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The Marshall-Martinek Team



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**Your
Colorado
Realtor**

Equal Housing
Opportunity



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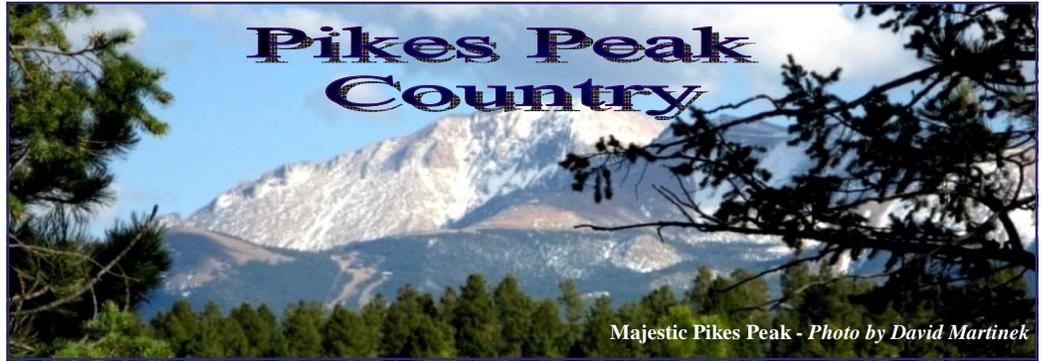
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Colonel B. F. Montgomery - the man who created Teller County

“To the Honorable Supreme Court of the State of Colorado: “A general election was held in the state of Colorado on the 5th day of November, 1912, pursuant to the Constitution and laws of said state. That at said election one Benjamin F. Montgomery was a candidate upon the Democratic ticket for the office of Lieutenant Governor of said state for the term beginning on the second Tuesday of January, 1913. That at the canvass of the votes duly held by the joint session of both Houses of the Nineteenth General Assembly, on the 3rd day of January, 1913, it appeared from said canvass that Benjamin F. Montgomery, candidate for Lieutenant Governor on the Democratic ticket, received a plurality of all votes cast. “That on the 30th day of December, and prior to the canvass of said votes, the said Benjamin F. Montgomery departed this life.

In January 1913, the General Assembly of Colorado was faced with a dilemma. As they were counting the votes cast during the November general election of 1912, they learned that the man elected as Lieutenant Governor, one Benjamin F. Montgomery, had died only five day before. What to do?

Shortly thereafter, the Senate petitioned the Colorado Supreme Court for resolution, suggesting that the term of the outgoing Lieutenant Governor, Stephen Fitzgarrald of Telluride, be extended for another term. And in fact, state records indicate that Fitzgarrald was Lieutenant Governor until 1915.

But what of Montgomery? One chronicler characterized him as “one of the most commanding figures in Colorado politics, one of the ablest attorneys at the Cripple Creek bar and one of the most active citizens of Colorado in all affairs affecting the economic welfare of the state.” His death closed the book on a life filled with achievement, good reputation, remarkable public appeal and political fortitude.

His life began in 1835 in Olivesburg, Ohio. Not much is known of his childhood, but after graduating from Ashland University, Montgomery worked and taught school to continue his education. He read the law and at the age of 22 was admitted to the Ohio bar in 1857. He set up practice in London, Ohio (in Madison County) and married Miss Edith Riddle.

In 1860 Montgomery and his family moved to LaCrosse, Wisconsin. During the Civil War years, B. F. (as he was called) acquired the rank of Colonel, either due to military service or as an honorary title. After the war, and the death of Edith (from typhoid fever), he entered politics in the fall of 1866 as the Democratic nominee for the State Senate from LaCrosse County. He was beaten by Angus Cameron, later a U.S. Senator from Wisconsin. Despite his political aspirations, Colonel B. F. Montgomery’s public service was unbiased by partisan policy, and he gained a reputation as an effective trial lawyer.

Shortly after his loss to Cameron, Montgomery married Minnie Carpenter from Hutchinson, Kansas and moved to Council Bluffs, Iowa as attorney for the Chicago & Northwestern Railroad. During his ten years in Iowa, B.F. connected with and was counsel to several railroad companies while continuing his political career. In 1870 he was the Democratic nominee for Congress for the Sixth District of Iowa. And in 1876, he ran for State Senator. He lost both races, as Iowa was a strong Republican state. Yet, he remained active in politics and was a four-time delegate for Iowa to the National Democratic Convention from 1864 to 1876. In addition to his law practice and political races, Colonel B. F. Montgomery also was editor of the “Council Bluffs Times” for several years. In that capacity, he proved to be a valiant Democratic Party supporter, as well as a forceful writer and equally effective public speaker.

By 1878, Montgomery was 43 years old when he journeyed to Colorado on vacation. He immediately recognized the growing opportunities in the mining industry and became interested in mining property near Silver Cliff. He soon moved to Denver. Once in Colorado, Montgomery quickly appeared in a high-profile mining case known as the Bull-Domingo suit. The court was emotional charged, under cover of revolvers, and all the participants – the judge, attorneys and witnesses – were often “menaced by large bodies of armed men” from time to time outside the courtroom. When the judge’s decree fell in favor of Colonel Montgomery’s clients in June of 1879, Montgomery was launched onto the Colorado scene as a courageous and able lawyer with an enviable reputation. He resided in Denver for fourteen years as a general practitioner and was known to all as one of the most active attorneys in the state.

Moving to Cripple Creek in 1894, just two years after Womack’s gold discovery, Montgomery cast his lot with the gold camp. Although his time was divided between Colorado Spring, Denver and the district, where he was frequently called in on important mining litigation or other matters, he was also soon recognized as one of the leaders of the Democratic Party in El Paso County. His popularity resulted in his election to the state legislature in 1899, receiving a large part of the popular vote in the county. He served in the Colorado House of Representatives for four years (from 1899 to 1902) and was Speaker of the House in 1901-02.

During four prior General Assembly sessions, the question of dividing El Paso County and creating a new county for the Cripple Creek mining district became a contentious and fierce conflict among rival factions - the proposition failing four times prior to Montgomery’s arrival. Upon taking office in January 1899, B.F. championed the question and is credited with waging a masterful fight that eventually won the day. It was said

Continued on page two.

See past issues of Pikes Peak Country at <http://www.davidmartinekcb.com>



Dave's Buyers' Guide

Cabins, second-homes and land specials from Coldwell Banker 1st Choice Realty

Prices and status effective as of June 30, 2010

(continued from page one) that his abilities as a forceful debater, a superior parliamentarian and a remarkable public speaker were unparalleled. On March 8, 1899, Teller County was carved out of El Paso and Fremont Counties with Cripple Creek becoming its county seat. A grand celebration was held in the city two weeks later, with Colonel B. F. Montgomery as an honored guest.

During his 42 years at-the-bar, Montgomery defended over 27 murder cases, clearing all but two, and represented numerous mining cases involving millions of dollars. And, he was often called upon to render an opinion in a variety of disputes and questions. He was chairman of the two Democratic Conventions that nominated Governor Adams. And, he was elected president of the International Mining Congress in 1898.

While Colonel Montgomery was prominently mentioned for a seat in the National Congress in 1902, after leaving the Colorado legislature, he was not elected to office again until his election at the age of 77 as Lieutenant Governor; an office he never held. He died on December 29, 1912.

Colonel Benjamin F. Montgomery had a chorus of friends, and just as many bitter enemies, neither of which he is said to have ever forgotten. He was positive and uncompromising in his views about most every subject. And he was always ready to tackle the cause of his clients with unrelenting ferocity. He was a man of remarkable self-possession, spontaneous on his feet, his thoughts flowing vigorously and with an amazing capacity to effectively control the sentiment of his audience. He was, perhaps, one of the most charismatic men in Colorado. Teller County may not have existed were it not for his efforts. DM

Sources: Encyclopedia of Colorado and Colorado legislative history.

To inquire, email or call 719.687.1516

(Marshall-Martinek Team listings are BOXED)



2397 Rampart Range, Woodland PK **Gorgeous Views!** Up the long driveway to splendor in the mountains! 3BR/5BA/2GAR, 3038 S.F. on 10.06 acres. Too much here to describe. Borders National Forest. Office above garage. Just fantastic! OH THE VIEWS! #676028



1000 S. Fourth, Cripple Creek **REDUCED!** **Ret it out!** This rambling ranch on 4.79 acres has been carved up into 6 rental units. The property overlooks historic Cripple Creek. The 3505 S.F. home has 9BR/6BA/2GAR and a 10-space pole shed for storage. **Income property.** #627984



335 Elk Lane, Woodland Park **Custom Home!** The utmost in style, quality and craftsmanship. Many upgrades and extras. Hottub included. Reinforced deck has a perfect view of Pikes Peak - like it's right next door. 2.0 acres. 3390 S.F. 4BR/3BA/2GAR #546033



35 Spruce Cir, Woodland Park **Wooded Acres!** 4BR/3BA/2GAR; 2658 S.F. on 2.25 acres. Custom home with vaulted ceilings, large kitchen, huge master BR and wood FP. Fenced in dog run, oversized garage, rustic fences. Shows like new; ready to move-in. #645568



211 Rutgers, Woodland Park **Country Living!** 3BR/3BA/2GAR, 3030 S.F. on 4.04 acres. Very clean & well maintained. Lots of windows; view of Pikes Peak. Spacious bedrooms and a loft office. Lower level family room, wine cellar and large safe. Got to see it! #660705



3544 County Rd. 5, Divide **Zoned for Horses!** Enjoy comfortable mountain living on 2.11 acres. 3BR/3BA/4GAR 2756 S.F. HDW floors, wood-beam ceilings, up-graded kitchen, pantry, breakfast counter. High-end wood-burning stove. Workshop! #662251



201 E. Galena Ave., Cripple Creek **Live in the District!** Look down on Cripple Creek. 5BR/3BA/2GAR 2980S.F. on 0.65 acres. Recently remodeled. Lots of space, warmth and charm. Oak floors, stainless appliances. Much more! #658203



2856 Blue Mesa Dr., Divide **Lake Front.** This heavily treed lot in Highland Lakes (1.67 acres) slopes down to Beaver Lake No. 2. Strategic tree cuts will make room for a driveway and a building site. See this beautiful lot. #457747



86 High Chateau, Florissant **Beautiful Land.** Two acres overlooking some trees and a great view of Pikes Peak. Easy access from High Chateau Road; utilities at the property line. Level building sites. Here's the place. #433314



2847 N. Mountain Est, Florissant **Double Lot.** A 1.18 acre double lot; several building sites. Lot of mature pines and aspens. Pikes Peak and Sangres views. Close to Dome Rock. Two miles in CME. Don't miss it. #635122



127 Carlton, Florissant **Dream Site.** A 2.04 acre lot for a dream home. End of cul-de-sac sloping towards CME valley. Very picturesque. All utilities, perk test, fire mitigated. Building plans available. Come and see. #676197

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