

# COLORADO'S TERRITORIAL SECRETARIES

BY GEORGE W. COLLINS

My brother had just been appointed Secretary of Nevada Territory—an office of such majesty that it concentrated in itself the duties and dignities of Treasurer, Comptroller, Secretary of State, and Acting Governor in the Governor's absence. A salary of eighteen hundred dollars a year and the title of "Mr. Secretary," gave to the great position an air of wild and imposing grandeur. I was young and ignorant, and I envied my brother.<sup>1</sup>

Thus Mark Twain begins his delightful account of life in the gold and silver fields of the West. While *Roughing It* contains only limited references to Orion Clemens' problems as Nevada's territorial secretary, it does give a personal, sympathetic, and humorous insight into some of the trials an officer faced in guiding the first steps of a newly-created territory. Unfortunately, no similar picturesque account of any of Colorado's territorial secretaries is available; in fact, little historical attention has been devoted to them.

During the years 1861-1876 when Colorado was a territory, five individuals were commissioned as territorial secretary: Lewis L. Weld, Samuel H. Elbert, Frank Hall, John W. Jenkins, and John Taffe. Their backgrounds were typical of most territorial officers of the period—eastern origin, legal training and practice, and Republican party affiliation. As federally appointed officers in a frontier society wary of outsiders and struggling for self-rule, they appear to have been capable and honest political servants. No stench of scandal or malfeasance in office has tainted them, and both Elbert and Hall continued to figure prominently in Colorado affairs after leaving office.

<sup>1</sup> Mark Twain [Samuel L. Clemens], *Roughing It* (Hartford, Conn.: American Publ. Co., 1888), I, 19.

Of these secretaries, however, only Frank Hall completed the normal four-year term of office. In the ebb and flow of political patronage two secretaries resigned, and one was suspended. Hall himself was eventually removed after almost seven years in office, and the final incumbent's term was cut short when Colorado achieved statehood.<sup>2</sup> This rapid turnover was nothing unusual for territorial officers, for while Colorado had five secretaries during the period, the Dakota territory had seven and New Mexico eight. The Colorado secretaries themselves served under seven governors.<sup>3</sup>

The basic responsibilities of the office of territorial secretary were defined in the Organic Act of February 28, 1861, which provided for the establishment of the Territory of Colorado and for its initial government.<sup>4</sup> The secretary was to be nominated by the President of the United States and appointed with the consent of the Senate for a four-year term of office. In the event of the governor's absence from the territory, as well as in case of his "death, removal, or resignation," the secretary was "authorized and required to execute and perform all the powers and duties of the Governor." More routinely, the secretary was charged with the responsibility for recording the laws and the proceedings of both the executive department and the territorial assembly. Financial measures with which he was charged included the expenditure of funds for expenses of the territorial assembly and for printing the territorial laws.

In addition to the above duties specified by Congress, the territorial assembly also passed legislation pertaining to the secretary. The Territorial Act of November 6, 1861, for example, was concerned with the regulation of elections. As amended in 1865, the act required the secretary, the auditor, and the treasurer, or any two of them, to canvass the vote for territorial officers and members of the assembly in the presence of the governor. The canvass was required to be conducted within fifty days, after which time the governor was to give a certificate of election to the winners.<sup>5</sup>

<sup>2</sup> Earl S. Pomeroy, *The Territories and the United States, 1861-1890: Studies in Colonial Administration* (Philadelphia: University of Pennsylvania Press, 1947), p. 125.

<sup>3</sup> *Ibid.*, 62.

<sup>4</sup> The Organic Act of February 28, 1861, and the amendments thereto were among the documents included in the volume of territorial laws published after each session. Colorado, Territorial Assembly, *General Laws, Joint Resolutions, Memorials, and Private Acts, Passed at the First Session*. (Denver: Colorado Republican and Herald Office, 1861), pp. 24, 28-29. Because of variations in the title, this source will be cited hereafter as *Session Laws*, with session number and date of publication indicated.

<sup>5</sup> Colorado Territory, *Fourth Session Laws* (1865), p. 60.

It would seem that despite any "grandeur" the office might possess, the small salary—originally only \$1800 annually—would be enough to deter any desirable applicant. In the westward expansion across the continent, business and professional opportunities of many types offered more financial reward than did the position of territorial secretary. The financial situation may well have been one of the factors considered by Abraham Lincoln when he refused the position of governor or secretary of the Oregon Territory which had been offered to him in 1849.<sup>6</sup>

The secretary of Colorado, however, had other sources of income besides his salary. During the first session of the territorial assembly an act was passed regulating the fees of officers, and the territorial secretary was authorized to charge fees on papers issued by him with the territorial seal. Those included:

For each military commission.....	\$2.00
For each notary commission.....	2.50
For each foreign commission.....	5.00
For all other commissions and appointments.....	2.50

The act further stipulated that the fees were to be collected from the individual receiving the commission and not from the territorial treasury.<sup>7</sup>

Congress finally recognized the financial plight of territorial officers, and the Act of January 23, 1873, which standardized salaries, increased the territorial secretary's compensation to \$2500 a year.<sup>8</sup> At the same time the Congress also prohibited remuneration of any kind other than that provided by the laws of the United States. Until 1887, however, most territorial secretaries continued to collect fees for miscellaneous services.<sup>9</sup>

The Organic Act establishing the Territory of Colorado also required the secretary to submit reports and estimates for appropriations to Washington, where they were revised and approved by the first comptroller of the treasury and forwarded to the appropriate congressional committee by the Secretary of the Treasury.<sup>10</sup> Upon appointment, and periodically thereafter, the territorial secretary was given detailed instructions by the comptroller. Evidently these could be a source of annoyance. "Nothing," wrote Twain, tongue in cheek,

in this world is palled in such impenetrable obscurity as a U.S. Treasury Comptroller's understanding. . . . We used to

<sup>6</sup> Benjamin P. Thomas, *Abraham Lincoln* (New York: Alfred A. Knopf, 1952), p. 131.

<sup>7</sup> Colorado Territory, *First Session Laws* (1861), p. 395.

<sup>8</sup> Colorado Territory, *Tenth Session Laws* (1874), pp. 47-48.

<sup>9</sup> Pomeroy, *Territories and the United States*, 47.

<sup>10</sup> *Ibid.*, 28-29.

read a chapter from them every morning, as intellectual gymnastics, and a couple of chapters in Sunday-school every Sabbath, for they treated of all subjects under the sun and had much valuable religious matter in them along with the other statistics.

Referring to the comptroller's interest in "the little expenses," he spun a tale of Orion Clemens' frustration in attempting to comply with the instructions commanding him to furnish penknives to the members of the legislature. "The Secretary made the purchases and the distribution. The knives cost three dollars apiece. There was one too many, and the Secretary gave it to the Clerk of the House of Representatives. The United States said the Clerk . . . was not a 'member' of the legislature, and took that three dollars out of the Secretary's salary."<sup>11</sup>

Although finances and instructions might have been exasperating to the secretaries, the presidents invariably were able to obtain nominees, as the "rush to the Rockies" of those days found many young politicians of the East and Midwest willing to accept the fruits of the Republican administration and willing to toil in the hinterlands. On the other hand, senatorial approval of the nominations was not always so readily given, and some appointments were slowly accomplished.

### *Secretary Lewis L. Weld*

#### *And Question of Public Printing*

Caught in the surge of national expansion, Lewis Ledyard Weld was one of the countless who sought his star in the West. Born on May 13, 1833, Weld came from one of the leading families of Hartford, Connecticut. On his mother's side he was related to the explorer, John Ledyard; and Theodore Dwight Weld, the noted abolitionist, was his uncle.<sup>12</sup> Lewis Weld was graduated from Yale University in July, 1854, was admitted to the bar in New York in 1857, and began to practice law in Kansas the following year.<sup>13</sup> While in Kansas he was active in the abolitionist cause and strongly opposed the Lecompton constitution.<sup>14</sup> Following the crowd westward after a few years, Weld arrived in Denver on May 21, 1860,<sup>15</sup> and went to the Gregory mines intending to practice law.<sup>16</sup> There he again became active in

<sup>11</sup> Twain, *Roughing It*, I, 206-207.

<sup>12</sup> LeRoy R. Hafen, "Lewis Ledyard Weld and Old Camp Weld," *The Colorado Magazine*, XIX (November, 1942), 201-202.

<sup>13</sup> Fred J. Stanton, "War Governor William Gilpin of Colorado," *The Trail*, IV (August, 1911), 13.

<sup>14</sup> Hafen, *The Colorado Magazine*, XIX (1942), 202.

<sup>15</sup> *Rocky Mountain News*, May 30, 1860, p. 1.

<sup>16</sup> Frank Hall, *History of the State of Colorado* (Chicago: Blakely Printing Co.,



*Lewis Ledyard Weld became the first territorial secretary of Colorado in 1861.*

local politics. At a November meeting, where songs "were sung and cheers given for Old Abe and Republicanism," Weld was among those who addressed the gathering.<sup>17</sup>

Upon learning that the territorial aspirations of Colorado were finally to be achieved, Lewis Weld went to Washington where he successfully sought appointment as territorial secretary.<sup>18</sup> His commission was given brief notice in the *Rocky Mountain News*, which observed that he was "well and favorably known to many of the citizens of the territory."<sup>19</sup> Others refer to Weld as an able, even a brilliant, man but of somewhat unsteady habits.<sup>20</sup>

While the *News* was favorable to the officers appointed and urged them to arrive promptly to enter upon their duties, the

1889), I, 264.

<sup>17</sup> *Rocky Mountain News*, November 14, 1860, p. 2.

<sup>18</sup> Hall, *History of Colorado*, I, 264.

<sup>19</sup> *Rocky Mountain News*, April 3, 1861, p. 1.

<sup>20</sup> See Hubert H. Bancroft, *History of Nevada, Colorado, and Wyoming, 1540-1888*, Vol. XXV of *The Works of Hubert Howe Bancroft* (San Francisco: History Co., 1890), 592-94; and Jerome C. Smiley et al., *Semi-Centennial History of the State of Colorado* (Chicago: Lewis Publ. Co., 1913), I, p. 371.

question of the secession of the southern states and the mobilization of the Confederate forces absorbed the attention of the Colorado press. In view of the impending clash, the federal appointments seemed of little significance.

The fears of the *News* concerning their prompt arrival proved warranted. Commissioned on March 25, 1861, Weld's coming was considerably delayed. Two months later, in May, the newspaper was asking: "Where is Governor Gilpin?—Where is Secretary L. L. Weld?—Are we to have a Territorial Government?"<sup>21</sup> A letter from Boston dated May 18, 1861, threw some light on Weld's delay—he was ill, convalescing from sciatica. The letter went on to say that the secretary, known in Colorado, was of the old New England stock whose name and blood are their best recommendation.<sup>22</sup> Finally, more than seventy days after his appointment, the June 4 stage from Kansas brought Lewis L. Weld to the territory.<sup>23</sup>

Even after such a long delay, the new territorial officers were warmly greeted in Denver with the usual round of parties and balls, and on July 17 the *News* reported that, based on a limited appraisal, "Colorado has been peculiarly fortunate in her official appointments." On August 2, 1861, Weld wrote to Secretary of State William H. Seward and commented on how well the officers had been received and how loyal the people were to the Union. By this time he had joined the ranks of those who protested the tardy arrival of other officials, and suggested that new appointments be made to replace those who were still absent.<sup>24</sup>

Within a short time the territorial administration was embroiled in the problems of the Civil War. Troops were raised to aid in the defeat of the Confederacy, and with the transfer of those recruits and the regular federal soldiers to the East, the Indian problem became increasingly acute. By the end of the year Governor Gilpin was explaining his difficulties to Washington. He complained of the legislation, Indians, military, courts, and the "wonderful population" he had to manage without "a single skilled assistant."<sup>25</sup> To finance the raising of military forces, Gilpin issued unauthorized drafts on the government. These created a financial crisis which eventually led to his removal from office and which was also a major factor in Secretary Weld's resignation.

<sup>21</sup> *Rocky Mountain News*, May 22, 1861, p. 4.

<sup>22</sup> *Ibid.*, June 5, 1861, p. 1.

<sup>23</sup> *Ibid.*, June 12, 1861, p. 4.

<sup>24</sup> Hall, *History of Colorado*, I, 268.

<sup>25</sup> *Rocky Mountain News*, December 21, 1861, p. 1.

While problems of finance, Civil War, and Indians were difficult, the issue which involved Secretary Weld in the most turmoil during his term in office was the awarding of public printing contracts. That issue eventually brought down upon him the wrath of Colorado's most popular newspaper, the *Rocky Mountain News*, and involved him in disagreement with H. P. Bennet, the Colorado delegate to Congress, and with Secretary of State Seward.

The judicious placing of public printing was a critical matter in territorial patronage.

Careful surveillance over printing was not mere bureaucratic officiousness. No other charge against the national government was so attractive and accessible a temptation to underpaid and ambitious federal officers. Clear cases of printers who paid in money for their contracts were exceptional, but secretaries generally awarded contracts to newspapers expected to advance their party or personal political interests.<sup>26</sup>

A delegate from Washington wrote that the "public printing has always formed the basis for publications of a large, widely circulated and pecuniarily unprofitable party paper . . . , which has largely influenced the politics of the territory. We cannot hold the Territory if the patronage of the administration is turned against the party."<sup>27</sup>

When a new territorial secretary was appointed, it was customary for the federal comptroller to brief him on his prerogatives regarding printing contracts. According to a former secretary of Idaho Territory, the secretary, by means of the control of public printing, held more power in his hands than the governor, and he could make and unmake men at pleasure.<sup>28</sup> This dissemination of patronage by the territorial secretary was never satisfactory to the legislatures. In their efforts to secure this political cornucopia, at least ten legislatures during the mid-nineteenth century claimed the right to elect the public printer,<sup>29</sup> and the Colorado assembly was one of these.

This question of the designation of a public printer soon arose in the Colorado assembly. A joint session of the Council and House of Representatives was held on September 19, 1861, where the opinion of Attorney General James E. Dalliba was read before the issue came to a vote. Dalliba stated that, in his opinion, the assembly did not possess the authority to elect a public printer. He cited Section 11 of the Organic Act as author-

<sup>26</sup> Pomeroy, *Territories and the United States*, 31.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*, 32.

<sup>29</sup> *Ibid.*

izing the secretary of the territory to expend the sum appropriated by Congress for printing the laws. Dalliba also maintained that the Organic Act virtually designated the officers which the assembly could elect and that a public printer was not one of them. The attorney general further cited the opinion given by Secretary of the Treasury John A. Dix in regard to the same question when it was raised in Nebraska Territory: "Unless the Secretary of the Treasury shall recognize the designation of a printer of the laws, by the . . . Assembly, SUCH DESIGNATION CAN HAVE NO FORCE OR EFFECT."<sup>30</sup>

Disregarding this opinion, the assembly went ahead in joint session and proceeded to elect the public printer. By a vote of fourteen to three, Edward Bliss, one of the *Rocky Mountain News* editors, won over Matt Riddlebarger.<sup>31</sup> A resolution was also passed which directed the chief clerk of the House to deliver to the public printer certified copies of any papers to be printed for the respective houses.<sup>32</sup> With the possibility of adverse action by the Treasury Department, it was further resolved that if Bliss did any public printing and failed to receive payment out of money appropriated by Congress, he could make no claim on the Territory.<sup>33</sup> On September 19, the Council passed another resolution on the subject, directing that the secretary be furnished an official copy of the resolutions relative to the election of the public printer.<sup>34</sup>

The *News* printed a note from Bliss thanking the large majority of the legislature who secured his appointment. "By their votes today, [they] have signally declared that the arbitrary ruling or decision of a public official is not binding on them." The same edition ridiculed the opinion of Attorney General Dalliba, calling it the "laughing-stock" of lawyers and of non-professional citizens alike.<sup>35</sup>

Nevertheless, the matter of public printing was not settled by that election. The rival Denver newspaper, Thomas Gibson's *Colorado Republican and Rocky Mountain Herald*, declared that Weld had made a contract with it to do all the public printing

<sup>30</sup> Colorado, Territorial Assembly, *House Journal of the Legislative Assembly of The Territory of Colorado, 1st Session*. (Denver: Colorado Republican and Herald Office, 1862), pp. 39-48. Cited hereafter as *House Journal* with the session number and date of publication indicated.

<sup>31</sup> Colorado, Territorial Assembly, *Council Journal of the Legislative Assembly of The Territory of Colorado, 1st Session*. (Denver: Colorado Republican and Herald Office, 1862), pp. 22-23. Cited hereafter as *Council Journal* with the session number and date of publication indicated.

<sup>32</sup> *Ibid.*, 22.

<sup>33</sup> *Ibid.*, 25.

<sup>34</sup> *Ibid.*, 29.

<sup>35</sup> *Rocky Mountain News*, September 18, 1861, p. 2.

<sup>36</sup> *Ibid.*, September 25, 1861, p. 1.

for the territory. This statement was denied by the *News*, which reported that Secretary Weld had said that the "contract" with the *Herald* was only for the legislative printing and that all of the executive department printing was to be given to the *News*.<sup>36</sup>

Although Weld took no action to divert any printing to the *News*, the paper did not immediately turn its wrath upon him. Reporting on a social ball given in October by Governor Gilpin, the *News* observed that the governor, "with the polite Secretary for a right bower, received the guests in a most cordial manner."<sup>37</sup> In the same edition appeared an article on the Denver Bar. A committee of the bar, including Weld, had prepared a resolution memorializing the death of one William Perry. In reporting that item no editorial comment adverse to Weld was included. Another opportunity arose at the naming of Camp Weld in honor of the secretary by Colonel J. P. Slough of the First Colorado Regiment. But in a complimentary vein the *News* noted that the secretary took a lively interest in the military affairs of the territory.<sup>38</sup>

By the end of the year, however, the *News* had become more bitter with the administration and the issue of public printing. The sudden departure of Gilpin to Washington in December, to attempt to obtain payment of the military drafts he had issued, startled the *News*. The paper doubted that the governor would return, and favored the appointment of General William Larimer as his successor. Rather bitingly the *News* congratulated Weld on his "inaguration" and hoped that his reign, while it lasted, would prove pleasant to him and not detrimental to the people.<sup>39</sup>

On January 4, 1862, the *News* raised the issue of public printing again. The paper pointed out that it had offered to share the printing with the *Herald*, but Weld had refused to accept that solution. Now the *News* objected to the monopoly Weld was giving the *Herald*—a "turn-about paper," formerly Democratic.

By this time other officials were involved. H. P. Bennet, territorial delegate to Congress, had written to Caleb B. Smith, Secretary of the Interior, protesting Weld's action. Bennet was referred to the Treasury Department, and although it previously had taken action in Nebraska on this issue, the Treasury now passed the question on to the State Department.<sup>40</sup> To resolve the

<sup>37</sup> *Ibid.*, October 9, 1861, p. 1.

<sup>38</sup> *Ibid.*, October 30, 1861, p. 1.

<sup>39</sup> *Ibid.*, December 28, 1861, pp. 2, 4.

<sup>40</sup> Douglas C. McMurtrie, "The Public Printing of the First Territorial Legisla-

question, Secretary of State Seward instructed Weld to share the printing as equitably as possible between both Denver newspapers.

Seward's action had no effect. Bennet and Bliss again protested to Seward, and on February 28 the Secretary of State directed Weld to deliver copies of the House and Council journals to the *Rocky Mountain News* for printing. Weld replied as follows:

1. He had received instructions from the Treasury Department relative to printing, and in conformity with these he had concluded a contract with Thomas Gibson.
2. The *News* presently was receiving the larger share of territorial printing done on Governor Gilpin's order; it was doing the legislature's incidental printing.<sup>41</sup>
3. Gibson was a loyal man.
4. The *News* was not a reputable paper. It abused the federal officials.

As the secretary continued to withhold printing contracts from the *News*, the paper continued to attack him. In an incident between the acting governor and a military guard, the *News* criticized Weld for exceeding his authority but stated that his mental condition at the time may have been a sufficient excuse.<sup>42</sup>

To the very end Weld remained obdurate. Again struggling to obtain the printing, the *News* reviewed the subject in its March 22 edition, the occasion being Weld's trip to Washington. Reference was made to the letters from Seward to Weld ordering him to give the *News* the Council and House journals for publication. When the secretary was requested to hand over the journals, he reportedly said that the matter would be taken care of—and then incensed the editors by departing for Washington without delivering them. The *News* observed sardonically that he had gone to Washington to countermand Seward's orders.<sup>43</sup>

While Weld was in Washington, Governor Gilpin was removed from office, and Weld's term also came to an end. The *News* reported that he resigned after a sharp quarrel with Secretary of State Seward and expressed the wonder that he did not demand Seward's resignation.<sup>44</sup>

Lewis Weld returned to Colorado after his dismissal and became an editor of the *Daily Commonwealth and Republican*,<sup>45</sup>

ture of Colorado," *The Colorado Magazine*, XIII (March, 1936), 72-78. This article capably summarizes the issue and contains many excerpts of the correspondence.

<sup>41</sup> *Rocky Mountain News*, January 4, 1862, p. 2.

<sup>42</sup> *Ibid.*, January 11, 1862, p. 1.

<sup>43</sup> *Ibid.*, March 22, 1862, p. 1.

<sup>44</sup> *Ibid.*, May 3, 1862, p. 1.

<sup>45</sup> Wilbur F. Stone (ed.), *History of Colorado* (Chicago, S. J. Clark Publ. Co., 1918), I, 789.

successor to Thomas Gibson's *Herald*. Gibson and former Governor Gilpin were the owners, and the hiring of Weld indicates that Gilpin was at least slightly exaggerating when, as governor, he had complained of the complete lack of able assistants.

As an editorial rival, Weld still found himself occasionally criticized in the *News*. In opposing Gilpin's candidacy for territorial delegate, the newspaper spoke out against the former secretary as incapable of making a living in the practice of his profession, law.<sup>46</sup> On March 26, 1863, the *News* carried a note on Weld's retirement after eight months as editor of the *Commonwealth*.<sup>47</sup>

After leaving Colorado he applied for a position with the federal colored soldiers, and was appointed a captain in the Seventh Regiment, U.S. Colored Troops. On January 10, 1865, he died from exposure and cold at the age of thirty-four in a hospital on the Appomattox River.<sup>48</sup>

### Secretary Samuel H. Elbert

#### And His Dispute With Governor Cummings

The second secretary of Colorado Territory, Samuel Hitt Elbert, like the first, had a background in law. A native of Ohio,<sup>49</sup> Elbert was graduated from Wesleyan University in 1854, the same year that Weld was graduated from Yale. Elbert then studied law for two years in Dayton, Ohio, and was admitted to the bar. Moving west in 1857, he opened a law office in Platts-mouth, Nebraska, where he soon became active in politics. He was a member of the territorial council and a Nebraskan delegate to the 1860 Republican presidential convention in Chicago.<sup>50</sup> On March 14, 1862, Samuel Elbert was commissioned as territorial secretary of Colorado.<sup>51</sup>

Throughout the course of Secretary Elbert's term of office considerable attention was devoted to supporting the Union during the Civil War and coping with threats of Indian uprisings. Governor John Evans was frequently away on military matters and on behalf of railroad development, and in his absence Elbert served as acting governor.<sup>52</sup> As secretary, Samuel

<sup>46</sup> *Rocky Mountain News*, October 2, 1862.

<sup>47</sup> *Ibid.*, March 26, 1863, p. 1.

<sup>48</sup> *Halen, The Colorado Magazine*, XIX (1942), 207.

<sup>49</sup> Bancroft, *History of Nevada, Colorado, and Wyoming*, 436.

<sup>50</sup> *Portrait and Biographical Record of Denver and Vicinity, Colorado: Containing Portraits and Biographies of Many Well Known Citizens of The Past and Present, Together with Biographies and Portraits of All the Presidents of the United States* (Chicago: Chapman Publ. Co., 1898), pp. 116-17.

<sup>51</sup> Pomeroy, *Territories and the United States*, 51.

<sup>52</sup> *Rocky Mountain News*, September 18, 1862, p. 2; October 2, 1862, p. 1; and October 11, 1862, p. 2.



Secretary  
Samuel H.  
Elbert later  
became  
territorial  
governor of  
Colorado.

H. Elbert played an important part in the organization of the Second and Third Colorado Regiments;<sup>53</sup> the Second fought with General Samuel R. Curtis in the victory at Newtonia, Missouri, suffering fifteen per cent casualties.<sup>54</sup>

In 1862, while acting governor, Elbert drew attention to the threatening attitude of the Indians throughout the northwest and cited their attacks upon the mail routes.<sup>55</sup> In his address to a joint convention of the territorial assembly on January 9, 1865, he praised Colonel Chivington's raid at Sand Creek and noted that thousands of the territory's citizens had waged a difficult winter campaign and had given the "merciless murderers of the plains" a deserved chastisement.<sup>56</sup> Secretary Elbert also called attention to the territory's need for federal mining legislation<sup>57</sup> and instituted a series of beneficial measures in the

reclamation of arid land and in water distribution.<sup>58</sup> His concepts of conservation and irrigation were ahead of his time, and he was one of the early leaders in advocating joint efforts on a regional scale.<sup>59</sup>

Elbert's efforts as secretary and acting governor were generally well received. The Christmas issue of the *News* in 1862 complimented him on his work and observed that "as an officer [he] is able and judicious, and he is estimable as a friend." The paper also remarked that he had the faculty of pleasing all, certainly a most enviable trait for a politician. In 1864, while still secretary, Elbert was nominated for presidential elector by the constitutional convention. His nomination never became effective, as the people of Colorado voted down the state constitution, feeling the tax burden as a state would be too heavy.<sup>60</sup>

A staunch supporter of the statehood movement,<sup>61</sup> Elbert soon fell out with Governor Alexander Cummings, an appointee of President Andrew Johnson. Cummings suspected Elbert, because of the latter's anticipation of statehood, of being active in the unsuccessful attempt to discourage the meeting of the legislature's fifth session. Dissatisfied with Elbert's performance of duty, the governor seemingly did all in his power to discredit him.

Their disagreements came to a head in January, 1866, when Governor Cummings carried off the territorial seal.<sup>62</sup> This led to an exchange of correspondence which was reported in the *Council Journal* as well as in the local press. In a message to the Council on January 11, the governor regretted that he was unable to furnish a certified copy of the election returns of 1865. Cummings declared that Elbert had failed to record the returns; moreover, the secretary had removed them from the building occupied by the executive department and the legislative assembly without the governor's knowledge and against his orders. Included in the removal were all the records, laws, and papers pertaining to the legislature. In addition, Secretary Elbert demanded the record of executive proceedings, to which the governor indignantly replied that the executive proceedings were where they belonged—in the executive building. But he very graciously offered to let Elbert use them if he came over, and

<sup>53</sup> Hall, *History of Colorado*, IV, 426.

<sup>54</sup> Percy Fritz, *Colorado: The Centennial State* (New York: Prentice-Hall, Inc., 1941), p. 202.

<sup>55</sup> Hall, *History of Colorado*, I, 325.

<sup>56</sup> Colorado Territory, *Council Journal*, 4th Sess. (1865), p. 12.

<sup>57</sup> Fritz, *Colorado*, 145-46.

<sup>58</sup> Hall, *History of Colorado*, III, 19.

<sup>59</sup> Bancroft, *History of Nevada, Colorado, and Wyoming*, 436.

<sup>60</sup> Hall, *History of Colorado*, I, 310-11.

<sup>61</sup> William Hanchett, "His Turbulent Excellency," Alexander Cummings, Governor of Colorado Territory, 1865-1867," *The Colorado Magazine*, XXXIV (April, 1957), 87.

<sup>62</sup> *Rocky Mountain News*, January 17, 1866, p. 2.

chided him on the fact that only one record had been made since the previous May.<sup>63</sup>

The House took quick action in the disagreement and on January 12 forwarded to the Council, House Concurrent Resolution Number 1, requiring the secretary to place all territorial records in a building designated by the governor. The Council deferred action on the resolution until January 15, when the measure was postponed indefinitely.<sup>64</sup> Elbert had told the Council that he had been doing his duty, his office was convenient to both houses, the election returns were properly on file in his office and not the governor's, all his papers and records were subject to examination and inspection by the assembly, and should the assembly or governor desire any information on the records, he would gladly furnish it.<sup>65</sup>

The *News* supported Secretary Elbert in the dispute and declared that the territorial seal should not have been taken from him. Furthermore, in attacking Cummings, the paper called attention to the governor's involvement with scandal and swindle as a purchasing agent for the federal government.<sup>66</sup>

The squabble between Cummings and Elbert was more than a trivial matter, and its effect reached all the way to Washington. The impression made by Colorado's personalities and problems at the national capital would have important bearing on the struggle for Colorado statehood. "In the quarrel between the Secretary and the Governor the side which could make the best case for itself . . . might well determine the immediate fate of Colorado [as far as statehood was concerned]."<sup>67</sup> The dispute between Governor Cummings and Secretary Elbert proved irreconcilable, and the latter submitted his resignation to Secretary of State William Seward; it was accepted on February 6, 1866.<sup>68</sup>

### *Secretary Frank Hall*

#### *And His Dispute With Governor Cummings*

Governor Cummings' influence with President Andrew Johnson was such that he was able to designate the next territorial secretary, and the appointment was given to Frank Hall, a member of the territorial assembly from Gilpin County. Born

<sup>63</sup> Colorado Territory, *Council Journal*, 5th Sess. (1866), pp. 41-43.

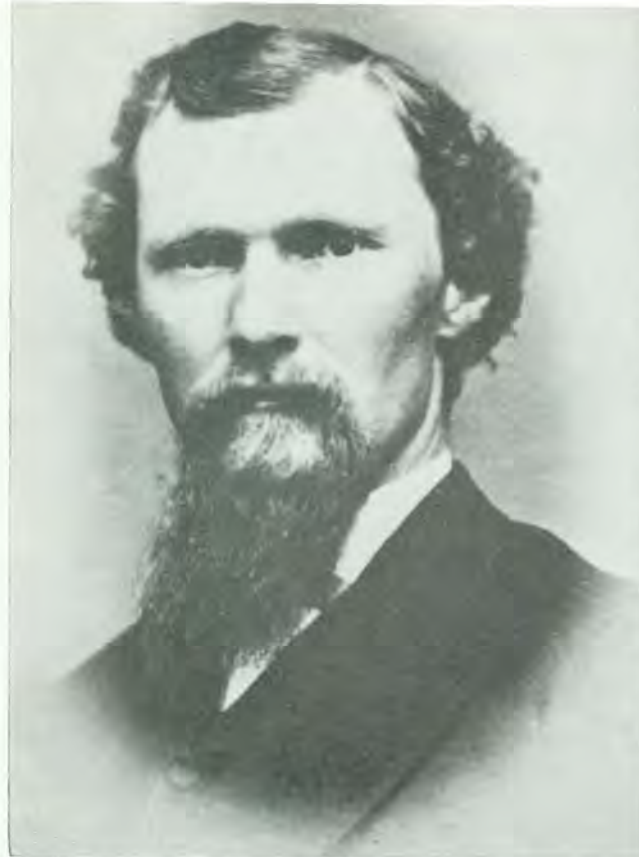
<sup>64</sup> *Ibid.*, 47-48, 63.

<sup>65</sup> *Ibid.*, 52.

<sup>66</sup> *Rocky Mountain News*, January 24, 1866, p. 1.

<sup>67</sup> Hanchett, *The Colorado Magazine*, XXXIV (1957), 88-89.

<sup>68</sup> Hall, *History of Colorado*, I, 377.



*Frank Hall, Central City miner and newspaperman, served as territorial secretary for seven years.*

in New York in 1836, Hall had come to the Pikes Peak region to mine for gold in the spring of 1860, and he worked for a short time in the vicinity of the present town of Idaho Springs before moving to Black Hawk in 1862. There he organized a military company for the militia, which subsequently was known as the "Elbert Guard." Hall turned to the newspaper field and, in 1863 with Ovando J. Hollister, formerly editor with Lewis Weld on the *Denver Commonwealth*, established the *Black Hawk Mining Journal*. In 1865, he purchased a half-interest in the *Central City Miners' Register* and that same year was elected to the legislative assembly.<sup>69</sup>

Although one of the main points of Governor Alexander Cummings' dissatisfaction with Elbert had been the secretary's support of the statehood movement, the governor apparently did not give this factor much consideration in selecting Elbert's replacement, for Frank Hall, too, supported that movement.

<sup>69</sup> Bancroft, *History of Nevada, Colorado, and Wyoming*, 440; and William N. Byers, *Encyclopedia of Biography of Colorado: History of Colorado* (Chicago: Century Publ. and Engr. Co., 1901), I, 428-29.



At first Hall declined the appointment, as he was unwilling to attach himself to an administration which opposed statehood; but after consulting with the leading Republicans, he accepted the position, feeling that if he refused, Cummings would appoint someone opposed to the statehood movement.<sup>70</sup>

Notwithstanding Frank Hall's hesitancy to accept the office, he remained as the territorial secretary for over seven years and frequently served as acting governor for Governors Cummings, A. C. Hunt, Edward M. McCook, and Samuel H. Elbert. His effective leadership was highly praised. Commonly known as "Governor Hall" in the political intrigue which prevailed, he was the "effective balance wheel . . . a strong and fearless man, whom the people trusted, and often, but for his restraining influence, political conditions may have proven more unbearable."<sup>71</sup>

Later, however, Governor Cummings began to consider his choice of Hall as secretary to be a poor one. Hall received his commission on April 4, 1866, but by September of the same year Cummings took action to remove him. The dispute between the governor and the secretary developed over the August election results for a delegate to Congress. The main candidates were A. C. Hunt, the Independent candidate supported by Cummings, and George M. Chilcott, a Union Republican. According to Hall, the election gave Chilcott a clear majority.<sup>72</sup>

Cummings, however, was completely dissatisfied with the vote, and he alleged a fraud. In accordance with the election law of 1861 as amended, the Board of Canvassers met in the presence of the governor, to verify the election. Not satisfied with the way the canvass was going, Cummings confiscated the ballots and conducted his own canvass. He then wired President Johnson that the administration's candidate, A. C. Hunt, had been elected. Refusing to be coerced, the Board of Canvassers made their own tally and forwarded the returns to Washington, declaring Chilcott the winner. After considerable delay, Congress accepted the findings of the Board of Canvassers and recognized George M. Chilcott as the Colorado delegate.

In the midst of this controversy Cummings wired President Johnson asking for Secretary Hall's removal. Johnson concurred with his request and nominated James R. Hood as the new secretary. The Senate, however, involved in its own controversy

with Johnson, refused to confirm Hood's appointment. One or two other nominations subsequently were made by the President, but the Senate also refused to act on them.<sup>73</sup>

When Hall later wrote his history of Colorado, his characterization of Cummings was necessarily colored by their personal relations. He summarized Cummings' administration as destructive, with no positive accomplishments.<sup>74</sup> Although bitter in his attitude regarding Cummings, Hall was not vindictive. The Sixth Territorial Council on its last day in session in 1867 passed a resolution, by a vote of six to five, requesting President Johnson to remove Cummings and appoint a resident of the territory in his place. The Council declared that Cummings was "in a disgusting and dictatorial manner intermeddling with duties of other territorial officers."<sup>75</sup> Secretary Hall refused to send forward the resolution, saying: "The intemperate, not to say vituperative, character of these resolutions, as well as my sense of duty as a public officer, prompts me to decline the honor of complying with your request."<sup>76</sup> Perhaps he recalled the time in 1865 when he was a member of the House which had adopted quite a different resolution thanking Governor Cummings "for the uniform courtesy and kindly bearing . . . toward the Legislative Assembly, and for the earnestness with which he has labored for the welfare of our young community, in the wise suggestions as to needed legislation."<sup>77</sup> Since Hall declined to send the resolution to Washington, the Council instructed its own secretary to do so, but adopted a motion thanking Hall "for his courteous deportment and the kind and gentlemanly bearing towards the members of the Council."<sup>78</sup>

Weathering the dispute with Cummings, Frank Hall continued as territorial secretary. In 1867, President Johnson submitted three nominations to replace him, but again the Senate rejected them.<sup>79</sup> Hall was eventually removed, on January 27, 1874, in the general sweep by President Grant, who also removed Colorado Governor Samuel H. Elbert, earlier territorial secretary. The change was apparently brought about by Edward McCook, who successfully sought reappointment as governor. Hall believed that McCook had convinced Grant the Colorado officials were implicated in questionable land transactions.<sup>80</sup>

<sup>73</sup> *Ibid.*, 386-90.

<sup>74</sup> *Ibid.*, III, 17.

<sup>75</sup> Colorado Territory, *Council Journal*, 6th Sess. (1867), pp. 136-37, 139.

<sup>76</sup> *Ibid.*, 141.

<sup>77</sup> Colorado Territory, *House Journal*, 4th Sess. (1865), p. 182.

<sup>78</sup> Colorado Territory, *Council Journal*, 6th Sess. (1867), pp. 141, 145-46.

<sup>79</sup> Pomeroy, *Territories and the United States*, 125.

<sup>80</sup> Hall, *History of Colorado*, II, 156-57, 159-65.

<sup>70</sup> Hall, *History of Colorado*, I, 377-78.

<sup>71</sup> William Ferril, *Sketches of Colorado* (Denver: Western Press Bureau Co., 1911), I, 36.

<sup>72</sup> Hall, *History of Colorado*, I, 377-78.

While the sudden change was a surprise to many, the *Pueblo Daily Chieftain* reported that it saw no cause to grumble and that the move created no great sorrow among the people. The paper expected that the people would approve the action and would be glad to see the President smite others.<sup>81</sup>

After his removal from office, Frank Hall remained interested in the affairs of Colorado. He returned to newspaper work and worked in this media until 1877 when he secured an appointment as a chief deputy United States marshal. In 1889, Hall began devoting himself to the preparation of his history of Colorado, which was eventually published in four volumes between the years 1889 and 1895.<sup>82</sup>

### *Secretary John W. Jenkins And the Question of Authority*

In January, 1874, John W. Jenkins of Virginia was nominated to succeed Frank Hall as the territorial secretary of Colorado. He was not a resident of the territory and little is known about him. Secretary Jenkins' appointment received little attention in the Colorado press; the *Pueblo* daily carried only a brief bulletin with no comment as to his background or qualifica-



*John W. Jenkins also served a term as attorney general for Wyoming Territory.*

tions.<sup>83</sup> Frank Hall and his predecessor, Samuel H. Elbert, had experienced unusual tenure as secretary; together they had served for over eleven years. With Jenkins, the more typical turnover took place, and he served as secretary for less than eighteen months. His official activities were further curtailed as the legislature did not convene during his term of office.

One interesting administrative issue which arose during Jenkins' term as secretary was the question concerning the limit of his authority as secretary and acting governor. Secretary Hall and Governor Elbert had been removed from office in January, 1874, and Jenkins' nomination to replace Hall was quickly approved by the Senate on the second of February. Edward M. McCook's appointment as governor, however, was not confirmed until June.<sup>84</sup> The delay was due, in part, to Elbert's activities on his own behalf; he protested that the removal of the officials had been done without his knowledge and that he would fight it in the Senate.<sup>85</sup>

After Elbert had gone to Washington in an unsuccessful effort to salvage his office, Jenkins assumed the role of acting governor in his absence. By the time Elbert returned, the Senate had already confirmed McCook's appointment. Meanwhile, awaiting McCook's arrival, Jenkins continued to function as acting governor, and he wrote Elbert using that title. Elbert refused to accept the letter and returned it with an indorsement as "governor of Colorado." Soon "a spicy correspondence" was underway, with "Jenkins asserting that he had been notified of Elbert's removal; and Elbert that he had never been officially notified, and that he was governor until the arrival of his successor with a commission."<sup>86</sup> It was perhaps unfortunate that the legislature was not scheduled to convene, since the question of "who's on first?" would have been interesting. Despite Jenkins' ambitions, Elbert continued to receive the support of most of the people as governor until McCook arrived.<sup>87</sup>

Another administrative issue during Secretary Jenkins' term was the question of whether the power to remove political appointees was under the jurisdiction of the governor or the secretary. Soon after his appointment Jenkins began to oust officials previously appointed by Governor Elbert. The matter

<sup>81</sup> *Daily Chieftain* (Pueblo), January 31, 1874, p. 1.

<sup>82</sup> Byers, *History of Colorado*, I, 429.

<sup>83</sup> *Daily Chieftain* (Pueblo), January 28, 1874, p. 1.

<sup>84</sup> Hall, *History of Colorado*, II, 170.

<sup>85</sup> *Daily Chieftain* (Pueblo), January 29, 1874, p. 1.

<sup>86</sup> Bancroft, *History of Nevada, Colorado, and Wyoming*, 436-37, citing the *New York Times*, July 28, 1874.

<sup>87</sup> Smiley, *History of Colorado*, I, 371.

was referred to Washington when some officers resisted removal, and the Attorney General handed down the decision that only those who had been appointed for no fixed terms by McCook or Jenkins could be deposed and that officials appointed by preceding governors for fixed terms could not be removed unless an organic or a territorial law expressly empowered it.<sup>88</sup>

From a few glimpses of John W. Jenkins' later years, he was apparently the least noteworthy of the secretaries, and Colorado may have been fortunate that his term was short. Removed from the office of territorial secretary in 1875, Jenkins' later years were marked with misfortune. Appointed as attorney general for Wyoming Territory, he was reported to have been turned out of a hotel for non-payment of his bill while in Washington on business.<sup>89</sup> Returning to Colorado where he became a resident of Denver, Jenkins again appeared unfavorably in the limelight in 1879 when he was charged and convicted in Leadville for carrying a gun. Fined fifteen dollars and costs, he was either unable or unwilling to pay and was sent to jail. Lamenting Jenkins' fall from his former influential position as secretary and acting governor, and commenting on his fine children, the *Leadville Daily Chronicle* regretted that he had sunk to such a state.<sup>90</sup>

### Secretary John Taffe

#### And the Election of 1876

The fifth and final territorial secretary of Colorado was John Taffe. Born in Indianapolis, Indiana, on January 30, 1827, Taffe studied law and was admitted to the Indiana bar. In 1856 he moved to Nebraska, where he was a member of the territorial assembly from 1858 to 1861. Enlisting in the cause of the Union during the Civil War, he served with the Second Regiment, Nebraska Volunteer Cavalry, and held the rank of major. Taffe returned to Nebraska after the war and was elected for three consecutive terms to the federal House of Representatives; a Republican, Taffe served in Congress from March, 1867, to March, 1873.<sup>91</sup> Although his appointment as territorial secretary was given only brief notice in the Colorado press,<sup>92</sup> the *New York Times* noted the strong support he received from Nebraska

<sup>88</sup> Hall, *History of Colorado*, II, 172-75.

<sup>89</sup> *Colorado Chieftain* (Pueblo), March 2, 1876, p. 3; March 9, 1876, p. 1.

<sup>90</sup> *Daily Chronicle* (Leadville), July 2, 1879, p. 1.

<sup>91</sup> James L. Harrison (comp.), *Biographical Directory of the American Congress, 1774-1949* (Washington: Government Printing Office, 1950), p. 1891.

<sup>92</sup> *Colorado Chieftain* (Pueblo), July 7, 1875, p. 1.



John Taffe, the last territorial secretary, returned to Nebraska after his official service in Colorado.

where his appointment was considered "the most creditable one made from this State in many a year, . . . for there is not a more honorable, intelligent, gentlemanly public man in this western country."<sup>93</sup>

Appointed to the office on July 2, 1875, Taffe arrived in Colorado with unusual promptness for a territorial official. He took the oath of office in Denver on Monday, August 16, and assumed the duties of secretary the following day.<sup>94</sup> This final territorial executive team of Governor John L. Routt (1875-76) and Secretary Taffe had different views than had previous executives regarding their relationship to the Colorado assembly. When the eleventh session of the assembly convened in Denver on January 3, 1876, Taffe was asked to administer the oath of office to the elected councilmen. While Chief Justice Benjamin F. Hall had administered the oath to most of the legislators at the first territorial assembly,<sup>95</sup> Secretary Lewis

<sup>93</sup> *Republican* (Omaha, Nebraska), July 2, 1875, quoted in the *New York Times*, July 6, 1875, p. 2.

<sup>94</sup> *Colorado Chieftain* (Pueblo), August 19, 1875, p. 3.

<sup>95</sup> *Colorado Territory, Council Journal*, 1st Sess. (1862), p. 3.

Weld had administered the oath to both J. M. Francisco of the Council and George M. Chilcott of the House.<sup>96</sup> Later, it became fairly standard practice for the territorial secretary to perform that function, as both Samuel H. Elbert and Frank Hall did at several sessions.<sup>97</sup> Taffe, however, appeared before the council and stated that he could find no authority empowering him to administer the oath. Not pressing the point, the council had Cyrus H. McLaughlin, a notary public, administer the oath to the members.<sup>98</sup>

The opening days of the session differed from others too, inasmuch as the usual message from the secretary, conveying the Treasury Department instructions concerning printing, was omitted. The practice of the governor personally, or the territorial secretary as acting governor, delivering the governor's opening message to the assembly also was altered. Governor Routt instead had his personal secretary deliver the message to the joint convention.<sup>99</sup> These innovations, as well as the secretary's refusal to administer the oath, seem almost a studied attempt to lower the prestige of the legislature.

While Colorado was admitted as a state on August 1, 1876, the territorial government and Secretary Taffe were yet to be involved in the elections for the Colorado representatives to the Forty-fourth and Forty-fifth Congress of the United States. On August 31, Taffe issued a notice for the election on October 3 of a representative "for the unexpired term of the Forty-Fourth Congress." Later, on September 14, the secretary announced that the election for a representative to the Forty-fifth Congress would be on November 7. The principal candidates for both elections were James B. Belford, Republican, and Thomas M. Patterson, Democrat.<sup>100</sup>

Despite Taffe's call for the two elections, many believed that the October 3 election would be for both sessions, and both the Republicans and Democrats printed their tickets accordingly. Patterson, however, continued to point out that there were to be two separate elections. With both parties actively campaigning, the Republican candidate, Belford, won the election of October 3 and was proclaimed by the official canvass as victorious for both the Forty-fourth and the Forty-fifth Congress.<sup>101</sup>

<sup>95</sup> Colorado Territory, *House Journal*, 1st Sess. (1862), p. 4; and the *Rocky Mountain News*, October 2, 1861, p. 4.

<sup>97</sup> Colorado Territory, *House Journal*, 6th Sess. (1867), pp. 4-5, and 7th Sess. (1868), p. 5. Colorado Territory, *Council Journal*, 4th Sess. (1865), p. 4; 5th Sess. (1866), p. 4; 7th Sess. (1868), p. 4; and 10th Sess. (1874), p. 4.

<sup>98</sup> Colorado Territory, *Council Journal*, 11th Sess. (1876), pp. 4-5.

<sup>99</sup> *Ibid.*, 9.

<sup>100</sup> Hall, *History of Colorado*, II, 334-35.

Before the official canvass was known, however, the Republican Central Committee of Colorado advised its party workers that since the Democrats would not accept the election as applicable for both sessions of Congress, they should be prepared to work vigorously for the November election. Three days later, on October 13, again while the official canvass was still unknown, a group of leading Republicans, including Governor John L. Routt, met in Denver and decided that there was no legal requirement for the forthcoming November election and that the earlier one would suffice. Secretary Taffe was advised of this opinion and, concurring with it, revoked his proclamation for a separate election for the representative to the Forty-fifth Congress.<sup>102</sup> Nevertheless, the Democrats went ahead with their campaign, and on November 7 a number of precincts were open for balloting. While the over-all vote was far below that of the first election, this time the Democratic candidate, Thomas M. Patterson, was victorious over Belford, 3580 to 172.<sup>103</sup> The matter of the legality of the November election came up in Washington when the first session of the Forty-fifth Congress convened on October 15, 1877, and refused to seat Belford as the Colorado representative. Debate continued on the issue until December 12, when Patterson was accepted by a narrow margin and on the following day was sworn into office.<sup>104</sup>

Some time after leaving the office of secretary in Colorado, John Taffe returned to Nebraska and the practice of law. He was receiver of the public land office in North Platte when he died on March 14, 1884.<sup>105</sup>

### *Statehood and the Office of Secretary of State*

The territorial status of Colorado came to an end in 1876. Earlier that year a new state constitution had been drafted by a constitutional convention and later ratified by the people on July 1. Under the new constitution the secretary of state occupied a position of far less importance or prestige than had the territorial secretary. No longer was the secretary the second-ranking executive officer. The office of lieutenant-governor had been created, and this official was designated as successor to

<sup>101</sup> *Ibid.*, 335-36.

<sup>102</sup> *Ibid.*, 337-38.

<sup>103</sup> *Ibid.*, 339 and 351. *The Colorado Chieftain*, November 8, 1876, p. 4, reported that the Republicans took no part in the Pueblo County elections.

<sup>104</sup> Hall, *History of Colorado*, II, 344, 354.

<sup>105</sup> Harrison, *Biographical Directory of Congress*, 1891.

the governor in the event of the latter's absence, death, or inability to perform his duties.<sup>106</sup> The succession then passed not through the secretary, but through the president *pro tempore* of the Senate, and on to the speaker of the House.<sup>107</sup> In general, the new responsibilities of the secretary of state were clerical in nature.<sup>108</sup>

Holding a position of high importance, the territorial secretary had served under the remote direction of the executive departments in Washington. In the territory he dealt with the legislature both as secretary and, frequently, as acting governor. As second in command of the territorial government, he was a voice of the people, both locally and to Washington. Colorado was fortunate in the appointment of territorial secretaries. Nothing has been found which would indicate that any of the five secretaries was a liability in office, but much remains to be done before the complete picture of the office can be disclosed. What was the secretary's role in shaping legislation? What was his political position locally and nationally? In his study of territorial administration, Earl S. Pomeroy speaks of the value of the control of public printing in handling patronage. It may be true that this was an effective weapon in the hands of some territorial secretaries; however, what influence it gave to Colorado secretaries is not apparent. Some of the answers undoubtedly will be found when the territorial papers of Colorado are published. Others lie in the unpublished diaries and letters of the period. Until this material becomes available, the dust of nearly a century of neglect will continue to cloak the record of the territorial secretaries of Colorado.

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*The Territorial Seal  
of Colorado.*



<sup>106</sup> Colorado, Constitution (1876), Art. 4, sec. 13.

<sup>107</sup> *Ibid.*, Art. 4, sec. 15.

<sup>108</sup> Curtis Martin and Rudolph Gomez, *Colorado Government and Politics* (Boulder, Colo.: Pruett Press, 1964), p. 56.



# MURDER

## ON THE UNCOMPAHGRE

BY JEROME W. JOHNSON

The deaths of Johnson Shavano and Andrew D. Jackson began a most singular episode in Colorado's history. The story concerns a young white freighter who shot and killed the son of a Ute chief and who in turn was abducted and killed by the Indians. However, an Indian agent, William Berry, and four other white men were arrested and charged with the death of the young freighter. Before the episode ended it had raised the possibility of an Indian war, become an issue in the election of 1880, and dragged the federal and state governments into a jurisdictional dispute which became so heated some people feared a clash between the army and the militia.

Central to the whole incident are two facts. First, the citizens of Colorado, seeing the potential wealth of the Western Slope, were anxious to have the Ute Indians removed from the

*Chief Shavano demanded punishment for his son's killer.*

state as rapidly as possible and were impatient with the federal government in its efforts to accomplish this removal. Secondly, 1880 was an election year for the governorship and other state offices. The Democrats, who were out of office, were desperately looking for campaign issues, while the Republicans fully intended to maintain their control of the state. These circumstances help to explain how the death of one Indian and one white man could create a disturbance which brought on a near collision between the federal government and the State of Colorado.

In June, 1880, Colorado's representatives in Washington persuaded Congress to pass a Ute Removal Bill. This bill provided that the Utes should cede their reservation to the United States, and in return the government would settle them elsewhere and take care of them until they could become self-supporting.<sup>1</sup> However, before the Utes could be removed, the treaty had to be ratified by three-fourths of the adult members of the tribe. To accomplish this ratification the President appointed a commission composed of six members. The original members were George Manypenny, Alfred B. Meacham, John Bowman, John Russell, Otto Mears, and William Stickney.<sup>2</sup>

*Otto Mears posed with members of the Ute Indian delegation to Washington in 1880.*



In anticipation of the Ute removal, prospectors and settlers had been pouring into Colorado and camping on the edge of the Ute reservation. Tensions mounted as the removal was delayed, and some people predicted an open clash with the Indians. To meet such a threat the government reinforced the reservation boundaries by moving the Sixth Regiment west<sup>3</sup> and sent General Ranald S. Mackenzie to the reservation with orders to keep out the threatened invasion.<sup>4</sup>

As the summer wore on, the Western Slope remained quiet, and new Indian troubles failed to materialize. Late in September, however, an incident occurred which threatened to plunge the whole area into war. There are two conflicting stories about what happened, one told by the teamsters, and one told by the Indians. Who told the truth has never been definitely established, although the evidence favors the Indians.

This much has been agreed upon. On the night of September 29, 1880, three freighters bound for Ouray with a shipment of whiskey—John H. Jackson, the owner of the train, his nephew, Andrew D. Jackson, and a man named Mannell—went into camp about thirty miles from the Los Pinos Indian Agency.<sup>5</sup> Some time thereafter four Ute Indians—Johnson Shavano, Indian Henry, and two others not named—were coming from the Gunnison country on their way to the Los Pinos reservation and came upon the teamsters' camp. Johnson and Indian Henry decided to ride into the camp to ask for food; the other two chose not to go along, and rode down the trail. At this point the controversy begins.

According to John H. Jackson, at about half past seven two drunken Indians came whooping into camp, calling the whites vile names, and demanding supper. Jackson said he told the Indians food had not yet been prepared, and therefore he could give them nothing. Johnson Shavano then allegedly ejected an empty shell out of his rifle, replaced it with a cartridge, and fired at the teamsters, but missed. The Indians then fled toward the trail; when they were about sixty yards away, the freighters fired upon them, and A. D. Jackson hit the chief's son.<sup>6</sup>

Jackson's story differed materially from that of Indian Henry, who stated he and Johnson rode peacefully into the

<sup>1</sup> U.S., *Congressional Record*, 46th Cong., 2nd Sess., 1879-1880, X, Part 3, p. 2059.

<sup>2</sup> William Stickney, *Memorial Sketch of William S. Stickney* (Washington, D. C.: School of Music Press, 1881), p. 260.

<sup>3</sup> *Denver Daily Times*, June 25, 1880, p. 1.

<sup>4</sup> *Ibid.*, May 1, 1880, p. 1.

<sup>5</sup> Los Pinos Agency was located midway between Gunnison and Creede, Colorado.

<sup>6</sup> *Denver Daily Times*, October 11, 1880, p. 2.

camp, where Johnson said: "How, been to Gunnison; heap hungry; give Indian biscuit." Old man Jackson replied: "Where is my gun?" His nephew answered that he had it, whereupon the elder Jackson turned to the Indians and said angrily: "Now get out of here you damned sons of bitches." His language offended the Indians, and a quarrel developed. However, the elder Jackson commenced to fire with his revolver and told his nephew to shoot also. The elder Jackson fired two shots, one of which struck Indian Henry in the left arm, while the other struck Johnson's horse. Young Jackson, using a rifle, fired at the same time, striking Johnson in the neck. The two Indians then wheeled their horses and made a dash for the trail. After going about sixty yards, Johnson fell from his horse. Indian Henry went ahead to get his companions. The three of them returned to recover Johnson's body and then rode away to give the alarm.<sup>7</sup>

According to Jackson the Indians were drunk and his party sober. Though his freight consisted of whiskey, he said that none had been opened. But a man who had ridden past the camp earlier that night was quoted by the *Denver Times* as saying that a barrel had been tapped, and the whole party was intoxicated. Furthermore, the Jackson party had been seen giving whiskey to some passing soldiers that evening. The paper went on to say that Indian Henry had told his story repeatedly, and it was always the same, while Jackson's story changed every time he told it.<sup>8</sup>

The next morning, September 30, 1880, the Jackson wagons moved on four or five miles to the ranch of H. C. Cline. Apparently the wagoners feared an Indian reprisal and decided that it would be wise to stay off the road.

While the teamsters sought the safety of Cline's ranch, a group of armed Utes led by Johnson's father, Chief Shavano, appeared at the cabin of William Berry, the Indian agent at Los Pinos, and demanded the punishment of the murderer. Berry agreed to investigate the matter at once. Fortunately there were three other white men at Berry's that morning who volunteered their services. They were Ute Commissioner A. B. Meacham, Sam Hoyt, and Charles Holmes. Hoyt and Holmes had met by appointment at the agency to discuss some mining business, and were on their way to the LaSalle Mountains near the Utah line.<sup>9</sup> Berry asked these two to ride cross-country with the Indians

and try to prevent their taking any drastic action, should they find Jackson before he did. Then Berry and Meacham took a buggy and started for Cline's, stopping at the nearby military cantonment of the Twenty-third Regiment to get troops. Captain Louis R. Stelle, fifteen soldiers, Berry, and Meacham then set out to cover the twenty-seven miles to Cline's ranch as rapidly as possible. Holmes and Hoyt reached the ranch about noon and placed the teamsters under arrest without incident. Berry and the soldiers arrived about ten o'clock in the evening.<sup>10</sup>

Quite conveniently, although coincidentally, there were four companies of the Eighteenth Infantry Regiment under the command of Major R. H. Offley camped near Cline's house. They were on their way from the cantonment on the Uncompahgre River to Fort Garland. About a day's march behind them were four companies of cavalry under Colonel Eugene Beaumont who were also going to Fort Garland.<sup>11</sup>

Upon his arrival, Berry placed Jackson under guard and began to negotiate with the Indians, hoping to reach some agreement as to what might be done with him. The Indians wanted him, as did others. Both Meacham and Holmes stated some other white men in the area were furious because they believed Jackson had drawn Indian vengeance down again, and were voicing a strong desire to take Jackson and hang him.<sup>12</sup> The disposition of Jackson proved to be a real problem. The whites refused to turn the prisoner over to the Indians; the Indians refused to allow him to be taken to the agency; and the civilians agreed among themselves that if they turned Jackson over to the soldiers, he would be released.<sup>13</sup>

By eight o'clock the next morning, October 1, the Indians were losing patience. Meacham quoted them as saying: "No use. White man no die. All Utes die. White man no care." Some Indians took the covers off their weapons, and a few talked of killing all the white men.<sup>14</sup> There was little danger to the immediate area, since there were eight companies of troops nearby, but Berry feared an open war, which would mean the death of many isolated freighters and other white men scattered through the region. As a result, he worked out a compromise with the Indians whereby Jackson would proceed to Gunnison City with Hoyt, Holmes, Cline, and Indian Henry as escort;

<sup>7</sup> *Rocky Mountain News*, October 24, 1880, p. 8.

<sup>8</sup> *Solid Muldoon (Ouray)*, October 8, 1880, p. 2.

<sup>9</sup> *Denver Daily Times*, October 19, 1880, p. 1; *Rocky Mountain News*, October 24, 1880, p. 8.

<sup>10</sup> *Rocky Mountain News*, October 24, 1880, p. 8.

<sup>11</sup> *Denver Daily Times*, October 19, 1880, p. 1.

<sup>7</sup> *Ibid.*, October 11, 1880, p. 2; *Colorado Chieftain* (Pueblo), October 14, 1880, p. 1.

<sup>8</sup> *Denver Daily Times*, October 11, 1880, p. 2.

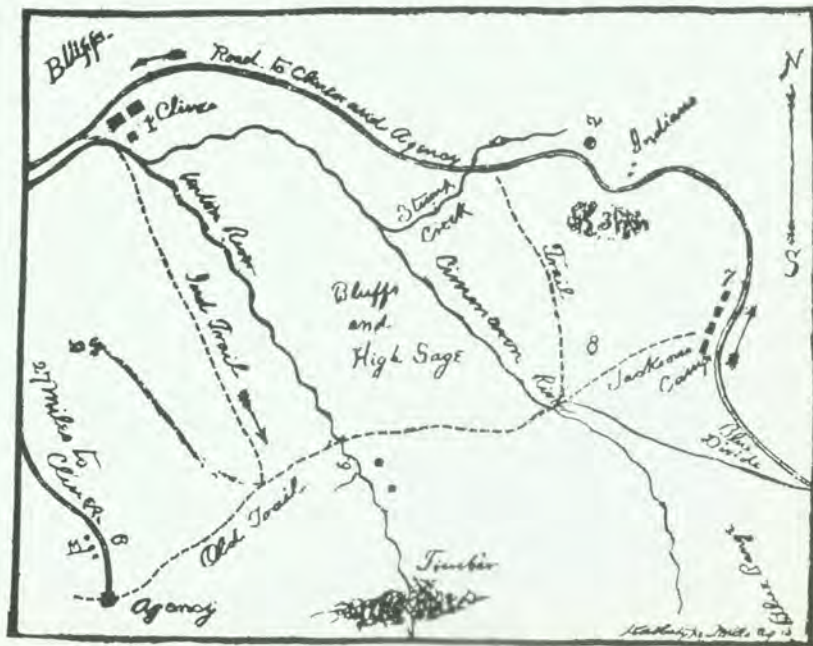
<sup>9</sup> *Ibid.*, October 26, 1880, p. 1.



there he would be tried for murder. Both Berry and Meacham reported Jackson agreed to this proposition and chose the escort himself.<sup>15</sup> Berry then ordered Captain Stelle to turn the prisoner over to the civilians. The Indians seemed satisfied and rode off. Captain Stelle and his troops set out for their cantonment, then Meacham and Berry departed for Los Pinos. Earlier in the day, about six o'clock, Major Offley and his command had left the area, escorting the elder Jackson and the wagons eastward to Saguache.<sup>16</sup> At eleven or twelve o'clock the prisoner and his escort prepared to leave for Gunnison City.<sup>17</sup>

Jackson, Holmes, and Indian Henry rode horses, while Cline and Hoyt followed in a buggy. Their only weapons were two rifles, one carried by Indian Henry and one carried in the buggy with Hoyt and Cline. Some four miles down the road Holmes noticed that the buggy had fallen behind and halted the party to allow Cline and Hoyt to overtake them. At that moment a

On October 21, 1880, the *ROCKY MOUNTAIN NEWS* pictured the area and its events on the following map. Unexplained spots on the map are numbered as follows: (2) the buckboard containing a portion of the escort; (3) where the Indians lay in ambush and captured Jackson; (6) the point at which Jackson was dismounted by his captors; (8) where the Indian and horse fell after the firing.



party of about sixty riders, both Indians and whites, came galloping over a rise and surrounded Holmes, Indian Henry, and the prisoner. The other members of the escort were still some distance away and were not threatened. Holmes later said he told the Indians that Jackson was in his custody and that they could not take him. The Indians then leveled their rifles at Holmes and suggested that perhaps they should take him along as well. This convinced Holmes that resistance would be futile, and he yielded. The prisoner was taken by the Indians, who told Holmes to get the other two white escorts and "vamoose," which he did.<sup>18</sup>

Jackson's captors took him to the top of a bluff not far distant, and shot him once in the abdomen. They then threw the corpse down the hillside into a gully.<sup>19</sup> Holmes, Hoyt, and Cline rode back to the ranch and on to Los Pinos Agency where they told Berry of the kidnapping. Obviously they did not know about Jackson's death; his fate was not discovered for almost two months. Apparently because he still feared an outbreak of violence, Berry decided to let the matter rest where it was and made no attempt to find out who abducted Jackson or what happened to him.

News of Johnson Shavano's death created a near panic on the Western Slope. Two miners, Toney P. Michael and Charles Graff, were traveling through the area on their way from Leadville to Mexico, and found the entire country up in arms as the settlers prepared to defend themselves from an expected Indian uprising. They reported that the citizens all felt easier when they heard the Jackson boy had been surrendered.<sup>20</sup> But after the first shock wore off and no attacks materialized, the settlers were indignant over what they said was the cowardly behavior of Berry and the other white men guarding Jackson. It was charged that Berry and the others deliberately betrayed Jackson to the Indians. Berry was especially blamed because the action took place on the reservation, where his word was law and where even the military had to yield to his wishes.

In Saguache a group of citizens led by hardware dealer L. B. Schwanbeck and lawyer O. P. Arthur met at Luengen's Hall on October 4, to draft a resolution condemning Berry and Cline for failing to protect Jackson.<sup>21</sup> On October 22, they met again,

<sup>15</sup> *Denver Weekly Times*, October 20, 1880, p. 2.

<sup>16</sup> *Ibid.*, October 20, 1880, p. 2.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Rocky Mountain News*, October 24, 1880, p. 8.

<sup>19</sup> *Saguache Chronicle*, December 17, 1880, p. 4.

<sup>20</sup> Toney P. Michael, "The Death of Young Jackson," *Sons of Colorado*, I (April, 1907), 20.

<sup>21</sup> *Saguache Chronicle*, October 8, 1880, p. 1.

demanded that state and federal authorities take prompt action to punish the guilty parties, and promised to take action themselves if the authorities did not. They also organized the Saguache County Jackson Aid Society to pay the expenses of procuring counsel and witnesses, and collected \$234.00 for this purpose.<sup>22</sup>

Other communities followed Saguache's lead. At a public meeting in Alamosa on October 14, Berry and the others were denounced and their punishment demanded.<sup>23</sup> Two days later the citizens of Del Norte met and framed a set of resolutions, the preamble of which gave the general frontier viewpoint: "It is reported that on or about October 1, 1880, a citizen of our state, A. D. Jackson, was arrested and turned over to the Ute Indians by Messrs. Berry, Meacham, Hoyt, Holmes, and Cline who conspired to secure said Jackson's butchery by the savages for the supposed shooting of a Ute by said Jackson in self defense."<sup>24</sup>

To make matters worse, there were statements circulating to the effect that it had been positively determined Jackson was tortured by the Indians. A report from Gunnison City stated



A section of Gunnison City in 1882.

that after the Utes had captured him they tied him to a tree, scalped him, cut off his hands and feet, cut out his heart and hung it to a bush, and then burned the remains. This story came

<sup>22</sup> *Ibid.*, October 22, 1880, p. 1.

<sup>23</sup> *Denver Daily Times*, October 15, 1880, p. 2.

<sup>24</sup> *Ibid.*, October 26, 1880, p. 3.

from a Mexican boy in Gunnison who made his statement after "lengthy questioning."<sup>25</sup>

About the same time the citizens of Saguache were forming their Jackson Aid Society, a group of freighters and miners went to Gunnison City to ask that warrants be issued against Berry, Cline, Hoyt, and Holmes for the murder of Jackson.<sup>26</sup> By the eleventh the warrants had been issued and rumors soon spread that several hundred people were armed and threatening to lynch Berry and that two companies of militia had started for Los Pinos to aid in the arrest.<sup>27</sup> Apparently only the sheriff arrived at the reservation, because on the thirteenth Berry sent the following telegram to Secretary of Interior Carl Schurz: "I am compelled to leave for Gunnison City in charge of the sheriff to answer for the killing of Jackson by the Indians. . . . Matters are in a perilous condition owing to my absence. Can the attorney general issue orders to suspend action until safety is assured?"<sup>28</sup>

Although Berry was not immediately informed of it, the government was taking steps to assure his safety. A federal warrant for his arrest was issued by the U.S. Commissioner in Gunnison City, and U.S. Deputy Marshal J. D. Smith, Jr., was dispatched to take him into custody. Apparently not assured, Berry refused to go with either the sheriff or Smith. On October 16, he wired Schurz: "I have this day called on the commanding officer of the post in this vicinity to eject from the vicinity one Smith, and others, who claim authority to arrest me, and which I don't acknowledge."<sup>29</sup>

On the nineteenth, General John Pope, commander of the Department of Missouri, with headquarters at Fort Leavenworth, Kansas, wired Governor Pitkin: "I have received orders from the President of the United States to protect the Indian agent Berry from arrest pending consideration of the subject by the attorney general. I will leave for Denver tomorrow to see you."<sup>30</sup>

The *Denver Daily Times* feared that a conflict between state and federal troops might develop and described the situation as "altogether . . . alarming."<sup>31</sup> Secretary Schurz was more concerned about a possible clash between the militia and the Indians

<sup>25</sup> *Saguache Chronicle*, October 22, 1880, p. 1.

<sup>26</sup> *Denver Daily Times*, October 7, 1880, p. 4.

<sup>27</sup> *Ibid.*, October 16, 1880, p. 1; *Rocky Mountain News*, October 13, 1880, p. 5.

Both of these rumors were false.

<sup>28</sup> *Denver Daily Times*, October 15, 1880, p. 1.

<sup>29</sup> *Ibid.*, October 19, 1880, p. 2.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*, October 16, 1880, p. 1.

Carl Schurz sat for his picture with members of the Ute Indian delegation to Washington in 1880.



than one between the army and the militia. He had been informed that militia were on their way to the agency to arrest Berry, and said that he considered it "an aggressive movement of the state troops calculated to bring on a disastrous conflict with the Indians."<sup>32</sup> The Secretary was suspicious that a group of people in Colorado was trying to create a disturbance and thus provide an excuse for driving the Indians out of the state, without waiting for the treaty to be ratified.

A telegram from Washington to Berry settled the matter of jurisdiction, temporarily at least. It stated that "if persons have a valid state process they cannot be ejected." Then, with an eye toward the coming election, the telegram added: "The preservation of peace at the present time is all important and the department, while cooperating to the end, relies upon your wisdom and discretion to avoid trouble."<sup>33</sup> General Pope, also in contact with Washington, wired Governor Pitkin he had received word that Berry was under state jurisdiction, and the general would not come to Colorado after all.<sup>34</sup>

Berry then dropped out of sight; although rumors were plentiful, no one knew exactly where he was. In Denver, U.S. Marshal Wilcox stated he had information that Berry was in custody and enroute, adding that he could not turn Berry over

to the sheriff of Gunnison until the federal courts were through with him.<sup>35</sup>

Berry indeed was enroute, but was taking the long way around to avoid going through the Gunnison area. After surrendering on October 21, Berry, with Meacham, Hoyt, Aaron Bradshaw, Marshal Smith, and several Indian guides, made his way on horseback north through the mountains to Rawlins, Wyoming.<sup>36</sup> From Rawlins the group traveled by rail to Cheyenne, arriving there on the twenty-eighth. At Cheyenne they boarded a train for Denver and arrived in that city on November 2.<sup>37</sup> Berry and Hoyt, now in charge of Deputy Marshal Cantrill, were taken to the county jail for safekeeping, but could not secure admission because the jail was pre-empted, corridors and all, by Chinese seeking refuge from the riots which had occurred in Denver's Chinatown only two days before.<sup>38</sup> However, quarters were provided the prisoners in the American House hotel.<sup>39</sup>

All the principals were now in custody. Cline had been arrested on October 11, and at a preliminary examination conducted on the twenty-fifth was charged with murder and jailed in Gunnison to await trial.<sup>40</sup> After the abduction of Jackson, Holmes had gone on to the Utah line to attend to his mining interests. Returning via Ouray and Silverton to Denver, he stopped at the home of his wife's aunt where, on October 26, he was apprehended and placed under arrest.<sup>41</sup> Berry and Hoyt were held on federal warrants, while Cline and Holmes were held on state warrants.

On November 4, 1880, Berry and Hoyt were arraigned before U.S. Commissioner Andrew Brazee on a charge of murder, and pleaded not guilty.<sup>42</sup> The arraignment brought together a remarkable group of lawyers for the defense. They were Thomas M. Macon, Bela M. Hughes, Thomas M. Patterson, J. B. Belford, and Samuel Brown, all well known, able, and influential men. Bela M. Hughes had been the Democratic candidate for governor in 1876, while Tom Patterson was considered to be one of the ablest criminal advocates in Colorado and stood at the head of the Democratic party in the state.<sup>43</sup> J. B. Belford, a Republican,

<sup>36</sup> *Saguache Chronicle*, November 12, 1880, p. 4. Aaron Bradshaw was the clerk of the Ute Commission.

<sup>37</sup> *Denver Daily Times*, November 4, 1880, p. 4.

<sup>38</sup> See Roy T. Wortman, "Denver's Anti-Chinese Riot, 1880," *The Colorado Magazine*, XLII (Fall, 1965), 275-91.

<sup>39</sup> *Denver Daily Times*, November 4, 1880, p. 4.

<sup>40</sup> *Solid Muldoon* (Ouray), October 15, 1880, p. 1; *Saguache Chronicle*, October 29, 1880, p. 1.

<sup>41</sup> *Denver Daily Times*, October 26, 1880, p. 1.

<sup>42</sup> *Ibid.*, November 4, 1880, p. 4.

<sup>43</sup> James P. MacCarthy, *Political Portraits by Fitz-Mac* (Colorado Springs: Gazette Printing Co., 1888), p. 24.

<sup>32</sup> *Ibid.*, October 19, 1880, p. 2.

<sup>33</sup> *Denver Daily Times*, October 20, 1880, p. 4.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, October 25, 1880, p. 4.

was Colorado's delegate to the U.S. House of Representatives. It is an interesting commentary on politics that just a few days before the arraignment the Republicans and the Democrats were attempting to outdo one-another in their condemnation of Berry and the other defendants. Now, some of the best talent of both parties was defending them.

United States District Attorney Edward L. Johnson represented the federal government, while Attorney General Charles W. Wright appeared for the State of Colorado. Wright asked that jurisdiction be given to Colorado, but the application was denied by Commissioner Brazee, who ruled that the question of jurisdiction could not be considered until evidence was given. On November 9, evidence was presented before Federal District Judge Moses Hallett. Judge Hallett then conferred with Federal Circuit Judge George H. McCrary, who submitted a decision that by the terms of the Ute treaty of March 5, 1868, jurisdiction remained with the federal government.<sup>44</sup> Proceedings were then continued until November 23.

The hearing convened again as ordered, but with some added defendants. In order to consolidate the case, Meacham and Holmes had been served with federal warrants on the twenty-second. District Attorney Johnson requested a delay on the grounds that more witnesses should be summoned. Patterson, while opposing the motion and contending that the government had delayed long enough, took the opportunity to eulogize the defendants as men who had saved Colorado from an Indian war. But Johnson continued to insist that it would be best to delay the proceedings, and after a meeting of all concerned, it was decided to adjourn until just before the May term of the federal grand jury.<sup>45</sup> The *Denver Daily Times* expressed every confidence in all the Colorado people involved, but feared that "the representative of the United States here will be hampered by the authorities at Washington, and that mysterious influences, working in a mysterious manner will effect mysterious results anything but satisfactory to our people or conducive to justice."<sup>46</sup>

Although the Berry hearing had been adjourned, related events added to the complexity of the case. On November 24, John Jackson was arrested on a federal warrant, on the complaint of Aaron Bradshaw, for complicity in the murder of Johnson Shavano. During Jackson's hearing before Commissioner Brazee on the twenty-sixth, a prosecution witness named

<sup>44</sup> *Denver Daily Times*, November 19, 1880, p. 4.

<sup>45</sup> *Ibid.*, November 26, 1880, p. 4.

<sup>46</sup> *Ibid.*, November 23, 1880, p. 2.

Mullen was asked if he thought Johnson had been killed. Upon receiving an inconclusive answer, the prosecutor announced that he could go no further until he had positive evidence that the man was dead. The court considered this as an admission that the case was abandoned, and Jackson was released. This action seems odd, since no evidence of young Jackson's death had been presented during Berry's hearing. Strangely enough, neither state nor federal authorities had ever attempted to recover Jackson's remains.

In mid-December, however, the body was found by J. C. Howard, the Indian agency farmer. He had made an agreement with Chief Shavano by which the chief agreed to help Howard find Jackson's body, if Howard would examine the body of the chief's own son. When Johnson's body was exhumed, it was found that he had been shot in the neck, just as the Indians had stated. Later, Jackson's body was discovered at the base of the bluff from which it had been thrown. An examination showed that he had been shot once in the abdomen and that the body had not been mutilated in any way.<sup>47</sup>

Interest in the case waned throughout the rest of the winter, picking up only slightly in April as the court convened to begin its deliberations. On April 27, the Berry hearing was resumed, but the only result was a decision to postpone the case until a grand jury could hear the evidence.

Hearings by the grand jury began on May 4 and continued for three days. On the seventh the grand jury returned an indictment for murder against Shavano, Coho, Piah, Indian Henry, Uniqua, Cline, Berry, and Meacham. Holmes and Hoyt were acquitted.<sup>48</sup> However, perhaps as a result of information presented to the jury, the *Denver Daily Times* expressed some grave doubts about the verdict and about the veracity of the elder Jackson. In an editorial, the *Times* said: "The conduct of the Jackson party is open to grave suspicious and the elder Jackson did not show a tittle of the anxiety to imperil his own safety in the rescue and defense of his nephew as did the frontiersmen."<sup>49</sup> Some days later the same paper wrote: "Because a man may be indicted for an offense is no reason why he should be supposed guilty. The grand jury hears only one side."<sup>50</sup>

A motion to quash the indictment was overruled by the U.S. District Court on May 11, but at the same time Judge Hallett

<sup>47</sup> *Saguache Chronicle*, December 17, 1880, p. 4.

<sup>48</sup> *News and Courier* (Boulder), May 13, 1881, p. 1.

<sup>49</sup> *Denver Daily Times*, May 9, 1881, p. 2.

<sup>50</sup> *Ibid.*, May 11, 1881, p. 2.

Major William Berry, a leading figure in the events which followed the deaths of Johnson Shavano and Andrew D. Jackson.



released the defendants on \$3,000 bond each. Berry immediately left for the Los Pinos Agency to aid in the removal of the Utes to a new reservation in Utah. Toward this end he labored most of the summer and later was able to report that on August 27, 1881, this task had been successfully accomplished.

Three days after the Utes had left peacefully for Utah, Berry rode into Ouray and found himself confronted by the following message:

W. H. Berry U.S.I. Agt:

The infamous manner in which you have defamed and misrepresented our people; your inhuman actions in delivering young Jackson over for torture and murder; as well as your damnable and persistent lying on behalf of the Utes prompts us to demand that you leave the corporate limits of Ouray prior to midnight this 31st day of August, 1881. A failure to accede will render it more painful than interesting.

By order of  
Vigilant Committee<sup>51</sup>

Berry took the warning seriously and left town long before the deadline.

<sup>51</sup> *Weekly Colorado Chieftain* (Pueblo), September 15, 1881, p. 1.

<sup>52</sup> T. A. Bland, *Life of Albert B. Meacham* (Washington, D. C.: T. A. & M. C. Bland, 1883), p. 12.

<sup>53</sup> U.S., Congress, House, "Annual Report of the Commissioner of Indian Affairs," *Report of the Secretary of the Interior*, 2nd Sess., 47th Cong. 1883, Ser. 2100, Ex. Doc. No. 1, II, Part 5, p. 208.

Although they had been indicted by the grand jury, Berry, Meacham, Cline, and the Indians were never brought to trial. The case was not called by the court, and finally the Justice Department ordered dismissal of the charges.<sup>52</sup> Berry went to Utah with the Utes, where on June 24, 1882, J. F. Minnis replaced him as agent on the reservation.<sup>53</sup> The others went back to their private lives, and the incident was forgotten.

A great deal can be read into the Berry case; and no doubt much of what happened at Cline's ranch, on the road to Gunnison, and behind the scenes at Denver will never be fully told. But it is reasonable to assume that the whole incident was blown out of proportion by those who were attempting to use it for selfish purposes. Both political parties severely condemned Berry and exploited the hatred of the frontiersmen for the Indians in order to garner votes in the election of 1880. There were also those who were impatient with the slowness of the government in removing the Utes and who saw an opportunity to hasten their departure by whipping up adverse public sentiment.

Even though law had been formally established in the western part of the state, Berry had reason to fear a lynching at the hands of the miners and freighters, as this practice was by no means unknown in the area. After all, there is evidence that the freighters wanted to lynch young Jackson, and in the end he was killed by a mob of Indians and whites who merely substituted the rifle for the rope.

The struggle over jurisdiction became another manifestation of the old conflict between two philosophies on how best to solve the Indian problem. Schurz at Washington represented the humanitarians who wanted the Indians to settle down and accept the white man's culture, while Governor Pitkin at Denver



Governor Frederick Pitkin believed that the Indians should be exterminated before peace could come to the frontier.

represented the western attitude that only extermination of the Indians would bring peace to the frontier.

The federal government went through the motions of arresting and indicting Berry, but doubtless never had any intention of seeing him convicted. In October, 1880, however, the administration was in a difficult position. Republican leaders had to protect Berry, while at the same time avoiding actions which might alienate Colorado voters—thus, the arrest and arraignment. After the indictment, the government faced another problem. If Berry were tried, the Indian chiefs would also have to go to trial, and to attempt such an action while removal negotiations were in progress would have added immeasurably to an already difficult situation. The best policy, then, was to wait and let the matter be forgotten.

As far as most of the frontiersmen were concerned, Berry had committed the unpardonable crime of taking the side of the Indians against a white man, and he allowed Jackson to fall into the hands of the Indians by not providing him with enough protection. Western slope citizens held doggedly to this view even though much contrary evidence was available.

The Berry incident illustrates typical western attitudes during the 1870's and 1880's. These include the hatred between Indian and white, the prevalence of lynch-law justice, the exploitation of the Indian problem by the politicians, the clash between East and West over Indian policy, the constant westward migration of the settler, and a corresponding encroachment on valuable Indian land, and the trials of the Indian agents who stood between two irreconcilable ways of life.

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# CHAFFEE COUNTY EDITORS

BY JOHN OPHUS

The newspapers of the early-day mining camps played an important role in the growth and settlement of Colorado. For many of the isolated camps, the press provided the only link with what was going on in the rest of the country. These early newspapers were usually partisan in their politics and outspoken on issues of the day. The editors all had one thing in common—an abundant optimism about their own particular areas. Issue after issue tells of the prospect for future glory, but seldom does one read of the long-sought big strike. Most camps had a newspaper as soon as the first buildings were erected—and in some cases sooner. Some newspapers lasted only for a few weeks; a number are still published.<sup>1</sup> But the journalists, like the prospectors themselves, were in a majority of cases unsuccessful in their endeavors.<sup>2</sup>

Chaffee County editors of the 1890's are probably typical of journalists throughout the state, with a widely varied background of journalistic ability and experience. Some had their first taste of printer's ink in mining camps of the county; others had been merchants, lawyers, schoolteachers, or even newspapermen. Some represented well known families; others are shadowy figures, and their stories may never be told.

Probably the two most important Salida newspapers of the day were the *Salida Mail* and the *Chaffee County Record*. The first was started in 1880 and still continues as the *Mountain Mail*. The second became the *Salida Record* in 1898 and continued until 1949 when it merged with the *Mail*. During the 1890's two prominent editors were associated with the *Mail*. Howard Russell served from 1891 until 1895, and Paul B. Smith from 1895 until 1901.

<sup>1</sup> The earliest recorded newspaper in the county was published high up in Chrysolite Gulch above the present ghost town of St. Elmo, and a facsimile copy of the first and only issue known survives in the library of the State Historical Society of Colorado: *Chrysolite Mountain Bugle*, Vol. 1, No. 1, July 1, 1879.

<sup>2</sup> The Chaffee County towns and camps have produced over fifty newspapers at one time or another; see Don Oehlert's list in the *Chaffee County Republican* (Buena Vista), June 14, 1963, p. 8.







Henry Bevan was an outspoken advocate of Populism who supported the policies of Governor Douglas H. Waite.

Bevan, who was born in Boston, Ohio, in 1857. His educational background is unknown, but a daughter has stated that "he did not have a degree from any college."<sup>12</sup> Bevan's early newspaper experience may have been gained while working for his brother-in-law, Julius Wayland, the nationally known editor of *The Coming Nation* and later the *Appeal to Reason*.<sup>13</sup> Wayland had operated a newspaper in Pueblo prior to 1893, and left there shortly before Bevan started his paper in Salida. It is possible that Wayland furnished the money to establish the *Chaffee County Record*.<sup>14</sup>

Bevan's editorial views were an exception in the county, since he supported the policies of Governor Davis Waite and was an outspoken advocate of Populism.

Bevan sold the *Chaffee County Record* in April of 1895, but his last issue, explaining why he sold, is missing from the files. Regardless of the reason, Bevan decided to cast his lot with Julius Wayland and joined his socialistic Ruskin Colony in Tennessee, where *The Coming Nation* was then published.<sup>15</sup>

A month later the *Record* printed a letter from Bevan, explaining how the Ruskin community operated. All property, including the plant of *The Coming Nation*, was owned in common, and all residents had their own homes. Bevan was impressed with the arrangement and urged people in Chaffee County to subscribe to the paper.<sup>16</sup>

<sup>12</sup> Letter from Mrs. Clara Bevan Holland, Tullahoma, Tennessee, July 20, 1965.

<sup>13</sup> *Ibid.*

<sup>14</sup> Howard H. Quint, "Julius A. Wayland, Pioneer Socialist, Propagandist," *Mississippi Valley Historical Review*, XXXV (March, 1949), 585-606.

<sup>15</sup> Letter from Mrs. Clara Bevan Holland, August 4, 1965; *Chaffee County Record* (Salida), May 24, 1895, p. 4.

<sup>16</sup> *Chaffee County Record* (Salida), June 7, 1895, p. 3.

<sup>17</sup> *Ibid.*, August 23, 1895, p. 4.

<sup>18</sup> Letter from Kansas State Historical Society, Topeka, April 14, 1965.

<sup>19</sup> Letter from Mrs. Clara Bevan Holland, July 9, 1965.

<sup>20</sup> *Salida Mail*, April 12, 1895, p. 2.

His last letter, a few months later, was very discouraging. He wrote from Kansas City, Missouri, that he had become disillusioned with the colony. A feud had erupted over the management of the paper, and many left, including Wayland, Bevan, and Bevan's brother. The paper remained the property of the colony. Bevan reported that all who had joined had paid a five-hundred-dollar membership fee, and that he and his brother held mortgages against the paper for that amount. He advised all to stay away from the place.<sup>17</sup>

A few years later Bevan acquired a newspaper in Girard, Kansas, where Wayland was publishing the *Appeal to Reason*.<sup>18</sup> Bevan remained there a short time and then returned to Tennessee where he published other papers. He died in 1943 at the age of eighty-six.<sup>19</sup>

At the time Bevan sold the *Chaffee County Record*, the *Mail* reported:

The *Record* has been sold by its former owner H. L. Bevan to John G. Hollenbeck and O. R. Meacham. Mr. Hollenbeck is a well-known populist leader and will assume charge of the editorial and local department. Mr. Meacham has been for the past eight years connected with the typographical department of the *Mail*, having learned his trade in this office.<sup>20</sup>

John Hollenbeck was born in Pennsylvania in 1844 and attended schools there until 1862. At that time he joined the Forty-sixth Regiment of Pennsylvania Volunteers and served with this group until the end of the Civil War. In 1867 he moved to Jefferson County, Nebraska, and homesteaded on the Little Blue River. In the summer of 1881 Hollenbeck came to Colorado. He lived first in Buena Vista and later in Salida. Besides his activities in the newspaper business, which lasted until 1901, he also served a term as county school superintendent, two terms as county treasurer, two terms as mayor of Salida, and was a



In addition to his career as a newspaperman, John G. Hollenbeck was an active politician.

member of the Sixteenth General Assembly. For many years prior to his death in 1920, he served as director and vice-president of the First National Bank of Salida.<sup>21</sup>

Oren R. Meacham was born in Loami, Illinois, and came to Maysville, Colorado, when he was nine years old. All of his formal education was obtained in the one-room schoolhouse of that town.<sup>22</sup> He came to Salida as a young man and started his newspaper career with the *Salida Mail* as a printer's devil.<sup>23</sup>

Meacham's association with the *Record* was from 1895 until 1901 and again from 1905 until 1924. Newspaper directories indicate that he was affiliated with the *Turret Gold Belt* and the *Whitehorn News*.<sup>24</sup> The association with the *Gold Belt* may have been as a silent partner. The *Whitehorn News* was printed in the *Record* office and distributed in Whitehorn from about 1905 until the paper ceased publication in 1911.<sup>25</sup> Meacham died in California in 1955 when he was eighty-four years old, after living in that state for more than twenty years.<sup>26</sup>

Between 1901 and 1905 the *Record* was operated by Paul Smith, formerly of the *Mail*. He had purchased the *Record* from Hollenbeck and Meacham, and in 1905 he took as a partner H. J. Foulk, who was born in Bloomsburgh, Pennsylvania, in 1856 and went to school there. As a young man, Foulk learned the printing trade in Pennsylvania; in the 1870's he took up a homestead near the present city of Larned, Kansas. He came to Cleora, Colorado, in 1880, then went to Maysville to work in the mines. After a few months, he was employed as a printer on one of the early papers in Maysville. In 1886 Foulk went back to Pennsylvania and married a childhood sweetheart. The young couple tried farming near Springfield, Missouri; but Foulk wanted to live in the West, and they moved to Salida, where he remained until his death in 1925.<sup>27</sup> His first employment with a newspaper in Salida was on the *Sentinel*, which was then a daily. Later he worked on the *Mail* for about sixteen years, until he became a partner with Smith on the *Record*, where he remained until 1917.<sup>28</sup>

<sup>21</sup> *Salida Record*, September 17, 1920, p. 1.

<sup>22</sup> Letter from his daughter, Mrs. Nome V. Vaughn, Madera, California, February 18, 1965.

<sup>23</sup> *Salida Mail*, April 12, 1895, p. 2.

<sup>24</sup> N. W. Ayer & Son's *American Newspaper Annual* (Philadelphia: N. W. Ayer & Son, 1906), pp. 94-96; *Salida Daily Mail Record*, August 15, 1955, p. 6.

<sup>25</sup> Letter from Meacham's nephew, Mr. Walter M. Hunt, Los Angeles, California, March 15, 1965. Hunt was an employee in the *Record* office at this time.

<sup>26</sup> *Salida Daily Mail Record*, August 15, 1955, p. 6; letter from Mrs. Nome V. Vaughn, February 4, 1965.

<sup>27</sup> Interview with his daughter, Mrs. W. R. Thompson, Salida, Colorado, December 6, 1964.

<sup>28</sup> *Salida Mail*, June 23, 1925, p. 1.

The most prominent Buena Vista papers during the 1890's and the years following the turn of the century were those of the Logan family, which had come into the area in 1880. W. R. Logan was born January 9, 1860, in Joliet, Illinois, and attended public schools in Joliet, a commercial college in Chicago,<sup>29</sup> and perhaps Beloit College, in Wisconsin.<sup>30</sup> He then went to work in a publishing house in Illinois, and from there he moved to Salina, Kansas, where he became editor of the *Salina Farmers' Advocate*.<sup>31</sup> He then moved to Colorado, where he first entered law practice with his father in Denver. In 1881, he came to Buena Vista and entered into the newspaper, real estate, loan, and insurance business, which he continued until 1905 when he moved to Glenwood Springs. There he lived until his death in 1909.<sup>32</sup>

Charles Logan, W. R.'s brother, was also a prominent editor and publisher in Buena Vista. He had come to Colorado with his family in the seventies. His educational background is uncertain; his widow believes he may have attended college in Kansas.<sup>33</sup> When the family moved to Buena Vista, Charles was employed by his brother and apprenticed in the newspaper business, first as a printer's devil and later as editor and manager for various newspaper enterprises of his brother. In 1900 he acquired the paper then at Granite and moved it to Buena Vista, renaming it the *Chaffee County Democrat*. He and his wife published the *Democrat* until 1922, just shortly before his death.<sup>34</sup> One interesting and complicating fact about these two brothers was their approach to politics. W. R. Logan's newspapers reflected Democratic, Republican, and Populist views at various times. In 1896 he was the only editor in the county to support William McKinley for president. Charles, on the other hand, was a lifelong Democrat and "was the only Democrat in the Logan family; and had been, dating to when Cleveland was elected president in 1884."<sup>35</sup>

Some confusion arises from an examination of the editorial content of the Logan newspapers, all of which, up to 1900, bear

<sup>29</sup> E. R. Emerson, "History of Chaffee County," *History of the Arkansas Valley Colorado* (Chicago: O. L. Baskin & Co., 1881), p. 524.

<sup>30</sup> *Ibid.*; and obituary clipping from a Buena Vista newspaper, August, 1909, owned by Mrs. C. S. Logan. A letter from the Alumni Office, Beloit College, February 3, 1965, failed to verify Logan's attendance at Beloit.

<sup>31</sup> Emerson, "History of Chaffee County," *History of the Arkansas Valley*, 524.

<sup>32</sup> Clipping from a Buena Vista newspaper, August, 1909, owned by Mrs. C. S. Logan.

<sup>33</sup> Letter from Mrs. C. S. Logan, December 15, 1964.

<sup>34</sup> Letter from Mrs. C. S. Logan, November 26, 1964.

<sup>35</sup> *Ibid.* The principal Logan papers were the *Buena Vista Democrat* (1888-1892), the *Colorado Democrat* (1893-1895), the *Chaffee County Republic* (1897-1899), and the *Colorado Republican* (1900-1905).



Elizabeth and Charles Logan

W. R. Logan's name as editor and publisher. The liberal political views of the papers indicate that the Republican Logan left the editorial management to Charles and other editors, allowing them to operate—politically at least—as they saw fit. The very fact that W. R. Logan's paper bore the title of *Democrat* belies his political philosophy, which at times he found expedient to change. Competition with the Democratic *Chaffee County Times* and the Populist *Buena Vista Record* may account for some of the political attitudes of the Logan newspapers.

Notice of a new paper starting in Buena Vista appeared in the *Salida Mail* in May, 1891.

The initial number of the *Buena Vista Record* has reached our desk. We are very much pleased with its appearance and make-up. The names of J. C. Stuart and J. P. McDade appear at the head of the editorial column as editors and proprietors. The paper is Republican in politics and is issued weekly.<sup>36</sup>

This paper may have initially been Republican, but later events indicate it advocated Populism. In November the owners and editors of the *Buena Vista Record* purchased the *Peoples Press*, which had been started earlier in that year in Salida: "Stuart and McDade of the *Buena Vista Record* have purchased the *Peoples Press* and will continue its publication."<sup>37</sup>

In June, 1892, the *Peoples Press* terminated, and the *Mail* noted:

It has struggled to stay in existence since last fall. It was well supported by that class of people who take all they can get for nothing, and kick because they can't get more. This class of people is very numerous in every locality and the *Peoples Press*

<sup>36</sup> *Salida Mail*, May 6, 1891, p. 2.

<sup>37</sup> *Ibid.*, November 17, 1891, p. 2.

was a great favorite of theirs and it was these same people who took much of the People's Party that sunk the newspaper.<sup>38</sup>

McDade and Stuart were itinerant newspapermen who were not associated with papers in this area very long. The former died in Buena Vista in 1893 when only twenty-five.<sup>39</sup> The latter had worked for short periods on the *Herald* of Buena Vista, the *Call* of Salida, and the *Colorado Mineral Belt* of St. Elmo. Sometime between 1892 and 1893 Stuart moved to Colorado Springs.<sup>40</sup>

A generalization that may be drawn from the information available is that the *Buena Vista Record* was not well received. Its editors were competing with two well established papers, the *Colorado Democrat* and the *Buena Vista Herald*. If the paper advocated Populist reforms other than silver, it would have been unpopular with local merchants, upon whom the publishers depended for advertising revenue.

The *Buena Vista Herald* had been started by W. R. Logan and George C. Hickey in 1881. Dan M. Jones took control of the paper in January, 1891, and operated it until August, 1899. Some confusion exists as to the ultimate fate of the *Herald*. W. R. Logan apparently purchased the paper and joined it to his own. Shortly afterward, Charles Logan took the plant and, in combination with presses from a Granite paper, started the *Chaffee County Democrat* in July, 1900.<sup>41</sup>

Jones operated the editorial department of the *Herald* by himself during the years he owned it. He also began a real estate and mining stock company in 1894, which was run in conjunction with the newspaper. He continued in the investment business after selling the *Herald* and maintained financial interests in papers operated by both W. R. and Charles Logan. Jones apparently left Buena Vista about 1907 and went to Texas, where he died shortly thereafter.<sup>42</sup>

Granite, in the northern end of the county, supported two newspapers, the *Granite Pay-Streak* and the *Granite Courier*. Files of the latter paper are missing, and all that is known is that it was published from 1898 until 1900.<sup>43</sup>

The *Pay-Streak* was established in 1894 by Delavan W. Gee.<sup>44</sup> He moved the paper to Leadville in 1895 and returned it to

<sup>38</sup> *Ibid.*, June 24, 1892, p. 2.

<sup>39</sup> *Buena Vista Herald*, February 25, 1893, p. 2.

<sup>40</sup> *Colorado Democrat* (Buena Vista), May 10, 1893, p. 2. The *Colorado Mineral Belt* was a W. R. Logan paper.

<sup>41</sup> *Salida Mail*, July 3, 1900, p. 2.

<sup>42</sup> Letter from Mrs. C. S. Logan, August 1, 1965.

<sup>43</sup> *Chaffee County Record* (Salida), July 29, 1898, p. 2; *Salida Mail*, January 6, 1899, p. 2.

<sup>44</sup> *Buena Vista Herald*, May 5, 1894, p. 3.

Granite in 1896, where it continued under his control until 1899.<sup>45</sup> The publication changed hands several times in the next few years, and the name was changed to the *Granite Mining Journal*. Publication was suspended in 1913.

Gee had a long newspaper career in Colorado. Before coming to Granite, he had edited the Meeker *Rio Blanco News* from 1889 until 1890. As editor of the *Pay-Streak* Gee was a Republican, but considering the later developments in his life, his association with the Republican Party must have been of short duration. He died in Colorado Springs, Colorado, in 1944, a widely known and respected newspaperman.<sup>46</sup> After running newspapers alternately in Granite and Leadville, he operated papers in Steamboat Springs and Haxtun. For the last eighteen years of his life he was the owner and publisher of the *LaJara Gazette*.

Most of Gee's career in the newspaper business was linked with the Democratic Party. The first issue of his *Leadville Press* of March 6, 1908, stated that the editorial policy would follow the principles of Thomas Jefferson and William Jennings Bryan. The *LaJara Gazette* said, on his death:

Second only to his loyalty to his profession was his loyalty to the Democratic party. His nearest approach to holding a political office was when he was secretary to Governor Charlie Thomas, but no man in his time has exerted a greater influence on the party's choice of candidates or its policies in Colorado.<sup>47</sup>

Another article in the *Gazette* noted that Gee had started printing his first paper at the age of fifteen in Washington, D.C. His partner in the boyhood venture was Josephus Daniels, who later became Secretary of the Navy under Woodrow Wilson. Gee was at one time secretary to U.S. Senator William D. Washburn of Minnesota, to Colorado's early U.S. Senator Thomas M. Bowen of Del Norte, and to Colorado's congressman, James B. Belford. On the editor's eightieth birthday a celebration was given in his honor. Congratulations came from many well known Democrats, including Alva Adams, Ed Johnson, James A. Farley, and President Franklin D. Roosevelt.<sup>48</sup>

There were two predominant newspapers in the camps of the Ute Trail country, the *Whitehorn News*, started in 1897, and the *Turret Gold Belt*, begun in 1899. Both papers were Repub-

<sup>45</sup> *Chaffee County Record*, May 8, 1896, p. 1; *Granite Pay-Streak*, January 21, 1899, p. 4.

<sup>46</sup> *LaJara Gazette*, June, 1944, obituary clippings owned by the writer, a gift of Mrs. Mary Mudd, present editor of the paper.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, June, 1944, news clipping.

lican throughout the years they were published. The *Whitehorn News* was started by U. H. Smith, a brother of Paul Smith of the Salida papers. The *News* was first printed in Whitehorn, but later moved to Salida. Smith was a graduate of Indiana University and had published the privately owned campus newspaper there.<sup>49</sup> After graduation and before coming to Colorado, he was a high school mathematics teacher and principal of two county schools in Indiana.<sup>50</sup> In 1899, he left Whitehorn and returned to Indiana University, where he was registrar and bursar for thirty-eight years. He died in California in 1953 at the age of eighty-eight.<sup>51</sup>

The *Turret Gold Belt* was owned and operated by Alba H. Robinson from 1899 until 1910. Robinson was born in New York state in 1847<sup>52</sup> and was graduated from Cortland State Normal School in 1886.<sup>53</sup> He came to Colorado in 1889, and he taught school for a time in Meeker.<sup>54</sup> From there he went to Buena Vista, where he was principal of the school for one year.<sup>55</sup> Being interested in mining, he prospected in the mountains for a few years and then moved to Turret when that camp gained prominence. He was the postmaster and published the town's only newspaper during his stay in Turret.<sup>56</sup>



A reserved man, Alba H. Robinson was the butt of many a miner's joke.

Robinson was a bachelor and lived with a sister and brother-in-law when he first went to Turret. He is remembered by one of his former employees as being a very religious man and not too popular among the miners of the camp, who liked to play practical jokes on him whenever possible. The miners, it seemed, were attempting to break down his outer shell of reserve. The employee remembers that Robinson was a man who never lost his temper and was never heard to swear on any occasion—rather an interesting person to live among a group of rough miners!<sup>57</sup> He went to Salida in 1910 and attempted unsuccessfully to publish a daily paper, but he continued to run a printing shop until his death in 1914.<sup>58</sup>

The newspapers and editors mentioned here are those which predominated in Chaffee County during the 1890's. There were other short-lived papers, copies of which are rare or do not exist, but this varied group of journalists is representative of the profession at that time. Their diverse political philosophies collectively produced an important chapter in Colorado journalistic history.

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<sup>49</sup> Letter from Indiana University Alumni Office, Bloomington, Indiana, May 26, 1965.

<sup>50</sup> *Salida Mail*, December 29, 1899, p. 2.

<sup>51</sup> Interview with his daughter, Miss Winifred Smith, Los Angeles, California, August 18, 1965.

<sup>52</sup> *Salida Record*, March 13, 1914, p. 8.

<sup>53</sup> Letter from Registrar, State University College, Cortland, New York, June 9, 1965.

<sup>54</sup> Letter from the Rio Blanco County Superintendent of Schools, Meeker, February 7, 1964.

<sup>55</sup> Interview with Chaffee County Superintendent of Schools, Salida, January 10, 1964.

<sup>56</sup> U.S., General Services Administration, Post Offices and Postmasters, manuscript record in the National Archives.

<sup>57</sup> Interview with Mrs. Maude Grodal, Salida, November 11, 1964.

<sup>58</sup> Interview with his nephew, Ralph Roberts, Pueblo, August 25, 1965.