets. They took the \$60 and the \$4.85 in change. They even took the book he'd kept the \$60 in.

Afterward, the men tried to get him to stay. But Wilson said he was going home.

Back at the Shop

Wilson staggered back to his shop, where he collapsed into a chair. The next few hours were very strange for him. He was still conscious and could hear people talking to him, but he couldn't answer them. He felt too weak to stand up. At one point the young lady who worked for him asked if she could go home, and he managed to tell her yes.

At around 20 minutes before 8:00 that evening, Wilson finally came back to his senses. He realized he'd been robbed of all his money. He decided to go back to the saloon and confront the men who robbed him.

Return to the Saloon

Wilson arrived back at Holland's Saloon at around 8:00 that evening. He found several well-dressed men in the place. They did not intimidate him. He went straight up to Holland and demanded his stolen money back.

"Don't implicate me in anything like that," Holland said. He ordered Wilson to leave.⁷

Wilson threatened to "get after" Holland.

"If you have got any pull in Denver, pull it," Holland sneered.⁸

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As it happened, Wilson did have some "pull" in Denver. He went to the Fire and Police Board. Within two days, the Chief of Police got a warrant served at the saloon. Then the Board revoked Holland's liquor license. Holland was arrested. The state filed an information charging him with larceny of \$64.85.

The Trial

At Holland's larceny trial, Wilson told his alarming story of drugging and robbery. Holland mounted a vigorous defense. He first suggested

there was something suspicious about the concoctions Wilson was selling at his soda fountain. Perhaps Wilson's own product, and not a drugging at the saloon, had produced his strange symptoms.

Wilson's drinks were made from "pure fruit juices" that contained orange and cherry juice.⁹ He got the juice he used from California. When Holland's counsel pressed him for details about the juices, Wilson pulled an attitude, saying, "That is for me to know, brother, and for you to find out."¹⁰ In other words, don't ask.

Wilson did deny that his drinks contained any alcohol or drugs. He also denied drinking any alcohol before he went over to Holland's saloon.

During its case in chief, the prosecution called witnesses who corroborated Wilson's story. One witness testified he had seen Wilson before the drugging incident, when he appeared sober, and afterward, when he was in a stupor. The barber, William Enos, confirmed that he had shaved Wilson earlier that day but couldn't make change for the large bills he was carrying.

The most damning testimony came from Hamilton Armstrong, the Denver police chief. He said he recovered \$31.50 from Hughes, who claimed it was his share of the robbery proceeds. Hughes was in jail at the time, and offered to return the money if Armstrong would let him go.

The Defense

The defense called several witnesses, some of them seemingly disinterested, who cast such doubt on even the minor details of Wilson's account that it began to seem like maybe he'd invented his whole story. Milton P. Givens, a clerk at Hover & Co., testified that Wilson had no account with them and he hadn't paid them any money on the 14th. Charles F. Scholtz, a bookkeeper for Hurlburt Grocery, stated he didn't know Wilson and he hadn't paid them for a debt on the 14th.

Tom Holland took the stand in his own defense. He told a very different story than Wilson had. He said Wilson came into the saloon around 3:00 or 3:30, asked for a drink, and threw down a fifty cent piece on the bar. After that, they played dice for a while, wagering for whiskey and cigars. Wilson tried to sell him

some fruit juice for patrons to drink with their whiskey, but Holland wasn't interested. Wilson stayed in the bar for a long time that afternoon. According to Holland, he consumed eight or nine whiskeys.

The defense theory seemed to be that Wilson hadn't been drugged, but had drunk himself into a stupor. When cross-examining Wilson, counsel specifically asked if he had staggered back to his store as though he were drunk. Wilson responded, defiantly, "I didn't catch a pen picture of myself."¹¹ (Today, we might put it, "I didn't take a selfie.")

Holland acknowledged that Wilson came back to the saloon around 8:00, demanding the return of his stolen money. But according to Holland, Wilson didn't accuse Holland of being the thief. Instead, he pointed a finger solely at Hughes, threatening to have him arrested.

Several saloon patrons came forward at trial to support Holland's account, including those who claimed to have seen Wilson drinking heavily in the saloon that day. There was James Brown, who described himself as "a capitalist . . . in the banking, mining and real estate business";¹² John L. Ellenboss, a grain and fuel merchant; F.W. Swethout, a bookkeeper and solicitor; B. Nichols, a bookkeeper; and John Holland, Thomas's brother. Even Kenneth M. Laurie, the attorney who was representing Holland at the trial, took the stand and said he was in the saloon that day and could vouch for details of Holland's account.

In the end, however, Holland's defense was unsuccessful. The jury convicted him of larceny, and he was sentenced to five to 10 years in prison, at hard labor.

Motion for a New Trial

Holland filed a motion for a new trial. He supported the motion with affidavits. The state responded with its own affidavits. This gave the motion the aura of a second trial, this time by affidavit.

The centerpiece of Holland's motion was his affidavits from two physicians, J.M. Hall and William C. Mitchell. Each of them swore that Wilson's account of being drugged was physiologically impossible. There was no known drug or combination of drugs that could have

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caused the symptoms he described. Had he experienced such severe effects within 15 seconds after he ingested the drug, he would have died or become unconscious. Wilson would certainly not have been able to stumble back to his shop.

On a lighter note, Pembeck, the clothier, filed two affidavits, one for each side. In the first, supporting Holland, he stated that his records showed Wilson had purchased the cuff buttons on February 15, not February 14. In the second, supporting Wilson's story, he admitted that he could have been wrong in his first affidavit, and perhaps Wilson had bought the buttons on the 14th after all.

In the end, the district court denied the motion for a new trial.

Political Implications

The *Denver Times* greeted this result with jubilation. In a large, front-page headline, it praised the "extreme penalty" Holland had received.¹³ The *Times* clearly saw a political dimension to the whole affair, opining that the conviction had punished the "political heelers who blacken Denver's fair fame," and that the

People had arisen "in their might to prevent assaults on its citizens."¹⁴

The *Times* seemed to believe that drugging people and robbing them was a feature of Denver's political swamp that needed to be drained. Judge Malone, who sentenced Holland, may have contributed to this impression. He praised the jury for rendering its verdict "in spite of all the influences and obstacles injected into the case."¹⁵ He noted Holland's reputation as a "man of means and of some influence . . . in certain political and other walks of life," and accused him either of "presum[ing] on that influence," or of having been "encouraged by the unbridled and unpunished spirit of lawlessness that has already too long been riding roughshod and rampant in this community."¹⁶

Holland's Appeal

Holland appealed to the Colorado Supreme Court.¹⁷ He raised several issues.

First, he complained about the denial of his attorney's motion for a continuance. As it often did in those days, justice had moved very swiftly in Holland's case. The information against him was filed on April 18, he was arraigned April 20, and the trial was set for June 20. A four-day continuance was granted to June 24.

On the 24th, Holland's counsel orally moved for a further continuance. His request was denied. At the hearing, and later in an affidavit accompanying the motion for new trial, he complained "that about 10 days prior to the time when the trial commenced he had a conversation with the district attorney, and was informed by him the case . . . would be continued; that acting on this information, he made no preparation in regard to the case."¹⁸ The Supreme Court found his affidavit entirely deficient. Regardless of what the district attorney told him, Holland's counsel knew on June 20 that the case had been called, and that it was scheduled for trial on the 24th, yet he made no effort to prepare for the trial on the 24th. He also failed to show prejudice, because "there is no statement as to who or where his witnesses were, and neither does it appear that at the trial he did not have all the witnesses present whom at that time he knew could give testimony that was material to the defense."¹⁹

Holland also complained that Wilson's testimony about the effects of the knockout drug was contradicted by the physicians' affidavits submitted with his motion for new trial. But the problem was, Holland had not presented the doctors' testimony at trial, and he had failed to show that by the exercise of reasonable diligence he could not have discovered and presented the evidence prior to his new trial motion. The Court was not persuaded by Holland's contention that he had only discovered that Wilson claimed to have been drugged during Wilson's trial testimony. The doctors who provided affidavits resided in Denver and could have been consulted during his trial.²⁰

Holland next complained that the trial judge had put too much pressure on the jury to reach a verdict. After they had been out for about 24 hours, the court called them in and asked whether they'd reached a verdict. They said no.

The court asked them whether their difference involved a question of law or of fact. They said it was factual. The court then instructed them "that they must determine the fact; that the case was an important one both to the defendant and the people, had been fairly tried upon both sides, and it was exceedingly to be desired by all the parties that the matter should be adjusted and solved."²¹ The court went on to tell them to try to work out their differences "consonant with justice and law and their own manly, personal convictions."²² It sent them back into deliberations. The Colorado Supreme Court opined that such an instruction is potentially dangerous, but it found no reversible error given Holland's failure to contemporaneously object to the district court's impromptu instruction.

Another incident occurred on the following day, when the bailiff told the district court that one of the jurors needed a doctor. The judge

summoned the jurors into the courtroom, without the attorneys present. After speaking with the juror who needed medical assistance, the court used the occasion to ask the jury foreman once again whether they had reached a verdict. He replied that they had not. He asked again whether they were hung up on a factual or a legal question. When the foreman replied that it was a factual question, the district court reminded the jurors that they were the sole judges of all factual questions. After insuring that no outside person was seeking to influence them, the judge told the jurors to continue their deliberations.

The facts of this incident were recorded in a bill of exceptions certified by the trial judge. Holland attempted to contradict these facts with affidavits from people who claimed to have been present during the incident. The Supreme Court rejected this attempt, stating

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that “[w]hen the judge himself certifies to a bill of exceptions, none of the matters therein stated can be contradicted by affidavit.”²³

Holland also complained that the judge’s communication with the jurors took place in the attorneys’ absence. The Supreme Court acknowledged that the defendant has the right to be present at every stage of his trial, and that “recharging a jury” is such a stage.²⁴ But here the judge had not delivered any actual charge to the jury about the law. The closest he had come to that was when he told them that they were the sole judges of the facts. This wasn’t really intended as a jury instruction, but “was merely assigned as a reason by the judge why he could not assist the jury in determining the facts,” and “could not have influenced the verdict in the least degree.”²⁵

Holland also complained that the judge intimidated the jury by asking whether outside influences were being exerted over them. The Court rejected this contention, holding that the district court acted properly in seeking to determine whether there had, in fact, been any such improper influence.

Although Holland hadn’t raised any argument about the sufficiency of the evidence, the Court stated it had “examined with some care . . . the testimony, and, while there is a marked conflict in some respects, on the whole it is certainly sufficient to sustain the verdict of guilty returned against the accused.”²⁶

It affirmed Holland’s judgment and sentence.

The Pardon

A number of highly placed Denver political figures soon signed a petition attesting to Holland’s respectability and requesting that he be pardoned. These included a sheriff, an undersheriff, and two deputy sheriffs; an assessor and deputy assessor; a county clerk and recorder, several county commissioners, a district court clerk, and district court clerk’s office staff; and various businessmen.²⁷

A second petition was signed by Democratic police and other office-holders, including Chief of Police Armstrong, the captain of detectives, the state oil inspector, and various other police, politicians, and local notables. There were also letters from citizens of Cripple Creek. Even 10

of the jurors at Holland’s trial signed a letter asking that he be pardoned, stating that “if they had known on the trial that Wilson, the prosecuting witness, was not reliable, as they afterwards had been informed, they might not have voted for conviction.”²⁸

Faced with all this political pressure, Colorado’s governor pardoned Holland in July 1902. The *Times* responded with a series of scathing articles. One of them noted that “Holland’s pardon was due to political influences, and was not an act of justice to an innocent man or of clemency to a deserving one.”²⁹ It opined that “so many politicians were under obligations to [Holland] that his pull was not broken when the doors of the state’s prison closed behind him.”³⁰ It further suggested that the governor had pardoned Holland because he needed his corrupt but effective political services in an upcoming campaign, and snarled that by pardoning Holland, “the governor has notified the divekeepers that they have license to resume their disreputable methods providing they render sufficient political service.”³¹

The *Times* accompanied one of the articles with a sarcastic cartoon about the pardon. It showed an obese man in a suit, cigar clenched in his teeth, admiring himself in a mirror. The man sported a ribbon reading, ironically, “Purity in

Politics.” He had discarded his prison clothing and stood in a small room overlooking the state capitol building, which was flying a flag reading “Pardon Factory.” On a dresser in the room were the governor’s pardon and a bottle of knockout drops. The man’s one-word verdict on himself (and perhaps his situation) was “Swell!”

Conclusion

Tom Holland’s trial, appeal, and pardon were shrouded by an ugly cloud of political controversy. They came at a time of partisan rancor and corruption in Denver politics.³² Fortunately, an era of political reform would soon arrive. Within the decade following these events, Denver would become a leader in the Progressive movement, which successfully sought to reform political institutions. Old-time political corruption was part of the growing pains of the Queen City of the Plains. 



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NOTES

1. *People v. Holland*, No. 14845, Trial Tr. at 2 (Arapahoe Cty. Dist Ct. June 24, 1901).
2. “Signed Holland’s Petitions,” *Denver Times* at p. 1, col. 1 (July 10, 1902).
3. See “\$100 in 1901 → \$2,810.93 in 2018,” www.officialdata.org/1901-dollars-in-2018.
4. *Holland*, No. 14845, Trial Tr. at 3.
5. *Id.*
6. *Id.* at 4.
7. *Id.* at 5.
8. *Id.*
9. *Id.* at 7.
10. *Id.* at 16.
11. *Id.* at 15.
12. *Id.* at 65.
13. “Judge Malone Metes Out Extreme Penalty to Holland,” *Denver Times* at p. 1 (July 15, 1901).
14. *Id.*
15. *Id.*
16. *Id.*
17. *Holland v. People*, 69 P. 519 (Colo. 1902).
18. *Id.* at 520.
19. *Id.*
20. See *id.* at 521.
21. *Id.*
22. *Id.*
23. *Id.* at 522.
24. *Id.*
25. *Id.*
26. *Id.* at 523.
27. “Signed Holland’s Petitions,” *supra* note 2 at p.1, col. 1.
28. *Id.*
29. “Escape From Prison Through the Political Avenue,” *Denver Times* at p. 4 (July 9, 1902).
30. *Id.*
31. *Id.*
32. See, e.g., Gibbard, “Official Misconduct: Wolfe Londoner and the Denver Mayoral Election of 1889,” 36 *Colorado Lawyer* 91 (Nov. 2007).