



"A Pleasant Winter for Lew Wilmot"

BY LUTHER PERRY WILMOT

In 1860 on the 1st of July, Father and I¹ mined in Georgia Gulch. Having worked all summer, most of the time improving a claim we had leased for three years, Father wanted to stay in the Gulch all winter and do what he could toward getting ready for the early run of water in the spring.²

¹ The author, Luther Perry Wilmot, was born in Freeport, Illinois, in 1839. His father, Benjamin Robinson Wilmot, was native to Kentucky, while his mother, Virginia Hawkins Wilmot, was born in Virginia. See Norman B. Adkison, *The Nez Perce Indian War and Original Stories* (Grangeville, Idaho: Idaho County Free Press, 1966), p. 20. According to information written to the Librarian of the State Historical Society of Colorado by Wilmot's last surviving child, Cynthia Ann (Mrs. Miles) Ramsey of Olympia, Washington, the Wilmots were living in Atchison, Kansas, when Luther came to Colorado with his father. His account of the winter of 1860-61 is presented here with his own vigorous observations and spellings.

² The mining area of Georgia Gulch lay below 11,598-foot Georgia Pass in the Park Range on the northwest slope. It sprang up coincidentally with mines of the Blue River and South Park. The Canon City *Times* on February 16, 1861, p. 2, reported that about four hundred people were wintering in the Gulch, 175 being in the camp called Georgia, where provisions were available.

We had become acquainted with some Michiganders; a couple of brothers, one of which was married. They proposed to go down from the mountains and winter near Canon City on the Kansas River.³ They had been told the winters down there were so light that cattle did not require feeding. I did not like the prospect of being shut up in the high mountains for a long winter. I got Father's consent to my going with our friends. It was the first of November when we left Georgia Gulch, the snow was about one foot deep and over two feet deep when we crossed the Snowy [Park] Range to South Park. It was a hard day's drive. The two yoke of oxen we had, seemed to understand we were trying to get out of the Wilderness and they traveled fine. It was dark when we got to Jefferson, eighteen miles.⁴ We put our oxen in the barn and gave them plenty of good feed.

The next morning, early, we were up and we filled our wagon bed to the bows with hay, only leaving room for a couple to ride. Besides we tied a big bundle on behind as this was the last house or chance for feed. Our friends' names were Geo., Alf, and Mary Toof. Alf was the married one. When we pulled out it was snowing. George and I went ahead to Break the Road. The oxen kept pretty well up with us. We traveled until noon, when George and I waited for the train to come up. When they did we got out our lunch. After we got thru and had a good drink of water, we resumed our Journey and at 5:00 o'clock P.M. we pulled down on one of the main tributaries of the Platte River that comes down through Fairplay. We found a place under some trees where we made a comfortable place for our Oxen, and we put up our tent after clearing away the snow. There was plenty of good wood handy and by the aid of our little stove we soon had a very comfortable camp; and it was not long before Mary Toof had us a good supper. After which we soon made our beds and had a good rest and sleep, only such as the tired and healthy can enjoy.

Next morning we got up early and by the time the oxen had cleaned up their feed we had everything ready for a start. So we had to cross the divide between the Platte and Arkansas

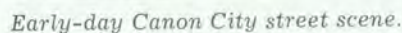
Rivers. Today we wanted to get out of the snow. We crossed thru a low pass and did not have any trouble.⁵ When we reached the Summit there was not over one foot of snow. Near the Summit George and I being ahead, we saw where a small Band of Antelope had crossed the Road. They were going out of the mountains. The tracks were fresh. I told George I would follow the tracks a mile or so and see if I could get some fresh meat for camp. I followed the tracks for an hour. Finally I saw the Antelope lying in an open Park. I crept along thru the brush until I was even with them where I came out in sight. Soon the Antelope jumped up and seemed to be bewildered. Finally stopping and looking at me, not more than 150 yards away I shot at one of the little ones and killed it. It was quite a while before the Antelope broke and ran. I soon had the little Antelope drawn and put it on my back like a pack. Then I lit out on a stern chase for the wagon. When I hit the road I found we had crossed the Divide and [were] having more down hill than up. The oxen were traveling along fine; I was getting tired notwithstanding. The Antelope would not have dressed over 35 pounds. I began to think it weighed a hundred. The boys had gone into camp when I caught up with them. They had a good laugh at my expense. We had now come out in what appeared to be a different country. In the valleys there was no snow and plenty [of] good feed for the oxen. We concluded that we would lay over here for a day or two to let the oxen rest. George and I wanted to hunt as deer tracks were a plenty. The next morning as soon as we had our breakfast, George and I started up a canon. We found a lot of Deer tracks and they had been made in the night. It was not long before we jumped quite a band of Black tail deer. We got one each. We could have gotten several but we had all we could carry to camp. We drew our deer, cut off their heads, skinned down the legs and tied the legs together then put our arms through the skin of the legs and we had a good pack. We went to camp. Our deer was fat and fine and would have dressed about 75 lbs. each; while that does not seem to be a very big load, which it is not—on the start, . . . when you carry it for a couple of hours, it is not a picnic by any means. We reached camp O.K.

The next day we reached Canon City where we found quite a number of big stores where we could [buy] any kind of sup-

³ Throughout the fall an "outpouring" from the mines passed through Canon City, some stopping there and others returning to the States via the Arkansas River route. The banks of the river at Canon City were well populated with campers. *Ibid.*, October 15, 1860, p. 3.

⁴ Jefferson City, or Jefferson Diggings, was established in 1860 "at the base of the mountain as you ascend to Georgia Gulch" and about six miles northeast of the booming Tarryall district. *Rocky Mountain News* (Denver), January 29, 1861, p. 2. This was the first of three towns called Jefferson and was situated a little northwest of the present town of that name in Park County.

⁵ Shortly after Canon City sprang up in the fall of 1859 as a supply town for the mines in South Park and the upper Arkansas, the town's promoters built the road into South Park by way of Currant Creek Pass, a relatively easy, low crossing at 9,500 feet.



plies we needed. Here we learned that down on a stream called Hardscrabble would be a good place to go into winter quarters.⁶ We drove down there twelve miles, found a fine place, and quite a number of families who had come out of the mines to spend the winter. Game was plentiful everywhere, Elk, Deer, and Sheep in the foothills; lots of White Tail Deer along the creeks. We went to work and put up a comfortable cabin.⁷ After knocking around for a week, I got a chance to work for a man named Vickrey, who was building a small grist mill to grind corn as the Mexicans around through the country raised quite

⁶ Earlier short-lived settlements had existed in the Hardscrabble area in the 1840s and 1850s. Readings about these are found in Janet S. Lecompte, "The Hardscrabble Settlement, 1844-1848," *The Colorado Magazine*, XXXI (April 1954), pp. 81-98, and in Jackson Taylor, Jr., "Early Days at Wetmore and on the Hardscrabble," *The Colorado Magazine*, VIII (May 1931), pp. 115-17.

the Hardscabble, *The Colorado Magazine*, VIII (May 1931), pp. 63-64.

⁷ Frank Hall, in his *History of the State of Colorado* (Chicago: The Blakely Printing Co., 1891), III, 393, states: "James Alfred, and George H. Toof came in April, 1860, mined in Georgia Gulch that season, and at its close located farms on Adobe Creek." (Adobe Creek is a tributary of Hardscabble Creek, which flows into the Arkansas about sixteen miles east of Canon City. Adobe Creek lies close between Hardscabble and another tributary, Newlin Creek, all three northward flowing.) A detailed account of the capture of members of the Reynolds gang at the residence of George and Alfred Toof in 1864 can be found in B. F. Rockafellow's "History of Fremont County" in *History of the Arkansas Valley* (Chicago: O. L. Baskin and Co., 1881), pp. 578-79.

a lot of corn.⁸ Vickrey gave me fifty cents a cubic yard for digging out the millpit. I had worked for him a couple of weeks. I would hunt on Sunday. I kept the camp in meat, there being only three of us most of the time. Vickrey had been gone for several days. When he came home he said to me, "Lew, will you take my oxen and little wagon and go down to Majors' and Russells' camps and bring back a Freight wagon?"

Majors' and Russell's camp was a few miles below Fort Brents [Bent's Fort] on the Arkansas River. Here, at this camp, there were more than 1,000 freight wagons and several thousand yoke of Oxen which had been sent there for the winter.⁹ I told Vickrey I would go for one dollar a day. Vickrey said he would pay for my stopping at Pueblo. At that time Pueblo had three houses occupied by Juan Chakote, a Mexican outlaw. Vickrey said he would over take me there. I got to Pueblo sooner than Vickrey. I told Juan Chakote, Vickrey would pay my bill. Juan would not let me have any grub unless I would let him have my rifle or revolver as surety. This I would not do. I drove up the Fountain River a short distance and made camp.¹⁰ I had plenty [of] bed and grub. The next morning I left camp early. Vickrey had not showed up.

⁶No verifying record of the name of Vickrey (or Vickery) or of his grist mill has come to light. It is possible that Wilmot's memory of the name could have been faulty. Rockafellow's "History of Fremont County," p. 627, mentions a Lewis Conley who built the first grist mill in Fremont County "above Messrs. Toof's place."

Apparently this location was simply a camp for winter grazing. However, questions arise for further investigation. For example, was the place below Bent's Old Fort, near present-day La Junta, or below Bent's New Fort, near Las Animas and Fort Lyon? Russell, Majors, and Waddell had been delivering large shipments to the new Fort Wise, or Fort Lyon, in the immediate vicinity of Bent's New Fort, and large trains headed for Fort Union were near Fort Wise even in the winter; see Morris F. Taylor, "Fort Wise," *The Colorado Magazine*, XLVI (Spring 1969), pp. 94, 97, 105. On the other hand, large stocks also were delivered during the winter to the new waterrooms of Bluff Spring Ranch near the mouth of the Huerfano above Bent's Old Fort; see the *Canon City Times*, February 2, 1861, p. 2. Perhaps the best explanation of this unseasonable activity lies in the financial failure of the huge shipping concern that winter; Russell, Majors, and Waddell may have been attempting a crash program to sell as much merchandise as possible in addition to some of their cattle and equipment. In January of 1861 Majors gave up a deed of trust which listed among his personal assets "1500 head of oxen" near Pikes Peak, the Arkansas River grazing and mining country, and the Raton Mountains; he also listed fifty-three wagons at Fort Wise and Bluff Spring Station; see Raymond W. Settle and Mary Lund Settle, *War Drums and Wagon Wheels: The Story of Russell, Majors, and Waddell* (Lincoln: University of Nebraska Press, 1966), pp. 157-58, citing Majors, Deed of Trust to Alexander W. Street, Jackson County, Missouri, *Record Book 37*, pp. 111-12.

¹⁰ Wilmot did well to remove himself from this unsavory hostel. Juan Trujillo, called Juan "Chiquito" because of his short height, reputedly had fled from Taos as a murderer before becoming cook for Dick Wootton on the Huerfano in the 1850s. He later joined Charles Autobees when the latter moved farther up the Huerfano after the Pueblo Massacre of 1854. When Juan's son committed murder, both were driven out of Colorado for some time. He next appeared at Pueblo where he innocently farmed and milled. Here he restored abandoned Baca buildings and built cabins for his cohorts. He also constructed a large adobe building with porthole windows which served him in his role as a cattle rustler. After also rustling the wives of some of Charles Autobees' men, Juan "Chiquito" was killed by Autobees' son and an Indian. Janet S. Lecompte, "Charles Autobees," *The Colorado Magazine*, XXXV (January 1958), pp. 63-64; *ibid.*, (April 1958), pp. 139, 142, 151-53.

Not far below Pueblo, the river makes a turn to the right. The wagon road leads up thru some scattering Pines and . . . trees. Not a great way from the top of the Divide I saw four white tail deer cross the road. I stopped the team, took out my rifle and took a shot, and was pleased to see one run a short distance and fall. I loaded my rifle and could have shot at the other deer who seemed to wait for the one that had fallen. I had all I cared for. I drove up near the deer, drew it, put it in the wagon and resumed my journey. The road was down grade and 4 P.M. found me at the biggest freighters camp in the world.¹¹ Nearly all of the employees were Americans and were youngsters. I soon found myself at home with them. I told them of the deer. It was soon taken out, peeled and part of it cooked for supper. Vickrey did not show up. The Herders and helpers admired my rifle and revolver and many shots were fired from both. The Hunters, Trappers, and Plainsmen in those days used and swore by the rifles made by Sam Hawkins of



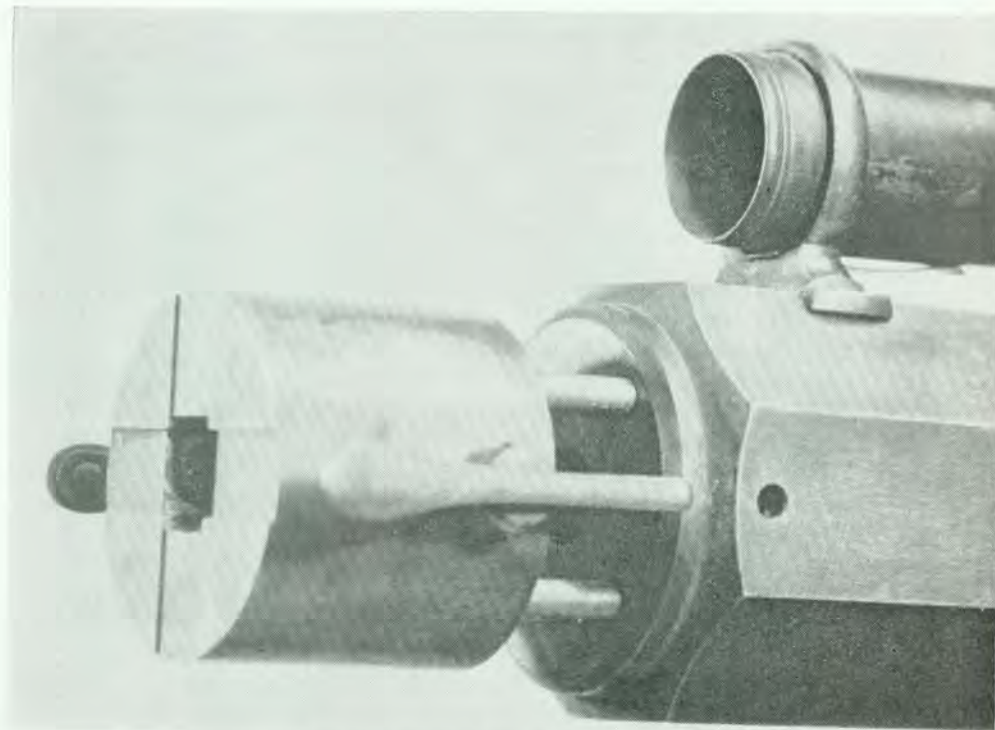
A Hawken rifle.

St. Louis, Missouri.¹² These rifles nearly all shot $\frac{1}{2}$ ounce round bullet and were sighted for 150 yards. They were very accurate and often sold for as high as \$150.00 on the plains although the first cost at St. Louis was \$30.00.¹³ My rifle was made by A. D. Bishop of Troy, New York and had been made for a target rifle, 45 caliber. It had a Buckham rear sight as well as a peep

¹¹ If Wilnot actually made this trip in one day, it was something of an implausible feat to have reached Bent's Old Fort, let alone Bent's New Fort, thus ruling out certainly the latter as his destination. On modern highways it is sixty-four miles from Pueblo to Bent's Old Fort and another forty-seven to Bent's New Fort.

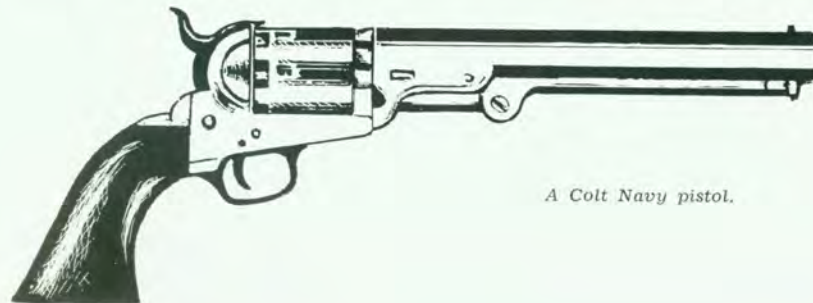
¹² Hawken rifles, made by Jacob and Samuel Hawken in St. Louis in the 1820s through the 1850s were owned by such leaders of the fur-trapping period as Jim Bridger, William H. Ashley, Edwin T. Denig, and Kit Carson; Carl P. Russell, *Guns of the Early Frontiers* (Berkeley and Los Angeles: University of California Press, 1957), p. 75. After the sale of the gun shop in the early 1860s, the Hawken rifle continued to be made for several years; Arcadi Gluckman and L. D. Satterlee, *American Gun Makers* (Harrisburg, Pa.: The Stackpole Co., 1953), pp. 90-91.

¹³ Although the Colorado State Museum exhibits a .50-caliber Hawken rifle, the Kit Carson rifle in its collections is not the Hawken. Ashley was so well satisfied with his special rifle which carried an ounce ball that he would not sell it, even for an offered \$150.00; Russell, *Guns of the Early Frontiers*, p. 30n.



A false muzzle, here shown partially inserted in a target rifle, prevents damage to the gun muzzle in loading.

sight on the rear tang., and a silver front sight. There was a false [false] muzzle fit on my rifle and all bullets had to pass through this muzzle before they would enter the barrel. All the boys who tried my rifle pronounced it to be the best shooting rifle they had ever fired. I was offered lots of good trades but would not trade. My revolver was pronounced the best they had ever tried. It was a Colts Navy¹⁴ and resighted. A good



A Colt Navy pistol.

marksman could put six shots in a half dollar at 20 yards. I worked on rifles and revolvers two days before Vickrey put in appearance. He reported, he could not find his horses. The morning after Vickrey came, I started back with a freight wagon. It made a lot heavier load for the two yoke of oxen and of course, our progress was slow. One advantage was that the oxen were going toward home. The road being a little up grade, I had to keep urging them on as I wanted to get to Pueblo by night as Vickrey said he would camp with me. Along about noon I [kept] looking back to see if he was coming out, no Vickrey. I came to where the road came to the river. Here I took the oxen and watered and fed them some corn and I ate my lunch. After which I hitched up and started on. [When] I had been traveling a couple of hours, I looked back and could see some dust raising and I thought it was Vickrey. The next time I looked back I thought the dust looked like it was being stirred up for quite a long distance to be made by one horseman. The dust seemed to be coming very fast. I was not more than one mile from the river. I stopped the oxen and I got up on top of the wagon bed. Here I could see a long string of Horsemen coming very fast. I knew it was Indians. My first thought was, what could I do. It was so far to the timber on the River I could not get there. I jumped down, dropped the tongue of the wagon from the oxen. I turned the lead yoke of oxen around facing the hind yoke and chained them together. That was to keep the oxen from stampeding. I took one board from the hind gate of the wagon and made it the right height for me to shoot over. I had not long to wait before I could hear the war whoop. One Indian seemed to be quite a distance ahead of the main body, that looked to be stretched out for a mile. I intended to shoot at the first Indian when he got within one quarter of a mile. I could then reload my rifle and get another shot by the time they could get within range of the wagon. I held just above the indians head and fired. At the crack of the rifle the horse and Indian went down. No sooner than they struck the ground the Indian rose and started to run quartering toward the timber on the river. He had gone but a short distance when the nearest Indian began shooting at the fleeing Indian. Soon the others came up and they had the fleeing Indian down. It was but a few minutes before more than 100 indians

were dancing around the Indian. I could not understand what it meant. I was not kept long in darkness. Soon an Indian started toward me with a white rag on the end of an 11 [?] spear. He came up to within fifty yards and motioned for me to come. I went. The Indian could talk Spanish which I could understand. He said the Indian they had killed was a Comanche and had been stealing their (arrapahoes) horses. He wanted that I should give them some tobacco and matches. I did not have any tobacco but I gladly divided my matches with him. Soon the Indians started back with the scalp of the dead Indian on the end of a spear and they kept up the war whoop as long as I could hear them. I managed to hitch the oxen to the wagon. I was so weak from the fright, it was all I could do to lift up the wagon tongue. As soon as I started on, I took out the front end gate, lay down and was soon asleep.

I slept for over two hours. The oxen kept moving. I was aroused by Vickrey hollering for me to wake up. The first thing he asked was if I had seen the Indians kill the Indian not far from the horse. I told him of the affair. He said the horse had been hit in the head above the eyes. The Indian had been horribly mutilated and scalped. Vickrey had not seen the chase, but some of the Ranch boys had and reported it at camp before he left. It was after dark when I got into Pueblo where I found Vickrey waiting for me. We watered and fed our oxen the last of the corn.

I slept in the wagon. I was up early next morning and felt a great relief when we left for home which we reached along afternoon. It took me a long time to get over my scare. I could not work. I did not have strength enough to walk for over half a day. I stayed there a week; then with Jack Brown, a half Mexican Indian, I went to Fort Garland with an ox team. Here I met two young men Bill and Bob Ritchey from St. Joe, Missouri. I had now gained strength enough to walk all day but could not work. We went to the mines near by¹⁵ but we could not get ahold of anything and dreaded to start back toward Canon City on the way back to the mines [in Georgia Gulch]. The day before we left Fort Garland two Mexicans had been brought in, tried and convicted of killing an old man and robbing him of \$2.00. They knew it was all the old man

¹⁴ The Colt Patent Fire Arms Manufacturing Company made the first Colt Navy pistols in 1851, some of these being purchased by the navy in test quantity. The thousands of pistols which subsequently were made from this basic Navy Frame became a symbol of the West as well as of Colt's fame.

¹⁵ On March 9, 1861, p. 2, the Canon City Times described the location of "gold on the Sangre de Christi" as being twelve miles "this side of Fort Garland" and "four miles north of the road." It was "past the Greyback Diggings which were worked last year." The new mines were called Lone Star Gulch and had forty claims.

had. The crime was committed in Colorado. The authorities deputized Bill and Bob Ritchey to take the Mexicans to Canon City to be turned over to the Civil Authorities. The authorities estimated it would take a week and furnished grub to last that long. Zan Hicklan, a man who had put in most of his life in New Mexico, was a brother-in-law of Maxwell and Bogs [Boggs] who were reputed to be the wealthiest men in that country.¹⁶ Zan told us that just as sure as we tried to take the Mexicans through to Canon City, that long before we got through the friends of the Mexicans would kill us and take the prisoners and the only way we could possibly prevent it would be for us to hang both of them to a tree as soon as we struck the timber before we got to the San dio Christie [Sangre de Cristo] Pass and then to put as many miles between us and Fort Garland as we could and not to camp where we could be found, after dark.

We carried out the instructions of Zan. The third day out we reached Zan Hicklan's ranch on the Greenhorn. This ranch, comprised of an old Spanish grant of twelve miles long and six wide, was owned by Hicklan, Maxwell, and Boggs;¹⁷ and at that time had 3,700 head of cattle and they raised several thousand bushels of corn which they sold most of . . . to the Government for use at Fort Garland, N.M.¹⁸ The Ranch was in charge of a foreman named Jake Betts. Jake had received an order from Zan to shell and sack 10,000 pounds of corn for the government. Jake hired Bill and Bob Ritchey to shell corn; paid them \$1.00 a day and board. He hired me to hunt at the same price if I kept the camp in meat. During my leisure hours, I repaired many old rifles and revolvers that had been discarded. We had been at the ranch about ten days when Kit Carson came for a stay. It was the custom among all the old timers to come to the Big Ranches and stay as long as they cared. All gambled. The foreman told us that Zan Hicklan and Kit mar-



Thomas O. Boggs, member of the famed nineteenth-century landholding circle of New Mexico and Colorado.

ried sisters.¹⁹ All were related to Maxwell and Boggs.²⁰ I was out hunting when Kit arrived. The foreman told Kit of my experience on the Arkansas River. The boys in telling me about [it] said Kit was not much enthused about it. That evening I came in with 3 black tail deer. The foreman introduced us. Kit asked me what kind of rifle I used. I told him a Bishop of Troy, New York. He said it was no comparison to Old Sam Hawkins. I laughed at him and said that is because both of you are Missourians. Kit said that when Hank Hall came he would take the conceit out of me.

I said all right I was open to conviction that who ever beat my rifle would have to have something besides a Hawkins rifle, if they would shoot 440 yards of course. Kit wanted to see my revolver; when he got through he said it was fine. I wanted him to go hunting with me. This he declined saying it was too much like work. For two weeks things on the ranch

¹⁶ Lucien Maxwell was a neighboring land-grant owner but not a brother-in-law. Thomas Boggs was related through his wife, Rumalda Luna, half-sister of Hicklin's wife and the stepdaughter of Charles Bent; Quantrille D. McClung, comp., *Carson-Bent-Boggs Genealogy: Line of William Carson* (Denver: Denver Public Library, 1962), pp. 106-07. For additional information on the well-known Zan Hicklin, see D. W. Working, "The Hicklins on the Greenhorn," *The Colorado Magazine*, IV (December 1927), pp. 183-88, and Morris F. Taylor, "Confederate Guerrillas in Southern Colorado," *The Colorado Magazine* (Fall 1969), pp. 311-12.

¹⁷ This was part of the Vigil and St. Vrain Land Grant. See Working, "The Hicklins on the Greenhorn," p. 186, and Richard Wells Bradfute, "The Las Animas Land Grant, 1843-1900," on pp. 26-43 of this issue of *The Colorado Magazine*. There is no evidence that Maxwell was a part owner.

¹⁸ Fort Garland was in New Mexico Territory until the creation of Colorado Territory in February of 1861.

¹⁹ Wilmot was mistaken in the relationship. Hicklin married Estefano Bent, daughter of Charles Bent. Her aunt (her mother's sister) Josefa Jaramillo married Kit Carson. McClung, *Carson-Bent-Boggs Genealogy*, p. 7.

²⁰ See footnote 16 above.

moved along. The boys would work in the day and play poker of nights until midnight. The foreman and Kit would win all the beans. The foreman got a letter that some prospectors gave him from Zan stating that some officers from Fort Garland would be there before long. The boys had a lot of corn shelled and sacked. Everything on the Big Ranch was put in good shape. I kept on the even tenor of my way. I never went out and had to come back without game. Finally the boss and his retinue arrived and it was quite an imposing spectacle. Three ambulance loads besides several on horses. Among them was Zan Hicklan, wife and fifteen year old daughter and her cousin a daughter of Tom Boggs of Cimmaron, the quarter master and Captain Jackson from Fort Garland, Hank Hall and Tom Quinn, gamblers; and Bob Kern, a professional hunter Zan had hired in Santa Fe to hunt for the ranch. Zan did not know that his foreman had hired me. The day the crowd came in I killed a five [point?] elk and it was all the horse could carry in. The foreman showed Zan the rifles and revolvers I had fixed up and that pleased him very much. The next morning Zan called Bob Kern and I into his office and said boys, I don't want but one Hunter. I hired you, Bob, in good faith and brought you from Santa Fe. Jake hired Lew and Jake says Lew has kept the Ranch in meat and besides has fixed up the rifles and revolvers and put them in good shape. Zan said you boys hunt today and the one that brings in the most game can do the hunting and the other can go to work on the ranch at the same price. I said that suited me. Bob said all right. We saddled our horses and struck out. Bob had hunted there before so neither had any advantage. We hunted together until two P.M. neither of us getting a shot. Bob proposed we go down onto the plains and try the Antelope. I knew the Antelope had been in to water that day and it would be a scratch to get a shot on the Plains. I said no. I will stick to the hills. Bob said all right and struck out. After he left I turned and went back into the hills and hunted until nearly sundown. When going down the ridge on my way back to the Ranch I saw two white tail deer come out of a thicket. I got off from the horse and went down on the opposite side of the ridge until I thought I was even with the deer. They were feeding and not over 100 yards. I fired and one fell; the other ran a short distance and stopped. I soon had my rifle loaded and I shot and killed the deer. That made me feel fine. I drew my deer and put them on my horse and it was getting dark when I started for the ranch which was

about four miles. I must have been two hours in getting in. When I went around to the kitchen, Percenta (the cook) came out. I asked him if Bob had come in. He said no. I told him where and when I left Bob. Percenta said, Bob is a good Antelope Hunter but you can beat him on the deer. I had been in about an hour when Bob rode up to the door of the mens quarters. Bill Ritchey happened to be out. I heard Bob ask Bill if Lew had got in. Bill said yes. Bob said did he kill any game. Bill said no. Bob said "Bully, neither did I." Then Bill said, Bob, I was lying. Lew got two deer. Zan came into the men's quarters and said, Well, Bob, you can go to work. We have got to get up 150 head of steers for the Government. Bob said, I hired to you to hunt and I am not going to work. I will start back for Santa Fe tomorrow, which he did. While Kit was in his element, he had not proposed to shoot Hank Hall with his Hawkins rifle or revolver. One day Bill Ritchey, who was sportingly inclined said he would bet \$10.00 that Lew could beat anyone on the Ranch with either rifle or revolver. Hank Hall said, Bill, I'll have to call you. I will shoot against Lew for \$10.00, six shots with revolver and \$10.00, five shots with rifle.

They put up the money. We were to shoot next day. If I got in on time. Next morning I started out at day light and in less than three hours was back with two white tail deer. The big bugs had not yet got up as they generally gambled until after midnight, some nights all night. Afternoon: All hands were on deck to see the shoot. Hank Hall chose Zan for his judge. I chose Bill Ritchey, notwithstanding Zan was betting on Hank and Bill was betting on me. I said I would shoot 60 yards with a rest. Hank decided to do the same. Although he had said he would shoot 40 yards off hand. Each one made his own target. I took a piece of white paper four inches square and made a round black spot a half inch in diameter. Hank made his target the same as the men in Missouri used to use at their matches. It is made one and one half inch or two inches square and has a fork and is tacked to a burnt clapboard. Each target had an X for a center. All shots were to be measured from the X to the center of the bullet hole. Hank lay down and shot. I sat down and used my wiping and ram rod and held my rifle in my left hand. Hank rested his rifle on a sack of sand. We put our targets up side by side and we fired 5 shots; then the judges went and got the targets. As soon as the judges got the targets and took a look at them they said Hank, you are best and when the shot was measured my five shots made a string $\frac{7}{8}$ of an inch long. Hanks

five shots made a string $1\frac{1}{2}$ inches long. Hank would not let me use my peep sight. The judges told the stake holder go give Bill the money. Then we put up our target for the revolver match. I shot at a black target $\frac{1}{2}$ inch in diameter. Hank shot a larger target. I fired my six shots as did Hank. A quarter of a dollar covered my six shots and measured $3\frac{1}{2}$ inches. Hanks six shots measured 4 inches. After the match Hank said, you have got the best rifle and revolver I have ever shot against. He offered me 5 twenty dollar gold pieces to boot in rifles. I told him no. I intended to keep the rifle as long as I lived, but was prevented by having the rifle burn up on the T—chet [Touchet?] River in Washington in 1863. Hank also offered me \$100. for my revolver. This I refused. I told him my rifle and revolver were my life preservers while money would get me into trouble.

At that time Secession and war with the south seemed to be certain and I was the only Northern man at the ranch and

*Greenhorn, Colorado, in 1889 with
Greenhorn Mountain looming in the background.*



I would not discuss the situation. Kit Carson was Loyal but he was like me and would not argue the point. The day after the shooting match, I had been out and got my deer and got in at noon. Zan sent his man around to our quarters and said to me, Zan wants you to come to him. I went around. Zan said, Lew we are owing a merchant in Canon City \$160.00. Will you go up and pay the bill and bring down 50 pounds of coffee? You can make the trip in four days. It was 65 miles. I said, yes. So the next morning I lit out very early. I was riding a very wild Spanish mule. It was gentle enough once I was in the saddle, but had to be snubbed up to a post to get on. I got cold riding so early and got down to lead the mule; thinking I was near the Cachanas River²¹ but was about four miles instead and could not get on the mule until I got to some timber, where I got on and I kept that mule going until noon. Then I watered him and fed him some corn and I ate my lunch. After resting an hour I started on. I had intended to go to Vickrey's and stay all night when I came in sight of Vickrey's it was early. I concluded to go on to Canon City and return next day to Vickrey's and stay all night. I reached Canon City just before sundown. I put the mule in a stable and told the man I would attend to him as he was very wild and afraid of strangers. I went to the Hotel and got a room; then I went to Mr. Grays Store. They were glad to see me. I paid him the \$160. for Zan Hicklan and got a receipt for it and ordered the 50# coffee and paid for that. When the Toofs and I got to Canon City on our way out I deposited 10 ounces of gold dust with Mr. Gray which he said he would send to Denver and get me coin for it. I told him I would like to get it, Mr. Gray said all right, I got \$16.00 per ounce for your dust so I owe you \$160.00. He offered me the money. I said I will get it in the morning. He said all right. I had a nice visit and told him what I had been doing. He congratulated me on my good shot when I killed the Indian's horse. He had me tell him all about the chase and killing of the indian. I returned to the hotel and went to bed where I slept until morning when the breakfast Bell was rung. I got up. Went and attended to the mule. Then got my breakfast, went to the store and got my money and coffee. Bid them Good-bye and went to the barn, fixed my pack in the saddlebag I had brought. Saddled the mule got on and started on my return. When I got to Vickreys I got down, went in. All hands were glad to see

²¹ If Wilmot meant the Cucharas River, his geography was confused; for it lies south and east of the Greenhorn.

me, and wanted to know where I came from, where I was going and what I had been doing and a lot of questions and would I stay allnight. To this question I said, yes, and went out, unsaddled the mule and put the pack in the house and we had a good visit. George Toof was working for Vickrey. He said Alf and Mary were fine and the oxen were fat and would be ready to go back to the mines as the snow went off from the range and he wanted to know if I was going in with them. I told him that was my intention. That evening I told the boys of my trip to the mines near Fort Garland and meeting of the Ritchey Brothers, the hanging of the murderers of the old man who was killed near here and of seeing two dead Mexicans as Jack Brown and I went down and of the shooting match I had with Hank Hall. That pleased Vickrey more than anything. He had known Hank Hall many years and pronounced him as one of the best hearted Gamblers in the west; still he was glad I beat him shooting. I told the boys I intended to propose another match with Hank. Well, said Vickrey, you will get it if it is reasonable. Next morning I got away early as I could not ride as fast with my 50 pounds [of] coffee as I rode without any load. I brought a lunch for the mule as well as myself and [at] noon I stopped and fed the mule and ate my lunch. After an hour's rest I resumed my trip and at 4 P.M. I pulled up at the office of the Greenhorn ranch with one day to spare. All seemed glad to see me back. The boys told me Hank had been

Zan Hicklin's home.



practicing with his rifle several times since I had been gone. Soon Hank came around and I said to him, Hank, I will tell you what I will do with you about another match. If you will turn your rifle over to me for one day and a half I will shoot against that score I made with my rifle for \$100.00 and will put up a \$10.00 forfeit. Hank put his hand in his pocket and pulled out \$10.00 and said put up, and handed his money to Kit Carson who was present. I took out my money and said, I want you to fully understand my proposition. You are to turn over your rifle and moulds.

I am to make any changes in the sights I want to and I am to shoot against $\frac{7}{8}$ inch string. If I beat it in 5 shots the money is mine. If I fail the money is yours. That is all right, you understand the proposition don't you Kit, who replied. I will be ready tomorrow afternoon I think; if not I will be ready next morning. Hank said all right. He went and got his rifle and shot pouch where he carried his bullet moulds. I said all I want is to be let alone while I am at work on the rifle. Zan said I need not hunt the next day as they had to kill a steer while I was gone and they had plenty of meat for a few days. I went to the shop and the first thing I did with Hank's rifle was to take it apart. Then I put the barrel in a vise and took out the breech tin. After I got the burnt powder cleaned out of the breach I got a bow string from an Indian bow. It was made from Buffalo senew and was very strong. I drew a rag thru the barrel and cleaned it out. On a close examination I found the inside of the barrel enameled. That means the barrel was so smooth the bullets could not follow the rifling. I fastened a piece of 00 sand paper to my bow string and when I drew it thru the barrel as tight as I could, I could see many pieces of lead that had caught in the corners of the grooves of the rifling. If I had had time I would have made a set of saws for rifling the barrel. I ran the sandpaper thru until it came out free from any lead. I put it together. Then I took out the hind sight. Dressed it down until I took out the notch; then I put in a new notch, not over half as big as the one that was in the sight. I then blued the sight and put it on the rifle. Then I took out [f] the front sight which was made of bone, to keep it from glimmering in the sun. I put on a sight made out of a dime and I dressed it down to less than $\frac{1}{3}$ the thickness of the bone sight. . . . The hind sight [was made of] the old fashioned buck horn with the notch as fine as a cambric needle. I had everything in readiness for a trial except moulding some bullets. This I did after supper.

The next morning as soon as I had my breakfast I saddled my horse, took a clapboard for to tack my targets on and went over onto another creek where there was a fine place to practice and no one to bother. There was a level place with some oak trees near. I like to shoot toward the sun when I can. I put up a target 60 yards from an oak which I sat down by and leaned up against. I fired three shots from the same kind of a rest I had used when I shot against Hank. I said to myself as I went to the targets, Lew these three shots will decide whether you will forfeit your ten dollars or you will [win] \$10.00 from Hank with his own rifle. I was greatly pleased when I got to the target to find that all three bullets had gone thru one hole and had made it only a little larger. All three had cut out the 4 points of the cross. I went back, again after changing the target and I fired 5 shot. Then I went to the target and found all 5 shots had passed through one hole which they made a little larger. All had cut all four points of the cross and the 5 shots made a string $\frac{5}{8}$ of an inch long, thus beating my target $\frac{1}{4}$ inch. I cleaned out the rifle and put up another target and tried it 5 more shots and made a string $\frac{1}{2}$ inch, $\frac{1}{8}$ inch better. I pronounced it the best I had ever done or seen done with open sights. I could beat it with my rifle by using the peep sight. I returned to the ranch feeling fine.

It was nearly noon when the men got up. Kit was the first one. I saw he had heard the shooting and knew it was me trying Hank's rifle. Kit said, Well Lew, are you going to shoot or forfeit your \$10.00. I said shoot and here is my \$90.00. Kit went and got the gamblers. We were not long in getting ready. I put my target up toward the sun and I used the bag of sand to lean back against. When the judges had stepped off the 60 yards I sat down and was nearly ready to shoot when Hank said, Lew, I will bet you \$20.00 you don't drive center, the first shot. I said, what do you mean. He said, Break all 4 points of the cross. I took out \$20.00 from my purse and handed it to Kit. Hank put up his \$20.00. I fired. The sights showed up as well as any I had ever looked through. At the crack of the rifle there was a rush for the target by the crowd. I loaded the rifle, then went up. The judges decided center was broken. Kit made another cross and I put another target over it. I went back and Hank said, I will go you \$40.00 you don't drive center. I said all right, my money is in Kit's hands. You cover it. He did so. I fired and away went the boys. Again I loaded the rifle before I went up to the target. I had again broke all four points of the



Kit Carson declined a hunt with Lew, protesting that it would be "too much like work."

cross, so the judges said. I said to Hank, you want to double up again. He said yes, and I will double it everytime for the 5 shots, for I know that neither you nor anyone else can drive 5 centers with a break. I said, all right, Kit you have my money. I put my target over the cross after Kit made it. I went back and fired the third time. When the judges examined it they said it was a little the best shot I had made. I put my target over the cross and went back and fired the fourth shot. When the judges examined it they said all four points are broken. Kit made the cross and I put my fifth target . . . over it.

I soon fired my last shot and it was decided whether I would lose \$120.00 or win \$420.00. The judges decided center was broken. Then they measured the shots from center to center and found I had best the $\frac{7}{8}$ inch score I made with my rifle by $\frac{1}{8}$ inch and I had won. Hank and Kit congratulated me and said it was the best open shooting they had ever seen done. Hank opened his eyes when I told him I had driven eight centers when I tried his rifle in the morning. That added to the 5 I had just made would be 13. This would be hard to beat. I offered to shoot against the score if they would let me use my peep sight. No one would take it. I told Hank to give his

rifle a trial just as I had left it and he could do as well as I had. He went out and tried it that afternoon and I went hunting and got a couple of black tail deer. When I got back Hank told me he had done the best with his rifle he ever had done. He made five straight centers. Something he had never done before. He wanted I should tell him what I had done to the rifle. I told him of the unbreeching it and how I found it and explained the way I did it. As to the sights he could see how I had changed them so he could shoot at a much smaller target then he could before. He said no argument would have convinced him, nothing but the performance, and I had taken all the conceit out of him. One thing I did forget to note was, I put the rear sight back one foot on the barrel and put a blank in the old slot. The nearer the eye is to the rear sight the smaller the notch in the sight can be used and the more accurate the aim.

The next day when I got in with a couple of deer there was a crowd of 11 men headed by Col. Tibbitts, a Southern sympathizer. He had recruited his 10 men in Denver and they were on their way to Texas to fight for the south. They expected to stay at the Ranch until they could break mustangs for their mounts. I had given my purse containing \$920.00. Col. Tibbitts tried very hard to get me to join his Rangers, as he called them. I told him I had to go back to Daddy who I had left in Georgia Gulch. Bob and Bill Ritchey joined the Col. Bill Ritchey was a great favorite at the Ranch. He had been well educated and had studied law in St. Joe, Missouri and was a good speaker. He was always talking Secession. The boys and I were the best of friends. The next morning early I started out and went south to some hills I had not visited for some time. I got among a band of blacktail deer and killed 4. I drewed all and hung up 2, put 2 on my horse and started for the ranch. When I got near the road that comes from Santa Fe and Garland I noticed quite a big dust being raised and in an instant I recalled seeing a dust raised on the Arkansas River but this time I thought it was an ambulance coming to Zan Hicklan's ranch. I was leading my horse when the out rider driving 6 loose mules overtook me. Soon the ambulance came up and I was greatly pleased when they stopped and Captain Jackson got out and shook hands with me and made some complimentary remarks about my shooting and hunting. I asked the Captain where he was headed for. He said Denver, that he had been detailed to go there and try to recruit a couple of companies to man the Fort Garland as the Regulars would be

sent south. I said Capt. can I go with you to Denver? He said yes, and I want you to join my company. I said I have to return to my old father but I wanted to get away from the ranch. I told him of Col. Tibbitts. He said the Col. was a good man and he had known him for several years. I told the Capt. the boys I was traveling with were going with the Rangers. I said all right, Captain, you are going to stop at the ranch tonite. He said yes. Well, I said, you put these deer in the ambulance and I will go back and get 2 more I killed; then I will be ready to go with you in the morning. We put the deer in the ambulance and I went back and got the other deer. It was about 3 P.M. when I got in. The rangers were greatly pleased at my successful hunting. I had told the captain not to say a word to any one about my intending to go with him. He said, all right. The next morning I had a talk with the Ritchey boys and told them as they had decided to go with the Rangers that I better go to Denver with Captain Jackson. They thought as I did. I told Jake I wanted to quit and go with Capt. Jackson. We settled. The ranch was owing me \$35.00. I told Jake I would take the mustang and the old McClelland saddle and call it square. He said he would tell Zan and he thought he would do it. Jake went and had a talk with Zan who said all right. I went and Zan gave me my purse. I gave Bob and Bill \$50.00 each. They were about broke as both had been gambling. We did not leave the ranch until after dinner. Captain Jackson hired me as a driver at \$40.00 per month and I was happy, I tell you. When we pulled out of the ranch I turned my horse with the mules driven ahead of the ambulance. We made 25 miles and camped. The captain and I went out and left the other three to make camp. The captain rode a gentle mule. I rode my horse. We had not gone very far when I saw some deer feeding in an oak thicket. I gave the captain my rifle and told him how to hold. He sat down and . . . fired and killed a fine one. I showed him how I dressed a deer and I tied it on my saddle and we were back in camp in less than an hour. I helped do the cooking and that pleased all. The next morning I was up early and soon had breakfast, after which I cleaned up the mess while the others got the rest of the work done. I had cooked a plenty after supper for our lunch the next day. We got off early and made good time and at 11 A.M. we came to a creek. Here we stopped and fed the stock and I soon had a very good lunch which all enjoyed. At 1 P.M. we were on our way and we reached Canon City at half past four P.M. Captain Jackson went

to the Hotel while the Boys and I camped in the big corral. It was late the next day when we got away. The Capt. had to get food and some supplies. When we left there we had about 1000 pounds extra that made the ambulance ride easier but we could not go as fast. We camped . . . above where Juan Chikote lived in Pueblo. We got into camp early. Captain Jackson and I went out on the plains to see if we could get an antelope. We rode several miles. Saw lots of antelope but could not get near enough for a shot. Finally we saw a small bunch feeding. We got down from our horses and got within about 4 or 500 yards. I raised my rear sight and I wanted the Captain to shoot. He said, no, too far for me. I said, sit down, take these two rods and make a rest of them. He did as I told him to. When he was in the proper position I told him to put the front sight on the antelope's head, look through the peep sight and shoot. He did as I said and at the crack of the rifle, down went the antelope. The captain jumped up and said did I miss? I said no, the antelope went down. I loaded the rifle and we went and got the horses and rode up to our game. I mean I did; the Captains mule refused to go very close to the dead antelope. I drewed the antelope and put both on my [horse] and we started for camp which was reached [in] a little over an hour. That was the last hunt we had. We reached Denver the next day and we put up in a big corral where we, with many others camped. The Captain and his orderlie went to a hotel. I herded the mules in the daytime and brought them into the corral at night. In two weeks the Captain had all the men he wanted. He had to hire a number of teams to transport his men.

I felt lost when I bid them good bye. I told the Captain I would wait a few days for some outfit to start for South Park and I would join them there. The Capt. gave me a voucher for \$40.00 for my services. I had been in Denver a week after the Captain left. I used to go to the corral every day to see if any miners had come in that were going to the mines. One day I was told that a team had come in with four men who were going to Georgia Gulch. That sounded good to me. I waited around the corral to see the men. I knew I would not be able to find them around town about 2 P.M. Two of the men came in, Hebe Taylor from Atchison, Kansas. That was my home town. I was well acquainted with him. He was glad to meet me and introduced me to a Mr. Fox. Finally the other two came in. I knew them. One was Hebe's brother, the other Jim Mitchell. All four were southerners and they were wild

about secession and cussed the Government. I asked Hebe about going in with them. I told him I had a horse, I would want to grub with them. They had two good mules and two horses and would have to have some grain for the stock. It would take us four days to get to the Park where we would have to leave the stock and walk the 17 miles as the snow was too deep to get across. Hebe said, Lew, I will take you for \$10.00. I gave him the money. There were four of the Taylor boys and all were gamblers. Two of them had wintered in mines. I waited at the big Gambling hall nearly all night to hear the singing and music; of course the other boys gambled and intended to put in several days in Denver.

The next morning I told Hebe I would go up the road toward Georgia Gulch to where the Jones boys had a ranch. I was well acquainted with Ben and Jake, who we crossed the plains with. I would wait there until the boys came along. I tied my blankets on my saddle and lit out. I reached the ranch before noon. The boys were glad to see me. One of them, Ben said, had left Georgia Gulch a few days after I had and intended going back in a short time. I told him the Taylor Boys were in Denver when I left and I had paid Hebe to take me in [and] that Jim Mitchell and a new man named Fox was with them. The boy wanted to know how I came to be in Denver. I told him of my coming with Captain Jackson. Ben said, it is too early to go in yet and wanted me to wait. I told him I was getting anxious to see Father. Ben's cabin in the Gulch was not 100 yards from ours and Jake and I had many hunts and fishing trips. Jake said tomorrow we will go hunting. The other brothers name was Bill and he was a rancher. All were bachelors and Jake done the most cooking; in this I lent a hand. Next day we got off early and rode several miles along the foothills. Finally we jumped a band of Black tail deer and each got one. We drawed our deer, then tied them on our saddles and were back at the ranch by noon. I was at the ranch five days when the boys put in an appearance. Jake and Ben were glad to see the Taylor boys and Jim Mitchell. Fox they had never met but gave him a welcome and wanted them to stay all night. This they refused to do, but stayed until after dinner, when we started for the mines and went over the Bradford Hill which is said to be 12 miles long.²² We camped

²² This road, the Denver, Auraria, and South Park Wagon Road, crossed the Platte eight miles south of Auraria, passed Bradford City behind the hog-backs (where Robert Bradford grazed cattle for Russell, Majors, and Waddell), climbed Bradford Hill to Bradford Junction, now Conifer, and then

on a tributary of the Platte. It was night by the time we got our camp made.

The next morning we got off early and stopped for noon at another branch of the Platte. After lunch, I got out my fishing tackle and I got some white grubbs out of a dead pine and with a willow rod soon I had plenty of nice trout for our supper. I cooked our trout and the boys pronounced them the best they ever ate. Next morning we got an early start and that day we reached Jefferson in the South Park. Here we left our stock on Burtons ranch to be cared for at \$5.00 per month per head. There was a man running a burro pack train to the Gulch. We got him to pack our baggage to the Gulch for 10 cents per pound. I carried my rifle and revolver. The Taylor boys were not used to rough traveling and the other two stood it very well. The trail was well broke as the pack train had been making regular trips all winter. At 2 P.M. we reached the Summit of the Snowy range and six miles from the Gulch. When we had



North from the pass into Georgia Gulch.

eaten our lunch I said goodbye boys, I am headed for father. Jim Mitchell said, I will keep up with you. We will go ahead and tell the boys who is coming. It took Him and I less than

proceeded to Kenosha Pass and South Park; George S. Pyle, "A Toll Road into South Park," *The Colorado Magazine*, XXVII (July 1950), p. 193. Bradford, uncle of William Bradford Waddell, was president of the toll road.

two hours to make it from the Summit to camp. I found father well and he was getting his supper; never was any man more surprised than he was when he came to the cabin door in answer to my knock. It was a few seconds before he could say anything he was so surprised. I was glad when I laid my rifle up in its rack where it had been so long before. We had lots to talk about and he was greatly surprised when I showed him how much money I had brought back. He told me before I left I would use my 10 ounces of dust before I returned but he hoped I would have a good time and get back before the water started in the spring. I took off the money belt in which I carried my money. Father counted \$800 in coin. Father looked at me in surprise. Finally he said, Son, where did you get all this money? I said, Father I won \$740. Father said, Son, have you been gambling? I said, yes, if you call shooting gambling. I then told Father of the shooting. First against Hank Hall and winning \$20 for Will Ritchie. Then of my trip to Canon City and getting my money and of shooting against my own score and of Hank's doubling up on me and how many centers I broke. Father was satisfied when I had explained it all. Father borrowed \$500. from one of his sisters when he proved up on his land in Kansas and \$300. on our outfit when we started to Pikes Peak Gold Fields in 1860. It was but a few days before father sent the \$800. back to the bank in Atchison through our merchant Mr. Murry. Except the scare it was a pleasant winter for Lew Wilmot.

In the years following, the Wilmot family was to continue its pioneer life elsewhere, moving to the Fort Walla Walla area in Washington Territory in 1863, where Lew married Louise Haworth. While there Lew again proved himself to be a "dead-shot with a rifle" while taking part in skirmishes with Indians.²³ Going to Idaho Territory in 1866, he stayed long enough to become one of "The Brave Seventeen" volunteers in the war against the Nez Percé in 1877.²⁴ After the Indian War, Wilmot went to Pendleton, Oregon, and died at his last home, Long Beach, California, in 1922.

²³ Adkison, *The Nez Perce Indian War and Original Stories*, pp. 12-13.
²⁴ *Ibid.*, pp. 21-35.

The Las Animas Land Grant, 1843-1900

BY RICHARD W. BRADFUTE

For over a century problems related to Spanish and Mexican land grants in the territory conquered by the United States during the Mexican War have occupied the United States Government, the federal courts, and numerous individuals.¹ These grants not only embraced millions of acres of land at a time when land constituted the only source of wealth but also usually embraced the best—and often the only arable—lands in an entire region. The Las Animas Grant alone claimed over four million acres, although Congress eventually reduced the amount to about 97,000 acres. A great deal of controversy consequently arose about the validity and extent of such grants and about land titles which were obscure concerning the areas which the grants allegedly enclosed. The Las Animas, or Vigil and St. Vrain, Land Grant provides an excellent case study of some of the problems which faced Congress and the courts in their attempts to decide ownership and extent of these grants. This land claim also offers an opportunity to view the machinations of various individuals and groups who attempted to secure the land which served as the most important form of currency in a frontier area.

The Las Animas Grant is of Mexican origin. Probably the grantees were participants in the speculation in lands which was prevalent during the Mexican period of rule from 1822-46, when *empresarios* or entrepreneurs received grants of land intended to promote settlement in some of the outlying regions of the Southwest.² Since the Las Animas Grant was one of the

many grants made just prior to the American conquest, there exists a possibility that the decision of the grantees to seek ownership may have been influenced by expectation of imminent control by the United States. Under American rule, control of these large tracts of land could result in handsome profits.³ Whereas Mexican law prohibited alien ownership, U.S. control promised the hope of profits from the sale of lands which had been acquired originally without cost.

In December of 1843 Cornelio Vigil and Ceran St. Vrain, both Mexican citizens, petitioned Manuel Armijo, the governor of New Mexico, for a grant of land embracing the territory within the Huerfano, Apishapa, and Cucharas rivers to their junction with the Arkansas and Animas (Purgatoire). Armijo approved the request and directed the alcalde of Taos, Donaciano Vigil, to invest the grantees with their newly acquired territory. The alcalde performed the necessary investment ceremonies in January of 1844.⁴ As *empresarios* customarily did, the grantees began to convey parts of their lands at nominal prices to other persons, including actual settlers, and continued to dispose of portions of the grant after the American conquest in 1846.⁵

Despite the importance of land in the Southwest, Congress did not act upon the Spanish and Mexican land claims for nearly eight years. However, in 1854 Congress created the office of Surveyor General for the Territory of New Mexico and charged that official with the duty of registering and investigating the validity of all Spanish and Mexican land claims in the territory. The surveyor general was to report his findings to the commissioner of the General Land Office with copies of the papers purporting to support the validity of the claims. He also was to include his recommendation of the action to be taken concerning each grant. The commissioner then was to report to Congress, which reserved for itself the final decision.⁶

pp. 499-501. There were three types of grants: individual, *empresario*, and group settlement or town grants. See W. A. Keleher, "Law of the New Mexico Land Grant," *New Mexico Historical Review*, IV (October 1929), pp. 350-71; and Gilberto Espinosa, "New Mexico Land Grants," *The State Bar of New Mexico 1962 Journal*, I (November 1962), pp. 3-13.

³ William Gilpin claimed to have proposed that these grants be made before the Americans conquered the Southwest. See Harold H. Dunham, "New Mexico Land Grants with Special Reference to the Title Papers of the Maxwell Grant," *New Mexico Historical Review*, XXX (January 1955), pp. 3-7.

⁴ U.S., Congress, House, *Report of the Committee on Private Land Claims*, H. Rept. 321 To Accompany H.R. 195, 36th Cong., 1st Sess., 1860, pp. 269-73.

⁵ Leroy R. Hafen, "Mexican Land Grants in Colorado," *The Colorado Magazine*, IV (May 1927), pp. 88-89; William Craig, *Appellant, vs. Thomas Leitensdorfer, Appellee: Brief for Appellant on Motion to Show Cause. In the United States Supreme Court, October Term, 1885* (Kansas City: Hamsfy, Millett & Hudson, n.d.), pp. 2-3. (Copy in Land Grant File LG v682c1, Denver Public Library Western Collection.) Hereafter referred to as *Brief for Appellant*.

¹ Articles VIII and IX of the Treaty of Guadalupe Hidalgo, which ended the Mexican War, guaranteed property rights under Spanish and Mexican title. See U.S., *Statutes at Large and Treaties*, Vol. IX (December 1, 1845-March 3, 1851), "Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico," February 2, 1848, arts. 8 and 9, pp. 929-30.

² Howard R. Lamar, "Land Policy in the Spanish Southwest, 1846-1891: A Study in Contrasts," *Journal of Economic History*, XXII (December 1962),

Ceran St. Vrain,
one of the two
original grantees
of the Las
Animas Grant.



In accordance with this law, in September 1857 Ceran St. Vrain registered a claim for the Las Animas Grant in behalf of himself and the heirs of Cornelio Vigil. Surveyor General William Pelham investigated the claim and recommended that the grant be accepted in its entirety.⁷

Congress did not, however, choose to accept the recommendation of Pelham in this instance. That august body did not challenge that a valid title to land had been granted, but the Senate Committee on Private Land Claims, under Judah P. Benjamin of Louisiana, unearthed Mexican laws of 1824 and 1828 which forbade any individual to receive more than eleven square Spanish leagues of land. Benjamin's committee, therefore, recommended that the Vigil and St. Vrain Grant be confirmed for said eleven square leagues for each grantee, or a total of twenty-two square leagues. Benjamin also suggested that claims derived from the original grantees be deducted from the twenty-two square leagues; the grantees would receive the remainder.⁸

Congress passed an act on June 21, 1860, confirming several land grants, including the Las Animas Grant. But it followed the recommendations of the Senate Committee on Private Land

Claims and stipulated that the Vigil and St. Vrain Grant be limited to twenty-two square leagues and that derivative claims be deducted from this total.⁹ It is most difficult to determine why Congress saw the Vigil and St. Vrain claim in such a special light, since the same act fully confirmed the adjoining Sangre de Cristo and Maxwell claims for amounts which came to over a million acres each. A possible explanation of this exception of the Vigil and St. Vrain claim may lie in lack of sufficient influence in Congress by the owners.

Because of this inconsistency, it is not surprising that St. Vrain and other claimants of the grant refused to accept the decision of Congress as final. St. Vrain continued to convey parcels of land far in excess of the 97,000 acres allowed by the action of Congress in 1860.¹⁰ In 1863, when he and his agents hired Thomas Means to survey the boundaries of the grant as described in the original grant papers, the survey indicated that the grant included over four million acres.¹¹ With such a disparity between the amount claimed and the amount confirmed, there is little wonder that grant claimants persisted in their attempts to have the grant confirmed to its fullest extent.

The government did not take further action upon the grant until 1867, when Josiah S. Wilson, commissioner of the General Land Office, instructed William H. Lessig, surveyor general of Colorado, to survey the grant for the confirmed twenty-two square leagues. Squatters' claims were to be respected, any squatters within the twenty-two square leagues being permitted to relocate within the original boundaries.¹²

Congress made Wilson's instructions law on February 25, 1869, and ordered public surveys to be extended to the grant. Derivative claims and the balance of the twenty-two square leagues left to the grantees after the derivative claims had been settled were to be adjusted to the public surveys. The grantees had to select and locate their claims within three months after the survey had been run, or their claims would be regarded as abandoned. Derivative claimants had one year to file their claims. Other settlers could preempt or homestead the remaining land within the outside boundaries of the original

⁶ U.S., *Statutes at Large*, Vol. X (December 1, 1851-March 3, 1855), "An Act to Establish the Offices of Surveyor-General of New Mexico, Kansas, and Nebraska, to Grant Donations to Actual Settlers Therein, and for Other Purposes," July 22, 1854, ch. 103, sec. 8, p. 309.

⁷ H. Rept. 321, pp. 274-78. Cornelio Vigil was killed in the Taos revolt of January 19, 1847. Pelham may have been influenced by a gift of land from St. Vrain. See Morris Taylor, "Captain William Craig and the Vigil and St. Vrain Grant, 1855-1870," *The Colorado Magazine*, XLV (Fall 1968), p. 319.

⁸ U.S., Congress, Senate, *Report of the Committee on Private Land Claims*, S. Rept. 228 To Accompany H.R. 195, 36th Cong., 1st Sess., 1860, pp. 1-3. A Spanish League is equal to 2.63 miles. Copies of the Mexican laws may be found in U.S., Congress, House, *Report of the Committee on Private Land Claims*, H. Rept. 71 To Accompany H.R. 1344, 40th Cong., 2d Sess., 1868, pp. 1-2.

⁹ U.S., *Statutes at Large*, Vol. XII (December 5, 1859-March 3, 1863), "An Act to Confirm Certain Private Land Claims in the Territory of New Mexico," June 21, 1860, ch. 167, sec. 2, p. 71.

¹⁰ Taylor, "Captain William Craig and the Vigil and St. Vrain Grant, 1855-1870," pp. 304-17.

¹¹ The exact amount is 4,096,345.6 acres. A copy of Means' plat is in Land Grant File LG v682gr, Denver Public Library Western Collection.

¹² Letter from Josiah S. Wilson to William H. Lessig, May 15, 1867, in Land Grant File LG v682cla, Denver Public Library Western Collection.

claim.¹³ Surveyor General Lessig gave public notice of the requirements of the act and began to implement the legislation.¹⁴

The grantees opposed this further congressional determination to reduce the Las Animas Grant to a fragment of its original size, while derivative claimants began to submit their claims to Lessig in 1869.¹⁵ It was February of 1873 before the commissioner of the General Land Office notified the register and the receiver at the Pueblo Land Office that the time for filing claims would expire on the twenty-fifth of that month. The register and receiver were instructed after that date to advertise that preemption and homestead entries would be allowed on all lands within the original boundaries of the Vigil and St. Vrain Grant not covered by original or derivative claims on file in the Pueblo Land Office by the said twenty-fifth of February 1873.¹⁶ The register and receiver adjusted the claims and awarded several claimants a total of 97,514.53 acres, although many of the claims were rejected. The original grantees received nothing, as the derivative claims covered the entire twenty-two square leagues allowed by Congress.¹⁷

The heirs of the grantees protested,¹⁸ but it appeared that the unconfirmed portions of the grant would be settled according to the United States laws governing the public domain. In October of 1873 Robert E. Carr and David H. Moffat, Jr.,

David H. Moffat, Jr.,
was accused with
his partner Jerome
Chaffee of fraud.



founded the town of West Las Animas on a portion of this unconfirmed part of the Vigil and St. Vrain Grant, the new town being formed as a prospective terminus of the Kansas Pacific Railroad.¹⁹

The unsettled conditions caused by failure to confirm the entire grant, however, had created the opportunity for a land swindle. When it became evident after 1860 that all but twenty-two square leagues of the Las Animas Grant would soon be public lands, squatters had poured into the region encompassed by the original claim. After February 25, 1873, persons who went to the Pueblo Land Office to file on lands in and around what later became the townsite of West Las Animas were informed by Register Irving W. Stanton and Receiver Charles A. Cook that the land was registered under a derivative claim of one D. W. Hughes. Stanton and Cook, however, neglected to inform the settlers when Hughes relinquished his claim in May of 1873, although Hughes' relinquishment threw open about 5,500 acres of land. The register and receiver accepted the affidavits of a group of persons who mutually swore for each other that they had resided on the land for six months and that they had made improvements upon that land. The preemptors then conveyed their rights to the land to David H. Moffat, Jr.²⁰

When the settlers learned that the land in and around West Las Animas had been preempted, they protested vigorously. John M. Boggs, the Bent County recorder at Las Animas, stated that the land had never been declared open for entry and that

¹³ U.S., *Statutes at Large*, Vol. XV (December 1867-March 1869), "An Act to Amend an Act Entitled 'An Act to Confirm Certain Private Land Claims in the Territory of New Mexico,'" February 25, 1861, ch. 47, secs. 1-5, pp. 275-76.

¹⁴ Letter from E. J. Hubbard to W. H. Lessig, May 10, 1869, MSS XXI-5a, State Historical Society of Colorado Library.

¹⁵ See letters registering claims in MSS XVIII-7a-m, State Historical Society of Colorado Library.

¹⁶ Louis B. Sporleder, Sr., "The County of Huerfano and Sketches of Some of the Early Pioneers," p. 44. (Typescript in Authors' Manuscripts Collections, Western History Collection, Norlin Library, University of Colorado, Boulder.)

¹⁷ *The Las Animas Land Grant Company, Petitioner, and the United States of America, Defendant: Petition. In the United States Court of Private Land Claims* (Akron: Capron & Curtice, n.d.), pp. 7-8, Land Grant File LG v6821as, Denver Public Library Western Collection.

¹⁸ Ceran St. Vrain died in 1870. His son, Vicente, acting for the heirs, published weekly proclamations of ownership and ordered that any persons who wished land on the grant purchase that land from him. For the proclamation see any edition of the *Las Animas Leader* from November 8, 1873, to May 22, 1875.

¹⁹ As advertised by the West Las Animas Town Company in the *Las Animas Leader*, October 18, 1873, p. 4, and November 1, 1873, p. 2. Lots could be bought for \$100 to \$250, with one-half in cash and the balance in six months.

²⁰ *Denver Mirror*, December 7, 1873, p. 1. The *Mirror* was a self-proclaimed reform weekly edited by Stanley G. Fowler. Names given for the preemptors of the seven quarter-sections of the townsite were Amos K. Howe, Charles F. Willing, Orton Spencer, Slicer B. Evans, Caleb Wilson, Philip Quinlan, and Sam Long.

no one ever had resided or made improvements upon it. A large number of settlers who had resided in the area for several years declared that the lands never had been occupied, and they further stated that they never had heard of the persons whose names were filed in the land office as preemptors. Furthermore, affidavits attested that as late as November 1, 1873, persons desiring to register claims were told by Stanton that the lands were not open to settlement.²¹

The settlers accused Moffat of engineering the land grab. Moffat did hold patents issued in the names of the supposedly fictitious persons. Further investigation revealed that Jerome B. Chaffee, Moffat's partner in the First National Bank of Denver and Colorado's territorial delegate to Congress, had asked Willis Drummond, the incumbent commissioner of the General Land Office, to rush delivery of the patents. Drummond, under the seal of the Interior Department, swore that Chaffee had asked him to do fraud, but he had declined to do so.²²

Moffat printed a denial of any unusual or fraudulent means used in his acquisition of the land. He stated that the claims were bona fide; and, even if the claims were fraudulent, Moffat claimed innocence because he had bought his lands from a third party.²³ His explanation did not convince his opponents, and the *Denver Mirror*, the *Las Animas Leader*, and the settlers asked the territorial legislature to investigate;²⁴ but the legislators did not approve the request.²⁵

The protest reached such proportions that Washington sent M. B. Robinson to investigate the validity of the preemption claims. Robinson reported that he could see no improvements on the land filed upon, and he fully sustained the charges of the settlers in his report to the Interior Department.²⁶ The scandal resulted in the replacement of Stanton and Cook as register and receiver, and of Lessig as surveyor general.²⁷

²¹ See *ibid.* for reprint of petition and affidavits.

²² Drummond's statement was reprinted in the *Denver Mirror*, December 28, 1873, p. 1. Numerous advertisers, including the First National Bank of Denver, withdrew advertising from the *Mirror* from January 11 to May 24, 1874, when the *Mirror* exonerated Moffat and Chaffee of willful intent to commit fraud.

²³ *Ibid.*, December 21, 1873, p. 1.

²⁴ *Ibid.*, January 11, 1874, p. 1; *Las Animas Leader*, January 4, 1874, p. 2; "Las Animas Muster Roll," petition of settlers in MSS XXIII-59e, State Historical Society of Colorado Library.

²⁵ *Denver Mirror*, January 18, 1874, p. 1, attributed the legislature's refusal to the influence of Moffat and Chaffee.

²⁶ *Ibid.*, January 11, 1874, p. 1; *ibid.*, January 25, 1874, p. 1.

²⁷ *Ibid.*, April 26, 1874, p. 1.

²⁸ *United States v. I. W. Stanton, et al.*, Dockets 9-35, Circuit Court of the United States for the District of Colorado, Federal Records Center, Denver. All chancery suits have been consolidated into Docket 9. Records include petitions, briefs, bills of complaint, demurrers, deeds, depositions, evidence given at the trial, etc. Hereafter referred to as Docket 9.

Suit was filed against Stanton, Cook, and Moffat on criminal charges; and at least twenty-seven suits were filed in chancery to vacate the patents issued for the quarter sections around the West Las Animas townsite.²⁸ When the United States Circuit

This map from the *Las Animas Leader* of April 24, 1874, loyally enlarges the newspaper's young town while negating the "OLD TOWN."



Court of Colorado dismissed the criminal charges "for conspiracy to defraud the government" in December of 1876 on agreement between defense counsel and the acting United States attorney,²⁹ there were charges that the "grab interests" forced out or bought out the prosecuting attorneys.

The chancery suits to vacate and cancel the patents continued, however. Evidence given at the trial indicated that several affidavits had been signed by one man using different names. The court declared that the patents had been obtained by fraud and perjury and ordered the patents vacated and canceled on July 12, 1878.³⁰ Later, when Moffat appealed to the United States Supreme Court, the highest court affirmed the decision of the lower court on October 27, 1884. The decision stated that the government officials had committed fraud; the preemptors were not bona fide residents; and, therefore, the court ruled that patents to fictitious parties do not transfer title, not even to bona fide purchasers.³¹

The possibilities of fraud which arose from the decision to reduce the Las Animas Grant in size represent only a small part of the confusion and litigation generated by the Vigil and St. Vrain Grant. A great deal of distress and agitation arose from conflicting claims among original and derivative claimants, and the refusal of the heirs or assigns of the grantees to accept the disposition of Congress as final.³² The ownership of the grant originally became complicated when Vigil and St. Vrain allegedly deeded an undivided one-sixth interest each to Charles Bent, Manuel Armijo, Donaciano Vigil, and Eugene Leitensdorfer. Confusion increased when Cornelio Vigil, Ceran St. Vrain, Charles Bent, Donaciano Vigil, and Eugene Leitensdorfer allegedly sold their interests to D. D. Mitchell, Benjamin Walker, Dunham Spalding, Thomas B. Hudson, Joab Houghton, and Charles Bent.³³ There is reason to doubt the validity of both of these conveyances, as Ceran St. Vrain applied for confirmation of the entire grant in 1857 only in the names of himself and the heirs of Cornelio Vigil.³⁴ St. Vrain certainly acted as

if he controlled the entire grant, for he continued to convey large parcels of land to other persons.

The claim which caused the most litigation, however, was that derived through Eugene Leitensdorfer. Leitensdorfer had conveyed his interest in the grant to Spruce Baird in 1859,³⁵ and Baird, who also held power of attorney for Ceran St. Vrain, refused to accept the decision of Congress. In 1870 he attempted to sell the grant for one million dollars³⁶ and also joined with St. Vrain in a proclamation of ownership of the entire original claim.³⁷ After St. Vrain's death in 1870, Baird continued his efforts to effect a sale of the entire grant, especially to George W. Heaton and O. M. Smith, who hoped to sell to a third party and reap a profit on the transaction.³⁸ Baird even considered going to Washington in an attempt to induce Congress to confirm the entire grant. Smith felt that he had prospective buyers as late as March 30, 1871,³⁹ but they remained wary.

On May 22, 1872, Baird conveyed his interest in the Las Animas Grant to Thomas Leitensdorfer, a brother of Eugene Leitensdorfer.⁴⁰ Thomas Leitensdorfer pressed for the confirmation of his claim against that of William Craig, the major derivative claimant. Craig, who first knew Ceran St. Vrain in 1855, had occasionally received grants of land from him on the tract of the Las Animas Grant and had a letter from St. Vrain which invested him with the power of attorney to dispose of portions of the grant.⁴¹ Craig also acquired more land on the grant by purchase from other derivative claimants,⁴² some of which acquisitions may not have been consistent with Craig's obligations to the interest of St. Vrain and the heirs of the grantees. F. W. Cragin noted in his travels through the area of the Vigil and St. Vrain Grant in 1905 that there was a strong feeling that Craig had cheated the grantees out of most of their land.⁴³ Wilbur Stone wrote that after St. Vrain's death Craig claimed

Bent, Manuel Armijo, Donaciano Vigil, and Eugene Leitensdorfer were not considered valid.

²⁹ *Brief for Appellant*, p. 2.

³⁰ Notes on plans for sale in Envelope 123, Box 4, Henry M. Teller Papers, Western History Collection, Norlin Library, University of Colorado, Boulder.

³¹ Copy of proclamation in Envelope 124, *ibid.*

³² Letter of S. M. Baird to George Heaton, November 26, 1870, Envelope 126; letter of O. M. Smith to G. W. Heaton, November 26, 1870, Envelope 128; letter of S. M. Baird to George Heaton, December 12, 1870, Envelope 130, *ibid.*

³³ Letter of S. M. Baird to George Heaton, March 2, 1871, Envelope 131; letter of O. M. Smith to G. W. Heaton, March 30, 1871, Envelope 131, *ibid.*

³⁴ *Brief for Appellant*, p. 3.

³⁵ Taylor, "Captain William Craig and the Vigil and St. Vrain Grant, 1855-1870," pp. 302-03, 306-08.

³⁶ *Ibid.*, pp. 307-08, 315-17.

³⁷ Early Far West Notebook, II, p. 17. (Xeroxed copy of F. W. Cragin Papers in Western History Collection, Norlin Library, University of Colorado, Boulder.)

²⁹ *Las Animas Leader*, February 2, 1877, p. 2.

³⁰ *United States v. David H. Moffat, Jr.*, "Final Decree of Judge John T. Dillon," July 12, 1878, Docket 9.

³¹ *Moffat v. United States*, 112 U.S. 24 (1884).

³² Records relating to the disputed claim can be found in documents of Thomas Leitensdorfer v. William Craig, Docket 79, Circuit Court of the United States for the District of Colorado, Federal Records Center, Denver. Hereafter referred to as Docket 79.

³³ "Deed of Cornelio Vigil, et al., to D. D. Mitchell, et al., December 12, 1846." (Photostat in Land Grant File LG v682vsm, Denver Public Library Western Collection.) The deed is probably spurious. See Taylor, "Captain William Craig and the Vigil and St. Vrain Grant, 1855-1870," p. 318n.

³⁴ H. Rept. 321, pp. 274-75. Taylor, in "Captain William Craig and the Vigil and St. Vrain Grant, 1855-1870," p. 319, seems to believe that the deeds to Charles

for himself about "100,000 acres that he swore St. Vrain had given and promised him, and so hogged in so much of the grant that many settlers with cultivated farms . . . were left out and [had] to pay for their lands again to the United States as public lands, after the twenty-two leagues were exhausted; as Craig had dated back his gifts and promises of title to a date anterior to the oldest settlers, knowing that a dead man [St. Vrain] could not contradict his testimony."⁴⁴

Further evidence of Craig's activities may be found in several deeds Craig made through his power of attorney for the St. Vrain interests. Craig sold tracts of the grant to third parties for nominal sums, and then he rebought these tracts for himself for a mere fraction of their value. In one such case he sold a tract of St. Vrain's land to James W. Blackstone on January 20, 1869, for an unspecified sum; on February 23 of the same year Craig bought the tract for himself for \$200. In another deed, he used his power of attorney to sell a tract to Thomas O. Boggs on February 23, 1869, for \$100 and other considerations; Boggs on the same day sold the tract back to Craig for the same amount.⁴⁵

Regardless of the method by which Craig acquired his lands, the two large claims pressed by Craig and Thomas Leitensdorfer came into conflict, as the two totaled more than the twenty-two square leagues authorized by Congress. The initial conflict arose from claims on the Trinidad townsite. In 1862 Craig, acting as attorney for Ceran St. Vrain, had issued a warranty deed for the townsite to J. W. Lewelling as trustee for the Trinidad Town Company.⁴⁶ Leitensdorfer in 1873 claimed that the townsite was part of his claim as derived from the undivided one-sixth part given to Eugene Leitensdorfer. Craig's claim did not include the townsite but totaled most of the 97,000 acres allowed by the Act of 1860 and might thereby invalidate Leitensdorfer's claim. Both parties submitted their claims to the register and receiver of the Pueblo Land Office. Stanton and Cook rejected all of the Leitensdorfer claim and awarded Craig 73,251.55 acres in 1874.⁴⁷ When Thomas Leitensdorfer appealed to the

commissioner of the General Land Office, Craig protested that the decision of the register and receiver was final and that no appeal could be had.⁴⁸

President Ulysses S. Grant referred the question of appeal in May of 1876 to Attorney General Edwards Pierrepont, who ruled that the secretary of the interior lacked the authority to interfere with the register and receiver; therefore, the decision of Stanton and Cook in the Pueblo Land Office was final. President Grant then ordered the commissioner of the General Land Office to instruct the surveyor general of Colorado to issue Craig an approved patent of the plat. Grant explained his executive interference as falling under constitutional requirement that the president execute the laws of the land.⁴⁹ This unusual action by the president did not deter Thomas Leitensdorfer, however.

The decision of the register and receiver meant that the Trinidad townsite would revert to the United States, but Leitensdorfer had relinquished his claim to the townsite even before President Grant had referred the decision to the attorney general.⁵⁰ The law firm of Brinton, Gray, and Drummond secured a patent for 260.93 acres for the use of the citizens of Trinidad,⁵¹ and the debate over the Trinidad townsite passed out of the land grant issue. The battle between Craig and Thomas Leitensdorfer, however, still continued.

Leitensdorfer carried his battle to the courts. He sought and received a temporary injunction which prohibited William L. Campbell, the surveyor general of Colorado, from issuing the plats of survey to Craig.⁵² The temporary injunction was dissolved on July 13, 1877,⁵³ but the case continued and another temporary injunction was issued. Leitensdorfer scaled his claim down to 85,389.32 acres, arguing that the claim thus reduced did not conflict with Craig's claim.⁵⁴ Long-time residents on the

⁴⁸ Letter of Willis Drummond (for the law firm of Brinton, Gray, and Drummond) to George W. Swallow, September 8, 1875, in "Trinidad Townsite Papers," MSS II-27a, State Historical Society of Colorado Library.

⁴⁹ Las Animas Leader, May 26, 1876, p. 2. Craig apparently had a degree of influence in Washington in order to prevail upon the president to intervene personally. The Washington Capital, quoted in the Las Animas Leader, March 30, 1877, p. 1, praised Craig as a gentleman and noted that he had appeared in Washington only for the "infamous attempt of the Colorado Land ring to steal his ranch, along with the great tract of which it is a part."

⁵⁰ Letter of U. J. Baxter, Acting Commissioner of the General Land Office, to the register and receiver, Pueblo, Colorado, April 5, 1878, in Docket 79.

⁵¹ Letter of Willis Drummond to George M. Swallow, August 11, 1877, in MSS II-27a, State Historical Society of Colorado Library; certified copy of "U. S. Patent to T. E. Owen, For Use of the Inhabitants of the Town of Trinidad," August 7, 1877, Docket 79.

⁵² "Temporary Injunction Decree," May 4, 1877, Docket 79.

⁵³ "Decree Dissolving Temporary Injunction," July 13, 1877, Docket 79.

⁵⁴ "Amended and Supplemental Bill of Complaint," October 6, 1877, p. 3, Docket 79.

⁴⁴ Letter of Wilbur Stone to Benton Canon, August 20, 1915, in Sporleder, "County of Huerfano and Sketches of Some of the Early Pioneers," p. 40.

⁴⁵ Certified copies of these deeds are in Docket 79. Also, see Taylor, "Captain William Craig and the Vigil and St. Vrain Grant, 1855-1870," p. 315. The amount of land in these tracts is difficult to determine, but from the descriptions in the deeds each enclosed several miles of land.

⁴⁶ A certified copy of the deed, dated December 31, 1862, can be found in Docket 79.

⁴⁷ "The Answer of William Craig, Defendant, to the Amended and Supplemental Bill of Complaint of Thomas Leitensdorfer, Complainant," p. 9, Docket 79.

—PLAT.—

—OF—

The Lands Awarded To

William Craig

FOR A PART OF THE

VIGIL AND ST VRAIN GRANT

IN COLORADO

Confirmed by Act of Congress approved June 21st 1860

Transmitted by the Register and Receiver of the Public Lands and District No 23rd N.H.

Approved by order of the President dated March 2nd 1877

CONTAINING 73251.4 ACRES

SCALE 1/2 INCH TO AN MILE

T. 23. S.

T. 24. S.

R. 65. W.

R. 64. W.

R. 63. W.

R. 67. W.

R. 68. W.

T. 25. S.

T. 26. S.

Department of the Interior,
General Land Office,
Washington, D.C., June 7, 1877.

This plat having been examined in connection with
my instructions dated March 7 1877, to the Surveyor
General of Colorado and found correct is hereby approved.

Commissioner

I, William L. Campbell, Surveyor General of the United States for the district of Colorado,
do certify that the part of the above and foregoing, colored drawn, is a true and correct
plat of that part of the Vigil and St Vrain Grant in Colorado confirmed by act
of Congress approved June 21st 1860, awarded to William Craig by the Register and
Receiver of the United States Land Office at Pueblo Colorado February 23rd 1874 and approved
by order of the President dated March 2nd 1877, and the said plat is hereby approved.

Surveyor General's Office
Denver Colorado, May 26th 1877

W. L. Campbell
Surveyor General of Colorado

Vigil and St. Vrain Grant, such as Thomas Boggs, W. A. Bransford, and Dick Wootton swore that Leitensdorfer had a valid claim, and Boggs stated that St. Vrain had told him in 1856 that the land in question belonged to Eugene Leitensdorfer.⁵⁵

Judge John T. Dillon of the United States Circuit Court of Colorado ruled on July 10, 1878, that if the allegations of Thomas Leitensdorfer were correct and that if Stanton and Cook had committed fraud by accepting a deed for 20,000 acres of the grant to decide in favor of Craig, the decision of the register and receiver would be a fraud on other derivative claimants. The court would then have to decree that the decision in favor of Craig would be void.⁵⁶ On July 2, 1880, Judge J. M. Love ruled that the decision of the register and receiver was fraudulent and void, and he ordered that Craig's patent be dissolved.⁵⁷

Craig appealed to the United States Supreme Court. On October 31, 1887, the Court overruled Judge Love's decision. The opinion held that the register and receiver had rejected the Leitensdorfer claim due to lack of documentary evidence and that even if the register and receiver had committed fraud, the claim of Craig was valid because it represented a derivative title. Leitensdorfer's interest in the Las Animas Grant, if valid, would be an original claim and could not be respected because derivative titles had absorbed the entire twenty-two square leagues.⁵⁸

Even while Craig contested that the decision of the register and receiver was final, he sought confirmation of the entire grant. His interests rested on the fact that he had deeded his 73,000 acres in the Vigil and St. Vrain Grant to the Cleveland and Colorado Cattle Company for "\$1 and other good and valuable services."⁵⁹ Perhaps he felt that the company might gain confirmation of more of the grant. Whatever his reasons, he consulted various lawyers, including Benjamin F. Butler, who gave the opinion that the entire grant should be confirmed.⁶⁰ Craig, in addition, consulted Eugene A. Fiske, who also stated

that the entire grant should be confirmed. Fiske included in his reply a letter from one Emilio Prado, a lawyer in Mexico City, Mexico. Prado wrote that under Mexican rulings the laws of 1824 and 1828 governing land grants did not infringe upon the right of *empresario* grants to exceed eleven square leagues per individual. Prado further stated that a Mexican law of April 4, 1837, had specifically removed any restrictions against *empresario* grants in order to promote colonization upon them.⁶¹

These opinions must have encouraged Craig, because in 1883 he sold an additional 100,000 acres of the grant to the Cleveland and Colorado Cattle Company.⁶² Furthermore, the company bought up the interests of the heirs of St. Vrain during the early part of the 1880s. Altogether, the Cleveland and Colorado Cattle Company claimed 600,000 acres of the Vigil and St. Vrain Grant by right of purchase. The company, acting as though these rights were valid, began fencing in its claims in 1885. However, Judge David J. Brewer promptly issued an injunction against the fencing because most of the claim rested outside the twenty-two square leagues confirmed by Congress.⁶³ In 1888 Brewer further ruled that the courts lacked the power to enlarge the grant. The company appealed to the United States Supreme Court, arguing that the Vigil and St. Vrain Grant was an *empresario* grant given for the purpose of colonization. Before the case could be decided, however, the company went bankrupt, and the Supreme Court placed the decision in abeyance.⁶⁴

The rights of the Cleveland and Colorado Cattle Company to lands within the grant passed into the hands of the Las Animas Land Grant Company.⁶⁵ This company went before the Court of Private Land Claims, which had been created in 1891 to settle title to the Spanish or Mexican land grants.⁶⁶ The court refused to hear the claims concerning the Vigil and St. Vrain Grant because the court lacked jurisdiction over cases acted upon by Congress.⁶⁷

⁵⁵ "Depositions in the case of Leitensdorfer v. Craig," April 13, 1878, Docket 79.
⁵⁶ "Amended and Supplemental Bill of Complaint," p. 2; *Las Animas Leader*, July 12, 1878, p. 2.

⁵⁷ "Final Decree," July 2, 1880, Docket 79.

⁵⁸ *Craig v. Leitensdorfer* [sub. nom. *Downs v. Hubbard*], 123 U.S. 189 (1887). Both Craig and Leitensdorfer were deceased and were represented respectively by Francis Downs and Edward J. Hubbard.

⁵⁹ A certified copy of the deed, in the name of Mary E. Craig, dated December 18, 1878, is in Docket 79.

⁶⁰ William Craig, *Grant of the "Rios Las Animas and Huerfano" in New Mexico to Cornelio Vigil and Ceran St. Vrain, December 9, 1843, and Opinion of Gen'l Benjamin F. Butler as to the Validity of the Same* (St. Louis: Barnes, Harris & Lender, 1882), p. 31, in Land Grant File LG v682gr, Denver Public Library Western Collection.

⁶¹ Eugene A. Fiske, *Opinion in the Matter of the Las Animas or Vigil and St. Vrain Grant* (n.p., n.d.), pp. 26-30, in Land Grant File LG v682op, Denver Public Library Western Collection.

⁶² *Las Animas Land Grant Company, Petitioner, and the United States of America, Defendant*, pp. 12-13.

⁶³ *Ibid.*, pp. 13-15, 21-24.

⁶⁴ James W. Vroom, *The Las Animas Land Grant* (Akron: Capron & Curtice, 1893), p. 26.

⁶⁵ *Las Animas Land Grant Company, Petitioner, and the United States of America, Defendant*, p. 15.

⁶⁶ *Ibid.* For the act creating the Court of Private Land Claims, see U.S., *Statutes at Large*, Vol. XXVI (December 1889-March 1891), "An Act to Establish a Court of Private Claims, and to Provide for the Settlement of Private Land Claims in Certain States and Territories," March 3, 1891, ch. 539, secs. 1-19, pp. 854-62.

⁶⁷ U.S., Justice Department, *Annual Report of the Attorney General of the United States for the Year 1898* (Washington: Government Printing Office, 1899), p. 10.

The Las Animas Land Grant Company then appealed to the United States Supreme Court, which affirmed the refusal of the Court of Private Land Claims to hear the case.⁶⁸ The long struggle over confirmation of the Las Animas Land Grant was over, with Congress the victor.

Those who wished confirmation of the entire grant probably had no chance of success. But it is easy to understand why the various interest groups attempted to gain control of the entire claim. In addition to being near several rivers which in 1893 provided water for irrigation of over 100,000 acres, the grant was rich in coal and other minerals, such as lead, copper, silver, and iron. In 1893 a Professor G. Van Diest estimated that the value of the unconfirmed portion of the grant was not less than \$22,000,000,⁶⁹ an empire well worth the contention that resulted.

The Las Animas Land Grant illustrates some of the problems caused by the indecision of Congress in its attempts to determine the property rights of individuals in the territories acquired from Mexico during the Mexican War. Congress did not act upon the property claims until several years had elapsed, allowing time for possible alterations of documents and claims. When Congress did act, it made no consistent provisions for deciding the validity and extent of the land claims, as can be seen by the fact that the Maxwell and Sangre de Cristo grants were confirmed for over a million acres each by the same act that limited the Vigil and St. Vrain Grant to about 97,000 acres.

This limitation and the provisions that the register and receiver of the local land office would decide the validity of derivative claims opened the door for frauds such as those which occurred in the West Las Animas land grab. The provisions also led to unlawful discrimination by the register and receiver, if they so chose. And since their decision was made without due process of law, their action led to substantial litigation over conflicting claims of title, with innocent persons, such as the citizens of Trinidad, caught in the middle of the conflict.

Congressional discrimination among grants also led to the clouding of land titles within the original boundaries of the Las Animas Grant and caused descendants of the original grantees to sell thousands of acres of land for which no legal title existed. Conflicting claims which resulted enabled speculative companies to purchase grant lands and to claim the ownership which

Congress had denied the original grantees. These speculators, undoubtedly, were aware of the 97,000-acre limit imposed on the grant, but their contentions served to cloud land titles until 1900.

Since, on the surface, the Las Animas Grant appears to have been an *empresario* grant, it probably should have been confirmed in its entirety. Such confirmation probably would have lessened the amount of litigation and confusion over titles, although the problem of ownership would not have been settled.

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⁶⁸ *Las Animas Land Grant Co. v. United States*, 179 U.S. 201 (1900).

⁶⁹ Vroom, *Las Animas Land Grant*, pp. 36-65.

The Press and the Populists

BY JANE WERNER

On October 5, 1892, the Honorable Thomas M. Patterson arrived in Loveland, Colorado. Lawyer, newspaper publisher, successful Democrat, he was scheduled to speak on behalf of the Democratic-Populist fusion ticket on the issues of the presidential election campaign at a giant political rally that would climax the Loveland Street Fair. As a sole representative of the Democratic-Populist point of view, Patterson carried a heavy responsibility. He was to be pitted against a galaxy of Republicans: incumbent governor John L. Routt, senior senator Henry M. Teller, congressional candidate Earl B. Coe, gubernatorial aspirant John C. Helm, and Larimer County leader Joseph Murray.

For several weeks the fair had dominated the pages of the local weeklies—the *Reporter*, edited by W. L. Thorndyke, and the recently founded *Leader*, published by Perry Knapp. Though their interest in the event was similar, their comments were not. Republican Thorndyke had been taunting Populist Knapp over the latter party's lack of a speaker, although Thorndyke had decided a few days before the rally that the Democratic Populists would probably come up with someone.¹ Knapp, ignoring Thorndyke's jibes, countered that the fair was a break for the Republicans because it was the only way they "could get a crowd to listen to their speakers."²

Since Patterson did appear, Knapp won the first round, but there were immediate complications. The time limit for each talk was one hour. Mr. Patterson insisted on two. Moreover, he objected to sharing the platform with an opponent—Joseph Murray—of merely local prestige. Since he was ideologically



The Rocky Mountain News's Thomas M. Patterson, who left behind fewer Republicans than he found in Loveland.

outnumbered five to one, the first complaint of the *Rocky Mountain News* publisher was certainly understandable. But the committee was adamant; and so was Mr. Patterson, who was not noted for his sense of humor. He returned to the station and boarded the first train for Denver, promising disappointed Democrats and Populists that he would come back if more favorable conditions could be arranged.

The *Reporter*, which had thoroughly enjoyed the October fifth confrontation, now freely predicted that Patterson would not keep his promise. The *Leader* flatly contradicted. Large numbers of Republicans met the train when Patterson returned, to see for themselves that the promise was not a fluke.³ He came, spoke, and, according to the *Leader*, left behind fewer Republicans in the city of Loveland than he had found.⁴

The behavior of Patterson and the desertion of Republican regulars to the Democratic-Populist irregulars were typical of both the national and the Colorado political climates in the fall of 1892. All over the country the recurring fight between the advocates of sound money and the proponents of inflated currency had broken out again. Though Coloradoans generally favored inflated money, they overwhelmingly preferred that it be accomplished by means of congressional approval of the

¹ *Loveland Reporter*, September 29, 1892, p. 1.

² *Loveland Leader*, September 30, 1892, p. 1.

³ *Ibid.*, October 21, 1892, p. 1.

⁴ *Ibid.*, pp. 1, 4.

free and unlimited coinage of silver. Such action, they hoped, would end the disastrous decline in the price of the white metal and bring new life to the state's leading industry, silver.

Free coinage of silver, then, was the key issue in 1892 for both Colorado's political leaders and the mass of voters. Since there were three parties operating in the state, there were three options: to continue the Republican tradition, to switch to the Democrats, or to join the insurgent Populists. By midsummer the last-named was the only party officially favoring free coinage of silver in its party platform.

For Thomas M. Patterson the dilemma was three-fold. He must choose as a citizen, as a newspaperman and molder of public opinion, and as Colorado's leading Democrat, committed to enlarging into gaping fissures the cracks and divisions that had appeared from time to time in Republican solidarity. Partly because of his triple political role, the *Rocky Mountain News* publisher extricated himself from one controversy only to plunge into another. He arrived at his party's national convention in June a Democrat, hoping to support both the platform and the presidential nominee. But he returned to Denver several days later an adherent of the Populist Party and its presidential candidate, James Weaver.

The issue that triggered the Patterson bolt was the refusal of the convention to include the kind of silver plank in the party platform that would be acceptable to the Colorado Democracy. Patterson, hesitating temporarily, wired the *News* offices that the paper should "wait and see." His publishing partner, John Arkins, who was certain that he already could see clearly, found no reason to wait. He reportedly wired back:

You know this paper could never support Cleveland and our people wouldn't support it, if it did. . . . This paper will announce tomorrow morning that it will support Weaver.⁵

In this abrupt fashion the leader of the Democrats became the leader of the Populist revolt. The trend that Arkins had so astutely assessed as a growing one had taken concrete political form in 1891 when the People's Party of the state, which combined agricultural, silver, labor, and various middle-class reform elements,⁶ was officially founded.

⁵ The story behind the *Rocky Mountain News* (Denver) bolt was the subject of much speculation during the 1892 campaign. The quotation attributed to Arkins is based on the reminiscence of Frank Arkins, John Arkins' nephew, as told later to Ellis Meredith, who worked as a reporter for the *News* and attended the Democratic national convention in that capacity. Ellis Meredith, "Three Distinguished Figures of the Early Rocky Mountain News," *The Colorado Magazine*, XXVII (January 1950), p. 46.

⁶ John Morris, "Davis Hanson Waite: The Ideology of a Western Populist" (unpublished Ph.D. dissertation, University of Colorado, 1965), p. 3.



*Davis Hanson Waite's
Aspen Union Era
served as a forum
for Populist
argument.*

Free Silverites predominated, however, as did the delegates from the silver-mining camp of Aspen. One of the leading members of this representation was Davis Hanson Waite, lawyer, one-time state legislator, chairman of the Pitkin County central committee, and newspaperman. By August 13, 1891, Waite was devoting all of his time to Populism as co-editor of the *Aspen Union Era*, a radical weekly dedicated primarily to the interests of labor. Through his activities as editor and county chairman, Waite had become known and respected over the entire state.

Using the *Union Era* as a forum, he won the Populist nomination for governor at the party's July 1892 convention. The sixty-seven-year-old editor and his running mates were "not merely silverites; they were fairly characteristic Populists," in the words of historian John D. Hicks.⁷ Waite, however, sensed early in the campaign that the key to victory in Colorado lay in the proper exploitation of the silver issue. As a delegate to the Populist national convention at Omaha, where the platform that was to become his "political Bible" was put together, he had personally written the silver plank, his position having been adapted gradually to the realities of the Colorado situation. Subsequently, he would not refer often during the campaign

⁷ John D. Hicks, *The Populist Revolt* (Minneapolis: University of Minnesota Press, 1931), p. 291.

to his earlier assertion that the "silver question holds very little for the common people."⁸

Waite was not the only Colorado newspaperman to base a new weekly on Populist support. The purpose of the *Loveland Leader* was similar. Other editors had started the *Silver Age*, *Populist*, *People*, *Silver State*, and *Silver West* in Denver; the *Free Coinage* in Ward; the *Pikes Peak Populist* in Colorado Springs; and *Health and Wealth* in Montrose.⁹ Only in new communities such as the booming gold camp at Cripple Creek was the founding of a newspaper generally unrelated to politics.

The birth and death rates of dailies and weeklies alike had been high in the thirty-three years of newspaper publication in Colorado. Undeterred by the steady attrition, Lute Johnson moved his press from sparsely populated Cheyenne Wells to mushrooming Creede in January 1892. There he started the *Creede Candle*. Though he was personally interested in the de-

Daily events in Creede preempted political copy in the Candle.



veloping presidential campaign, Johnson frequently found it difficult to print political items because the subscribers themselves did so many newsworthy things. In fact, the *Candle's* ready supply of rousing local stories was more typical of the papers of the 1860s than of their more sedate descendants. Editor Johnson faced the same kind of dilemma which had plagued Patterson and Arkins, but he solved it in an entirely different manner. Traditionally a Republican, he remained one and spent the entire campaign period trying to buck the Populist trend that was especially strong in a silver camp.

Throughout the state other weekly editors mulled over the options and chose a party. Publishers remaining true to Republicanism included George M. Laird and Den Marlow of the *Central City Weekly Register-Call*, W. I. Whittier of the *Castle Rock Journal*, W. L. Thorndyke of the *Loveland Reporter*, O. H. Wangelin of the *Boulder County Herald*, C. E. Adams and W. H. Corum of the *Gunnison Tribune*, and H. G. Pickett of the *Akron Pioneer Press*. George West, editor of the *Colorado Transcript* in Golden and long-time friend and associate of William Byers, continued to support Grover Cleveland. Faced with the same decision, Republicans Jesse Summers Randall of the *Georgetown Courier*, Alexander MacLeod of the *Gilpin County Observer*, and George Irwin of the *White Pine Cone* chose the People's Party, as did Independent A. B. Clark of the *Silver Plume Silver Standard* and Democrat D. L. Egger of the *Pagosa Springs News*.

Interest in the campaign and the nominees had been building since January. By September election stories dominated both editorial and news columns. The distinction between the two was blurred in most weeklies, however, with the typical account of a speech, for example, containing three parts editor's opinion to one part speaker's. Because of this practice, it was often hard for the reader to learn what the candidate actually had said.

By September attention was focused on the county and state conventions. The Populists had already convened in July to nominate their candidates for state offices. The Republicans, in a relatively harmonious gathering, agreed with Senators Teller and Edward O. Wolcott on "adherence to the party and

⁸ *Aspen Union Era*, February 25, 1892, quoted in Leon W. Fuller, "A Populist Newspaper of the Nineties," *The Colorado Magazine*, IX (May 1932), p. 84.

⁹ See Donald E. Oehlerts, *Guide to Colorado Newspapers, 1859-1963* (Denver: Bibliographical Center for Research, Rocky Mountain Region, Inc., 1964). Listings are in alphabetical order by county and by city within each county.

¹⁰ Wilbur Fisk Stone (ed.), *History of Colorado* (Chicago: The S. J. Clarke Publishing Co., 1918), I, 437.



Joseph Church Helm,
Colorado Supreme
Court Justice,
1879-92 and 1907-09.

a fight within its ranks on the silver question."¹⁰ Candidates chosen were State Supreme Court Justice Joseph C. Helm for governor and Earl B. Coe and Henderson H. Eddy for Congress.

The reaction to the nomination of Helm, who had resigned from the court to make the race, was not wholly favorable. For example, the *Montezuma Journal* of Cortez commented: "God pity the trade and labor organization that attempts to make a success of a strike after Helm, the corporation hireling who has disgraced the supreme bench of the state for the past six years, becomes governor."¹¹

Even more controversial was the nomination of the thirty-seven-year-old Eddy, who, as speaker of the state's House of Representatives in 1888, had presided over the Seventh General Assembly, better known as the "Robber Seventh."¹² Although the *Meeker Herald* and the *Creede Candle* supported him, both the *Republican Weekly Register-Call* and the Populist *Silver Standard* predicted that on November 8 the electorate would vote against Eddy.¹³ Democrat George West observed September 21 in the *Transcript* that Larimer County Republicans were "incensed over the nomination" and noted on the twenty-eighth that the "gerrymander which put Gilpin and Clear Creek counties in the second district was concocted by Eddy himself." Since both were now strongly Populist, West predicted that their voters would contribute heavily to his coming defeat.

¹⁰ Quoted in the *Gilpin County Observer* (Central City), October 15, 1892, p. 2.
¹² *Pagosa Springs News*, November 3, 1892, p. 4; *Silver Standard* (Silver Plume), November 5, 1892, p. 2.

¹³ *Central City Weekly Register-Call*, September 9, 1892, p. 4; *Silver Standard*, October 21, 1892, p. 3.

The greatest interest in the nomination of Earl Coe was generated in the remote camp of White Pine, deep in the Tomichi mining district of Gunnison County. Editor George Irwin of the *Cone* lamented the fact that the voters would not have a chance to vote against Coe since he was a candidate from the first district and White Pine was in the second. Irwin reminded his subscribers that Coe, as part-owner of the May Mazeppa mine, had not lived up to agreements to pay up old debts out of the proceeds of the mine. Irwin advised those to whom Coe owed money to pool their accounts and present their claims during the campaign, because while one is running for office it is "easier to collect from him than it is after he is defeated."¹⁴

Meeting four days after the Republicans, the Democrats, sensing victory, practically reenacted the Republicans' convention of 1890 when the "Gang," loosely allied with Senator Teller, and the "Gang Smashers," the forces of Senator Wolcott, had demanded recognition for two sets of delegates from Arapahoe County.¹⁵ The center of contention in 1892 among the Democrats was the bolt to Weaver already engineered by the Pattersonians. The first split occurred when those still loyal to Cleveland left the hall. Since they were the "pure" Democrats and they had taken flight, the group was known thereafter as the "White Wings" and was distinguished by white badges while the Weaver supporters wore purple badges.

Then the Pattersonians disagreed among themselves over the advisability of endorsing the Populist ticket headed by Waite, District Judge John C. Bell, and Denver lawyer Lafe Pence. Many advocated the nomination of a slate of regular Democrats for state offices. The Democratic state committee finally ended most of the arguments when it formally endorsed the Populist ticket near the end of September. The "White Wings" meanwhile had nominated a slate of their own.

Throughout September the rural press conscientiously had announced the dates of both county and state conventions, although sometimes the editor was conscientious only up to the point that the local parties were willing to reimburse him for running the official call for a convention. The wrangling at the Democratic convention in Pueblo had provided an abundance of copy. As the campaign progressed, the editors

¹⁴ *White Pine Cone*, October 28, 1892, p. 1.

¹⁵ R. G. Dill, *The Political Campaigns of Colorado, with Complete Tabulated Statements of the Official Vote* (Denver: The Arapahoe Publishing Co., 1895), pp. 143-46.

defined the issues for their readers. The Republicans on the whole were more forceful and coherent in stating their case than were their Democratic-Populist opponents. Except for the voice of George West of the *Colorado Transcript*, the Cleveland—"White Wing"—Democratic point of view practically disappeared from the rural press. The Republicans, who generally campaigned against Weaver and Cleveland more than they argued for their presidential candidate Benjamin Harrison, agreed that (1) the Colorado Populists had been taken in by the Omaha platform's silver plank, and the national People's Party was far more interested in general currency inflation than free coinage; (2) a vote for Weaver was really a vote for Cleveland, the only candidate on record against free coinage; (3) if a bill underwriting free coinage were passed by Congress, Harrison would sign it; and (4) a victory for protest and the Populists would create a radical image of the state among eastern capitalists, who would hesitate then to invest in Colorado.

The editors supported the first assertion almost unanimously. Nearly all reminded their readers that James Weaver had been nominated by the pro-paper-money Greenback Party several years before.

The slogan "A vote for Weaver is a vote for Cleveland" was used primarily as a two-line filler for awkward white spaces. However, G. M. Laird of the *Register-Call* felt so strongly that he inserted the reminder eight times on the front page of his paper the week before the election.

When they printed articles defending the Harrison record on silver, the Republican newsmen were slightly uneasy. Whereas they had applauded vigorously before the convention when Senators Teller and Wolcott opposed Harrison, they had sat on their hands when the delegates renominated him. The party platform's silence on the silver issue triggered the bolt of several to the Populists. It was not an easy decision. George Irwin of the *White Pine Cone* shared his private, agonizing reappraisal with his readers when he wrote: "We have been honest in our advocacy of the selection of Weaver electors in this state. Long training with the Republican party, deep seated prejudices for Republican tradition were hard to overcome."¹⁶ But Lute Johnson, who had declared shortly after Harrison's renomination in June that no Colorado Republican could endorse him, had decided by September that the president stood for "protection, reciprocity and free coinage. The first two we

have; the other will come."¹⁷ And W. L. Thorndyke, who argued that those still opposing Harrison had never read his letter of acceptance, quoted the Republican and Populist opponents:

HARRISON FOR SILVER

I am thoroughly convinced that the FREE COINAGE OF SILVER at such a ratio to gold as will maintain equality in the commercial uses of the coined dollars would conduce to the prosperity of all the great producing and commercial nations of the world. *Benjamin Harrison.*

WEAVER FOR PAPER

The intrinsic value idea is a fraud. The specie basis system is a crime. We intend eventually to demonetize both Gold and Silver and make absolute paper money the coin of the realm without the interaction of money metals. *James Weaver.*¹⁸

Though the potential danger of creating a radical image of Colorado did not arouse universal interest among the rural publishers, H. G. Pickett of the Akron *Pioneer Press* wrote on



The main street of agricultural Akron in 1888.

November 4: "If it is your object to injure Colorado's reputation among the investors and capitalists in the East, vote for Weaver. If, on the contrary, you do desire the development of this great state, vote for Harrison." A few weeks earlier the *Silver Cliff Rustler* also had warned against gaining the East's ill will with the admonition that nationally "Colorado is a drop in the bucket."¹⁹

This argument, proposed independently by a farm-area editor and a mining-camp publisher, reflects the fact that the

¹⁷ Creede *Candle*, September 2, 1892, p. 4.

¹⁸ *Loveland Reporter*, October 15, 1892, p. 4.

¹⁹ *Silver Cliff Rustler*, October 26, 1892, p. 1.

Republican case against Weaver cut across local economic interests. As a spokesman for farmers, Pickett did remind his readers that the Republicans had passed the Homestead Act, and he shed an editorial tear over a Harrison campaign salute to the Grand Army of the Republic; but he did not especially emphasize these points.

The tactics of the GOP editors in ignoring Cleveland Democrats were adopted also by the Populists. Though the editors' goal was the same as that of their Republican colleagues—the enactment of national legislation underwriting free coinage—the insurgents were more emotional and personal and less logical. Their conservative associates did not completely shun this kind of approach, however.

Occasionally the People's Party publishers turned to poetry. George Irwin, for example, printed a lengthy paean to silver featuring the recurring refrain:

Then give us the dollar,
The gleaming white dollar,
The coin of our Dads.²⁰

The emotional appeals of the Populist editors reflected the emotional appeal which the party itself had for its new members. The Republican Meeker *Herald* reported that one of the delegates to the Rio Blanco County Populist convention argued:

I only know I want a change. . . . Our money goes to cannibals.
Our corn and oats are shipped to eastern cannibals who buy
it at their own price.²¹

From this Spartan news office in Meeker came a call for change.



A few weeks earlier Jesse Summers Randall had observed in the *Georgetown Courier*: "That Colorado will go for Weaver is without peradventure. All who believe in self-preservation should work to make the majority big enough to cause trembling in the ranks of the old politicians."²² He was apparently unperturbed over the possible prospect of similar trembling in the ranks of eastern capitalists.

Because they often appealed to emotions, the Populist editors did not develop as many points or as much similarity in their arguments as did the Republicans. However, they did agree that (1) a protest over the threat to the silver mining industry was necessary, and since it could not be effected by a switch from one major party to the other, the only alternative was a whopping vote for Weaver; and (2) the Republicans for Harrison were really Republicans for continuing "boodle."

The Pagosa Springs *News* charged on October 21: "A large majority of the weekly papers in this state that renounced Harrison after his nomination, on account of his hostility to silver, have been brought back into the fold. This has been accomplished by the liberal use of 'boodle.'" Other Populist editors attacked the "boodlers" themselves. Both the *Georgetown Courier* and the *Gilpin County Observer* charged that the local county land office had been coerced into boycotting their respective papers in the placing of legal advertising. The *Courier's* Jesse Randall complained on September 27 that he had been forced to be his own "editor, compositor, collector

Interior of the Georgetown Courier office.



and 'devil' because of the loss of this important source of income. He continued to attack Clear Creek County Republican boss William Hamill, especially his handling of the nominations at the local convention.

Charges against the "gang" were primarily a Populist weapon. They became so prevalent as the election neared that the Akron *Pioneer Press* warned "campaign liars" to be more explicit. "There is," the editor said, "the old gang, the new gang, Bobbie's bank gang, the 'Three Pluck One' gang" and many others. Besides, it was ironic that the Washington County reformers had nominated a "3 per cent a month money loaner to make laws for farmers."²³

Although the rural press found plenty of material in the threat to silver, the sins perpetrated at the courthouse, the potential menace to new investment, and the perennial battle with the local opposition editor that was intensified by the tensions of the campaign, the publishers usually reported fully on the candidates' personal appearances. Populist Davis Waite was the most active. Abandoning publication of the *Union Era* on August 4, he embarked on a strenuous, far-reaching campaign that took him into forty-nine of the fifty-six counties.²⁴ Frequently, he was the only aspirant to office to appear personally in the smaller towns.

Reaction to Waite's speeches was mixed. Even the People's Party editors were inclined to summarize his remarks briefly or to report that he had spoken and to launch immediately into generalities of their own. Surprisingly, the most comprehensive single coverage was given by the Republican *Teller Topics*, published in nearby Bachelor by Lute Johnson of the Creede *Candle*. In his appearance before the miners, Waite concentrated on silver:

It is an issue between the east and the west. It is an issue, this silver question, that the Republican Party in Minneapolis totally ignored, and which the Democratic Party in its convention at Chicago treated in a similar way. It remained for a party to come to the rescue of this vital question. The St. Louis party in its platform was not strong enough. It remained for the People's Party at Omaha, on that memorable 4th of July, to put a plank in the platform for the free and unlimited coinage of silver (Cheers).²⁵

²⁰ White Pine Cone, September 30, 1892, p. 4.

²¹ Meeker Herald, October 1, 1892, p. 1.

²² Georgetown Courier, September 10, 1892, p. 2.

²³ Akron Pioneer Press, September 16, 1892, p. 4.

²⁴ Morris, "Davis Hanson Waite," p. 49.

²⁵ Teller Topics (Bachelor), September 3, 1892, p. 1.

Though the *Topics* was generous on space, the parent *Candle* refused to acknowledge that Waite had made a case. "So far as this bailiwick is concerned, he had done better to have remained at home," the editor concluded.²⁶ On the other hand, the Gunnison *Tribune* said on September 17: "He impressed his hearers by refraining from abuse of either of the old parties," and "White Wing" Democrat George West concluded: "Mr. Waite is a pleasant speaker and seems to have posted himself well in the theories of his party."²⁷ But many Republican papers followed the advice of the Canon City *Record*:

All you Republicans keep still about this man Waite. He is doing more good for the Republican party than any other man could possibly do. If he does as well in other places as he did in Canon City recently, he is entitled to a vote of thanks.²⁸

The Central City *Register-Call* dutifully announced that the "Popgun" party's gubernatorial candidate was to speak but failed completely to mention that he did appear subsequently. The *Call* was not nearly so reticent about reporting later on a talk by Senator Henry M. Teller. By the time of his Central City appearance, the senator had practically recovered from the mild case of foot-in-mouth disease that had bothered him since the renomination of Benjamin Harrison had become a fact. Between January and June Teller had issued more than one public statement strongly opposing the president, and the Populist press did not let him forget.

As the campaign progressed, Teller worked out a speech designed to neutralize the unfortunate effect of his earlier pronouncements. He frankly acknowledged his lack of enthusiasm for Harrison and then explained why Republicans should vote for him anyway:

If you ever secure free coinage, you will secure it through the Republican or Democratic party. . . . If you expect to reform evils you must reform them in the party to which you belong.²⁹

Turning to the potential danger to the cause of free coinage inherent in the possible election of Weaver, Teller charged:

If he were President of the United States and had a Congress at the back of him what do you suppose he would do? He would order a printing press and go to making money, discarding the precious metals entirely.³⁰

²⁶ Creede Candle, September 2, 1892, p. 4.

²⁷ Colorado Transcript (Golden), September 21, 1892, p. 3.

²⁸ Quoted in the Akron Pioneer Press, September 30, 1892, p. 4.

²⁹ Teller spoke in Denver. He was quoted in the Gunnison Tribune, September 24, 1892, p. 1.

³⁰ Ibid.

Teller's line of reasoning was not always effective. The *Gilpin County Observer* reported that the audience responded, "Weaver! Weaver! Weaver!" when the senator spoke in Central City in early October.³¹

The campaign trail was frequently as rough for other Republicans. Congressional hopeful Henderson Eddy, appearing in Georgetown, agreed to settle an unpaid forty-dollar whiskey



Henderson Eddy

bill when he was threatened with a presentation of it from the audience. Apparently willing to risk further unforeseen expenses, Eddy continued to appear extensively throughout his large district. But he was helped, rather than ignored, by Republican editors who often reprinted an Eddy speech made in another town.

³¹ *Gilpin County Observer*, October 8, 1892, p. 1.

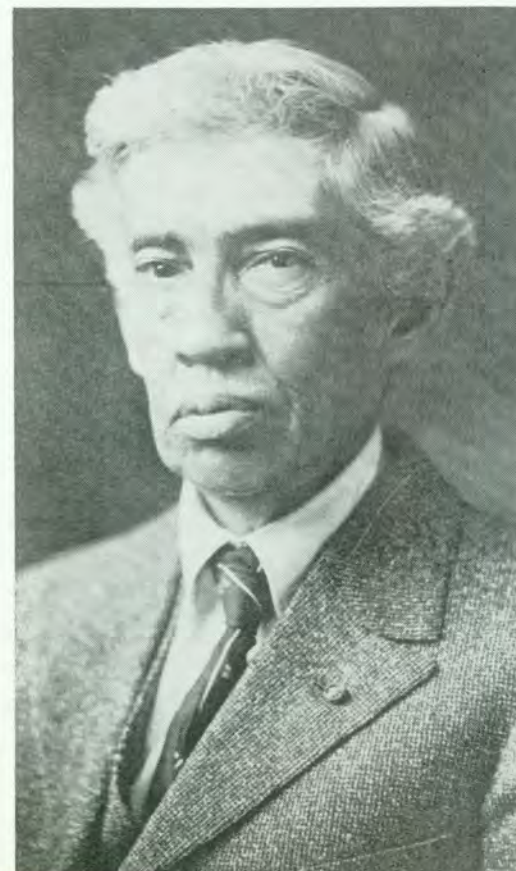
³² The most obvious personal advantage was the circulation boom the *Rocky Mountain News* enjoyed immediately after the bolt to Weaver. When Patterson returned from Chicago, the line of new subscribers circled the block. Robert L. Perkin, *The First Hundred Years: An Informal History of Denver and the Rocky Mountain News* (Garden City, N.Y.: Doubleday & Company, Inc., 1959), pp. 385-86.

³³ *Central City Weekly Register-Call*, October 7, 1892, p. 4.

His opponent, John Bell, apparently decided that the momentum generated by the Democratic-Populist coalition, the Waite campaign, and the silver issue itself would carry him to victory. The rural press seldom mentioned him as participating personally in the campaign. Waite's antagonist, Helm, stayed close to Denver. Coe and Pence took advantage of the relatively small size of their congressional district.

Despite his unhappy experience in Loveland, Tom Patterson not only returned as promised but also promoted the Populist cause in other towns close to Denver. Seeing the advantages of his stand generally and observing the effectiveness of the Waite campaign, he declared for the former editor in early October.³² The *Register-Call* noted caustically: "Tom Patterson is supporting Waite! So the devil is imbibing holy water."³³

For the most part, the Republican press was flatly predicting victory by November 1 with observations similar to Lute Johnson's "Colorado is going Republican. Creede is going Republi-



Lute H. Johnson,
a Republican
editor in a
silver camp.

can."³⁴ Neither went Republican. Colorado went Populist by fifty-seven percent, Creede by seventy-five percent. Waite's home town, Aspen, voted eighty-five percent for the People's Party, though his own 44,242 votes constituted a plurality of only forty-eight percent. Waite's narrower margin can be accounted for by the 8,944 votes cast for the almost-forgotten Cleveland Democrat Joseph Maupin. Since the Cleveland electors' names had been removed from the ballot, Maupin supporters were forced to vote for the Weaver electors.³⁵

The election results demonstrate the fact that the relative impact of the mining industry on the community was the most important single factor in 1892. It overshadowed both written persuasion on the part of newspaper editors and oral persuasion on the part of the candidates. It accounts for John Bell's winning sixty-one percent of the votes in his contest with Henderson Eddy without an active personal campaign.³⁶

The publishers remaining true to Republicanism had the better of the ideological argument from the narrow viewpoint of the fall in 1892. They were correct when they said that the Populist silver plank was deliberately designed to lure mining state votes. They were right when they depicted the People's Party as dedicated primarily to paper money. What they failed to see was that this policy slowly diminished in importance as election day neared and more rapidly after the greatest Populist victories were scored in Nevada and Colorado. As paper money faded, free coinage of silver emerged as a national issue.

On the surface, it appears that the newspapers which switched from Republican or Cleveland Democrat to the coalition exercised both influence and leadership. On closer examination, however, it seems clear that most editors were responding to economic pressures in the same way that the ordinary voter was. The editors were not community leaders consciously trying to sway the voter. They assumed that he already had decided, as he had, in fact. What influence they did exercise was accomplished by pushing through the crowd to the head of the parade and leading it in the direction it was going anyway.

The best example of the exercise of this kind of leadership on the part of a newspaper is that of the *Daily Rocky Mountain*

News, but it was emulated in many smaller communities by the editor of the local Populist weekly. However, the assertion of R. G. Dill in 1895 that "the *Denver News* was the most potent factor in the election of the Populist ticket"³⁷ is an exaggeration. Since the major portion of its 15,000 daily and 20,000 weekly circulation was undoubtedly concentrated in the Denver area, it is reasonable to assume that its influence would be greatest there. But the coalition received only six percent more votes than the Democrats alone had tallied in 1890.³⁸

But if the role played by the weekly newspaper in the election of 1892 in Colorado was indecisive, the long-range effect of the voting was not. Republican domination of state politics ended, for a time, and the strong Democratic Party that Tom Patterson had promised when he was sagaciously soliciting votes for the statehood enabling bill in 1876 became a reality, at least in part. In 1892 the Populist strategy of accepting Democratic endorsement of its ticket seemed wise, for together they scored a victory. But the real winner was to be the Democratic Party of the future. Fusion eventually was to turn into absorption and oblivion for the People's Party.

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³⁴ Creede *Candle*, November 4, 1892, p. 4.

³⁵ Dill, *Political Campaigns*, p. 204; *Abstract of Votes Cast for State Officers at the General Elections of the Years 1892 to 1898 Inclusive (Official)* (Denver: The Smith-Brooks Printing Co., State Printers, 1898), p. 4.

³⁶ *Ibid.*

³⁷ Dill, *Political Campaigns*, p. 202.

³⁸ *Ibid.*, pp. 157, 204.