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The Pioneer Bar of Colorado ★

By Charles S. Thomas, Denver, Colorado

Gentlemen of the Denver Bar Association:

My first contact with Denver was at early dawn on the 15th day of December, 1871. I came unheralded, as one of a dozen passengers on the old Kansas Pacific Unlimited, of that somewhat remote period. Its schedule time from Kansas City was 36 hours. Among the arrivals were Mr. Channing Sweet, then of Colorado Springs, and Mrs. Wm. E. Beck, widow of the former Chief Justice, both of whom are still among the living. The passenger station then occupied the present site of the Union Pacific freight house. It was a small two-story brick building, the company offices being on the second floor. The first was occupied by the waiting and baggage rooms, with a combined space of possibly 35 by 25 feet. Nearby was a small hillock, known as Vinegar Hill, tenanted, as I afterwards learned, by an Irish lady known as Vinegar Hill Mary, who specialized as a witness for the people in such criminal prosecutions as the limited enterprise of a small community afforded.

I took passage in a yellow omnibus of formidable proportions, drawn by six horses. Having exactly seventy-one dollars in my pocket, I carefully avoided the palatial American Hotel, corner Blake and G Streets, and took shelter with Luke McCarthy in West Denver. After breakfast I sought the law office of Gen. B. M. Hughes, to whom I had a letter of introduction. I reached it before he did. He was well to do, kept fashionable hours, and seldom appeared at his office before eight o'clock. When he arrived I stood at attention and presented my letter. He read it, scowled, looked at me and said, "Another lawyer, eh? Some of my damn fool friends East seem to have nothing to do except,

*Address delivered at the special Denver Bar Association "Old Timers Day" dinner in honor of the attorneys who had practiced law for fifty years or more in Colorado, Monday, April 7, 1924.

give youngsters letters to me. I can't bother with you now. Come in at nine o'clock. If I'm not here see my partner. He looks like Napoleon and keeps an owl on his desk." His partner was the late Col. Robert S. Morrison, of blessed memory. I was so buoyed up by this reception that I went back to my room and tried to estimate how much farther west my funds would carry me. But I was young, and blessed with an appetite, so was on hand for dinner. There I struck up an acquaintance with a man named Kavanagh, whom I was afterwards to know very intimately. I inquired of him the sort of man Gen. Hughes was supposed to be. "Big hearted, cranky, cusses lots of people, and loves them all," was the quick reply. I then told him my experience. "You go back at one," he said, "and don't keep him waiting." I did so, and received a welcome both genial and generous.

The General told me much regarding the practice, the members of the bar, the mining and livestock resources of the Territory, and the opportunities which beckoned to young men of industry and character. He ended by inviting me to dinner on the following Sunday, and to make use of his office and his library until I had secured employment. He gave me notes of introduction to his brethren of the bar, and placed me under a lasting obligation of gratitude and affection. Although he was then well along in years, he remained at the bar until 1885, when he shifted his burdens upon the shoulders of his vigorous and gifted young partner, the late Hon. Charles J. Hughes, Jr., then a somewhat recent acquisition to the Colorado bar, but well in the beginning of his superb professional career.

During the next two or three days I made the acquaintance of nearly every lawyer in the city. The bar was then relatively as large as now, and ranked quite as high. Among them I recall Alfred Sayre, John Q. Charles, J. Bright Smith, H. R. Hunt, G. W. Miller, Edmond L. Smith, Amos Steck, Mitchell Benedict, Judge H. P. H. Bromwell, Samuel H. Elbert, B. B. Stiles, C. W. Wright, Vincent D. Markham, Samuel E. Browne, L. B. France, Hiram P. Bennet, Henry A. Clough, Orris Blake, William C. Kingsley, N. Harrison, H. E. Luthe, E. B. Sleeth, John W. Horner, M. A. Rogers, D. B. Graham, L. K. Smith, Robt. S. Morrison, E. L. Johnson, E. B. Powers, T. G. Putnam, Hiram G. Bond, J. W. Webster, and David M. Crater.

Denver then had a population of possibly 8,000 people. The business part of town was below Lawrence Street, which was then a residence street, tenanted by such men as D. H. Moffat and H. H. McCormick. The law offices were for the most part on Market, then called Holladay, and Larimer Streets. Blake was the wholesale and hotel district. The old Overland Stage

road had been christened Welton Street, and Henry C. Brown had but recently donated a site for a Capitol Building, supposed to be somewhere near Littleton. Two years after, the Board of County Commissioners bought a square for Court House purposes, now occupied by the County Building. It was so far out then as to justify the suspicion that the Board was given a handsome rake-off for making the deal, a suspicion angrily voiced by the press and the owners of competing sites nearer town. North Denver was owned by ranchmen. Some of the ground was platted, but the most of it was either cultivated or unoccupied. Possibly half a dozen houses could be counted between Broadway, then nothing but a country road, and Cheesman Park, then the city cemetery.

Stage lines then operated between Denver, Central, Georgetown and Fairplay. Erie was Boulder's nearest railway point, and Boulder had no telegraph connections. Golden was almost what it is today. It had no brewery then, and it is equally unfortunate now. Pueblo was a hamlet of probably 500 people, with rail connection at Colorado Springs, then almost wholly a town on paper. Evans was the county seat of Weld, and Weld was considerably larger than the State of Massachusetts, and the principal products of the territory were babies and toll roads in relatively equal proportions. The toll roads have become less than memories. Fortunately, the baby product was not peculiar to that day and generation.

Although Denver was the largest, it was not then the most important center of population. This was the proud position of Central City, the pivot of the mining industry, and the county seat of Gilpin County. The Kingdom of Gilpin was the fountain of politics, finance, and authority. Its bar, though smaller in numbers, was concededly the best and the most opulent in the far West. The Tellers, Hugh Butler, the Rockwells, the Reeds, and Judge Gorsline were the kingpins of the profession. I was to meet these formidable gentlemen later, an ordeal more or less perturbing in prospective.

Having a license to practice from the Supreme Court of Michigan, I was admitted as a matter of course. I might well have taken an examination, however, for I knew more law than I have ever known since. My certificate of admission was signed by Judge E. T. Wells and James B. Belford, on the 13th day of December, 1871, and on December 29th my tin shingle partly obstructed the entrance to the stairway on the corner of Larimer and F Streets, as Fifteenth was then called. It looked very attractive to me, but somehow the public did not seem to regard it as an obstruction or as an obstacle, or in fact to regard

it at all. If they did, they never apprised me of it. This neglect was not at all palatable. Indeed, I actually resented it with every recurring rent day.

Some years afterward I was forcibly reminded of this period of isolation when, at a luncheon, a lawyer then living in Denver, whom I will call Jones because that wasn't his name, said to John Herrick that he sometimes felt a repulsion to all human kind and then he wanted to be entirely alone. Herrick instantly replied: "George, when you feel that way, I presume you go to your office."

Early in January the District Court convened, Judge E. T. Wells upon the bench. Those were the days of common law pleading and practice. Arguments of demurrers and motions were of themselves a legal education, and I spent most of my time in court listening to them. When sustained they were apt to prove serious, for amendments were not particularly favored. Our Code of Practice was adopted by the first State General Assembly over the bitter opposition of every "old time" lawyer in the state except Hughes and Belford. By that time the tenderfeet were, however, in a large majority, and they carried the day. Judge George G. Symes, who led the fight for the Code, armed himself with all the quaint and amusing terminology of the old system, and made them quite effective in a campaign of ridicule. He bombarded the committees with writs of *coram nobis*, *de ventre inspiciendo*, *fieri facias*, *ne exeat*, and used the traverse with an *absque hoc*, the rebutter and surrebutter, and the inquiries *de lunatico inquirendo* and *voir dire* when other ammunition failed him. No lay committee could stand that sort of discussion very long.

The Supreme Court met in April. It consisted of the three district judges sitting in *banc*. I then met the third judge and Chief Justice *ex-officio*, Judge Moses Hallett, of the Third District, a position which he held through all the vicissitudes of political fortune until it expired with the admission of the territory into the Union. Hallett was, when on the bench, the august personification of dignity. Belford was his antithesis. Hallett sat upright in his chair, seldom moving to right or left. Belford sat on the small of his back, with his feet upon the bench almost under Hallett's nose, the latter powerless to rebuke or to command. Belford addressed lawyers from the bench by their first names. Hallett looked upon such conduct as "*lese majeste*." This amusing and embarrassing juxtaposition of opposites served to take Justice Wells largely from the picture.

But Wells was the most industrious jurist I ever knew. He knew the pleadings in every case by heart, heard argument from

the side against which his judgment leaned, and from the other side only when his primary convictions were shaken by the former. He predated the court stenographer and the typewriter. Hence he made his own notes of the testimony in all jury trials, and these became the basis for bills of exceptions which were correspondingly concise, carefully prepared and summarized instead of containing as they now do all the evidence, including side remarks of counsel, references to the weather, and the biographies of the jurymen—all at 20 cents per folio prepaid.

Wells always held court when the time between terms permitted until his docket was disposed of. Cases were tried, dismissed, or continued only upon showing under oath. His sessions when the trial docket was on began at 8:30 A. M. and ended at 10 P. M. He was a martinet, but he did things. Three such judges in the City and County of Denver could easily transact the business of all its courts. The county offices, including that of the U. S. Marshal and court rooms, until 1880 occupied the second floor of the Hughes Block, corner Lawrence and F Streets. Frank Pettepier's bar, commonly known as Lincoln's Inn, was just across the alley, with an alley entrance. It is difficult to say which bar was most in evidence.

Perhaps the most genial and best loved lawyer in those days was Gen. Sam E. Browne, a patriarchal figure in black Prince Albert coat, high hat, smooth shaven upper lip and long white beard. The old gentleman was geniality personified. His moral obliquities were obvious, his disregard of professional proprieties was notorious, but his personality was irresistible. He was Mulberry Sellers and Colonel Carter in real life. The first time I called upon him he convinced me that he had kept his office for years upon the conviction that I would sooner or later appear to share it with him. He ordered me to come right in and go to work the next morning at any salary I cared to name, use the front office, and adorn his sign and his letterheads with my name in flaring capitals. He gave me a figure for his annual income that even now would seem extravagant. Of course I accepted and communicated my good fortune to Pettepier, with whom I had already established personal and commercial relations. That gentleman punctured my balloon by telling me that such was Browne's greeting to all fledglings, showed me an unpaid bar bill gravely imperilled by the statute of limitations, and told me to forget it. I did.

Under the prevailing practice all summons were returnable on the first day of the ensuing term if served more than ten days from that date, and to the next term beyond if not so served. The docket was called for defaults on the second day of the

term. Browne always made a list of the cases where no appearance had been entered and then entered his own on default day. This would be followed by letters to the parties interested, informing them that his friendly interference had alone shielded them from judgments in the sums sued for plus costs. These bore occasional fruit, but more frequently involved him in situations which would have embarrassed a man of less assurance.

He once did this for Hatch & Davidson, a firm of pawnbrokers, who thanked him for his forethought, telling him their own counsel were out of town but had arranged against a default. However, they so appreciated his good intentions that they asked for his bill for the service, saying they would take pleasure in paying it. Browne promptly sent his bill for \$500. On recovering their presence of mind, they consulted their attorney, Judge Markham, as to their liability. The judge called on Browne, who promptly settled by the cancellation of his pawn ticket for \$12.50 and the return of his watch. His love of humor was an obsession. He would risk losing a case rather than dispense with a joke or the recital of a yarn, whatever its bearing. But his humor was seldom unentertaining, and was never malicious.

Mr. John Q. Charles was a wholly different type of individual. He was sour visaged, irascible, unsocial and quick tempered. Between him and Browne there could be nothing but antagonism. Browne delighted in arousing all Charles' ill nature whenever possible, and Charles, with no weapons of defense save abuse, was easily goaded beyond endurance. Hence trials of cases between these gentlemen were field days for other members of the bar. On one occasion, however, Charles gave Browne a temporary knockout blow. In closing a case to the jury after Browne had sneeringly and frequently alluded to him as "Me brother Charles," the latter repudiated all relationship, professional or otherwise, and with little regard to grammar, said, "This here General Browne ain't no more of a general than I am. He calls himself a general because he first came here as general agent for Lydia Pinkham's Compound." Even Wells joined in the tumult of laughter which this deft rejoinder aroused.

The poor old General's closing years were sombre and unhappy ones. His practice, never substantial, disappeared, and he became a borrower, his appeal being to old friends to advance him a docket fee for filing an important record in the Supreme Court for a client temporarily out of town. It was soon worn threadbare, and then—the usual tragedy. He was "sui generis," in a class of his own, with no survivors.

Another eccentric but singularly lovable man was Judge Amos Steck, who swore when other men prayed, sang revival

songs when playing billiards, who never forgot a fact or a face, whose integrity was his obsession, and who feared no man. He associated indiscriminately with all sorts of people when on the bench and at the bar, without impairing his good name or incurring the reproaches of the good or the bad. He was for many years judge of the probate and county court. His administration of justice was punctured with striking incidents which collectively would fill a volume, of which I shall relate but one.

In 1875 Mr. E. P. Jacobson brought suit in the Probate Court upon a promissory note. His declaration recited that the defendant on January 5, 1873, had made, executed and delivered to the plaintiff the note in suit. Mr. L. B. France, for the defendant, demurred to the complaint because the letters "A. D." were not inserted in the date alleged, insisting that without them the figures 1873 were meaningless. Jacobson very properly criticised the demurrer as arrant nonsense, but unfortunately referred somewhat cavalierly to the fact that A. D. earmarked the Christian Era, whose Lord was the Christ. He said the Lord whose advent heralded the modern calendar was not his Lord. The Savior was the Savior of Judge France, but not his own. This nettled Judge Steck, who pronounced judgment as follows: "Mr. Jacobson, France's Jesus Christ is my Jesus Christ, so by Jesus Christ I'll sustain the demurrer."

I have heretofore said, and I repeat, that the best lawyer I ever knew from the standpoint of equipment for general practice embracing every feature of applied jurisprudence, was Major Edmond L. Smith. Patterson excelled him as a trial lawyer, and Teller in the field of mining law, but Smith excelled them all as a great outstanding common law lawyer. And this was the more remarkable in that he began life as an officer of the regular army and that his habits were not consistent with the severe demands placed upon the student by the needs of legal investigation and study. He selected his work, limiting it to his estimates of his own capacity, and drunk or sober, was always ready and prepared. He was at all times the gentleman; never personal, caustic nor boisterous, seldom yielding to emotion, never dramatic, always earnest, luminous in expression and simple in speech. He was an admirable linguist, avoided society, although extremely social within the sphere of his activities. Had he cast his lot in some great center of population, his name would undoubtedly have been enrolled among the eminent lawyers of his time.

I wish I could, without unduly prolonging this address, picture to you the character and virtues of Judge Markham, the best equity lawyer of the territory, and the most generous of men; Judge George W. Miller, so ungainly and so homely as to be

handsome; the stately and dignified Gov. Elbert; Col. R. S. Morrison, as quaint as he was capable; Orris Blake, whom I loved because he was taller and skinnier than I was; and old Ham Hunt, the perfect type of a lawyer frontiersman; Mitchell Benedict, big framed, big hearted, red headed, and jovial always, whose laugh was spontaneous, easily provoked, and easily heard for a quarter of a mile. All these deserve far more than the meagre mention I can make of them. And there were the Tellers, Hugh Butler, Thomas Macon, Cal Thatcher and Gorsline, all giants in those days; and Belford, the red-headed rooster of the Rockies, graceful of speech, too impulsive to be judicial, and too fond of politics to take root in the profession, obsessed with the notion that he was created for the bench and not for the forum.

I cannot close these personal references without speaking more fully of Edward O. Wolcott. He came to the bar in 1870, and was for six years in Georgetown as the junior partner of the firm of Pope & Wolcott. He was strikingly handsome, and of the most engaging personality. He therefore easily acquired business, but his partner was left to transact it. Those who knew him later in life will be surprised to learn that Wolcott was at the bar for seven years before he could develop a personal confidence sufficient to enable him to address either court or jury. This amazing defect in his equipment for the work of the profession prompted his brother and Prof. N. P. Hill to secure for him the Republican nomination for District Attorney in 1876. His Democratic competitor was Judge Platt Rogers, whom he defeated by a bare majority. He was thus confronted with the alternative of trying his cases or retiring from the bar, for his friends took good care that his brethren would not assist him. His first indictment was tried at Boulder early in January, 1877. He presented it to the jury and was astonished by a verdict of guilty. He told me shortly afterwards that he never knew nor ever would know what he said to the jury, not a man of whom he could see, but he must have said something, for he was conscious of making a protracted noise. His success in the first effort, however, proved a useful stimulant. His second was less embarrassing, and, to use his own words of a year later, he was entirely sure of himself and would not hesitate if necessary to address the Great White Throne. He became, as most of you will remember, one of the most graceful and accomplished speakers of his time, one of the spokesmen of his party in the Senate, and easily the outstanding figure among those who have represented the commonwealth in the two Houses of Congress.

Two unique and valuable qualities characterized Senator Wolcott as a lawyer. Although impatient of details, he could sit

in at the trial of a case and as it developed he would grasp its salient features and present them as forcibly to the jury as though he had studied all its intricacies with meticulous care from its origin. And he was the only man I ever knew who could practice law by proxy. He possessed the faculty of drawing to himself and holding the services of assistants, of men of first class ability, and of inspiring his clientage with the same confidence in them that they reposed in him. And he rewarded these subordinates in the course of time by giving them the full fellowship of partners.

The term "trust" as now used to designate large industrial and financial combinations, was unknown fifty years ago. If it had been, the firm of Sayre & Wright, afterwards enlarged to Sayre, Wright & Butler, would have been the trust lawyers of the territory. Its clients were the First National Bank, the Chaffee interests, the Kansas Pacific and Denver Pacific Railroads, the Gas Company, Water Company, and the City Railway Company. I was absorbed by the firm from May, 1872, to February, 1873, when I formed a partnership with a dapper young fellow from Indiana, named Thomas M. Patterson, which continued for a period of sixteen years, a considerable part of which I spent at Leadville in charge of a branch office transacting about 75 per cent of the firm's business.

Mr. Butler's migration from Central City proved infectious. Within three years afterwards, every prominent lawyer of that city had removed to Denver, and with their departure Ichabod was written upon the record of the glories of the Kingdom of Gilpin. Senator Hill's smelter followed suit in 1879. Nothing remained but a few unexhausted mines and four or five thousand of our best citizenry.

In 1874 President Grant summarily displaced all Colorado officials except Moses Hallett. Wells and Belford fell under the axe, and were succeeded by Judges A. W. Stone and A. W. Brazee. It was a great sensation for a small western territory, which attributed the President's action to the results of a game of poker between himself and Delegate Chaffee. The Senate had not then been transformed into a board of inquisition, hence the facts were never fully disclosed, but the bar resented the change of judges, and took pains to let its opinions be known. Wells was shortly afterwards elevated to the Supreme Bench of the state, only to resign within a year because of his meagre salary.

The bar increased rapidly after my arrival, though hardly because of it. And with the uncovering of the carbonate ores of Leadville in the summer of 1877 it grew like Jonah's gourd. In the beginning of 1880 the bar of Lake County numbered about

150, with vigorous offshoots in neighboring counties, practically all of them hoping to make a stake and move to Denver. Indeed 1879 may be said to mark the dividing line between the old frontier conditions and the modernizing of a civilization soon to be overwhelmed by more effective means of communication and an ever swelling tide of homeseekers. And communications were primitive indeed during the seventies. There were no railroads west of Alamosa, Canon City, or South Park. The telephone, developed in 1876, was a toy available to a few localities east of the Mississippi, and the telegraph had not penetrated very far beyond the rail heads.

Riding the circuit was not a pastime, but a stern necessity. Some of the county seats were very remote, and nearly all the outlying hotels were more popular with bedbugs and body lice than with travelers, while the tables supplied a fare which made them forget all their other troubles. Towns like Silverton, Ouray, and Telluride, to quote from Judge Hallett, could be invaded only by mounting the hurricane deck of a mule. Yet some lawyers, of whom Judge Miller was a type, were generally on hand when the terms began. Most of my work in this line was in the mining counties forming the old Fourth District, larger than Ohio and reaching from Lake County southward to New Mexico and westward to Utah. This was Bowen's district, and Bowen was a picturesque judge. In Costilla County the clerk was the well known Billy Meyer, who died last year. The population was 90 per cent Mexican, and the translator was the most important official. On one occasion a jury was being impanelled in a petty criminal case during which Bowen was immersed in a newspaper of fairly recent date. When both sides announced that they would take the jury, Bowen, without looking up, said, "Billy, swear them roosters."

I was present at Lake City in May, 1877, when court convened in the new court house. The entire town had assembled in the courtroom for the occasion. The sheriff was Henry Finley. The judge was not prompt in arriving. He finally appeared, however, and edging his way through the crowd, managed with some difficulty to reach the bench. Taking his seat, he looked over the room for a moment, then removed his cigar from his mouth, blew a long volume of smoke into the air, and said to the sheriff, "Turn her loose, Fin."

In 1878 I went with him to Parrott City, the La Plata County seat. Durango was not then in existence. On the day of our arrival a sheep, minus the head, appeared on the dining table in a huge dish filled with melted grease. We were there for a week, with the sheep present at every meal. Efforts were occasionally

made to eat parts of it, but our stomachs were unequal to it. At the end of the last meal Judge Bowen told the landlord court would adjourn that afternoon. "But before adjournment," he said, "I intend to discharge that damned sheep of yours on his own recognizance."

His honor had a gruesome experience at Fairplay in 1880. A man named Hoover had committed an atrocious murder shortly before and was duly indicted. He pleaded guilty by advice of his counsel, whereupon the court, under the statutes then prevailing, had no discretion but to sentence the prisoner for life. This mortally offended the community, which believed the plea of the defendant was due to connivance with the court and district attorney. The next morning when Judge Bowen went to the court house he confronted the corpse of Hoover suspended over the entrance from an upper window. On entering the courtroom his eyes fell upon a noosed rope thrown across the bench and another on the bar table marked "For the district attorney." These officials returned to the hotel, secured a rig and drove ten miles over to Red Hill, where they took the train for Denver. Neither of them ever revisited Park County. Bowen went to the Senate three years afterwards, although I do not know that any logical sequence of cause and effect connected these two events.

But I must stop, or you will very naturally accuse me of indulging the garrulity of old age. And in very truth I might continue this rambling discussion indefinitely, for while I try to deceive myself at times with the delusion that because I have outlived my own generation I belong to the next, I know that it is not so. For my spirit is that of the older time and my memory dwells instinctively among the scenes and the events of vanished yesterdays. Their associations are the warp and the woof of my existence, and I would not have it otherwise. Need I add that if I could have chosen the period of my span of life, I could not have cast it better. It has covered the most active and by far the most creative epoch in the progress of the race. Save the telegraph and the steam engine, it has witnessed the birth of every great mechanical invention, the development of electricity, chemistry, of geology, and of nearly every fixed science from relatively primitive stages to established systems, the eradication of pestilences, the discovery of the causes and the control of disease, the obliteration of the frontier and the establishment of means of swift communication with every part of the habitable globe.

In subduing the interior of the continent and constructing this great commonwealth in its very heart, the pioneer bar of our territory played its part and played it well. They were the

rugged pioneers of the profession, the leaders of their time. Largely because of this, we are a great people. Whitelaw Reid once said the lawyer struggled twelve centuries with the soldier with a persistence which enabled him to wrest the sword from his grasp. Because of it the civil power has since been supreme. It is the province of the lawyer to speak for and to lead his generation. It is also his duty. Communities are safe and progressive when he performs it. They become lax and retrogressive when he neglects it. It is his noblest mission. The old territorial bar was at all times mindful of it. The traditions they established are part of your heritage. May their successors ever invoke and be guided by the inspiration of their example.

Creating a Commonwealth

By A. J. Fynn, Denver, Colorado

The variety of motives leading to the colonization of the Atlantic seaboard in North America, for the first hundred and fifty years, forms one of the most interesting phases of American history. The multiformity of men and motives, observable in the distribution of population along the outskirts and among the gulches of the Rocky Mountains, in the middle of the nineteenth century, presents a phase no less picturesque and fascinating. The Massachusetts church-builder, the Dutch fur-trader, the Swedish horticulturist, the peace-loving Quaker, the refuge-seeking Marylander, the Virginia planter, and the poverty-oppressed Georgian came to the forest-bound wilds of the New World to follow very diversified inclinations. With all their dissimilarities, however, the underlying and all-comprehending object of those activities, whether east or west, was self-betterment.

The world has expressed admiration for the springs of action put into operation in transforming and welding together the collection of weakly related colonial links, lying along the Atlantic, into a massive chain, which withstood most powerful strains and unpredictable impacts. The discovery of gold, that most alluring of materialistic substances, the social and financial disturbances of immediately preceding decades, the desire on the part of human beings to seek relief from unfortunate conditions, the curiosity to see and confirm what has been reported, these and many other elements prompt human migration and settlement, and all of these were factors in the colonization of the trans-Missourian West.

In the mid-century movement across the North American Continent, the mixtures of interests and impulses that presented

themselves, here and there, along the whole frontier, lends special value to United States history when compared with seventeenth century activities along the American Atlantic. The seeds of independence and self-reliance which were sown on the cis-Alleghanian zone, in those early days, lost none of their original virility when transmitted to the outskirts of the Rocky Mountains. The gathering of the descendants of those Atlantic settlers in the Pike's Peak country marked a far-reaching event in North American history, and one will find the main features of governmental procedure as well exemplified in the one region as in the other. Differences in the externals were many, but the spirit beneath it was much the same throughout the whole great western movement, from Atlantic to Pacific.

The news of gold discoveries in the Rocky Mountain region in 1858 spread like wildfire. Credulity was strengthened by every rumor. Possibility stood on tiptoe. Distance lent enchantment. If the much discussed Eldorado were but a journey of a day from the western border of intermontane civilization, investigation of conditions would be easy, and illusions or disillusion could be verified without loss of time or undue suspense. Seven hundred miles of uninhabited, danger-abounding plains, however, lay between the known and the unknown, the real and the imaginary. To the adventurous, of course, this distance was alluring. To broken fortunes it presented an intense appeal. To the hardy and daring, whose kind since civilization began has been alive to opportunities and ready for emergencies, the field was especially inviting.

Accordingly, as the summer wore on, the famous Green Russell Party from Georgia, and the two notable companies from Kansas, one from Lawrence headed by John Easter, the other from Leavenworth under the directorship of General William Larimer, with other straggling companies and individuals, finally converged near the junction of the South Platte and Cherry Creek. Organization, disorganization, and reorganization tread upon one another's heels during those memorable fall months. Six miles up the South Platte from the Cherry Creek junction, Montana City, the first settlement by whites in the Rocky Mountain country, founded by the Lawrence group and consisting of definite streets, log cabins, and tents, was founded in September, 1858. A town company was organized in due and ancient form, with fifteen or twenty dwellings as a nucleus for a prospective metropolis. The Russells, firmly believing that a substantial town was destined to spring up somewhere in the vicinity, and having the feeling that a more favorable site presented itself at the junction, passed down the river northward from their Dry Creek camp

through the Montana City settlement to the tongue of land on the west side of the mouth of Cherry Creek. In the meantime several members of the Lawrence people, dissatisfied with the inferior location of Montana City, pulled up stakes, passed down the South Platte to the mouth of Cherry Creek, and staked out the east side of it. They immediately measured off a tract of land a mile square, organized a town company, and announced themselves ready for business. A constitution and by-laws were adopted, stakes were set up, land claims marked out, officers elected, and the St. Charles Association became a municipality of possibilities. Two Indian traders, John S. Smith and William McGaa (alias Jack Jones), who had taken an active part in this east-side organization, were left to watch matters for the winter, during which it was predicted there would be little or no immigration. The rest of the company went back to Kansas to advertise the new country, especially, the unfledged St. Charles, to encourage and advise newcomers, and finally to obtain a charter from the Kansas Territorial Legislature.

Starting eastward with greatest assurance, these town-company delegates began to be disturbed in mind when they met parties from the east streaming along toward Cherry Creek junction. Their solicitude was well founded. After their departure, the two Indian traders immediately threw up all interest temporarily in St. Charles and became active in promoting the Russell settlement on the west side. The east side promoters, therefore, on their way to Kansas, anxious concerning the fate of their interests, called a council and instructed one of their number, Charles Nichols, to return at once to St. Charles and construct a building upon their houseless site in order to show priority of right against any invaders. Nichols returned at once and laid four crossed logs in form of a square upon the ground, which, according to the general customs of Western settlers, would secure the claim rights of the company. With no support from the two Indian traders, and finding himself in a hopeless minority and exceedingly unpopular, Nichols soon left the region.

In the meantime the Aurarians had established themselves rather firmly in their little corner on the west bank of Cherry Creek, and this spot for some time became the center of attraction. McGaa and Smith, both being older settlers fairly well acquainted with the country, and, what was of more consequence, both having Indian wives, were able to render valuable assistance to the community with which they had recently allied themselves. Auraria, named after a town by that name in Georgia, had been organized in October and became a full-fledged town company soon afterward.

In the midst of these interesting events, General William Larimer, with a party from Leavenworth (more strictly a double-headed party from Leavenworth and Lecompton), appeared upon the scene, looked over the situation, passed over to the east side of Cherry Creek, and on the tenantless site of St. Charles built the first house. The name was changed from St. Charles to Denver, in honor of James W. Denver, then Governor of Kansas Territory; and, in five days, an organization was completed which bore the name, Denver Town Company.

So, on the 23rd of November, 1858, the sun shone down on three complete town organizations in this region; Montana City, on the east bank of the South Platte, directly west of Denver University of today, dwindling week by week and destined to pass out of existence in a few months; Auraria, with twenty or twenty-five cabins and claiming first place among this trio of competitors; and Denver City, newly created, but sadly lacking in house-life.

Kansas Territory, extending westward to the summit of the Rocky Mountains, had recently been divided into counties; and Arapahoe County, comprising the whole western end across the state, from a line running north and south near the mouth of the Smoky Hill Fork, had been officered by General Denver, from men personally or generally known to him in Kansas. The migration of people to the Pike's Peak region had caused anxiety in Governor Denver's mind, and, desirous of establishing law and order at the outset, he appointed on the eve of their departure for the West the following officials: County Judge, H. P. A. Smith; Sheriff, Edward Wyncoop; Treasurer, William Larimer, and Chairman of the County Board of Commissioners, Hickory Rogers.

With Montana City passing rapidly into desuetude, rivalry between the two other settlements became sharp and sometimes bitter. The advantages and disadvantages of this rival or that were poured into the ears of every prospective settler that appeared. Figuratively speaking, both towns looked across Cherry Creek at each other and demonstrated their antagonism like two featherless fighting pullets. The two groups of cottonwood-log cabins, plastered with mud, lacking wooden floors and oftentimes windows, lay sprawled out during those autumn and winter days, each seeming to watch jealously the movements of the other. Month after month they jangled irrespective of the fact that all this region was the property of the Indians.

At the beginning of the new year, Auraria, on account of its earlier start, had a decided advantage in the ten-week race for metropolitan honors. Auraria claimed about fifty cabins and

Denver twenty-five. Five white women, wives and daughters of settlers, had also become a part of the population.

The antagonism between the two hamlets continued through the year 1859; and the social, business and political life of both suffered as a consequence. Thoughtful men began to see that this was not well on general principles, and further, many of the substantial citizens had property and other interests in both settlements. The original organizers of St. Charles returned from Kansas in due time and claims were adjusted. So, after more than a year of rivalry, on April 3, 1860, representatives of the citizens met on the recently constructed Larimer Street bridge, and ratified resolutions consolidating the two rival towns, and also highlands division, into one municipality to be called Denver City.

While these site-seeking groups had been playing leap-frog on the banks of the local converging water courses, a few of the settlers in the autumn of 1858 had called a meeting to establish a civil government. Although the whole region at the time contained less than two hundred men, nevertheless an election was held, a delegate, H. J. Graham, elected to Congress, and a representative, A. J. Smith, to the Kansas Legislature. They were to proceed immediately on their missions, the Congressman to have the Territory of Kansas divided and the western portion organized into a new territory, and the representative to take a seat in the Kansas Legislature. Graham, as would naturally be supposed, failed in his petition, but Smith succeeded in having the county of Arapahoe confirmed, but was not admitted as a member of the Kansas Legislature.

When the Territory of Kansas had been created by Congress, in 1855, one of the organic acts was that the Governor should fill all vacancies in office, so, as already noticed, Governor Denver, using his prerogative, had appointed officers for Arapahoe County, to which little attention had previously been paid on account of the absence of white population.

The first election of Arapahoe County officers, under the laws of Kansas, took place in March, 1859; and over seven hundred votes were polled, indicating the increase of population, even during the winter months.

In the meantime, the thoughts of the people were turning rapidly and convincingly to more ambitious projects. On April 11 a mass meeting of citizens of Auraria and Denver City convened, passed certain resolutions, and requested all the precincts of Arapahoe County to choose delegates to meet, in four days, in joint convention, to consider the formation of a new state or territory. Concerning this occasion, one of the Colorado his-

torians writes: "Note the dashing boldness of these resolute pioneers. Here was a convention representing less than two thousand people, less than half of them fixed residents, before any great mines had been opened, or even discovered, before the capabilities of the soil were known, before an acre of land had been planted, and whilst every soul was in doubt whether or not there ever would be a basis for support of even a small population, taking measures without precedent, without authority of law, and without the slightest prospect of ratification, for the creation of an independent commonwealth."

One may look back today with surprise and risibility upon those abortive proceedings, and, on the whole, there is probable justification for doing so; but the circumstances must not be overlooked. The Rocky Mountain pioneers, isolated by a barren and dangerous zone of six or seven hundred miles in width from the ragged westwardly moving vanguard of well-organized society, felt keenly their self-dependence and realized the importance of their own efforts. Further, the attention of the cis-Mississippian populace was rapidly being centered on the portentous clouds of war which were hurriedly gathering, and attention could not be easily bestowed by the government upon a handful of tent-dwellers in the remote Rocky Mountain West. The experiences of later times, when the earlier territorial governors besought the Washington authorities for material assistance during those critical Civil War days, and the lack of response as a result, give, in the light of subsequent time, still greater justification for the bold move.

When the four-day period had elapsed and the delegates assembled, there was but one subject on the surface for debate, and that was the formation of a new state of the Union. Conditions were held to be such that the usually long territorial probationary period could not be endured without injustice and danger, when one would stop to realize the rapid growth of population, the character of the citizens, and the distance from the seat of the National Government. Considering, therefore, those times and circumstances, no one would today deny that a strong case was presented. A central committee, accordingly, was appointed to organize precincts in various outlying districts, to which people were rapidly coming. New boundaries were proposed and this new star in the political firmament was to be known as the State of Jefferson. Another committee was appointed to issue an address setting forth cogent reasons for the steps taken, and the advisability of immediate action. Copies of this document, a worthy counterpart of the many memorials appearing from time

to time in the history of our country from the Mayflower Compact down, were sent to their destinations with dispatch.

The second Monday of May was the day selected for the election of delegates to the proposed constitution-creating convention. This was the memorable May of the Gregory gold discovery and the constantly increasing excitement over the Jackson diggings; but delegates were elected and the law and order element of that isolated region did not shirk obligations.

On the sixth of June the convention met, with fifty delegates present. The work was divided and placed in the hands of eight committees, and in two days the preliminaries were accomplished. An adjournment was then taken till the first Monday in August.

Before the next meeting considerable opposition to statehood had arisen, for various reasons; but interest in a larger and more expeditious organization had not abated, for the precincts and delegates in the meantime had more than tripled. Able men were present and vital questions arose for discussion during that notable week. The committees on constitution reported and it was decided that a State-Territory election should be held on the first Monday of September. Accordingly, on the fifth of that month, the election was held and the advocates of the "State of Jefferson" were defeated by more than a three-to-one vote. The result was a bitter disappointment to the great mass of substantial citizens, who had hoped that a new order of things would be established and bring about a much-needed more strongly organized state of society. This feeling led to some charges of improper conduct, a usual aftermath of hotly contested elections. The constitution prepared for this anticipated state has received heartiest commendations from eminent jurists, and was largely drawn on in later years when statehood became a reality in Colorado.

At the August convention it had been decided that if statehood should be defeated at the polls, another election would be held on the first Monday of October for the double purpose of electing a representative to the Kansas Legislature (already by proclamation the Governor of Kansas had so requested), and a delegate to Congress who would represent Jefferson Territory. Accordingly, Captain Richard Sopris was elected representative, thus becoming the first member of Arapahoe County to take a seat in the Kansas Legislature; and D. B. Williams was sent to Congress to memorialize that body to cut off the western end of Kansas and organize the whole Pike's Peak Region into a territory bearing the name Jefferson.

At a public meeting held in Auraria before the October elec-

tion, it had been proposed that, when the delegate to Congress should be elected, delegates also should be elected to form a Provisional Territorial Government. This seemed a positive necessity. Month after month had passed by and there was still no stability in public affairs. An emergency existed and some practical form of government was the necessity of the hour. Throughout the summer, hordes of people had been pouring into the state, and this rapid increase in population brought with it a striking modification of the population itself. The news of the Jackson-Gregory discoveries of the early spring had reached the cis-Missourian country, and, during the later summer and earlier fall, thousands of every cast and condition were flocking across the plains, presenting the very embodiment of heterogeneity.

Experienced and would-be miners, broken-down or uninitiated merchants, college-trained experts, ambitious lawyers, variously opinionated clergymen, differently schooled physicians, job-seeking schoolmasters, unfledged statesmen, and full-fledged politicians, northern abolitionists and southern slaveholders, ordinary haberdashers, farmers, teamsters, mechanics, shoemakers, clerks, gamblers, swindlers, fugitives, and cut-throats composed the rank and file of that never-ending line of centipedal humanity, trudging over the trails, breaking into fragments on the banks of the South Platte, and disappearing, bit by bit, into the canons and among the primeval evergreens of the Rockies. As already noted, law was largely unfelt, and violence naturally broke out here and there. Although, during those autumn months, the crowds grew like magic; nevertheless, thousands, finding conditions different from what they had expected, or realizing their own inadaptability to play their part successfully in the midst of that heterogeneous mass, soon returned eastward, tired, homesick, and disgusted.

Excitement, however, grew apace. Throughout the whole region from Boulder Creek to the Arkansas, and from timberline to river bed, the prospectors and fortune-hunters threaded their various ways, rolled themselves in blankets under the open sky, pitched their tents, or improvised cabins, and dreamed of gold and glory.

In the meantime, the delegates chosen to form a provisional government, eighty-six in all, had met in convention, had written a new constitution called the Organic Act of the Territory of Jefferson, had divided the proposed territory into districts, and approved other important measures, among which was the necessity of an early election with the naming of the fourth Monday of October for that important event.

On the day appointed, the election was held, the provisional government adopted, almost unanimously, and a governor and

other state officers, including a full body of legislators, were chosen; and this wheel of democracy, built by men who knew the nature of the timber, was set to spinning to the general satisfaction of a law-seeking and law-abiding people. The governor, R. W. Steele, sent in his message to the legislature, which began work on the seventh of November, and transacted some exceedingly important business.

Enthusiasm, however, is not necessarily authority, and the Territory of Jefferson was not a legitimately organized institution. The creation of a territorial component of the government must be the work of Congress. Aside from its lack of authority, however, the experiences of the lawmakers of the Pike's Peak region had been exceedingly valuable. In an isolated land of dangers and disadvantages, those dauntless leaders met an unusual situation in a comparatively quiet and matter-of-fact manner.

In order to protect life and business, two kinds of courts had been established by the pioneers. The first was the People's Court, made up of improvised assemblies of the people and presided over by some probate judge or justice of the peace. The prisoner was brought forward and allowed to tell his story, witnesses testified, guilt or innocence was declared, and punishment or freedom immediately followed. The other was the Miner's Court, with certain officers elected to preside over a district, settle disputes, and administer justice. The masses put faith in these organizations, and most of the reliable eye-witnesses have testified to the justice and efficiency of the proceedings.

The first legislature lasted forty days and did much creditable work. As would naturally be expected, however, the conflicts of governments and divisions of authority created much embarrassment. The people, however, with love for order and law, adjusted themselves to conditions, and paid due respect to whatever local authority seemed most expedient. Thus the year rolled round. The census of the time showed a stable population of 48,000. In the autumn, Steele was re-elected governor and the legislature reconvened and did business. The importance of local matters, however, seemed to dwindle, and the attention of the people was turned to one of the most momentous and exciting campaigns in the history of our country—the election that placed Abraham Lincoln in the Presidential chair.

In less than four months, viz., on February 28, 1861, the improvised government went out of existence, and William Gilpin, an appointee of Lincoln, was soon afterward sent into the Pike's Peak region to control the destinies of the recently created Territory of Colorado.

The territorial experiences of this new political creation, during those strenuous Civil War days, and the conflicts between whites and natives immediately afterwards form, perhaps, the most romantic part of all Colorado history, but are of general rather than local interest. In the meantime population increased, business become more and more stable, a great railroad stretched its lines over the mountains to the Pacific Ocean, and, on the first of August, 1876, bearing the sobriquet, The Centennial State, Colorado, took her place among the sisterhood of American commonwealths.

Further Archaeological Research in the Northeastern San Juan Basin of Colorado, During the Summer of 1922

BY J. A. JEANCON AND FRANK H. H. ROBERTS

Pottery of the Pagosa-Piedra Region

BY J. A. JEANCON

(Continued from the May Number)

Possibly no other region in the southwestern part of the United States presents as interesting and varied a field for the study of prehistoric ceramics as the Pagosa-Piedra region. During our excavations of 1921 and 1922 we found so many new things in that line that it appears safe to venture some extended remarks on the subject.

As has already been shown in this and the preceding reports on the houses of the region there is a well established sequence in house building.¹¹

Each type of house appears to have had a fairly well defined type of pottery associated with it. While there are overlappings, still each period in the upward trend of the sequence presents advanced ideas, better technique, materials and decorations.

While this part of the report is to deal with the ceramics of the region it is interesting, nevertheless, to note at this time that each period had peculiar artifacts and other objects belonging to it. For instance: in the pithouses the personal ornaments appear to have consisted of crude pendants of gypsum, tourmaline and other stones. In addition to these were facsimiles of

¹¹Archaeological Research in the Northeastern San Juan Basin, etc., by J. A. Jeancon.

shells, animal and bird claws, sometimes made of soft stone and in some cases of pottery. These crude objects disappear very soon in the sequence of house building, and one finds carved animals and the complete absence of the crude pendants. The latter are replaced by smaller and nicely shaped pendants of gypsum and other materials. In the last period of the house remains were found beautiful turquoise and abalone shell ear pendants and gorgets.

So one also finds that the pottery is in culture levels and as the scale ascends the finer wares appear and the decoration assumes at its highest development a sophisticated and elaborate expression that is rather amazing. There is a complete sequence from the first crude effort of the pithouse dweller to the exquisitely formed and intricately decorated black on white and red wares. While at first it appeared that there was no native red ware, a more complete study of the subject has disclosed the fact that some of it was probably native and of the last period of occupancy.

The decorations of the middle and the last periods are very strongly suggestive of the Chaco Canon and also, in a smaller degree, of the Aztec, New Mexico, wares. There is this difference, however, that the Pagosa-Piedra wares, while suggesting other regions, have a certain individuality that causes them to be recognized at once. It is too early to suggest, even, what influence the neighboring peoples had upon the ceramics of the region under discussion. Only two summers have been spent in studying the ruins and the artifacts, and so we must only consider the facts at hand. There is also the lack of specimens to hamper the work.

The curious suggestions of design elements resembling those that occur on the pottery of the Chama Valley and the Jemez Plateau of New Mexico are very remarkable. Some of the early pieces from the pithouses resemble very much in general character (paste and slip) the so-called early biscuit ware of the Jemez Plateau. Interlocking birds and other features on the later black on white pieces appear to be the forerunners of similar elements found on the later wares of north central New Mexico. The writer is particularly interested in these resemblances, as much of his time was spent in research on the Chama and the Jemez Plateau, and to him these resemblances appear to be something more than accidental.

Amongst other things, one point stands out with peculiar prominence, and that is: that almost every piece of pottery found is asymmetrical; due to the fact that faulty mixing of the paste caused it to warp during the sun drying process. This is typical

of the whole region. It hardly seems probable that this was done purposely as there could be no object in thus deforming the pot. Again, very few of the pots are really circular; almost all of them tending more to an oval. It is possible that this was also caused by the warping as they were being sun dried. Pottery had been left in some of the first pithouses and when the roof beams were destroyed by fire, the heat caused by their burning and the blazing beams falling upon the pottery, broke the vessel into pieces. These pieces are now so badly warped that it is practically impossible to restore them. There is one large, undecorated water-jar in fragments that was broken and warped in the above described manner, that the writer has tried very hard to restore, but the edges of the fragments are so distorted that they do not fit together although it is very plain that they originally all belonged together.

General Description

The steps in the house building sequence have tentatively been put into six periods, not that these necessarily indicate any great lapse of time between periods, but for the purpose of a better working basis. This tentative arrangement has also been followed in the chronology of the pottery.

First Period. This is the period in which the first types of pithouses were found. Here we find only small vessels, very crude and with some suggestion that the coiled technique had not yet been adopted. All of these pieces, none of which are over four inches in height or diameter, give the impression of having been punched out of pieces of clay. The paste is very sandy, with no attempt at a slip or wash over it. Neither the inside nor the outside shows any traces of coiling, and from the crude finger marks and corn cob striations, they would indicate that such a process was not followed. As has been said before, they have the appearance of having been moulded or punched out. The writer has seen Rio Grande potters make small clay vessels in this way. The forms consist mainly of small heart-shaped bowls with decided incurving tops leaving only a small opening in them. As no basketry was found in any of the pithouses it is impossible, at this time, to tell what influence, if any, it had upon the pottery. Nothing suggesting platters of burned clay, such as sometimes occur where early types of pottery are found and which are made by covering either the inside or outside of a shallow basket bowl, were found.

Second Period. The second period presents so few new features that if it were not that the vessels were found in houses of this period one would consider them as all belonging together. In

this period we do find larger globular and heart-shaped pieces, with no marks of coiling inside or outside.

Third Period. In the third period the coiling begins in very broad strips which continues, with considerable variation, through all of the remaining periods. Even in the last one the broad coiling is used with a decorative effect that is rather good looking. The coiling from the third period on is so varied that it appears as though they had exhausted almost every conceivable variation of the coiling technique.

Fourth Period. In this period the smoothed outside begins to appear and also an improvement in the paste. Until this time the latter runs from a very sandy, frail paste at the beginning, to the ordinary medium soft cooking ware paste in the period under consideration. Later, apparently keeping step with the paste of the decorated ware, the coiled ware paste becomes harder, and in many cases of the last periods it is practically the same as that of the black on white ware. The first cases of vessels with smoothed exterior are undecorated, the forms by this time having increased in size until we have water jars of twelve to sixteen inches in height and also some large crude pitcher forms. Another curious form of this period is a sort of double jar, being one small heart-shaped jar on top of another and joined, thus forming a double lobed vessel. The upper one is without a bottom and the opening goes right through into the lower one. These pieces are usually not over two inches in height for each section. One specimen of the foregoing type showed a few marks which appeared to be a partially eradicated decoration, but as there was no acid at hand with which to test the deposit on the surface of the jar it was impossible to say definitely whether the lines were really a decoration or not. The jar belonged to Mr. Harlan, on whose land are some of the finest pit-houses along the benches of the Piedra river.

Some attempt at a wash or slip was made about this time and the first showings are very poor. The slip is a dirty grey and has no real polish as is seen on the later pieces.

Possibly the first attempts at decoration on the smooth surface of the earliest ware with a slip were suggested by smears made in the handling of the pot with dirty hands. This theory may appear more than problematic upon the surface, but a careful study of the first smears used as a decoration show them to be so crude that it appeals to the writer that some such process occurred. There is no attempt at any design. Straight lines running horizontally or vertically on the vessel are the only things that are found. From here the development of the first, and simple elements goes on. Soon oblique lines make their appear-

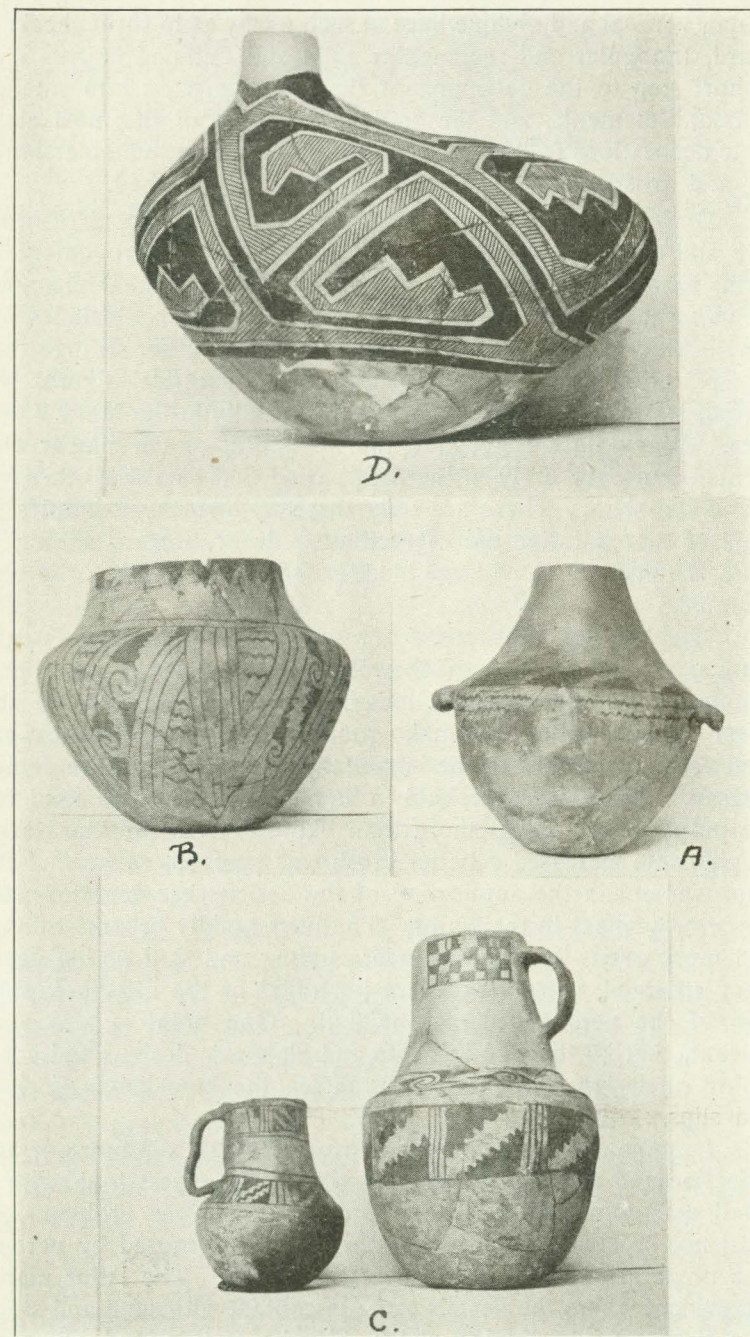


Plate 19. Fine Black on White Ware

ance as well as the other two mentioned. By combining horizontal, vertical and oblique lines in such a way as to form checker-board, triangular and rectangular solid and outlined masses it is a short step to the detaching of the separate parts into smaller units and elements, and the gradual evolution of the most elaborate decorations follows as a matter of course as the understanding and artistic expression of the person is developed.

During the fifth and sixth periods the development of intricate and elaborate designs continued as did the improvement in form, paste and technique. The use of the curvilinear elements seems to have come in during the fifth period. This includes the interlocking of the heads of the figures. It is rather strange that no greater evolution of the rectilinear geometrical figures occurred, as was the case further west, especially in the Mesa Verde area. Wavy lines suggesting the beginning of curvilinear elements occur very early in the fifth period and persist all through it and the sixth. There are only three noteworthy examples at hand of the exclusive use of rectilinear decorations as shown in Plates 18 and 19. The large bladder-shaped water jar is the best example.

The kind of brush used for applying the pigment is not known. A splint of yucca chewed at one end is very common amongst the Pueblo potters today. The tough tendons of the lower leg of a turkey also make good paint brushes. These were used very extensively by the inhabitants of the ruins of the Jemez Plateau. There were probably other things that were used for the purpose. It is also more than likely that as the knowledge of pigments increased a better brush was evolved, as we find the improvement in the application of the designs keeping step with the improvement in the wares. The lines rapidly become thinner and more even, and as the understanding and skill of the decorator enlarged a more excellent portrayal of the artistic expression of the person becomes evident. One point is also very evident, that is: that the intricate and elaborate designs and combining of design elements far surpassed the knowledge of clays and slips.

In some of the finest specimens we find the slip more or less defective and apt to peel off. This peeling process took with it small masses of the paste and presents a curious problem. It must not be confused with the marks of wear caused by percussion or abrasion seen on some of the pieces. The latter marks are evident where the vessels came in contact with sand and stone in a stream while dipping water. Marks of this kind occur on most of the dippers, pitchers and water jars, and are easily distinguished from the peeling. In the latter case there is a certain

amount of crazing or crackling of the slip which when detached from the surrounding portions flake off, and, as has been said, carry with them small masses of the paste.

Again we have specimens of the black on white ware that are not crazed at all, and where the paste and slip appear to have blended on the adhering edges, in a most perfect manner, thus giving the appearance of a homogeneous mass with only a slight difference in color to distinguish between the two parts.

Another peculiarity is that in some of the black on white ware bearing the most elaborate decorations, the black pigment is very bad, being dingy, faint, and apparently applied in a very thin state. The lines are well drawn, spacing good, and the designs intricate and involved, but the black pigment is very poor and applied to an indifferent, dirty, white slip. It is interesting to note these differences on well-made bowls which were found in houses of the latest periods.

While the writer at first thought that the red ware was not native to the region, later study of the sherds indicate that some pieces appear to contradict this. The first surmise was based upon some very fine sherds of red ware that were found in the ventilator of the east kiva. The paste and slip of these sherds are so remarkably like the fine Chaco red ware that it seems safe to say that the piece was intrusive. The sherds have a coiled exterior and a decoration of semi-luminous black pigment inside. The red throughout the sherds is a rich dark color and it is to be regretted that not more of the sherds could be found so that the piece could have been reconstructed, but unfortunately no two pieces fit together.

The black pigment used in the decoration has been called semi-luminous as this seems to be the only way in which it can be described. At first it suggested the late glaze of the Jemez Plateau red ware decorations, but after a careful study one is more or less confused in describing it. When looked at for the first time it gives the impression of a glaze, but upon closer examination it appears to have a sort of glow that is indefinable. The nearest thing to which it can be compared is the sheen of the old Guadalajara green glaze. The writer has never seen anything just exactly like it.

The pieces of red ware that appear to be native are not of the rich dark red but of a more yellowish cast, and the black decorations are of the ordinary pigment, not suggesting a glaze. The paste is often blackish grey and has a fair content of sand, whereas in the red sherds described above the paste is even all through with no suggestion of black. It is almost impossible to

distinguish between the slip and the paste of the latter sherds, whereas the difference is very apparent in the native ware.

It is more than likely that all of the red ware is of the last period, as all of the sherds were obtained in the large ruin on the top of the mesa. The design elements of the native red ware are also of a late period and filled in with hatched lines in the interlinear spaces. In many ways the hatching is similar to that found in the Chaco Canon, Little Colorado, and the Rico Puerco of New Mexico.

Forms

The earliest forms were necessarily very simple and some of these have been treated in the early part of this report. Amongst the early forms are two that are eccentric and unusual. The first (Plate 7, A) is a part of a double-necked jar such as is still made by the Indians of the Rio Grande. The paste is soft and has a large content of sand. Although it was found in one of the early pithouses it was made by coiling, which is plainly indicated on the bottom and part of the way up the sides of the vessel. In color it is brownish black and the whole vessel is very crudely made.

The other form is gourd-shaped. While a few of these gourd shapes have been taken out of ruins in southwestern Colorado, yet they are rare. Mr. Earl Morris figures four of them in his report on the ruins in the Mancos Canon, and speaks of them as being unique among the pottery of the upper San Juan drainage.¹² In the ones that he found the stem of the neck is gone, but in the one found on the Piedra the stem is still there. The decorated gourd shape shown on Plate LXVI of the Hayden Survey of 1876 is marked Moqui, and is somewhat similar to the one that we found, with the difference that the one we found is not decorated. It is made of a blue grey paste, with a very slight slip of dirty white that has become stained a reddish brown from contact with the earth during its burial. It was in a number of fragments, but has been restored and is shown on Plate 7, B. The stem is complete and does not touch the side of the vessel at all. It was also found in an early pithouse.

Other early forms are the small heart shapes, small globular and crudely made jars with straight rising sides. Examples of these are shown on Plates 7 and 20. It is interesting to note that all of the primitive forms persist all through the series even to the last periods. One of the later heart shapes is shown on Plate 7, C. It is very large and had a slip of bluish white over

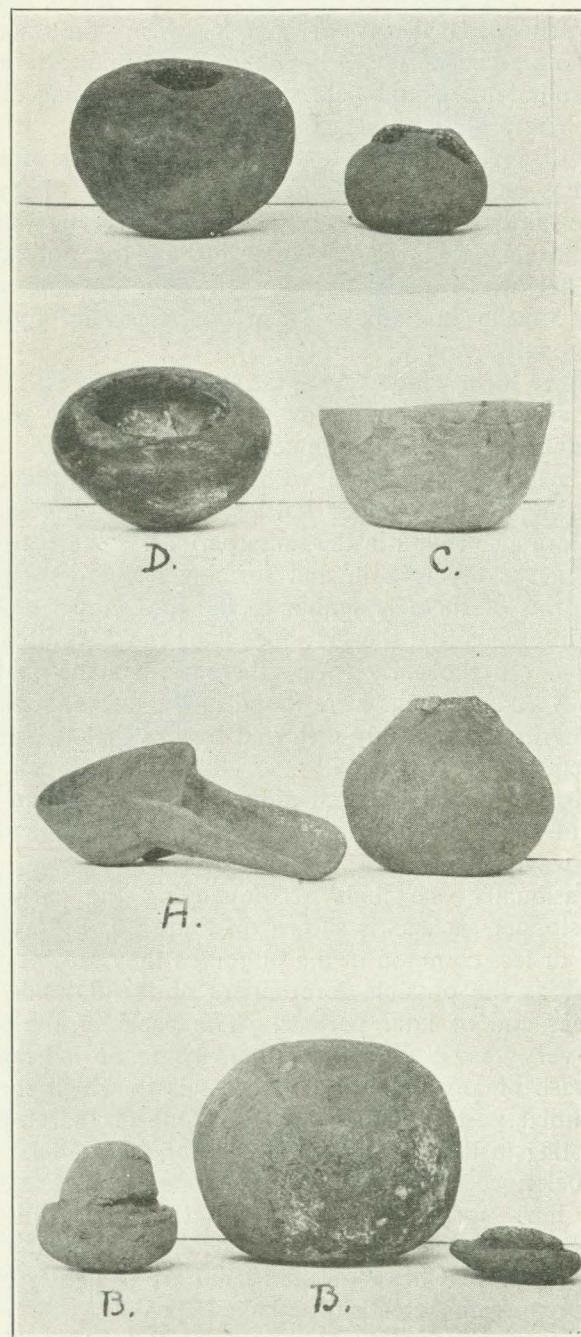


Plate 20. Early Wares

¹²Morris, Earl H. Antiquities of the region between the Mancos and La Plata Rivers in S. W. Colorado. 33 Annual, Bureau of American Ethnology.

the exterior. The design on the top is almost effaced, but enough remains to show that it was very simple. From the traces left, it shows a simple checkerboard in outline and solid, alternating on four horizontal lines, and with vertical ones running all around the pot. The paste is rather coarse but fairly hard. It has been subjected to a very hot fire and shows the effects of the heat. The handles on the sides are partly broken off. They are set about one-third of the way below the shoulder and this is very common in this area. The dimensions of the pot are: $10\frac{1}{2}$ inches in height, 14 inches in diameter. The opening in the top is roughly 5 inches in diameter. The opening is not a good circle but only roughly round.

Another form which is rare is the tub shown on Plate 8, A. This is a very coarse ware, brown in color, and the paste has a large content of sand and minute quartzite pebbles. This type of ware is usually associated with the houses of the third and early fourth periods. Water bottles or jars of the same paste and ware are also found in the same periods. These are full belied with necks tapering in and forming a small mouth. The general forms of these is similar to the one shown on Plate 15 with the difference that the first ones were not decorated as is the one shown. In the early forms there were some that had no handles. Two specimens were found in the excavations of 1921 but the sherds are so badly distorted by fire that it is impossible to set them up.

Probably one of the first dippers made is shown on Plate 20, A. It is made of a firm greyish brown paste and is very crude in every way.

Occasionally one finds accompanying the early globular forms a stopper such as is shown on Plate 20, B. While these are more or less common in the pithouses they are, nevertheless, interesting as the possible forerunners of the flat lids found in other areas and of later periods. The paste of the specimens found is very coarse and sandy, there being no indications of a slip or wash of any kind, and the vessels to which they belong are of similar paste and appearance. One of the stoppers was found resting in the opening in the top of the globular vessel to which it belonged, and thus established its use (Plate 20, B).

Mr. Earl Morris in his report on the Aztec ruin figures a stopper similar to the large one found on the Piedra. The only difference being that those on the Piedra are of lightly baked clay while the one from Aztec is of unbaked clay.¹³

The first globular vessels had no neck, the opening in the

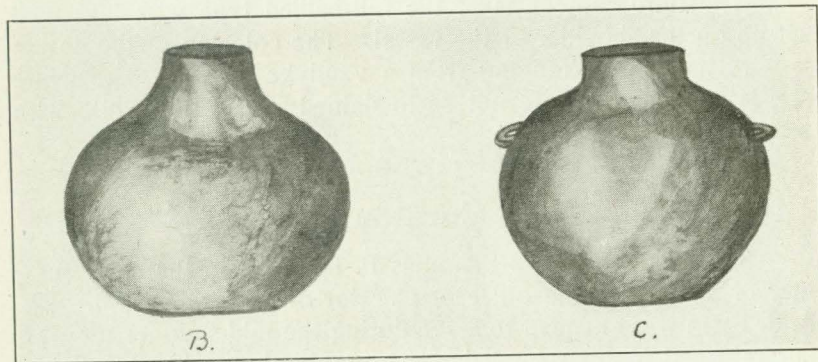
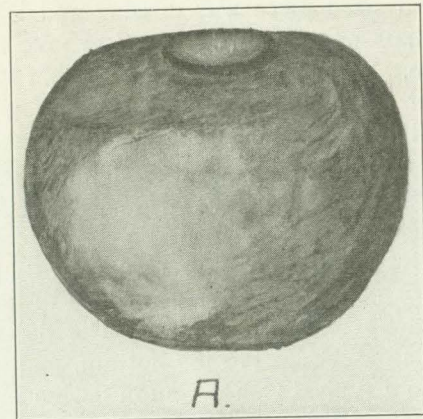


Figure 8. Transition from Heart Shape to Bowl With Neck

top being flush with the top of the vessel. In one case we found the beginning of what would suggest a neck, and this form probably was extended until a real neck was evolved (Fig. 8, A, B, C).

The decorated globular forms all have ears or handles; these are placed at different places on the sides of the vessels. Sometimes we find them pretty well up on the shoulder and again in about the center. In the case of the large cooking tub, the handles are below the balancing line of the tub and give a better leverage for the lifting of so large a vessel. It was only a short step from the globular forms with handles to the canteen form.

Three canteens were found this year (1922). One of them was whole and the other two in fragments, but they have since been restored (Plate 18). The one shown as A, Plate 18, was made in a most peculiar manner: the lower and upper halves were made separately and joined before the clay was sun dried. This is shown by the pinching around the perimeter of the vessel. At

¹³Morris, Earl H. The Aztec Ruin. *Anthropological Papers of the American Museum of Natural History.*

one place a good sized piece was missing and it showed plainly that the upper half was set in a sort of groove made in the lip of the lower one. After the upper half was set in, the two were pinched together and made into one piece. The design on this piece is one of the few instances of the interlocking rectangular elements. It is not, however, a common treatment of the completed design, but rather an unusual one. The lugs or handles were made by piercing the pinched rim.

We found fragments of another canteen made in the same way. The companion canteen is of a more ordinary type, with the lugs set well up on the shoulder. The design runs in two parts from just below the lugs to the bottom, and is typical of the region. It is also a typical Chaco Canon design in appearance as well as in treatment (Plate 18, B).

The third canteen is of the full-bellied type with lugs well set up on the shoulder of the vessel. The coloring of the design is very handsome, ranging from a vandyke brown. The white slip is good and, where not earth-stained, of a clear white with a slight pinkish undertone.

(To be continued)