

Notes on the Establishment of Mesa Verde National Park

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The Mesa Verde was acquired by cession from Mexico by the United States under the Guadalupe-Hidalgo Treaty of 1848. From 1850 until the Territory of Colorado was organized in 1861 it lay within the boundaries of the Territory of Utah.

Practically all of what is now the state of Colorado west of the continental divide (that area west of 107° west longitude and extending from the southern boundary of the state north to a line 15 miles north of the 40th parallel) was recognized as Ute Indian lands by the Treaty of 1868. By the Ute Treaty, concluded at the Los Pinos Agency in 1873 and ratified the following year, the Utes relinquished their rights to certain lands lying north of a line 15 miles north of the south boundary of the state of Colorado. This placed the north portion of the Mesa in the public domain and subject to entry, but many of the major structures remained in the reservation. This Treaty had scarcely been ratified before there was a movement started to have the Utes relinquish claim to all lands in the state of Colorado. Under authority of the Act of May 1, 1888, such a Treaty was negotiated that year. The ratification of this treaty developed into a bitter and extended controversy. It was not until 1895 that Congress was finally able to pass an act which disapproved the treaty. It was in connection with this controversy that Mesa Verde first specifically came to the attention of Congress. In 1891 the General Assembly of Colorado addressed a memorial to Congress praying for the ratification of the agreement and the preservation of a part of the reservation as a national park.

The prehistoric relics of Mesa Verde were first brought to public attention in 1876, with the publication of the Hayden Survey Reports of 1874 and 1875-1876. That they had not come to light before cannot be explained by isolation entirely. The mesa lay near the route of the Old Spanish Trail from New Mexico to Utah and California. Many travelers passed along this trail but not one of them records or betrays any knowledge of the existence of the unusual structures hidden in the canyons of the mesa. It would appear that the Utes had guarded their knowledge of them jealously.

William H. Jackson, photographer of the Hayden Survey of 1874, gives us the first description and illustrations of several of the Mesa Verde ruins. He explored only the Mancos Canyon area and thereby missed the larger, more spectacular structures.

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Dr. W. H. Holmes of the Hayden Surveys of 1875 and 1876 penetrated deeper into the area and greatly extended the information on the area but he, also, did not reach the major structures.

According to legend, it was not until 1885 that the Wetherill brothers, Richard and Alfred, ranchers in the vicinity, "discovered" the Cliff Palace. For the next several years the Wetherills systematically explored the area. They made new discoveries and brought out an immense quantity of artifacts. These artifacts were widely distributed. Large collections went to Sweden and to the University of Pennsylvania. The Columbia World's Fair in Chicago had a display that was later acquired by the State Historical Society of Colorado.

In 1890 Dr. F. H. Chapin published the results of his study of the area and W. R. Birdsall issued his in 1891. In 1893 the English translation of Nordenskiöld's great study of the area became available.

The protection and preservation of the prehistoric structures and relics of the Southwest was first brought to the attention of Congress in 1882. In that year the New England Historic Genealogical Society addressed a memorial to the Senate praying that "at least some of these extinct cities or pueblos, carefully selected with the land reservations attached . . . may be withheld from public sale and their antiquities and ruins be preserved, as they furnish invaluable data for ethnological studies now engaging the attention of our most learned scientific, antiquarian and historical students." The memorial was presented on the floor by Senator Hoar of Massachusetts and the brief discussion of it no doubt reflects the then current attitude which resulted in the memorial being laid to rest in the Senate Committee on Public Lands. No general bill for the protection of the antiquities was introduced in Congress until the 56th Congress (1899-1901) when several bills were presented in the House of Representatives. Bills were again introduced in the 58th Congress (1903-1905). While the primary stimulus to the passage of these bills came from non-governmental agencies, such as archaeological and educational institutions and individuals and the Bureau of American Ethnology of the Smithsonian Institution, with the active support of the Department of Interior, no general legislation was enacted until the 59th Congress (1905-1907).

In the 50th Congress (1887-1889) a bill (HR 11037) was introduced by Mr. Holman of Indiana under the title "To set apart a certain tract of land in Territory of New Mexico as a public reservation." The described tract was substantially the same lands that were set later aside under the Antiquities Act by Presidential Proclamation of 2-11-16 establishing Bandelier National Monument. The bill provided "for the preservation from injury and spoliation

all natural and archaeological curiosities within said reservation and their retention in their present condition." Section 3 of the bill provided "That the Director of the Geological Survey is hereby authorized to make a report to Congress specifying such other archaeological remains existing upon the public domain as should be preserved in the interest of science, together with a description of such tracts as it may be necessary to reserve in order to insure the protection of said archaeological remains from injury and spoliation." The bill was referred to the Committee on the Public Lands but was not reported back. In the 56th (1899-1901), 57th (1901-1903), 58th (1903-1905) and 59th (1905-1907) Congresses bills were introduced to establish the Bandelier area together with adjacent tracts as a national park but none were enacted.

In the 50th Congress (1887-1889) the Civil Sundry Appropriations Act for the fiscal year 1890 carried an appropriation of \$2,000 "to enable the Secretary of the Interior to repair and protect the ruin of Casa Grande" and authorized the President "to reserve from settlement and sale the land on which said ruin is situated and so much of the public land adjacent thereto as in his judgment may be necessary for the protection of said ruin and the ancient city of which it is a part." The first withdrawal was made by Executive Order of June 22, 1892.

Until the 59th (1905-1907) Congress, in which Mesa Verde National Park was established and the Act for the Preservation of American Antiquities was passed none of the prehistoric structures and relics received Federal protection except the Casa Grande ruin. Chaco Canyon National Monument was the first area of this type to be set aside under the latter act by Presidential Proclamation of March 11, 1907.

As early as 1886 there was a small but vigorous group intent on the preservation of the Mesa Verde ruins. An editorial in the *Denver Tribune-Republican* of December 12, 1886, is the earliest specific reference to making the Mesa Verde a National Park that I have found. The group affiliated themselves with various scientific and archaeological organizations. They gave lectures and gained some publicity. Their efforts culminated in two widely circulated petitions addressed to Congress in 1894. However, their efforts brought no tangible fruits. For the next three years the project appears to have been dormant.

At the annual meeting of the Colorado Federation of Women's Clubs at Pueblo in October, 1897, a Committee for the Preservation and Restoration of the Cliff and Pueblo Ruins of Colorado was appointed. This gave some official standing to some of those who had previously been active. The Committee went vigorously to work with the support of the State and National Federation. They organ-

ized chapters and groups in three states. They affiliated themselves with the Archaeological Institute of America and other organizations.

The obstacles in the way of the Committee's program were tremendous and all but unsurmountable. The structures to be preserved were located on Indian lands. There was no authority of law under which these lands could be purchased or even leased. The Indians to be dealt with through 12 chiefs were disinterested, widely scattered and jealous of each other. The Committee itself was handicapped by personal jealousies and clash of personalities with a resulting lack of unanimity.

At the expense of some repetition, let us have Mrs. McClurg, Chairman of the Committee and later Regent of the Colorado Cliff Dwellings Association, tell us the story in her own words:

"For several years we existed as a committee of the Colorado State Federation. This committee was appointed by Mrs. Mahlon Thatcher, then the State President (Pueblo, again, you see). The work of the committee was preliminary and tentative. New members were added from time to time. We had the region mapped. We soon became aware that the gist of the matter lay in the fact that the Mesa Verde was situated on land belonging to the Southern Ute Indians. This green tableland, twenty miles by eight, in the southwest corner of our state of Colorado, with several hundred ruins, including the famous Cliff Palace, is, as Dr. J. Walter Fewkes said, 'the most spectacular and representative area of Cliff Dwellings known.' For this reason, perhaps, it has been most exposed, not only to the gnawing tooth of time, but to the ravages of ignorant treasure-seekers and the iconoclastic relic-hunters. To punish depre-dators, to preserve the ruins, control must be assumed, but how to acquire it was the question. The Weeminuche Utes hold the land as a tribal reservation—not in severalty—therefor they cannot individually lease or sell. To lease the land from the Indians seemed the only practical expedient—as the government could give us no title, and the Regent in a personal interview with Head Chiefs Ignacio and Acawitz secured this consent—and this lease, through Senator Wolcott, was ratified March 3, 1901. The first written lease was taken seventy-five miles overland by Mrs. Scoville of Durango to Navajo Springs, and signed there by the six head chiefs. When it went to Washington the lease was not frilled and furbelowed enough, so there it was redrafted in the Department of the Interior and a seal and bond and other additions required . . . Mrs. Eldridge and your Regent took the amended lease down four hundred miles to Mancos, thence thirty-five miles overland to Navajo Springs. The department fondly imagines that Weeminuche Utes sit at ease at their agency, pens and blotting paper in hand, ready to sign leases,

but such is not the case. These Indians are most of the time out foraging for the scanty subsistence denied them by the government, and no Indian whom we desired was to be found at Navajo Springs, so that our long trip ended in disappointment . . .

"An Indian is an anomalous landlord. He comes up bright and smiling with every new moon to suggest an entire change in demands and mutual relations. He does not disdain to cement these treaties with Cyrano chains, Waterbury watches, watermelons and striped candy . . .

"Acawitz thinks Mesa Verde is his, and his father's and grandfather's before him, because they lived there; and that lease money from it is his own, yet the government sternly says to him, 'You are nothing; you have nothing; you are just a part of the tribe; every Weeminuche owns it as much as you.' Then Acawitz seeing Moache and Capote Utes at liberty to lease and sell their land, doesn't know why, being a Weeminuche makes such difference, and ponders on the quotient of \$300 divided among 350 Weeminuche Utes. Then the government doesn't think that two and two make four—that is, six head chiefs and six sub-chiefs, signing a lease at different times are not the same as twelve chiefs, signing at one time. Then (the government says) the interpreter for Capotes and Moaches should not have acted as an interpreter for Weeminuches, but another one should have been imported, not that he could speak the language any better but that it would make more red tape. And, finally, every man in all the La Plata region wants our road to go by his particular ranch and over his own special land. We should have to build the road system of the ancient Romans to satisfy them all.

"Of course we are not discouraged by these troublous things. They have become our daily meat and drink. Difficulties do not daunt us and we propose to fight it out on this line—or any other vexatious line that may arise."

The committee filed articles of incorporation dated May 19, 1900, in Colorado on June 20, 1900, as a non-profit corporation under the name of the Colorado Cliff Dwellings Association. Article II states:

"The object of this Association shall be the restoration and preservation of the Cliff and Pueblo ruins in the State of Colorado; the dissemination of knowledge concerning these pre-historic people; the collection of relics; and the acquiring of such property as is necessary to attain such objects."

The incorporators were Virginia Donaghe McClurg, Lucy E. Peabody, Anne Whitmore, Emma Eldridge, Luna A. Thatcher, Katherine Sumner, Melissa Lewis Lewis, Lena Allen Stoiber, and Rebecca J. Lowe.

On July 9, 1900, the Association entered into a ten-year lease with the Weeminuche tribe of Utes. The lease covered the Mesa Verde tract described by metes and bounds and included all the ruins and prehistoric remains therein, granted the Association the right to use and occupy such lands for the purpose of preserving and controlling said ruins and remains and protecting them from depredations. The consideration was \$300 per annum to be paid in monthly installments of \$25.00 each. The agreement was submitted to the Secretary of the Interior for approval. Upon examination the Secretary found: (1) that there was no authority of law for the execution and approval of a lease of tribal Indian lands for the purpose; (2) that there had been no evidence furnished of the corporate existence of the Association; (3) that there was attached no certificate from the Secretary or other officers of the Association showing that the Board of Directors had authorized the execution of the contract for and on behalf of the Association; (4) that no proceedings of the Indians which constitute a majority of the Council of the tribe authorized the lease; (5) that no bond for the payments and the performance of the covenants and agreements accompanied the lease and that no revenue stamps had been attached as required by law. The papers were returned to the Association.

The following spring (March 1901) the same contract was submitted to the Department of the Interior for approval. While the Act of March 3, 1901, making appropriations for the sundry civil expenses for the year ending June 30, 1902, through the efforts of Senator Wolcott, specifically authorized the lease, the other defects previously noted had not been corrected and several additional ones were brought to light. The papers were again returned to the Association together with a draft of an acceptable lease form.

The lease, in acceptable form, was executed in the fall of 1901. I have been unable to locate a fully executed copy of it. The *Colorado Springs Telegraph* of August 18, 1901, quotes Mrs. McClurg: "At the time of the Quarto Centennial (Colorado 1876-1901) in Colorado Springs, the six principal sub-chiefs were present and signed the lease, so we had twelve chief men of the tribe as signers." The performance bond, executed by Alva Adams and David G. Fairley, was acknowledged September 30, 1901. The National Archives is unable to locate a copy of the lease or evidence that the lease was ever submitted for approval. In any case the Association had accomplished their first step—interim protection of the ruins. They carried on this for almost five years, when the area was made a national park.

While there appears to have been some disagreement in the Association as to where the protection of the area should be ulti-

mately placed, private, national, or state, one faction steadfastly pursued the national course.

At the end of the 56th Congress (1899-1901) on February 22, 1901, Congressman Shafroth introduced the first bill (HR 14262) under the title "Creating the Colorado Cliff Dwellings National Park." It was not reported back by the Public Lands Committee.

In the 57th Congress (1901-1903) two bills (HR 7461 and HR 6270) were introduced in the House of Representatives by Mr. Bell and Mr. Shafroth. While these bills were supported by a Memorial of the Legislature of Colorado neither was reported back. However, Congressional authority was secured authorizing the Secretary of the Interior to negotiate for the relinquishment of the Mesa Verde tract by the Utes and an appropriation for the survey of the area.

In the 58th Congress (1901-1903) two bills "Creating the Colorado Cliff Dwellings National Park" (HR 6784 and HR 15986) were introduced in the House of Representatives by Messrs. Shafroth and Hogg. The Hogg bill was reported back with amendments but got no further action.

Bills under the title "Creating Mesa Verde National Park" were introduced in both Houses of Congress, the Senate Bill (S 3245) by Patterson and the House Bill (HR 5998) by Hogg, in the 59th Congress (1905-1907). Both bills were passed in the Senate and the House bill became the organic act of Mesa Verde, the Act of June 29, 1906.

The battle was only partially won. The lands included in the park were only those lying outside of the Ute Reservation. However the act provided protection to all ruins within five miles of the withdrawn area. It was not until 1913 that Congress ratified a treaty made the year before relinquishing the lands, that the reservation lands were included in the park.

The story of the establishment of Mesa Verde National Park is unique in the history of the Federal Park System. It is the only National Park which has been created through the sole effort of a small private group.

Mrs. McClurg, in 1925 summarized the work of the Colorado Cliff Dwellings Association as follows:

- "(1) First practical map of Mesa Verde made at the instance and expense of the Government.
- (2) First wagon road thru the canyon—constructed at the expense of the association.
- (3) The trip of the anthropologists to Mesa Verde, September 3-7, 1901, as guests of the association and visits of men in political life, at other times.
- (4) The development of Hammond Spring at Spruce Tree House at an expense of several hundred dollars.

- (5) Devised and paid, as a temporary means of protection from squatters, cattle grazers, and relic hunters, a lease with the Weeminuche Utes.
- (6) The repairing of the Balcony House at an expense of \$1,000.
- (7) Unceasing propaganda by means of lectures, magazine and newspaper articles, stereoptican slides, pictures, books, Indian music, and relic displays in the three states where chapters exist, etc.

"Through the influence of the association Congress passed the following bills:

- (1) To sanction the Lease.
- (2) A commission to treat with the Utes for cession of Mesa Verde.
- (3) An appropriation of a little less than \$1,000 to survey Mesa Verde.
- (4) The passage of the Brooks-Leupp amendment to the Hogg bill withdrawing the cliff ruins of Mesa Verde for park purposes.
- (5) An appropriation of \$7,500 for the maintenance of the park."

By some strange quirk of the mind she fails to enumerate the actual establishment of the park.

Fort Davy Crockett, Its Fur Men and Visitors

LEROY R. HAFEN

In the heyday of the early fur traffic of the West a number of trading posts flourished in Colorado. These primitive marts were shortlived; a single decade saw the rise and collapse of most of them.

One of these posts, about which little has been known, was Fort Davy Crockett, built in Brown's Hole of northwestern Colorado. It was located on the left bank of Green River, above the mouth of Vermillion Creek.¹

Several travelers who visited the post in 1839 left brief descriptions of the fort and gave the family names of the three partners who then owned it. Only gradually, and from fugitive sources, have data been gathered that give the full names and the identity of these men and reveal something of their subsequent careers. Other bits of information about the post and the men who gathered there have been assembled.

Thomas Jefferson Farnham, leader of an Oregon-bound party from Peoria, Illinois, reached the post on August 12, 1839, after

¹J. C. Fremont, *Report of the Exploring Expedition to the Rocky Mountains, etc.* (Washington, 1845), 279-80.

some rugged experiences in crossing northwestern Colorado. "The Fort," he writes, "is a hollow square of one story log cabins, with roofs and floors of mud, constructed in the same manner as those of Fort William [Bent, on the Arkansas River]. Around these we found the conical skin lodges of the squaws of the white trappers, who were away on their 'fall hunt,' and also the lodges of a few Snake Indians, who had preceded their tribes to this, their winter haunt. Here also were the lodges of Mr. Robinson,² a trader, who usually stations himself here to traffic with the Indians and white trappers. His skin lodge was his warehouse; and buffalo robes were spread upon the ground and counter, on which he displayed butcher knives, hatchets, powder, lead, fish-hooks, and whisky. In exchange for these articles he receives beaver skins from trappers, money from travellers, and horses from the Indians. Thus, as one would believe, Mr. Robinson drives a very snug little business. And indeed, when all the 'independent trappers' are driven by approaching winter into this delightful retreat, and the whole Snake village, two or three thousand strong, impelled by the same necessity, pitch their lodges around the Fort, and the dances and merry makings of a long winter are thoroughly commenced, there is no want of customers."³

Obadiah Oakley, a companion of Farnham, reported: "Arrived at Brown's Hole, the men nearly famished, having been without food for four days. This is a trapper's fort in the mountains, on the east branch of Green river, belonging to Craig & -----, and affords shelter and accommodation for thirty men when all are present. All were now out on trapping excursions but two, and these were without any provisions except dog meat, which they obtained from the Indians. Some Indians passing with dogs shortly after, a bargain was struck for three or four, the dogs being valued at \$15 apiece, and the articles given for them as follows: powder \$4 a pint, vermilion \$1 a paper of 1½ oz., tobacco \$5 a pound, and lead and knives at corresponding prices. They found the dog meat excellent, much better than our domestic beef, and next to Buffalo."⁴

Five days after the arrival of Farnham and Oakley, an east-bound party, returning from Fort Hall, of present Idaho, reached Brown's Hole. Among the new arrivals was F. A. Wislizenus, a German doctor from St. Louis. In his book, written originally in

²This was doubtless John Robertson, usually called Jack Robinson. See a sketch of his life and some of his letters in Elizabeth A. Stone, *Uinta County, its Place in History*, 41-46. See also A. G. Brackett, "First Settlements in Wyoming," quoted in J. C. Alter, *James Bridger* (Salt Lake City, 1925), 261; and A. D. Richardson, *Beyond the Mississippi* (Hartford, 1867), 342. Richardson met "Jack Robinson" at Fort Bridger in 1865, and says he was a trapper of forty years experience who told of many hairbreadth escapes.

³T. J. Farnham, *Travels in the Great Western Prairies*, etc., in R. G. Thwaites (Ed.), *Early Western Travels*, XXVIII, 252-53.

⁴*New York Spectator* of November 28, 1839, reprinting from the *Peoria North Western Gazette* of November 9, 1839. Sidney Smith, who accompanied the Farnham party, kept a diary of the trip, but he does not describe Fort Davy Crockett. The original diary is at Pacific University, Forest Grove, Oregon.

German and giving an account of his journey, Dr. Wislizenus said: "On August 17th we reached Fort Crockett. It is situated close by the Green River on its left bank. The river valley here is broad, and has good pasturage and sufficient wood. The fort itself is the worst thing of the kind that we have seen on our journey. It is a low one-story building, constructed of wood and clay, with three connecting wings, and no enclosure. Instead of cows the fort had only some goats. In short, the whole establishment appeared somewhat poverty-stricken, for which reason it is also known to the trappers by the name of Fort Misery (Fort de Misere). The fort belongs to three Americans: Thompson, Gray⁵ and Sinclair. The latter was at the fort, and received us very kindly but regretted his inability to offer us any supplies."⁶

Robert Shortess, originally of the Farnham party and one of the so-called "mutineers" that separated at Bent's Fort, later wrote an account of his journey across Colorado. He says he went to the South Platte forts, remained several weeks at Fort St. Vrain, and finally crossed the mountains to the Green River with trading parties led by Thomas Biggs⁷ and C. Warfield.⁸ Shortess stated:

"In Brown's Hole we stopped at Fort Crockett, a trading post owned by Thompson, Craig and St. Clair, where were several traders and trappers, among whom were Dr. Robert Newell and Joseph L. Meek,⁹ who have since become pretty well known in Oregon and Washington, especially the latter."¹⁰

Doc Newell reports that Owens and Carson¹¹ came to Brown's Hole on September 1st; Baker¹² arrived to trade for Bent and St. Vrain on the 23rd; and Biggs for Vasquez on the 25th.

⁵The name should be Craig. With his German pronunciation, Wislizenus frequently mis-spelled proper names. He called Bent's Fort "Penn's Fort."

⁶F. A. Wislizenus, *A Journey to the Rocky Mountains in the Year 1839*. (St. Louis, 1912; translated from the German edition published in St. Louis in 1840), 129.

⁷Thomas Biggs, not to be confused with Thomas Boggs, was a trader at Fort Laramie in 1837.—Osborne Russell, *Journal of a Trapper*, 81-82. "Doc" Newell, in his "Memorandum of Robert Newell's Travels in the Territory of Missouri, 1829-1840" (typed copy of manuscript in Oregon Historical Society library), says that Biggs, trading for Vasquez, arrived at Brown's Hole on September 25, 1839. E. W. Smith (*Colorado Magazine*, XXVII, 179, 181) states that Biggs was a trader for Sublette and Vasquez and that he set out from Brown's Hole in January, 1840, upon his return to the South Platte.

⁸Shortess (in his "First Emigrants to Oregon," in *Transactions of the Oregon Pioneer Association for 1896*) says that Warfield was in charge of a party for Bent and St. Vrain traders and that he "afterward attained some notoriety as a Texan colonel." One of the recruits he enlisted in the mountains was Rufus B. Sage. See his *Rocky Mountain Life, or Startling Scenes and Perilous Adventures in the Far West During an Expedition of Three Years* (Boston, 1857), 300-28.

⁹Newell's "Memorandum" has already been cited. He and Meek were both prominent in the history of early Oregon. For biographies of Meek see F. F. Victor, *River of the West* (Hartford, 1870); and Harvey E. Tobie, *No Man Like Joe* (Portland, 1949).

¹⁰Shortess, *op. cit.*

¹¹The typed Newell "Memorandum," *op. cit.*, gives the names as "Owens and Craig." We finally located the original manuscript at the University of Oregon and obtained a photostat of it after this article was in page proof. The names therein are given as "Owens and Carson." So we have corrected it accordingly.

¹²Abel Baker, Jr., was in charge of Sarpy and Fraeb's Fort Jackson on the South Platte before and after its sale to Bent and St. Vrain in October, 1838. See Baker's letter of April 1, 1839, in L. R. Hafen, "Fort Jackson and the Early Fur Trade on the South Platte," in the *Colorado Magazine*, V, 16-17.

The excellent journal of E. Willard Smith gives valuable observations on Fort Davy Crockett and its owners. Smith came to the Rockies in the summer of 1839 with the Vasquez and Sublette Company. At Fort Vasquez on the South Platte, near the present site of Platteville, he joined a company that was heading for Fort Davy Crockett. Under date of September 16, Smith recorded: "Today we left our encampment, and started to cross the mountains. Our party consisted of eight men, two squaws, and three children. One of the squaws belonged to Mr. Thompson, the other to Mr. Craig. They were partners and have a trading Fort at Brown's Hole, a valley on the west side of the mountain."¹³

On October 1, they reached Brown's Hole, where Smith remained until midwinter. Sinclair had been at the fort during the absence of his two partners.

Now as to the owners of the fort in 1839. A biographical sketch of one of the three partners, William Craig, has already appeared in this magazine, in the issue of September, 1934. We then reported his birth in Virginia, his career as a trapper, and his removal to the Northwest, where he pioneered in Oregon and Washington until his death in October, 1869.

A second partner, Philip F. Thompson, according to his sworn statement,¹⁴ was born in Williamson County, Tennessee, in 1811. His obituary, in the *Oregonian* (Weekly, Portland), February 25, 1854, says he "was born in Tennessee, April 22, 1810. In early life he went to the Rocky Mountains, and in '42 came to Oregon."¹⁵

Of Thompson's youth and his early years in the mountains, we have no record. He was at Brown's Hole in the summer of 1837, according to Kit Carson and Doc Newell, and from there went on a trading expedition to the Navajo Indians. The mules he and Sinclair procured in this trading venture, Thompson disposed of at Fort Vasquez on the South Platte. The goods received for the mules he brought back to Fort Davy Crockett to trade with the Indians.¹⁶

Thompson went down the Arkansas River and to the Missouri frontier for supplies in the spring of 1839. He returned with his goods in the supply caravan of Sublette and Vasquez, leaving Independence, Missouri, on August 6, 1839, and reaching Fort Vasquez September 13.¹⁷

¹³L. R. Hafen (Ed.), "With Fur Traders in Colorado, 1839-40; the Journal of E. Willard Smith," in the *Colorado Magazine*, XXVII (1950), 172.

¹⁴From the sworn "Affidavit of Settlers on unsurveyed Lands" signed by Philip F. Thompson October 22, 1853, in Washington County, Oregon Territory. Original document in the National Archives in "Records of the General Land Office, Oregon City Donation Certificate 3874." Photostats of these Land Claim papers were supplied by the National Archives. We were referred to this source by David C. Duniway, State Archivist of Oregon, at Salem.

¹⁵This and other data on Thompson were kindly supplied by Priscilla Knuth, of the Oregon Historical Society.

¹⁶M. M. Quaife (Ed.), *Kit Carson's Autobiography* (Chicago, 1935), 54; and Newell's "Memorandum," *op. cit.*

¹⁷E. Willard Smith accompanied the caravan. See the account in his journal published in the *Colorado Magazine*, XXVII, 163-71.

From the South Platte post Thompson and his partner Craig, with their Indian wives and children, crossed the mountains to their fort in Brown's Hole.

In the expedition for stealing horses from British Fort Hall and from friendly Snake Indians during November Thompson took a leading part. The disreputable act caused a split in the band of white traders, a fuller account of which we shall give presently.

Some of the trappers now organized for a horse-stealing raid into California. This was no new undertaking for these men; in fact American mountain traders had been conducting such forays for a number of years. Horses had so thrived and multiplied in California since the founding of the Spanish missions there that they were running wild by the thousands. These animals in the grassy pastures of California looked like easy game to American Mountain Men. These dare-devils were so reckless and so contemptuous of the Spaniards that they not only rounded up wild stock, but drove off the tame animals from the missions and rancherias.

The raid in the spring of 1840 was one of the most extensive and famous in California and Rocky Mountain annals. The Californians, smarting from previous losses, made their boldest and greatest effort to punish the marauders and recover their horses.¹⁸

Leadership of the 1840 raid has been charged, or credited, to three Mountain Men, Philip Thompson, Old Bill Williams, and Pegleg Smith. All three were doubtless in the band, but it is probable that no one was an elected leader.

A good, though brief account of the venture is given by Rufus B. Sage, who met Philip Thompson and his party driving horses to the Missouri River in 1841:

"Their horses had been mostly obtained from Upper California, the year previous, by a band of mountaineers, under the lead of one Thompson. This band, numbering twenty-two in all, had made a descent upon the Mexican ranchos and captured between two and three thousand head of horses and mules. A corps of some sixty Mexican cavalry pursued and attacked them, but were defeated and pursued in turn, with the loss of several mules and their entire camp equipage: after which the adventurers were permitted to regain their mountain homes, without further molestation; but, in passing the cheerless desert, between the Sierra Nevada and Colorado, the heat, dust, and thirst were so intolerably oppressive, that full one half of their animals died. The remainder, however, were

¹⁸For accounts of the raid and pursuit see Department State Papers, Los Angeles, IV, 88-106 (May 14 to June 9, 1840) (translation from photostatic copies of the Bancroft mss. made for the present writer by G. J. Gomez of Denver). A full story of the horse raids into California is given in L. R. Hafen and Ann Hafen, "The Old Spanish Trail," chapter 8.

brought to rendezvous, and variously disposed of, to suit the wants and wishes of their captors.¹⁹

Thompson returned to the mountains and then moved to Oregon in 1842. With him went his Indian wife and family. In an affidavit for proving title to a land claim Thompson stated that he arrived in Oregon on October 15, 1842, and that he legally married Martha Thompson in November following.²⁰

Of their trek to Oregon and subsequent life there we have this revealing human-interest story from H. S. Lyman, Oregon historian:

"The story of Phil Thompson and his family would afford material for a romance. After trapping many years in the Rocky Mountains and marrying a native woman of the Snake Indians, he saw his oldest daughter beginning to grow up to womanhood, and concluded that he must follow the missionaries who had come into the Willamette Valley that the girl might be educated. He talked the matter over with his Indian wife, who perceived the advantage of the child becoming a white woman; but could not bring herself to leave her country. She bade him and the girl a sad farewell, and Thompson set out, and after one day's journey made camp. In the morning the mother appeared to say good-bye again. Another day's march was made; but once more, as morning came, the Snake Indian mother was there to say good-bye. This continuing several days she finally gave up her tribe to follow her child; and in the Willamette Valley became known as one of the most careful of housewives. She tried to learn the white woman's ways, and visited her white neighbors, noticing all the home arrangements and ways of cooking, washing, and keeping house, and introduced these at home, to please her husband, and that her children might grow up like white people. Mrs. Doty (Doughty), who was of the same Indian tribe, became a Baptist; but Mrs. Thompson died before the Baptist missionary reached the neighborhood."²¹

When the Cayuse Indian War broke out, following the Whitman massacre, Philip F. Thompson was appointed Captain of the Fifth Company. He took a prominent part in the campaign and especially distinguished himself in the Battle of Touchet in March, 1848.²²

Thompson was appointed sub-Indian Agent in 1853,²³ but did

¹⁹Sage, *op. cit.*, 51. Other accounts of the raid are found in G. D. Brewerton, *Overland with Kit Carson* (New York, 1930), 70-72, crediting leadership to Old Bill Williams; and in Horace Bell, *Reminiscences of a Ranger* (Santa Barbara, 1927), 289-91, naming Pegleg Smith as leader. It was probably this raid of 1840 that was the principal basis for the interesting fictionalized account of a horse-stealing foray that George F. Ruxton gives in his *Life in the Far West* (1951 edition), 161-76.

²⁰"Records of the General Land Office," National Archives, *op. cit.*

²¹H. S. Lyman, *History of Oregon*, III, 266-68.

²²*Oregon Spectator* (Oregon City), January 20, April 6, April 20, July 13, July 27, 1848. (Data supplied by Priscilla Knuth of the Oregon Historical Society). See also F. F. Victor, *Early Indian Wars of Oregon*, 144, 168, 188, 214, 216. (This and other data, including a photograph of the Touchet battlefield, from John R. White of Waitsburg, Washington.)

²³*Oregon Statesman* (Salem), June 21, 1853.

not long hold the position. He died of tuberculosis on January 22, 1854.²⁴ His wife had passed away in February of the preceding year.²⁵ When their daughter Mary died on February 27, 1856, at the age of eleven, the report stated that "all her family died of tuberculosis."²⁶

The data about Sinclair, third partner in the ownership of Fort Davy Crockett, has been most fugitive. None of the contemporary records give his first name. George Nidever, in telling of the trapper band that went out from Arkansas to the Rocky Mountains under Colonel Bean in 1830, mentions two Sinclair brothers, but names only Alexander Sinclair. He says Alexander "was a very good shot and buffalo hunter, having been raised on the Western Frontier. He had also done considerable Indian fighting. . . . He was then about 40 yrs. of age. A younger brother of about 30 also formed one of our party; he was no hunter and but a very ordinary shot."²⁷ Alexander was killed at the Battle of Pierre's Hole in 1832.

In *The Hesperian* magazine of June, 1859, we recently found an interview with Jacob P. Leese, a member of the Colonel Bean trapping party from Arkansas. In listing the members of the company Leese names the St. Clair (Sinclair) brothers as Alexander and Pruett. Pruett (or Prewitt) Sinclair remained in the mountains after his brother's death and is mentioned as being at Brown's Hole in 1837 and 1839.²⁸ Of his hospitality Mr. Farnham writes in 1839: "I enjoyed the lovely scene [at Fort Davy Crockett] till near midnight in company with Mr. St. Clair; and when at last its excitements and the thrilling pleasure of being relieved from the prospect of death by hunger allowed me to slumber, that gentleman conducted me to his own room and bed, and bade me occupy both while I should remain with him."²⁹

According to H. H. Bancroft, Trouett (Prouett) St. Clair went to California in 1843.³⁰ A San Francisco newspaper reported in January, 1858, the organization at Watsonville, California, of a cavalry troop to avenge the Mountain Meadows Massacre in Utah. Prewitt Sinclair was elected captain. The *Santa Cruz Sentinel* was quoted: "Captain Sinclair is an old mountaineer accustomed to a frontier life, and is well qualified to command. He has resided 16 years in Great Salt Lake Valley, engaged in trapping with the Indians in those parts previous to his removal to California, and it

²⁴*Oregonian* (weekly, Portland), February 25, 1854. Philip F. Thompson's uncle, Philip W. Thompson, of Arrowrock, Saline County, Missouri, was a trader over the Santa Fe Trail to New Mexico in 1828-29. (Ritch Collection of mss. in the Henry E. Huntington Library, San Marino, California.) The Oregon Historical Society has three ms. letters concerning Thompson and his uncle and which refer to a loan of \$500 from the uncle.

²⁵Thompson's affidavit in Land Claim papers, *op. cit.*

²⁶*Oregon Weekly Times*, March 15, 1856 (Oregon Historical Society reference card files).

²⁷W. H. Ellison (Ed.), *The Life and Adventures of George Nidever* (Berkeley, California, 1937), 5.

²⁸*Kit Carson's Autobiography*, *op. cit.*, 54. Victor's *River of the West*, 257.

²⁹Farnham's *Travels*, *op. cit.*, 258.

³⁰H. H. Bancroft, *History of California*, IV, 400; V, 709.

is said he is well acquainted with every part of the valley and adjacent mountains."³¹

Job F. Dye, another member of the Colonel Bean trapping party of 1830, tells of Pruett Sinclair being in Santa Cruz County, California, in 1869 and perhaps in 1877.^{31a}

Now (December, 1951) comes additional biographical data from the California State Library at Sacramento. Prewett Fuller Sinclair (the later spelling of the name), who had gone to the Rockies from Arkansas in 1830, settled at Corralitos, in Santa Cruz County, California, in 1843 and was an active business man there until 1882. He operated a flour mill, carried on farming, supervised construction of Wagon roads, and was responsible for the first hotel in the town. The Santa Cruz County Great Register of 1880 lists him as 77 years old and born in Tennessee.

The date of the founding of Fort Davy Crockett has not been definitely determined. Brown's Hole, the mountain-walled valley that was the site of the post, had long been a favorite winter resort for the Indians. In this grassy retreat the bands sought shelter from the storms that swept the surrounding mountains.

When trappers came into the region they soon found the haven on Green River. Gen. William H. Ashley spent May 5-8, 1825, in Brown's Hole. He noted there the remains of an Indian camp, "where several thousand Indians had wintered the past season."³² Conical lodges made of poles and cedar bark were still standing.

In this Green River country Ashley probably met Etienne Provost and other trappers operating from New Mexico bases. These fur men from Taos and Santa Fe, having trapped and traded with the Indians in the Green River country for several years,³³ had probably visited Brown's Hole, although we have no positive record of such entry of this particular valley.

Rufus B. Sage, who visited the Hole in the autumn of 1842, painted a glowing word picture of this place where "Spring wedded to summer seems to have chosen this sequestered spot for her fixed habitation, where, when dying autumn woos the sere frost and snow, of winter she may withdraw to her flower-garnished retreat and smile and bloom forever." He gives this account of the origin of the name: "This locality has received the soubriquet of Brown's Hole from the following circumstance: Some six or seven years since, a trapper, by the name of Brown, came to it in the fall season for the purpose of hunting in its vicinity. During his stay a fall of

³¹San Francisco Bulletin, January 27, 1858.

^{31a}Job F. Dye, *Recollections of a Pioneer, 1830-1852*, etc. (Los Angeles, 1951), 79.

³²H. C. Dale, *The Ashley-Smith Explorations and the Discovery of a Central Route to the Pacific, 1822-1829* (edition of 1941), 142.

³³[Dale Morgan (Ed.)], *Provo, Pioneer Mormon City* (Portland, 1942), 29, 192. F. S. Dellenbaugh, *Romance of the Colorado*, 112; H. M. Chittenden, *American Fur Trade of the Far West*, I, 275. See also L. R. Hafen and Ann Hafen, "Old Spanish Trail," chapter 3.

snow closed the passes so effectually, he was forced to remain till the succeeding spring before he could escape from his lonely prison. It was formerly a favorite resort for the Snake Indians, on account of its exhaustless stores of game and wild fruits, as well as its security from the approach of enemies."³⁴

This particular trapper, according to Colonel Henry Inman, was Baptiste Brown, who "lived most of his time" in the "beautiful little valley named after him, 'Brown's Hole'." Inman tells stories of how Baptiste Brown won his Arapahoe squaw; how he broke his legs when his horse failed to jump a gorge during a flight from pursuing Blackfeet; and how he served in 1847 as a juror at Taos in convicting the murderers of Gov. Charles Bent.³⁵

Whether or not Baptiste ever had more than a moveable lodge in Brown's Hole is not known.

It has been presumed that Fort Davy Crockett, which belonged to Thompson, Craig, and Sinclair in 1839, was built by the three partners, but of this we are not certain.

Although the Sinclair brothers and other members of the Colonel Bean party of Arkansas trappers wintered in Brown's Hole in 1831-32, it is not known whether they built permanent shelters there.³⁶ It is reasonable to believe that they erected cabins for winter quarters.

In any event the location continued thereafter as a regular place of authorized trade with the Indians, as official documents testify.

William Clark of the famous Lewis and Clark exploring expedition to the mouth of the Columbia in 1804-5, was Superintendent of Indian Affairs at St. Louis during the 1820s and '30s, and in his official capacity issued licenses to individuals and trading companies authorizing trade at designated places with certain Indian tribes.

In compliance with legal requirements he sent each year to the Secretary of War an "Abstract of Licenses granted." In each Abstract are listed the traders receiving licenses, and for each trader the date of his license, the number of men and amount of capital employed, the duration of the license, and the places where he is authorized to carry on trade.

In the "Abstract of Licenses" issued during the years ending in September, 1830 and 1831, the Brown's Hole region is not men-

³⁴R. B. Sage, *op. cit.*, 255-256.

³⁵Henry Inman, *The Old Santa Fe Trail* (New York, 1897), 133-136, 269-77. Baptiste Brown is apparently the same person as Baptiste Charleyfoe (Charlifou, Charlefoex, and other spellings) who was the leader of one of the famous horse-stealing bands in California in 1837. See Hafen and Hafen, "Old Spanish Trail," chapter 8. See also F. T. Cheetham, "The First Term of the American Court in Taos, New Mexico," in *New Mexico Historical Review*, I (1926), 23-41; and Josiah M. Ward, "Baptiste Brown of Brown's Hole Fame," in the *Denver Post*, August 8, 1920. Whether or not Baptiste is the Brown whom Sage met on the Missouri frontier and who was fleeing because of having stabbed a man, we cannot say. (See Sage, *op. cit.*, 45-46.)

³⁶*Life and Adventure of George Nidever, op. cit.*, 23.

tioned among the places designated for trade. In the licenses issued the next year, William Sublette was authorized on April 25, 1832, to trade at various places including "mouth of Bear river on Grand river, or Colorado of the West" [Green River].³⁷

The license to Sublette and Campbell issued April 15, 1833, permitted trade "at a *post* [my italics] near the mouth of Bear river on the waters of Grand river on [or] the Colorado of the West." The license to the same company on April 15, 1834, named as one of the authorized locations "a point of woods on the north side of the mouth of Bear river; on the waters of the Grand river, the Colorado of the West." The license of the same year to Charles Bent named "a point near the mouth of Bear river, on the waters of the Grand river, or the Colorado of the West."³⁸

The description of location given in the licenses of 1832 to 1834, and quoted above, most likely applies to Brown's Hole, as it is the most feasible site that answers the general requirement. The Yampa River was then called the Bear. Pat's Hole at the mouth of the Bear is not large enough to have provided forage and facilities to make an important trading location.

The Abstracts of Licenses issued for the years immediately following 1834 apparently were not printed in the government documents, but some of these reports have been found in the original papers of the Indian Bureau or elsewhere.

The license granted to Pratte, Choteau and Company by William Clark on April 22, 1836, gives permit for trade "at a post near the mouth of Bear river on the waters of Grand river or the Colorado of the West."³⁹ The licenses issued to Vasquez and Sublette July 15, 1837, and June 30, 1838, authorize trade "at a post near the mouth of Bear River on the waters of Grand River, or the Colorado of the West."⁴⁰

The mention of a *post* near the mouth of Bear River on the Colorado of the West (Green River) in the licenses issued in 1833, 1836, 1837, and 1838 would indicate the existence of a trading post in Brown's Hole dating back to 1832; the 1833 license being issued at St. Louis on April 15 of that year would suggest that the post was in existence the year before. But the map of the general region prepared by W. A. Ferris, who was in the mountains from February, 1830, to November, 1835, does not show a post in Brown's Hole, although it shows trading houses on Green River, at the mouth of White River. However, Ferris appears not to have been in Brown's

³⁷Abstract of Licenses: of 1830 in 21 Cong., 2 sess., *House Document 41* (Serial 207); of 1831 in 22 Cong., 1 sess., *House Document 121* (Serial 219); of 1832 in 22 Cong., 2 sess., *House Document 10* (Serial 234).

³⁸Abstract of Licenses: of 1833 in 23 Cong., 1 sess., *House Document 45* (Serial 254); of 1834 in 23 Cong., 2 sess., *House Document 97* (Serial 273).

³⁹Found in the Newberry Library, Chicago.

⁴⁰Found in the St. Louis Superintendency File, Office of Indian Affairs, National Archives, Washington.

Hole, although he wintered (1834-35) on the Green at the mouth of White River.^{40a}

No contemporary accounts of Brown's Hole, except the record of licenses, have been found for the years 1832-36. And these give no name for the post. When the name, Fort Davy Crockett, was applied is not known, but it is likely that it was given in 1836, the year of the dramatic death of Crockett at the Alamo.

Kit Carson spent two winters at the post. The first was either 1837-38 or 1838-39—the chronology in his autobiography being confused.⁴¹ In the fall preceding his first winter at the fort he went with Thompson and Sinclair on a trading expedition to the Navajos. The mules they procured were bartered for trade goods which were brought back to Fort Davy Crockett for trade with the Indians.

"I was employed as hunter for the fort," said Carson, "and I continued in this service during the winter, having to keep twenty men supplied with meat."⁴²

Kit spent a second winter at the fort in 1839-40. He was in a band of the post's hunters who were attacked by the Sioux on Little Snake River in September, 1839. He was also in the fight to recover from some of his renegade companions the horses they had stolen from the friendly Snake Indians. These two incidents will be described more fully hereafter.

It is surprising that, despite Carson's dramatic experiences and length of service at Fort Davy Crockett, almost no account of his activities there is given in the leading biographies of the famous scout. E. L. Sabin substitutes for the authenticated record concerning Brown's Hole events a line of questionable stories with which eighty-seven-year-old Oliver P. Wiggins regaled him. Stanley Vestal ignores the Fort Davy Crockett period and incidents completely and has Kit go to Bent's Fort in 1838, two years before he went there and became hunter for that post.

The fort as it appeared in 1839 has been described in the contemporary records already quoted at the beginning of this article.

Considerable information about activities at the post and in the area can be gathered from the comparatively abundant data available for that period. Thompson went down to the Missouri River in the spring of 1839 and returned with supplies of trade goods in the summer. Craig headed east across the mountains in July to meet Thompson, leaving Sinclair in charge of the fort.⁴³ After joining forces at Fort Vasquez, Thompson and Craig, with their

^{40a}W. A. Ferris, *Life in the Rocky Mountains*, etc., edited by P. A. Phillips (Denver, 1940).

⁴¹The apparent chronology in the *Autobiography*, counting from the known date of the duel with Shunar at the rendezvous of 1835, would indicate that it was the winter of 1837-38 that he spent as "hunter for the fort." However, the events he described as happening immediately before his going to Brown's Hole—the fight with the Blackfeet, the near death of Cotton, and the rendezvous on Wind River—occurred in 1838, as the diaries of Osborne Russell (pp. 83-93) and Doc Newell prove.

⁴²Kit Carson's *Autobiography* (Quaife edition of 1935), 54-55.

⁴³Farnham, *op. cit.*, 229; E. W. Smith Journal, *op. cit.*, 164 Shortess, *op. cit.*

Indian wives and children, set out on September 16 with their packs for Fort Davy Crockett.

In the meantime Sinclair, almost alone at the post while his hunters were out in search of game, had been hard put to entertain the Farnham party upon its arrival on August 12. The coming in of more company on the 17th (the Wislizenus party) forced a further thinning of the dog soup. But the guests soon departed.

The hunting party from the fort ran into difficulties on the Snake River fork of the Yampa. Kit Carson related the circumstances to E. W. Smith: "The party was composed of seven whites and two squaws, who had come there from Brown's Hole, for the purpose of killing Buffalo and drying their meat. They had been there several days, and dried a large quantity of meat, when they were attacked by a party of Sioux, about twenty in number. The attack was made toward morning while it was yet dark. They fired mostly at one man, named Spiller, as he lay asleep, and pierced him with five balls, without wounding any one else. This awakened the rest of the men and they began to strengthen a horse pen they had made of logs, to form it into a breastwork. They dugged some holes in the ground for the men to stand in, so as to protect them as much as possible. As soon as it became light, they commenced firing at the Indians, of which they wounded and killed several. After exchanging several shots, the principal Indian chief rode up towards them, and made offers of peace. One of them went out and induced him, with several others, to come towards them. When they were within shooting distance, they fell back behind some trees and gave the signal to his companions, who fired and killed the head chief and one or two others. The Indians kept up a firing for a short time and then retreated. When the chief was shot he jumped up and fell down, the others were very much excited, and raved and tore around. He was a distinguished chief."⁴⁴

The killing of the chief was doubtless the incitement for a later retaliatory raid upon the fort, which will be mentioned shortly.

A second big expedition for "making meat" went out from the fort on October 10. The party of thirty, about half of whom were squaws of the white trappers, found ample game on Snake River near the mouth of the Muddy. They killed and dried the meat of 100 buffalo, and bagged six grizzlies.⁴⁵

On the very heels of the returning band of meat-laden hunters came a small band of Sioux. On November first they crept into the supposedly safe retreat of Brown's Hole, where the trappers "had been in habit of letting their horses run loose in the valley, unattended by a guard, as this place was unknown to any of the

⁴⁴E. W. Smith Journal, *op. cit.*, 175-76. When Fremont and Carson passed the site in 1844, Kit Carson told his chief of the fight. See Fremont's *Report*, 280.

⁴⁵E. W. Smith, *op. cit.*, 176.

hostile Indians." The Sioux succeeded in running off about 150 horses. "This event caused considerable commotion at the Fort," wrote E. W. Smith, "and they [the whites] were determined to fit out a war party to go in search of the stolen horses, but the next morning this project was abandoned."⁴⁶ The traders doubtless realized that once the horses had been driven through the narrow passageway leading from Brown's Hole the Indians could block the trail and prevent successful pursuit by the whites.

So, instead of attempting to recover their stolen horses, some of the traders decided to recoup their losses by stealing from some one else. Accordingly, they went up to friendly Fort Hall, Hudson's Bay Company post, and stole fourteen horses. On the way back, after enjoying the hospitality of some peaceful Snake Indians, they stole some thirty head from the unsuspecting friendlies. Doc Newell gives the number of animals stolen and names Thompson and Michel as leaders of the renegades.⁴⁷

The majority of the whites at Fort Davy Crockett roundly condemned this breach of mountain etiquette. Their attitude was prompted not only by the ethical breach, but by the fear of just retaliation. And in such an eventuality avenging Indians would not distinguish between the guilty and innocent at Fort Davy Crockett.

The horse thieves took their booty to an old trapper fort on Green River at the mouth of the Uinta. When the robbed Snakes came to Fort Davy Crockett and complained of their loss, the whites at the fort decided to attempt a recovery of the stolen stock. "This party consisted of Meek, Craig, Newell, Carson, and twenty-five others under the command of Jo Walker," Meek told Mrs. Frances F. Victor.

"The horses were found on an island in Green River, the robbers having domiciled themselves in an old fort at the mouth of the Uintee. In order to avoid having a fight with the renegades, whose white blood the trappers were not anxious to spill, Walker made an effort to get the horses off the island undiscovered. But while horses and men were crossing the river on the ice, the ice sinking with them until the water was knee-deep, the robbers discovered the escape of their booty, and charging on the trappers tried to recover the horses. In this effort they were not successful; while Walker made a masterly flank movement and getting in Thompson's rear, ran the horses into the fort, where he stationed his men, and succeeded in keeping the robbers on the outside. Thompson then commenced giving the horses away to a village of Utes in the neighborhood of the fort, on condition that they should assist in retaking them. On his side, Walker threatened the Utes with dire vengeance if they dared interfere. The Utes who had a wholesome fear not

⁴⁶*Ibid.*, 177.

⁴⁷Newell, "Memorandum," *op. cit.*

only of the trappers, but of their foes the Snakes, declined to enter into the quarrel. After a day of strategy, and of threats alternated with arguments, strengthened by a warlike display, the trappers marched out of the fort before the faces of the discomfited thieves, taking their booty with them, which was duly restored to the Snakes on their return to Fort Crockett, and peace was secured once more with that people.⁴⁸

Although the trappers complained that times were dull, we seem to see (in retrospect) no lack of excitement. Newell and Meek arrived at Fort Davy Crockett just before Christmas with pack loads of rum from Fort Hall. Antoine Robidoux brought "Taos lightning" to the Green River country from New Mexico. Sublette and Vasquez sent traders to Brown's Hole, as did the Bent and St. Vrain Company.⁴⁹ Free trappers and Indians were present in force.

"The men not knowing what else to do," says Meek, "went out in small parties in all directions seeking adventures, which generally were not far to find. On one of these excursions Meek went with a party down the canyon of Green River, on the ice. For nearly a hundred miles they traveled down this awful canyon without finding but one place where they could have come out; and left it at last at the mouth of the Uintee."⁵⁰

Hearing that the Sioux, whose chief had been killed by the trappers during the preceding September, planned to avenge his death, the men at Fort Davy Crockett were a bit uneasy. On January 24, 1840, a party of twenty, including E. W. Smith, and traders Biggs and Baker, set out on a return trip to the forts on the South Platte.⁵¹ Two weeks later another party headed for Fort Hall. Of their trip Doc Newell, a member, wrote: "I left Brown's Hole for Fort Hall on the 7th of February, 1840, with 300 beaver; after a long trip of 45 days I arrived, snow very bad and provisions scarce."⁵²

Of an intended spring activity E. W. Smith wrote: "There is a party going in boats from this valley in the Spring, down Grand River or the Colorado of the West, to California. They will be led by Mr. Walker, who was with Bonneville in the mountains. They intend trapping for Beaver on the way."⁵³

If such a voyage was attempted it assuredly was unsuccessful. However, Walker did show up in California with beaver skins the next year, though they were carried on pack animals. Official California documents and business contracts, February to April, 1841, record his presence. He and his partner, Henry Fraeb, sold 447

⁴⁸*River of the West, op. cit.*, 259-60.

⁴⁹E. W. Smith, *op. cit.*, 179; also, Newell "Memorandum."

⁵⁰Victor, *op. cit.*, 260.

⁵¹E. W. Smith, *op. cit.*, 171.

⁵²Newell, "Memorandum," *op. cit.*

⁵³E. W. Smith, *op. cit.*, 178.

pounds of beaver pelts to Abel Stearns for \$1147. They took in exchange mules at \$12 each, mares at \$2, and supplies of sugar, coffee, beans, tobacco, soap and *aguardiente*. One of Walker's and several of Fraeb's letters are preserved in the Stearns collection of business papers in the Henry E. Huntington Library, San Marino.

Fraeb was back on the Green River in July, 1841, in time to buy alcohol from the Bartleson-Bidwell Co., the first emigrant party to trek to California.⁵⁴

While making meat on the Snake River east of Fort Davy Crockett the following month Fraeb and several of his men were killed by Indians in a fight on what has since been known as Battle Creek.⁵⁵

The year 1840, which saw the last fur trade rendezvous of the mountains, apparently witnessed also the abandonment of Fort Davy Crockett. The breakup of the partnership of Thompson, Craig, and Sinclair probably resulted from the Thompson-led horse-stealing raid and the consequent schism in the trapper band related above. Craig trekked to Oregon in the summer of 1840. Thompson followed him two years later. Sinclair is reported to have settled in California in 1843.

Brown's Hole, however, continued to have its attraction for fur traders and others. Young Bill Hamilton, who came to the mountains with Old Bill Williams in the spring of 1842, writes of trapper activity in the Green River country during the summer and fall:

"We staid at Fort Bridger about two weeks and then, with Washakie and his Shoshones, moved to Brown's Hole on Green River, which is about sixty miles from Bridger and was a trappers' rendezvous. A few Utes and Navajos came up on their annual visit with the Shoshones, to trade and to race horses. These Indians collect considerable fur and are keen traders. We opened up our goods in a tent, and I was placed in charge as trader, having by this time a fair idea of the quality and price of furs.

"We remained at Brown's Hole until the first of September, making several excursions to the Uintah Mountains, a beautiful and romantic country and then a hunters' paradise for small game . . .

"Our party now started to get ready for the fall trapping season, which opened in the mountains on the 15th of September . . .

"The streams were now beginning to freeze up, and we started for the Brown's Hole rendezvous, arriving there the latter part of November.

⁵⁴John Bidwell, "The First Emigrant Train to California," in the *Century Magazine*, XLI (1890), 119.

⁵⁵L. R. Hafen, "Fraeb's Last Fight and How Battle Creek Got its Name," in the *Colorado Magazine*, VII (1930), 97-101.

"Several traders had come from the States with supplies, and there was quite a rivalry among them for our furs. Bovey & Company were the most liberal buyers, and we sold them the entire lot.

"Besides the trappers there were at the rendezvous many Indians—Shoshones, Utes, and a few lodges of Navajos,—who came to exchange their pelts for whatever they stood in need of. Take it all in all, it was just such a crowd as would delight the student were he studying the characteristics of the mountaineer and the Indian. The days were given to horse-racing, foot-racing, shooting-matches; and in the evening were heard the music of voice and drum and the sound of dancing. There was also an abundance of reading matter for those inclined in that direction.

"Perkins had a fly-tent put up . . . and then said: 'Now, young man, you take charge of the store. You are the best sign-talker in the camp and can out-trade me. Besides, the Indians and trappers are all fond of you.'"⁵⁶

Andrew W. Sublette, late of the fur trading firm of Vasquez and Sublette, led a company of health-seekers out over the Oregon Trail and to Green River in the summer of 1844.

They left Independence on May 12,⁵⁷ and in August turned down Green River to Brown's Hole.⁵⁸ No data have been found as to whether or not they reached their destination and how they fared. But Andrew Sublette was back on the South Platte and Arkansas rivers next spring.⁵⁹

Upon returning from the Pacific coast on his second exploring expedition John C. Fremont reached Brown's Hole on June 7, 1844. "This sheltered little valley," he wrote, "was formerly a favorite wintering ground for the trappers." Carson, who accompanied Fremont, had spent much time at Fort Davy Crockett and must have told his chief something of the Fort's history. But nothing of this is recorded in Fremont's official report. The "Pathfinder" merely recorded that his encampment "was opposite to the remains of an old fort on the left bank of the river."⁶⁰

The ultimate fate of the fort is not known. The wooden structure may have been destroyed by fire, for evidence of the building disappeared. In fact ranchmen who later settled in Brown's Hole,

⁵⁶W. T. Hamilton, *My Sixty Years on the Plains Trapping, Trading, and Indian Fighting* (New York, 1905), 97-99, 101, 117-18.

⁵⁷Letter of Andrew Sublette to his brother, William, written from West Port May 13, 1844. Andrew says he is going to the mountains with a party of young men, some of them going for their health. He is to receive \$75 per month to act as captain and guide. Sublette Papers, Missouri Historical Society, St. Louis.

⁵⁸"Reminiscences of John Minto" in *Oregon Historical Society Transactions* (1901), II, 163. James Clyman mentions the death en route of three of the invalids in Sublette's party. C. L. Camp (Ed.), *James Clyman, American Frontiersman, 1792-1881* (San Francisco, 1928), 70, 74, 76.

⁵⁹Andrew Sublette's letters of March 3 and April 6, 1845; in the Sublette Papers, Missouri Historical Society, St. Louis.

⁶⁰Fremont's Report, *op. cit.*, 279.

swore that no such post as Fort Davy Crockett ever existed in the valley.⁶¹

Brown's Hole was again the setting for lively activity a few decades later, when cattle rustlers made it a notorious hideout. But that is another story.

High Altitude Memories

MATTIE EDWARDS STUTHMAN*

If you should walk into my living-room today, you would easily guess that I used to live in Colorado. You would see pictures of Mount Massive, Mount Elbert, the Mount of the Holy Cross; a picture of Leadville in its two-mile-high setting; a panel picture of the Mosquito Range, a tiny oil painting of Lake Isabel that nestles in an amphitheater of the Prospect Mountain spur of the Mosquito Range, and a picture of Twin Lakes.

I was born in Denver in October, 1889. My parents, descendants of Mayflower and of Dutch colonial ancestors, had been Boulder County pioneers. They had lived in the little camp of "Sunshine," which my uncles named. My sister, Saidee Edwards (Mrs. E. T. Boyd of Denver), attended school there in the first grade, and years later had her first teaching position there.

My childhood memories of Denver are few, as we left there when I was very small. But you may be sure the memories include Elich's Gardens and Cherrilyn. How I loved to ride in that Cherrilyn horse-car! What a "kick" that horse must have had riding down hill on his own car!

We lived in Breckenridge for a few months. To me it was a thrilling sight to watch the South Park train coming around Nigger Hill from Boreas Pass. I longed to climb "Peak Eight." One of my sisters climbed it, with a group of young folks. But I was only six years old, so, of course, couldn't go.

A bad fire broke out in the town; my cousins and I hastily grabbed some precious shoes to save them from the fire. They were black ones, painted white with silver or gold stars pasted on them—to be worn in some kind of an entertainment—very beautiful in our eyes. We headed for a place which seems vaguely in my mind to have been called "Gold Run." But my uncle's house was not reached by the fire. My uncle was the Reverend John R. Wood of the Methodist Church.

That winter, 1895-96, the Ice Palace was built in Leadville. My mother, sister Frieda and I went over to see it. My sister Saidee

⁶¹Interview with the late Mr. Hoy (brother of murdered Valentine Hoy); also his manuscript history of Brown's Hole.

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was teaching in Leadville at the time. The Ice Palace was a wonderful structure, the lights and the skating rink thrilled me; even a child could feel the atmosphere of carnival.

We moved to Leadville that summer—1896. Our first home was a little house on the ground where the Post Office now stands, on Harrison Avenue.

I was an impressionable child and I am glad that we lived in Leadville before the "boom spirit" had entirely subsided. There is something intangible, felt and experienced in an inexplicable way, connected with life in a booming mining camp. That certain something got into my blood at that time and will never leave me. Everything was an adventure.

The town, county seat of Lake County, was lively. It was the time of the "gay nineties."

But another phase of Leadville's life soon opened. The miners went on strike, and so serious did things become that the State Militia was called in. I well remember when the Colorado mine was blown up. It was a terrible time.

Miners were imported from Missouri. Years later, from a pictorial column, "Highlights of History," in a Denver newspaper, I read that the saying, "You've got to show him, he's from Missouri," started at that time. The new miners had to learn the Leadville methods.

When I was eight years old, we moved up Big Evans Gulch. Our house was near the Fitzhugh mine, which was at the eastern edge of Fryer Hill, and we were within less than five minutes walk of the famous Matchless Mine.

Of course I began to hear a great deal about the Tabors. In all of the years that I heard of Mr. Tabor I never heard him called "Haw"—always "H. A. W. Tabor."

Mrs. Tabor was living at the Matchless. One of our summer trails to town led near the place. Often she was outdoors when we passed. We always waved, Mama would speak to her, but she would just give us a quick nod and hasten indoors.

One summer day, when I was twelve years old (to the best of my recollection), I decided to ride to my home with the grocery delivery-man. Upon arriving at the store, I found that another girl passenger was going to ride too. We clambered up to the high seat of the wagon and off we went.

I noticed that the girl was about my own age and that she was very attractive, with lovely, large, dark brown eyes. We soon began a conversation and I learned that she was Silver Dollar Tabor. She was spending some time with her mother. I had heard of her and was so glad to see her. Before we came to the place where she had



VIEW OF THE MATCHLESS MINE, LEADVILLE IN 1929

to leave us, we felt as if we had known each other for years and we planned to meet again soon.

That was the beginning of a short but pleasant friendship. We met frequently and seemed to have so much to talk about. Of course I asked her to come to my home but Mrs. Tabor didn't wish her to go into our house. We took long walks; exchanged books and discussed them.

I called her "Silver" as she disliked being called "Silver Dollar." She had an impediment in her speech. I do not know just what it was—she was not exactly tongue-tied, but there was just a suggestion of that. She said if it weren't for that handicap she would like to study dramatic art.

Young as I was, I was very much impressed with Silver's excellent English and easy flow of speech despite the impediment. Certainly she was an unusually bright, intelligent girl, always happy and jolly.

She was obedient to her mother. At first she was not allowed to come into our house, but at the end of that first summer she came, after having coaxed her mother into giving her permission. The following summer she was allowed to have picnic lunches with me.

Never once did she apologize for her mother in any way, despite Mrs. Tabor's queer way of dressing and the fact that she lived in the old cabin at the Matchless Mine, keeping strictly to herself.

Silver came back to Leadville later summers, but she had changed, as she grew older, into somewhat of a harum-scarum sort of person, sometimes dashing around town on horseback. Then she went away for good, but I shall always remember our two summers of delightful friendship.

My childhood and girlhood were tied in very closely with the Healy House. Miss Nellie Healy and my sister Saidee E. Edwards were dear friends. Both were teachers at the Ninth Street School. Another Leadville teacher whom I admired very much was Miss McMechen, a sister of E. C. McMechen, now Curator of State Museums. I considered her the prettiest teacher there. I can picture her now, an ideal for a little girl. Miss Healy, who later was my teacher in the B-6th grade, used to take me to see her young cousins, Claire and Belle Kelly, who lived in the house which is now called "Healy House." I think I must have been about eight years old at the time.

Belle Kelly loved Eagle Brand condensed milk. She used to have a can of it on the piano and would take an occasional spoonful while practicing; I remember watching some of the sticky stuff run down on the keys. That is my clearest memory of the House at that time. Miss Healy later told me that after the Kellys moved away, the piano keys had to be taken out and cleaned, they stuck together. No doubt that goes without saying.

The House was rented to a Mr. and Mrs. Harper, by Dan Healy. They operated it as a rooming and boarding house. My sister Saidee lived there, as it wasn't feasible for her to live "up the Gulch" with us, stormy winters.

So again I became a regular visitor at the House, then called "The Harper House." My, how I loved to go there! My memories are vivid; I can see the furnishings in my mind's eye—the side-board in the dining room that fascinated me; Miss Healy's dresser; the same old piano. Sometimes I was Sister's guest, sometimes Miss Healy's.

Mrs. Harper was so good to me. She invited me to visit her in her room and treated me to chocolate-covered dates and chocolate-covered prunes. I loved to hear her tell of her old home in Pennsylvania near the Juniata River. I could play and sing the piece called "The Blue Juniata" and Mrs. Harper liked me to play it for her. At least, she kindly made me, a little girl, think so.

Two Christmas Eves I spent at the Harper House as Miss Healy's guest. I hung up my stocking just as I should have done at home. Then early on Christmas morning Miss Healy took me to Mass at the Church of the Annunciation. I was not a Catholic, but I shall never forget the beauty of those 5 o'clock Masses, and of the arrangement, at the front of the church, of the Nativity Scene.

Some of my most delightful memories of that house are connected with the evenings after dinner, when the ones who lived there gathered in the parlor for music. My sister was usually the one to play the piano. They sang the songs of the day, "Just As the Sun Went Down," "There's No North or No South Today," "Goodbye Dolly Gray"; also some hilarious ones, "There'll Be a Hot Time in the Old Town," "Ta-ra-ra Boom-de-ay," and some Cake Walk songs. I wonder if Healy House today, in the midst of its other memories, still hears the echoes of the merry laughter of those days.

The years passed, the Harper House became known as "The Healy House." My friendship with Miss Healy continued. I called upon her at Morrison, Colorado, not long before she passed away; she expressed her happiness and satisfaction that Healy House belonged to the people of Leadville. She had given it to them. As many know, it is now a museum, a part of the State Historical Museums, perpetuating the memories of its and Leadville's past.

To round up my story: I lived a happy life in Leadville—hiking, mountain climbing, skating, going down some mines—the Little Jonny, the Resurrection, and the El Paso. I lived "up the gulch" when the Denver and Rio Grande and the South Park (C. & S.) railroads built their branches up to the mines. I graduated from Leadville High School after having spent two years in Massachusetts. I taught at Evansville, a district school, in Big Evans Gulch; later at Buena Vista, then in Leadville. I married a Leadville boy. We moved to California. Years later, when on a visit to Leadville, my sister-in-law, son and I walked up to the Matchless Mine. We knocked on Mrs. Tabor's door, but although we could hear her move a chair and rattle a stove-lid, she did not come to the door. I called to her, "I am an old friend of Silver Dollar's," but, no response.

I have lived many years in California, but Colorado will always be *Home* to me.

John Franklin Shafroth, Reform Governor
of Colorado, 1909-1913

E. K. MACCOLL*

BIOGRAPHICAL SKETCH¹

John Franklin Shafroth was born of Swiss and German parentage on June 9, 1854, in the town of Fayette, Missouri. As the son of a Unionist merchant with Republican sympathies, young

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¹LeRoy R. Hafen, "John Franklin Shafroth," *Dictionary of American Biography* (New York, 1935), XVII, 14-15. Much of the biographical data was included in a letter to the author from Governor Shafroth's son, Morrison Shafroth, dated July 17, 1951.

Shafroth graduated from the University of Michigan in 1875, practiced law at the office of Samuel C. Major in Fayette and was admitted to the Missouri Bar in 1876. Migrating west to Denver in 1879, Shafroth soon embroiled himself in politics by being appointed City Attorney for two successive administrations, 1887-91. In 1894 Shafroth was elected to Congress on a fusion ticket—a



GOVERNOR JOHN F. SHAFROTH

combination of so-called Silver Republicans, Democrats, and Populists. This event was of unusual significance in Colorado state politics, for in the election of that year, the powerful forces of special interest provided a crushing defeat to the incumbent Populist state administration of Governor Davis H. Waite.² But Shafroth, through his nominal allegiance to the Republican party, was able

²Leon W. Fuller, "Colorado's Revolt Against Capitalism," *Mississippi Valley Historical Review*, XXI (December, 1934), 357. For an account of the formation of the Silver Republican Party see Elmer Ellis, *Henry Moore Teller, Defender of the West* (Caldwell, Idaho, 1941).

to win the official blessing of the state bosses while at the same time acquiring the support of Silver and Populist groups towards which he was avowedly sympathetic.

Pressed by the crescendo of western demands for free silver, Shafroth took the lead along with Senator Henry M. Teller and others in forming the Silver Republican Party, which seceded from the regular party ranks to support William Jennings Bryan in the election of 1896. Winning re-election himself in 1896 by force of the same coalition Shafroth announced his conversion to the Democratic Party, on whose rosters he was to remain the rest of his public career. He soon became a staunch defender and close intimate of Bryan, supporting his anti-imperialist policy and endorsing in full his presidential campaign platforms of 1900 and 1908.³

The highpoints of Shafroth's public career warrant a brief review. By 1896 Shafroth was recognized as one of the leading advocates of free silver, with his famous silver speech of February 5, 1896, being used as a textbook for the Bryan campaign. From his earliest days in Congress Shafroth strongly embraced state administration of public lands in opposition to the policies of Theodore Roosevelt. His speech at Kansas City, Missouri, on November 15, 1911, is a classic in American debates as an expression of western sectional views. Likewise from the outset of his career, Shafroth was one of the leading Congressional defenders of Woman's Suffrage. Of further significance was his introduction into the House on March 27, 1897, of an amendment to abolish the lame duck session of Congress—an action which preceded Senator Norris' similar and more successful attempts by twenty-six years.⁴

As a reform Governor of Colorado, Shafroth directed a popular revolt against corruption and corporation dominance within the state administration. His inaugural message of January 12, 1909, could have found few equals in the number of progressive measures recommended: a direct primary law, the direct election of United States Senators, the Australian or "headless" ballot, a campaign expenses law, a bank guarantee law, a new railway commission act, an act to create a state tax commission, and finally a law to enact the initiative and referendum.⁵ Four years later in his retirement message before assuming his seat in the United States Senate, Shafroth was able to list fifteen major reforms secured during his two administrations.⁶

Back in Congress as a member of the Upper House, Senator Shafroth pledged his full support to Woodrow Wilson on every issue

³Letter to the author from Morrison Shafroth, July 17, 1951.

⁴Most of the author's information on John Shafroth's Congressional career was gathered from a privately bound volume, "Speeches of John F. Shafroth of Colorado." See also the speech of John F. Shafroth, "State versus National Conservation," in Marion M. Miller (Ed.), *Debates in American History* (New York, 1913), X, 113-121.

⁵*Colorado House Journal*, 1909 (Denver, 1909), 65-83.

⁶*Colorado House Journal*, 1913 (Denver, 1913), 122.

but that of federal conservation. He drafted the bill for a constitutional government for Puerto Rico; he helped to draw up the Federal Reserve Act; he actively worked for the passage of the Adamson eight hour law for railroad workers; and he repeatedly voted in support of a League of Nations. Being not only a liberal reformer in economics and social matters, but a state's rightist who opposed the extension of national power as a restriction upon state sovereignty in such fields as the regulation of public lands, Shafroth won wide recognition as a leading exponent of Rocky Mountain sectional interests. Such resolute sectional loyalty was demonstrated by his opposition to the importation of free sugar. As a representative of a leading beet sugar state, Senator Shafroth felt compelled to oppose those provisions of the Underwood Tariff which would have admitted foreign sugar free of duty after three years.⁷

Suffering defeat to wealthy industrialist Lawrence C. Phipps in the Republican landslide of 1918, Shafroth completed his public career as administrator of the War Materials Relief Act. John Franklin Shafroth died on February 20, 1922, shortly after returning to his home state from Washington. Colorado had lost one of its most spirited and effective public leaders, a man who had won distinction in every political office that he had held. It is with John Shafroth's governorship, however, that this paper is primarily concerned.

COLORADO: STATE IN BONDAGE

With his accession to the executive chair on January 12, 1909, Governor Shafroth accepted a formidable challenge. Colorado was considered by many reformers of the day as "probably the worst governed state in the Union."⁸ The historian, surveying the state's turbulent industrial past, which was written in bloodshed and punctuated with violence, property destruction, and murder, would observe that by 1876 Colorado was a frontier state which had already become highly industrialized in certain key areas. In subsequent years no attempt was made, either by the government or by the corporations, to harmonize relations between labor and industry. Capital succeeded by sheer force and brutality. The seasonal nature of many of the state enterprises, furthermore, merely increased the miserable living conditions of the more unfortunate.

It was not unnatural that the economically strong should assume political and social leadership. But few ethical rules existed which could restrain the financial giant, or the "Beast" as Judge Ben B. Lindsey termed it in his fervid writing crusade. Most of the people never saw the "Beast" but only the "Jungle" which, accord-

⁷Review of Reviews, XLVII (June, 1913), 655.

⁸This and much of the subsequent information in this article is taken from the author's unpublished Master's thesis, "Progressive Legislation in Colorado, 1907-1917" (University of Colorado, 1949). See also William Kittle, "Shall the Special Interests Rule," *La Follette's Weekly Magazine*, II, No. 28 (July 16, 1910), 9.

ing to Lindsey, was composed of political hacks and all other groups who thrived on vice, crime, and lawlessness.

"We rule," said an official of the Denver Union Water Company, ". . . the people have nothing to do with nominations and elections. We rule and we're going to continue to rule."⁹ By 1909, the utility companies, the railroad corporations, and the smelter trust dominated Colorado's political and economic life. The mass of people saw only the shifting of dummies. Whatever public indignation was directed towards local and state officials seldom reached the powerful heads of the corporate oligarchy.

In protest against the undisputed power of the "Beast," the early years of the twentieth century resounded with cries for reform, especially from the progressive voices of Merle D. Vincent, James H. Causey, Ben B. Lindsey, Edward P. Costigan, and John F. Shafroth. The fact that the Democrats came into office in 1909 on a wave of reform would make it appear on the surface at least that the party was united behind a vigorous program. Not all the Democrats, however, shared the same political and ethical convictions as those of their leader; witness the activities of Denver's Democratic City Hall Machine. In fact within the state Republican party an insurgent movement was afoot. The so-called liberals under the leadership of Costigan and Vincent met in Denver on January 16, 1910, for the purpose of "saving the Republican Party as an efficient popular agency."¹⁰ "The real struggle," noted Ben Lindsey, "is not between the two old parties, as here constituted. It is between the people and privilege."¹¹ The fundamental problem which confronted all reformers was the relationship of corporate wealth to government.

The first challenge which Shafroth faced, therefore, was the matter of political corruption. Essentially this was not a question of men or classes or education or character, but rather a question of pressure. The primary evil in state governmental affairs lay in the granting to anyone of undue privileges. For years Colorado had witnessed the Guggenheim lobby controlling a supposedly honest legislature by every conceivable type of economic pressure.

The second major task confronting Shafroth was the obvious need for a thorough overhauling of the state's economic and social legislation. Violation of the law in Colorado was caused partly by conflicting and unwise state legislation, and for this reason an unlawful act appeared neither very heinous to its perpetrator nor to public opinion. "No amount of moral energy," warned Herbert

⁹United States Commission on Industrial Relations, *Industrial Relations* (Washington, 1916), VIII, 7204. See also Ben B. Lindsey, *The Beast* (New York, 1910).

¹⁰Colin B. Goodykoontz (Ed.), *Papers of Edward P. Costigan Relating to the Progressive Movement in Colorado, 1902-1917* (Boulder, 1941), 144.

¹¹Ben B. Lindsey, "Uphold the Insurgents," *La Follette's Weekly Magazine*, II, No. 29 (July 23, 1910), 7.

Croly, "directed merely towards the enforcement of laws can possibly avail to accomplish any genuine lasting reforms. It is the laws themselves which are at fault. And still more at fault is the group of ideas and traditional practices behind the laws."¹²

Governor Shafroth's program embraced policies which were commonly accepted by most of the reform governors of the period, men such as Charles E. Hughes of New York, Woodrow Wilson of New Jersey, Robert M. LaFollette of Wisconsin, Joseph W. Folk of Missouri and Hiram Johnson of California. These progressive minded leaders, generally speaking, were striving to give to the people a more direct share in the control of their government. They looked with profound faith to the dawn of a new day which would bring social, economic and political justice to all. They were, however, not radicals; nor did they, like conservatives, attempt to preserve the status quo. They should be characterized as neo-conservatives in that they preferred to work through traditional constitutional channels, only slightly modifying the existing property structure of American economic life. Governor Shafroth's program, furthermore, was distinctively western in character. The reforms deemed necessary for the Rocky Mountain region were dictated in the last analysis by local conditions and needs. The legislation which was enacted during the four years from 1909-1913 placed on the Colorado statute books the first effective social, economic, and political reforms in the state's youthful and turbulent history.

SOCIAL REFORM

Labor legislation in Colorado in 1909 was nonexistent. There was no workman's compensation law, no established minimum wage for women and children, and no enforceable mine inspection or safety appliance law. Over fifty percent of the mine accidents in an average year were considered preventable.¹³

As a preliminary act of redress Governor Shafroth moved to reorganize the Bureau of Labor Statistics by drafting a law to make it a separate bureau, with a deputy commissioner as the administrator working under the Secretary of State. "It shall be the duty of the deputy," said the act, "to enforce all laws regulating the employment of children, unions and women."¹⁴ Since there were no such laws on the books, the bureau was strictly helpless.

The 1909 session vindicated itself, however, by enacting one of Shafroth's most vehement demands, the Factory Inspection Law. Edwin W. Brake, as Deputy Labor Commissioner and Chief Inspector, along with his special deputy Eli M. Gross, did a remarkable piece of work in tirelessly traveling throughout the state attempting

¹²Herbert Croly, *The Promise of American Life* (New York, 1911), 149-150.

¹³Edward P. Costigan, testifying before the United States Commission on Industrial Relations, September 15, 1914. *Industrial Relations*, VIII, 7206.

¹⁴*Session Laws of Colorado, 1909* (Denver, 1909), 302.

to enforce the existing safety laws. The efforts and observations of these two men produced some amazingly shocking revelations which were to lead eventually to the enactment of a child labor law in 1911.

The coal mines in Colorado made the child labor situation much more critical than in most other industrial states. The State Coal Mine Inspector Reports for 1907-1908 showed that in Las Animas County alone, there were thirty-eight married men killed.¹⁵ In the years 1909-1912 one hundred and thirty-eight heads of families in Colorado met death, depriving four hundred and thirty-eight children of their ordinary support.¹⁶ When Judge Lindsey submitted these figures which were compiled from all available reports to the Denver papers, only the *Denver Express* had the courage to publish them.

In Denver, where the school laws were strictly enforced, there was little child labor below the age of sixteen. In the southern areas of the state, however, where the fuel and smelting companies controlled the politics of four counties, the school officials enforced neither the School Attendance Act of 1899 nor the Juvenile Act of 1903.¹⁷ Eli Gross made several trips to Segundo and on one occasion found several boys under the legal age receiving twenty-five cents per day for assisting in driving coke from the ovens.¹⁸

With the publication of this damaging evidence, the Legislature was forced into taking remedial action. The Child Labor Act of 1911 was drafted by Judge Lindsey and strongly endorsed by Governor Shafroth, whose leadership in this particular issue was sharply attacked by the Speer interests within the Democratic Party. On more than one occasion the Governor openly labelled the Speer machine, "Traitors to the people." "The corporations," he declared, "are against every reform that has for its purpose the putting of government nearer the people."¹⁹

The Lindsey-Jones bill of 1911 was a piece of legislation remarkable for its thoroughness: children under fourteen years of age were prohibited from all employment for wages; children between fourteen and sixteen were limited to the most harmless fields of endeavor; and the Chief Factory Inspector was empowered to enforce all child labor regulations.²⁰

Labor's struggle for better conditions found several rewards in the period 1911-1913; but in every case it was the result of a hard fought battle. The miner's eight hour law, passed grudgingly by the Legislature, was referred to the people in the general election of 1912. But with it on the same ballot was a fake eight hour measure

¹⁵*Industrial Relations*, "Lindsey Exhibit," No. 5, VIII, 7388-89.

¹⁶*Ibid.*, 7389.

¹⁷*Ibid.*, 7390.

¹⁸Bureau of Labor Statistics, State of Colorado, *Thirteenth Biennial Report, 1909-1910* (Denver, 1910), 32.

¹⁹*Rocky Mountain News*, March 21, 1911. Speech given at Lincoln, Nebraska, in honor of William Jennings Bryan.

²⁰*Session Laws of Colorado, 1911* (Denver, 1911), 232-243.

which was initiated for the purpose of confusing the public. The scheme worked. Both bills were approved by the public, resulting in an immediate conflict which prohibited any effective means of enforcement. A new bill had to be introduced into the 1913 session, re-enacting the genuine law and repealing the fraudulent one.²¹ Another Shafroth measure, the Woman's Eight Hour Law, was not secured until the public gave overwhelming approval in the general election of 1912, overriding the stubborn hostility of the House of Representatives. One bright spot in the 1911 session was the passage of the Labor Disputes Act, which made it unlawful for any firm to prevent employees from forming or joining unions, or for a firm to discharge employees for their connection with a lawful organization, society or political party.²²

The much sought after Coal Mine Inspection Law was not passed until after Governor Shafroth had left office in 1913, but in its final form it owed much to the efforts and policies of the former chief executive. Early in 1910 the disasters in the southern coal fields had caused public opinion to demand increased state regulation of the industry. Accordingly, Governor Shafroth appointed a committee to examine into the whole matter and to draft a new coal mining law. After an exhaustive inquiry and upon submitting a bill in 1911 to correct the existing deficiencies, the corporations, especially the Rockefeller-controlled Colorado Fuel and Iron Company, launched a ferocious attack. So successful were they in tampering with the bill by adding unfeasible amendments, that Governor Shafroth was forced to veto the measure upon recommendation of the miners.

In trying to evaluate the social welfare legislation of Shafroth's administration one must conclude that what few laws were enacted were technically sound and that the cause of labor was given a gradual but decided advance. Yet the fact that these measures came so late in the state's industrial history, climaxing years of indifference, added to the fact that the companies found ways of surmounting the laws,²³ made the Ludlow massacre²⁴ of April 20, 1914, all but a foregone conclusion. Only the courageous leadership of a far stronger governor than Elias Ammons, Shafroth's successor, could in any way have prevented a strike of such disastrous proportions.

²¹*Ibid.*, 455. See also *Colorado Federation of Labor Proceedings, 1913* (Denver, 1913), 13.

²²*Session Laws of Colorado, 1911* (Denver, 1911), 486.

²³Bureau of Labor Statistics, State of Colorado, *Fourteenth Biennial Report, 1911-1912* (Denver, 1912), 140. See also *Rocky Mountain News*, May 17, 1912. The coal companies refused to recognize the Labor Disputes Act of 1911 as regards unionization. "We stand ready to lose every cent we invested in that company," asserted John D. Rockefeller, Jr., "rather than that the working men of this country should lose their right to work for whom they please." *Rocky Mountain News*, April 7, 1914.

²⁴A strike in progress against the Colorado Fuel & Iron Co. exploded into armed conflict on April 20, 1914, when the tent colony was burned to the ground, killing thirty-three persons.

ECONOMIC REFORM

In numerous public utterances Governor Shafroth expressed the conviction that the effective regulation of corporations was "even a more fundamental issue" than that of labor legislation. He cited the New York Public Service Commission, created by Charles Evans Hughes' administration in 1907, as the finest in the United States. In calling for a thorough revision of Colorado's corporation codes, Shafroth strongly advocated a stringent Railroad Commission Law, patterned on the lines of the New York Commission. "Railroads are quasi-public corporations," asserted the Governor. "Since rates are but a tax on the people, they should be fair and non-discriminatory."²⁵

The existing State Railroad Commission, established by law in 1907, had had little opportunity to prove its effectiveness. Taking advantage of certain doubtful and vague provisions in the law the railroads had instituted three suits, challenging the constitutionality of the Commission's powers.²⁶ It was with this confused situation in mind, therefore, that Governor Shafroth urged the enactment of a new and stronger law to remove all questions of illegality. He failed to reckon, however, with the coalition of Speer Democrats and conservative Republicans. The 1909 session might well be recorded as one of the worst in Colorado's tumultuous history. Only two campaign pledges were redeemed: the Factory Inspection and Campaign Expenses Law.

In dealing with such determined opposition, Shafroth employed a bit of well-timed strategy. Despite strong criticism from within his own party he waited until three months before election day to call a special session of the Legislature. He figured that by the middle of August, 1910, sufficient public pressure would be aroused to force the recalcitrant machine members into line. Shafroth was enough of a politician, furthermore, to realize that the great majority of laws enacted by the Legislature during a single session were of slight consequence to the public. He resolved, therefore, to concentrate on only a few of the more sweeping reform measures.

Addressing the re-convened group of legislators the Governor re-stated his 1909 demand for a public service commission.²⁷ He asked, furthermore, for a law to prohibit the issuance of passes. He recalled how several years earlier every member to the State Democratic Convention had been given a free ride over one of the railroads.

Despite public and Executive pressure, the resultant piece of legislation was but a slight modification of the 1907 enactment. Labeled a "farce" by George Creel in the *Rocky Mountain News*,

²⁵*Colorado House Journal, 1909* (Denver, 1909), 75.

²⁶State Railroad Commission of Colorado, *First Annual Report, 1907-1908* (Denver, 1908), 7-11.

²⁷*Colorado House Journal, 1910* (Denver, 1910), 19.

the act made no provision for initial rate setting nor did it abolish the free pass. Although forbidding unreasonable charges, rebates and freight discrimination,²⁸ with a maximum fine of only \$1,000 per violation slight enforcement was to be expected.

Governor Shafroth signed the measure merely because it was better than no law at all; but he refused to abandon the fight for his cherished ideal. In his second inaugural address of January 10, 1911, he clearly demonstrated that one of the most serious defects in the state's economic structure was the great number of wildcat companies with watered stock. A public service commission, he argued, with regulatory powers over telephone and telegraph service as well as over the railroads would prevent such practices and would protect both the investor and the consumer public. Needless to say the 1911 session paralleled that of two years earlier. The corporation interests were as deeply entrenched as ever in the machines of both parties.²⁹ It was not until 1913³⁰ that a Public Utilities Commission was finally created, but even then and for many years to follow, the Colorado agency approached neither the Wisconsin nor the New York Commissions in strength and effectiveness.

The high point of Governor Shafroth's economic reform program was the passage in 1911 of a law creating the Colorado Tax Commission.³¹ The primary function of the Commission was to be the assessment of properties previously assessed by the State Board of Equalization, which properties included: State railroads, telegraph and telephone companies, express, sleeping car, and private car lines. These amounted to only about one-seventh of the total value of all property in the state, however, with practically six-sevenths still to be assessed by the assessor in each county. Despite the apparent contradiction in authority, it was to be the Commission's additional job to examine the assessment rolls of these various County Boards of Equalization and to adjust any differences between them on the basis of what the Commission should determine as a fair value. In conducting its first examination in 1913, the Commission found only five out of sixty-three counties in the state to be assessed at full value.³²

Such revelations naturally caused much anguish with the ruling financial interests. And when the Tax Commission was empowered subsequently to assess the property of all public utilities, including municipal ones, the corporate interests and their newspapers aroused such a storm of indignation that the Commission was nearly abolished by initiative petition in 1916.³³

²⁸Session Laws of Colorado, 1910 (Denver, 1910), 45-46.

²⁹Rocky Mountain News, May 8, 1911.

³⁰Burriss-Van Tilborg Public Utilities Act.

³¹Session Laws of Colorado, 1911 (Denver, 1911), ch. 216.

³²Survey Committee of State Affairs of Colorado, Report (Denver, 1916), Pt. XII, 7.

³³Rocky Mountain News, November 11, 1916.



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OFFICE OF THE VICE-PRESIDENT, 1830 DIAMOND ST., PHILADELPHIA, PA.

*The Regis - Washington D.C.,
Feb. 2, 1900 -*

My Dear Mr. Shafroth

*If you have not already
done so - will you introduce into the
House a 16th amendment bill - as
Senator Warren has done in the Senate;
we are to have one hearing before the
Judiciary Committee in the 10th - and
should have a bill in their
hands before that date -*

*Trusts you will attend to
this I am
Very sincerely yours*

Susan B. Anthony

LETTER OF SUSAN B. ANTHONY TO CONGRESSMAN SHAFROTH

Although there were still many flaws in Colorado's tax structure at the end of Shafroth's administration, the evils lay not with the Commission but rather with the general property tax system itself.³⁴ Because of the fact that for years each county assessor had kept the valuation of his own county as low as possible, the valuation of state properties had not kept pace proportionately with the increase in the total resource wealth of the state. The state administration, therefore, was forced to operate on a restricted budget while

³⁴Survey . . . Report, Pt. XII, 29. Letter to Philip B. Stewart, Chairman, from Professor Edwin R. Selligman of Columbia University.

certain individuals and corporations made more money than ever before in the state's history. Although Governor Shafroth made no attempt to revise the general property tax system, his Tax Commission brought a major revolution in Colorado financial practices.

The European War produced a limited inflation in the valuation of railroad properties, yet most of the increase in the assessment rate per mile resulted from other factors, some of which are noted above. A few statistics will show the effectiveness of the Tax Commission law of 1911. In 1912, the Denver, Rio Grande Railroad was assessed \$14,123,890 for a main track mileage of 1,479 miles.³⁵ In 1918, the same road was assessed \$41,888,800 for a main track mileage of 1,504 miles.³⁶ The assessment rate per mile had increased from \$9,472 to \$27,594 in a mere matter of six years. In viewing the period from 1906 to 1917 the Tax Commission estimated that state taxes had increased one hundred and forty-six per cent, all as result of the rise in total assessments rather than of any increase in the tax levy.

Besides such matters as railroads and taxes, effective corporation regulation demanded far reaching revisions in the corporation and banking codes. Governor Shafroth felt very deeply the need for a law to guarantee bank deposits. Advocating the "Texas" plan, which required banks either to pay into a fund a small percentage of their daily deposits or to guarantee deposits by a bond, Shafroth called for a law which would protect banks from the immediate demands of depositors in times of temporary depression. Such a measure, declared the Governor, would if nothing else make the bankers conscious of each other's welfare.³⁷ After much prodding by the Governor, the Legislature enacted the Gove-McCue bill, embodying the desired reforms. Written into the law, however, was the stipulation that it be referred to the people at the 1912 general election. It is reasonably certain that Senator McCue had permitted several defects in the law to remain unnoticed for when the petitions of referendum were filed, the Attorney General found that the statute's adoption would be unconstitutional. The law was not submitted and therefore died on the books. In his retirement message Governor Shafroth could only urge that the people demand such a measure. Unregulated banking practices, he warned, would soon bring ruin to the state's economic structure.³⁸

In a final and fruitless effort to revise the existing corporation codes, Governor Shafroth recommended the creation of a department of corporations. Secretary of State James B. Pearce found numerous instances where companies had never complied with the

³⁵Colorado Tax Commission, *First Annual Report, 1912* (Denver, 1912), 132.

³⁶Colorado Tax Commission, *Seventh Annual Report, 1918* (Denver, 1918), 20.

³⁷Colorado House Journal, 1911 (Denver, 1911), 47.

³⁸Colorado House Journal, 1913 (Denver, 1913), 131. See also State Bank Commissioner of Colorado, *First Annual Report, 1913* (Denver, 1913), 9.

existing laws because of the negligence of previous administrations. It was discovered that one hundred and seventy-seven foreign insurance companies had been issued certificates to do business in the state without ever having paid their license fees.³⁹ Hundreds of corporations were conducting business operations in Colorado without contributing a cent to the support of the Government.⁴⁰

In a state where general prosperity was retarded by wildcat corporations, bank failures, and strikes, and where at the same time the number of corporations was increasing yearly one would expect that greater public support for a department of corporations would have been forthcoming. It was indeed hopeless to try to regulate a Rockefeller, Guggenheim, Havemeyer, or Gould trust with a paltry fine of \$1,000 per violation. Despite John Shafroth's reforms the corporations managed to keep virtual control over Colorado's economic life during the next generation. At least the Governor's crusade had publicized the facts; for this alone he deserves much belated credit.

POLITICAL REFORM

Of all the reform measures enacted by the Shafroth administration, those classified as political were the most successful in cracking the iron chain of Colorado conservatism. The initial step in the process of restoring popular sovereignty was the transfer of power from the legislature to the executive whom the people came to regard as the defender of their rights and privileges. It was an accepted fact that in the early years of the twentieth century the most popular governors—LaFollette of Wisconsin, Wilson of New Jersey, Hughes of New York, Johnson of California—owed their effectiveness to the free way in which they both led and coerced their legislatures. John Shafroth proved equally as illustrious as his contemporaries in the use of such methods. During his four year administration, Colorado enacted practically every political reform advocated by leading progressives throughout the country.

In his message of January 12, 1909, Shafroth urged the Legislature to restore political control to the people. "Our platform declared for a direct primary election law, which means such a law as will give to each citizen the right, at the primary election, to cast his ballot directly for every state, county, and city official, who shall become the nominee of his political party."⁴¹ In a similar vein, the governor recommended the direct election of United States Senators. He indicted the present system as expensive, corrupt, and dominated by special interests. Of shocking revelation was the publication of a set of figures which showed the hundreds of thousands of dollars spent for "bribes" in the Guggenheim election of 1906.

³⁹Secretary of State of Colorado, *Biennial Report, 1913-1914* (Denver, 1914), 8.

⁴⁰Secretary of State of Colorado, *Biennial Report, 1909-1910* (Denver, 1910), 5.

⁴¹Colorado House Journal, 1909 (Denver, 1909), 66.

In recommending the passage of other types of election laws, Shafroth decried the corruption and fraud that was rampant in certain counties of the state. "When in one precinct one political party received 139 votes to one vote for the other, and when in another precinct 92 votes were cast to no vote for the other, it means but one of two things: coercion or fraud."⁴² The most unethical practice according to the governor was that of corporations assisting their employees in voting. Huerfano and Las Animas counties were notorious in permitting such practices. The secrecy of the ballot no longer existed. Shafroth placed most of the blame on the Colorado Fuel and Iron Corporation which alone produced over one-half of the coal in these two counties and about one-third of all that mined in the state.

Excoriating the political power of large corporations, Shafroth stated: "It is almost a truism that the political party which has the largest campaign fund will win the election . . . , contributions from both corporations and individuals should be eliminated."⁴³ To remedy these evils, he believed "that only the State and the candidates should be permitted to contribute to a campaign fund." Shafroth's plan, subsequently given national acclaim, called for the State to appropriate for each political party an amount equal to twenty-five cents for each vote cast by that party at the last preceding general election. The fund was to be divided equally between the State and county committees of that party. Each candidate was to be allowed to contribute to the committee of his party, a sum not exceeding twenty-five percent of the first year's salary of the office for which he was aspiring.⁴⁴

Last but not least in the governor's far-reaching program came the recommendation that the Legislature submit an amendment to the people permitting the use of the initiative and referendum at all biennial elections. Shafroth expressed a deep faith in the people's ability to assume a more active and responsible role in the passage of state legislation. It was a widely accepted view in 1910 that the initiative and referendum held the cure for all political evils. If nothing else, they would eliminate most of the "obnoxious" statutes proposed by the special interests.

After a strenuous battle, lasting throughout the summer of 1910, the Skinner Law—embodying all of Shafroth's recommendations—was passed by both Houses on September 1.⁴⁵ By this enactment the initiative and referendum were reserved not only to state affairs but to all cities, towns and municipalities and to every piece of local or special legislation passed by the same. As proof of the

⁴²*Ibid.*, 69.

⁴³*Ibid.*, 70.

⁴⁴*Ibid.*, 70. See also *Independent*, LXVII (July 8, 1909), 83-84.

⁴⁵Senator Onias C. Skinner. *Session Laws of Colorado, 1910* (Denver, 1910), ch. 3.

measure's popularity, the people of Colorado overwhelmingly approved the amendment by a vote of 89,141 to 28,698.⁴⁶

As to the rest of Shafroth's program, the Legislature reacted with bitter hostility. The only measure to survive the 1909 session was the shortlived Campaign Expenses Law,⁴⁷ which had the misfortune of being declared "class legislation" and therefore unconstitutional by the State Supreme Court on October 10, 1910.⁴⁸

The most dogged political battle of the 1910 special session centered around the Direct Primary Law, which secured final passage on October 21, 1910. Despite the fact that the administration's hopes were not fully realized due to the retention of a modified form of party convention,⁴⁹ progressives in general hailed the measure as the one effective means of guaranteeing a truly democratic government. A related measure, the Election Registration Law, was given a similar dose of rough political treatment before being enacted on May 30, 1911. An earlier bill, steered through the Legislature in October, 1910, by Senator W. H. "Billy" Adams had been vetoed by Shafroth as "a fraud upon the people."⁵⁰

In trying to assess Governor Shafroth's political reforms, it is immediately apparent to the observer that "direct legislation" did not live up to previously held expectations. It tended to shift responsibility away from the legislature on to the people who were not ready to accept such tasks. The widening of the gulf between the people and the Legislature by those who wished to discredit the latter, posed a dangerous threat to representative government. One of the worst evils, furthermore, was the necessity for hiring professional petition circulators, a practice which gave a distinct advantage to the corporations. And finally, it increased the power of the press whose function it became to publicize the candidates and measures that were up for public approval.

The merits of direct legislation in Colorado, however, decidedly outweighed the defects. In the period, 1912-1918, twenty-four amendments were submitted to the people of which five were accepted. Of thirty-one statutes initiated or referred in the same period, eleven received an affirmative vote.⁵¹ Most of the laws accepted, moreover, were of a political or social welfare nature; all attempts at economic regulation failed. The most important political and social welfare reforms were secured in the election of November 5, 1912, as a consequence of Governor Shafroth's vigorous administration and the untiring efforts of such stalwarts as Ben B. Lindsey and Edward P. Costigan. Included in the long list of meas-

⁴⁶*Rocky Mountain News*, November 12, 1910.

⁴⁷*Rocky Mountain News*, April 28, 1909.

⁴⁸*Rocky Mountain News*, October 11, 1910.

⁴⁹*Session Laws of Colorado, 1910* (Denver, 1910), ch. 4.

⁵⁰*Rocky Mountain News*, November 17, 1910.

⁵¹Legislative Reference Office, *The Initiative and Referendum in Colorado* (Denver, 1938), 12-17.

ures approved by popular vote were: the headless ballot, home rule for cities and towns, the recall of judicial decisions, the recall from office, a reorganized Civil Service Commission, and two eight hour laws, one for women and one for miners. Direct legislation had come to stay. To its credit, at least, it had increased the interest of the average voter. It had placed the people more nearly in control of their government than ever before in the state's history.

CONCLUSION

John Franklin Shafroth was merely one among many reform governors in the early years of the twentieth century who tried to infuse some new blood into old political veins. Being both a staunch Coloradan in his loyalties and a devout Jeffersonian by conviction, Shafroth distrusted a power-ridden, over-centralized national government. He often quoted the famous statement of Justice John M. Harlan: "A national government for national affairs and a state government for state affairs is the foundation rock upon which our institutions rest."⁵² To Shafroth, perhaps the greatest value of the federal system lay in the fact that the states were proving grounds for experiments in legislation and administration which could not be made in larger more centralized areas. It was his belief that a particular abuse demanded a specific reform, the determining factor in each case being the requirements of the locality rather than the blueprint board of some National agency.

By his advocacy of the state as an important area of reform, by his pleading for scientific techniques in legislation and for morality in administration and by his profound faith in the processes of democracy, John Franklin Shafroth made for himself a distinguished mark in American political history.

When we were all still very young, my parents moved to St. Louis, Missouri, where my father died when I was five years old. We lived in St. Louis quite some time. When a smallpox epidemic struck, we were all stricken with it. Health officers came around with a needle and vaccinated us all, as a result of which, my sister nearly lost her arm.



MRS. BELLE CASSIDY

When I was fourteen years of age, in 1879, we came to Denver. We first lived in an old store building which had been converted into a dwelling, located at what is now Nineteenth and Blake Streets. Many of our neighbors were people who had come from St. Louis about the time we did. We stayed in this make-shift home for about a year, when we were able to move to more suitable quarters at Twenty-fourth and Larimer streets. Among these old neighbors were: a Mrs. Baxter, who ran a large boarding house; a Mr. Hanson, housemover; Mr. Cornforth, who operated a large wholesale grocery at Twenty-second and Market streets; Mr. Ross, a minister; and a Mr. Burkhart, who operated a large meat market. Henry Tabor, a brother of the famous H. A. W. Tabor, was also our neighbor and we knew the first Mrs. Tabor very well. She ran a large boarding house at Seventeenth and Lincoln streets on the site of the present Sears parking lot.

We lived at Twenty-fourth and Larimer streets for a long time. My sister took up dressmaking and my younger brother, Robert, worked for the Gas Company. The boys used to climb up on little

Recollections of Early Denver

MRS. BELLE CASSIDY*

I was born in the year 1865 in Joliet, Illinois, of Scottish parents. My father, Robert Pinkerton, was a brother of Allan Pinkerton, who was known as the first "F.B.I. man," and who founded the Pinkerton Detective Agency. My father was a ship-builder and his brother was most disappointed because my father would not associate himself with the detective agency.

My mother's parents came from Scotland, too. Her father's name was George Hamilton. I was named after Allan Pinkerton's daughter, Belle. I had two brothers, James and Robert, and a sister, May, who was eight years my senior.

⁵²Quoted in Marion M. Miller (Ed.), *Debates in American History* (New York, 1913), X, 121.

*Mrs. Cassidy has been a Denver resident since 1879. She now makes her home with her daughter and son-in-law, Mr. and Mrs. Charles L. Gustin of Wheatridge.

stepladders and light the gas lamps. When the moon came out they all scurried back and put out the lights so as to conserve gas.

When we arrived in Denver, a streetcar ran up Twenty-third street and was pulled by two horses. There was a store operated by Daniels and Fisher and one by Joslin. There was a shoe store operated by a Mr. Moore and you bought shoes whether they fitted or not. This was the cause of so many older folks having bunions and deformed feet.

In some places there were wooden sidewalks raised on stilts and approached from each end by three or four steps. Tramps used to sleep under these walks at night, but there was little or no trouble with holdups or robberies.

When I was fifteen years old, I attended the old Railway Mission at Nineteenth and Wazee street. Many well-known pioneers went to this old mission, which was founded by a Rev. Crain. It was a branch of Trinity Methodist Church, which was then located on Eighteenth street between Champa and Stout.

In 1883 the streetcar system was extended to Seventh Avenue and Broadway. Later cable cars were installed (1888), and after a while regular electric cars were put in service.

The present site of the State Capitol was, at that time, used as a cow pasture and boys used to take cattle there daily for grazing and received \$1.00 per month for the service. When the new Capitol was decided upon, Geddes and Seerie did the beautiful work which can be seen in the building.

When we lived at Twenty-fourth and Larimer, Indians used to come to our door and beg for bacon, of which they were inordinately fond. My mother used to give them bacon and other foods and they were most orderly and peaceful. My mother, who had been educated in Scotland, taught many of the poor colored and white people for several years following 1879.

All along Cherry Creek were houses made of tin. The occupants had melted off the solder of the cans, flattened them out and used them for siding.

There were few diversions in those days; most of our entertainment consisted of magic lantern slides and parties in the homes of our friends. We also attended church regularly and Sunday school was seldom missed. In fact, I received a Bible for perfect attendance for three years.

About the year 1880 my mother and I were on our way to church one evening when we noticed a large crowd and much excitement. It seemed that a Chinese laundryman had refused a railroad worker his laundry because he had no ticket; the railroad man rounded up a group of his friends, attacked the Chinese, smashed his laundry to pieces, and tied the poor Chinese to an express wagon by his

queue and dragged him through the streets. The authorities rounded up the rest of the Chinese population and put them in the jail at Fourteenth avenue and Kalamath for protection, but as I recall it, nothing was done to the mobsters.

Another example of law and order here in the early days. A man was coming home from work with his pay-envelope when he stopped in at his usual bar to get a drink. The bartender evidently knew it was payday or the old man showed his money, so the bartender attacked and killed him. Pretty soon the old man's sons came looking for him in the saloon and found him dead, shoved under the bar. The police came and seized the bartender, putting him into the unfinished jail at Kalamath street. A mob soon gathered and using railroad ties for battering rams, made a large hole in the wall of the new jail, took the murderer and hanged him to a large tree on Santa Fe Drive between Colfax and Fourteenth avenues.

In 1882 a train of cars of some sort was operated from the depot to Exposition avenue. It ran out what is now Inca street and made a loop at Exposition, which was so called because of the Fair, or Exposition, held there for several years.

In 1884 my brother, Robert, left Denver for Los Angeles, and a short time later my sister followed; then my older brother, James, left, while my mother and I remained here. In 1888 she followed and lived there until her death. Alone here, I had to find a way to support myself, so I operated a small bakery at Fourteenth and Lipan street for several years. We finally moved to Thirteenth avenue and Kalamath street, the old west side.

One day the jailer from the City Jail came over and bought a blueberry pie. He said it was for a Mr. Green who was to be hanged that day, and this was his last request. It seems this Green had killed a street car driver for his money, and the police had caught him and placed him in the same small jail which stood at Fourteenth and Kalamath at the time. A mob gathered and took him from the police, led him to a large cottonwood tree which stood in the bed of Cherry Creek at Eleventh avenue. They put a rope around his neck and threw it over a branch, and "strung him up." When he was dead, they took him down, dragged his body to Seventeenth and Curtis streets, where they tied him up in the middle of the street as a warning. Such was the law in 1884.

Soapy Smith and a man named Chase used to operate a gambling hall at Fifteenth and Blake streets. This was a notorious spot, and cowboys and desperadoes used to ride their horses right into the bar. The Chinese had their opium dens in this neighborhood too—all underground. White girls are said to have disappeared into these dens and were never heard of again.

About 1880 we lived on Champa street between Eighteenth and Nineteenth. Governor Cooper lived next door to us at the time and Wolf Londoner, pioneer grocer, lived across the street.

I attended the opening night of the Tabor Opera House (1881), which was a gala affair. Later I saw H. A. W. Tabor and Baby Doe in their box and their small child ran up and down the aisles.

Many ox teams or trains used to come into the old Elephant Corral at Fifteenth and Blake, where they were bedded down for the night. The corral was a kind of motel for passing travelers—many in covered wagons. This corral never had anything to do with elephants, as so many seemed to think, but was named because of its size.

When Denver was ready to build a new depot, the site was occupied by an Italian who operated a large boarding house on the spot. He refused to give it up and held out until he is said to have received some fifty thousand dollars for it, so that our present union station could be built. A part of the original building still is used.

I was married in 1889 to William Henry Cassidy, an Aurora, Illinois, man, and we lived on in Denver until his death in 1913. I now reside with my only daughter, Jeannette Gustin, in Wheat-ridge, Colorado.

Ho for the Reservation; Settlement of the Western Slope

LOIS BORLAND*

Highlighted in any history of Colorado is the Meeker Massacre in the fall of 1879—the event which precipitated the inevitable: the exclusion of the Uncompahgre and White River Utes from western Colorado.

The farewell of the Uncompahgre Utes August 28, 1881,¹ to the land they loved, surrounded as they were by United States troops, is dramatically depicted in print.

The death of Chief Ouray, on a mission to secure agreement to the forced trek westward, has been told many times, scanty as are the available details.

But the interregnum from the departure of the Utes until the approval of the Ute Reservation Bill, July 28, 1882, and the President's proclamation of the former reservation as public land, August 10, 1882, a period of unbounded enthusiasm on the part of the land hungry, might be enriched by the lengthy letters written from the former reservation to the *Gunnison Daily Review* of 1881 and 1882.

*Dr. Borland, a Regional Vice-President of the State Historical Society, has previously contributed articles to this magazine.—Ed.
¹The last band, Colorow's, left September 1, 1881.

Joseph Blackstock, over 90 at his death, and one of those living on the Western Slope at the time mentioned, used to end his clearly-remembered stories of the past with the nostalgic: "Why, we were all young then"; and one feels youth in these letters, and masculinity, for there were almost no women in the beginning of Grand Junction, Delta, and Montrose, about which the correspondents to the *Review* write. Among the writers were: R. D. Mobley, first postmaster of Grand Junction; J. A. Blauvelt, who had been on the staff of the *Review* before going to the future Grand Junction; and occasionally Governor George Crawford, himself, founder of Grand Junction and Delta, and warm personal friend of Frank Root, *Review* editor.

The Reservation, the eastern boundary of which was the 107th meridian, only a few miles west of Gunnison City, and which extended on the west to the Utah line, comprised seven-eighths of Gunnison County, then the largest county in the state.

The excerpts or summaries which follow form a part not only of the history of Gunnison County but of the Western Slope. Long geographical descriptions of the country now well known to those interested, and lengthy accounts of the salubrious climate, though colorful, have been, in the main, omitted.

The "Ute Bill" for the exclusion of the Utes from western Colorado was signed by the President June 15, 1880. "Forward March" is the caption of an editorial in the *Gunnison Review* of June 19, 1880: "At last the Ute agreement has passed Congress. On Tuesday last it was signed by the President and is now a law. The commissioners have been appointed, and an army of 25,000 prospectors and miners are in readiness for a grand march to the Reservation. Hundreds have already gone over and thousands are waiting anxiously for the commissioners who will be on hand in a few days to settle for all time to come the great question that has so long agitated the mining portion of the state."

The *Gunnison Daily Review*, December 2, 1881, quoting from the *Denver Republican*, says, in part, "The opening of the late Ute Reservation is almost equivalent to the discovery of a new world. There are about twelve million acres of the domain, and when thickly settled, if walled in, would be self-supporting. This vast empire is to be declared open for settlement by Presidential proclamation [Actually by act of Congress and Presidential proclamation], but the chief executive has been anticipated and at this time large areas within its limits have been and are yet being occupied by agricultural settlers and ranchmen. . . ."

"The Indians are gone forever. There is none to molest or make afraid. The white settler may literally sit under his own vine and shade tree. The Grand, Gunnison, Uncompahgre, Dolores, San

Miguel, White River, La Plata, and their tributaries comprise the main valleys of the country under consideration."

There follows a detailed account of the various valleys, beginning with the Uncompahgre.

On Saturday, September 10, 1881, as reported in the *Gunnison Daily Review* of October 11 (Vol. I, No. 1), J. T. Morris, R. D. Mobley, Judge [W. R.] Keithley, [W. O.] Stevens, and Mr. Keefer made a trip to the Reservation, camping on the Cebolla, 35 miles from Gunnison, the first night. Breaking camp, they "hitched up" and proceeded leisurely, camping in convenient places, their objective being the junction of the Gunnison and the Uncompahgre, which they reached Friday night. Here they remained ten days, each taking up a quarter section of land.

They joined Governor George A. Crawford September 24 and went to the mouth of the Gunnison and the Grand, where they remained four days, all staking claims. "The Grand Mesa," says Mobley, "which commences at the mouth of the river, and runs back for a distance of twelve or fifteen miles, is said to contain upwards of 40,000 acres of the finest land in the state, but it will be worthless until capital is brought in and means devised for irrigating it."

Game was found in abundance—bear, elk, antelope, deer, rabbit, beaver, otter, and mountain sheep. They found the streams full of fish. "A twelve-pound fish was caught at the mouth of the Grand. It made three good meals for the party of five," they reported.

While on their way back to Gunnison, they met a band of ten Utes accompanied by an escort, headed for the new reservation. Parties of whites were going and coming. Surveying camps of both the Denver and Rio Grande and Denver and South Park were already active.

"Nearly all desirable land in the valleys of Uncompahgre, Grand, and Gunnison," they found, "had been already staked."

Under the caption "Uncompahgre and Grand Junction," R. D. M. [R. D. Mobley] writes at length under date of November 15, 1881 (issue of November 16, 1881). He has just returned from a three-weeks' visit to the mouth of the Gunnison and is besieged with questions by eager Gunnisonites.

The soil on the Uncompahgre, Gunnison, and Grand is a rich sandy loam, he tells them, but the land fronting the river has already been taken up by settlers; however, there is still plenty of good land unoccupied in the valleys back from the river.

Town sites at the mouth of the Uncompahgre and the Gunnison have been selected and several cabins built at each: the former, Uncompahgre, where Mr. Van Deventer has started a store; the

latter, Grand Junction. Parties are in Gunnison at the time he writes for goods to establish stores in Grand Junction.

"There are probably 50,000 acres susceptible of irrigation and cultivation in the vicinity of Uncompahgre. For twelve miles above and seventeen miles below Grand Junction, there is a valley averaging four miles in width of rich land to be cultivated and watered. In this and adjacent valleys there are 100 thousand acres of good farming land," Mobley assures the land-hungry.

"Steps have been taken in both places to secure postoffice and mail service. Ditch companies have been organized, and in some places work has commenced. Timber is available. Coal of good quality abounds all the way from the lower Uncompahgre down the Gunnison and the Grand to the Utah line. Both the Denver and Rio Grande and the Denver and South Park have surveyed lines through each of these town sites.

"Governor George A. Crawford is the superintendent of both of these town companies, and his name in such business means success.

"The opening up of this country will be a great advantage to Gunnison and will make a big jobbing trade for the Gunnison merchants, provided they keep suitable stocks on hand. Crawford is backed by rich and influential gentlemen now in the city from Philadelphia, and no pains or means will be spared to build up good towns."

Editor Frank Root summarizes, in the issue of November 29, a personal letter from his friend Gov. George Crawford, dated November 17, 1881. The Governor says he has been "roughing it" at the junction of the Gunnison and the Grand, sleeping on the ground. Now he has a cabin 13 by 14 feet with puncheon floor and door, and he has a rude bed. By frequent burning of his fingers, he is learning to cook. Root says, "We judge the Governor has been on the sick list recently for he says 'Sawing off eighteen logs in one afternoon rested me.' A storeroom is being built for Captain Mobley, 18 by 24 feet."

A later notice says Crawford will probably remain all winter in Grand Junction.

R. D. Mobley writes at column length under attractive headlines, December 10, 1881 (issue of December 15). "According to promise I will tell your readers something about this country and our journey over it. We left Gunnison on the last day of November and camped the first night at Col. Tom Stear's where we were hospitably entertained. The snow ranged from eight inches to two feet deep on the road to Cedar Station where it disappeared, and from there the ground was bare in the valleys. We slept in houses until we reached Cimarron, and there myself and wife slept in a

wagon, and Mr. Collier and John on the ground. From there we camped out very comfortably. The roads were not so bad as we anticipated; in fact are good for winter season. We were seven days on the road, averaging about twenty miles a day.

HO! FOR Grand Junction!

I will leave for Grand Junction on or about Wednesday,
December 21st. 1881

If I can obtain Eight or Ten Passengers.

Fare Reasonable.

For full particulars apply at The Review office
Gunnison, Colorado. A. HUCI

A BROADSIDE ISSUED AT GUNNISON IN 1881

"At the future-great town of Uncompahgre, we saw our old friends, Messrs. [W. O.] Stephens and family, Captain [F. M.] Anderson and family, Esq. [M. C.] Vandeventer and family, and Judge W. R. Keithley, all of whom were well, and well satisfied with their new homes. Here we found Governor Crawford and Robinson, both healthy and happy. The worst thing the Governor has to contend with is the want of mails—and females, but he anticipates a supply of both soon.

"The immigration into this valley still keeps up, and none but mesa claims are left untaken, but these are probably the best land in the valley if water could be got to them. Several ditch companies have been organized, and some of them are at work. Much of the valley and mesa land will be watered this winter.

"The settlers are all industriously at work building cabins and making ditches and fences, preparing for spring crops. They confidently expect to furnish Gunnison and the mountain region with fresh vegetables next season. We found the weather splendid—regular old-fashioned Indian summer."

Mobley, on the date noted above, gives a complete geographical description of Grand Junction and vicinity. "The town now has seven houses erected and several more under way. It will certainly

make one of the thriving cities of western Colorado. A physician could do well and is needed badly. No Indians have been seen or heard since September."

J. A. Blauvelt, according to the issue of January 9, 1882, "recently an attache of the *Review*, leaves tomorrow for Grand Junction, where he will engage in surveying and civil engineering. He held the office of county surveyor for several years in Norton County, Kansas. He is a competent man. Our readers will hear from him."

An all-important bill to Gunnison County was introduced into the U. S. Senate January 5, 1882, by Senator N. P. Hill [Issue of Jan. 16].

In brief, three sections of Senator Hill's bill were as follows: (1) Reservation to be declared public land; (2) Secretary of the Interior to establish boundaries of the Reservation; (3) Locations already made to be legalized, including mines of the rich Ruby Camp, also coal and agricultural preemptions filed long ago, thus avoiding such troubles as those enacted at Deadwood, and which might result from a mere proclamation. A bill was introduced into the House by Congressman James B. Belford January 16, restoring to the public domain, and opening to settlement the former Ute reservation.

On January 19, 1882, Captain Mobley writes at two-column length from Grand Junction.

"A majority of our people are Gunnisonites, and the immigration coming is mostly from Gunnison. Allison and Scott have erected a business building. Messrs. Wood and Saylor, also from Gunnison, have each started in business, and Mr. Wood has commenced putting materials on the ground for a large restaurant and boarding house. The Town Company has erected a large boarding house which will soon be occupied by William Green, lately from California.

"Poor mail service (75 miles from a post office or post road, and payment of 10 cents to 25 cents for every letter we get or send off) is one of our handicaps. We have taken steps to get post offices and post roads, and will be under many obligations to our representatives in Congress if they will hurry these matters up.

"Gunnison should, with the settlers in the Reservation, be interested in opening up a good free wagon road from Gunnison down on the north side of the river over the Grand Mesa by way of Crystal Creek, Smith's Fork, the mouth of the Uncompahgre to this valley as this road would add largely to increasing and keeping the already large trade that Gunnison merchants have with the people of the Reservation."

He goes on to enumerate the inconveniences of the toll road: "Every trip made from Gunnison with two horses and a wagon, via Barnum, from \$10 to \$15 is 'yanked' out of the freighter by the toll road company. This is extremely hard on the freighters, particularly when they have to drag through snow banks and over steep mountain roads made dangerous to travel by ice and snow . . . and it does not appear that the owners of the roads are doing anything to make them better. One reason that the road on the north side should be put in good condition in order to keep all the trade, is that there are already schemes on foot to have the trade of the valley turned into Utah—to the end of the railroad there and to the agricultural settlements.

"The following firms are now doing business here with a fair trade: Mitchell and Nistweich, grocers; Laton and Geary, groceries; Irwin and Fenlen, groceries and liquors; Talifarean and McGovern, restaurant; William Green, boarding house; Thomas Williams, blacksmith; Christly and Graham, saloon; Gile and Bates, meat market.

"Governor Crawford is general manager of the Town Company and friend and adviser of everybody. The Governor has formerly kept a free lunch and lodging house, but has now suspended business in that line.

"Judge Harlow and your humble servant dispense the law and are prepared to serve our customers, particularly with the marriage ceremony. We have a standing order of a choice town lot to the first lady that gets married in our town, a free ceremony into the bargain. We will tie the knot either hard or soft, light or loose . . . the offer goes for ninety days, and we will say to the marriageable readers of the *Review* that in the vicinity there are about 150 single men with only two young ladies.

"The settlers had a meeting here Saturday and formed a settlers' Protective Association to govern the settlement of the country until the land in the Reservation comes into the market. Officers were chosen: Capt. P. Fitzpatrick, president; J. C. Nichols and H. I. Schmitz, vice-presidents; R. D. Mobley, secretary; J. N. McArthur, treasurer; Tom Lester, marshal; George A. Crawford, N. N. Smith, William Nistweich, J. L. Wood, and William Pie executive committee.

"The regulations of the association allow a claimant 30 days after staking his claim to build his house, and 60 days after building his house to get on his claim. If he keeps work going on, he can be absent from his claim four months.

"A Mr. Bonhouser, representative of a wealthy Leadville company, has commenced work on an irrigation ditch that will be, when completed, 45 miles long and will have a capacity sufficient to water

the whole valley. Judge Peirson, superintendent of a home company, will soon commence work on another ditch that will run through the center of the valley."

Mobley has kept a detailed weather report since January 1, of which he appends the data, the weather of the Western Slope being one of its drawing factors mentioned in all letters.

An account captioned "Uncompahgre and Grand Junction," occupying the greater part of a page in the issue of January 24, 1882, is written, according to the editor by "a distinguished citizen lately returned from the Reservation."

The charm of the climate at the two places will make them the "winter resort of Colorado." Much space is devoted to the physical and geographical description, reasonably familiar to an interested present-day reader, and so omitted here.

"A post office has just been established at Uncompahgre, called Delta. The mail is carried twice a week by spring wagon from the Cantonment (35 miles) to the railroad commissary tent below Uncompahgre, thence on horseback. In a short time ample stage accommodations will be on that line and on the more direct route down the Gunnison. The post office of the Cantonment being called 'Uncompahgre,' another name 'Delta' had to be selected for Uncompahgre. Grand Junction post office will be established soon. For the present, letters for Grand Junction should be addressed 'Uncompahgre, Uncompahgre P. O. Col.' until the new office of Delta gets in operation.

"The town site of Uncompahgre occupies about 540 acres, the Denver and Rio Grande Railroad along its west side. The survey of the Crested Butte branch runs through it. The Denver and South Park Railway is staked along the north side. The Town Company has built two houses and contracted for more. Uncompahgre gives promise of being a railroad center, and there are many who believe it will surpass Grand Junction.

"M. C. Vandeventer has a store there and has been joined by [Warren] Richardson of the Boston Bakery, Gunnison. [T. F.] Horner, builder from Gunnison, has also located there. A ditch four miles long is being taken from the Uncompahgre to water the town.

"The Grand Junction town site embraces 640 acres. A ditch eight miles above town will be completed in time for spring crops and planting of trees. A four-foot vein of coal crops out within a mile of the town and underlies the city, while twenty miles distant, near the railroad is a twenty-foot vein. Building timber can be floated down the Grand and the Gunnison and water mills will be established on the town site.

"The graders on the Utah end of the Denver and Rio Grande are within sixty miles of Grand Junction. It is expected that the

grading from Utah will be finished past the town in two months, and the cars will be running in July. It is claimed that the Grand River route to Leadville and Denver would have the shortest line and the easiest grade and is likely to become the main line from Salt Lake to Denver. At all events the travel of the rivers and railroads west of the range is to Grand Junction as a glance at the map will show. The Gunnison and its railroad drain the mountain district toward Pueblo, while the Grand and its road will bring in the Leadville Country." The writer asserts definitely that there is no such place as Ute City, the name favored by the government for Grand Junction.

"These two towns, [Delta and Grand Junction] are laid out on a liberal scale. Lots are set apart for the leading denominations for church sites and parsonages, for city hall, engine house, and for all the public buildings required in large cities. Provision is made for parks and fair grounds. A free library and reading room will be established at once in each town. As soon as the ditches are completed, a forester will be employed to cultivate trees along the streets and in the parks."

"It was not the intention of the Town Company to start the towns until spring as there is no material other than logs at present. But the teamsters have told the story in Ouray, Lake City, Gunnison, Crested Butte, Irwin, and the boom has begun. The rush to the late Reservation through Gunnison and to Uncompahgre and Grand Junction this spring will be unprecedented. Gunnison will profit by it as Denver did from the Leadville excitement. Your County Board should at once prepare the direct road down the Gunnison. It is 30 miles shorter and should be free from that nuisance of Colorado, 'toll, toll, toll' over roads, ferries and bridges. Let us have free roads and free bridges. If these are not provided, the trade is likely to go to Utah, where the roads are better and provisions cheaper."

J. A. Blauvelt writes of the much-talked-of garden of the West—the Grand Junction valley, under date of January 29 (issue of February 7):

"Our party on January 21 were eleven and a half days on the road from Gunnison. We had a fearful time crossing the range in snow. Snow on the Blue was immense; in some places the wheels were nearly out of sight." * * * * *

But later, "Standing as we were far above the beautiful valley, and gazing down on its 50,000 acres of bottom and agricultural land with the Gunnison River coming in from the east and the Grand from the northwest, and at the junction a flourishing town where

but a few weeks before not a mark of civilization was visible, was to us a grand panorama!

"Upon arriving at the town the first ones we met were Judges Mobley and Harlow, who will be remembered by the Gunnison people as coming to the Junction last fall. . . . The buildings here consist of cottonwood logs and poles, and a great many are being put up at the present time.

"There are in running order four stores, three whiskey shops, two restaurants, one hotel, two butcher shops, one barber shop, and two blacksmith shops. Inhabitants are scattered over the ranches. At present there are only three women in town, but many will bring families as soon as possible. The entire valley will soon be irrigated . . . the soil is the finest in the land.

"Your humble servant will stay right here . . . contracts made for surveying several ditches, completing survey of the town site. I shall get my family here from Gunnison, and get settled on my 160 acres of land—the happiest man in seven states."

On February 9, 1882, the *Daily Review* is accused by its competitor, the *News-Democrat*, of selling Gunnison short in the interest of Grand Junction. In a spirited reply, Editor Frank Root says: "We can't see how the interests of Gunnison are in any way jeopardized by treating our new neighboring city at the mouth of the Gunnison courteously . . . Grand Junction is composed very largely of the respectable citizens and business men of Gunnison . . . the interests of the two places are identical . . . if one place grows the other is bound to."

Impatience in the county mounted, that Washington did not act to declare the Reservation public land. M. Rush Warner, Gunnison resident and representative of capitalists from Philadelphia, was in the capital February 9, 1882, to visit the Colorado delegation and present the urgent demands of the people, chief of which was the opening of the Reservation to settlement by proclamation or legislative enactment. Other objectives were a land office in Gunnison, post offices at Grand Junction and Delta, as well as various post roads.

"The post office has now been established in Grand Junction," he reports, "with R. D. Mobley as postmaster. The government did not like the double name 'Grand Junction' and have named the post office 'Ute City,' this being the only name suggested. There is also a post office established at Delta with M. F. Anderson as postmaster."

“But the tug of war,” he says, “comes in getting the Reservation thrown open. The secretary of the interior to whom it is referred contends that the government has not yet fully complied with the ‘Ute Bill’ of January 15, 1880, in the survey and the allotment of Utah lands to the Indians; thus their former home cannot yet be declared public lands.”

He gives a lively account of the interest in the East regarding the Gunnison country. He was “besieged for information,” and he says recruits are coming from every town or city he visited.

A citizens’ meeting was held in Gunnison, February 20, to discuss the opening of the Reservation. The assembly was called to order by Capt. A. J. Bean, Mayor Kubler was elected chairman, and Theodore H. Thomas, secretary. Speeches were made by Alexander Gullett, Gov. George A. Crawford, and Theodore H. Thomas. A committee was appointed to draft resolutions to be forwarded to senators and representatives praying that some action be taken before adjournment, to open the Ute Reservation to settlement. The committee, consisting of Messrs. Wadsworth, Gullett, and Shackelford, drafted telegrams acceptable to the group. The newspaper account closes with **HO FOR GRAND JUNCTION** in boldface type.

An open letter to the Congressional delegation was drafted at an adjourned meeting and reported in the issue of February 27. At a mass meeting the citizens gave it their hearty approval. Following is a summary of the lengthy report:

Is the land known as the Ute Reservation now a part of the public domain? Is it the duty of Congress to declare said land open to settlement without further delay?

In great detail, the letter answers these two questions in the affirmative. Seven-eighths of Gunnison County is involved; several thousand people have already settled upon it; towns have sprung into existence; post offices have been established; two railroads are extending their lines into the country. Although this land has been practically open for settlement the last six months, an act of Congress declaring it so open would enable the owners of valuable property to perfect their title. Several thousand square miles of the finest coal land is known to be within the boundaries of the Reservation. Some of the richest gold and silver mines in the state are located therein, valuable minerals, large tracts of grazing, agricultural and timber lands.

This letter greatly enlarged as to detail is signed by W. H. Wadsworth, Sprigg Shackelford, George Simmonds, Alexander Gullett, O. P. Abercrombie, and Fred H. Kellogg.

On March 1, 1882, from Washington, came the news that the amended bill providing for the formal opening of the Ute Reservation, had been favorably reported to the senate by the committee. “Apparent delay is through no fault of the Colorado delegation; the delay is aggravated by reported dissatisfaction of the Utes in Utah; possible dissatisfaction of the Mormons; appeals to Congress by New England,” states Root. He quotes the *Leadville Herald* of February 20, 1882: “The philanthropists of New England continue to appeal to Congress in behalf of the red fiends of the frontier. Not satisfied with the unparalleled magnanimity that has made justice weep in rewarding rather than punishing the devils that murdered Father Meeker and his associates at White River, and subjected the defenseless women to an experience worse than death, these sympathetic souls now come asking the Congress of the United States to extend still other favors, and a petition having 8,000 signatures was presented to the Senate, championed by the Massachusetts senator and eloquently answered by Senators Teller of Colorado and Preston B. Plumb of Kansas, voicing the sentiment in Colorado.”

News came, March 8, that the Ute Reservation Bill that was to come up for final action March 6, had been postponed for one month.

The editor of the *Review* acknowledges, March 28, 1882, a visit from Joseph Selig of Montrose, president of the Montrose Town Company. “Already there are 200 houses constructed at that place mostly of logs. Soon there will be a considerable number of frame houses, also some of adobe and brick. They have a sawmill with a capacity to turn out 15,000 feet of lumber daily. A ditch 26 miles in length is now being run, which will irrigate large and valuable tracts of agricultural land, the cost being \$700 per mile.

“The town site covers 320 acres. Though only about two months old, the place has about 20 saloons and business houses. The railroad is nearly all graded from Gunnison, except for a little in the Black Canon. Coal has been discovered within three miles of the town; thus the fuel question is settled.

“Coppinger, McConnell and Company will have in operation the ‘Uncompahgre Valley Bank’ on or about the first of May, and a large new hotel two stories high, 40 by 90 feet, is expected to be in operation by June 1 to 15. Everything looks extremely promising for Montrose; its low altitude admits of the raising of all kinds of vegetables and fruits.”²

²The Montrose election for incorporation was April 3, 1882. Commissioners for the election were N. K. Hunter, James F. Kyle, F. H. Moore, and C. P. Creighton. Number of voters was 100. W. H. Cummings was elected mayor; W. A. Eckerly, recorder; Thos. Heibler, A. Pumphrey, R. C. Diehl, and William Wilson, trustees. Documents of incorporation and plats of Montrose, Grand Junction, and Delta are all in Gunnison County court house, as Gunnison was the county seat. David Smith was at that time county judge.

In the issue of March 14 is the item: "H. R. Hammond is putting on a line of stages between Montrose and Grand Junction. His son, Harry, is now there perfecting arrangements. He will be able to put passengers through in double quick time, carry express packages, letters, etc."

By March 21, 1882, the editor of the *Review* prints the following from the Lake City *Silver World*: "The town [Grand Junction] is lively. Buildings are going up in every direction. There are over 100 houses already built and about 125 in course of erection. The ranchmen have started to dig several ditches so as to raise crops in the spring. There is a military company with 90 members. Arms have been sent for to Denver and they are on the road."

On March 23, it is noted that David Wood, the great freighter, "returned yesterday from a trip to Grand Junction and other points in the Reservation, and is enthusiastic over what he has seen down there and the prospects of the valleys through which he has traveled."

April 1 marked the first tragedy in Grand Junction in the death of Deputy Sheriff Benjamin A. Scott and John Gordon.

Hoodlums had visited the city, were arrested, escaped. Scott led a party in pursuit. With William Nishweitz, Judge Pierson, and John Gordon, he was in the last boat to cross the river. When they struck the main current just below where the Gunnison flows into the Grand, the heavily loaded boat began to sink. Pierson jumped and reached the opposite shore in an exhausted condition. The boat capsized in the turbulent water and Gordon and Scott were drowned. Gordon was 61, a widower, and father of thirteen children. Scott's body was recovered the morning of April 5 and was buried April 6. Burial services were read by J. W. Bucklin and appropriate remarks made by R. D. Mobley, with all the inhabitants out to pay respects.

A three-column account under the heading "*Gunnison to the Grand*" appears April 11, signed by J. W. B. [John W. Boulden]. Boulden's party started to the Western Slope April 9, 1882. After an unpleasant journey through snow and mud, they reached Montrose April 14. There they report that drilling to the extent of 90 feet has not produced water. They feel sure that the Uncompahgre will not furnish half the water necessary for the numerous ranches. They find too much alkali in the soil.

Twenty-one miles farther they reached Delta—their objective point, "more desirable," the writer put it, "than Montrose. The town has two stores, two saloons, and about twelve other buildings. It has splendid water at the depth of eight to ten feet. A grand and

picturesque view of ragged cliffs and washouts in the clay hills at the foot of Grand Mesa, about ten miles north of town will not fail to attract all lovers of natural scenery."

"A bridge is being built over the Gunnison at this place, Thomas F. Horner, formerly of Gunnison, having the contract. Ditches are being taken out, both from the Gunnison and the Uncompahgre. . . . There are some very fine ranches on the Gunnison between here and the canon eight miles above, for which the owners are asking for squatter's rights all the way from \$500 to \$5,000 each. All who have ranches in the vicinity of Delta that can be irrigated by the Gunnison River are enthusiastic over their future worth."

The party, awaiting orders from a Gunnison ditch company they were representing, purchased a skiff and headed for Grand Junction, 100 miles, starting March 25. With bedding, supplies, and cooking utensils amounting to about eight or nine hundred pounds, the party started on their perilous trip, the first ever attempted, in their two by ten feet skiff. With Boulden were Joseph Blackstock of Gunnison, who has also written at length of the expedition, and Harry Hurff of Ashcroft.

Boulden writes: "We wonder if the noted explorers, Lewis and Clark, ever experienced such hazardous plunges over rapids and under rocks at railroad speed! Had we been inclined to abandon the trip by water, it would have been impossible, as nothing short of a balloon could have scaled the lofty walls on either side of the river. It was Grand Junction or sink!

"The scenery in the canon is grand, and although we had narrow escapes from being wrecked while being dashed over rapids and losing our baggage, and the temporary or possibly permanent loss of breath of one or more of the party, we enjoyed the trip.

"Aside from our boat striking a rock while going over a rapid, from the effect of which we luckily escaped with a boat half full of water—we met with no serious accident.

"We traveled but a few hours each day, spending considerable time fishing and exploring the scenery.

"About noon on the 28th we came in sight of Grand Junction, and a few moments later, we had left the Gunnison and found ourselves on the broad face of the long-talked-of Grand River. We landed under the gaze of many of the astonished inhabitants, and we then and there praised the ship that brought us safely through—our boat, the Clyde, being the first boat to make the journey from Delta to Grand Junction, having made the trip in 23 hours of actual running.

“The town has several stores, saloons and restaurants, two blacksmith shops, one butcher shop, and about 100 unfinished log buildings—in fact, all the buildings in this and other towns spoken of are made of cottonwood logs or poles. There are several adobe yards in operation and several others under construction as adobe will be largely used in building this season.”

Speaking of the main ditch in which the town company is interested, he says it is being taken out about eight miles above town and covers 100,000 acres, supplemented by smaller ditches. “Prices given are for man and team \$8 cash and \$5 in stock in the company; for a single man, \$1 in cash and \$2 in stock.”

He speaks of meeting old Gunnisonites: G. W. Boulden, Judge R. D. Mobley, M. L. Allison, and George Thurston. He gives details of the Scott and Gordon drowning.

From Uncompahgre [Delta] comes a letter dated April 7, 1882. “The railroad is expected within three months. The D. and R. G. election the Saturday before, leaving Jay Gould out entirely, was highly satisfactory to Delta and means a rapid completion of the main line to Utah.

“The town election April 10 showed 95 votes for incorporation. The sawmill has arrived, and hotel building and Miners’ Exchange Bank are soon to be erected. An adobe yard will have stock for sale in a few days.

“The Sanderson coaches will run to Montrose direct instead of to the Cantonment. Thus Montrose will have direct mail service and will be a distributing post office for its section of the country.

“The Town Company will have water on the principal avenues of the town by April 20. The ditch is 26 miles long and will irrigate 25,000 acres.”

April 19, 1882, H. R. Hammond, running the stage line from Uncompahgre to Delta and Grand Junction, carrying the mail, we are pleased to learn, proposes to extend the line to Gunnison direct over the toll road that will be opened next week. This will be good news to all those contemplating a trip to the Reservation.

The *Review* records, April 24, a visit from John F. Daily, who has been in Delta all winter and is now on his way to Pueblo. The town site contains 360 acres; besides there are 90 acres adjoining it belonging to the Denver and Rio Grande. It is expected the place will become an important railroad point. Lots 25 by 125 are selling for \$50. The price for corner lots 50 by 125 feet is \$150.

The price of living is \$10 per week at the hotels and restaurants. Flour is \$10 per cwt. Potatoes are five cents per pound; butter, 60 cents; ranch eggs, 75 cents; beef, 12½ cents; ham and bacon, 25 cents. Milk sells for 10 cents per quart.

Gov. George Crawford is president of the Town Company. T. B. Crawford, a nephew of the Governor, is general superintendent. F. M. Anderson is postmaster. M. C. Vandeventer is keeping a general stock of goods; McGranahan Bros. [F. M. and C. B.] keep a stock of groceries and drygoods; W. O. Stephens is a prominent citizen and is also deputy postmaster. George Moody keeps a meat market, and also owns a valuable ranch near town. J. R. McDonald is a contractor and builder and owner of a splendid ranch. Mr. Carmichael is a miner and ranchman. Mr. Burkhardt keeps a large hay, grain, and feed store. Thomas Hannum is a ranchman near town and has a valuable farm. Mr. and Mrs. Hoy keep a store and own a ranch. S. Huffington is a ranchman adjoining town. Mrs. J. R. McDonald is about to start a millinery; Mrs. Thomas F. Horner has a hotel, as have also Mrs. Hepworth and Miss Mary Wilson and sister. Mr. [E. T.] Hendrickson is keeping a boarding and coffee house.

The D. and R. G. Railroad will be running into Delta about the first of August.

The number of buildings up and completed is 40; those in process number 40 more. Two brick yards are started. Brick and adobe sell for \$7 per thousand. Water is now running down both sides of Main Street. Trees, cottonwood and boxelder, are being set out by the Town Company.

“Uncompahgre or Delta” heads a communication signed “C” in the issue of April 18, 1882. This is quoted in its entirety:

“The town of Uncompahgre, sometimes called Delta, at the mouth of the Gunnison is the first in the late Reservation to have water on the town site. I do not speak of well water which is of the best and obtained at a depth of ten or twelve feet. Of these there are six.

“The Delta Ditch Company, George A. Crawford, president, was organized about a month ago and went to work with a will to turn water on the town site from the Uncompahgre. The head of the ditch is about two miles above the town. The ditch is six feet at top and five at bottom. On Sunday it was completed and water was running down the lateral ditches on each side of Main Street, a street 100 feet wide. It will be an easy matter to overflow the lateral ditch on the upper or east side of the street and thus lay the dust,

or pipes can be run at very little expense from the ditch on the hillside so that hose and hydrants will supply the place of the street sprinkler.

“The bluff on the north side of the town site is fifteen to twenty feet high and will furnish waterfall for all the machinery the town will need—the Gunnison and the Uncompahgre furnishing the water. A sawmill and shingle machine to be run by water are already talked of, the logs to be floated down the Gunnison River and Surface Creek. A corn mill will be a necessity this fall, and a flourishing mill next year.

“Our town also has the first bridge and the largest one west of the range. It has been built mainly, as was the ditch, by the members of the Town Company of which George A. Crawford is president. Capt. F. M. Anderson, M. C. Vandeventer, and W. O. Stephens are members. H. E. Rood of Philadelphia and M. Rush Warner of Gunnison are the largest stockholders in the bridge. It might be said there are three bridges, the longest of which consists of three spans of forty-five feet each and two butts of about thirty feet each. It is a truss bridge of good material and workmanship. The contractor was T. F. Horner, recently of Gunnison. The entire cost of roadway and bridges will be near \$3,000. It was turned over by the contractor to the company on April 11, and is now ready for the heaviest teams.”

Items from Montrose appear in the issue of April 26, 1882:

“At the new town of Montrose, Buddecke and Diehl are keeping a general store and outfitting house where everything can be had from a paper of tacks to a threshing machine.

“M. R. Hunter is postmaster and R. C. Diehl is deputy. Sanderson's express office is in the same building. The first safe for the town went forward a few days ago for Buddecke and Diehl. The weight of it is about 2,000 pounds.

“Coal has been discovered only seven miles from town, of a very good quality. The sawmill of Eckerly and Company is in operation after a short lapse owing to an accident. Lumber sells for about \$35 a thousand. Wood is worth from \$5 to \$6 a cord.”

“J. W. B.” (J. W. Blauvelt), writing May 5, 1882, mentions the temporary absence of Grand Junction citizens, due to the fact that court is in session in Gunnison, and the Elk Mountain mining district is opening up. Assessment work is being done; some are disposing of holdings; some are working in the mines.

Quoting: “Give us water! water! is all the cry. Give us water, and we will give you everything else in the shape of fruit, vege-

tables, and beautiful homes.” It is expected that the ditch company will have water on the town site within two or three weeks.

“Nursery men and fruit agents are coming into the valley from different directions. Lots are selling for \$25 to \$200.

“Our mail man gets in here regularly twice a week. His pouch is usually very slim; but it is well, perhaps, for us who are low in finances, as every letter we fail to get saves us 15 cents, which amount we have to pay for each letter received or mailed, in addition to the postage, as there has been no postal service established here yet. But we are daily expecting service once a week.”

“The Republicans of the precinct met May 2. J. W. Bucklin, formerly of Gunnison, was unanimously elected a member of the Central committee. Bucklin has carried with him to Gunnison where he has gone to attend court, a petition for the incorporation of Grand Junction.

“The people here are undergoing quite an ordeal by being compelled to live without meat, having been entirely out of bacon for a month, and since Sheriff Bowman commenced his raid on stolen cattle and thieves in these parts, no beef cattle have been seen or heard of.”

The *Review* of May 30 announces, with arresting headlines, a mass meeting at the courthouse, the objective that “Congress might be stimulated to immediate action in opening the former Ute Reservation.”

The mass meeting as reported May 31 was a lively one. Thornton H. Thomas was elected chairman and W. H. Wadsworth, secretary.

F. H. Kellogg made a concise statement of what had been done in Washington. The bill introduced by Sen. [N. P.] Hill has passed the Senate but had not been sent to the House. A bill introduced by Congressman J. B. Belford, April 3, had passed the House but not the Senate. Kellogg was convinced from talk with those concerned that the Hill Bill was what the people wanted. It provided for the opening of the entire Reservation, while the Belford Bill only legalized locations already made on the land until such time as the President should allot the new reservation land to the Indians, at which time the settlers should also receive titles to their claims dating back to the time they were taken.

Resolutions were passed to be sent to Washington. Ira Brown of Irwin and A. J. Bean of Gunnison were selected to go to Washington to push their claims for action. As neither appointee could go, A. M. Stevenson of Pitkin and Alexander Gullett of Gunnison

accepted the mission. "The whole Gunnison country demands that the obstacles in the way of the settlement of this vast body of agricultural and mineral land to which no Ute has laid claim for nearly a year shall be promptly removed," states the editor of the *Review*.

A later item reports that the two chosen to lobby in Washington did not make the trip.

R. D. Mobley writes June 5 from Grand Junction: "The thing that causes the greatest complaint from our people is Colonel Solli-day's toll road.

"All unite in saying that that part of this road from here to Delta or Roubideux crossing is an outrage on the public, especially on new-comers, for old-timers, or those who know the circumstances, refuse to pay toll and travel a portion of his road free. Competent judges say that the road now traveled did not cost to exceed \$250 for which they have tried to collect at the rate of \$3.20 from here to Delta for a two-horse team and wagon. The travel goes over the old military road made by Johnson's army in 1858 in returning from Utah, and since then used by the military and immigrants continually, and there never was any use of a toll road, for a small amount of money would have made a good and lasting road. The travel does not go over near all of the toll road or their bridge, but stays on the old Johnson trail.

He goes on to say that the town (Grand Junction) will vote on the question of incorporation June 22. Also he announces the appearance of the *Montrose Messenger*, "a nicely gotten up and newsy sheet." Mr. Roberts is the editor.

UTE BILL PASSED!!

The issue of July 24, 1882, carries a telegram from N. P. Hill that the Ute Reservation bill had passed the House just as it came from the Senate. As soon as the news was verified, the popping of thousands of crackers and the firing of guns told the happiness of the town of Gunnison and the entire county. Awaiting only the president's signature, there would be a new land office in Gunnison, thousands would come. It would be a hard thing they said to estimate what it would mean in dollars and cents to the county. "Indeed Gunnison has reason to rejoice."

Before the President had signed, according to the *Review*, July 26, 1882, Grand Junction had incorporated, July 20. Captain R. D. Mobley was elected mayor³; P. Westmoreland, recorder; J. Milton

³James H. Rankin, in "The Founding and Early Years of Grand Junction," *Colorado Magazine*, VI, 39, says R. D. Mobley was slated for mayor, but in a hastily planned competition, C. F. Shanks defeated him. The *Review* seems not aware of this.

Russell, George Thornton, N. N. Smith, and Walter Geary were chosen trustees.

On August 10, 1882, the former Reservation was declared public land. There was at that time no homesteading, only cash entry: \$1.25 per acre for agricultural land; \$5.00 for mineral land. The laxity of the Government in following out the agreement with the Utes has resulted in the recent decision of the United States Court of Claims that the Government owes the Indians the fabulous sum of \$31,761,207.62, some \$10,000 and more for every brave, squaw, and papoose—but that is quite another story, and a long and involved one.