



The photo above shows a 1924 Klan political rally on Castle Mountain near Golden, where members were exhorted to vote for Klan candidates.

COLORADO UNDER THE KLAN

BY JAMES H. DAVIS

After its establishment in Colorado in 1922, the Ku Klux Klan began—under the leadership of Grand Dragon John Galen Locke—to carry out a program of economic and political control in various towns over the state. The organization made certain that channels for dissemination of propaganda and for recruitment were set up. Then it threatened or coerced individuals, groups, and institutions. Finally came attempts to infiltrate into municipal government with the ultimate goal of complete domination.

The seizure of municipalities was not enough for the Klan; the state government had to be captured also. This was accomplished by obtaining control of the Republican Party, selecting almost all its candidates during the elections of 1924, and making certain the ticket would be successful throughout the state. Once in possession of the executive and legislative branches of Colorado government, the Klan planned to use official acts in furthering its causes on the widest scale possible.

As the year 1925 dawned, Dr. John G. Locke could feel quite pleased with the political situation on the state level. In both

the Senate and the House there was a majority of members elected from the Klan-controlled Republican party and he could seemingly count on the passage of any desired legislation. The executive as well as the legislative branch of the government seemed to be in the doctor's pocket. Governor Clarence Morley could not make a move¹ without first consulting the Grand Dragon. Harry T. Sethman was close to the governor during the first part of his administration because he was thought erroneously to be a Klansman. Mr. Sethman observed that Morley was constantly on the telephone talking to his "master." If the Governor was too busy to call, his personal secretary would be requested to phone for instructions.² One man in the governor's office had as his primary duty the carrying of written messages between the Capitol and Locke's Glenarm Place office.³ For all practical purposes Locke was the governor.⁴

Very soon after his inauguration Governor Morley made a strong effort to secure control of a prized government department for Klan usage. Having in mind Locke's desire to control enforcement agencies, he tried to remove the Adjutant General of the state militia and replace him with a Klansman.⁵ Paul P. Newlon refused to obey the governor's executive order⁶ to resign as Adjutant General and stationed Captain Alphonse P. Ardourel on twenty-four hour duty in his office to prevent the Governor's appointee from taking over.⁷ Furious over Newlon's defiance, the Governor had the House of Representatives introduce a special bill giving him unquestioned authority to appoint and dismiss the Adjutant General.⁸ To give immediate consolation to the disappointed Grand Dragon, Locke was granted a commission that made him a colonel in the National Guard Medical Corps.⁹ Dr. Locke thus had an additional uniform to



Adjutant General
Paul P. Newlon

add to the Klan robes which he so delighted in wearing. Another state office was directly given to John G. Locke, when he was appointed a member of the State Board of Medical Examiners.¹⁰

Such a large crowd wished to attend the new governor's inauguration that all precedents were broken, and it was held in Denver's Auditorium rather than in the Capitol.¹¹ The inaugural message clearly reflected the inspiration of Dr. Locke, although some points that were emphasized had nothing to do with Ku Klux Klan objectives. These were: the establishment of a state reformatory for women, appropriation of funds to carry on negotiations for interstate river treaties, a minimum wage law for women, assistance in revival of the mining industry, elimination of further taxation on gasoline so that capital would be encouraged to develop Colorado's resources, the setting up of a new highway code for the purpose of preventing waste in construction and maintenance, and the carrying out of the Boulder Dam water conservation project. However, of the other major points in that speech at least four could be related to aims of the Hooded Order. These included the passage of acts excluding certain aliens from residing in the state, eliminating from the prohibition law the right to obtain intoxicating liquors for sacramental use, amending the primary election law so that members of one political party could not participate in the primaries of an opposition party, and abolishing many state boards, bureaus, and commissions.

from George Norlin to J. S. Boggs, February 2, 1939, Colorado State Archives, Records of the Office of the Governor: Ralph L. Carr. *Correspondence, 1939.*

¹⁰ Author's interview with Henry Toll.

¹¹ *Denver Times*, January 13, 1925, p. 1.

¹ Author's interview with Francis J. Knauss, retired Colorado Supreme Court Judge and Colorado State Senator during the period of Klan power, February 18, 1963. Tape recording in the Denver Public Library Western History Department.

² Author's interview with Harvey T. Sethman, a director of the Colorado Medical Association and reporter on *The Rocky Mountain News* during the period of intense Klan activity, March 25, 1963. Tape recording in the Denver Public Library Western History Department.

³ Author's interview with Francis J. Knauss.

⁴ Author's interview with Harvey T. Sethman.

⁵ Author's interview with Henry Toll, Denver attorney and Colorado State Senator during the period of Klan power, January 27, 1963. Tape recording in the Denver Public Library Western History Department.

⁶ *Denver Times*, January 14, 1925, p. 1.

⁷ *Denver Post*, January 15, 1925, p. 1.

⁸ *House Journal of the General Assembly of the State of Colorado, Twenty-Fifth Session* (Denver: The Welch-Haffner Printing Company, 1925), p. 230.

⁹ *Denver Post*, January 24, 1925, p. 1. The Governor also made an unsuccessful attempt to bring Colorado University under Klan influence. He told President George Norlin the school "could have what it wanted in appropriations provided . . . [it] would dismiss all Jews and Catholics." President Norlin replied that the University could do without such legislative support. Letter

Ostensible reasons for the latter group of recommendations were: furtherance of the cause of organized labor, providing more jobs for Coloradoans, eliminating abuse of the prohibition law, and saving taxpayers money by removal of useless agencies.¹² Actually, the Klan had ulterior motives: to strike a blow at non-Americans by keeping them out of Colorado, and to attack the Catholic Church—without wine the Mass could not be celebrated, and this is the central act of Catholic worship.¹³ In addition, the opportunity the Democrats had enjoyed in the past primary election to upset the Klan ticket could never occur again. The termination of various state agencies would eliminate jobs held by employees not sympathetic to the Klan. New positions, having similar functions, could then be created and doled out to faithful Klan followers.¹⁴

The Assembly had been in session for several days, and bills had already been introduced to abolish agencies before the Governor gave his message. The State Industrial Commission was the object of one bill,¹⁵ concerning which the *Denver Times* observed:

This action would make the deputy state labor commissioner one of the most powerful officials in the state and would largely increase the number of employees in the office of the Secretary of State whose appointee he is.¹⁶

Another resolution introduced in the House would abolish the Civil Service Commission¹⁷ and "throw open jobs of all people employed in the Capitol Office Building and Museum to the winning party at the polls."¹⁸ The move was also in keeping with a declaration made at a Klan meeting, which stated that the Commission must be eliminated, since "70% of the office holders of the state, protected by Civil Service, were Catholics."¹⁹ A single man appointed by the governor would substitute for the abolished commission. House Bill 38 would eliminate the juvenile court system, permitting the district court in each county to take over its function.²⁰ Thus, anti-Klan Judge Ben Lindsey would be once and for all eliminated.

While many developments favored the Morley administration, problems began to emerge which would be of great sig-

¹² *The Inaugural Address of Governor Clarence J. Morley, Delivered to the Twenty-Fifth General Assembly of Colorado at the Municipal Auditorium, Denver, January 13, 1925, pp. 1-8.*

¹³ P. J. Lennox, "The Mass," *The Encyclopedia Americana* (18th ed.), XVIII, 399.

¹⁴ Author's interview with Henry Toll; *Denver Post*, February 8, 1925, p. 1.

¹⁵ *Senate Journal of the General Assembly of the State of Colorado, Twenty-Fifth Session*, (Denver: Welch-Haffner Printing Company, 1925), p. 95.

¹⁶ *Denver Times*, January 12, 1925, p. 1.

¹⁷ *House Journal*, pp. 99-101.

¹⁸ *Denver Express*, January 15, 1925, p. 7.

¹⁹ *Ibid.*, August 8, 1924, p. 1.

²⁰ *House Journal*, pp. 94-95.



Governor Clarence J. Morley's Klan-inspired program was thwarted by several courageous legislators.

nificance. Four Republican senators stated they would not abide by certain decisions of majority leaders and walked out of the caucus. These men were Henry Toll, David Elliot, Frank Kelly, and Louis A. Puffer.²¹ An effort to placate two of them was made by appointing Puffer chairman of the Finance Committee and Elliott chairman of the State Affairs and Public Lands Committee. Walter W. King and John P. Dickinson, two other dissatisfied senators about to join the above-mentioned insurgents, were given chairmanships of the Rules, Banking, and Reapportionment Committees.²² The Democrats had decided to block legislation rather than make their own proposals and "play a waiting game, hoping for a split."²³ Therefore, they could not have been more pleased with the Senate revolt.

The House, overwhelmingly composed of Republicans elected from the Klan-controlled party, continued to cooperate fully with the administration, and the Senate rift was not at first felt. During a long session, which lasted into the late evening of January 21, the Assembly saw to it that the legislation desired by the Governor was introduced before the midnight deadline

²¹ *Denver Post*, January 7, 1925, p. 10.

²² *Ibid.*, January 9, 1925, p. 2; *Denver Times*, January 9, 1925, p. 1. The reason why these men and the other four senators turned against their party might be explained by the fact that all, with the exception of Puffer, were the Republican holdovers from 1922. They owed no loyalty to the Klan, since they had been elected without its backing. Puffer came from Colorado Springs, and that community had never accepted political domination by the K.K.K.

²³ *Denver Times*, January 6, 1924, p. 1.



designated by law. The majority of the so-called administration bills was introduced in the House. Two bills especially pleasing to the Ku Klux Klan were those forbidding the sale of liquor for sacramental use²⁴ and repealing the civil rights laws, which would allow discrimination against Negroes.²⁵ An additional blow aimed at Catholics came in the form of a bill that would stop children in public institutions from attending sectarian schools, some of which were run by the Church.²⁶ In short:

When the time for introduction of the bills was at end, every one of the bills for the abolition of state boards and bureaus, called for by Governor Morley in his inaugural address, had been laid before the legislature.²⁷

It should not be thought that all bills introduced were concerned with Klan issues or detrimental to the rights of Colorado citizens. An examination of the House and Senate journals shows that many were designed to improve relations between labor and management, help the farming, livestock, and dairy industries, encourage conservation of natural resources, and the like. One bill introduced in the House eliminated primary elections entirely and permitted the convention form of party rule.²⁸ Later it would pass the legislature and be vetoed by Governor Morley, because through the primary, according to one observer:

Dr. John Galen Locke became the political boss of Colorado. . . . No political convention would have nominated . . . Morley nor Rice W. Means. The process for them was to command their forces to vote for a certain ticket at the Republican primary, regardless of whether the Klan member so voting was a Democrat or Republican. This gave the Klan control of the Republican party.²⁹

Outside the state legislature, Catholics were bringing about every kind of pressure in order to kill the bill prohibiting the use of wine for sacramental purposes. An editorial in the *Denver Catholic Register* was reprinted in various publications and circulated throughout at least fifteen different countries. In addition,

Father Matthew Smith was chosen, at a meeting of a group of priests . . . to celebrate Mass as a test if the obnoxious bill became a law and to notify the authorities that he would do so. The Ancient Order of Hibernians heard about the plan with relish and announced that the Irish would be there, let the Kluxers fall where they may.³⁰

²⁴ *House Journal*, p. 216.
²⁵ *Ibid.*, p. 205; *Denver Post*, January 24, 1925, p. 14.
²⁶ *House Journal*, p. 121; *Denver Express*, January 15, 1925, p. 7.
²⁷ *Denver Times*, January 22, 1925, p. 1.
²⁸ *House Journal*, p. 154; *Denver Times*, January 19, 1925, p. 2.
²⁹ Lucius Carver Paddock, "The Editor: His State, 1913-1919," Vol. II, April 29, 1925 (typewritten MS, University of Colorado, consisting of editorials from *The Boulder Daily Camera*).
³⁰ Matthew Smith, "Historical Index to the Register" (unpublished MS in the office of the *Denver Catholic Register* on 136 galley proofs, covering the period January 2, 1913 through January 1, 1939) galley proof 59.

Klan documents from the State Historical Society collection.



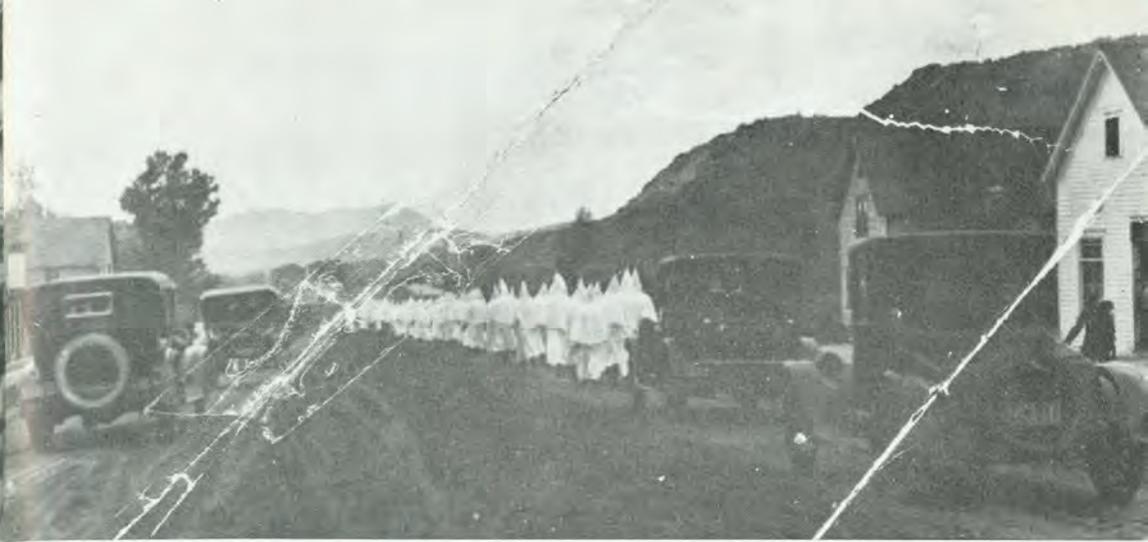


Klan marchers on Seventeenth Street in Denver.

Episcopalians supported the Catholics in their opposition to the bill. The Thirty-Ninth Annual Convention of the Episcopal Church in Colorado officially denounced all actions of the Assembly in this respect.³¹

Meanwhile, events within the Assembly were not going as they should for the Morley-Locke program. Introducing bills was one thing, but passing them was quite another. Doubtful Republicans and a handful of Democrats nearly killed a bill abolishing the State Board of Nurses Examiners and brought postponement of its passage; changes were demanded in the wine bills; and four other administration bills were not introduced because of the attack on the nurses' bill. Republican "leaders herded their charges into conference where lessons were meted out in loyalty to party discipline."³² A majority of Republicans attended the conference and all of them attended a secret caucus held several days later in which the governor explained his legislative program.³³ After this brief flareup the House passed all the administration bills.

Governor Morley was faced with an increasingly serious threat to his program in the Senate. The insurgent senators were determined to defeat all phases of it. Their approach was, first, to let the House measures die in committee. Failing this, they would carry the fight to the floor.³⁴ The six Republicans and fourteen Democrats formed a coalition led by the able Democrat William H. ("Billy") Adams. It was large enough to kill any bill brought up.³⁵ Among the reasons cited by the insurgent Republican senators for their action was the fact that the Governor's administration was not really Republican, since he selected Democrats for key state positions. In addition, he



Klan parade in Steamboat Springs.

had not once sought out or accepted the advice of party leaders. They also felt that many bills advocated by Morley were intended to eliminate those state employees who had not voted for him in the election.³⁶ The Senate very much held the whip hand, with its power to bury House measures in committee.

One of the insurgent senators recalls the personal pressures that were put on him. He, as well as the other five senators, opposed all administration bills and refused to go into caucus because he would then be bound to abide by majority decision on the floor. Consequently, he was ostracized. Hardly anyone would speak to him in the Capitol or on the street. Every morning a copy of the unofficial Ku Klux Klan newspaper was placed on his desk. Across the center of the front page was a column with a black border, which was entitled "Roll of Dishonor" and which listed the names of the legislators who had voted against "patriotic" measures. All readers were urged never to forget their names. Governor Morley called the insurgent senator, along with the other un-co-operative Republicans from the upper legislative body, into a conference. Having before him lists of bills introduced by each man, the Governor promised that every bill would fail unless the sponsors agreed to vote for Klan legislation.³⁷

As the General Assembly moved into its second month, most administration bills had been passed by the House; they were

³¹ *Denver Express*, February 12, 1925, p. 7.

³² *Denver Post*, January 31, 1925, p. 1. The ringleader of this brief revolt was Democrat A. Elmer Headlee. His pointed questions about the nurses' bill showed that its author really understood little of the contents.

³³ *Ibid.*, February 3, 1925, p. 1; *Denver Express*, February 3, 1925, p. 7.

³⁴ *Denver Post*, February 8, 1925, p. 1.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Author's interview with Henry Toll.

KU KLUX RALLY

**Sunday Next—Fill the Klavern
Bring the Wifey, also Fifey
Bring the Kluxer Himnal for the okkashun**

Memorise and praktis the following Klu Klu Hims

Page 8

We're the Kluxers
Klakom, Klukom
Kokem, Klikom
Panther, Anther, Hokum, Sibla
Bunko, Piffel, Siffel, Ribla.

Page 14

Benedikt Arnold, Morley, Massie,
Luk us over, ai'nt we classy
We're the Bunch of kommon Asses
Taken from the lown-down Klases.

The Purity Squad will speshially praktis

Page 50

Purity Squad, Purity Squad,
We're the Boys that klean
We klean platters, bottles, sellars,
Allies, gutters, brother fellers
Best you ever seen.

Also praktis Him 7 2

A little Huch, a little Wisky
Makes us Kluxers rather frisky
We rase Hell and then the Flag
Ain't it grand, a Kluxers Jag.

HEAVING KOAL AND OTHER DIRT

Praktis as the Final Squirt, Page 100

We love our own and other men's wives
We're all broken out with Charity Hives
We're the Kluxers, Kiss us please,
Mama told us, we're the Cheese,
Limburger, Limburger, Limburger.

A handbill poking fun at the Klan.

then promptly placed by the Senate in a committee for eventual extinction. The committees most responsible for letting the bills remain dormant were State Affairs, Finance and Judiciary—all in the control of anti-administration forces.³⁸ The Labor Committee also had a number of bills, though administration senators were in a majority there. Nevertheless, it feared releasing any measures because they would meet certain defeat on the floor.³⁹ The Senate did make one concession by allowing a bill to pass that abolished the already-defunct Board of Horse-shoe Examiners.⁴⁰

Finally, House leaders stated that all Senate legislation would be sidetracked until the upper house took action on administration measures.⁴¹ This did not trouble anti-administration senators. They knew the other side had more to lose in the deadlock. The administration depended largely for support on representatives from counties outside Denver. Those legislators had been promised, in return for their votes, help in putting through bills which the voters at home wanted. If the deadlock continued indefinitely, there would come an adjournment without positive action; and in that case all legislation would be stifled, including appropriations for every institution of the state, as well as all other essential activities. It was thought that pressure from those outside members would eventually force an ending to the deadlock.⁴² Finally, as predicted, the House did begin to pass some Senate bills.⁴³

Administration advocates desperately wanted an adjournment, but opposing groups were against it. Senator Louis A. Puffer claimed he needed more time for his Finance Committee to complete its work.⁴⁴ Actually the anti-administration forces were trying to force Governor Morley into making his recess appointments while the Senate was in session, so that it could pass on each one of them.⁴⁵ This would prevent the Governor from having a free hand to select Klansmen for the appointments.

Efforts of the Senate coalition opposing the Governor gave anti-administration forces in the House some courage. These forces demanded the release of the wine bills from the Temperance Committee.⁴⁶ This caused additional embarrassment for

³⁸ *Denver Post*, February 20, 1925, p. 1.

³⁹ *Ibid.*

⁴⁰ *Denver Times*, February 9, 1925, p. 1.

⁴¹ *Ibid.*, February 20, 1925, p. 20.

⁴² *Denver Post*, February 22, 1925, p. 16.

⁴³ *Denver Times*, February 27, 1925, p. 3.

⁴⁴ *Ibid.*

⁴⁵ *Denver Post*, February 17, 1925, p. 22.

⁴⁶ *Denver Post*, February 25, 1925, p. 14. Charles E. Elliott, Republican from Victor, made the demand.

Morley. The bills were now feared too drastic for passage and had to be returned to another committee for an eventual death through inaction.⁴⁷

A test vote in the Senate spelled doom for Governor Morley's entire program. The house bill abolishing the State Board of Charities and Corrections was defeated.⁴⁸ The vote revealed that the number of Republican senators opposing the administration program had risen to nine—Samuel Freudenthal, Nathan C. Warren, and William E. Renshaw had joined the original six.⁴⁹ After a conference held by John R. Coen, Republican State Chairman, with the anti-administration Republican forces in the Senate, it was decided to stand solidly behind the program to oppose the governor by not permitting his bills to be reported out of committee.⁵⁰ A tremendous opportunity to carry out that decision came when a Senate resolution was passed naming a Calendar Committee composed entirely of anti-Morley senators.⁵¹ The nine who had killed the bill abolishing the State Board of Charities and Corrections, by joining the Democrats, supported the resolution.⁵² This new committee was to make up the daily calendar of bills for consideration during the rest of the session. It could keep off the calendar any bill reported out by a pro-administration committee, and, since there was not a single administration senator on the new committee, a minority report could not even be made.⁵³

The Senate did pass needed legislation which was not part of the Morley program. An example of this was the long appropriations bill that provided money for state agencies.⁵⁴ The frustrated Governor did what he could to salvage remnants of the program which he and Grand Dragon Locke had devised. He caused the State Board of Charities and Corrections to cease operations by firing its secretary.⁵⁵ A related action by Morley was the dismissal of the Negro gubernatorial messenger who had served through many administrations.⁵⁶

The pro-administration legislators in the House put on more pressure for an adjournment, since nothing favorable to their causes could be accomplished. The excuse they made was economy.⁵⁷ The Senate would not agree. Even though the Governor

⁴⁷ *House Journal*, p. 1000.

⁴⁸ *Denver Post*, February 28, 1925, p. 1.

⁴⁹ *Senate Journal*, p. 575.

⁵⁰ *Denver Post*, March 8, 1925, p. 14.

⁵¹ *Denver Express*, March 10, 1925, p. 1; *Senate Journal*, pp. 650-55.

⁵² *Denver Post*, March 10, 1925, p. 25; *Senate Journal*, pp. 650-55.

⁵³ *Denver Post*, March 10, 1925, p. 25.

⁵⁴ *Ibid.*, April 7, 1925, p. 14.

⁵⁵ *Ibid.*, February 28, 1925, p. 5.

⁵⁶ *Denver Times*, April 1, 1925, p. 3.

⁵⁷ *Ibid.*, April 4, 1925, p. 1.



Grand Dragon John Galen Locke

had made a number of his recess appointments, there still had to be some guarantee of money for state institutions.⁵⁸ This problem was solved by passage of the long appropriations bill, and an adjournment date of April 16 was then fixed by both houses.⁵⁹

As the final day of the Twenty-fifth General Assembly approached, no doubt remained that the Senate coalition headed by Senator Adams had dumped the entire legislative program of Governor Morley.⁶⁰ The House made a petty gesture to punish Senator "Billy" Adams by refusing to report out a bill appropriating money for Adams State Normal School at Alamosa.⁶¹ But its real bargaining position was nil; the appropriation measures it once held were gone. They had to be passed for fear of voter reprisal in 1926, and nothing was left in the House except a few maintenance bills.⁶² As a last desperate measure the governor called for a conference between the Senate Calendar Committee and the House Rules Committee. He ques-

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, April 9, 1925, p. 16.

⁶⁰ *Denver Express*, April 16, 1925, p. 1; *The Denver Post*, April 16, 1925, p. 1;

Denver Times, April 16, 1925, p. 1.

⁶¹ *Denver Post*, April 16, 1925, p. 1.

⁶² *Denver Express*, April 16, 1925, p. 1.

tioned each senator on the Calendar Committee, but no member felt he had a bill important enough to bargain for Morley's support at the price of releasing one of the administration measures. Their refusal to cooperate only made the Governor demand more. He presented a list of measures he considered vital. The list included such items as bills abolishing the Civil Service Commission; giving him authority to dismiss the Adjutant General; abolishing the State Tax Commission, Board of Corrections, and Board of Capitol Managers; and reorganizing the Game and Fish Department.⁶³ He demanded that the Calendar Committee not only report out the bills but also guarantee passage by voting in favor of them along with other Republican senators.⁶⁴ The only concession made was to report out the Fish and Game Bill, and it was defeated on the floor of the Senate, since it would allow the governor to appoint sixty employees to the reorganized department.⁶⁵ At 6:00 p.m., April 17, the Assembly prepared to adjourn,⁶⁶ but adjournment was delayed one more day in the hope that the Senate would take action on certain gubernatorial appointments. That body refused to cooperate, and, as a final rebuke, appointed Louis A. Puffer President *ad interim* of the Senate.⁶⁷ At 3:03 p.m., April 17, the legislature at last adjourned.⁶⁸

The Twenty-fifth General Assembly had been in session for an unusually long period—one hundred and one days.⁶⁹ During that time 1,080 bills were introduced in both houses,⁷⁰ and only fifteen to twenty per cent of these were passed.⁷¹ Some of the positive accomplishments of the Assembly were:

The repeal of the state primary law, the ratification of the Colorado River Compact, strengthening of the prohibition laws by enactment of a provision making ownership of a still a penitentiary offense, the placing of bus and auto truck lines under control of the State Public Utilities Commission, providing for the manufacture of automobile license plates at the State penitentiary, providing for the bonding of state officials by the state, providing for the state to carry its own insurance on public buildings.⁷²

⁶³ *Ibid.*, April 16, 1925, p. 1.
⁶⁴ *Denver Post*, April 16, 1925, p. 1.
⁶⁵ *Ibid.*
⁶⁶ *Ibid.*, April 17, 1925, p. 1.
⁶⁷ *Denver Express*, April 18, 1925, p. 1.
⁶⁸ *Denver Post*, April 17, 1925, p. 1.
⁶⁹ *Ibid.*, p. 11; *Denver Times*, April 17, 1925, p. 3.
⁷⁰ *Ibid.*
⁷¹ *Ibid.*; the *Times* says twenty per cent, the *Post*, fifteen.
⁷² *Denver Times*, April 17, 1925, p. 2; *Denver Post*, April 17, 1925, p. 31, agrees with this list, adding the laws requiring an understanding of English for prospective jurors and the referendum on a constitutional amendment to allow the legislature to fix the salaries of the governor, his secretary, and supreme court judges.

DR. JOHN GALEN LOCKE TAKES COMMAND OF THE MINUTE MEN OF AMERICA

Announces a Nation-wide Program and Gives High Lights of Principles of New Order

Old Cotton Mills Crowded to Capacity on Friday Night When Former Grand Dragon Accedes to Wishes of Great and Enthusiastic Throng

Complete discard of all the paraphernalia of hooded orders, avowal of no need to mask faces or shroud in secrecy their activities, form some of the main tenets of the recently organized Minute Men of America.

"As Minute Men of America, and conscious of the rectitude of our intention, and the justice of our cause, we recognize no need to disguising our purposes, masking our faces, or offering excuses for that faith that inspires us."

Dr. John Galen Locke, former grand dragon of the Ku Klux Klan in Colorado, installed Friday night before a crowd variously estimated by the Denver press at from 12,000 to 30,000 persons as commander-in-chief of the national organization of Minute Men of America, Saturday announced work would be started at once on plans for a nation-wide campaign for members. The announcement was made simultaneously with one announcing that national headquarters of the new organization founded here in July 17, would be opened in Denver in the immediate future.

An ovation lasting more than thirty minutes greeted Dr. Locke on his appearance at the Cotton Mills auditorium. When his arrival at the mills was announced by a bugler, the one hundred-piece band of the organization

country. Our organization is founded upon patriotism and our cause is dedicated to the teaching of Americanism and the principles upon which our government is founded.

"It is entirely fitting that the Minute Men of 1925 should gather here tonight and rededicate ourselves to those principles which actuated those greatest men in American history who, 138 years ago yesterday, signed and brought forth the constitution of the world's first republic composed of free people, which now has grown into the greatest country in all history, and whose people are the recognized defenders of the weak and oppressed peoples of all the world."

Dr. Locke then outlined the principles of the organization of Minute Men and declared that as long as he remained as leader of the organization he would bend his energies to the perpetuation of those principles.

Americanism Is Slogan.

"Tolerance is our motto and Americanism our slogan," he asserted. "We

Appreciate Honor.

"The honor which has been conferred upon me is appreciated. Rest you assured, the every movement, the every order that I shall promulgate as your national commander will be for the welfare of every American in the United States. We have no quarrels to pick. Our work is picked out for us and close attention and application to the carrying out our work will keep us busy. As our constitution, upon which we will carry forward, declares:

"Believing that good government is possible, in any nation, only to the extent that its citizens obey its laws, we assert unwavering loyalty to the government of the United States, its indissoluble union of states, its constitution and all constitutional laws, particularly the constitution and laws of the United States. We pledge ourselves to a strict obedience of all laws of the land, and to render every possible assistance to the law enforcing officers in the discharge of their duty. So shall we

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Every administration measure met defeat, except the one abolishing the Board of Horseshoe Examiners.⁷³ Many of the bills were killed in the Senate. The wine bills never even reached the upper house and neither did those repealing the civil rights laws.⁷⁴

⁷³ *Denver Express*, April 16, 1925, p. 1; *Denver Post*, April 17, 1925, p. 31; *Denver Times*, April 17, 1925, p. 2.
⁷⁴ *House Journal*, p. 1302.

A great number of appropriation bills were approved, so many in fact that the revenue of the state could not possibly cover them. The results were ironic; when classification of appropriations had been made by the State Auditing Board, "scores of state departments ceased to exist."⁷⁵

The Ku Klux Klan was not again to have the political dominance achieved during the meeting of the Colorado Twenty-fifth General Assembly. Though Klan influence was felt in the succeeding Assembly, it was greatly diminished.⁷⁶ Governor Morley served but one term, and his successor was none other than William H. Adams,⁷⁷ the man who had perhaps been most instrumental in wrecking the legislative program of Grand Dragon Locke. Because of charges against his management of the Klan, Locke resigned from the organization only four months after the legislature adjourned.⁷⁸ Before leaving the Klan, however, he formed a new group called the Minute Men of America.⁷⁹ With a group of his own creation, he would be the undisputed authority and would not have to answer to any man in Atlanta, Georgia, national headquarters of the Klan.

The *Denver Catholic Register* gleefully reported the results of the 1926 primary:

In contrast to the primary election two years ago when all the candidates on the Klan ticket were swept into office, . . . Colorado this week vindicated herself to a great extent by denying a second bid for power on the part of the hooded order. The Minute Men, Klan secessionists, also ran low.⁸⁰

The people of Colorado had at last seen the real nature of the Ku Klux Klan as it appeared in their state—an organization dedicated to furthering the selfish ambitions of leaders by debasing every religious or fraternal body as well as every public office useful to that purpose. Internal corruption and dissension soon brought an end to Colorado's Invisible Empire.⁸¹

JAMES H. DAVIS is a librarian in the
*Denver Public Library Western History
Department.*

⁷⁵ *Denver Times*, April 17, 1925, p. 2; *The Denver Post*, April 17, 1925, p. 31.

⁷⁶ Author's interview with Henry Toll; author's interview with Francis J. Knauss.

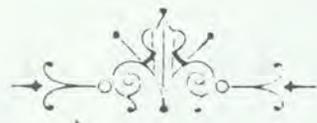
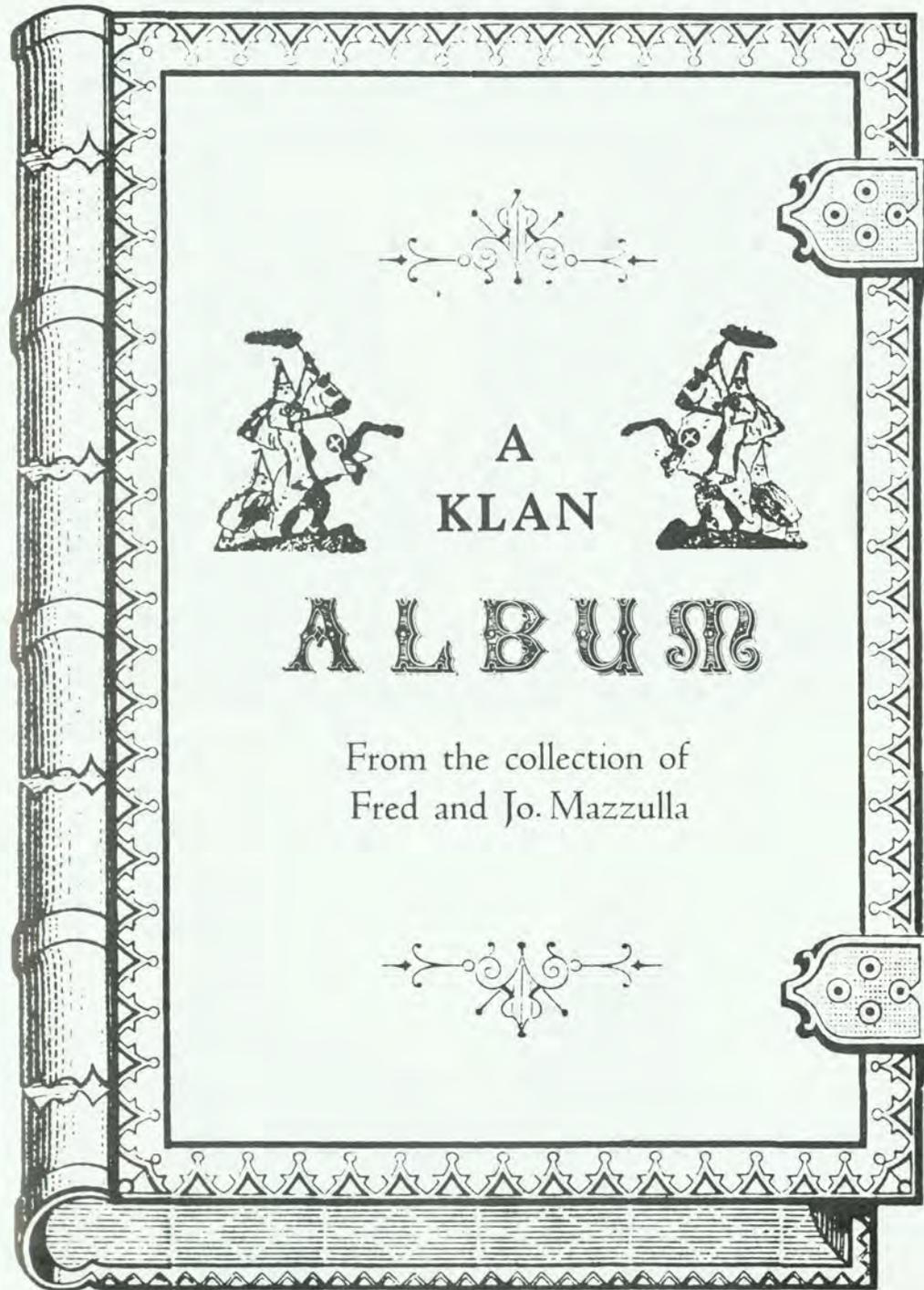
⁷⁷ LeRoy R. Hafen and Ann W. Hafen, *Colorado: A Story of the State and Its People* (Denver: The Old West Publishing Company, 1943), p. 416.

⁷⁸ *Denver Post*, July 20, 1925, p. 1.

⁷⁹ *Ibid.*, July 19, 1925, p. 1.

⁸⁰ *Denver Catholic Register*, September 16, 1926, p. 1.

⁸¹ Author's interview with O. Otto Moore.

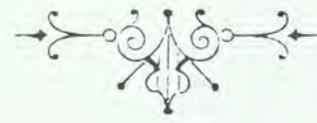


A
KLAN



ALBUM

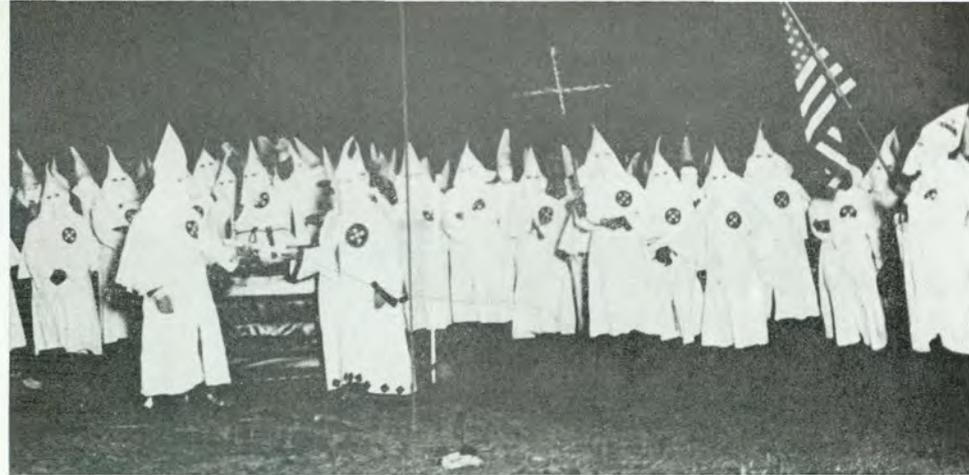
From the collection of
Fred and Jo. Mazzulla





The fiery cross and the American flag were prominently displayed at all Klan meetings. This group was photographed near Brighton in 1924.

The ladies' auxiliary was a unique feature of the Colorado Klan.



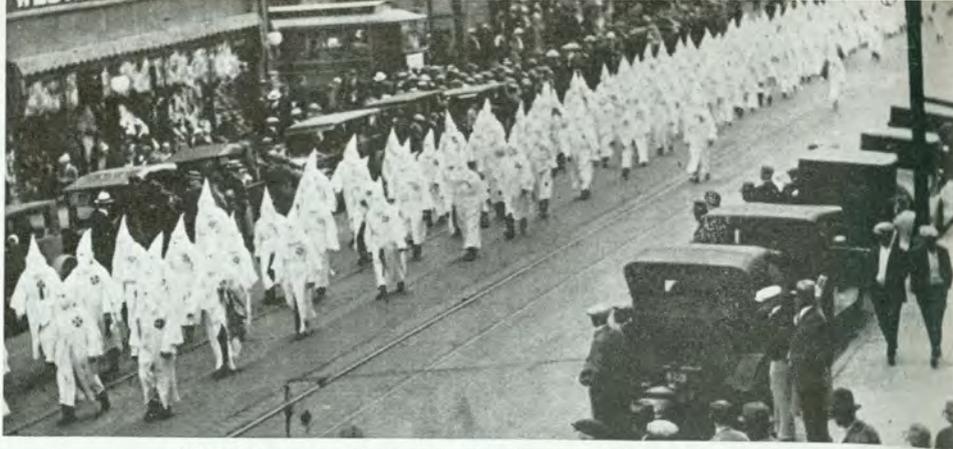
Five hundred autos and spotlights illuminated the scene of this Klan initiation near Boulder.



An August, 1925, parade in Arvada.

The Spirit of '76 in the Arvada parade.





Marching up Seventeenth Street, Klansmen paraded before a sparse and silent Denver crowd in May, 1926.



Good Friday ceremonies near Golden in 1920, lighted by an electric cross.



Klan ladies with baskets for the poor, Thanksgiving, 1925.

THE MOST SUBLIME LINEAGE IN ALL HISTORY
 COMMEMORATING AND PERPETUATING AS IT DOES
 THE MOST GAUITEOUS ORGANIZATION
 KNOWN TO MANKIND

Imperial Palace
 Invisible Empire
 Knights of the Ku Klux Klan
 INCORPORATED
 ATLANTA, GEORGIA
 DOMAIN OF THE NORTH WEST
 DENVER COLO.

Exhibited 2
 26632
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"THE FIERY CROSS"

JANITOR 1761
 1761 PHASE 8174
 DENVER, COLO.

YOU HAVE BEEN CHARGED WITH THE FOLLOWING:

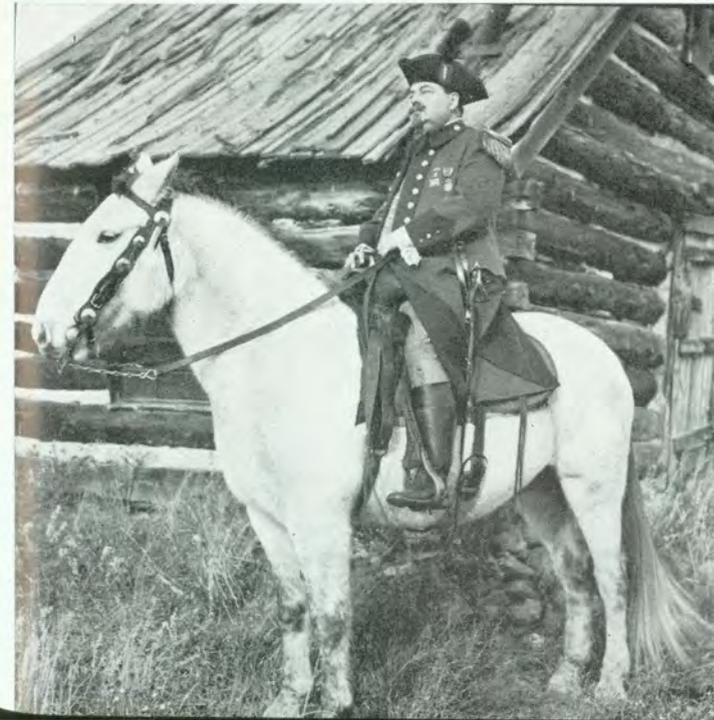
1. INTIMATE RELATIONS WITH NEGROES.
2. THE USE OF ABUSIVE LANGUAGE TO, AND IN THE PRESENCE OF NEGROES.

THESE CHARGES HAVE BEEN THOROUGHLY INVESTIGATED AND HAVE BEEN FOUND TO BE ABSOLUTELY, AND WITHOUT DOUBT, UNTRUEFUL. YOU WILL TAKE HEED THAT THE SUN OF THE FIRST DAY OF FEBRUARY, 1922, DID NOT SET UPON YOU IN THIS CITY. THE CLIMATE OF DENVER WITH AN INTENSIVE TO YOUR HEALTH AFTER THAT DATE. NEGROES DO NOT LOOK LIGHTLY UPON THIS. YOUR SIDE IS WORTH LESS TO US THAN IT IS TO YOU.

KU KLUX KLAN OF DENVER.

IN THE NAME OF OUR FATHERS FOR OUR COUNTRY, OUR MOTHER AND EACH OTHER

1924



Disillusioned with the Klan, Grand Dragon Locke organized the Minutemen of America in 1925.



GOLD RUSH GOVERNMENTS

BY CALVIN W. GOWER

In the late months of 1858 and the early part of 1859 thousands of eager gold seekers crossed the plains of Kansas and Nebraska Territories in hopes of making a fortune in the so-called "Pike's Peak Gold Fields." Most of the area in which these early prospectors searched for gold was part of the Territory of Kansas which extended from the Missouri border to the crest of the Rocky Mountains.¹ American frontier settlers often advanced so far from the area of organized government that anarchy threatened them, or at least they felt it did if they relied solely upon the distant government. As a result, they participated in numerous attempts in local self-government, and the men who went out to far western Kansas were no exception. They found themselves over five hundred miles from the capital of Kansas Territory, and realizing that effective government would be almost impossible because of the great distance involved and because of the poor means of transportation available, some of the prospectors decided to organize their own governing apparatus or to secure congressional approval of a separate territorial or state government for their region.²

Several courses of action were open to men in the gold fields who were interested in governmental matters. They might take steps to secure organization of a new territory in the area; a move which would involve an alteration of the western

¹ 10 Stat. 283 (1855).

² This article is concerned primarily with the efforts by some gold seekers to establish a government for the gold region as soon as possible and with the relationship between these informal independent governmental movements in the Colorado gold fields and the formal government of the Territory of Kansas. The difficulties which arose in regard to these developments are illustrative of one of the important governmental problems of nineteenth century America. For additional information about the efforts of the gold seekers to establish local governments see: Frederic L. Paxson, "The Territory of Jefferson: A Spontaneous Commonwealth," *University of Colorado Studies*, III (November, 1905), 15-19; Paxson, "The Territory of Colorado," *American Historical Review*, XII (October, 1906), 55-56; *Works of Hubert Howe Bancroft*, Vol. XXV, *History of Nevada, Colorado, and Wyoming, 1540-1888* (San Francisco: The History Company, 1890); LeRoy R. Hafen, *Colorado, The Story of a Western Commonwealth* (Denver: Peerless Publishing Co., 1933).

boundary of the Territory of Kansas (placing it farther to the east) and the appointment of new territorial officials, independent of those of Kansas. An even bolder move would be an effort to gain statehood for the area at once, avoiding a preliminary territorial period. California had become a state in 1850, one year after the gold rush to that area, so why not try to accomplish the same step in the Pike's Peak gold region? A third possibility was the establishment of a provisional government, to operate until formal territorial or statehood status was gained. Various ambitious politicians of the gold area tried all three of these moves, in that order, but, as will be seen, none of them was successful. One reason for the lack of success was that simultaneously with these efforts to organize a regional government, miners in most of the "diggings" developed effective local governments. The opposition to a regional government by supporters of these "miners' courts" was evident throughout 1859 and 1860.

As early as October 23, 1858, a rumor circulated in eastern Kansas that a movement might occur in the gold fields to divide Kansas and organize a new territory during the winter of 1858-9.³ Since only a few men were in the gold region at this time, instead of establishing a new territory, a handful of individuals met and elected Hiram J. Graham as delegate to Congress and A. J. Smith as delegate to the Kansas legislature.⁴ Charles



A. J. Smith,
Pike's Peak
delegate to
the Kansas
legislature.

Nichols, a member of the Lawrence Party (a group of prospectors from Kansas), returned from the gold fields in December, 1858, and gave a first-hand report on the political situation in that area.

The miners are resolved upon carrying out the doctrines of "squatter sovereignty" to the utmost extent. They repudiate the officers sent out by Gov. Denver [of Kansas Territory], and claim the right to select officers for themselves.

The election of a reputed delegate to Congress, and another to the Kansas Territorial Legislature, was a mere partizan affair, gotten up by a set of Buchanan men from Nebraska. The mass of the miners took no part in it.

The general feeling among the settlers was, that it was premature to agitate the question of a new Territory. The general spirit seems to be, that for the present they can take care of themselves.⁵

Graham, the delegate to Congress, may not have had much support in the gold fields, but he secured the aid of Senator Schuyler Colfax in introducing a bill to provide for the organization of a Territory of Colona, which included most of the far western portion of Kansas Territory. The Territory of Colona took its name from *Colona*, the Spanish form of Columbus. However, a telegraphic report reached Kansas in February, 1859, stating that the Senate Committee on Territories had "expressed itself adverse to organizing the Territorial Government for Colona, or the Pike's Peak country."⁶ The self-government movement failed in Congress that session, but the gold seekers were knocking on the door again in the next session.

The second independent political movement in the gold fields was the drive to establish the "State of Jefferson." The first issue of the first newspaper in the gold fields contained an abundance of material about this movement. The *Denver Rocky Mountain News* published at the mouth of Cherry Creek stated on April 23, 1859: "If the richness and extent of the Gold Regions realize their present promise, a new State will be organized west of Kansas and Nebraska ere this year is

³ *Herald of Freedom* (Lawrence, Kansas), October 23, 1858, p. 2.

⁴ LeRoy R. Hafen, "Jefferson Territory and Its Competitors," 1945 *Brand Book*, ed. Herbert O. Brayer (Denver: The Westerners, 1946), p. 146. Graham's duty was to try to secure the organization of a new territory in the gold region, while Smith's apparently was to gain recognition of the area by the Kansas legislature until the new territory was organized.

⁵ *Lawrence Republican*, December 30, 1858, p. 2. In September, 1858, Governor James W. Denver of Kansas Territory appointed a group of "Arapahoe County" officials to provide a government for the gold region. The far western regions of Kansas Territory had been designated as Arapahoe County in 1855, but until 1858 no steps had been taken to establish any government for the "county." Nichols claimed that most of the gold seekers opposed this move. See Kansas Territory, Executive Minutes, March 11, 1857, to January 30, 1861, Archives Acc. No. 305-A, p. 318, State Historical Society, Topeka, Kansas.

⁶ *Lawrence Republican*, January 27, 1859, pp. 2, 4, February 10, 1859, p. 3; *Freedom's Champion* (Atchison, Kansas), January 29, 1859, p. 1.



William Larimer, Jr.,
was a leader in the
movement for inde-
pendent government.

closed, with a hundred thousand inhabitants." Some of the residents of the gold region held a convention on April 15 in Auraria to decide whether or not to organize a new state or territorial government. Delegates to that convention included Hickory Rogers, L. J. Winchester, H. P. A. Smith, and William Larimer, Jr., all of whom were former "Arapahoe County" officials, appointed by Governor Denver of Kansas Territory. The members of the April 15 convention agreed that the miners were too far from any seat of government to secure protection of their rights and thus called for the formation of the State of Jefferson with the following boundaries: north, 43rd parallel; south, 37th parallel; east, 102nd meridian; and west, 110th meridian. The convention decided to call a constitutional convention for the first Monday in June in Denver.⁷

Two weeks later a committee appointed by the convention gave a report setting forth the reasons for the statehood movement. The report asserted that the distance to settled areas was too great. In addition, the mining culture would clash with the farming cultures of the nearby established territories; another disadvantage of the situation was that the gold region fell

⁷ *Rocky Mountain News*, April 23, 1859, p. 3. Colorado's present-day boundaries vary from those suggested for Jefferson only in the west (109th meridian) and the north (41st parallel). H. P. A. Smith was a Democrat from Lecompton, Kansas Territory. Governor Denver appointed him as probate judge of "Arapahoe County" in the autumn of 1858. *Freedom's Champion*, September 25, 1858, p. 2; *Lawrence Republican*, January 13, 1859, p. 2. William Larimer, Jr., went from Pennsylvania to Nebraska in 1854 and in 1858 journeyed to the gold region and received an appointment as county treasurer of "Arapahoe County." He was one of the most prominent residents of early Denver. John W. Jordan (ed.), *Colonial and Revolutionary Families of Pennsylvania* (New York: Lewis Publishing Co., 1911), III, 1510-12.

within the jurisdiction of four territorial governments, and thus rule from either Kansas or any of the others would not be effective.⁸

An announcement giving the names of the delegates elected to the constitutional convention appeared May 14. The convention opened on June 6, but "after effecting a permanent organization, and appointing committees upon the . . . several important articles of the Constitution, with instructions to report upon its reassembling, the convention adjourned to meet on the first Monday in August." The reason for this postponement of action was that so many miners had left the gold fields in the panic of "go-backs."⁹

Writing a few weeks later from the gold fields, A. D. Richardson explained to eastern Kansans the feeling of the gold seekers:

You may rely on it implicitly, that the people here will have nothing whatever to do with the politics or elections of Eastern Kansas, and will mob any man who persists in trying to induce them to do so. They are making their own laws and will continue to do so, and are bound to have a government of their own, either with or without any action from Congress, within the next four months.

Your Constitution [sic] Convention will of course exercise its discretion about cutting them off or including them in the State of Kansas; but they cannot, by any means, be induced to vote in your elections, or recognize your authority over them.¹⁰

However, by the end of July, 1859, some people had misgivings about forming a state government in the gold region. Instead, they advocated a separate territorial setup with the national government paying for the cost of public buildings and public officers. The *Denver Rocky Mountain News* of July 23, 1859, criticized such ideas and argued that the statehood movement should continue. The movement had burst forth; to discard it now would set back statehood for years. The national government was in poor financial condition and could not afford to pay for buildings and salaries in a new territory. The miners desired state sovereignty and territorial government would not provide that.

Despite the arguments of the *News* the doubts concerning the statehood movement pushed themselves into the proceedings at the August 1 constitutional convention, which convened in Auraria, located on Cherry Creek opposite Denver. The advocates of a state and those of a territory worked out a com-

⁸ *Rocky Mountain News*, May 7, 1859, p. 3.

⁹ *Ibid.*, May 14, 1859, p. 3; June 11, 1859, p. 3.

¹⁰ A. D. Richardson to the editor of the *Republican*, June 28, 1859; *Lawrence Republican*, July 21, 1859, p. 1.

Constitution

We the people of the State of Jefferson
at an election held for that purpose on the
day of Anno Domini one thousand eight hundred
and do adopt ordain and establish the
following Constitution framed by our delegates
in convention first assembled on the Seventh day of
June Anno Domini one thousand eight hundred and
fifty nine and reassembled on the first day of
August in the same year.

Article I

Boundaries

The Boundaries of the State of Jefferson shall
be as follows

Commencing at the point of intersection
of the one hundred and second degree of Longitude west from
Greenwich with the Sixty third degree of North Latitude
thence running west on said parallel of Latitude
to its intersection with the one hundred and tenth
degree of Longitude west from Greenwich thence South
on said parallel of Longitude to its intersection with
the thirty seventh degree of North Latitude thence
East on said parallel of Latitude to its intersection
with the one hundred and second degree of Longitude
west from Greenwich thence North on said

promise. The convention proceeded to form a constitution for a state but also appointed a committee to prepare a memorial to Congress asking for the immediate organization of a territorial government for the "Territory of Jefferson." Then the convention requested the people of the gold region to vote on the first Monday in September, 1859, either for organization of a state or for the memorial calling for the territorial government.¹¹

The voters turned down the statehood movement.¹² This result seemingly placed the matter of governing in the hands of the national legislature, which controlled territorial matters. However, since the process of receiving formal territorial status might take months or years, a group of the citizens of Auraria met on September 24, 1859, and called for the immediate formation of a provisional government in the gold fields to continue until Congress organized a regular territory or state. According to these residents of Auraria one of the chief reasons the region needed a provisional government was "that the executive and judicial powers of the Territory of Kansas are too far removed to be available for the ordinary purposes of government, and that the people residing within the Territory of Jefferson are consequently without any form of government, or any established judiciary, civil or criminal." The interested persons drew up a circular letter to present the plan to the voters of "Jefferson Territory." The letter recommended that the voters elect delegates on October 3 to a convention a week later for the purpose of forming a provisional government.¹³ Some of the gold seekers had attempted to gain organization of a territory and then of a state, and now some of them were seeking establishment of an extralegal provisional government.

The advocates of a provisional government made preparations to carry out the plan, and as October 3 neared, observers believed the voters would participate in two elections on that day. One election would choose a delegate to Congress from "Jefferson Territory" who would take the memorial calling for territorial status to Washington, D. C.¹⁴ In addition, the electors would select delegates to the convention to form a provisional government. Before October 3 arrived, a small group in the gold region organized yet another election for that day. This third affair involved the selection of various "Arapahoe County" officials, but only a small number of voters participated, because

¹¹ Rocky Mountain News, August 6, 1859, pp. 1-2.

¹² Ibid., September 17, 1859, p. 2.

¹³ Ibid., September 29, 1859, pp. 2, 4.

¹⁴ Ibid., p. 2.

residents of the area had never shown enthusiasm for county organization under Kansas Territory. The *Denver Rocky Mountain News* discussed all these elections in an article in October, 1859, and complained about the attempts made by some people to keep the gold region under the rule of Kansas Territory:

On the eve of the election, a county ticket for the "county of Arapahoe, territory of Kansas" was started, and a full board elected by a small vote in two or three precincts, thus recognizing Kansas laws. So it goes; one day we understand that we are cut off from Kansas, the next, we have cut ourselves off, and will pay no regard to Kansas Legislation, but have an independent provisional government of our own; and the very next, when there is a chace [sic] for a petty office under Kansas laws, there are hundreds ready to enter the lists, and before their certificates of election are dry in their pockets, you will hear them lustily advocating "independent government," and let Kansas go to the dogs. When this county scheme was started, why was it not carried out, and members of the Kansas legislative assembly elected also? Nobody seems to have thought of that excep [sic] two or three shrewd ones, who, we learn, received a few votes for representative, and under them will claim seats in the next Kansas Legislature, not the representatives of the people, but of a few of their friends. Here we go, a regular tripple-headed [sic] government machine; south of 40 deg., we hang on to the skirts of Kansas; north of 40 deg., to those of Nebraska; straddling the line, we have just elected a Delegate to the United States Congress, from the "Territory of Jefferson," and ere long, we will have in full blast a provisional government of Rocky mountain growth and manufacture. This last we hope may succeed, and swallow up the delectable uncertainty of law now existing.¹⁵

Confusion reigned in the political activities of the gold fields and continued to exist until the establishment of the Territory of Colorado in 1861.

Of the three elections on October 3, 1859, the one to elect the delegates to the convention to form a provisional government was the most important in relation to the independence movement in the gold fields. On October 10 the convention assembled in Denver. At this meeting opposition to the plan to form a provisional government appeared, led by H. P. A. Smith, one of the Denver-appointed "Arapahoe County" officials, who had never gained the support of residents of the gold region. Smith had been a chief advocate of the "State of Jefferson" movement in May and June of 1859 and at that time had protested against any attempts by Kansas to rule the gold region.¹⁶ Now Smith contradicted his earlier stand and declared that the miners had



no right to form a provisional government, since they were under the laws of Kansas. He said that the miners should wait until they received "a proper and legal government from Congress." Smith's efforts to halt the proceedings did not succeed, and the convention adopted a constitution for a provisional government. In addition, the assemblage nominated officers for the government and divided the territory into eight council districts and nineteen representative districts.¹⁷

The supporters of the provisional government set Monday, October 24, for the vote on the constitution for the provisional government and for the election of executive and legislative officers to carry out the program of the new institution. This temporary unit of government was called the "Territory of Jefferson" and was to continue only until the national legislature provided a legal government for the area. The provisional territory had the same boundaries as those established for the abortive "State of Jefferson."¹⁸ Election returns totaled 1,852 for the constitution of the provisional government and 250 against. Voters also picked a full slate of executive officials headed by R. W. Steele for governor.¹⁹

The legislature of the provisional government met on November 7, and Governor Steele addressed the group. He stressed the fact that the attempt of the Kansas legislature to organize a county or counties had been "utterly abortive and inoperative in its effect."²⁰ Then the legislature enacted a code of laws and many other acts. It set the governor's salary at \$3,000 per year;

¹⁷ *Ibid.*, October 20, 1859, p. 1. Smith gave six reasons why he opposed the formation of a provisional government at this time, stressing particularly his belief that the move was neither legal nor necessary.

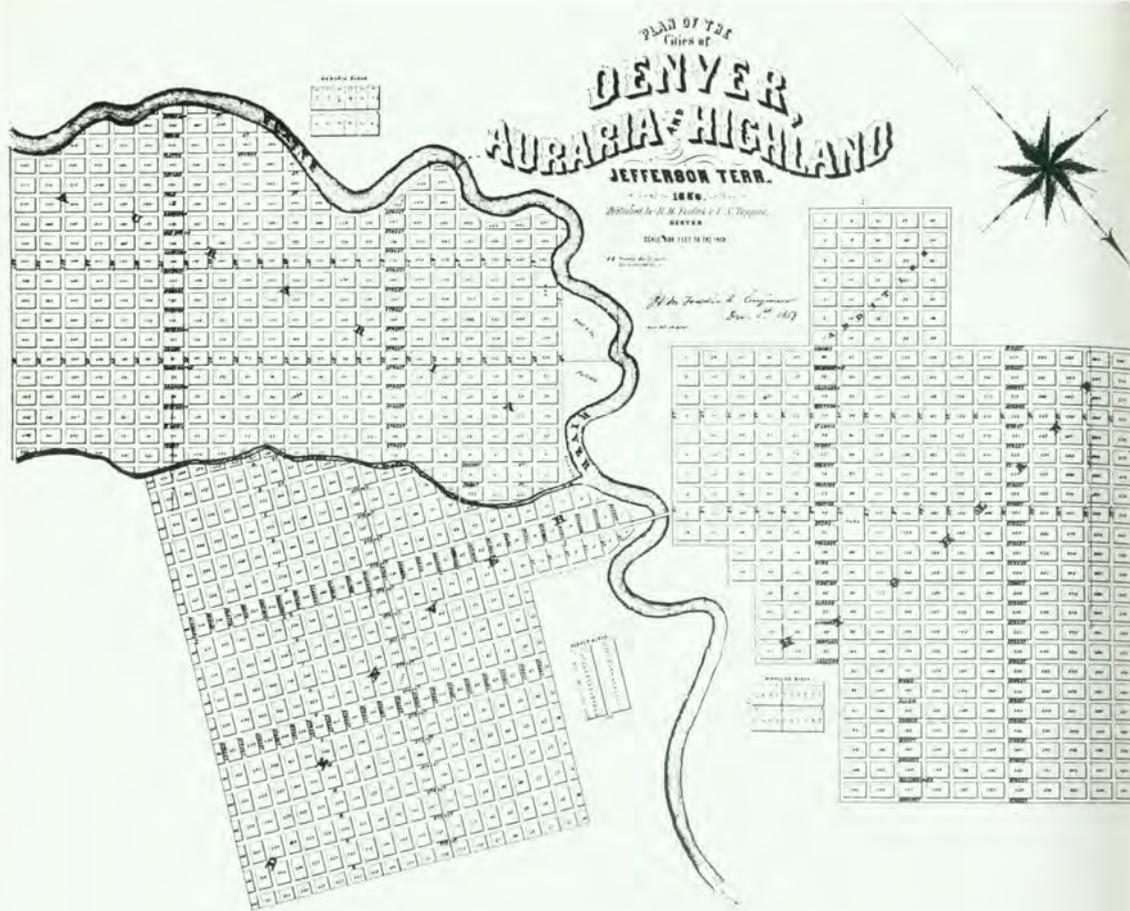
¹⁸ *Ibid.*

¹⁹ *Ibid.*, November 10, 1859, p. 1. R. W. Steele was from Florence, Nebraska Territory, and had previous governmental experience as a legislator. *Ibid.*, September 29, 1859, p. 2.

²⁰ *Ibid.*, p. 2.

¹⁵ *Ibid.*, October 6, 1859, p. 2; October 20, 1859, p. 1. The identity of the persons who received votes for representative is not clear, but apparently they did not try to claim seats in the Kansas legislature in the next session.

¹⁶ *Rocky Mountain News*, April 23, 1859, p. 3; June 18, 1859, p. 1.



the secretary's and auditor's at \$2,000. The towns of Denver, Auraria, and Highland were incorporated and consolidated. One act set up and defined the boundaries of twelve counties. Another established a judicial system and gave legality to the decisions of "miners' courts." A personal tax of \$1.00 annually was levied on all males over twenty-one and under fifty-five, as was a property tax of one-fourth of one per cent of the assessed value of certain types of property. Finally, the legislators voted to pay themselves for their expenses in attending the assembly. The regular members of both houses were to receive \$10 per day and the speakers of the houses, \$12 per day.²¹

From the inception of this provisional government, opposition to it existed. In December, 1859, about six or seven hundred miners (most of whom were probably in the Gregory and Russell diggings) signed a pledge that they would resist in all ways the collection of any tax imposed by the extralegal govern-

²¹ *Provisional Laws and Joint Resolutions of Jefferson Territory* (Omaha: Robertson and Clark, 1860), pp. 1-168, 178, 190-2, 205-6, 250, 258, 279.

ment.²² About the same time the residents of Mountain City held several protest meetings in opposition to the provisional government. The miners in that area declared themselves opposed to any kind of taxation and especially to any taxes levied to pay the high per diem asked by the legislature.²³ The *Denver Rocky Mountain News* believed these actions resulted primarily from the work of certain men who spread the false tale that the government had passed a law providing for a six or seven dollar poll-tax. The *News* maintained that the only justifiable complaints against the provisional government were "the large per diem voted by members to themselves, and to all the officers of the Territory, and the great amount of special legislation enacted." The legislature of the provisional government could remedy these ills, declared the *News*, and then no need to discard the government would exist.²⁴

The controversy over the provisional government continued throughout most of 1860. A newspaper article appeared in January, 1860, defending the government. Kansas was too weak, too distant, and too different from the mining country to legislate for it. Kansas did not have any jurisdiction there and did not want the burden. If the miners gave the provisional government vigorous support, it might obtain the approval of Congress, and possibly the gold fields would receive permission to retain their own officers after the regular organization of the territory by the national government.²⁵

About a month later two representatives of the "Territory of Jefferson" in Washington sent word to the gold region that the national government probably would not establish a permanent government for the gold fields in that session of Congress. Therefore, these representatives urged the implementation of the provisional government. Also, these men advised the gold fields population to make known its opposition to any plan to include the gold region in the state of Kansas, such as some congressmen were attempting to do in 1860 in an effort to defeat the Wyandotte Constitution. In response to these letters some of the residents of Denver held a mass meeting in March to protest any such endeavor.²⁶

²² *Rocky Mountain News*, December 21, 1859, p. 2.

²³ "C. W." to the editor of the *News*, January 14, 1860, in *Ibid.*, January 25, 1860, p. 1.

²⁴ *Ibid.*, December 21, 1859, p. 2; December 28, 1859, p. 2.

²⁵ *Ibid.*, January 18, 1860, p. 1.

²⁶ *Ibid.*, March 7, 1860, p. 2; March 14, 1860, p. 3. Some Kansas Republican leaders charged that certain Democratic Congressmen were attempting at this time to thwart the efforts of Kansas to gain admittance to the union under the "free-state" Wyandotte Constitution. One method used supposedly was to force the gold fields to remain a part of the state of Kansas, thus

In April, 1860, the *Rocky Mountain News* reiterated its call for support of the provisional government. The framework was there, and the people should utilize it. If some of the laws the legislature had passed were poor, they should be repealed or revised, but the entire government should not be discarded.²⁷

During this same period of time, some individuals were still trying to secure Congressional approval for organization of a legal territory or state in the gold region. In the October 3, 1859, election the voters chose Beverley D. Williams as delegate from the gold fields to Congress. His instructions were to travel to Washington and present the memorial asking for the immediate organization of a territorial government for the Territory of Jefferson. He did not go with a clear title to his position, because another man, George M. Willing, claimed the office also. The election had not proceeded smoothly and some manipulation of votes probably took place. As a result, two different sets of returns received stamps of approval from two separate boards of canvassers. Williams was the winner, according to one set of returns; Willing, according to the other.²⁸

Despite the uncertainty of the returns, both men went East to work for the organization of a territory in the gold fields.²⁹ Later, still another person, S. W. Beall, traveled to Washington carrying a second memorial from the gold region. Beall drew up the memorial and secured approval of it at a "mass meeting" in Denver on January 2, 1860. His petition reiterated the necessity for some kind of effective government in the area. "The acts of the Legislature of Kansas, intended to establish jurisdiction, having no validity, are disregarded as of no avail." The provisional government and the vigilance committees rested only on public opinion and were "soon disregarded as powerless and insufficient," the petition stated.³⁰

confusing the issue and bringing rejection of the Wyandotte Constitution. *Daily Times* (Leavenworth, Kansas), December 12, 1859, p. 3; January 7, 1860, p. 2; *Lawrence Republican*, February 9, 1860, p. 2.

²⁷ *Rocky Mountain News*, April 11, 1860, p. 2.

²⁸ *Ibid.*, October 20, 1859, p. 2; October 27, 1859, p. 2; November 3, 1859, p. 2. Williams, a former resident of Danville, Kentucky, was in charge of the Jones & Cartwright freighting firm of Denver. Willing was a miner and a geologist who came to the gold fields from Missouri. *Ibid.*, September 29, 1859, p. 2; October 6, 1859, p. 2; LeRoy R. Hafén (ed.), "Letters of George M. Willing, 'Delegate of Jefferson Territory,'" *The Colorado Magazine*, XVII (September, 1940), 184-89.

²⁹ *Daily Times*, November 12, 1859, p. 2; November 24, 1859, p. 2; George M. Willing to Secretary of State, Lewis Cass, December 28, 1859, State Department Territorial Papers, Colorado Series, National Archives.

³⁰ *Rocky Mountain News*, January 4, 1860, pp. 2, 3. Vigilance committees or "People's Courts" operated as follows: "A person accused was given a trial before the assembled citizens of the town or camp and straightaway the verdict was carried through. . . . Crimes usually were punished by whipping, by banishment from camp, or by hanging, all depending upon the seriousness of the offense." LeRoy R. Hafén (ed.), *Colorado and Its People* (New York: Lewis Historical Publishing Co., 1948), I, 248.



Beverley D. Williams,
congressional delegate
from Jefferson Territory.

President James Buchanan in a special message to Congress on February 22, 1860, recommended an early organization of Jefferson Territory and the extinguishment of the Indian title in that area.³¹ Beverley D. Williams, one of the delegates from the gold fields, informed his constituents in March that he believed Jefferson might have a chance of becoming a legal territory in that congressional session. Williams admitted the presence of an obstacle, since "the party here opposing the admission of Kansas, will insist on keeping us within her bounds, and thereby defecting [*sic*] the Constitution [Wyandotte], which they recently adopted." He called on the miners to protest any such move.³² Congressmen who opposed admission of Kansas as a free state prevented the establishment of a territory in the gold fields, however, and on June 13, 1860, the Denver *Rocky Mountain News* reported: "Our prospects for a Territorial organization, seem to have entirely vanished."

This news turned the spotlight back on the government efforts in the gold region itself. Since the provisional government did not seem to have much support among many people in the gold region, the autumn of 1860 witnessed the development of other governmental endeavors. The result was confusion piled upon confusion.

In July the *Rocky Mountain Herald*, a new Denver paper, called upon the residents of the gold region to organize another statehood movement. The *Herald* maintained that the people in the Pike's Peak area had already passed through a stage similar to a territorial period and were ready for statehood.

³¹ *Rocky Mountain News*, March 14, 1860, p. 3.

³² B. D. Williams to the editor of the *News*, March 22, 1860, in *Ibid.*, April 18, 1860, p. 1.

The newspaper declared these people should call a convention to draw up a state constitution.³³ In addition, a group of people in Golden City, near Denver, met and called for a state government as soon as possible. At Mountain City in the gold fields another assemblage demanded the convocation of a convention to devise a state constitution and apply for statehood immediately.³⁴

A correspondent to the *Rocky Mountain News* stated in August, 1860, that he wanted government and laws which all of the people in the gold region would recognize and respect. He did not care how this should be achieved, whether through the provisional government or through some other form of government.³⁵

However, the *News* asked the people to give the provisional government one more chance. The paper suggested that the legislature of the provisional government reconvene and perfect the criminal code, making a rapid and thorough organization under the organic act adopted in 1859. The reason the *News* took this stand was that congressional organization of the area seemed improbable for a time and Kansas laws for the area were inoperative, because the seat of the Kansas government was so far from the gold fields. In September, 1860, the citizens of Mt. Vernon, a mountain town, discussed the matter and decided in favor of the laws of the provisional government, since they were the best that were available.³⁶

Governor R. W. Steele of the provisional government issued a proclamation in September calling for the election of executive and legislative officials for the provisional government on October 22.³⁷ Discussion of the feasibility of continuing the provisional government continued throughout the three months which followed the issuance of this proclamation, and two groups held conventions to try to work out some other plan.

The Golden City convention resulted from a movement which developed in September, 1860. The avowed purpose of this movement initially was to nominate a candidate for the office of delegate to Congress who was to "lay before that body the imperative necessity of giving us a form of government immediately, with an enabling act to become a State as soon

³³ *Rocky Mountain Herald* (Denver), July 28, 1860, p. 2.

³⁴ *Mountaineer* (Golden City), quoted in the *Rocky Mountain News*, August 15, 1860, p. 1; *Rocky Mountain News*, August 22, 1860, p. 1.

³⁵ "E. F." to the editor of the *News*, August 20, 1860, in *Daily Rocky Mountain News*, August 30, 1860, p. 2.

³⁶ "Lime Burner" to the editors of the *News*, September 6, 1860, in *Ibid.*, September 6, 1860, p. 2.

³⁷ *Rocky Mountain News*, September 19, 1860, p. 2.

as we deem it practicable." Also, the supporters of this action wished to nominate a candidate for delegate to the Kansas legislature.³⁸

Several towns held meetings to elect delegates to this convention, but the resolutions passed at these sessions indicated that the two chief objectives of the Golden City convention were not necessarily favored by the people who were sending representatives to that assemblage. A meeting in Mt. Vernon to elect delegates to the convention resulted in the passage of three resolutions. One called for the sending of a delegate to Congress to work for a territorial organization, instead of a state, as was supposed to be the purpose of the Golden City convention. The second resolution expressed preference for R. W. Steele, governor of the provisional territory, as the delegate to Congress, and the third recommended "that our delegates be instructed to oppose the nomination of a candidate to the Kansas Legislature."³⁹ This last resolution was in conflict with the second objective of the Golden City convention. The people in a public meeting in Mountain City arrived at essentially the same conclusion on the Kansas question. The assembly decided it would not oppose the nomination of a delegate to the Kansas legislature but declared that the Mountain City delegates to the convention must insist that the delegate to Kansas be sent especially to protest against any attempt by that territory to assume jurisdiction over the people in the gold region. A group of Golden City people who met to choose delegates to the convention adopted the same policy as the people in Mt. Vernon. The Golden City group recommended that a delegate be sent to Washington to work for a territorial government for the gold region but opposed the nomination of a delegate to the Kansas legislature.⁴⁰

With such a contrast between the supposed purpose of the convention and the instructions given to delegates to the meeting, disorder at the conclave was not surprising. The convention began its sessions on October 9, 1860. One newspaperman characterized the activities of the first day as "the most irregular and boisterous proceedings we have ever witnessed in a deliberative body."⁴¹ The convention recommended that the people instruct their representative to the provisional legislature to work for the improvement of the judiciary and other features

³⁸ *Ibid.*, September 26, 1860, p. 2.

³⁹ *Ibid.*, October 5, 1860, p. 2.

⁴⁰ *Ibid.*, October 6, 1860, p. 2.

⁴¹ *Ibid.*, October 10, 1860, p. 2.

of the provisional government. However, the group neither endorsed nor repudiated the provisional government. The convention elected three commissioners to represent it in Washington.⁴² Seemingly, the delegates at the meeting accomplished nothing except the election of three more men to try to persuade Congress to give more consideration to the governmental difficulties of the gold seekers.

Dissatisfaction with the results of the Golden City convention resulted in the call for another convention to be held October 24 in Central City. According to those who favored another convention, the adherents of the provisional government (and of B. D. Williams, the delegate of "Jefferson Territory" to Congress) had wrecked the Golden City convention, necessitating this subsequent meeting. Its purpose was to organize three judicial districts in the gold region and to nominate delegates to Congress, to Kansas, and to Nebraska "to procure the passage of an act legalizing the present courts and their acts . . . and also, secure their cooperation in getting a separate territorial organization of the Territory of Idaho."⁴³

The Central City convention nominated the delegates and elected five commissioners to urge action by Congress. In addition, the group passed an act providing for the organization of a general and uniform judicial system with three judicial districts. The courts in these districts were to be governed by the local laws of the mining districts, the laws of Kansas, and the common law of the land. The convention designated November 20, 1860, as the day for the election of the judicial officials. As soon as the gold region acquired official territorial status this makeshift system would end.⁴⁴

Apparently the Central City recommendations received little support in the gold fields.⁴⁵ The provisional government of "Jefferson Territory" still remained, but it was not gaining much support. On October 22, 1860, the elections for that government took place. In Denver 388 votes were cast "For the Provisional Government" and 796 "Against the Provisional Government." At Mountain City the result was 31 votes in favor of the government and 283 against it.⁴⁶

⁴² *Ibid.*, October 12, 1860, p. 2.

⁴³ *Daily Rocky Mountain Herald*, October 19, 1860, p. 2. This proposed "Territory of Idaho" had no connection with the area which later became the State of Idaho. The Central City convention did not clearly define the boundaries of the proposed Territory of Idaho, but probably the territory would have had about the same boundaries as Jefferson Territory.

⁴⁴ *Daily Rocky Mountain News*, October 30, 1860, p. 2; October 31, 1860, p. 2. *Ibid.*, November 22, 1860, p. 3; December 1, 1860, p. 2; "Spectator" to the editors of the *News*, November 20, 1860, in *Ibid.*, November 26, 1860, p. 2.

⁴⁶ *Ibid.*, October 23, 1860, p. 2; October 24, 1860, p. 3.



Voter reaction in Mountain City was typical of mining communities.

However, the *Daily Rocky Mountain News* of Denver noted in November that legislators were arriving almost daily in that town to take their seats in the provisional government's legislature, scheduled to convene on November 12. Apparently, the *News* stated, most settlements had not followed the lead of Denver and had supported the provisional government and elected legislators for it.⁴⁷ The legislature organized and held sessions in Denver until late in November when it adjourned to Golden City.⁴⁸ Interest in the provisional government had faded so completely that when the legislature disbanded a few weeks later no notice of the adjournment appeared in either of the leading Denver papers. The legislature of the provisional government never met again, and in a few months the entire government ended its activities.

One of the primary reasons for the failure of the provisional government was that many of the mining camps had organized effective local governments and did not particularly care about organizing a central government for the gold region. A letter written from Mountain City expressed the attitude of many miners toward the provisional government. The writer stated that many miners opposed the provisional government because: (1) they believed the primary reason for its organization was to enable certain politicians to further their political ambitions, and (2) the "miners' courts" were working well and maintaining law and order without a central government.⁴⁹ The refusal to pay taxes to the provisional government resulted in part from

⁴⁷ November 6, 1860, p. 3; November 7, 1860, p. 1.

⁴⁸ *Daily Rocky Mountain News*, November 13, 1860, p. 3; November 27, 1860, p. 3.

⁴⁹ "Mountaineer" to the editors of the *News*, September 19, 1860, *Rocky Mountain News*, September 26, 1860, p. 3.

the success of these local organizations. These "miners' courts" were the chief feature of the miners' districts which prospectors had established in most of the camps of the gold region. These districts began and flourished in California and by 1859 had spread outward from that state. They were a continuation of the types of provisional local governments which had become a regular part of American life by this time.⁵⁰ In the Pike's Peak gold fields the miners organized several hundred of these districts in 1859 and 1860.⁵¹

Another reason the movement to organize a provisional government in the gold region had failed was because throughout the period when various people made efforts to breathe life into this government, other people had continued to maintain that the gold fields fell within the boundaries of Kansas and thus should be governed by the Kansas government. This attitude continued despite the fact that the government of Kansas had attempted to implement county government in the gold region in the latter part of 1858 and the early part of 1859 and had failed. Finally, the provisional government did not succeed, because of the ever-present hope that Congress would soon establish a regular territorial or state government for the gold area. Undoubtedly the extralegal nature of the provisional government weakened its position.

Consequently, the gold fields did not receive adequate government, except on a narrowly local basis, until after the organization of the Territory of Colorado in 1861. However, the various efforts of some of the residents of the region to develop some kind of self-government for the area are excellent illustrations of the attempts of men in remote areas on the American frontier to organize as soon as possible a regional government of their own.

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⁵⁰ Charles Howard Shinn, *Mining Camps, A Study in American Frontier Government* (New York: Alfred A. Knopf, 1948), p. 267 (first published in 1885); Jim Dan Hill, "The Early Mining Camp in American Life," *Pacific Historical Review*, I (September, 1932), 299-300.

⁵¹ Percy S. Fritz, *Colorado, The Centennial State* (New York: Prentice-Hall, 1941), p. 122. These miners' districts will not be considered in this article. For information on these districts see: Thomas Maitland Marshall, "The Miners' Laws of Colorado," *American Historical Review*, XXV (April, 1920), 426-439; Marshall (ed.), *Early Records of Gilpin County, Colorado, 1859-1861* (Boulder, Colorado: University of Colorado Historical Collections, 1920). In addition to these miners' districts in the mountains, farmers in the region who were squatting on Indian land organized claims clubs to protect their rights. For discussions of these see: George L. Anderson, "The El Paso Claim Club, 1859-1862," *The Colorado Magazine*, XIII (March, 1936), 41-53; Anderson, "The Canon City or Arkansas Valley Claim Club, 1860-1862," *Ibid.*, XVI (November, 1939), 201-210.

PROMOTERS ON THE MAXWELL GRANT

BY MORRIS F. TAYLOR

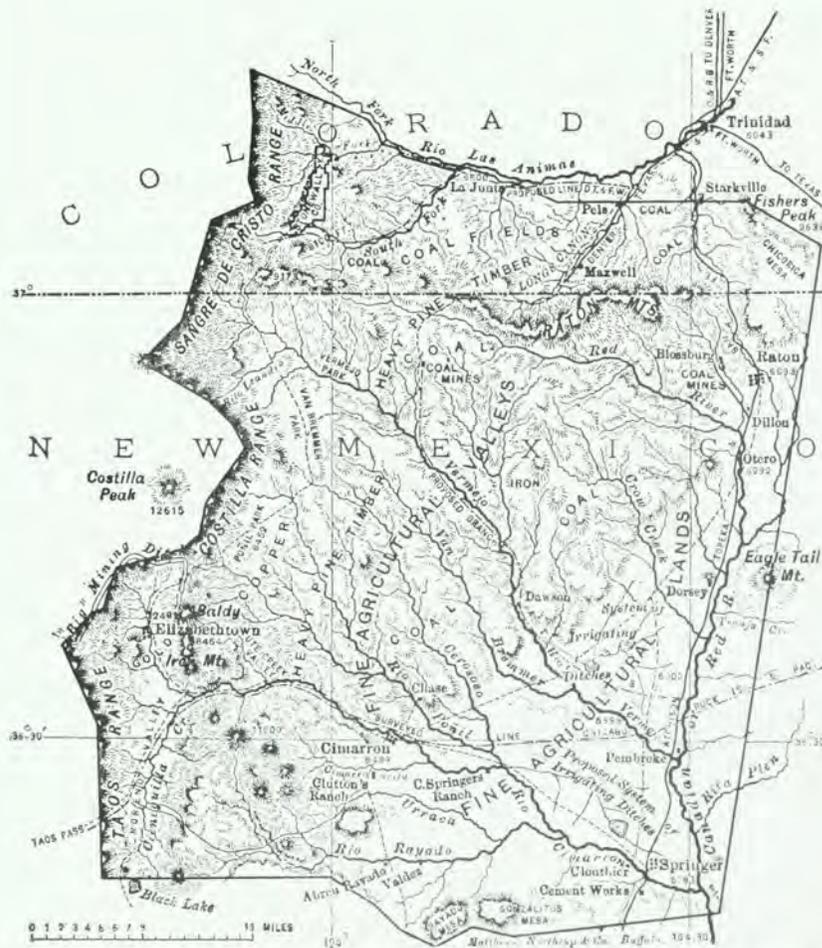
One sometimes wonders if perhaps history is not too much concerned with success or spectacular lack of it. Ordinary failures are a part of the record too, and the following is an account of a venture that hardly got off the ground, as it were. But for a while it embodied human hopes and ambitions. In a rather specialized publication this brief summary appeared nearly forty years ago: "Mountain City Industrial Company. Incorporated 1887, Colorado. Par of shares \$100. Charter revoked for non-payment of taxes, 1907. No value found for stock, March 1, 1915, for inheritance tax."¹

This capsule of information leaves no doubt about one thing—failure of a company. But it gives no idea of the scope of an attractive promotional scheme, which had interested a group of New Yorkers in a tract not far east and south of Trinidad, Colorado, within the claimed boundaries of the Maxwell Land Grant. The 20,000 acre site was at the head of Frijoles Creek just below the rimrock of the Raton Mesa. The prospectus for real estate development was rather grandiose, considering the time and place.

One of the first indications of the proposal is to be found in a Maxwell Land Grant Company letter dated August 30, 1887.² Among several matters discussed therein was the fact that Richard B. Holdsworth, the company's representative in Trinidad, had had an inquiry from a man in New York with the interesting attributes of being wealthy and representing a labor union. The man wanted a tract to colonize on the Colorado portion of the grant. The Maxwell Committee, headquartered in

¹ C. D. Keane and H. J. Emmrich (eds.), *Marvin Scudder Manual of Extinct or Obsolete Companies* (New York: Marvin Scudder Co., 1926), I, 808.

² Letter from M. P. Pels, Agent for the Income Bondholders, to the Maxwell Land Grant Committee, August 30, 1887. This and all other Maxwell letters and other papers referred to are in the pertinent letter books and files of the Maxwell Land Grant Company, Raton, New Mexico.



Map of the Maxwell Land Grant. The Mountain City area lies to the south and east of Trinidad in Colorado portion of the Maxwell Grant.

Amsterdam, Kingdom of the Netherlands, was additionally informed that Holdsworth had recently promoted a syndicate of eleven influential men in Trinidad to set up a summer resort in the Stonewall Valley; that the railroad in Long's Canyon would be built five miles farther than originally planned; that the company's office was being provisionally moved from Cimarron to Raton, New Mexico; and that company men were meeting with ominous resistance in New Mexico and Colorado from anti-grant settlers.³

Officials of the Maxwell Land Grant Company naturally were glad to dispose of pieces of their vast property with profit, and their agent at Trinidad was characterized by M. P. Pels,⁴ agent for the income bondholders, as "a very active man and an honest Englishman too, I believe, and I think he can do a good deal towards disposing of lands on the Grant."⁵ The man who made the approach to Holdsworth about securing property for colonization was Colonel W. S. Tisdale, business address at 18 West Fourteenth Street, New York.⁶

Tisdale's original proposal must have had a strong initial attraction for Holdsworth and his business partner, James W. Shryock (the firm of Shryock and Holdsworth in Trinidad). Those two men, along with W. S. Tisdale and John Kofal, were listed as the directors of the newly formed Mountain City Industrial Company, articles of incorporation of which were filed in the office of the Las Animas County Clerk and Recorder in Trinidad, Colorado, on September 3, 1887.⁷

The corporation's articles asserted that its objects were (1) to purchase real estate in Colorado and New Mexico; (2) to establish towns and villages; (3) to erect houses, residences, hotels, and other buildings; (4) to establish manufactories and run the same; (5) to mine coal, iron, gold, silver, and other metals; (6) to sell and convey lots and blocks of land; and (7) to buy and sell merchandise and manufactured articles. The principal business of the Mountain City Industrial Company was to be in Las Animas County and its principal office in Trinidad. Capital stock was set at \$250,000 divided into 2,500 shares of \$100 each.

³ The Supreme Court of the United States in an opinion written by Justice Samuel Freeman Miller, April 18, 1887, had confirmed the title to the Grant. Maxwell Land Grant Case, 121 U.S. 325 (1887).

⁴ Martinus Petrus Pels, a distinguished Dutch lawyer and public servant, was born in Wyk-Duurstedt, Holland, March 1, 1837. *Denver Republican*, February 9, 1906, pp. 1, 5.

⁵ Letter from M. P. Pels to the Maxwell Land Grant Committee, August 30, 1887.

⁶ Letter from W. S. Tisdale to Harry Whigham, November 25, 1887.

⁷ Las Animas County Deed Record, Book 36, pp. 135-136.

For reasons not apparent from the record, enthusiasm for Tisdale's proposal was soon tempered with caution and skepticism, but negotiations were not broken off by the Maxwell Company. Holdsworth seems to have cooled first. Then Pels observed that he could "well understand that Mr. Holdsworth does not like very much to be one of the directors of such a scheme," going on to say that "if we can be secured of the first payments I think there will be no harm done as long as we retain possession of the land till payment completed, and then Mr. Tisdale go ahead with his interesting scheme."⁸ The receiver of the Maxwell Land Grant Company, Harry Whigham, exuded caution and concern and implied agreement with Holdsworth.⁹ None of this, however, explains how Holdsworth had become involved so quickly. Was it bad judgment on his part, or was he urged to it by Pels, who thought first of the income bondholders, whose agent he was?

From where Receiver Whigham sat in Raton, Tisdale seemed "to be a very wild and erratic sort of fellow" for reasons that Whigham went on to enumerate.¹⁰ Tisdale asked that the Maxwell Land Grant Company give a deed for 22,000 acres to the Mountain City Industrial Company in return for \$20,000 worth of stock in the latter company as a first payment or collateral security for the first payment. In the second place, although Tisdale apparently was vague on the point, he suggested that a mortgage on the property be given to the Maxwell Company for the balance; he spoke of issuing first mortgage bonds to the amount of \$500,000 to pay it off. There was little doubt of Whigham's wariness. He pointed out to Pels that the stock certificates of the Mountain City Industrial Company would have no marketable value except on the concession made by the Maxwell Company. Moreover, the Mountain City people had given no certain indication of investing substantially in the property; therefore, the Maxwell Company would tie up the property and would have to face the possibility of having to foreclose before they could enjoy the use of it again. If Tisdale and company would put up \$20,000 in cash, their scheme might be worth attention. Otherwise it did not make much sense, but Whigham said he would talk it over further with Holdsworth.

Whigham did not close the door to further negotiation,¹¹ but Pels came to the conclusion that the venture was virtually

a dead issue and wondered if Whigham and Holdsworth had done anything further towards selling the same land to the Denver, Texas, and Fort Worth Railroad.¹² It should be remembered that this was a period during which the Maxwell people were very active in trying to sell large portions of their property, mainly to satisfy Dutch creditors, and company records show that there was no dearth of clients. If one failed to come through, there were others waiting in most cases.

On November 25, 1887, Tisdale wrote a flattering letter to Whigham saying, first of all, that he had answered Whigham's of the eleventh but had directed it to Trinidad with the request that it be forwarded. Instead, reply had come from "another party" whose tone was "greatly at variance with the tenor of your kind note." He and his associates, Tisdale went on, were now ready to deal only with someone "highest in authority." "We desire now to ascertain from *you* the lowest figure you are disposed to demand as a first payment and the longest time in which to pay it." He mentioned vaguely "that our hands are being strengthened more and more every day by the accession to our forces of strong and responsible parties." Later in the letter he made a curious assertion: "It is a matter of considerable moment to us that Raton Peak [more commonly known today as Fisher's Peak] should be included in the purchase and we have had no reliable assurance that we should have it in its entirety or nearly so. Please tell us what *you* know about it and let us know when you can be seen and communicated with at any reasonable notice, as you may receive a personal call sooner than you may suppose."

Whigham, whatever his reasons, was in no hurry to reply. Tisdale asked through Western Union on December 12, 1887, for a definite answer. A day or so after receiving the telegram, Whigham went by train to Chicago, where he made arrangements to meet John Kofal, one of the four directors of the Mountain City Industrial Company. The president of the Denver, Texas, and Fort Worth Railroad had shown little intention of buying the property; therefore Whigham could see no major objection to letting Tisdale and his group have their chance.

The Maxwell receiver agreed that the Mountain City people could have three months for prospecting their land before making a first payment. He had tried hard to get them to pay \$5,000 down at once, but meeting with no success, he abandoned the idea. Kofal argued that they would have to spend large

⁸ Letter from M. P. Pels to Harry Whigham, October 31, 1887.

⁹ Letter from Harry Whigham to M. P. Pels, November 4, 1887.

¹⁰ Letter from Harry Whigham to M. P. Pels, November 4, 1887.

¹¹ Letter from Harry Whigham to W. S. Tisdale, November 11, 1887.

¹² Letter from M. P. Pels to Harry Whigham, November 12, 1887.

amounts in developing the property. In view of the fact that their investments would enhance the value of adjoining Maxwell land, Kofal thought the Maxwell Company should do everything possible to meet the terms he proposed, among which was *not* a \$5,000 down payment.

Whigham justified his concessions by noting that the deed to the property would be held in escrow until the entire price of the land had been paid by the Mountain City Industrial Company. He recommended that Charles J. Canda¹³ would be an acceptable party to hold the deed. It was the duty of the Maxwell managers, he went on, to let pass no opportunity to the possible advantage of those they represented, and he felt that tying up the property during the middle of the winter entailed small risk.

Whigham also reported an incident of interest. John Kofal informed him that former Senator Stephen Dorsey had spoken very discouragingly in New York to some of the parties that the Mountain City people had involved in the scheme. The ex-senator from Arkansas, of Star Route fraud trial fame, had a fine ranch at Chico Spring east of Springer, New Mexico, and his Triangle Dot brand was one of the best known in the eastern part of the Territory. Earlier in 1887 Dorsey had made strong representations directly to the Maxwell Land Grant Committee in Holland to buy the grant. In this he failed, and contemporary letters suggest that his statement to Mountain City investors in New York may have been made out of resentment.¹⁴

On December 30, Tisdale expressed pleasure that a fair basis of terms had been reached at last. He urged Whigham to arrange for Canda to be custodian of the funds passing between the parties in interest, and also said:

Now please lose no time in the adjustment of all preliminary details as we are a pushing party of earnest workers and are devoting our time solely to the great enterprise we have in hand, the important magnitude and great value of which I believe you fully, because *intelligently* understand.¹⁵

Tisdale and Kofal expected that a formal contract setting forth the terms of the Maxwell Company would follow Whig-

¹³ A former Trustee of the Income Bonds of the Maxwell Land Grant Company, Canda, the national treasurer of the Democratic Party, was importuned by Maxwell officials to secure support of their claim from major figures of the Cleveland administration, including the President himself. At the time of the Mountain City Company negotiations, Canda was also vice president of the Western National Bank of the City of New York. Letter from M. P. Pels to the Maxwell Land Grant Committee, May 19, 1887.

¹⁴ Letter from Harry Whigham to M. P. Pels, December 25, 1887.

¹⁵ The reference to, and quotation from, Tisdale's letter are based on Tisdale's own quotation from it in a subsequent letter to Whigham, February 11, 1888.

ham's letter, but Whigham was content that the letter should serve as a contract and that the "deed will be placed in escrow in due course."¹⁶ The phrase "in due course" greatly disturbed Tisdale, who by letter pointed out to Whigham that there is no limit to the term. He asked for a copy of the deed and a map of the 22,000 acres to show to interested parties, and he stated that the Western National Bank in New York was an acceptable repository for the deed in escrow.¹⁷



Tisdale vacated his office on East Fourteenth Street and moved to a Broadway address. His new letterhead showed the New York office of the Mountain City Industrial Company to be at 31 and 33 Broadway, while Trinidad, Colorado, was listed as the location of the company's principal office. Number 31 Broadway was, according to the New York City Directory for 1888-1889, also the address of the W. S. Tisdale and Company, publishers.

With some urgency, Tisdale asked for a positive date for sending the deed to New York.¹⁸ But the Maxwell receiver had already written to him. Let us have a look at the substance of Whigham's letter:

Neither you nor Mr. Kofal have ever yet definitely agreed to accept the plan outlined in the letter I wrote you from Chicago, altho' one would infer from your letter of the 25 ult., that the plan was satisfactory to you. Still you must understand that on so large a body of land we cannot allow our interest to lie dormant on any uncertain negotiations. We have found it to our interest to enter into arrangements to give the Santa Fe Railroad the right to prospect within one and a half miles of its railroad line on the lands in question, with the agreement that they should pay a fixed royalty on all coal taken therefrom. Of course, if our trade goes thro', this royalty would revert to your company.¹⁹

¹⁶ Telegram from Harry Whigham to John Kofal, January 16, 1888.

¹⁷ Letter from W. S. Tisdale to Harry Whigham, January 25, 1888.

¹⁸ Telegram from W. S. Tisdale to Harry Whigham, February 4, 1888.

¹⁹ Letter from Harry Whigham to W. S. Tisdale, February 3, 1888.

The president of the Mountain City Industrial Company was incredulous.

Your letter of 3rd inst. came duly at hand and while the contents are very surprising and inexplicable to us, we are inclined to the opinion that there is a double meaning to it. Therefore we scarcely know how to answer it. Our status as between yourself and the Mountain City Industrial Co. is simply this. We have purchased by ratified contract twenty two thousand (22000) acres of land from the Maxwell Land Grant Company and have arranged to carry out our part of the said contract. Knowing you to be an intelligent gentleman, the natural inference with us is that you are well aware of the fact that you cannot sell the same parcel of land to two different parties, and yet make the sale to *both*, good in law. Hence the unexplicable [*sic*] part of your letter. In fact we are so much at a loss to account for its purport that we scarcely know what to say in reply; if indeed there is any rational answer possible. In justice to parties interested with us—Bankers, Brokers, Lawyers, etc.—as well as in justice to ourselves we must stand by our rights.²⁰

Meanwhile, Tisdale and Kofal went to see Charles J. Canda who was quite willing to accept the trust requested of him, assuring his business callers that any agreement made by Whigham and Pels would be fulfilled. Also, the Mountain City treasurer, William F. Pitschke, judge of the City Court of New York, could see no reason why Tisdale or Kofal should go to Trinidad at the moment as it seemed that there was no room for misunderstanding the terms of the contract. Once again Tisdale was sanguine that "the way seems plain and clear before us."²¹

The curious circumstance in this prolonged transaction is the general buoyancy and optimism of Tisdale in contrast with the caution evinced by the Maxwell receiver, Whigham. Judge Pitschke was to have a talk with a member of the Maxwell board of trustees in New York.²² Whigham suggested that it might be well to advise the eastern trustees not to deal with Tisdale, but he doubted that they would follow that advice.²³

Others of the Maxwell officers, especially M. P. Pels, saw the deal with the Mountain City Industrial Company as less of a risk than receiver Whigham thought. Pels went to New York and personally negotiated a contract with Tisdale, drawn up and dated March 29, 1888. There were some changes before

²⁰ Letter from W. S. Tisdale to Harry Whigham, February 11, 1888.

²¹ Letter from W. S. Tisdale to Harry Whigham, March 6, 1888.

²² Letter from W. S. Tisdale to Harry Whigham, March 8, 1888. Reference to a member of the Maxwell board probably meant either Rudolph Vincent Martinsen or Samuel L. Parrish, both of whom were trustees and residents of New York City.

²³ Letter from Harry Whigham to M. P. Pels, March 12, 1888.

the final version was signed and delivered. One of these was to safeguard the rights of the Atchison, Topeka, and Santa Fe Railroad to water from Clear Creek, a tributary stream in the Raton Pass.²⁴ Frank Springer was concerned that the Mountain City tract might encroach on the claim of the old trapper and Indian scout, Uncle Dick Wootton, who had lived by his toll gate in the Raton Pass since he built his road in 1865. Wootton had a deed given to him by Lucien B. Maxwell, former owner of the Maxwell Grant, dated November 7, 1867, but for some reason his title had never been put in order since the Maxwell patent litigation, although company officials had always admitted the validity of his title.²⁵

Negotiations on the rewritten contract continued through most of May. The Santa Fe Railroad's right to water from Clear Creek was assured, and it was discovered that the southern boundary of the Mountain City Company's land would not come within a mile and a half of Wootton's north line.²⁶ On June 3, 1888, the *Trinidad Daily Advertiser* published under a New York date line announcement that final arrangements had been made between the Mountain City Industrial Company and the Maxwell Land Grant Company for the purchase of 19,955 acres east of the road bed of the Atchison, Topeka, and Santa Fe Railroad.

In discussing the terms of what the Maxwell people called the Tisdale contract, it is well to point out that William S. Tisdale is the party of the second part, and nowhere in the document is the Mountain City Industrial Company mentioned by name. The approximately 19,955 acres embraced almost all of the Colorado portion of the Maxwell Grant east of the Santa Fe Railroad, excepting two 160 acre tracts previously acquired by two settlers, Collins and Ibbetson.

Tisdale agreed to pay \$5,000 upon delivery of the deed, and the remainder of \$114,730 by giving his bond and mortgage for that amount; the mortgage was to be fully paid off within seven years by annual payments of one-seventh of the \$114,730.00. If he should wish to pay off the entire mortgage a year from its delivery, the Maxwell Company would accept such payment after allowing him a deduction of \$19,955.00 (one dollar per acre) for prompt and premature payment.

In addition to the exceptions already noted, the Maxwell Company wrote in a third reservation. It allowed continuation

²⁴ Letter from M. P. Pels to Frank Springer, April 25, 1888.

²⁵ Letter from Frank Springer to M. P. Pels, April 30, 1888.

²⁶ Letter from Harry Whigham to Frank Springer, May 11, 1888.

of a contract previously made with the Trinidad Coal and Coking Company to prospect for a year and a half one and a half miles east of, and two miles west of, the Pueblo and Arkansas Valley Railroad.²⁷ The Trinidad Coal and Coking Company had the option of selecting not more than three tracts totalling not more than 4,500 acres.

Delivery of the deed was to have been made at the office of Rudolph Vincent Martinsen in New York at 2 P.M. of the day three months after the signing of the contract. Colonel Tisdale signed his receipt of the contract on May 28, 1888, making the delivery date of the deed August 28, 1888.²⁸ Thus it seemed that plans by promoters of the Mountain City Industrial Company would soon be underway. And some of the Maxwell people thought the agreement was "a good one considering the absolutely rocky character of the soil, and Martinsen approved of it also, in consideration of the \$5,000. cash to be paid by Tisdale on the delivery of the deed."²⁹

Preliminaries and plans on paper moved quickly. John Kofal, vice president and general manager of the Mountain City Industrial Company, and W. T. Minuse, its secretary, went out to Colorado. On the morning of June 28 they were ready to leave Trinidad for an inspection of the property; they were accompanied on their reconnaissance by Albert W. Archibald, a former government surveyor and one of Trinidad's earliest pioneers, and by a reporter from the *Trinidad Daily Advertiser*.

The *Advertiser's* coverage of the project was enthusiastic. Reporting on the tour of inspection, it announced that "Mr. Kofal has determined the site of Mountain City." The chosen location was the valley of Frijoles Creek—a tributary of the Purgatoire—near its head, within a thousand feet of the beautiful Raton Mesa. The summit of the mesa could be reached along a mile and a half of good bridle path, while the Mountain City railroad station was down Frijoles Creek on the Denver, Texas, and Fort Worth line. The paper commended Kofal for his "rare judgment in selecting the location of his new city so as to combine the greatest industrial facilities with everything that is charming and delightful in mountain scenery."³⁰

A commodious and well-appointed hotel will be built on the first bench or plateau below the crest of the mesa where every



Trinidad in the mid-eighties with Fisher's Peak in the background.

comfort and luxury desirable will be furnished to those who are in search of health, pleasure or recreation, wish to breathe the cool mountain air and spend the sultry months of July and August in the coolest and most romantic place to be found between the Atlantic and Pacific. Further down the valley on a second terrace will be established manufacturers, to be fostered by the company, and still further down will be the coal mines of the company which will be opened and operated in the near future.³¹

A concluding paragraph of the report told of an observatory to be built on the northerly extremity of the mesa from which there would be a breath-taking view of the mountains and plains, and the town of Trinidad "so directly under the eye that in the clear air her citizens can be seen by the aid of a good field glass, walking in the streets as if they were not one mile distant instead of five miles away."³²

A week later the paper carried further details. Upon the advice of C. H. Demorest, ex-deputy United States mineral surveyor, Kofal selected sites for a woolen mill, a furniture factory, a sanitarium, and a journalists' home. The latter project probably ties in with the first inquiry by a New York party representing a labor union, and it is likely that that party was Tisdale.³³

One of the foremost schemes in the minds of the projectors and principal owners of the company stock is the establishment of a home for brain workers, where they can obtain the rest and recreation so well earned by years of toil.

To establish this, \$25,000 of the company stock has been set aside and this will be one of the first enterprises put underway by Col. Tisdale and Mr. Kofal.³⁴

²⁷ The original right of way had been secured by the Pueblo and Arkansas Valley Railroad, which was later absorbed by the Atchison, Topeka, and Santa Fe road.

²⁸ Tisdale Contract.

²⁹ Letter from M. P. Pels to Frank Springer, April 25, 1888.

³⁰ *Daily Advertiser* (Trinidad, Colorado), July 1, 1888, p. 5.

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*, July 8, 1888, 5.

³⁴ *Ibid.*

Frederic Remington, artist on the staff of *Harper's Weekly*, in company with a young lady artist from Kansas, had been with Kofal and Demorest on the two day inspection of the property. It was said that Remington found many spots that would give the readers of the well-known magazine an idea of the surroundings of the Mountain City project.³⁵ The bibliographical check list of Remington's paintings and drawings in Harold McCracken's *Frederic Remington, Artist of the Old West* shows nothing of sketches from southern Colorado, but the same source shows that Remington was in the Southwest as far as Arizona in the summer of 1888. He could very well have stopped over in Trinidad for a few days.

Meanwhile, the demands of business promotion caused some formative action, at least, in other aspects of the Mountain City project. A small account was opened with the Western National Bank in New York. The bank's vice president, Charles J. Canda, asked Pels for his "opinion as to the financial responsibility and standing of the concern, and its President and Secretary individual."³⁶ Pels's reply is not known. In Trinidad, the company's vice president and general manager told Holdsworth, the Maxwell agent, that they were ready to pay as per agreement, but wondered if there were anyone in New York to receive the money in place of Martinsen. Perhaps this indicates that personal friction had developed between Martinsen and Tisdale. Kofal also inquired if there might be a rebate over what was mentioned in the contract if all were paid in cash at once instead of at the end of the year. Holdsworth replied rather peremptorily, telling Kofal that this was very unlikely since "he had got the property very cheap for his purpose."³⁷

Since there seemed to be no great surge of interest in Trinidad in the Mountain City development, attempts were made early in July of 1888 to arouse more than curiosity. The *Advertiser* explained to apathetic citizens that the company was capitalized at \$250,000 on the basis of \$12.50 per acre for the approximately 20,000 acres acquired from the Maxwell Grant. Workable veins of coal underlay the entire tract, and a contract for a lease had been made with the Trinidad Coal and Coking Company at a good royalty. Already the Mountain City Company

³⁵ *Ibid.*

³⁶ Letter from Charles J. Canda to M. P. Pels, June 20, 1888.

³⁷ Letter from R. B. Holdsworth to M. P. Pels, July 5, 1888.

³⁸ *Daily Advertiser* (Trinidad, Colorado), July 6, 1888, p. 3.

³⁹ Letter from M. P. Pels to Harry Whigham, July 16, 1888.

⁴⁰ *Daily Advertiser* (Trinidad, Colorado), July 6, 1888, p. 6.

⁴¹ *Ibid.*, July 7, 1888, p. 5.

had made about \$20,000 worth of improvements on the property, which represented some of the most valuable land from the Grant.³⁸

Among the Maxwell trustees, however, there was growing concern that the property was being let go too cheaply. To check on this, a Mr. St. Auburn, presumably an expert on land values, was hired to report on the agricultural value of the Tisdale tract.³⁹

W. T. Minuse, secretary of the Mountain City Company, inserted a notice in the *Advertiser* announcing that the company would sell to the citizens of Trinidad and vicinity 165 shares (par value \$100) at the "bed-rock" price of \$60 per share, payable in three installments. All payments were to be made to the Trinidad National Bank, which would also deliver the stock when paid for. A prospectus was available at the bank.⁴⁰ The following day, 190 shares were offered at \$100 per share, subscribers to address Mr. Minuse at the company's office in Room 3, Jaffa Block, Trinidad.⁴¹

Jaffa's Opera Block in Trinidad, main office of the Mountain City Industrial Company.



With Messrs. Kofal and Minuse doing business at Trinidad in the summer of 1888, new stationery emphasized Trinidad as headquarters and relegated the New York office to a secondary position. It was the new letterhead which Harry Whigham saw when he read a letter from Minuse asking him to send a copy of the contract of the Maxwell trustees with the Trinidad Coal and Coking Company. Whigham was reminded that said contract reverted to the Mountain City Company by its purchase of the land on which the Trinidad firm was operating. The Mountain City secretary had been unable to find a record of the contract in the office of the Las Animas County Clerk. His company, he continued, planned to begin operations in San Francisco and Frijoles Canyons within sixty days.⁴² Colonel Tisdale was expected in Trinidad in a few days, along with A. F. Osborn, treasurer, and J. T. Pratt, one of the company's heavy stockholders. Also in the group would be John Kofal and his family, who would take up residence there.⁴³

Early in August, M. P. Pels finally completed a draft of a deed to Tisdale, which he sent to Frank Springer in Burlington, Iowa, where he was visiting in his old home town. Springer, if satisfied, was to forward the document to the Maxwell trustees. For some reason Springer did not send the proposed deed to New York in mid-August, and, as the terminal date approached, the Maxwell people there showed growing anxiety. Also, doubt of the wisdom of the deal with Tisdale was growing. The main point raised was that under the Maxwell deed of trust no deed could be delivered until final payment had been made by a purchaser. With this argument Pels disagreed. If the Maxwell trustees had originated the arrangement with Tisdale, then according to the deed of trust final payment would have to be given before a deed could be delivered. But, said Pels, the transaction had been made by the Maxwell receiver, the court, and Pels himself as agent for the bondholders, and all was done in agreement with the terms of the receivership of 1885. The board was bound to carry out the contract.⁴⁵

The Maxwell trustees ignored Pels's contention and informed him that the contract with Tisdale could not be carried out, because the board had not ratified the agreement with the Trinidad Coal and Coking Company. Ignoring these warnings, Tisdale continued to prepare for his appearance at the Maxwell office in New York on August 28.⁴⁶

⁴² Letter from W. T. Minuse to Harry Whigham, August 1, 1888.

⁴³ *Daily Advertiser* (Trinidad, Colorado), July 29, 1888, p. 5.

⁴⁴ Letter from M. P. Pels to Frank Springer, August 7, 1888.

The appointed day arrived. The executive committee of the Maxwell trustees (Rudolph V. Martinsen and Samuel L. Parrish) met at 2 P.M. to treat with Tisdale and his counsel. Colonel Tisdale appeared with John Kofal, and they gave the impression of being ready to make the first cash payment of \$5,000. Cash-in-hand apparently caused Messrs. Martinsen and Parrish to have second thoughts about not going through with the deal, and they decided that the money should be counted.⁴⁷

There are two sources (both Maxwell) for an account of the interesting performance which followed this decision. According to the minutes of the executive committee, Parrish, who was doing the counting, "found less than \$1700 of the \$5,000 was actually tendered, the remainder, which Mr. Parrish was not allowed to count, consisting apparently of one dollar bills to only a small amount in addition to that counted. Mr. Kofal would not allow Mr. Parrish to finish the count."⁴⁸ Whigham, however, gave this report: "Parrish writes us that he started to count Mr. Tisdale's \$5000 and had gone as far as \$1600 when Mr. Tisdale withdrew the balance of the money and denied his right to count it. Mr. Parrish thinks there was not \$2000."⁴⁹ According to the minutes, the consultation was quickly terminated. The two members of the executive committee abruptly stated to Tisdale that there was no legal tender, but that they would be glad to hear from him and Kofal in case they should desire to negotiate further.

Soon after this fiasco, Colonel Tisdale went out to Trinidad to see what could be done from there. He knew that Pels and Whigham were prepared to reconsider, provided he could guarantee payments substantial enough that the Maxwell people would not be forced into a foreclosure suit, which expense would just about use up the first \$5,000.⁵⁰ Manager Kofal, with his wife and child, returned to Trinidad also. The Trinidad *Daily Citizen* (September 6, 1888) quipped that the child was "regarded as the coming mayor of Mountain City." A few days later the same paper noted that Tisdale, Kofal, and Minuse had gone for a look at the Frijoles area and that the Mountain City Industrial Company "will soon expend considerable capital in new ventures."⁵¹ A company notice was published stating that

⁴⁵ Letter from M. P. Pels to S. L. Parrish, August 20, 1888.

⁴⁶ Minutes of the Executive Committee of the Maxwell Board of Trustees, August 28, 1888, pp. 29-30.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Letter from Harry Whigham to R. B. Holdsworth, September 8, 1888.

⁵⁰ Letter from Harry Whigham to R. B. Holdsworth, September 8, 1888.

⁵¹ *Daily Citizen* (Trinidad, Colorado), September 11, 1888, p. 4.



Denver office of the Maxwell Land Grant Company; the Maxwell sign is partly hidden by the horse and buggy.

it was doing business at 111 West Main Street, Trinidad, over the post office.⁵²

But nothing satisfactory to the Maxwell trustees developed. St. Auburn's report on the agricultural and mineral potential of the Tisdale tract made them even more reluctant to make the trade, and the dealings so far made them "think that Tisdale and his people are very slippery."⁵³

When General Manager Pels⁵⁴ went back to New York for the November 7 meeting of the executive committee, he learned that Tisdale had not been heard from since the August meeting. In reply to his query about selling the Tisdale tract to others, Pels was informed that that would have to be determined by the committee's attorney.⁵⁵ At a later meeting Frank Springer and F. K. Pendleton, as company counsel, advised the general manager to try to sell the tract to other clients. The board of trustees gave its blessing to this course of action.⁵⁶

From this point the prospects for the Mountain City Industrial Company subsided gradually into nothingness. There

were intimations of a court action which never came off. In the spring of 1889, F. K. Pendleton, the Maxwell counsel in New York, was approached by "a very prominent man, formerly connected with the Tisdale scheme and whom Mr. Pendleton knows to be reliable." This unnamed party informed Pendleton that Tisdale and Kofal were entirely out of the matter, and that the others wanted to pay a large part of the purchase money down. They would need a little time, however, to raise it. Pels was not impressed by this report, yet he was not willing to sever contact altogether.⁵⁷ Harry Whigham had a chance to sell some of the coal land to other parties,⁵⁸ but the same uncertain state of affairs existed. "There are no negotiations pending," he was informed, although Tisdale's attorney had recently indicated that the entire payment would be made in cash within a short time to avoid the question of the trustees' right to give a deed before last payment is made.⁵⁹

The Tisdale tract faded from the interest of the Maxwell official on a whimsical note. It seems that a prospector asserted he had found placer lodes on the tract high up in the mesas in the vicinity of Fisher's Peak. Pels sent for a mining expert from Denver to examine them. That gentleman reported that the alleged lodes had been "salted," and that nothing of value was to be found there. Pels, a bit miffed, announced that he would make the prospector pay the cost of the expert's survey. He



M. P. Pels, Denver
Agent of the Maxwell
Land Grant Company.

⁵² *Ibid.*, October 2, 1888, p. 2.

⁵³ Letter from Harry Whigham to R. B. Holdsworth, September 8, 1888.

⁵⁴ M. P. Pels was given the position of general manager of the Maxwell Land Grant Company (public notice in the *Trinidad Daily Advertiser*, June 29, 1888, p. 4).

⁵⁵ Minutes of the Executive Committee of the Maxwell Board of Trustees, November 7, 1888, p. 44.

⁵⁶ Minutes of the Board of Trustees of the Maxwell Land Grant Company, February 28, 1889, p. 26.

informed the president of the Maxwell Land Grant Company: "The salting is said to have been done in a highly artistic manner."⁶⁰

The Mountain City Industrial Company probably never had much of a chance. Its eastern promoters seemed to combine lack of judgment with lack of funds. One suspects that basically the scheme rested on the speculative hope of a rich mineral strike, although there is no reason to dismiss the elaborate plans for development as a pipe-dream. Colonel Tisdale and others doubtless did envision hotels, factories, and homes for "brain-workers" high up on the slope of the Raton Mesa, but nowhere does the record indicate that they were in possession of funds to turn these dreams to reality. And Tisdale does not seem to have been the most dependable of businessmen.

The Maxwell Land Grant officials never looked upon the Mountain City project as a major factor in their plans. The tract was what might be called marginal land on the big estate. Anyone willing to buy it was certainly to be encouraged, because the takers would never be numerous. It should be remembered, also, that at the time the Dutch owners of the grant were especially anxious to sell portions of their land to help save their investment. Fortunately for them, the failure of Tisdale and his associates to complete the transaction coincided with a marked improvement in the operation of the Maxwell Land Grant Company, and its managers were able to be more discriminating in selecting their clientele.

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⁵⁷ Letter from M. P. Pels to R. B. Holdsworth, May 3, 1889.

⁵⁸ Letter from Harry Whigham to F. K. Pendleton, July 15, 1889.

⁵⁹ Letter from M. P. Pels to R. B. Holdsworth, July 29, 1889.

⁶⁰ Letter from M. P. Pels to R. V. Martinsen, August 19, 1889.

RAMBLING RECOLLECTIONS OF A BOOKHUNTER

BY FRED A. ROSENSTOCK

I've been a bookseller, book hunter, publisher, and historical researcher for more than forty years, and not until recently have I blossomed out as a speaker.¹ I hope you won't be disappointed. I am untrained, unpolished, and in a way unprepared to deliver a serious treatise on how to be successful in the book business; or how to make publishing pay; or even to say by what instrument of sixth sense I spot the right attic or basement where lies the treasure, the rare book, or the rare manuscript or diary which brings out some unknown or unrecorded facet of history, my favorite subject.

Anyway, I'm used to stepping into things without experience. Forty-two years ago I started my first bookstore in Denver, in 1922, without any experience in the book business except as a customer. I loved books from childhood and even as a boy spent some of the happiest moments of my young life in libraries, bookstores, secondhand stores, the Salvation Army—anywhere there were books.

When I first came to Denver in 1921, I knew I would like it here. I had come from Washington, D. C. I had been in World War I, and I didn't get rich—had about two hundred dollars to my name. By the way, it was pure accident that I came to Denver. I had instructions to take it easy for a while (a bit of enforced leisure), and I was really on my way to California, which had been highly recommended to me. Anyway, I was on the train between Chicago and Omaha, sitting out on the observation car to get all the fresh air I could, and I was wearing the old pince-nez type of glasses. All of a sudden a big gust of wind came along and blew my glasses off my face. I felt lost, and I decided

¹ These remarks are from the talk given by Mr. Rosenstock at the Society's regular monthly lecture in April, 1964.



Fred Rosenstock at about the time of his arrival in Denver.

right there that I would get off at Denver, have some new glasses fitted, take in the Denver sights for a couple of days, and go on to California.

Well, I remember coming out of Union Station and getting my first view and especially my first breath of air in Denver. As it seems to me now, I must have felt invigorated from the start. When I got my glasses, I decided to go out to the ball park to see Denver play. That was at old Merchants' Park, and Denver was in the Western League at that time. I enjoyed myself tremendously, came back from the game, and went in to Watrous' Restaurant. That was a famous place on Curtis Street, across from Baur's. They had live fish swimming around, and you could select your own fish. Steaks were mighty good there, too.

Well, it wasn't any time at all before I did what I have always done all my life; I began to haunt the bookshops. I'll give you a picture of the bookstore situation then, in 1921, when I came. Kendrick-Bellamy was the big downtown new-book store. The manager of the book department was the astute and scholarly-looking Mr. Appel. Harry Bellamy was much in evidence, and the old boy, Mr. Kendrick himself, would occasionally come out from the back and greet a customer. I remember him clearly. He had a fine cordial smile, and he wore a hearing aid. At the Denver there was a fine book department; it seems to me that their line was more extensive than it is today. Hugh Shields,

a man of middle age, was manager of the book department, and he seemed to be king of his domain. In addition to popular books, there were fine sets in beautiful bindings at the Denver and at Kendrick-Bellamy's also. You must remember that in those days the big homes on Capitol Hill were still homes, not rooming houses.

Then there was Lewis' book department in the A. T. Lewis & Son department store. They were mainly new, popular books, except that Lewis' had, surprisingly, a fine and extensive section of French books—in French. Just imagine! Are we retrograding? To think that forty years ago Denver could support a French section in a department store book section! The May Company was in business, of course, but did not have a book section at the time.

Daniels & Fisher had a small but very active book department, presided over by, I believe, a Miss Martindale. A short time later she was succeeded by Lucy Miller, a wonderful person whom I got to know very well. She was the wife of Oran Miller, an engineer with the Telephone Company, now retired. Lucy died a rather tragic death—an accidental fall in her home. Some years later their daughter worked for me at the Bargain Book Store.

Kistler's dabbled a little in reference books—dictionaries, almanacs, Bibles, diaries. Of course, my real love was the second-hand store. There were the two schoolbook stores—Herrick's in the Charles Building on Fifteenth Street, and Pratt's, away down on Fifteenth Street between Arapahoe and Lawrence. What halcyon days I recall at Pratt's! They had a very extensive fiction section; all the books had their little red label, "Pratt's Book Store." I made that regularly, once I began to learn a little bit about first editions and collector's items. Everything was fifty cents, and did I find some good ones there!

Then there was Rutherford's on Welton (Carl Rutherford is still in the book business today in Long Beach, California), where books were immaculately clean. I adopted the practice myself later on when I went into business. Every secondhand book that would come in would get a cleaning up, so that they just shone on the shelves. Rutherford also had his father-in-law, a Mr. Hastings, around the store. Hastings was a real estate man and had his headquarters in the bookstore, and he would also double as a book salesman when his son-in-law would be out.

There was also the old Auditorium Book Store, at that time in a little store on Fourteenth near the Telephone Building,

and later at Fourteenth and Arapahoe, where Bekins Storage is now. Rosenfeld and Dietrich started that store as partners a few months before I went in, and they were "progressive" in a way. So far as I can recall, they were the first to pay attention to first editions and collector's items. In fact, I rather envied the fact they had a book about first editions. I hadn't known up to that time that such a book even existed.

At that time we also had the Adair Book Store, run by Roy Adair. Roy's father had been in the secondhand book business in Minneapolis for many years. He sent Roy to Denver and opened up a branch here, largely, I think, to get Roy out of some sort of domestic trouble. Anyway, old man Adair was a sort of "old man skinflint" of the book business. He would come to Denver quite often and would hover around the register to make sure that everything went in (I have an idea he missed some of the flow). Anyway, he would walk around with one hand in his pocket, jingling money. Yet the old man, in a way, had his points and was quite enterprising. He really knew quite a little about Western Americana and, as I recall, had issued a catalog or two from his Minneapolis store. I well remember that I had not yet decided to go into the book business, but the old man must have spotted me as a "prospect." Once he proposed that if I could raise some cash money, he might let me buy into their Denver store—a minor share, of course—but I could also have a job (I imagine, for about twenty dollars per week). In later years I got into some poker parties with the booksellers, and I used to get a big kick to see old man Adair lose a pot. I remember once beating him out. I drew three aces to his three kings, and I never saw such an outburst. I thought the world was coming to an end. He threw the cards on the floor, and I thought he was going to cut his own throat.

To complete my directory of booksellers of the time, there was a store at Fifteenth and Tremont called the Old Colony Book Store. It was run by young Sanford Lockard and his wife—a very personable young couple. I believe Sanford is still alive in Youngstown, Ohio. That store—or I should say that location—became eventually my second bookstore, which I started in 1928 and renamed the Bargain Book Store.

But let me get back again to 1921. There was one other bookstore, between Glenarm and Tremont on the east side of Sixteenth, called the Publication Book Store. They handled largely religious books and Sunday school supplies, and the owner was a Mr. Calvert, from whom I still get greetings occasionally (he now lives in Cincinnati).



Dave Moffat's bookstore at Fifteenth and Larimer.

I'd like to digress at this point just a bit. The history of booksellers and bookstores in Denver is an interesting one. I have never tried to put the facts together, and it is a project I would like to do when I have the leisure.

Perhaps not many of you are aware that Dave Moffat was a bookseller before he was a banker. If you don't believe it, look in the oldest directories of Denver, and you'll find D. H. Moffat & Co. listed as "dealers in books and stationery." He was smart, though. Apparently he knew banking was more profitable, as by the late 1860's he was already in the banking business.

Another pioneer bookseller of the 1860's and 1870's was Lawrence Greenleaf, a very prominent and cultured man, who was one of the great men in Masonry in early Denver, and whose library right now reposes in the collection of the Masonic Grand Lodge in Denver.

Then in the 1880's we had the notable firm of W. H. Lawrence & Co., who were both publishers and booksellers. You may recall they published a very accurate and sumptuous reprint of Zebulon Pike's *Travels* (a large blue book). Only a very few years ago a son of W. H. Lawrence used to visit me occasionally, when I had the Bargain Book Store.

Contemporary with them was another honorable and well-established firm by name of Chain, Hardy & Company. From all accounts, they had a very representative bookstore, and both partners were prominent in the business and social life of Denver. In fact, Mrs. Chain was an established artist of great ability. I have an original sketchbook of hers, which she had with her on a painting and sketching visit in Europe in the 1890's.

There are some beautiful original water colors in it (and it's for sale, by the way).

The nineties saw the beginning of Kendrick's. It was Hamilton & Kendrick first, and they must have had a fine store. They also did some publishing; for instance, they published the old *Nell's* maps of Colorado. Later on the name was changed to Kendrick-Bellamy.



In the early 1900's there was a bookstore downtown called Scott's, which I haven't been able to find out much about, and a secondhand store called Raymer's. Another store opened early in the century (and lasted until just about the time of World War I), called Pierce & Zahn. They were principally a second-hand store, but they knew and paid attention to rare books—to Americana. In fact, they issued catalogs. Somewhere I have one of their old catalogs. At one time they were regarded as having one of the largest book stocks in the United States. When they went out of business, I understand the sellout was to the public, and it lasted for months. Mr. Pierce removed to Oakland, California, and was in the book business there until he was in his nineties. Mr. Zahn later became an official in the Portland Cement business of the Boettchers.

Old Cap Robinson—we called him "Cap" because he always wore an old ship captain's hat, but he looked more like the

Captain in the Katzenjammer Kids—was a damn good poker player. When I knew him he was working for the Adair bookstore. I never saw him when he wasn't smoking a cigar, either.

That's a very fragmentary history of the booksellers of Denver, but I felt you might be interested in knowing that there is such a history and such a "lineage," if I might call it that.

But, to get back to the subject, those were glorious years when I first arrived. Denver had not yet launched the slogan, "500,000 in 1930." It was safe to walk the streets at any hour, night or day. I know, because I got initiated into a poker game circle, a nice respectable one—it was a booksellers' poker game—and even though I wasn't yet in the business, they seemed to welcome me as a sort of kindred soul. Most of the time we played right in the very basement of the store which I owned later at Fifteenth and Tremont, where Sanford Lockard was the host. I don't believe we were ever raided. However, I well remember, many's the night I walked home all the way from Fifteenth Street to Twenty-seventh and Gilpin. I was often broke and *had* to walk; besides, the night air was invigorating, and I did some heavy thinking along the way; besides, it was a form of penance to walk.

To go on with my story, my period of enforced leisure was over quite soon, and I thought I had better go to work. I got a job as a salesman with a company called the Curran Company (later the General Outdoor Advertising Company), a billboard and poster advertising company. Old Mr. Curran (father of Fay Curran, whose belongings were sold at a big auction here a couple of years or so ago) was hard to please. He had an idea that anyone who didn't begin his career as an apprentice sign painter or bill poster was a sort of interloper. I did have a great respect and admiration, however, for the manager of the business. This was Tracy Reeve, a fine gentleman who, as I recall, had the patience of Job in what he had to take from old man Curran. Tracy Reeve's father, by the way, was bookkeeper of the firm and a real collector of Americana, away back from his early years in Princeton, Illinois. I enjoyed talking with him and looking at the fine collection of books at his home. Years later, after he had passed on, I bought this very collection from his sons.

Well, I wasn't too happy in my job, although I liked Denver more and more. I'm not a one-tracker, exactly; I had other loves besides books. For instance, I have always been interested in sports—all sports—and I might tell you that as an "aside hobby" I have been for years collecting early day items—books,

pamphlets, photographs—relating to baseball, boxing, wrestling, and other sports. I'm really very proud of this collection, some of the items in which go back to the 1700's.

As I said, I liked Denver in those days, and playing poker once in awhile with the booksellers was not all my relaxation by any means. I went to ball games, and I went to boxing matches. There were some good ones in those days. It seems to me that somehow all sports are sort of "milquetoast" now, compared to the old days. Whether you were watching a ball game or seeing a fight, the fans as well as the performers went into it more seriously. There was a certain rough-and-ready belligerence that abounded in those days, and for my part, I do think it was a healthier, more vigorous, and more honest spirit.

Oh, and the theaters! I was human. I met nice girls and took them to shows and dances. I remember going to dances at the Columbine Club and other nice places. And Elitch's, of course. And shows—what shows! The great musicals, the *Ziegfeld Follies*, Al Jolson, Eddie Cantor, and all the other famous names—they all played at the Broadway. Denver was on the regular circuit; you did not have to wait six months for another good show to come around. If you wanted to see a good play, the Denham Players, with Gladys George, George Barnes, Ben Erway, and the rest, were nearly always delightful. In many ways, it seems to me, we have gone back, not forward.

Getting back to baseball, for instance, do some of you remember the mechanical electrical scoreboard during the World Series? There was one in front of the *Denver Post* and another right in the Auditorium, with a musical program and all, fur-



nished free by the city. The place would be jammed full, and we heard some fine singing there by Heinie Schmitt, and other fine entertainment. It was simply fabulous!

Enough of nostalgia. I was not in love with my job with the advertising company, and one night when I came away from a specially disheartening day, it came over me like a flash: "Why don't I go into the book business?" I thought I knew quite a bit about the business by then, watching my friends the other booksellers, but of course, later events proved that I didn't. I had saved a few dollars working for the advertising company, and so I slowly began to look around for larger lots of books, so that I might have a stock to start with. I finally found a location at 1758 Stout in a building owned by H. A. McIntyre, father of the late Newell McIntyre and Marian McDonough. Although I've moved several times, I have been in the business ever since and loved every day of it.

FRED A. ROSENSTOCK, publisher and dealer in Western Americana, now operates his store at 1228 E. Colfax Avenue in Denver. In 1964 he received an AASLH Award of Merit for publishing *The West of William H. Ashley*. Executive Director W. E. Marshall presented the award.

