

### A Gold Rush Song

A party of Gold Diggers on their arrival at Pike's Peak, are told by the knowing ones, that the *dust* is abundant. They determine to make merry, the *red-eye* circulates freely, and they drink "to the loved ones at home." Tosso is on hand, he plays them an original melody: "Pike's Peak Gallop."

## Rush to the Rockies, 1859

Colorado's Gold Rush of 1859

By AGNES WRIGHT SPRING

"It was an uncontrollable eruption—a great river of human life rolling toward the setting sun—at once a triumph and a prophecy."

A. D. Richardson in *Beyond the Mississippi*.

"THE NEW ELDORADO!!! Gold in Kansas Territory!!! The Pike's Peak Mines! First Arrival of Gold Dust at Kansas City!!!"

These were the headlines in the *Kansas City Journal of Commerce* of August 26, 1858. The words spread like sparks from a roaring prairie fire before a strong wind. They were the words men all over the depression-ridden country had been hoping for. Not only word of the discovery of yellow metal, but several ounces of the precious gold itself had been brought to Kansas City by well-known mountain men.

"We have refrained from giving too much credence to these gold discoveries until assured of their truth," said the Editor of the *Journal*, "but it would be unjust to the country longer to withhold the facts of which there can no longer be a doubt. Kansas City is alive with excitement, and parties are already preparing for the diggings."

The new mines, it was explained, were on Cherry Creek, one of the "most southern branches of the South Platte, in the center of the best hunting grounds of the Rocky Mountains. Game exists in great abundance, and plenty of timber, water and grass."

John Cantrell, one of the gold-bearing arrivals from the mountains, was no stranger in Kansas City. He had long been a resident of near-by Westport. Cantrell not only had specimens of "float gold," which he himself had obtained in Cherry Creek, but he reported that he had met a party of Georgians, headed by Green Russell, from whom he learned that seven of the party had made more than \$1,000 in ten days.<sup>1</sup>

<sup>1</sup> *Westport Star*, August 28, 1858 through *Colorado Gold Rush: Contemporary Letters and Reports 1858-1859*, Edited by Dr. LeRoy R. Hafen, Historian Emeritus of the State Historical Society of Colorado. This book is Volume X of the Southwest Historical Series, published at Glendale, California, by The Arthur H. Clark Company. According to Dr. Hafen, "Most of the material presented in this volume was gathered by Doctor and Mrs. James F. Willard and by Elmer R. Burkey. . . . During vacation periods for a number of years Professor Willard and Mrs. Willard searched the newspapers of the country for Pike's Peak gold rush data. Before gathering was completed, Doctor Willard's work was terminated by death (November, 1935). The material gathered was placed by Mrs. Willard in the University of Colorado Historical Collections. In 1936, Mr. Elmer R. Burkey, then doing research work for the State Historical Society of Colorado, was detached from his work at the state museum and spent one year in other states [for the Society] gathering primary material on the gold rush to Colorado. . . . He traveled some eight thousand miles, worked in twenty-five libraries, and searched three hundred eighty-five volumes of one hundred thirty-five different newspapers. Most of his time was spent in the cities and towns along the Missouri River, but leads carried him as far east as Georgia."

This source material gathered by the Willards and Elmer R. Burkey and preserved by Dr. Hafen has been extremely helpful in the preparation of this article.—Editor.



That gold existed in the area later known as Colorado, had been rumored for many decades. Spaniards were said to have mined for it, and had to some extent been successful in the San Luis Valley. A man named James Purcell (Pursley) had, in 1807, assured Captain Zebulon M. Pike in Santa Fe, New Mexico, that he had found gold in South Park in 1803. Indians had brought gold in various forms to the trading posts along the North and South Platte Rivers and the Arkansas. But neither the Indians nor the mountain men had tried to develop mines as they knew that the lure of gold would be sure to bring to their hunting grounds many men who would destroy the game, and who would ruin their trapping and trading business.

In 1850 a party of Cherokees, going to California, camped on a branch of Clear Creek near the present site of Denver. Among the group were some who had once lived in the gold region in Georgia. They knew "color" when they saw it. On June 22, Lewis Ralston, one of the party, found a little gold in the stream which runs through present Arvada. His companions named the stream in his honor Ralston Creek. Since the amount of gold in the sand was small, the party pushed on to the West.

In the spring of 1857, the War Department sent an expedition into the West to hunt down the Cheyenne Indians who had been on the warpath for a year. The soldiers were to bring the Indians to terms, or to chastise them. This expedition was divided into two commands. One command, comprising four companies of the First Cavalry under Major General John Sedgwick, proceeded by way of the Santa Fe road and upper Arkansas River to the foot of the mountains. Sedgwick employed at Leavenworth, as guides, scouts and trailers for the expedition, a half-dozen Delaware Indians whose reservation on the Kaw River was near Lawrence. These Delawares were under the command of old Chief Fall Leaf. According to Robert Morris Peck,<sup>2</sup> of Companies E and K, First Cavalry, who was with the command:

Near the mouth of a creek called Fountain que Bouille, we turned off from the Arkansas and struck over the divide for the head of Cherry Creek, passing through some fine bodies of pine timber. At a point shortly before leaving the Arkansas, a small collection of 'dobe shanties on the opposite bank of the river had been pointed out to me as Pueblo, then a small settlement of Mexicans and trappers.

Soon after reaching Cherry Creek, while marching down it, we met a party of six or eight men—Missourians, all afoot—with a little old wagon drawn by a single yoke of steers . . . on their way back to Missouri. *These men were the first discoverers of gold in the Pike's Peak region.* I have always been sorry that I did not ascertain their names, and more about them, in order to

<sup>2</sup> Robert Morris Peck, "Recollections of Early Times in Kansas Territory." *Transactions of the Kansas State Historical Society*, Vol. VIII, 484-507. (Topeka: Geo. Clark. 1904.)



Panning For "Colors"

(Note: Photographs used in this article have been supplied from the files of the Library, State Historical Society, and from some engravings used in Smiley's *History of Denver*.—A.W.S.)



give them the credit to which they are entitled, for giving to the country so important a discovery. The honor of this discovery has been claimed by others, but I am satisfied that those Missourians were the first to make known to the public the presence of gold in that part of the country. Remember this was all Kansas territory then.

Those men had a wounded comrade lying in their wagon who had accidentally shot himself through the hand, in pulling his rifle out of the wagon muzzle foremost, a day or so before we met them; the wound had reached the gangrene stage, and they halted to ask surgical aid from our doctor. Our surgeon decided that it would be necessary to take the man along with us, and while halting to bring up a wagon and transfer the man, we got a chance to talk to them a little, and they told us their troubles. I think they had been in the mountains between the mouth of Cherry Creek and Pike's Peak all winter and spring [1856-1857] prospecting, and had found plenty of gold, some of which they showed us, put up in bottles and little buckskin bags.

They had originally intended to keep the discovery of gold a secret, but the Indians had run off all their stock except the yoke of steers, and had otherwise made life such a burden to them that they finally concluded the only way to make mining safe and profitable was to go back to Missouri, proclaim their discovery, make up a strong party that would be able to hold their own against the Indians, and return determined to have "the dust."

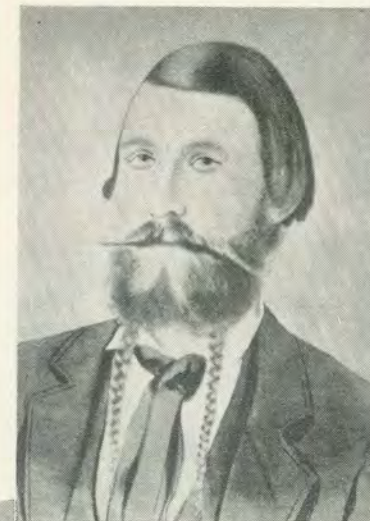
We parted company with them—they continuing on towards the States, and we moving on down to the mouth of Cherry Creek, where Denver now stands, and camped, on the 29th of June, 1857.

What happened to this party of Missouri prospectors is not of known record. Did their reports of gold spur on some who joined the rush for Pike's Peak in the spring of 1858? Did any of the Missourians themselves return to the Rockies? It would be interesting to know.

At any rate, it is of record that Fall Leaf, the Delaware, proved himself a good guide and expert hunter with the Cheyenne expedition. In the autumn of 1857, he returned to his reservation in eastern Kansas. In Lawrence he displayed gold nuggets which he said he had obtained while with the military expedition. His gold created much excitement. Fall Leaf agreed to lead a party to the gold fields as soon as weather permitted in the spring. But when a party left the Lawrence area the following May, Fall Leaf was not along.

The first organized party to head for Cherry Creek early in 1858, was the Russell party, led by William Green Russell of Dawson [Lumpkin] County, Georgia. His party, including his brothers, Dr. Levi and Oliver J. Russell, left Georgia in February. They were joined in Kansas by a party of Cherokees from Oklahoma, with whom Green Russell was acquainted, as he had married a woman of Cherokee blood.

In narrating some of his experiences some months later, William Green Russell said:<sup>3</sup>



WILLIAM GREEN RUSSELL

JOSEPH OLIVER RUSSELL

DR. LEVI J. RUSSELL

<sup>3</sup> *Leavenworth Times* (Daily), Oct. 19, 1859.



... in 1849, I was attacked with the California fever, and left my home for the distant El Dorado. I went by the Northern Overland Route. While passing through that portion of the Rocky Mountains known as the Black Hills, I prospected for gold, and found it on the head waters of Sweet Water Fork (Wyoming). In consequence of these indications of gold, I made up my mind at that early date, to return to the Eastern slope of the Rocky Mountains and search for the deposits that I believed to be hidden in them.

Having spent three years in California, I returned to my Georgia home in 1852. While there I determined upon carrying out the plans I had formed in 1849, but it was not till March, 1857, that I managed to leave my home a second time, on a gold hunt.

The political troubles that then prevailed in Eastern Kansas, however, prevented me from passing through the disturbed portion of the Territory. I spent the warm season in the vicinity of the Missouri River, and returned in the Fall to Georgia to spend the Winter.

In the following month of February I again set out. My opinion that rich mineral treasures lay concealed in the Rocky Mountains, had been strengthened in the meantime by numerous letters written by natives of Georgia, who had emigrated to Western Arkansas and the Indian Territory. They stated that some of the Cherokees had found gold at different points in the South Platte Valley, in 1850 and 1852.

When I left Eastern Kansas on the Southern or Arkansas route, my company numbered eighteen. But on the way we fell in with a party of Cherokees, and a company of Missourians, who were also in search of the supposed gold, so that we numbered one hundred and one males when we reached the base of the Rocky Mountains.<sup>4</sup>

While coming up Cherry Creek we washed a few pansful of dirt on its head waters, and found the "color." On the 23d of June, '58, we came to that portion of the Platte Bottom on which the town of Auraria is now situated.

We remained in that vicinity, prospecting at different points, until about the 6th of July, when the company, the majority of whom had become discouraged by the insignificant results of our prospecting and the similar experience of other companies, dissolved. But thirteen of the one hundred and one determined to continue prospecting, and started up the South Platte. We found<sup>5</sup> a fair prospect of gold on that river, as well as its tributaries. We penetrated the mountains to the edge of the South Park, where we hunted for gold until the latter part of August, returning thence to the mouth of Cherry Creek.

After a short stay, we again started out in a Northern direction. We went as far as the Medicine Bow Mountains, which we prospected, finding strong signs of gold. On the 23d of September we again built our campfire on Cherry Creek.

Upon my return from the Medicine Bow Mountains, I found a party from Lawrence, K. T., on Cherry Creek, who had started from that town for Pike's Peak many months previous. Not having found gold in the vicinity of the Peak, they had pushed southward into New Mexico. Upon hearing, however, of our prospecting on the head waters of the South Platte, they again turned northward, and finally met us as before stated.

<sup>4</sup> Some sources give 104.

On the 15th of October I set out on the return trip. When I left I had from three hundred to four hundred dollars worth of gold—the result of my prospecting during the preceding month. An almost equal amount had been taken to New Mexico, by a portion of our party, who had gone thither for provisions. When I left for the Missouri River most of the members of my company remained behind mining on the South Platte, near to its junction with Cherry Creek.

I reached Leavenworth City on or about the 15th of November, where I was eagerly beset by people for news from the reputed gold country. The sight of the gold I had in my possession, seemed to produce great excitement, although I admonished all to be cautious, and stated everywhere that I had as yet failed to obtain evidence of the existence of gold in large quantities.



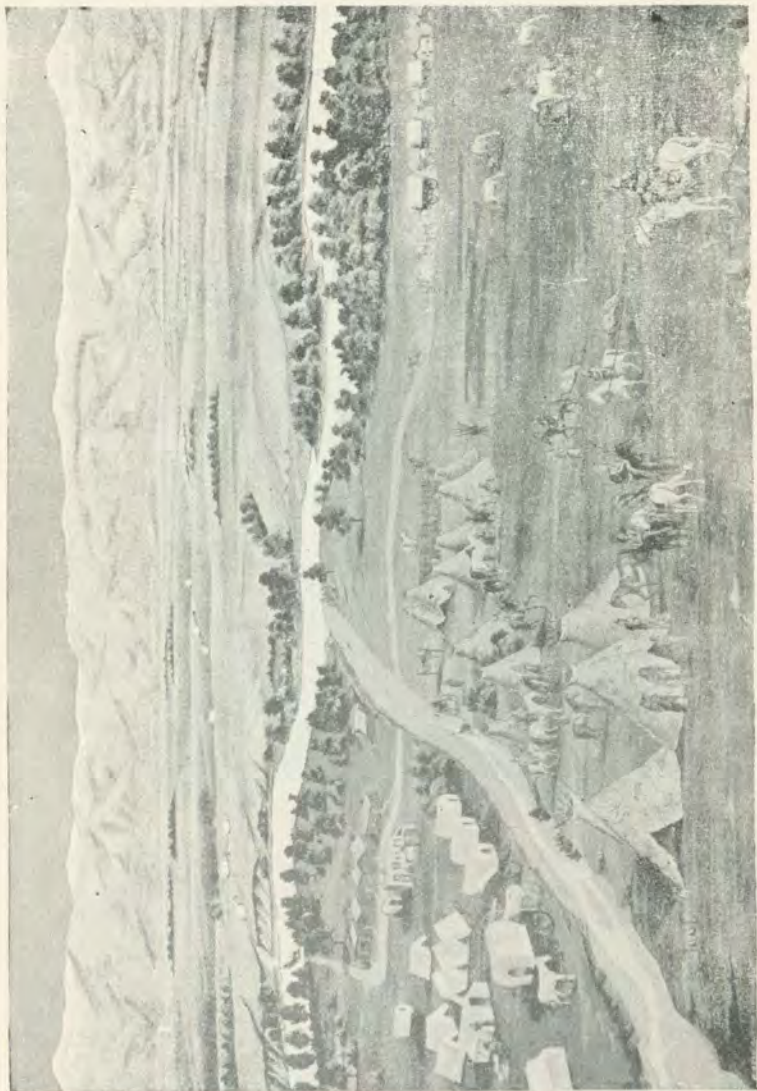
William Green Russell spent the winter preparing for another trip to the South Platte country in the spring of 1859.

The Lawrence party, which Green Russell found camped on Cherry Creek, had started for the gold fields from Eastern Kansas the last of May, 1853. Having been joined by various individuals along the way, the party, by June 5, numbered 46 men, two women and a child.<sup>6</sup> A. Voorhees, who kept a journal

<sup>5</sup> One of the tributaries was Little Dry Creek where the important strike of "pay dirt" was made.

<sup>6</sup> The women were Mrs. James Holmes and Mrs. Robert Middleton, who was the mother of the child. Mrs. Holmes was formerly Julia Archibald, a young bride, who, with her husband, climbed Pike's Peak. She is acknowledged to be the first white woman to make the ascent of the peak. Mr. and Mrs. Holmes wintered in New Mexico. Later James Holmes was made Secretary of the Territory of New Mexico. The Middletons went first to Pueblo and later to Canon City.—*The Bloomer Girl on Pike's Peak*, Edited by Agnes Wright Spring, Denver: Denver Public Library, 1949.





Primitive conditions at the mouth of Cherry Creek. (According to Jerome Smiley, the only value of the drawing is "In its topographical suggestiveness and its hints of what were general conditions early in November, 1858.")

of the trip, recorded that the company had nine ox teams, two horse teams, and one mule team, with 50 head of cattle.

Only two or three of the Lawrence party were experienced miners, but all of them took a hand at prospecting. They camped for a time near the Garden of the Gods, sent two parties toward South Park, and when they did not find gold in quantity, turned south to prospect and to obtain supplies at Fort Massachusetts. The site of the fort was at that time being moved to that of present Fort Garland.

While prospecting in Sangre de Cristo Pass the party received news of the Russell party's success on Dry Creek. Some of the Lawrence men retraced their steps to Fontaine qui Bouille, and then came up to the South Platte. Others returned to their homes in Eastern Kansas while Mr. and Mrs. Holmes, who had gone to New Mexico, remained there.

Being more experienced in handling real estate than in mining for gold, the Lawrence men who came north, decided to build cabins at the Russell diggings or "Placer Camp" on Dry Creek. They laid out Montana City about a mile away, some six miles from the confluence of Cherry Creek and the South Platte. After erecting a few log houses, they decided that it would be more advantageous to have a townsite near the mouth of Cherry Creek where the so-called Trappers' Trail from Taos, N. M., and from the Arkansas River to Fort Laramie, crossed the Platte.

John Smith and Jack Jones (William McGaa), Indian traders who had married Indian women, set up their tepees at the mouth of Cherry Creek, in the autumn and began to erect log shelters for the winter. Their camping grounds were on the west side of Cherry Creek. On September 24, 1858, the Lawrence men came down from Montana City and laid claim to the land on the east bank of Cherry Creek, near its mouth. They formally organized the St. Charles Town Company, taking in Smith and Jones, as part of the company. It was felt that these traders had influence with the Indians, and since this western country was considered Indian country because of treaties which the Indians had, it seemed important to have these men as company men. On October 2, the St. Charles men turned their faces homeward for the winter, intending to perfect plans for their proposed town. One of the company named Nichols returned and began the erection of a cabin but it was not completed.

Already news of gold discoveries had reached the towns along the Missouri River. The Kansas City *Journal of Commerce* was especially active in promoting Kansas City as an outfitting place for the mines. On August 27, 1858, it reported that "There is perfect furore in Kansas City on the subject of the Pike's Peak mines. We have no hesitation in saying that



## EARLY AURARIA-DENVER CABINS



Unfinished Cabin of Charles Nichols, St. Charles Townsite (Denver).



Cabin of Jack Jones (William McGaa). McGaa was father of first child born in Denver, William Denver McGaa, 1859.



Double Cabin of Russell Brothers and John Smith.

in a fortnight the road from Kansas City to Council Grove, and thence west to the mines, will be lined with gold-seekers for the new Eldorado." And, "Great excitement is now rife in this city, and on every corner can be heard the usual conversation incident to the gold fever mania. 'How far is it there?' 'How long will it take to make the trip?'"

Four days later, on August 31, said the *Journal*: "We are informed that on Sunday last there were 'signs' of emigration to the Pike's Peak gold region seen in the streets of Westport. A wagon loaded with the necessary outfits for mining, consisting in part of wheelbarrows, plows, washers, pans, picks, and whiskey was paraded in front of the Smith House, early in the morning for Pike's Peak."

Parties were organized at Plattsmouth, Omaha, Florence, Bellevue, Council Bluffs and other Missouri River towns. With little knowledge of winter on the prairies, parties started for the new Golconda.

Early in September there arrived in Leavenworth, a man named Edmond King, who said he had gone out to the mines with a party in May. He displayed a goose quill filled with flakes of gold, which he claimed he had panned in Cherry Creek. Such phrases as the following began to appear in the daily press: "Leavenworth was agog Thursday. 'Gold' was upon the lips of all"; "Gold! Gold! Gold! . . . Every trader or prospector coming from the region gives flattering accounts. . . . Eight, ten, and fifteen dollars per day have been obtained with the simplest tools."

At Nebraska City, Nebraska, on September 7, it was reported that the "gold fever" is raging, and many are preparing to go to 'Cherry Creek' instantly. The most flattering reports are reaching us daily, in regard to the immense success at the 'diggins.'" The editor, however, added, "I have serious doubts of their truth."

*The Boston Transcript* of September 28, carried the news that Governor Denver had written the Secretary of the Interior at Washington, that the late news from Pike's Peak "leaves no room to doubt the correctness of the reported discoveries of gold in that vicinity. The explorers have found gold on the Arkansas, on the heads of the Kansas, and on the south fork of the Platte river. . . ."

Companies and individuals daily were reaching the South Platte. On October 30, a mass meeting was held to discuss plans for founding a town in the V formed by Cherry Creek and the South Platte. Two days later the Auraria Town Company was organized, with Henry Allen, President. The name Auraria<sup>7</sup> was selected in honor of Auraria, Georgia, five miles from

<sup>7</sup> *Daily Missouri Republican* (Saint Louis), September 17, 1858.

<sup>8</sup> Quite often in the early days in Colorado the name Auraria was misspelled. One common spelling was "Auroria."





First Cabin Built in Townsite of Auraria. Constructed by Anselm H. Barker in four days, November, 1858.

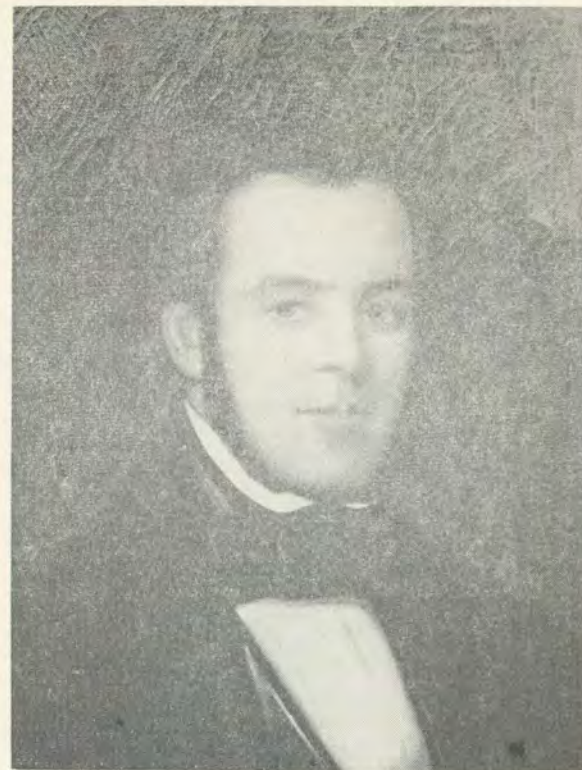
the Russells' home at Dahlonega. There during the gold rush of 1833 a town had been established with a Latin name meaning "gold."

As soon as the constitution had been adopted by the Auraria Town Company, William Foster, an engineer, began to survey a townsite. Anselm H. Barker,<sup>9</sup> who had arrived with the Plattsmouth (Nebraska) company on October 24, being a "man of action" busied himself at once hewing logs and hauling them to the lots which he had selected. He worked unceasingly for four days, and by November 4, had completed a cabin sixteen by sixteen feet, of cottonwood logs. This was the first cabin erected on the newly laid out townsite of Auraria, later known as West Denver.

Newspapers in Boston, Chicago, Omaha and other cities now carried "correspondence" from various western towns with the latest word from the mines, brought direct by those who had been there.

In the meantime, back in Leavenworth, Kansas, General William Larimer, a former banker and railway president of Pittsburgh, Pa., who now had interests in Leavenworth, proposed getting up a party to start for the mines. Eighty or more men volunteered to accompany him. But when the start was made in October, the party comprised only a total of six: the

<sup>9</sup> With fourteen companions, known as the Plattsmouth Company, Barker started for Cherry Creek on September 20, 1858. They arrived at their destination on October 24, 1858.



GENERAL WILLIAM LARIMER

General and his son, William H. H. Larimer, C. A. Lawrence and his nephew, Folsom Dorsett, R. W. Whitsitt, and Marshall M. Jewett.<sup>10</sup>

Along the way west, General Larimer's party had been joined by a party of eleven men from Lecompton, K. T., among whom were the following officers, appointed by Governor Denver to perfect the organization of "Arapahoe County, Kansas Territory": H. P. A. Smith of Lecompton, probate judge; J. H. St. Mathew, district attorney; E. W. Wynkoop, sheriff; Hickory Rogers, clerk of the board of supervisors. The Larimer party reached the mouth of Cherry Creek on November 16.

Discovering upon his arrival that Auraria was an organized settlement, General Larimer, who was experienced in real estate matters and who was looking for new fields to develop, immediately crossed to the east side of Cherry Creek. There

<sup>10</sup> Sometimes he spelled his name "Jewitt."



he laid claim to the site of the projected but undeveloped St. Charles townsite. Only the unfinished Nichols cabin gave any evidence of previous ownership.

General Larimer and his son immediately began to erect a cabin, said to be the first one completed on the site of present East Denver. The first four cabins erected were at what is now Fifteenth Street and Larimer: General Larimer's was on the southwest corner, Moyne and Rice were on the southeast corner, Hickory Rogers built on the northwest corner and Lawrence & Dorsett's cabin was on the northeast corner. These cabins formed the nucleus of what is now East Denver.

Quickly the Larimer party organized the Denver City Town Company, giving to the new townsite the name of James W. Denver, who was Governor of Kansas Territory when they had started on their westward trek.<sup>11</sup>

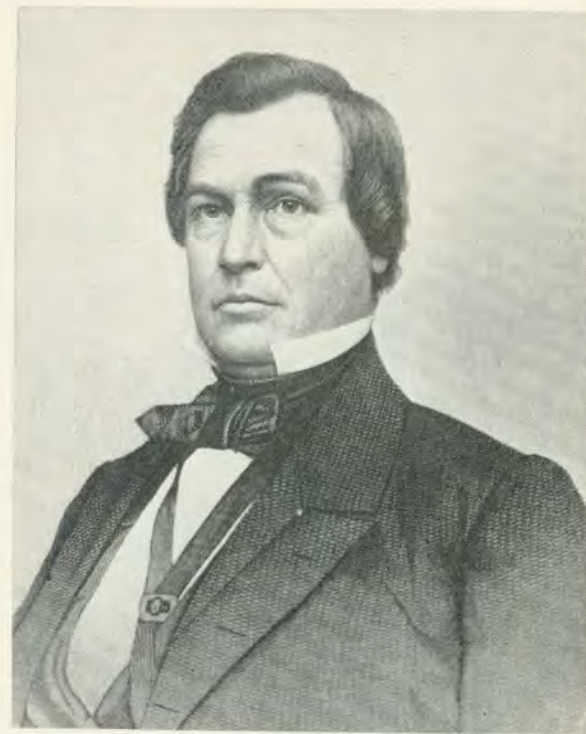


First Completed Cabin in Denver City, Cabin of William Larimer and his son, November, 1858.

Although later there was for a time a disagreement over the townsite between the St. Charles men and the members of the Denver City Town Company, a compromise was reached with a settlement that was satisfactory to both sides.

In the autumn of 1858, hunters of Pike's Peak gold who crossed the western plains and hills, "had no smooth, hard road, with occasional stations occupied by the white man, to follow; no accompanying endless train of white-topped emigrant wagons and fleets loaded with merchandise. . . . They met a small party from Cherry Creek once in a while, all of them with goose quills or little vials of gold dust, which some of them called 'the elephant,' and were carrying home to show

<sup>11</sup> The name Denver City was adopted on November 22, 1858.—Minute Book of the Denver City Town Company. General Denver resigned as Governor on October 10, 1858, because of the internal strife in "Bloody Kansas."



GENERAL JAMES W. DENVER

their friends, hoping thereby to save them a pilgrimage to the Mountains to see it; others were going to use 'the elephant' to obtain reinforcements. . . . After passing the California crossing they had no road, but picked their way along in view of the river the best they could. As they came within sight of Long's Peak, lying like a smoky thunder-head in the far and indefinite horizon, a hundred miles distant, we can imagine their exaltation of feeling. Pretty soon Pike's Peak could be seen compelling the clouds; and then the varied outline of the entire range of mountains between—one hundred miles in length, cutting boldly the evening sky, and doubtless exhaling the gold of the sunset, or perhaps mysteriously mingling with the cloud-lands—grew upon their vision, these men of the prairies, who had never seen a hill five hundred feet high!"<sup>12</sup>

By mid-November Auraria was reported to have from fifty to seventy-five houses "put up." The number of houses varied according to the reporter. Newspapers eagerly printed any scrap of news from the "Gold Mines" regardless of exaggera-

<sup>12</sup> O. J. Hollister, *The Mines of Colorado*, Springfield, Mass., 1867, pp. 12-13.



tion. It was estimated that there were six hundred men scattered along the South Platte and its branches within fifteen miles of Auraria and Denver by December.

Because of the snow in the mountains most of the newcomers stayed close to the settlements. They began making arrangements for sluices, rockers, cradles, long toms and other mining equipment for spring use.

About thirty or forty men, however, pushed on to the foothills and wintered about twelve miles west of Auraria, at the



LEFT-HAND (NIWOT)  
Friend of the Prospectors.

base of Table Mountains at a camp called Arapahoe, which was founded on November 29. Among those who left records of their winter in that vicinity are Marshall Cook<sup>13</sup> and George A. Jackson. Cook, in charge of the Doniphan Company from Nebraska, arrived on the Platte on October 29.

On the part of its journey from Fort Kearny to Beaver Creek, Cook's party had been accompanied by Left Hand (Niwot), an Arapahoe chief, and his family who had been on

<sup>13</sup> Marshall Cook's original manuscript was presented to the State Historical Society by Mrs. H. A. Clingenspeel, of Johnstown, daughter of Mr. Cook.

an extended tour through Iowa and Nebraska. Left Hand, who had been educated by the United States Government, spoke good English and told Cook that he had made the tour "to clear up the mystery as to how their white intruders obtained their bread by the sweat of their brows, while the redman alone procured his meat by the chase." Chief Left Hand's party left Cook and joined a band of Arapahoes who were camped on Beaver Creek. The Chief was always very friendly towards the gold-seekers.

When Marshall Cook's men began prospecting on Vasquez Fork (Clear Creek) they discovered a number of half-buried boulders, which undoubtedly had been used to mark corners. Apparently the stones had been used to designate mining claims years before.<sup>14</sup>

By January 10, it was reported that the miners at Arapahoe City were erecting two sawmills, preparing sluices, and doing other work for early spring operations.

Thomas L. Golden, for whom Golden City (1859) was named, wrote to the *Missouri Republican*<sup>15</sup> in late November as follows: "I send you a specimen of our gold, which I dug myself. I have discovered new mines, twelve miles from Cherry Creek. The creek empties into South Platte, ten miles below where Cherry creek empties into the Platte. There are at this time fifty-three men at work at these mines, who average from \$4 to \$10 per day. Several old miners are at work in the mines. . . . We have prospected ten miles square. It will all pay wages by bringing water to it. We have organized a company of one hundred and begun a ditch. . . ."

#### HERE THEY DUG THE GOLD

"Surely there is a vein for the silver, and a place for gold where they fine it." JOB 28:1.

For long years the expression "Gold is where you find it," has been in common usage. Ovando J. Hollister quotes it in his book, *The Mines of Colorado*, 1867. Just where the "find" originated has not been determined. According to various Bibles, Job used the word "fine" in referring to a place for gold. Some authorities contend that he meant "find," some think that he referred to "refine."

At any rate in many places about all of the instructions that can be given to prospectors is "Gold is where you find it." This proved true in the case of the Jackson discovery early in 1859.

George A. Jackson, a 24-year-old Missourian, who had made the trip to California in 1853, and had engaged in mining there until 1857, came to Fort Laramie in the summer of 1858 to

<sup>14</sup> According to Cook's manuscript in the State Historical Society, these boulders had been placed by Joel Estes, pioneer of Estes Park, who said that he had prospected this country in 1833, and had then gone on to the Black Hills.

<sup>15</sup> *Missouri Republican* (St. Louis), January 6, 1859.





## INSCRIPTION ON PLAQUE

On This Spot  
Was Made The First  
Gold Discovery  
By  
George A. Jackson  
7 January  
1859  
Placed 1906

prospect the Laramie Fork. Not having any luck there and hearing that gold had been found on Cherry Creek, Jackson, with a small party of white men and twenty Sioux Indians, started for Cherry Creek.

He prospected every creek and branch between Fort Laramie and Vasquez Fork (Clear Creek). A little gold was panned on St. Vrain's Creek, but with winter coming on, the men hastened to the mouth of Thompson's Fork where they built cabins.

Either from monotony or necessity Jackson and two companions left the shelter of the cabins and went into the snow-covered mountains on an elk hunt. Jackson related some of his hunting and prospecting experiences as follows:<sup>16</sup>

Dec. 26, 1858. Tom Golden, Black Hawk and I left camp today for an Elk hunt. Took the old Ute trail with cart and yoke of cattle. Went into Elk Park about seven miles S.W. from our old camp on Vasquez Fork. Snowing. Camped at a spring in Quakenasps.

Dec. 27. Still snowing—Tom hunting for oxen; Bk Hawk and myself for Elk. I killed one old Bull today—no good. Black Hawk killed a fine fat cow. Still snowing.

Dec. 28th. Snowing fast, accompanied by high wind. In camp all day.

Dec. 29th. Clear. All out hunting today. Tom down the creek; Bk Hawk to the North,—and I to the two Blue Mountains, 1½ miles to the west.—Tom killed two deer;—Black Hawk one Deer and two Elk. I got into camp late at night. Saw about 600 Elk. Killed 5 cows and one Bull.

Dec. 30th. All off for the Elk ground of yesterday; Tom and B H

<sup>16</sup> The original of Jackson's diary was presented to the State Historical Society by Jackson's daughter, Mrs. Mark Atkins of Ouray, Colorado. The diary, edited by Dr. LeRoy R. Hafen, with detailed footnotes, was published in *The Colorado Magazine*, Vol. XII, No. 6 (November, 1935), 201-214.

to bring in the meat and I to follow up the Band of Elk. Left Tom and Black Hawk Butchering the kill of yesterday—and took the Elk Trail west; followed to Brow of Mountain looking down on Vasquez Fork. Ran into about six hundred Elk; killed one fat cow and camped.

Dec. 31st. Jerked Elk meat until noon with intention of going down the mountain to Vasquez Fork. Packed my meat and Blankets and started down over fallen timber and through snow four feet deep. Had a H-l of a time before I reached the creek. Went into camp on creek at dark. Dogs and I almost tired out. Made a big fire after supper and dried my clothing and Blankets. Turned in about 12 o'clock and slept good until daylight.

Jan. 1st 1859. Clear day. My supply of States grub short;—2 lbs. bread—½ lb. coffee—½ lb. salt. Plenty meat for myself and Dogs. So here goes for the Hd of the creek. Told Tom I would be back in a week to our old camp above Table Mts. Off;—good travelling most of the way. Killed Mt. Lion today;—Made about 8 miles and camped at Mineral Springs<sup>17</sup> near mouth of small creek coming in from south. Snow all gone around the Springs—Killed fat sheep, and camped under three cottonwood trees. 1,000 sheep in sight tonight. No scarcity of meat in future for myself and Dogs.

Jan. 2nd "Drum" and "Kit" woke me by low growls at Daylight—Sheep all gone—Mt. Lion within 20 steps. Pulled my gun from under the Blankets and shot too quick—broke his shoulder—but followed up and killed him—Clear;—high wind and verry cold. In camp all day. Bread all gone—plenty fat meat—"no wantum bread."

Jan. 3rd Still clear and verry cold—Sun dogs—Sheep came down again—Are verry tame; walk up to within 100 yards of camp and stand and stamp at me and the dogs. Mt. Lion killed one within three hundred yards of camp today and scattered the whole Band again. Went up the main creek to another tributary,<sup>18</sup> coming in from the South; a little larger than this one.

Jan. 4th Pleasant day. Made a long tramp today;—followed up the Main Fork five miles—here the main creek forks, each one about the same width; followed up the North Fork<sup>19</sup> about three miles;—canons and Plenty Snow—got back to camp after dark. Mountain Lion stole all my meat today in camp—no supper tonight—D-n him.

Jan. 5th Up before day. Killed fat Sheep and wounded Mt. Lion before sunrise. Eat ribs for breakfast;—drank last of my Coffee—After breakfast moved up half mile to next creek on south side; made new camp under big Fir Tree. Good gravel here, looks like it carries gold. Wind has blown snow off the rim but gravel is hard frozen. Panned out two cups;—no gold in either.

Jan. 6. Pleasant day. Built big fire on rim rock to thaw the gravel;—kept it up all day—Carcajou came into camp while I was at fire. Dogs killed him after I broke his back with Belt axe;—H-l of a fight.

Jan. 7th. Clear day. Removed fire embers and dug into rim on bed rock—Panned out eight treaty cups<sup>20</sup> of dirt and [found] nothing but fine colors—9th cup I got one nugget coarse gold—feel good tonight.

Dogs dont. Drum is lame all over;—Sewed up gash in his leg tonight. "Carcajou no good for dog"—

Jan. 8th Pleasant day—Well Tom, Old Boy I've got the diggings at last—but can't be back in a week—Dogs can't travel D-n a carcajou. Dug and panned today until my belt knife was worn out—so I will

<sup>17</sup> Present day Idaho Springs, Colorado.

<sup>18</sup> Present Chicago Creek.

<sup>19</sup> Said to be Fall River.

<sup>20</sup> Identified by W. N. Byers as: "A large coffee cup, or basin, holding about a pint and a half." See: *The Colorado Magazine*, Vol. XII, No. 6 (November, 1935), 205.



have to quit or use my skinning knife. I have about  $\frac{1}{2}$  oz. gold; so will quit and try get back in the Spring.

Jan. 9th Filled up the hole with charcoal from the big fire and built a fire over it. Marked the big Fir Tree with Belt axe and knife thus



Jackson was forced to stay in camp until the 12th because of a storm, then he made a start down the creek on the ice but made only four miles because of the lameness of the dogs. He put balsam on Drum's wounds, which seemed to help. On January 13, Jackson and the dogs made about ten miles on the return trip.

According to Jackson:

Jan. 14 Started out early—good going on ice the most of the way—had hard time getting down some falls today—stopped at noon two hours and whanged up my moccasins—pretty near barefooted. Got out at mouth of canon just at dark, and got down to the old camp—and had a good supper of States grub. Tom was getting uneasy a little. After supper I told him what I had found—and showed him the gold, and we talked, smoked and eat the ballance of the night. I could hardly realize I had been away nineteen days.

Jackson and Tom Golden kept the secret of the gold discovery to themselves, as they knew they could not work the "diggings" until the weather was better. Jackson went up to Fort Laramie, accompanied by Big Phil, "the Cannibal," to get mail for the camp.

On February 11, Jackson and Golden began talking of letting some men, who were camped down the stream, go in with them in developing the "diggings." These men called themselves the Chicago Company.



GEORGE A. JACKSON

A week later a "medicine talk" was held with Green and Horton, two of the Chicago men, and they agreed to furnish everything needed if Jackson and Golden would find pay dirt. As soon as the snow permitted, the men began prospecting where Jackson had found gold on January 7. This soon was called Jackson Diggings. Jackson sold his claim to the Chicago Mining Company, which began work in earnest on May 6, 1859. Within a few days word of the Jackson discovery reached Auraria and Denver City. Two hundred men were soon in the vicinity scratching the earth at every possible spot.

About the same time in January that George A. Jackson was digging into pay dirt on Chicago Creek, other prospectors



were discovering the yellow metal in a branch of Boulder Creek. They called the discovery place Gold Run. It was in the previous October that a party of gold-seekers coming in over the Platte River route, left the Auraria-Denver trail near old Fort St. Vrain and headed straight to the mountains. There in the mouth of a canon they laid out the beginnings of Boulder City. About the end of January, Deadwood Diggings sprang up on South Boulder, in a gulch filled with fallen timber. Soon afterward J. D. Scott located a gold-bearing quartz-vein which he named for himself. That vicinity came to be known as Gold Hill.

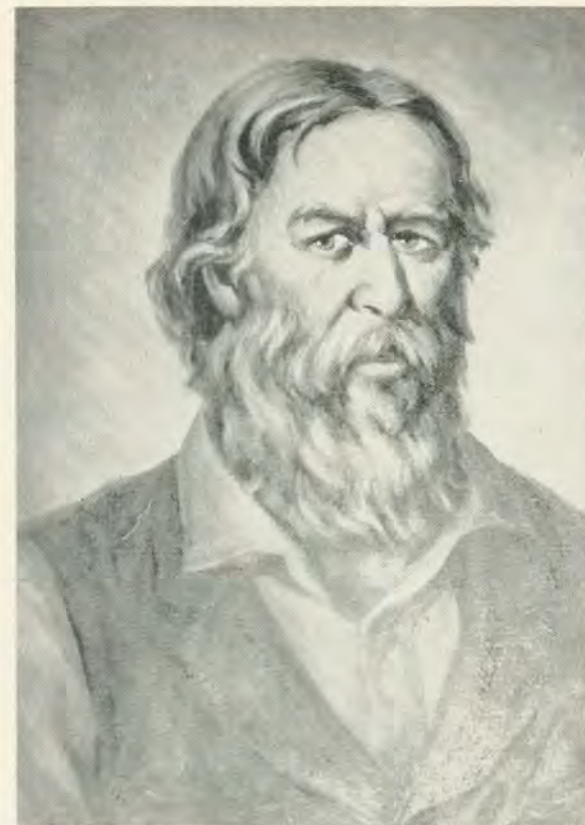
New arrivals kept coming to the Pike's Peak country during the winter from all parts of the States. They tried to penetrate the mountains, but most of them were forced to return to the valley because of the deep snow. Many, who were short of funds and provisions, returned to the States without delay, disgusted because, as Marshall Cook expressed it, "they did not find gold ready washed out, sacked up and labeled to their address where they formerly resided."

Many of the reports which were carried back to the States about the new gold country were conflicting. Some were glowing; some painted a dark picture, according to the experiences of individuals.

### GREGORY'S STRIKE

Among those who stuck to the country and ploughed through the snow drifts was John H. Gregory, of Gordon County, Georgia. He left home in 1857 for the Fraser River Stampede, working his passage as a deck hand on different steamboats up to Fort Leavenworth. Thence he drove a government team to Fort Laramie. It was then too late in the fall of 1858 to continue on to the Fraser River, so he wintered at the fort. Meanwhile Gregory heard rumors of gold discoveries on the South Platte, and started on a prospecting tour. Although most authorities say that Gregory reached the area where he made his world-electrifying discovery about the first of May, 1859, Marshall Cook stated that he and five others met Gregory in the mountains while they were on a prospecting tour in April.

Said Cook: "We followed up Clear Creek to the mountains and then journeyed along their base North four or five miles until we came to an old Lodge Pole trail that entered the mountains at that point. We had followed this trail but a short distance when we suddenly came upon the tracks of a mule and footprints of men, so we increased our speed in order to overtake the party on the trail ahead of us. About noon of the second day out we caught up with Kendall and Gregory at the junction of Missouri Gulch and North Clear Creek, who were busily engaged in prospecting the streams in the vicinity.

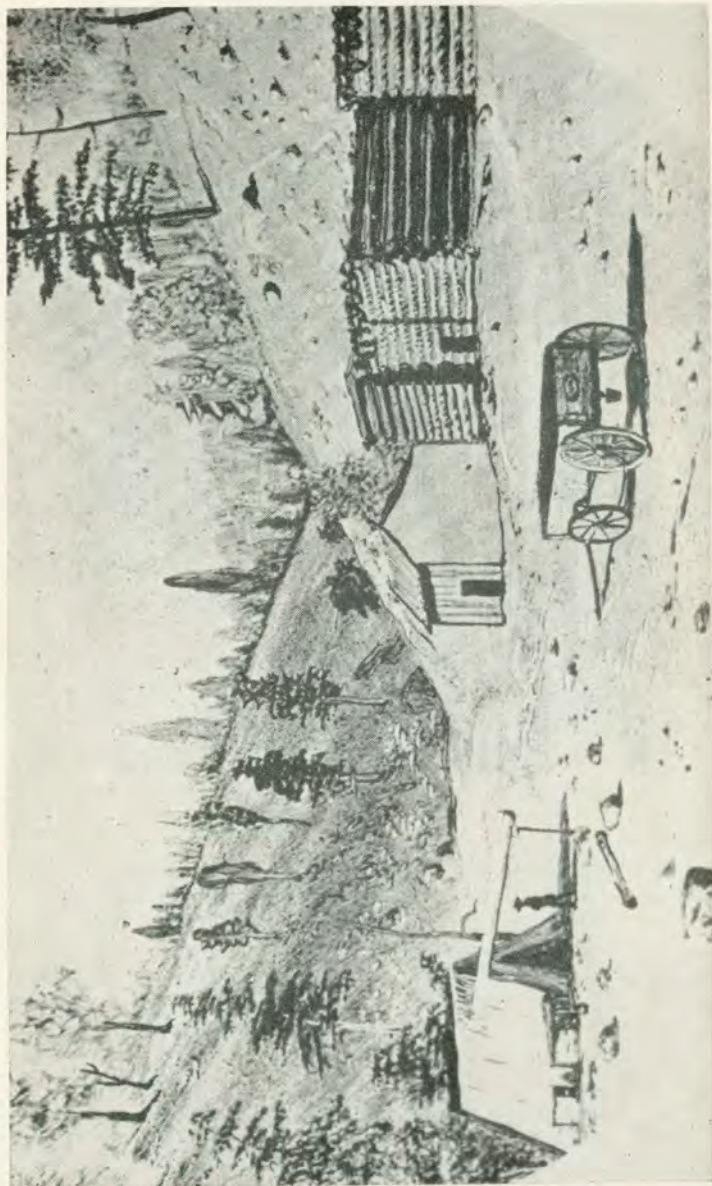


JOHN H. GREGORY *Juan Menchaca*

After the noonday lunch, Gregory proposed that himself, the writer and another member of the party should start down the creek with picks, shovels and pans to see what we could find in the way of gold. We traveled down two or three miles . . . without finding more than a color, until we reached the mouth of the gulch now known as Gregory Gulch, where we found a number of colors, as high as a hundred to the pan . . . Gregory remarked that the gold 'had not traveled far in its transit.' The snow being too deep in Gregory Gulch to accomplish anything, we returned to camp in good spirits but somewhat disappointed in not being able to prosecute researches further up Gregory Gulch.

"The adjacent mountains were covered, with huge drifts of snow, as was likewise the gulch, by reason of the large quantity of timber and undergrowth. . . . That evening while sitting around the campfire a consultation was held which resulted





Gregory's Gulch, 1859

in an agreement to divide the party. Next a.m. Gregory and Kendall and two other men that came up with us during the afternoon, started down Clear Creek to prospect all its tributaries and report at a meeting to be held at Arapahoe City."

A snowstorm soon drove the prospectors out of the mountains. The prearranged meeting was well attended. Gregory, Jackson, Cook and others reported finds. They exhibited some samples of float quartz "literally covered with specks of grain gold."<sup>21</sup>

Cook states that Gregory, who had shared the hospitality of Dr. Casto and William Kendall "for a month or more, including the use of a pack animal which he had used on the discovery trip, deserted them at the very time when he was on the eve of making the most important discovery that marks the greatest event of Colorado's history." At Arapahoe, Gregory "threw in with" recent arrivals from South Bend, Indiana. One of them, David K. Wall, grubstaked him.

On May 6, with Wilkes Defrees, one of the "Hoosiers," Gregory ascended the hill between Bobtail and Gregory Gulch and in the midst of a grove of young pines and aspen, found the blossom rock of a gold-bearing lead cropping out of the hill; he scraped away the leaves and filled his pan with dirt and fragments of quartz that had been rendered friable by the action of the weather, carried it down the gulch, and upon panning it down his greatest expectations were more than realized. There in the bottom of his pan was a quarter of an ounce, or something over four dollars worth of bright yellow gold.<sup>22</sup>

The Defrees men, whose tent he was occupying that night, reported later that Gregory began talking about his sudden wealth, and when they dropped asleep at 3 o'clock in the morning, he was still talking.

David F. Spain,<sup>23</sup> a member of the South Bend party, who was temporarily in Arapahoe City, recorded in his diary on Wed., May 4. . . . "Charley Arch and Wilk started for the Mountains again to prospect another spot. If that fails then for the states again." (This evidently was the trip that Wilk made with Gregory.)

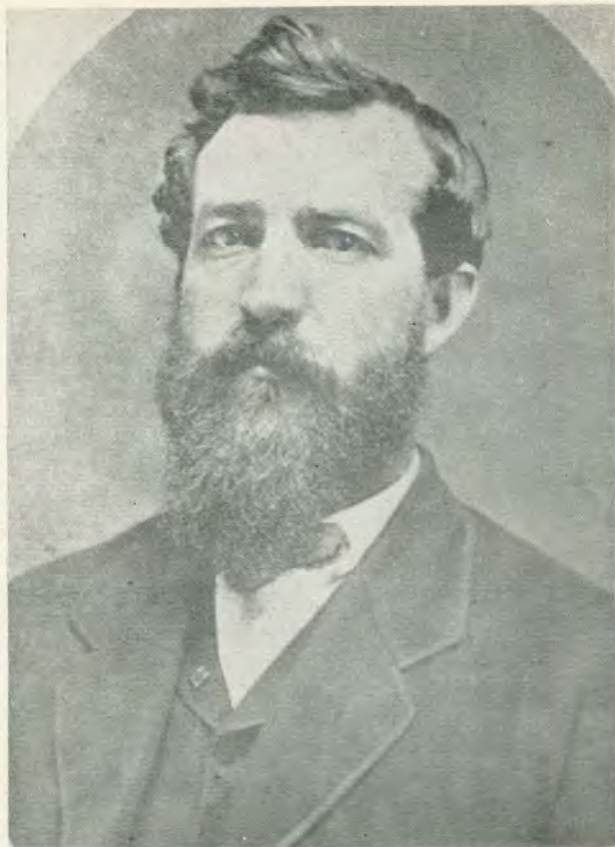
Said Spain on Sun. May 8: "This morning finds me feeling Bluer than any time since I left Home I am really HomeSick The Boys got in from the Mountains and report good Diggings.

<sup>21</sup> Cook manuscript, *op. cit.*

<sup>22</sup> "The discovery was made on what is now Claim No. Five. . . . A heavy storm prevented anything being done for ten days. From the 16th to the 23d, Gregory worked five hands on the claim, and with a sluice got out \$972. He soon after sold Nos. Five and Six to Henderson & Gridley for twenty-one thousand dollars, and commenced prospecting for other parties at two hundred dollars per day. It may not be out of place to add here that on the 8th of September following, Gregory left Denver for home with thirty thousand dollars' worth of dust."—O. J. Hollister, *The Mines of Colorado*, p. 63.

<sup>23</sup> See "The Diary of David F. Spain," edited by John D. Morrison, *The Colorado Magazine*, Vol. XXXV, No. 1 (January, 1958), 21.





DAVID F. SPAIN

Now we have got to pack our provisions 30 miles farther over the worst kind of a Mountain road. I am worn out with hard travel."

Little did David Spain realize that within two weeks he and his companions would be "cleaning up" from \$70 to more than \$400 a day at Gregory Gulch!

### THE RUSHERS AND THE GO-BACKERS

While a mere handful of hardy, strong-hearted men were battling the snowdrifts of the Front Range, hunting elk, jerking meat for their very survival, and fashioning clothing from buckskin, scores of newcomers were arriving daily at the mouth of Cherry Creek eager to prospect for gold. Many reached the little settlements out of funds and in pitiable condition. Some turned back half way to the Rockies when they heard the first rumblings of "Humbug."

Some began to fear that a real estate mania among promoters was at the base of the great influx to the Pike's Peak area as the advantages of towns such as Fountain City, Forrest City, Russellville, Columbus, Colona, Eldorada and Junction City were proclaimed. It was true that some of the new town-sites advanced only to the paper stage.

Letters appeared in eastern newspapers such as the following written by H. L. Bolton, dated January 19, 1859:<sup>24</sup> "All the accounts of gold findings of an extravagant character are the fabrications of speculators. I wish to put you and others on their guard against these stories."

In the *Chicago Press-Tribune*, Feb. 19, 1859, appeared the following, written in January:

Dear Parents:

... We have a fine place here, situated on the Cherry Creek and Platte River. There are 200 houses and about 2,000 men here, six white women and plenty of red ones. Everybody has a little gold dust and the miners are making, when they work, from three to ten dollars a day. Our place is on the South Platte, at the outlet of Cherry Creek.

I have got a little gold dust myself of which I send you a sample. It is hard to dig it, but that I am used to. ... Our cattle are doing very well here on grass, as we are having very fine weather this winter; we can work in our shirt sleeves. As for game and wild meat we have plenty; such as bear, buffalo, black and white tailed deer, antelope, turkeys, etc.

Your affectionate son,  
Folsom Dorsett, Jr.  
[Of Chicago, Ill.]

A. S. Brookfield writing from Boulder Canyon declared that the mines were a "d-d humbug . . ."

The *Kansas City Journal of Commerce* of March 25, carried a letter from H. L. Bolton written from Denver City on February 12 which said: "Here on this spot, where now you see a flourishing and enterprising town of nearly one thousand inhabitants, with dry goods stores, tin shops, real estate agencies, blacksmith shops, law offices and doctor shops, four months ago was a beautiful valley filled with game of every description. . . . The people here are expecting a heavy emigration next spring."

Eastern newspapers, on the whole, were extremely optimistic. More than 1,000 gold hunters from Illinois and Ohio were reported to be on their way to Kansas City in mid-January. On January 29, an editorial article in the *New York Tribune* read:

Ho for Pike's Peak! There is soon to be an immense migration, especially from our western states, to the new El Dorado. . . . There is scarcely a village west of Ohio in which some are not fitting for and impatiently waiting the day when a start may be prudently made for the neighborhood of Pike's Peak. We shall be disappointed if less than 50,000 persons start for the new gold diggings within the current year. Many go to dig, perhaps quite





Gregory Discovery

In Black Hawk near boundary between Black Hawk and Central City.

The inscription on plaque reads:

ON THIS GROUND, LATER KNOWN AS  
GREGORY DIGGINGS  
JOHN H. GREGORY OF GEORGIA,  
DISCOVERED THE FIRST GOLD LODGE  
IN COLORADO, ON MAY 6, 1859.  
THIS DISCOVERY INAUGURATED THE  
PERMANENT DEVELOPMENT OF COLORADO.  
THE DISTRICT HAS PRODUCED \$85,000,000  
IN GOLD.

Erected By  
The State Historical Society of Colorado  
From the Mrs. J. N. Hall Foundation  
And By  
State Civil Service Employees  
1932

as many to speculate on the presumed necessities, or fancies, or vices, of the diggers.

"A bigger army than Napoleon conquered half of Europe with, is already equipping itself for its western march to despoil the plains of gold. The vanguard has already passed the Rubicon, if I may so metamorphose the muddy Missouri," said a Des Moines, Iowa, correspondent.<sup>25</sup>

Guide books to the gold mines were published to the number of eighteen.

*Harper's Magazine* in its January number, 1859, carried a detailed description of carts for gold hunters, made on the same plan as those of the Red River people. Each cart was to be drawn by an ox in harness. Entire cost of the cart, ox and harness would not, it was claimed, exceed \$60. A man, it was declared, could carry from ten to 1,500 pounds, "all depending upon the vim of the ox."

Hand carts, manned by from three to four men, and freighted with 100 pounds to the man, were seen on the road in considerable number. Since men usually had to walk anyway, it was thought that there was an advantage of hand carts over animal-drawn vehicles, since it would not be necessary to procure feed for the animals.

On February 22, 1859, Messrs. Coleman and Turner, great cattle drovers, were reported to be driving fifteen hundred head of cattle from western Texas to Kansas City for "the express purpose of supplying the emigration of gold hunters . . . all well broke, four years old and upwards . . ."<sup>26</sup>

Horse-drawn, white-topped wagons, cattle trains loaded with baggage, pack animals piled high with supplies, tools and bedding toiled along the westward trails. Up the Arkansas River route, or along the Platte River, or paralleling the Smoky Hill trail they plodded along.

One Missouri River steamboat tug captain proposed taking passengers to Pike's Peak by water "as far as practicable." He mentioned the Smoky Hill Fork, as his farthest west connection.

By March 9, Omaha reported that more than seventy-five companies, averaging six men each, had outfitted there within two weeks. Those departing had left with heavy wagons drawn by four horses or mules; some had three or four yoke of oxen; some had only a pair of mules. Others rode or led a single horse, while many were pulling hand carts. Some went out on foot and alone with a wheelbarrow, or with a mining shovel over their shoulders from which dangled a small carpet bag or a bundle.

<sup>24</sup> *The Chicago Press and Tribune*, Feb. 21, 1859.

<sup>25</sup> *Ibid.*, Feb. 4, 1859.



By early March the latest news from Pike's Peak was eagerly sought from every direction. The following article published in the *Missouri Republican* on March 10, was not an exaggeration:

Pike's Peak is in everybody's mouth and thoughts, and Pike's Peak figures in a million dreams. Every clothing store is a depot for outfits for Pike's Peak. There are Pike's Peak hats, and Pike's Peak guns, Pike's Peak boots, Pike's Peak shovels, and Pike's Peak goodness-knows-what-all, designed expressly for the use of emigrants and miners. . . . We presume there are, or will be, Pike's Peak pills, manufactured with exclusive reference to the diseases of Cherry valley, and sold in conjunction with Pike's Peak guide books; or Pike's Peak schnapps to give tone to the stomachs of



White Tops On The Trail

overtasked gold diggers; or Pike's Peak goggles to keep the gold dust out of the eyes of the fortune hunters; or Pike's Peak steel-yards (drawing fifty pounds) with which to weigh the massive chunks of gold quarried out of Mother Earth's prolific bowels. . . .

At this moment there are hundreds of professional pick-pockets, pigeon droppers and "confidence men" here, ready to take all the cash and valuables brought by the strangers visiting the place. The levee is thronged, and the Missouri river boats particularly are beset by them from morning till night. . . .

By mid-March, as the grass began to green on the prairie, families in white-topped wagons, especially from western Nebraska and Kansas, lined the trails leading towards the mines.

Only a few short months before, many persons, especially in the East, scarcely knew where Pike's Peak was located. Now

it was a great magnet, toward which everybody was drawn. On the streets of St. Louis, said the *Evening News* on March 17, "you see nothing but Pike's Peak flauntingly blazoned on every fabric of iron, wood, wool or cotton, that a mortal is presumed . . . to stand in need of."

Many dreamers, blinded by the wild delusion of glittering sands, sold their homes and all of their valuables to buy outfits for the gold mines.

A Kansas City correspondent said on March 21:<sup>27</sup>

Here they come by every steamboat hundreds of them, hundreds after hundreds from every place—Hoosiers, Suckers, Corn crackers, Buckeyes, Red-horses, Arabs and Egyptians—some with ox wagons, some with mules, but the greatest number on foot, with their knap-sacks and old-fashioned rifles and shot-guns; some with their long-tailed blues, others in jeans and bob-tailed jockeys; in their roundabouts, slouched hats, caps and sacks. There are a few hand-carts in the crowd. They form themselves into companies of ten, twenty, and as high as forty-five men have marched out, two-and-two, with a captain and clerk, eight men to a hand-cart, divided into four reliefs, two at a time pulling the cart. . . . Onward they move, in solemn order, day after day, old and young, tall and slender, short and fat, handsome and ugly, the strong and the weak. . . .

It was estimated that at least seventy-five thousand persons would be in the Pike's Peak area by autumn. Word of a mild, pleasant winter at the "mines" and of the finding of many "prospects" sent canvas-topped wagons swaying across the prairies with "Pike's Peak or Bust" painted in large letters.

By mid-April the roads leading west from "the River" were white with wagon tops. Many large parties were camped along the creeks waiting for better grass to green farther west.

But when it was learned that gold was not yet arriving at the border towns in sufficient quantities to justify the belief that the mines were paying, an undercurrent of discontent began to sweep the hopefuls back to their starting points. Many who were going back had not been able to prospect because of the frozen ground and the snow in the gulches. They had suffered hardships and even hunger. Some had seen their fellow travellers sicken and die, by the wayside. Hysteria seized many—the hysteria of fear and frustration. Beset by blizzards, sand and wind storms, many took the "back track." Some editors called upon the powers in Washington to make amends and to provide assistance to the returning adventurers who had been misled by "fabricated representations."

In the ebb of the Gold Tide some 2500 wagons, by the first of June, were headed away from Pike's Peak back to the States. On June 9, an editorial article in the *Hannibal (Mo.) Messenger* said in part: "The spectacle of 100,000 people . . . coming

<sup>27</sup> The Kansas City Journal of Commerce, Feb. 22, 1859.



back, begging, starving, cursing, and many of them hopelessly ruined, is one never before witnessed. . . ."

Two days later the *Boston Evening Transcript* electrified the country with the story of Gregory's lode discovery on May 6, near present day Central City.



The express coaches, which were running now between Leavenworth and Denver,<sup>28</sup> carried news of the discovery of rich nuggets at the North Fork of Vasquez. Dust taken out in just a short time by the Gregory Mining Company alone was estimated at \$20,000.

Then came word of the successful Jackson Diggings on Chicago Creek! With the announcement of both the Gregory and the Jackson finds plus a report by Horace Greeley and others<sup>29</sup> who visited the mines in early June, the gold fever broke out all over again. Denver City was almost depopulated over night. Buildings that were being constructed were left unroofed. Everyone who could possibly get away, headed for the hills. By the end of May there were 300 men in the Jackson Diggings.

In writing to his wife on June 6, 1859, David F. Spain, who was then with the Hoosier boys working their claims on the Gregory lode, said:<sup>30</sup>

<sup>27</sup> *Missouri Republican*, March 27, 1859.

<sup>28</sup> The first stagecoach service of the Pike's Peak gold region was established in the spring of 1859 by William H. Russell and John S. Jones and was known as the "Leavenworth and Pike's Peak Express." The first coach arrived at Denver on May 7.—See LeRoy R. Hafen, *Colorado and Its People* (New York: Lewis Historical Pub. Co., 1948), Vol. I, 188.

<sup>29</sup> Special Edition of the *Rocky Mountain News* (Denver), June 11, 1859, and the *Leavenworth Times*, June 20, 1859.

<sup>30</sup> "The Letters of David F. Spain," edited by John D. Morrison, *The Colorado Magazine*, Vol. XXXV, No. 2 (April, 1958), 106.

In the three weeks that we have been sojourners here there has been some three thousand persons arrived and they have built cabins in every nook and corner within five or six miles of us in every direction and while the greater portion of them are preparing to go to work, we are fairly at it and taking out the "Chink" in round numbers every day. We have crowds of New Comers around us from morning till night watching, and wishing it were them. We sold one of our Claims to George Simmons (the Chicago man) for Three Thousand five hundred Dollars to be paid as fast as he takes it out. And on Saturday last we sold half of the claim we are now working for Five Thousand Two hundred and fifty Dollars, that also to be paid as fast as taken out. . . .

Great dissatisfaction was voiced by many who arrived only to find the claims in the gulches already staked. Those who had money bought claims; the others tried to change the mining laws of the various districts, in order to have the number of claims increased. They were, however, unsuccessful.

Soon after Gregory's discovery, William Green Russell and his party returned from Georgia. In telling of his trip back, Russell said:<sup>31</sup>

On the 20th of March last I once more bade farewell to Georgia, in company with one hundred and fifty others. Our trip was devoid of special interest. On the 10th of May we arrived in Denver City, and started on the next day for the mountains, inasmuch as we learned that prospecting was already actively carried on in them. We soon after heard of the lucky strike of Gregory, and made for the diggings named in his honor.—Finding an immense crowd of people in that narrow locality, we did not tarry long, but pushed on to the adjoining gulches. On the 30th of May we pitched our tents in what is now known as "Russell's Gulch." On the 1st of June, myself and companions having become satisfied of the existence of deposits of gold in the bed and banks of the little mountain brooks, by which it is traversed, staked off a number of claims and went to work.

From that day up to this (September 30th), we have been steadily pursuing "gulch diggings," in the locality we first selected. For nearly four months we have worked from eight to thirteen hands, and averaged \$25 worth of gold a hand, per day.

Our company was first composed of ten members. Now it numbers but six, among whom there are two brothers of mine. The value of our average daily yield I would put at one hundred and fifty dollars.

With uncanny sureness Russell had located rich diggings in a gulch a little south but parallel to that of Gregory Gulch. The result of the first five days' work of five hands with one tom or sluice was "1336 dwts."

By July 1, there were one hundred sluices running within a short distance of Gregory Point. Finding the gulches crowded, the latecomers pushed on up to South Park and then over to the Blue. In the Boulder district prospectors scattered out to Twelve-Mile Diggings (head of North Clear Creek), to Left-Hand Creek and to smaller tributaries of the Boulders.<sup>32</sup>

<sup>31</sup> *Leavenworth (Kansas) Times Daily*, Oct. 19, 1859.

<sup>32</sup> Hollister, *op. cit.*, p. 69.





Placer Mining in Colorado with sluice-boxes.

Quartz-veins of exceeding richness were struck at Gold Hill, twelve miles west of Boulder, and about October 1, a crude quartz-mill was started there.

Rumors of rich strikes on the Cache la Poudre and in South Park caused a stampede from Gregory in two directions. Little was heard later from the Poudre, but in the Park, gulch and bar-mining were carried on with reasonable success on all the affluents of the Platte "... and finally rich lodes were discovered where these streams issued from the Montgomery Spur of the Snowy Range," and the towns of Montgomery, Buckskin, Musquito, Fairplay, Tarryall, Hamilton, and Jefferson sprang into being.<sup>33</sup> Mountain City at Gregory Point was laid out early in May. Close to it on the south was a camp

<sup>33</sup> *Ibid.*, p. 73.

called Black Hawk. Adjoining Mountain City on the north, in Kendall Gulch, was Central City, so named by William N. Byers, who had launched the *Rocky Mountain News* in Denver on April 23. On the headwaters of Clear Creek, the Griffith brothers laid out a town and called it after one of them—George—Georgetown. Downstream about half a mile, another camp developed which they named Elizabethtown, for a sister

Many immigrants, arriving in the latter part of the season, by the way of the Arkansas River trail, proceeded straight around the base of Pike's Peak into the South Park mines, through a succession of delightful parks that furnished a natural and easy road. At the entrance to the mountains arose Colorado City and Canon City, the latter, on the Arkansas; the former on the Fountain, forty miles north of the Arkansas, and in the immediate evening shadow of Pike's Peak.

During August and September, parties crossed into the Middle Park from Montgomery and Hamilton, and discovered both placer and quartz-mines yielding gold on the upper Blue and its tributaries.

"It was in 1859 that the first explorers of the South Park crossed the range from Tarryall via the Georgia Pass on to the Swan, a stream fifteen to twenty miles long, and emptying into the Blue a few miles above the mouth of the Snake. The first party consisted of one hundred men, and they were sorrowfully prospecting the numerous dry and wet tributaries of the Swan when reports came of murders by the Utes on the western tributaries of the Arkansas. Not having found the fabled 'pound-diggings,' the prospectors were glad of a pretext for a general stampede back. But later in the season more persevering prospectors discovered gold dust in paying quantity at Gold Run, Galena, American, and Humbug Gulches, and Delaware Flats. French Gulch empties into the Blue a few miles above the Swan."<sup>34</sup>

In all the gulch and bar-diggings, in the South Park on South Clear Creek, on the Boulders and on North Clear Creek, including Russell, Illinois and Nevada Gulches, on main Clear Creek below Golden City, on Ralston, and on the Platte above Denver, it was estimated that the miners at work were making from three to five dollars a day to the hand. Men were prospecting from the head of Del Norte to the head of the Big Laramie, ranging west as far as the mouth of the White River.<sup>35</sup>

Mining districts were formed, with miner's courts, which conducted the affairs of the mining areas until the regular courts later were provided through the organization of the Territory of Colorado, in 1861.

"In the Gregory District, several rude quartz-mills and

<sup>34</sup> *Ibid.*, p. 333.

<sup>35</sup> *Ibid.*, p. 74.





From A. D. Richardson, *Beyond the Mississippi*.  
Gregory's Gulch, 1859.

some arastras, worked by water or teams, were in operation, returning handsome profits. Water began to be scarce, however, and work ceased on many paying claims—probably not more on that account than because the owners were elated at their good luck, and wished to go home and show it, never dreaming that they could ever want again. . . .”<sup>36</sup>

Toward the latter part of the summer, the great feverish “Rush to the Rockies” had subsided. Men, and also women, continued to arrive in Auraria and Denver City, but they were for the most part substantial business men and homeseekers, who were determined to settle in the mountain country. They were prepared for the rigors of the winter.

By early August, 1859, a union church had been organized with preaching on Sundays and prayer-meetings on Wednesday evenings at the mouth of Gregory Gulch, now Black Hawk. Golden City had a population of 1930 men and 70 women.

With a foot of snow falling in the hills on the morning of September 29, many miners hurried out of the mountains to spend the winter months with their families in the States, or to tarry on Cherry Creek until spring.

As the year drew to a close the citizens of “Western Kansas” formed their own provisional government of Jefferson Territory, which they felt necessary to take care of their problems, since they were so far from the seat of government. They were convinced of the richness and the great extent of the new gold fields. They hoped for statehood soon.

They hoped that the spring of 1860 would bring a great influx of people, including many women, to make homes and to give the whole area assured permanency. With the first, mad scramble of frenzied gold-seekers over, those who remained in the Pike’s Peak mining country soon were to “have the benefit of experience; of machinery, saw-mills, cheap provisions, implements and supplies; of established laws and regulations; of roads and means of transportation; of postal facilities.”<sup>37</sup>

On April 5, 1860, the two rival settlements at the mouth of Cherry Creek—Auraria and Denver City—held a ratification meeting on the Larimer Street Bridge by moonlight, confirming former action, and united as one city—DENVER.<sup>38</sup>

The Rush to the Rockies of 1859—the greatest mass migration in the history of our country—was now a part of the past. But those first gold hunters left much rich historical lore.

<sup>36</sup> *Ibid.*, pp. 74-75.

<sup>37</sup> *Ibid.*, pp. 106-107.

<sup>38</sup> Although the General Assembly of Jefferson Territory had passed a provisional Special Act, on Dec. 3, 1859, providing for the chartering and consolidation of the towns of Denver, Auraria and Highland, it was not until early April that definite action was taken to perfect the union. At a mass meeting the citizens of Auraria voted by a large majority to unite with Denver under one name. Henceforth, Auraria was referred to as the West Division and early Denver, as the East Division of Denver.



You still can find it clinging to tumbledown ghost towns, hovering over abandoned campsites, or reverberating from theappings of Tommyknockers in deserted mine shafts. Seek out this lore if you would visualize the stirring events of a century ago. Search out and enjoy the wealth of absorbing literature that the gold days inspired.

With this 1959 Centennial of the Rush to the Rockies we salute those courageous, hardy souls who had faith in Colorado's future. They gave us a rich heritage!! Let us strive to preserve the physical remains and the historical traditions of our Gold Rush days!



An Arastra

### "THAR'S GOLD IN THEM THAR HILLS"<sup>1</sup>

"'There's millions in it,' was an expression made famous by Mark Twain in his *Gilded Age*, but it was not coined by Mark. Nor was it coined by William Sellers, from whom Mark got it and whom he thought to honor by putting him and his expression in the book—in a later edition he changed the name to Mulberry Sellers on William's objection to being so honored. This expression was in fact uttered and reuttered by a Lumpkin County Georgian, Dr. Mathew F. Stephenson, in 1849, as he pointed to a ridge flecked with gold, in his efforts to dissuade his neighbors from stampeding to the gold mines of California.<sup>2</sup> It soon came to be corrupted in that same North Georgia region, into 'Thar's gold in them thar hills.'"

<sup>1</sup> *Auraria, The Story of a Georgia Gold-Mining Town* by E. Merton Coulter (Athens, Ga., 1931).

<sup>2</sup> Andrew W. Cain, *History of Lumpkin County for the First Hundred Years, 1832-1932* (Atlanta, 1932), pp. 106-11. Quoting the *Dahonega Nugget*, February 19, 1897, which in turn quoted the *New York Tribune* of an un-dated issue in 1897.



SEVEN VIEWS IN DENVER COLORADO 1859. Page 180.





Nevada, Colorado. From A. E. Mathews' "Pencil Sketches."

## Nevada District Mining Laws

GILPIN COUNTY, COLORADO

During the Colorado Gold Rush, as in other similar "rushes," numerous mining districts flourished. "The Miner's District, in its full development, was a complete local government, self-appointed, with some remote allegiance to the United States or Mexico but no practical connection at all with these sovereignties. The District usually, perhaps always, originated in a mass meeting called when a community of miners sprang up in a mountain valley and felt the need for law and order. . . . Most of the initial mass meetings took place with a dozen or two men present. . . . The districts adopted names, established boundaries, defined property rights of all sorts, elected officers, set up courts, tried law suits and punished criminals. Often their records are crude and misspelled, their laws are mere votes or resolutions, their history is left to us only in hundreds of account and memorandum books, loose papers and sheets sewed together, now fading in the files of the County Clerks and Recorders where they were deposited by order of legislation passed when the government at Washington finally organized Territories and States which the miners respected."<sup>1</sup>

A district at Gold Hill in Boulder County, and possibly Jackson Diggings District in Clear Creek County were the first districts to organize early in 1859. Gregory District at Black Hawk issued a printed broadside of its laws in the summer of 1859, as adopted on July 16.

Among the early mushrooming camps in Gilpin County was one called Nevada, Nevada City or Nevadaville. It was some two miles above present Central City. By mid-summer it was "a bustling combination of gold-mining camp and business town. The post office was named Bald Mountain, but the name was never accepted by residents who always referred to their camp as Nevada or Nevada City. Nevada is a Spanish word meaning 'snow-clad' or 'snowy land.' The town probably was named for the mining town of Nevada City, California."<sup>2</sup>

According to one of the Nevada residents, the camp, by 1860, was "the richest district in all the mining regions round about. We have here the Burroughs' lead, the Kansas, the Sullivan, the Forks and numerous other leads, from which the miners now are actually, and have been for some time past, receiving their two to four hundred dollars per cord of quartz

<sup>1</sup>James Grafton Rogers, "The Mining District Governments of the West: Their Interest and Literature." Reprinted from the *Index to Legal Periodicals and the Law Library Journal*, Vol. 28, No. 3 (July, 1935), 2.

<sup>2</sup>"Place Names in Colorado," *The Colorado Magazine*, Vol. XIX, No. 2 (March, 1942), 75. According to O. J. Hollister, *The Mines of Colorado*, p. 44, footnote, "From Sept. 4, 1859 to April 5, 1860, there fell at Nevada sixty-nine inches of snow."



nett. We have now within our district some thirty odd mills, at an average cost of, say ten thousand dollars, and I venture to say that now, there is scarcely one that owes a dollar on their machinery and buildings."<sup>3</sup>

Original materials relating to the early Colorado mining districts have long been sought by librarians and private collectors. A number of the laws are listed in books, magazines and indexes, but now and then a new, rare item comes to light, such as the recently made known hand-written, leather-bound notebook which contains the Constitution and By Laws of the Nevada Gold Mining District of Gilpin County, Colorado. This little book, owned by Mrs. Mary Breen Hoare of Denver, was, during Gold Rush days, in the custody of her grandfather, William Train Muir, Judge of the Miner's Court at Nevada in Nevada Gulch.

Were these laws ever printed? If so, do other copies exist? If so, where? Historians would be happy to know. A check of various sources thus far points to the fact that Mrs. Hoare's compilation is the only one extant.

In *Early Records of Gilpin County, Colorado, 1859-1861*, edited by Dr. Thomas Maitland Marshall of the University of Colorado in 1920, pages 121 to 145 are devoted to "Manuscript Proceedings of the Miners' Meetings of Nevada District in Gilpin County, from January 21, A.D. 1860, to Sept. 28, A.D. 1860," and to excerpts from the *Rocky Mountain News* (Daily and Weekly), from November 16, 1860, to April 24, 1861.<sup>4</sup>

These "Minutes," the original of which is in the State Historical Society of Colorado, carry numerous references to the laws and amendments to the laws. For instance, the "Manuscript Proceedings" state that an adjourned meeting of the miners was held at the Burroughs Tunnel House on Jan. 21, 1860, Nevada District, "for the purpose of adopting laws for their future government, and electing officers to fill all offices created, for the Ensuing year." Dr. J. W. McCabe was elected President and M. H. Dale, Secretary.<sup>5</sup>

Evidently there was internal dissension in the district. According to the "Minutes":

At a Meeting of the Miners of Nevada District held on Saturday the 28th of April I H Morton President the following resolutions were offered.

1st. Resolved that we will Sustain R. D. Darlington as the recognized Recorder of this District according to Laws Passed at the time of his Election as well as the laws passed at that time to wit Jan 21st A D 1860 Carried.

2nd. Resolved that S. M. Link the Recorder elected previous to R. D. Darlington Shall deliver to Said R. D. Darlington all

<sup>3</sup> *Daily Evening News* (Denver), November 21, 1860, p. 2, c. 3.

<sup>4</sup> Thomas Maitland Marshall, *Early Records of Gilpin County, Colorado 1859-1861* (Boulder: University of Colorado, 1920. 313 pp.), pp. 144-145.

<sup>5</sup> See also: M. H. Dale, "Life in the Pike's Peak Region," edited by Robert G. Athearn, *The Colorado Magazine*, Vol. XXXII, No. 2 (April, 1955), 81-104.

the books Records and papers in his possession belonging to this District Carried.

On May 26, 1860, it was voted by the miners of Nevada District that a committee of five "be appointed to collate & bring together all Laws now in force in this district both old and new and submit the same to the next regular meeting for approval."

On July 28, at a regular meeting, with Ira H. Morton, President, presiding, John Jones as "one of the Committee appointed to compile the Laws of Nevada District asked for further instructions. On motion said Committee was granted until the next regular meeting in which to make a report. On motion a Practice Act for New Nevada District was offered read and referred to codifying Committee with instruction to revise and report at next meeting."<sup>6</sup>

In succeeding meetings attention was focused upon troubles with the Consolidated Ditch Company and with an attempt at the formation of a so-called Spring Gulch District. The matter of the compilation of the district's laws apparently was not discussed.

As the busy mining season waned, a letter was sent from "Spectator" to the *Rocky Mountain News*, dated November 16, 1860, which said among other things: "Last Saturday our last miner's meeting for the season was held here. A codified copy of the laws of the district was read and adopted, and ordered to be printed. . . . The Miner's Court is doing a big business at present, as might be expected in times of such financial depression. Four or five suits a day are about the ordinary number on the docket. There is now pending some difficulty between the officers of this district and those of a district known as Spring Gulch the latter having claimed jurisdiction over part of the territory allotted to Nevada, in the convention of districts last March. . . . Gambling, which for a while prevailed in this place, has now almost entirely ceased. The gamblers could not live as we have to—on hope—and so have cleared out to a man."<sup>7</sup>

On November 20, a "sort of election" was held at Nevada to decide whether there should be a new Judiciary system and an Appellate Court instead of the Miner's District jurisdiction. The vote resulted in a majority of 217 against the Judiciary system.

In the summer of 1860 there had arrived in Nevada, William Train Muir (thirty-one years old) and his wife and one daughter, from Rhode Island. Mr. Muir, a graduate in law from the University of Glasgow, Scotland, at once entered into community affairs. After being well settled, Mr. Muir made a trip eastward, and on November 7, 1860, returned to

<sup>6</sup> Marshall, *op. cit.*, pp. 128-129.

<sup>7</sup> *Rocky Mountain News* (Weekly), November 21, 1860, p. 2.



Colorado. On that date the *Rocky Mountain News* said: "We are pleased to see our friend, Judge Muir, of Nevada City, back again from the States. He appears to have enjoyed the trip over the plains. The Judge has been appointed Notary Public for the mountain region."

Just how important it was to be able to use a notarial seal is shown in a letter written to the *News*<sup>8</sup> by "Spectator" on December 17: "We notice it is a great convenience to our citizens to have a Notary Public in Nevada. Deeds have to be acknowledged &c to be sent to the States, which can now be done at home, instead of having to go all the way to Denver. Mr. Muir has a commission from Gov. Medary,<sup>9</sup> to act as Notary Public here."

Soon after his return to Nevada, William Train Muir was among those who took the introductory steps for the formation of a Lodge of Ancient Free and Accepted Masons in the Nevada District. On January 21, 1861, he was chosen Judge of the Miner's Court. D. J. Leversee, of the Quincy and Chicago mill, was elected President and R. D. Darlington was re-elected Recorder. Joseph W. Bowles was re-elected Sheriff. Some seventeen hundred votes were polled, with fifty "hungry applicants" in the field. A cry arose at once of fraud in the voting. A second election was held. The same four officers, however, were again the winners.

In February a meeting of the Nevada Mining District voted to permit Central City to cut off from Nevada into a new district, to be called "Central District."

With war clouds threatening the Nation, and with men beginning to align their sympathies with the North or the South, the editor of the *Mountaineer* at Golden began an attack against Judge Muir.

"Spectator" pitched into the fight. On April 10, the *Rocky Mountain News* printed the following from his pen: "I know a dozen good citizens who have stopped the *Mountaineer* during the past week, on account of their slanders of our Judge and district, and I have heard that the carrier has given it up in disgust. No wonder, for he is a fine little fellow, and respected by all who know him."

Upon the arrival of the latest dispatches from the *News* in Denver, on April 24,<sup>10</sup> citizens of Nevada Gulch held a meeting in the Court House. Upon request, Squire Morton sang "The Star Spangled Banner" and the "Red, White and Blue." There was frequent applause.

A set of resolutions praising the *Rocky Mountain News* for sending the latest dispatches by Pony Express, a day ahead of scheduled time, and deploring "the present lamentable con-

<sup>8</sup> *Rocky Mountain News* (Daily), Dec. 19, 1860, p. 2.

<sup>9</sup> Samuel Medary, Governor of Kansas Territory.

<sup>10</sup> On April 19, the Southern ports were ordered blockaded.



WILLIAM TRAIN MUIR  
Judge of Miner's Court.

dition of our beloved native land," were proposed and endorsed by the miners. Judge William Train Muir was a member of the three-man committee which drafted a set of resolutions to send to the *News*.

The last resolution read: "That, as citizens of a Territory of the U. S., we will give our earnest support and encouragement to the present Administration in the honest endeavors to maintain the integrity of the Union."<sup>11</sup>

The advent of the Civil War may have prevented the publication and recording of the Laws of the Nevada Mining Dis-

<sup>11</sup> *Daily Rocky Mountain News*, April 27, 1861, p. 2.



trict. At least, County Clerk and Recorder Clara G. Goodpasture of Gilpin County, reported in 1958: "We have been unable to find any record in our office of the Laws of the old Nevada Mining District, ever being recorded. I have talked with the Clerk of the County Court, and he believes they have a copy on record. As soon as we can we will make a search and report to you." Since no further report has been received, we presume that the laws were never filed.

Judge William Muir was elected Chief Clerk of the House of Representatives, of the Colorado Legislature, which met at Colorado City in 1862. In 1863 he started *The Colorado Miner*, a weekly newspaper, at Black Hawk. It was purchased the same year by Ovando J. Hollister and became *The Black Hawk Mining Journal*.

The little book of Laws of the Nevada Mining District remained in the possession of Judge Muir until his death in 1867. We here reproduce them as they appear in the notebook. —Editor.

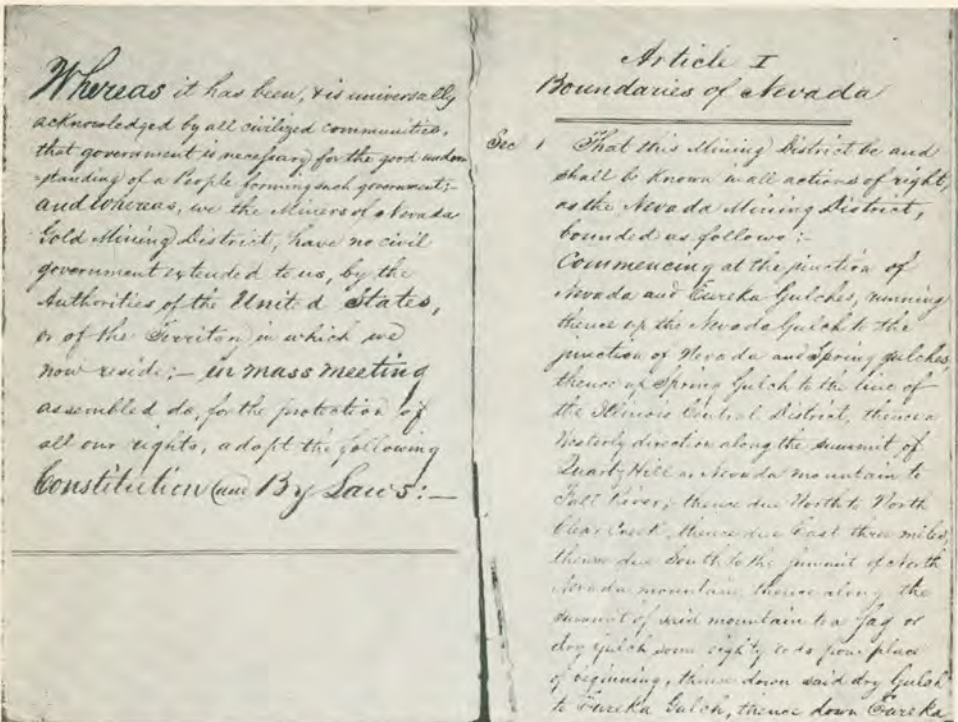
WHEREAS it has been, and is universally acknowledged by all civilized communities, that government is necessary for the good understanding of a People forming such government;—and Whereas, we the Miners of Nevada Gold Mining District, have no civil government extended to us, by the Authorities of the United States, or of the Territory in which we now reside;—in mass meeting assembled do, for the protection of all our rights, adopt the following Constitution and By Laws:—

Article I  
Boundaries of Nevada

Sec. 1. That this Mining District be and shall be known in all actions of right, as the Nevada Mining District, bounded as follows:—Commencing at the junction of Nevada and Eureka Gulches, running thence up the Nevada Gulch to the junction of Nevada and Spring gulches, thence up Spring Gulch to the line of the Illinois Central District, thence a Westerly direction along the summit of Quartz Hill or Nevada mountain to Fall River;—thence due East three miles, thence due South to the summit of North Nevada mountain, thence along the summit of said mountain to a Sag or dry Gulch some eighty rods from place of beginning, thence down said dry Gulch to Eureka Gulch, thence down Eureka Gulch to place of beginning. Amended to secure to Eureka district that portion of territory embraced North of the summit of North Nevada mountain on the West end of the District, reserving the right to Nevada District to construct a Ditch through said territory under the laws and regulations of Nevada District.

Amended in Fby 1861 so as to cut off that portion of Nevada district known as Central City, making the Easterly boundary line commence at the Dry Sag aforesaid, running almost due south to the boundary of Illinois Central District, crossing the Nevada Gulch at or near the old Dam situate immediately below Clark's Quartz Mill. Ratified 25 May 1861.

Sec. 2. That no changes shall hereafter be made in the boundaries of this District without the consent of its citizens as hereinafter enacted.



Pages from Constitution and By-Laws, Nevada Gold Mining District, Colorado.

Sec. 3. That if any persons shall wish to change the boundaries of this District, or erect another within the same, or annex any territory before that time not belonging thereunto, a public meeting of the citizens of this District, shall be called, and ten days notice given of the same, by posting twelve notices of said meeting in as many conspicuous places. If the petition for a new district, or change of boundary applied for in this District, be granted, it shall not take effect for ten days thereafter.

Defining Claims, and Laws relating thereto.

ARTICLE II

- Sec. 1. That every miner shall be entitled to hold pre-emption claims as follows:  
One Gulch claim One hundred feet square—One Lode claim One hundred feet long by fifty feet wide, One house claim fifty feet front by One hundred feet deep. One discovery claim on all discoveries made by himself.—
- Sec. 2. That any miner be permitted to hold one pre-emption claim on each Lode, or that may be discovered, by recording and working the same according to law. Passed June 1, 1861.
- Sec. 3. A miner may take a claim for a Company or friend, but such Company or friend, shall be actual residents of the Gregory Mining Districts.—
- Sec. 4. Every hundred feet so taken shall be staked with the Owners' name, giving the dimensions, length and breadth, and the



date when such claim was made, and so also of all claims whether individual or Company claims.

- Sec. 5. That when members of a Company consisting of two or more shall be at work in one of the Company's claims, the rest of their claims shall be considered as worked by posting a Notice to that effect on each claim not worked.
- Sec. 6. That each discovery claim shall be marked as such and safely whether worked or not.
- Sec. 7. That priority of claim when honestly carried out shall in all cases be respected.
- Sec. 8. That miners working Lode claims shall be entitled to One half the Water from the gulch; provided however said water so used shall not be taken to a greater distance than One hundred feet in a line from said gulch, but those so using it, shall return it to the gulch by a ditch, unless it be needed for use by parties below:—in which case, those last using it, shall conduct it in a Ditch as prescribed above.—
- Sec. 9. That any miner holding more than one claim under the laws of this district, shall be entitled to hold all of his claims by working on one of them; and posting notices to that effect on each claim not being worked; and all claims not worked shall be recorded by the recorder of this District.—
- Sec. 10. That any house or garden claim shall be liable to be worked for mining purposes, if found to be valuable; but any person so working house or garden claims, shall secure the same from injury, unless his mining claim and priority of title, in which case he shall not be liable for any damage resulting from such working of such claim.
- Sec. 11. That no person shall be compelled to record a claim while actually working thereon.—
- Sec. 12. That any person selling his pre-empted claim shall be entitled to another pre-emption claim, but all sales must be made in good faith.
- Sec. 13. That when any miner or Company of Miners, shall take a claim in good faith, whether it be a Lode, or Patch claim, he or they shall be entitled to hold all that is within the limits of his or their territory so taken, and may sell or transfer the same.
- Sec. 14. That all bills of Sale and conveyances of claims shall be witnessed by at least two disinterested persons, or acknowledged before the Judge of the Miners' Court, or President of the District;—and all Deeds, or Mortgages of real Estate shall be acknowledged before the Judge of the Miners' Court, or the President of the District, who shall receive a fee for each acknowledgement of Twenty five cents;—And all bills of Sale, Conveyances, Deeds, and Mortgages, shall be recorded in the Record books of this District.
- Sec. 15. That in taking the acknowledgement of deeds, or conveyances, when the grantors appear at the same time and place, before the Officer taking such acknowledgement, the fee shall be twenty five cents, and no more.—
- Sec. 16. That all claims pre-empted in good faith and all discovery, and purchase claims of every description held in Nevada District, shall be taken, and held as Real Estate, in fee simple, from and after the passage of this resolution (Sept. 1, 1860.) Provided, that all claims before they shall be considered as Real Estate, shall, if not already recorded, be recorded in the Recorder's Office of Nevada district, which record shall clearly define the position and location of the claim:—and the person holding such claim shall set up stakes or mounds,

at each corner of his claim, if a building or Mill claim, and a post or stone defining the centre, at the ends of each claim defined as Lode claims;—also a stone or stake well driven in the ground at the corner of all Patch or surface claims, and Gulch claims.

AMENDED. in so far as relates to pre-emption claims on Lodes, by requiring that they be dug into, the crevice.—

- Sec. 17. That all claims not being Real Estate under the provisions of the Law, and not opened to the crevice, or worked for that purpose on or before June 16, 1861 shall be upon that day declared vacant and open for prospecting and pre-emption;—and all claims not opened to the crevice shall be worked one full day in ten till such crevice is defined.

### Art. III

#### Laws relating to Mill Sites, Tunnels, Railroads, &c

##### I. Mill Sites.

- Sec. 1. That any person or company of persons intending to erect a Quartz Mill, may select a location 200 two hundred feet square, which shall be recorded; but such claims shall be forfeited in case the party or parties recording the same shall fail to build on said claim, within two months; and shall have their Mill on the same by three months from the time of pre-emption of the same, otherwise it shall be forfeited.

##### II. Tunnels.

- Sec. 2. That any company desirous of running a Tunnel into any mountain in this District may claim to the summit of any such mountain, or to the line of this District; and shall be entitled to Four Hundred feet on all Lodes discovered after pre-empting said Tunnel claim:—  
PROVIDED, however that surface miners actually discovering Lodes over any such Tunnel claim or claims, shall be allowed to pre-empt on such Lodes so discovered, but shall not be allowed to go to a greater depth than fifty feet from the surface.
- Sec. 3. Any company making such claim shall set up a stake showing the centre of said Tunnel;—the line of said Tunnel to run due North and South.
- Sec. 4. That no Tunnel shall be made by any person or Company so as to infringe on the private rights of individuals:—but in all cases where a Tunnel shall pass through any Lode or Patch of gold bearing Earth or Quartz owned by individuals or companies holding prior rights, they may work the same the width of the Tunnel, but no farther, unless by consent or agreement made with the owner or owners of the same.
- Sec. 5. That when any number of persons shall by voluntary association engage in making a Tunnel, they shall declare the same:—and give a name to the Company; and when fully organized shall have power to make rules and regulations for the government thereof; may sue and be sued, and in all suits it shall only be necessary to commence for or against said Company in and by the name given. And any notice given to a President, Superintendent, Secretary, or other known persons actually engaged as one of the Stock Owners in such company shall be deemed sufficient notice to warrant any Court of adjudication to entertain the cause, and give judgment according to the respective rights of the parties litigant.
- Sec. 6. That when any person or company of persons, holding claims, through which a Tunnel might pass, shall at any time have



the privilege to make examination as to whether the individual or Company making a Tunnel, are infringing on their rights;—and any violations of the conditions herein specified shall entitle the person sustaining injury to a cause of damage to be assessed by a Court or jury of disinterested persons.

Sec. 7. That any Tunnel Company that have run their Tunnel a distance of Seventy five feet from the place of beginning, it shall become Real Estate in fee simple; and shall not forfeit their title to said claim by not working it.

### III Railroads

- Sec. 8. That any person, or company of persons who have, or may desire to put in operation any Railroad for mining purposes within the limits of this district, shall have authority to use as the right of way, the land, over which such Railway may pass sixteen feet wide, and the length of the Railway:— Provided, that any Railway in operation, or to be hereafter put in operation shall in no case be used so as to interfere with, or retard Mining operations of individuals or Companies that may have mining claims crossing such Railway, or of persons who may hereafter discover mining claims of any description, either Quartz Lodes, gold bearing Earth and Quartz Lodes or Patch diggings: and also Provided, that any person or persons who have, or may put in operation any Railway under this Law, shall in all cases, bridge such roads or passes as may cross the same, so that individuals or teams and wagons may cross the Railway without inconvenience.
- Sec. 9. That all the rights of individuals to claims discovered, or to be discovered crossing, or running parallel with Railways now or hereafter to be put in operation, shall have, and exercise all the privileges given them by law, independant of this Charter; and before the right of way shall be granted to any Railway a record shall be made of the same in the Office of the Recorder of the District.

### Ditches

- Sec. 10. That when Water Companies are engaged in bringing Water into any portion of the mines, they shall have the right of way secured to them, and may pass over any claim, road, or ditch; Provided the water shall be so guarded as not to interfere with any vested right.

## ARTICLE IV.

### Laws regulating Election of Officers their duties, &c

#### General

- Sec. 1. That the Officers of this District shall be One President, One Judge of the Miner's Court, One Recorder, and One Sheriff, who shall be elected by the people, and shall hold their Offices for the term of One year from the time of the annual Election, and until other Officers are elected. All Officers to be elected by ballot, and the names of voters recorded.
- Sec. 2. That the elections for Officers of this district shall be held annually on the third Monday in January.
- Sec. 3. That the President, Judge, and Sheriff, shall be held in bonds of One thousand dollars each, and the Recorder in a Bond of Two thousand dollars:—the bond of the President to be approved by the Judge, and the bonds of the Judge, Recorder, and Sheriff by the President.
- Sec. 4. That if any Officer be absent from the district for more than Sixty days his office shall be declared vacant, & an Election ordered to fill such vacancy.
- Sec. 5. That any Officer in the discharge of his Official duties, who

shall be found guilty of exacting, or charging more than the fees allowed by law, shall forfeit and pay to the party so charged, three times the amount so unlawfully exacted to be recovered by an action in assumpsit before the Judge of the Miner's Court:—and in case the Judge of the Miner's Court shall be interested in the event of the suit, the cause shall be tried before the President of the District.—

- Sec. 6. That on the conviction of any Officer in Nevada district for taking or exacting unlawful fees as before stated, it shall be the duty of the Judge or President of the District, to render the judgment, issue the execution, and also to declare the Office of the person so offending, vacant.
- Sec. 7. That when the Office of any person in Nevada district shall be declared vacant, it shall be the duty of the President to order an Election to fill the vacancy; and in case the Office of the President shall be declared vacant it shall be the duty of the Judge of the Miner's Court to order the election, to fill the vacancy of President.

### President

- Sec. 8. That the President shall have a general supervision of property belonging to the District, and in the absence of the Judge of the Miner's Court, or in cases when the Judge is an interested party\* the President shall act in his stead and be entitled to the same fees as said Judge in such cases. It shall be his duty to act as administrator on the property of deceased persons, and to see that their property is paid over to their proper heirs; and in case any Office be vacated, to call a special election to fill such vacancy, and also to post up all notices for miners' meetings.
- Sec. 9. That the President shall be entitled to receive five dollars for calling a special meeting, and posting notices of the same, said sum to be paid by the party desiring the meeting called;—and shall be entitled to double the fee allowed by the Laws of Kansas for administering on the Estates of deceased persons.

### Judge

- Sec. 10. That from and after this date (Dec. 2 1860) the fees of the Sheriff and Judge of the Miner's Court shall be the same as are provided by the Statutes of Kansas.

### Sheriff

- Sec. 11. That the duties of the Sheriff shall be the same as those of a Sheriff in the State of Kansas; and he shall have power to adjourn a Sheriff Sale from day to day, for want of bidders, or from any other cause liable to greatly sacrifice the property advertised for sale.

### Recorder

- Sec. 12. That the recorder shall keep a Book for the purpose, and record therein all claims, deeds, mortgages, conveyances, &c given him to be recorded, on the payment to him of the fees as herein provided for.
- Sec. 13. That the recorder shall be entitled to a fee of fifty cents for each pre-emption claim; and for recording Deeds, Mortgages, Bills of Sale, Conveyances, &c he shall receive One dollar for each One hundred words contained therein.
- Sec. 14. That the Sheriff and Recorder shall have power to appoint a Deputy, for whose acts they shall be responsible.
- Sec. 15. That any person shall be allowed to examine the books of the Recorder at any proper time, and to make any copy therefrom.



ARTICLE V.

Laws regulating the Miner's Court

- Sec. 1. That the Judge of the Miner's Court shall have jurisdiction over all amounts and his duty shall be to preside over all duly appointed Courts held in this District, except as heretofore provided for.
- Sec. 2. That any person feeling himself aggrieved, shall file with the Judge of the Miner's Court, or in his absence with the President of the District, a statement of his grounds of complaint, which shall have the name or names of the party or parties complained of & a prayer that they may be Summoned to appear and answer:—thereupon the Judge or the President shall issue a Summons to the adverse party or parties to appear and answer within three days: if he or they fail so to do, the complaint shall be taken as true, and Execution issued.
- Sec. 3. That if any person may wish to commence a civil action in the Miner's Court of this District, he shall not be compelled to file a complaint in writing, but may at his discretion file with the Judge of the Miner's Court his Note or Account, not to exceed Fifty dollars, and the Judge shall issue his summons giving the Defendant not more than ten days notice, nor less than three. And the Sheriff and Judge to be allowed each Ten per cent on the amount for their fees. Passed May 25, 1861.
- Sec. 4. That from the filing of claims all stationed property shall be bound for the payment of whatever judgment may be obtained. Passed 25 May 1861.
- Sec. 5. That from and after this date (June 1, 1861) all interest of whatever percentage soever in a Note of hand specified in the Note, shall be legal, and shall be collectable in the Miner's Court of this District, stay or other laws of this District to the contrary notwithstanding;—and any law and all laws conflicting with this shall from this date be declared repealed.
- Sec. 6. That the rules of pleading shall be abolished in the Miner's Court, so that any miner may plead his own case before the Court or a jury of his fellow citizens & no advantage shall be allowed on account of informality or any technicality.
- Sec. 7. Resolved that the forms and proceedings of the Miner's Court shall be simplified, so that the case may be fairly and equitably tried upon its merits of a Jury, or the Court, and substantial justice be rendered between man and man according to the laws of the District.
- Sec. 8. That no case shall be thrown out of Court upon the ground of error or informality in making out the papers.
- Sec. 9. That any person considering himself aggrieved by the decision of the Judge or President, shall be entitled to an Appeal to a jury of Twelve persons, or a less number if the parties agree, by paying costs already accrued; and their decision shall be final.

Rules of Court.

- Sec. 10. Notice of Appeal must be given within five days from the rendition of judgment and a bond filed to pay the Costs:—fifteen days thereafter to be allowed the party taking an Appeal, to pay up all the Costs already accrued, making Twenty days in all.
- Sec. 11. That any juror may be challenged for cause shown, and each party shall be entitled to three peremptory challenges of jurors.
- Sec. 12. That any person wishing to commence suit shall give security for the Costs:—the Defendant shall also file a Bond for Costs before answering.—

Attachment

- Sec. 13. That any person or persons making affidavit for Attachment, before the Judge or President, in the absence of the Judge, setting forth sufficient cause for the same, the Judge or President shall issue an Attachment, and all property in possession of the party in his own right at the time of issuing the attachment shall be subject thereto.
- Sec. 14. That all suits commenced in this District, shall be determined, or disposed of therein, and a change of Venue from this District to any other shall in no case be allowed.
- Sec. 15. That all cases arising shall be considered either civil or criminal;—and where the case is not covered by the Laws of this District, the Judge or President shall be guided by the Laws of Kansas.
- Sec. 16. That hereafter parties to a suit shall not be competent to testify in their own behalf, unless they first file an affidavit with the Court stating the facts they expect to prove, and that they cannot be proven by any other person within the jurisdiction of this District as of their knowledge.
- Sec. 17. That in all cases the defeated party shall be liable for all costs of suits:—the Judge or President shall issue an execution for the same, which shall be collected from any property the person so liable shall have, but tools, bedding, clothing, and provisions for three months shall be exempted from the provisions of this act.
- Sec. 18. That the Miner's Court shall have power to fine, and put under arrest till paid, for Contempt, in any sum not more than Twenty five dollars and such fines shall be used for public works.

Mechanics' Liens

- Sec. 19. That every mechanic (when directly hired by the owner) who shall construct, erect, or complete any house, store, dwelling, mill, or other building, shall be entitled to a Lien thereon, for the amount of labor and materials furnished by him thereon.—
- Sec. 20. That Liens as above specified shall be filed within three months after the completion or termination of the work;—and shall be filed in the Miner's Court, and if allowed Execution may issue as in other cases.

ARTICLE VI.

Laws relating to Equity of Redemption Executions,  
Stay of Execution &c.

- Sec. 1. That the equity of redemption on all mortgaged property shall extend six months from the time of Sale under foreclosure; and that the Mortgagor may retain the possession of such property after the Sale, by executing to the purchaser a good and sufficient Bond to be given within ten days (to be approved by the Court under whose decree the property is sold) in double the amount of the purchase money;—conditioned that he will redeem the property within six months, & pay interest on the same at the rate of Twenty five per cent per annum.
- Sec. 2. That in all cases where the judgment exclusive of costs shall be under Fifty dollars a stay of execution may be had for fifteen days;—in cases where the judgment is over Fifty dollars, and under Two hundred and fifty dollars, a stay of three months may be had; and in all cases where the judgment is over Two hundred and fifty dollars a stay of six months may be had. Such stay can only be had by executing within Ten days after the rendition of such judgment, a good



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Sec. 2. That any person convicted of the crime of stealing to the amount of five dollars, shall receive thirty lashes, well laid on, and be banished forever from the District.

Sec. 3. That any person convicted of the crime of wilful premeditated murder, shall be hung by the neck until he is dead.

Sec. 4. That any person convicted of the crime of wilful perjury shall receive thirty-nine lashes, his claims shall be forfeited to the District, and he be banished forever from the District.

## Article IX General Laws and Regulations.

Sec. 1. The regular meetings of the Miner's of this District, shall be on the last Saturdays in May and October; the changes shall be made in these Laws, or amendments adopted, except at a regular meeting.

Sec. 2. That in all elections to be had, and decisions to be made, touching interests involved in Nevada District, the votes to be given, or decisions made, shall be by the actual residents, or active operators of this District.

Sec. 3. That well retorted Gold dust shall be a legal tender at Sixteen dollars an Ounce in the Miner's Court, and in all commercial transactions in Nevada.

Pages 40 and 41 of the Laws and Regulations of the Nevada Mining District.

and sufficient bond to be approved by the Court, and surety for the payment of such judgment costs & interest at the rate of Twenty five per cent per annum, at the expiration of such stay, at which time, without further process, execution may issue against the principal, and sureties also.

Sec. 3. That in all cases where property is to be sold on execution, or any Order of Court, at least Ten days notice thereof shall be given by posting three notices in at least three of the most public places in the District.

Sec. 4. That a fee bill of all costs made in any suit on which an execution shall issue, shall accompany the execution; and in the absence of such fee bill, it shall be unlawful to make a levy, or sell property.

For Goods exempt from Execution See page 32, Sec. 17.

## ARTICLE VII

Laws relating to Roads, Streets, Public Nuisances, &c.

Sec. 1. That all roads and streets, now laid off, and worked by the people of this District, and that may be hereafter laid off, and worked by said people, shall be recognized as legal highways for public travel.

Sec. 2. That any person or persons cutting a Ditch in, or mining in any street, or highway in this District shall bridge such ditch, and repair the street mined in, so that it may be made safe and passable.

Sec. 3. That no person shall be allowed to slaughter an Ox, sheep, or other animal within the bounds of the city of Nevada, or

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nearer than a quarter of a mile from the Gulch stream; and any person violating this law, shall be fined fifty dollars for each offence.

Sec. 4. That the several butchers of Nevada be notified by the Sheriff to bury or remove to the distance of a quarter of a mile from the Gulch stream, the Offal accumulated by them, within six days from notification, under a penalty of Fifty dollars.

Sec. 5. That the Judge of the Miner's Court shall be empowered from and after the passage of this resolution (1st June 1861) to fine any and all persons who may be found washing clothing, or any other substance calculated to impart greas to the water, or render it unfit for household purposes, in any flume, tank, reservoir, or ditch, belonging to Water companies, in the sum of not less than Ten dollars, and not more than Twenty dollars for the first offence; and not less than Twenty-five dollars and not more than fifty dollars for the second Offence.—The fines to be laid out on public works, under direction of President.

## ARTICLE VIII. LAWS regarding CRIMES &c.

Sec. 1. That any person or persons found guilty of removing or defacing a stake set on any Miner's claim, and by such removing or defacing may conflict with any other miner's claim or stake, shall be guilty of a misdemeanor; and shall be fined not less than five, nor more than fifty dollars for the first offence, and double that sum for each succeeding Offense.

Sec. 2. That any person convicted of the crime of stealing to the amount of five dollars, shall receive thirty lashes, well laid on, and be banished forever from the District.

Sec. 3. That any person convicted of the crime of wilful premeditated murder, shall be hung by the neck until he is dead.

Sec. 4. That any person convicted of the crime of wilful perjury shall receive thirty-nine lashes, his claims shall be forfeited to the District, and he be banished forever from the District.

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Sec. 2. That in all elections to be had, and decisions to be made, touching interests involved in Nevada District, the votes to be given, or decisions made, shall be by the actual residents, or active operators of this district.

Sec. 3. That well retorted Gold dust shall be a legal tender at Sixteen dollars an Ounce in the Miner's Court, and in all commercial transactions in Nevada.

Sec. 4. That all Gold scales used in Nevada shall be regulated by F. T. Sherman or W. H. Howard, Assayists, either of whom shall grant a Certificate of their accuracy according to the standard of the United States Mint;—and any miner paying out Gold dust shall be entitled to see said Certificate, if he desires so to do. Passed 25 May 1861.

Sec. 5. That no license or Tax shall be levied against any person or persons in Nevada District, for selling provisions, groceries, hay, corn, oats, or vegetables, within the limits of the District, from their wagons, or other conveyances.

Sec. 6. That any person refusing to be governed by the laws of this district, shall not after so refusing be allowed to pre-empt or



purchase any claim in this District, and shall not vote or hold Office in the District.

Sec. 7. That all laws or parts of law heretofore existing as Laws in this district, conflicting with these Laws, are hereby repealed.

Sec. 8. That these Laws shall take effect from and after their passage.

\*From page 23

"or in cases where an Affidavit shall be filed, wherein the party filing such affidavit states to the best of his knowledge and belief that the Judge of the Miner's Court is prejudiced against him and not a fit person to preside over the court trying his case."

Seal Wm Train Muir. Notary Public Co.

#### NEW MEMBERS

##### ARKANSAS

Miss Elsa Ganns

##### CALIFORNIA

Mrs. Frankie Garrison  
Dr. James B. Smith

Mr. Waddell F. Smith

##### COLORADO

Dr. N. G. Baker  
Mrs. Forrest S. Blunk  
Mrs. J. L. Boettner  
Mr. Walter J. Boigegrain  
Mr. Marshall Brooks  
Cheyenne Mountain Junior  
Historians

Mrs. Edward F. Dunklee  
Mr. Walter Eha  
Miss Millicent Engel  
Miss Mary E. Fry  
Mr. Paul L. Gaylord  
Dr. B. Lynn Harriman  
Herren Junior Historians  
Mr. W. C. Horst  
Miss Grace C. Husted  
Mr. David L. Jarrett

Mr. Frank J. Johns  
Mr. N. L. Kantsky  
Mrs. Agnes King  
Mrs. Laura Lewis  
Mr. H. C. Little  
Mr. Thomas Long  
Rt. Rev. Joseph S. Minnis  
Mr. James R. Peikee  
Mr. E. W. Peterson  
Miss Delfinia Rail  
Mr. Edward J. Simonich  
Miss Grace H. Streetz  
Mr. John G. Stuart  
Mrs. Walker Van Riper  
Mrs. R. H. Weed  
Mrs. R. T. Wegg  
Dr. Franklin P. Wherry

##### CONNECTICUT

Mrs. Elizabeth Murphy

##### FLORIDA

University of Miami Library

##### IOWA

Mr. Harold J. Jensen

##### ILLINOIS

Mr. and Mrs. A. F. Crabill  
Mr. Herman H. Henkle

Mr. Richard E. Stitt

##### MISSOURI

Mr. Louis C. Walker

##### NEVADA

Mrs. Ada Crawford

##### NEW MEXICO

Mr. Jack K. Boyer

##### OHIO

Mr. John P. DeCamp

##### OREGON

Mr. Kenneth L. Holmes

##### PENNSYLVANIA

Miss Grace E. McClain

##### ITALY

Mrs. Armida Becherucci



## Adelia Anastacia Cole Muir Winterbottom

By MARY BREEN HOARE

Although William Train Muir passed away in 1867, his wife and children and grandchildren remained in Colorado. His granddaughter, Mrs. Mary Breen Hoare, one of Denver's best-known teachers of music, has written the following article about her grandmother, the first wife of Judge Muir.—*Editor*.

Born in Dublin, Ireland, June 26, 1836, Adelia Anastacia Cole spoke often of her sister who married in Ireland, and of an adored brother who was killed in a runaway accident when a young man in Australia.

Adelia seldom mentioned her mother or father and seems to have been raised by her grandmother in Dublin. She was educated to be a governess, and was especially trained in English, Italian, French, Music and Refined Conduct and Manners. She successfully taught these subjects in Dublin homes. Her brilliant piano playing remained with her during the pioneer privations, even until her death at 76.

She left her family and came alone to America when she was about 18 or 19 years of age. She taught in families in New York and Chicago. In the latter place she met William Train Muir, a Scotchman, graduate in law from Glasgow University, and studying medicine in America at the time.

They were married in 1855 and lived in Rhode Island where relatives from Scotland had settled. Marion, a daughter, was born in Chicago in 1857. Adelia returned to Ireland, taking Marion back to visit relatives in Dublin. She returned to New England the next year.

William Muir began to suffer from lung and throat trouble, and he decided to go to Colorado with a pioneer wagon train to regain his health. Adelia insisted on going with him. With Marion, they left St. Joseph, Missouri, and traveled by covered wagon the spring and summer of 1860.

Adelia was thrown from a wagon on the journey, when the horses became frightened and ran away. She was unconscious for hours, and in critical condition for days, lying in the bed of the wagon traveling in the heat and dust.

There were Indian scares, rivers to ford, a buffalo stampede plus the use of alkali water and campfire cooking. At last they reached Colorado, and traveled over the mountains to the mining settlement of Nevadaville.

Here in a cabin Jean Marie, the second child, was born on August 7, 1860, a perfect babe for all her mother had been through on the way west. A mountain cloudburst flooded the cabin a few days later, almost drowning the mother and child. Miners saved them by hauling the bed out of the cabin into the yard. Jean was said to be the first white child born in the Nevada mining district. Miners came from miles just to see a woman and baby. (Jean was my mother.)



Here William Muir was called on for legal advice and was appointed the first Judge of the Miner's Court. Judge Muir was active in Central City and Black Hawk, and later the family moved to Golden. He had large mining interests, and became interested in real estate in Denver where he bought a home where the Elks Club now stands at Fourteenth and California.

A son, James William Muir, was born in Denver, in 1863. By this time Judge Muir seemed to have fully regained his health, and the family returned to the East. But frequent colds in the Eastern climate brought back the fatal consumption. The Muirs made another long wagon trip over the plains again to Denver. Here William Train Muir passed away on September 16, 1867, where he was buried in the Masonic Cemetery, called Acacia Cemetery. In later years, as Denver grew, Grandfather Muir's body was removed to the Masonic grounds in Fairmount. He was a 32nd degree Mason.

Adelia tried to carry on the mining and real estate interests of her husband, but unfortunate investments caused her to retire to Morrison, where Judge Muir had taken up a homestead, a mile south of town. She settled there with her family in 1870. They tried to raise cattle, and to retrieve lost mining interests. She carried on the education of her own children, existing as best they could, short of necessities, among Indians and miles from neighbors. They knew cold, hunger and want.

Marion, the eldest child, studied languages and learned to draw and paint. She became society editress of *The Rocky Mountain News*, and published two volumes of poems. Upon her marriage to Sylvester Richardson, Gunnison pioneer, she began pioneering in Richardson, Utah.

Jean studied music and dressmaking, later marrying Augustine Breen of Morrison. James Muir began railroading when the railroad came to Morrison in 1886.

About 1882, Adelia married John Winterbottom, an Englishman. As a pioneer weaver he established the first woolen mills in Denver. He ran a general store in Morrison and, assisted by Jean, ran the Post Office.

When fire swept Morrison in June, 1890, the Winterbottoms lost everything. Again the family moved to the ranch south of town. Loss of property and failing health caused Mr. Winterbottom to move the family back to Morrison where he died on Feb. 11, 1898.

For the next nine years Adelia lived alone on the ranch, then for a time lived with her daughter Jean, who was widowed in 1894. In 1910, she went to her son, James, but failing health brought pneumonia, which caused her death in Denver, May 18, 1912. Adelia and John Winterbottom rest in Mt. Olivet Cemetery.



## Cabin Life in Colorado

By MRS. H. A. W. TABOR

Augusta L. Pierce and Horace A. W. Tabor, natives of Maine, were married in 1857, and came west to the farm which Tabor had established two years previously in Kansas. In April, 1859, with two friends and their infant son, Maxey, they headed for Colorado in search of gold. Mrs. Tabor related the story of their early years in Colorado for historian H. H. Bancroft in 1884. The original manuscript is in the Bancroft Library, University of California, Berkeley, California. This story or reminiscence, entitled "Cabin Life in Colorado," was printed in *The Colorado Magazine*, Vol. IV, No. 2 (March, 1927), 71-75.

In 1878, H. A. W. Tabor, then a storekeeper in Leadville, staked two prospectors, August Rische and George Theodore Hook, whose discovery of the Little Pittsburgh made Tabor wealthy. He continued to invest in mines, until at one time it was estimated that his monthly income was approximately \$100,000. In 1879 the Tabors purchased from Henry C. Brown a house and grounds in Denver, which occupied the site now covered by Denver's Mile High Center. H. A. W. Tabor became enamoured of "Baby Doe," a divorcee, and asked Augusta for a divorce. Under protest Augusta granted the divorce in 1882. The story of his marriage to "Baby Doe" is an oft-repeated tale. The following reminiscence portrays the life of the Tabors—Augusta and H. A. W.—during the Rush to the Rockies.—*Editor*.

I came out here in 1859, from Kansas. I had lived in Kansas two years. My native place is Maine. I married and came out to Kansas and we settled on a farm.

Denver was the first place in Colorado that I came to. There were a few log houses here, but very few. I was the eleventh woman that arrived. Mrs. Byers<sup>1</sup> was one of the women whose name I remember. Most of them were Mexicans or squaws. We only camped here about a week. Just long enough to rest our cattle. We came with ox-teams across the plains. We then went up to where Golden now stands and camped there three weeks, on Clear Creek, at the foot of the mountains. Mr. Tabor went up into the mountains to look after gold and I stayed in camp and took care of the cattle and the provisions. We had six months provisions with us. The cattle were foot-sore and could not go far but I kept them from straying. I stayed there quite alone; there was no one there, no Indians, nothing there but just myself and our teams, silence reigned around, not a soul but me and my baby, and I was a weakly woman, not nearly so strong as I am now.

There was only one mine, that was up where Central now stands. It was called the Gregory mine, where they found gold. There were two men who went with my husband to find gold. They did not find anything and returned to camp. They thought they had better move me up farther. We packed and went beyond there up to Payne's Bar, now called Idaho Springs. We were three weeks going from there to where

<sup>1</sup> Mrs. William N. Byers, wife of the owner and publisher of the *Rocky Mountain News*, established April 23, 1859.



Central is now. Had to make our road as we went. We could only make about three miles a day, a wagon had never been there before. We could go a good many miles in order to get what now would be only a few miles.

The miners told Mr. Tabor he ought not to keep me at Idaho Springs during the winter, as there were often snowslides that would cover us all up. He became frightened and moved me back to Denver, when he returned to the camp he found his claim had been jumped. Some of the miners had told him this to get him away so that they could jump his claim. There was no law in those days. He returned to Denver and then went down to where Colorado Springs is now. He thought that Colorado Springs might be the center of the state as near as he could locate it. We thought probably they would make the Capital at the center of the state and wanted to be first in starting it. He was always very enterprising, so he went to Colorado Springs and erected the first house there. I stayed in Denver and took boarders through the winter, while he went to the springs and erected the first house or place where people could meet; then he came to Denver and tried his best to get parties to go down and lay off a town. He did not succeed very well, so he thought it better to go into the mines and try our luck. We left Denver in February, 1860.

There were a few log houses in Colorado City, four or five, a few men tried to make a town of it. They gave me some lots as I was the first lady there, but the town went all down. M. S. Beach, from Massachusetts was our County Clerk.

From there we went to Manitou and camped while the men went ahead and tried to make a road through.

It was Mr. Tabor's idea entirely to start a town at Colorado Springs, it being central and the Capital at that time was not located. There were no mines then that we knew of, he knew it was more central, thought that the country was better down there, the climate was better and thought in time they would locate the Capital there. Colorado City was never much until they talked of building at Colorado Springs. Those who owned lots at the old city tried to get the town there instead of at the Springs.

From there we went up to the headwaters of the Arkansas looking for gold. It was a lovely country, beautiful climate. There were a good many Indians in the country in 1859 and '60, but at that time they were friendly so we did not fear them. They were a thieving people and it was unpleasant to have them around us.

I was the first woman in California Gulch. There was only one party ahead of us, one of seven men, and we were to join with them, but I was sick in Denver and they all went off a few days ahead of us. We were all this time trying to get track

of them. We knew they had gone somewhere into the mountains prospecting about 150 miles southwest of Denver. They were prospecting along as they went, tried several gulches before they found California Gulch. When we got to Cache Creek we stopped one month. My husband whip-sawed some lumber to make sluice boxes and put them in. We found plenty of gold but there was so much black sand and we did not know how to separate it. We had no quicksilver, so we had to abandon it. I would work all day long picking out with a little magnet and when night came I would not have a pennyweight, it was so fine. Afterwards those mines turned out to be very rich, if we had stayed right there we would have had enough. It is owned by capitalists now, 20 miles below California Gulch. The town of Granite is there now. We abandoned Granite. We were the first there and camped there just one month. Three gentlemen, Nathaniel Maxey, S. P. Kellogg, Mr. Tabor and myself and baby, now a young man.

Someone came down California Gulch and reported they had found gold, they were looking us up and wanted to get in supplies. He came to our camp and told us to move up, telling us to go up until we came to the first large bald mountain on the road, then turn up that gulch around the bald mountain; it would take us all day to go with the ox-team, we would probably see the smoke of their camp fire. We went up there and found Slater and Abe Lee. Those were the first men that panned out in California Gulch. They got a dollar to the pan and that encouraged them right off. We killed our cattle that we drove in and divided the beef among them. We lived on that a few days until the man got back with some Mexicans coming in with flour. They turned to and built me a cabin of green logs, had it finished in two days. We lived there all summer. Mrs. C. L. Hall was the second lady to cross the South Park, now living at 412 Broadway, Denver. Dr. Bond came from Iowa. Had a very interesting wife, he was a gambler. He is blind now and she has to support him.

In the winter time when everything was frozen up, there was no mining and the men who had a little means would go out to the cities and spend all their money and go back in the spring.

Really the women did more in the early days than the men. There was so much for them to do, the sick to take care of. I have had so many unfortunate men shot by accident, brought to my cabin to take care of. There were so many men who could not cook and did not like men's cooking and would insist upon boarding where there was a woman and they would board there all they could.

We arrived in California Gulch May 8th, 1860, and in 1861 we had acquired what we considered quite a little fortune, about \$7,000 in money. We came over into Park County, started



a store and stayed there six years. We rode over Mosquito Range. My husband was Postmaster. It was called Buckskin Joe<sup>2</sup> when we lived there. A man who wore buckskin clothes whose name was Joe discovered the first mine there. There was a little mining excitement, about 200 people were there so we went over with the rush and started a store there until the mines all played out. Then we went back and opened a place in California Gulch, still continued the mercantile business. My husband kept the Post Office and Express Office and I kept a boarding house in California Gulch. We were in better fix to keep those places as most everyone who came in just had a pack on his back. We had a little house and things in shape to keep them.

A man named Wm. Van Brooklyn, who did not like mining as it was too hard work, said he had a pair of mules and he would start an express, would ride the mules alternately. He brought our letters in and we paid him 75 cents each for them and paid accordingly for any little express matter he could bring on a mule. He was a heavy man and could not bring much. I kept the express books, started the letters out and took the money. He said if I would board him while he was running the express he could give me his claim, but I would not board him for it, so he sold it to a man named Ferguson and Stevens and that summer there was \$80,000 taken out of that claim by those two men. I weighed all the gold that was taken out of the upper end of the gulch that summer. There was many a miner who did not know one thing about weighing gold. I never saw a country settled up with such greenhorns as Colorado. They were mostly from farms and some clerks. They were all young men from 18 to 30. I was there a good many years before we saw a man with grey hair. They thought they were going to have a second California, they gathered all the knowledge they could from books. Some Georgia miners reported there was gold here and they came out to search for it. Thousands turned back. We met them every day and they advised us to go back; but we started with six months provisions and thought if we did not find anything here we would go on to California.

When we came here everybody said nothing would ever grow on this sandy desert, and no one could ever build a railroad in those mountains.

Mr. Tabor supplied the first 300,000 ties to the A. T. & S. F.

<sup>2</sup> Buckskin (Buckskin Joe), Park County. Many of the towns that grew up at placer mining claims took the name of the discoverers of the claims; Buckskin Joe was one of these. Joseph Higginbottom, nicknamed Buckskin Joe for the leather garb he affected, made a placer strike here, his claim proving extremely rich. The camp adopted his name, but in 1861 the district was reorganized and the town was renamed Laurette, in honor of the only two women residents—Mrs. Laura Dodge and her sister, Mrs. Jeanette Dodge. The following year, however, the post office adopted the old name of Buckskin, although the camp continued to be known as Laurette.—*The Colorado Magazine*, Vol. XVII, No. 3 (May, 1940), 90-91.

Railroad. It took five months to get those ties down the mountain. He was under contract to get them down to the road at such a time and was under bonds and he was a man who would not allow his bondsmen to pay. He expected to get them down when the water was high in the spring, but we did not have any snow that spring and could not float them, so he had to hire teams to get them out of that canyon. I stayed at home all that five months and kept the store going. We had a good deal of money to take care of, we had the only safe in the country and had to keep everybody's treasures in that safe, and I was a little afraid for the five months he was gone from home.

A man named Green took the contract to get out the ties for the A. T. & S. F. The ties were got up where California Gulch is. They were owing Mr. Tabor a good deal of money for supplies and he found out the man was not going to make a success of it and became alarmed, so he took the contract off Green's hands to get his money out of it, and that is where he missed it.

After he got through with the tie business we found that we had worked two years and had not made a dollar. Had done all the hard work for nothing. He worked hard with the rest of the men. He was terribly pushed to get food enough for them. They would eat an ox at one meal, and more too. All that time I had the store for him to get money to run those ties through.

He wanted our boy to go into the store, but I wanted him to go to school. I told him I would go into the store and do all the boy could do. I went into the store and he found I was a better hand at keeping the books than he was. I made all the returns for the Post Office for seven years, and General Adams said that during these seven years he only sent back one paper for correction. . . .

I have been taken along as a body-guard a great many times when Mr. Tabor was going to Denver with treasure, because he thought he would not be so liable to be attacked. I have carried gold on my person many a time. He would buy all the gold that he could and would carry it down ourselves rather than trust the express, because our express was often robbed. I have gone across the Mosquito Range with him on horseback. Then we had no road at all. I had the gold in buckskins, then put in gunnybags, then laid on the horse and then my saddle put on over the blanket, and bring it that way. Then there would be nothing visible but the saddle. If anyone came along they would rather search him than me. There were some miles that we could not ride our horses on account of the wind, it blew so fiercely. We had to have our clothes tied on firmly. In some places it was so steep we had to hang on to our horses' tails, it was all the horses could do to get up.