

Mexican Land Grants in Colorado

By LeRoy R. Hafen

During the long years from the Spanish conquest of Cortez (1519-21) to the War with Mexico (1846-8) the Hispanic frontier in western North America was gradually pushed northward from the capital city of New Spain. Even after the achievement of Mexican independence (1821) the process continued and during the succeeding three decades reached in definite form with legal status the territory of present Colorado.

In consequence there are large areas of land in southern Colorado the title to which originates in special grants from the government of Mexico. Most of these Mexican land grants applicable to Colorado were bestowed in the early forties, but successful occupation of the tracts was not accomplished for a number of years. With acquisition by the United States these lands took on new value and, in view of the fact that the Treaty of Guadalupe Hidalgo (1848) guaranteed to Mexican citizens their private property rights,¹ it became urgently necessary that various claims to land be adjudicated and their extent and boundaries fixed.

It was not until July 22, 1854, that Congress made some provision for the determination of these claims in the territory of New Mexico (which then included present southern Colorado). The appointment of a surveyor general of New Mexico was authorized and it was made his duty under instructions from the Secretary of the Interior "to ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico."² He was authorized to issue notices, summon witnesses, etc., and was required to make full reports to the Secretary of the Interior with his decision as to the validity of the respective claims. These reports were to be submitted to Congress for final action.

The first incumbent of this office was William Pelham, who on January 18, 1855, issued a notice calling for the filing of claims to lands granted prior to 1848. Claims were submitted, testimony taken and after consideration of the evidence decisions were made and recommendations to Congress transmitted. The

¹ Articles VIII and IX of the Treaty of Guadalupe Hidalgo (Sen. Ex. Doc. No. 52, 30th Cong., 1st sess.)

² Section 8 of the law of July 22, 1854.

SELLO CUARTO: DOS REALES.

Años de mil ochocientos cuarenta y dos y mil ochocientos
cuarenta y tres.

Ex^{ma} Señor Gobernador D. Manuel Armijo

1843

El C. naturalizado Luis Lee y Narciso Beaubien

1.^a demarcación de Taos, y de la misma, harto V. E. en la vía y forma
y vecino de la misma, harto V. E. en la vía y forma
q^o mejor haya lugar en derecho y al nuestro conve-
ga, parecemos y decimos: que deseando fomentar
para q^o si el terr- la agricultura del país en terminos que se sea en
no q^o se lo hiciera talado floreciente, y encontrándonos con terminos re-
no tiene embargo duados en q^o verificarlo, hemos visto y reconocido
haga q^o se entienda con bastante detención el q^o comprenden los ríos
terrenos a q^o dada de la Costilla, de la Culebra y Trinchera compren-
se refieren los- dido el río de los indios y Sangre de Cristo ha-
fueron a q^o ta su confluencia con el río del Norte, y encon-
trando en él las cualidades de amenidad, tierras
fértiles para el cultivo, abundantes pastos y aguas,
y todo lo q^o se requiera para su establecimiento,
y crías de ganado mayor y menor: satisfechos
de todo y de q^o están válidos, no hemos vacilado
para ocurrir a V. E. suplicándole se sirva por
un efecto de justicia concedernos el referido ter-
reno la posesión de un sitio de tierras a cada
uno, protestando que dentro del término de la
ley daremos principio a establecerlos en ella
hasta quedar radicados y establecidos la colonia,
siempre q^o V. E. se digna concedernoslo. Así

Facsimile of the first page of the original petition of Lee and Beaubien for the Sangre de Cristo Grant. Gov. Armijo's response to the petition appears at the left margin.

first confirmation by Congress of private land grants in New Mexico was embodied in the act of June 21, 1860, and subsequent measures confirmed additional grants. The surveyor general constantly protested his inability to do justice to this work and urged the appointment of a judicial commission, but matters were allowed to drift.³ Finally, on March 3, 1891, Congress passed an act establishing the Court of Private Land Claims⁴ for the settlement of all pending cases. This tribunal was organized at Denver, July 1, 1891, and during the thirteen years of its existence passed on the validity of all the unsettled claims and grants. One claim in Colorado territory—the Conejos Grant—remained for settlement by this court.

From these general remarks on the Mexican land grant situation let us now turn to a brief consideration of the respective grants and claims which pertain to Colorado territory.

THE SANGRE DE CRISTO GRANT

The largest and most valuable confirmed land grant in Colorado—for over a million acres—is known as the Sangre de Cristo, or the Beaubien Grant.⁵ It embraces the greater part of the valleys of the Costilla, Culebra and Trinchera rivers in the San Luis Valley and extends from the Rio Grande to the summit of the Sangre de Cristo range.

On December 27, 1843, Stephen Luis Lee and Narciso Beaubien, both of Taos, petitioned Governor Don Manuel Armijo for the above mentioned tract, stating that they had found there "fertile lands for cultivation, and abundance of pasture and water, and all that is required for its settlement and the raising of horned and woollen cattle."⁶ The governor on December 30th directed that in case the land was not otherwise disposed of, possession be given to the petitioners. Accordingly, Jose Miguel Sanchez, justice of the peace at Taos, proceeded to the land early

³ Twitchell, *Leading Facts of New Mexican History*, II, 461.

⁴ This court was composed of five judges—Wilbur F. Stone of Colorado being one of these—and was unique in character and function. Suits were brought before the court involving 35,491,020 acres. Claims amounting to 2,051,526 acres were confirmed, while the remainder were rejected. Among the latter class was the famous, romantic, but fictitious claim of J. A. Peralta Reavis to 12,456,556 acres in Arizona.

⁵ This grant was for 1,038,195.55 acres.—*The Public Domain; its History, with Statistics* (1880), p. 406.

⁶ The original of this petition (in Spanish with an English translation) together with other original documents hereafter mentioned, are preserved in the office of the Supervisor of Surveys, U. S. Department of Interior, at Denver, Colorado. The writer is indebted to Mr. Frank M. Johnson, Supervisor of Surveys, for access to these valuable records. Mr. Johnson has also been kind enough to secure for me testimony upon these claims and cases from the land office archives at Santa Fe. The petition of Lee and Beaubien and other documents pertaining to the grant are also printed in *U. S. House Reports*, 36th Cong., 1st sess., No. 321.

Surveyor General Pelham decided that the grant was genuine and recommended in his report of December 30, 1856, that it be confirmed by Congress. His recommendation was adopted and by the act of June 21, 1860, the grant was confirmed by the United States Congress. The subsequent surveys of boundary, the sales and transfers of land, and the exploitation by foreign and domestic companies we do not purpose to follow here.

NOLAN GRANT

Gervacio Nolan, a naturalized Frenchman resident in Taos, petitioned Governor Armijo on November 14, 1843, for a grant of the valley of the St. Charles River. He announced his desire to engage in agriculture and stock raising and agreed to plant a colony in the valley. In the decree of December 1, 1843, Governor Armijo granted the petition and ordered that formal possession be given. Complying therewith, Cornelio Vigil, justice of the peace, proceeded to the land and marked it as follows:

"Commencing on the south bank of the Arkansas river, a league and a half below the confluence of the Don Carlos river with the former river, was placed the first landmark; thence following up the same Arkansas river five leagues above the confluence of the Don Carlos river, was placed the second landmark; thence running half way up the brow of the mountain, was placed the third landmark; and thence following from north to south the same brow of the mountain to a point opposite the first landmark, where was placed the fourth and last landmark."¹² This act is recorded at Taos December 15, 1843.

Gervacio Nolan died January 27, 1857, and left a widow, five children and two grandchildren as heirs. These, through their attorney, presented their claims to the grant to the surveyor general of New Mexico. In the hearing held on October 31, 1860, Ceran St. Vrain testified that he had known Nolan and had been acquainted with the locality of the grant since 1831. He also stated that the tract had been occupied and cultivated by persons in Nolan's employ but that the occupancy had been interrupted almost yearly by Indians. Kit Carson testified on the same day that he had known the locality for thirty years, that Nolan had been regarded as the owner since 1843, and that he had seen large crops of corn growing on the tract.¹³

¹² The originals of these papers are in the office of the Supervisor of Surveys. They are also printed in *House Ex. Doc.* No. 112, 37th Cong., 2d sess. Nolan could not read or write and there are variations in the rendering of his name. Ceran St. Vrain, Carlos Beaubien and Luis Lee signed the documents as witnesses.

¹³ *Ibid.*, 33.

The surveyor general was convinced of the genuineness of the claim and on October 8, 1861, recommended that Congress confirm the land to the heirs of Gervacio Nolan. Congress did not act upon the case for nearly a decade. Then, by the act of July 1, 1870, the grant was confirmed, but only to the extent of eleven square leagues.¹⁴ By this time settlers had taken up homesteads and pre-emption claims within the bounds of the grant and so the law made provision that these rights be respected and the heirs of Nolan be given equal areas elsewhere within the limits of the original grant.

THE VIGIL AND ST. VRAIN GRANT

Cornelio Vigil and Ceran St. Vrain, residents of Taos, petitioned the governor on December 8, 1843, for a grant of land in the valleys of the Huerfano, Apishapa and Cuchara rivers. They protested their desire to promote agriculture and the raising of cattle and sheep and promised that in the coming spring they would commence operations and establish a colony. The following day Governor Armijo directed the justice of the peace to give the possession asked for and on January 2, 1844, the ceremony of formal transfer was performed. It is thus described by the justice of the peace:

"Commencing on the line (north of the lands of Beaubien and Miranda) at one league east of the Animas [Purgatory] river a mound was erected; thence following in a direct line to the Arkansas river, one league below the junction of the Animas and the Arkansas, the second mound was erected on the banks of said Arkansas river; and following up the Arkansas to one and one-half league below the junction of the San Carlos river, the third mound was erected; thence following in a direct line to the south, until it reaches the foot of the first mountain, two leagues west of the Huerfano river, the fourth mound was erected; and continuing in a direct line to the top of the mountain to the source of the aforementioned Huerfano, the fifth mound was erected; and following the summit of said mountain in an easterly direction until it intersects the line of the lands of Miranda and Beaubien, the sixth mound was erected; from thence following the dividing line of the lands of Miranda and Beaubien in an easterly direction, I came to the first mound which was erected. Closing here the boundaries of this grant, and having recorded the same, I took them by the hand and walked with them, and caused them to throw earth and pull up

¹⁴ Eleven square leagues equalled 48,695.48 acres. Research revealed the fact that the law of the Mexican Congress of August 18, 1824, and the Regulations of 1828 limited private grants to eleven square leagues—40th Cong., 2d sess., *House Report* No. 71. These provisions were taken advantage of by the U. S. Congress to limit the size of the grant.

weeds, and make other demonstrations of possession, with which the ceremony was concluded."¹⁵

Cornelio Vigil was killed in the Taos uprising of 1847, but his heirs joined with St. Vrain in presenting their claim to the surveyor general of New Mexico. In their statement of claim they declare that "they occupied said tract of land at intervals and when safe to do so, on account of the Indians, principally as grazing grounds."¹⁶ In the hearing of the case in 1857, Kit Carson testified that William Bent, partner of St. Vrain, had built a house and broken up land on the Purgatory River in 1847 and that Bent had grazed his stock on the land of the grant several years previous to that date. William A. Bransford described the same settlement, told of another at the mouth of the Huerfano, and asserted that he had had 1,500 head of Bent and St. Vrain's cattle grazing on the grant in 1847.

William Pelham, after consideration of the evidence in the case, decided that the grant should be confirmed and so reported to Congress on September 17, 1857. The response of Congress was the act of June 21, 1860, whereby the grant was confirmed, but only to the extent of eleven square leagues to each of the original grantees. This restricted area was not definitely located for a number of years and as more settlers came upon the land the situation grew more complicated. On February 25, 1869, Congress passed a law making provision for the adjustment of homestead and preemption claims within the tract and permitting the original grantees to locate a like quantity of other land in lieu of the settlers' claims.¹⁷

The reduction of the original grant by Congress in 1860 from over four million acres to twenty-two square leagues (97,390.95 acres) was no doubt a disappointment to the claimants, and the legal successors of the grantees persisted in the hope of obtaining restoration of the original boundaries. The case was brought before the Court of Private Land Claims in 1898, but this tribunal dismissed the case for want of jurisdiction, holding that the case had previously been lawfully determined by act of Congress of June 21, 1860.¹⁸

¹⁵ The originals of these papers also are preserved in the office of the U. S. Supervisor of Surveys. They are also printed in *House Reports*, 36th Cong., 1st sess., No. 321, pp. 269-278.

¹⁶ *Ibid.*, 274.

¹⁷ In order to make this adjustment the Surveyor General of Colorado on May 3, 1869, gave notice to all settlers within the Vigil and St. Vrain grant that they must furnish him with a description of their respective claims. The statements and descriptions received in response to this notice are interesting and valuable documents. We find among them descriptions of the claims of Charley Autabee, Lucien B. Maxwell, William Bent, Felix St. Vrain, Alexus Hicklin, Thomas O. Boggs, Wm. Kroenig, and Kit Carson.

¹⁸ *Annual Report of the Attorney General of the United States* (1898), p. 10.

THE MAXWELL GRANT

One of the largest land grants in Colorado and New Mexico is known as the Beaubien and Miranda, or Maxwell grant. It is primarily in New Mexico, but extends some little distance over the Colorado border. On January 8, 1841, Guadalupe Miranda and Charles Beaubien petitioned Governor Armijo for the tract of land on the upper Colorado, or Canadian, river. The petition is a most interesting document and from it we quote:

"Most Excellent Sir: The undersigned, Mexican citizens and residents of this place, in the most approved manner required by law, state: That of all the departments in the republic, with the exception of the Californias, New Mexico is one of the most backward in intelligence, industry, manufactories, etc., and surely few others present the natural advantages to be found therein, not only on account of its abundance of water, forests, wood and useful timber, but also on account of the fertility of the soil, . . . The welfare of a nation consists in the possession of lands which produce all the necessities of life without requiring those of other nations; and it cannot be denied that New Mexico possesses this great advantage, and only requires industrious hands to make it a happy residence. This is the age of progress and the march of intellect, and they are so rapid that we may expect, at a day not far distant, that they will reach even us. Under the above conviction we both request your excellency to be pleased to grant us a tract of land for the purpose of improving it, without injury to any third party, and raising sugar beets,¹⁹ which we believe will grow well and produce an abundant crop, and in time to establish manufactories of cotton and wool, and raising stock of every description. . ."²⁰

The petition was granted by the governor three days after being filed, but not until February 22, 1843, were the boundaries marked and formal possession given by the justice of the peace. The claim was duly presented to Surveyor General Pelham, who, in 1857, held a hearing and rendered his decision in behalf of the grantees. By the act of June 21, 1860, Congress confirmed the grant in its entirety. Lucien B. Maxwell, a son-in-law of Charles Beaubien, came into possession of the grant and developed there an extensive and famous estate.

¹⁹ This is perhaps the earliest proposal of sugar beet production in this region. Though Colorado is now the great beet sugar state, the development of this important industry has all occurred since 1899, over a half century after the announcement of Beaubien and Miranda.

²⁰ *House Reports*, 36th Cong., 1st sess., No. 321, p. 245.

THE CONEJOS GRANT (UNCONFIRMED)

It appears that in 1833 some citizens of New Mexico petitioned for and were granted lands on the Conejos River, present Colorado. War with the Navajo Indians intervened and prevented the occupation of the tract.²¹ On February 21, 1842, Jose Maria Martinez, Antonio Martinez, Julian Gallegos and Seledon Valdez, for themselves and in behalf of other named persons,²² petitioned the prefect for a renewal of the decree of possession, saying: "The individual, the said Justice who executed and carried out said donation [of 1833] going upon the spot was Juan Antonio Lovato, the same who is now ready to go with and point out to the Justice that may now go, the land he measured off and distributed, in order that the latter may determine as well in regard to the surplus as to the substitution to be made for the non existents, and also in regard to the vacant land."²³

The prefect, Archuleta, responded to the petition despite the fact that the "petitioners had certainly lost their right under the law, having abandoned the land granted to them," and ordered the justice of the peace again to place them in possession. Cornelio Vigil, justice of the peace, proceeded to the Conejos River, October 12, 1842 (protesting that he had not gone earlier on account of high water).

"In company with the two witnesses in my attendance, who were the citizens Santiago Martinez and Eugenio Navanjo, and eighty-three heads of families being present, some of them in person and some by attorney, I produced and explained to them their petition, and informed them that to obtain said land they would have to respect and comply in due legal form with the following conditions:

"That the tract aforesaid shall be cultivated and never abandoned; and he that shall not cultivate his land within twelve²⁴ years or that shall not reside upon it will forfeit his right, and the land

²¹ The document of the original grant has disappeared. It appears to have been presented to the prefect in 1842, for the petition of February 21, 1842, states that "under date of Feb. 8, 1833, the accompanying document of donation of land on the Conejos river was executed to us." In the trial of the Conejos Grant case before the Court of Private Land Claims in 1900, Crescencio Valdez testified that his father, Seledon Valdez, said that he gave the grant document to A. C. Hunt and Lafayette Head to be recorded in the surveyor general's office. The document does not appear among the other records. In the trial of the case in 1900 Luis Rafael Trujillo and Jose Isabel Martinez testified of the actuality of the grant of 1833. In 1855 Carlos Beaubien signed an affidavit and in 1858 wrote and signed a statement in both of which he states that he accompanied the alcalde of Taos, Juan Antonio Lovato, to the Conejos river in 1832 or 1833 and assisted in distributing the land on the river to the petitioners in accordance with the donation made by the Mexican government. (Originals of these documents are preserved.)

²² One list contains 52 names, another 79 names.

²³ I quote from the official translation made by D. I. Miller in 1863. The original in Spanish is in the office of the U. S. Supervisor of Surveys, Denver.

²⁴ The word appears to have been altered from *dos* (two) to *dose* (twelve).

that had been assigned to him will be given to another person—that the pastures and watering places shall be in common for all the inhabitants—that said land is donated to the grantees to be well cultivated and for the pasturing of all kinds of live stock and therefore, owing to the exposed frontier situation of the place, the grantees must keep themselves equipped with firearms and bows and arrows . . . that the towns they may build shall be well walled around and fortified—and in the meantime the settlers must move upon said tract and build their shanties there for the protection of their families.

"And all, and each for himself, having heard and accepted the conditions hereinbefore prescribed, they accordingly all unanimously replied that they accepted and comprehended what was required of them; whereupon I took them by the hand, and declared in a loud and intelligible voice, that, in the name of the sovereign constituent Congress of the Union, and without prejudice to the national interest or to those of any third party, I led them over the tract and granted to them the land; and they plucked up grass, cast stones, and exclaimed in voices of gladness, saying, Long live the sovereignty of our Mexican nation! taking possession of said tract quietly and peaceably without any opposition, the boundaries designated to them being: On the north the Garrita Hill, on the south the San Antonio Mountain, on the east the Rio del Norte and on the west the timbered mountain embraced by the tract, and measuring off to them the planting lots from the Plato Bend, there fell to each one of the settlers two hundred varas in a straight line from the San Antonio river and its adjoining hills and its margins to the Iarra [La Jara] river inclusive, there being eighty-four families, a surplus in the upper portion towards the canon of said river remaining for the settlement of others from where the two separate upwards, and in the lower portion from the Bend aforesaid to the Del Norte river, notifying the colonists that the pastures and watering places remain in common as stated, and the roads for entering and leaving the town shall remain open and free wherever they may be, without any one being authorized to obstruct them; and be it known henceforth that Messrs. Antonio Martinez and Julian Gallegos are the privileged individuals, they having obtained the said grant to this land on the Conejos, and they should be treated as they merit.

"And in order that all the foregoing may in all time appear, I signed this grant with the witnesses in my attendance, with whom

I act by appointment, for want of a public or national notary, there being none in this department of New Mexico, to all of which I certify."

Attending,

Santiago Martinez
Eugenio Navanjo

Cornelio Vigil²⁵

It appears certain that the beginnings of settlement were made on the tract in 1843. Land was plowed, ditches were dug and crops planted near the junction of the Antonio and Conejos rivers.²⁶ Interference by Indians and other factors militated against the success of the enterprise and the conditions of the grant appear not to have been complied with.

In the fall of 1846 we find Julian Gallegos and associates petitioning the newly appointed U. S. governor, Charles Bent, that the "documents relative to the matter be validated, or that we be placed in possession in the name of our worthy Government of the United States." Governor Bent replied that they might settle on the Conejos and be assured they would at least "be considered as privileged should their title be declared not valid."²⁷ It appears that no settlement was made on the tract immediately following this date (1846), but in the early '50s towns were founded upon the tract.

Claim for the Conejos Grant was filed with the surveyor general, July 3, 1861, and papers in substantiation of the claim were presented by Joab Houghton, attorney for the claimants. No recommendation to Congress, favorable or unfavorable, appears to have been made by the surveyor general, and this, with many other land grant cases, dragged on until finally presented to the Court of Private Land Claims. Nearly seventy years had now elapsed since the original grant and most of the grantees were dead. A large part of the land of the grant had been taken up under the regular land laws of the United States, several of the original grantees having secured title in this way. Technically, the terms of the grants had not been complied with. The Court rendered a decision adverse to the claimants and the grant was not confirmed.²⁸

²⁵ From the official translation made in 1863.

²⁶ See testimony of Jose Maria Chavez, Jose Isabel Martinez, Francisco Martin, Luis Rafael Trujillo, Gregoria Martinez, Crescencio Valdez, and Simon Lino Trujillo before the Court of Private Land Claims. (Records at Santa Fe, New Mexico).

²⁷ Quoted from the official translation. The original of the petition and of Governor Bent's reply are in Spanish.

²⁸ *Annual Report of the Attorney General of the United States*, for 1900, p. 59.

TIERRA AMARILLA GRANT

But a small portion of the Tierra Amarilla Grant extends into Colorado and it is therefore thought advisable to make but brief mention of this grant. Manuel Martinez, with his eight sons and some associates, on April 23, 1832, petitioned for the tract in the Chama River valley later known as the Tierra Amarilla Grant. The Territorial Deputation of New Mexico responded on July 20, 1832, by granting said tract to the petitioners.²⁹

The claim was submitted to the surveyor general of New Mexico and by him recommended for confirmation to Congress on September 30, 1856.³⁰ By the act of June 21, 1860, the grant was confirmed. The portion of the grant lying in Colorado was surveyed by Sawyer and McBroom in 1876.³¹

²⁹ Papers in office of U. S. Supervisor of Surveys, Denver.

³⁰ *House Report* No. 321, 36th Cong., 1st sess., p. 326.

³¹ Field Notes of the survey in office of U. S. Supervisor of Surveys, Denver.

Some Forgotten Pioneer Newspapers

By D. W. Working

Everybody knows that the *Rocky Mountain News* was the pioneer newspaper of the Rocky Mountain region now known as Colorado. Comparatively few know that the proprietors of the *News* were not the first to set up a printing-press in the pioneer community at the mouth of Cherry Creek; that honor belongs to John L. Merrick, who published the first and only issue of the *Cherry Creek Pioneer* on the day the first number of the *News* was given to the public. Even yet it is not certain that the first copy of the *Pioneer* was not actually off the press nearly half an hour before the *News* made its appearance. However, the question of the priority of publication is not here at issue; the purpose is to call attention to the fact that Merrick was the first to arrive at Cherry Creek with his printing-press and materials. Doubtless his rivals were careful to take advantage of their larger equipment and more abundant resources. Doubtless, also, both Mr. W. N. Byers and Mr. Thomas Gibson were more energetic and resourceful than Mr. Merrick. Part of the story I am now telling was well told by Capt. George West of the *Golden Transcript* at a banquet of pioneers held in Denver January 25, 1880, as follows:

“The veritable ‘Pioneer Press’ of Pike’s Peak, or of what is now our glorious State of Colorado, was erected by Jack Merrick, early in the spring of ’59, and one issue of the Cherry Creek Pioneer was given from it to the barnacles of that day; but then, as

now, consolidation, or pooling of issues, was the order of the day, and the Rocky Mountain News, 'the old reliable,' published by Byers and Gibson, absorbed the Pioneer, Jack Merrick and all, and for the whole summer was the only newspaper published in the whole scope of country now fed by a hundred larger and better sheets which make their daily and weekly visits to more thousands of readers than the 'old reliable' visited scores."¹

ROCKY MOUNTAIN GOLD REPORTER

AND

MOUNTAIN CITY HERALD.

VOL. 1.
MOUNTAIN CITY, JEFFERSON, AUGUST 6, 1859.
NO. 1.

ROCKY MOUNTAIN GOLD REPORTER.
Published at Mountain City, in the Rocky Mountains.
THOMAS GIBSON,
Publisher & Proprietor.

Terms—Single copy, Ten cents
One year, at the office, \$2.50
mailed to the States, \$3.00
Advertisements 25 cents per line for first insertion, and 10 cents per line afterwards.
Postage Stamps may be sent for subscription or advertising.

A Newspaper devoted to the general mining interest and issued on Saturdays from the heart of the mining region in the Rocky Mountains.

As its title indicates the *Gold Reporter* will be a medium through which the Eastern Merchant and Capitalist can get reliable reports of the amount of gold taken from the various mining districts of this region; the machinery employed, and needed, in mining operations—new discoveries and the richness they develop—and all

flowers, the lofty pines, the handsome firs and the quivering aspens. No adequate idea can be portrayed—it must be seen to be appreciated.

Although incompetent for the task we will endeavor to throw out a few notions by the way side in our tour through the mountains, while prospecting for gold, which may serve to give a little relief to the all absorbing picture presented to our view.

Leaving the Platte river at Auraria we imagine ourself within an hour's ride of the foot of the Mountains, the air in this region being so rarified vision is assisted so that we are deceived in space, we however reach the table mountains in about 12 miles, this is a range of hills of some extent, flat on the top. We enter at the opening of a beautiful clear stream, with a strong current, some 50 feet wide, and ride along its banks with the mountain sides peering above us some 500 feet for three or four miles, when we come

mines are, somewhat disfigured, the beauties of nature in the vicinity of the road, which now looks like an old turn-pike.

Being, now perhaps twenty miles in the interior of the mountains we will note of travel in a southwest direction over the snowy peaks.

After leaving the busy scene, where the mountains are being upturned in search of the precious metal, we followed the meanderings of a stream for some miles, with mountains on either side, all occasionally beautiful valley openings, with a few groves of pine timber as the eye could wish to see, towering up from one hundred to one hundred and fifty feet in height. We would here remark that we long saw that this will reach these groves, for they can soon be made accessible to teams, and what is now in nature's beauty, will be made available to the comforts of man, whose habitations will be stretched over these delightful spots that seem to have been laid out with a

reached the base, and soon forgot the past in hauling out fish by scores. Using a blanket for a seine we caught over a hundred and fifty trout, from ten to fourteen inches in length, which supplied us most beautifully for several meals. Our course from here was westward. Far to the south we were hemmed in by perpendicular rocks, which seemed to extend in benches, with a small lake of perhaps three or four acres, on a bench; and the water, falling over the rocks down into the valley below, gave a relief to the scenery.

Mounting the next hill brought us on the snow-capped mountains, and to us, whose brow displayed the sweat by climbing the ridge, the scene was rather peculiar—babele us was a bank of snow, perhaps six feet deep; the sun's rays streaming upon it, having but little effect, and the breeze particularly cool and refreshing reminded us that even were a useful appendage here, here. "The view here, for a

FIRST NEWSPAPER PUBLISHED IN THE COLORADO ROCKIES

(Reproduction of upper half of front page.)

Captain West's statement is overdrawn in one respect. The "whole summer" had not passed before another newspaper was making its appeal to a mountain constituency. The *Rocky Mountain Gold Reporter* and *Mountain City Herald* began its short career early in August, and the first number was dated August 6, 1859—just 104 days after the initial publication of the *Cherry Creek Pioneer* and the *Rocky Mountain News*. Mountain City is one of the pioneer "cities" that disappeared, being absorbed by the town of Central (now Central City) which grew up beside it, and was later well represented in the newspaper world by the *Central City Register*. In the banquet speech by Captain West, already mentioned, it is stated that the *Gold Reporter* used the

printing plant brought to Colorado for the *Cherry Creek Pioneer*. This "plant" had an interesting history before it disappeared from public knowledge. It was used by the *Reporter* until October, 1859.

"Fortunately, or otherwise as the case may be," said West, "I was enabled to contract for Gibson's press and material for the winter months, and on the 7th of December issued the first number of the *Western Mountaineer*, at Golden, continuing its publication in an enlarged form on new material until the following fall. All of you old barnacles know how much noise in our Little Pike's Peak world the *Mountaineer* was enabled to make with A. D. Richardson, Tom Knox, and 'Sniktai' upon its editorial staff." The *Mountaineer*, like the *Gold Reporter*, was a four column, four page paper. The columns were 12¾ inches long and 11 pica ems in width, as compared with the standard newspaper column, which is 13 ems in width.

In his "Salutatory" the editor of the *Mountaineer*² stated that he was "fortunate in procuring from Mr. Thos. Gibson the press and type of the 'Gold Reporter' for use during the coming winter. Early in the spring we shall be provided with a large sized press, and other material for a news-paper adequate to the wants of the people." This much was offered as an apology for the "diminutive size" of the new paper. A local item in the first number of the *Mountaineer* makes the following statement: "We this week issue our paper three days in advance of its date. We print a large edition, and those wishing to subscribe can be supplied with this number." This would indicate that the first issue was actually published on December 4, 1859, instead of the date given by Mr. West and printed on the first and second pages of the paper. December 4th was Sunday. This first *Mountaineer* contained a notice signed by Thomas Gibson stating that the subscribers to the *Gold Reporter* would be supplied with the *Mountaineer* during the winter and that in the early spring he would take the press and material into the mountains "and publish the *Gold Reporter* again."

The pioneer editors did not always find it possible to keep their promises with exactness. Captain West did not continue the original *Mountaineer* the six months promised in his salutatory; but if there were criticisms, he could refer to the statement in the same article that he had secured the press and material "for use during the coming winter." At any rate, on the first day of March, 1860, the editor "started for the States," returning nearly three months

² Mr. Harley West, son of Captain West of the *Mountaineer*, has a file of the pioneer paper established by his father, who subsequently founded the *Golden Transcript*, which the son still publishes. Another file of the *Mountaineer* is in the Denver Public Library, where it was deposited by Mr. Norman Patterson, a son of the "Sniktai" mentioned as a member of the editorial staff of the *Mountaineer*.

ness "extremely dull." Arrived at Golden, which he found "situated in the lap of a beautiful valley," he was soon at work "among the types" of what he called the "Ex-Mountaineer." This and more he told in "Editorial Correspondence," dated at Denver, December 20, 1860, and published in the *Times* of January 5, 1861.

The following week, January 12, 1861, the enlarged *Times* made its appearance as an eight-page paper, with four twelve-inch columns to the page, the columns of standard width, as was necessary with the *Mountaineer* equipment. The editor published in this issue a poem entitled "America," which was dated at Canon City, January 6, 1861; also an editorial announcement, of which the following is the first paragraph:

"When we look back for the last few months, and notice the improvements that have raised Canon City from an embryo town to its present commercial importance, it is with pride and encouragement that we look forward to the future. Four months ago our little paper was born in a rude log cabin, with only one small window to throw light upon the enterprise.—Since that time it has made its weekly visits to the people freighted with news from all parts of the Union. It has been a faithful gazette of city life—chronicling its pleasures, its business, and its growth and improvements. This has been its course, and while receiving favor at home, it has won golden opinions abroad, and given to our beautiful city a notoriety it otherwise would not have had."

The enlarged *Times* was an attractive and interesting paper, and its owners made a brave effort to make it a worthy representative of the Canon City and the Colorado of their hopes and ambitions. For seven months the paper was published in the eight page form; or twice a week as a four page sheet; then, on August 12, the last of the twice-a-week issues appeared—a confession that prosperity had ended and that courage was nearly gone. Canon City had been losing business and people. The paper for August 29 announced "The *Times* printing office is for sale" and contained a complaining editorial. No buyer appeared for the material, and publication continued—until October 7, 1861. In the issue for that date it was announced that "the Senior left by last Coach for a short sojourn in the states." It was explained that he would visit a number of places of importance and would give the readers of the *Times* his impressions of the war in the West. But whether Editor Millet wrote war letters or not cannot be told; for the last number of his paper of which the writer has knowledge (in the precious, incomplete volume in the State University Library) is the one that announced the Senior on his way to the States.

The press that printed the *Cherry Creek Pioneer*, the *Gold Reporter*, the *Western Mountaineer*, and the *Canon City Times* was destined to be used in another newspaper venture. Canon City had declined; and Mat Riddlebarger, who had been associated with Mr. Millet in the publication of the *Times*, found another partner for a new venture with an old newspaper outfit. The *Rocky Mountain News*, which had recorded the beginnings of many newspaper ventures, announced in its issue of March 11, 1862, the receipt of another *Western Mountaineer*. The publishers were Mat Riddlebarger and L. B. St. John, and the new publication was to be an independent Democratic Union paper; and the place of publication was said by the *News* to be Buckskin Joe. The only issue of the paper I have seen was dated at Laurette—in the Buckskin Joe district (South Park).

In the summer of 1862 nominations were made for delegate in Congress from Colorado, and Col. John M. Francisco, long known as the sutler of old Fort Massachusetts, and later as a large farmer with headquarters where La Veta now stands, was the Democratic nominee. On August 2d, Editor St. John, writing at Laurette, Park County, Col. Ty., addressed Colonel Francisco regarding the need of funds for carrying on the campaign. He said: "When in Denver at the convention which nominated you for Delegate to Congress I informed you that unless the *Mountaineer*, of which I am the owner and proprietor, published at this place, was sustained by you and your friends by bestowing upon me the sum of about \$400.00 for the canvass, I would cease publishing the same."⁶ And much more, including a statement that the paper was being published at great expense and losing \$10.00 to \$15.00 a week; also an expression of regret that the Colonel would be left without an organ for the remainder of the canvass—in the event of the suspension of the *Mountaineer*.

Whether the price of keeping the *Mountaineer* going was sent in part "by return express" and the balance placed in the hands of "our mutual friend, Judge Bond," I am unable to say. At any rate, there is the record of the *News* that the paper was actually established in the Buckskin Joe District in March, 1862, and the letter above quoted that it was still being published in hope in August of the same year.

Another pioneer paper of the four column, four page style was the *Colorado City Journal*. The first issue was dated August 1, 1861. This first copy is included in the bound (incomplete) volume of the *Canon City Times*, which is in the library of the

⁶ The writer has a photostat copy of the St. John letter to Francisco.

University of Colorado. The *Colorado Republican and Rocky Mountain Herald*, in its issue of August 3, 1861, mentions the *Journal* as "a neat, spirited little paper," adding: "The editor, Benj. E. Crowell, seems to understand the wants of a new country, and his editorials are got up with such taste and skill as would lead one to believe him an older hand at the bellows."

Mr. Thomas Gibson, mentioned in the first paragraph of this sketch as one of the publishers of the first copy of the *Rocky Mountain News*, was a remarkable promoter of newspapers. He it was, as we have seen, who started the *Gold Reporter*. He was the founder and editor for a time of the first daily paper published in Denver—the *Colorado Republican and Rocky Mountain Herald*—which was issued on the first day of May, 1860.

The "Big Flood" in Cherry Creek, 1864

By Albert B. Sanford

It is unlikely that there were more bears on Bear Creek, more turkeys on Turkey Creek, or more elk on Elk Creek, than on any other of the Colorado mountain streams. From recollections of the writer's boyhood, however, Cherry Creek cherries were just a little more plentiful, just a little more juicy and altogether more alluring as they hung dark red and black from the bushes that lined the stream above Denver, than were those found in other localities.

In the summer of 1835 Colonel Dodge, in command of several troops of U. S. Dragoons, came up the Platte and proceeded over the Divide. Under date of July 22, 1835, it appears he made a camp at or near the mouth of "A dry creek entering the Platte that the traders usually ascended in passing from that river to the Arkansas" and observes, "we saw several sorts of wild fruit, such as plums, cherries and gooseberries." Just when the stream was officially christened is not known, but it was probably named by the trappers and hunters who recognized the chief attraction in the abundance and quality of cherries.

On his way north from Fort Union, N. M., in the spring of 1858, Captain Marcy, in command of a large army supply train, tells of an enforced stop of four days on the Platte at the mouth of Cherry Creek, and of one of his men panning some gold from its banks. In 1859 the luscious fruit ripening in the summer sun was eagerly gathered by the pioneer miners; and Cherry Creek was talked of in "the states" as a stream of golden sands. Then "the Star of Empire" that for some time had been about stationary over the Missouri river, began to take its western way and another

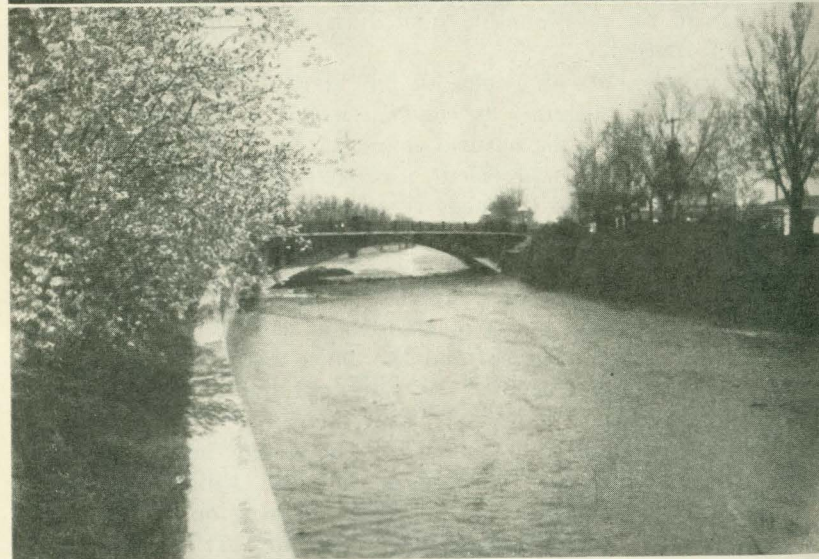
stop was made, and brighter luster given, as it hung over the mouth of Cherry Creek.

On June 6, 1860, Editor Byers of the *News*, announces with just a show of pride, "Our office is in the large frame building in the middle of Cherry Creek, under the sign of the American flag. All arrivals are invited to call and register." Mr. Byers told the writer of an old Indian who called upon him about this time to pay his respects and compliment him on the newspaper, which he seemed to understand sufficiently to give it his approval of "heap good medicine," but could not understand why the white men were building houses in the very creek bed. He solemnly warned of "heap big water" such as he had seen cover the whole bottom lands, "So," and he held his hands high above his head. Byers was a strong advocate of consolidation of the then rival settlements of Auraria on the west side and Denver City on the east side of the creek, and in token of his absolute neutrality built his office on the boundary line. On August 1, of that year, and following a heavy rain to the south, the creek flowed with a moderately strong current for a time and Byers said, "Cherry Creek appears to present a rather serious problem, for we have had a demonstration of what may be expected from a heavy rainfall on the Divide, though we are not yet inclined to believe the Indian claims that the whole settlement is subject to flood." Then came the Civil War, Indian depredations and many new strikes in the mines, that occupied attention of the public mind to such an extent that Cherry Creek seemed forgotten.

Encroachments of owners of lots abutting on what was commonly called the channel by construction of stables and outbuildings, had narrowed the natural course to what was considered, by a sort of gentlemen's agreement, a reasonable right of way for the creek in caring for its drainage responsibilities. On the afternoon of May 19, 1864, a moderate rain occurred in Denver, but for several hours heavy black clouds obscured the Divide and frequent rumblings of thunder were heard. In the evening the saloons, gambling houses and places of amusement had their usual crowds. There were no disturbances and the moon rose on a little city of quiet and contented people. By midnight the great majority of citizens were in their beds.

Suddenly those who chanced to be awake heard a strange sound in the south like the noise of the wind, which increased to a mighty roar as a great wall of water, bearing on its crest trees and other drift, rushed toward the settlement. At that time O. J. Goldrick was associated with Byers on the *News* and enjoyed the reputation of a brilliant writer and an all round good fellow. He

had driven an ox team across the plains in 1859 and probably attracted more attention when he parked his outfit on a vacant space in Blake Street than any other individual had ever received. For,



Upper: View of Cherry Creek Flood of 1864 (while receding).
Lower: Cherry Creek today (looking north toward Bannock Street bridge).

some distance out of town, he attired himself in a broadcloth suit, "stove pipe" hat, covered his hands with a pair of real kid gloves, and thus arrayed, gee-hawed his three yoke of oxen to the temporary terminal referred to.

Now, five years later, when the *Rocky Mountain News* office and its contents was distributed along the sand bars of the Platte, Goldrick tells the story of the great flood in the *Commonwealth*, in its issue of May 25, 1864. That paper up to this time had been a rival of the *News*. Just where he was when the waters came, does not appear. Those who remember him, however, will agree that among his habits and peculiarities was not that of retiring with the barn yard fowls. So we may safely conclude he was among the first to witness the approach of the deluge, and therefore quote him in part:

"A frightful phenomenon sounded in the distance and a shocking calamity presently charged upon us. The few who had not retired to bed, broke from their buildings to see what was coming. Hark! What and where was this? A torrent or a tornado? Where can it be coming from and whither going? . . . Oh, it was indescribably and inconceivably awful to behold that spectacle of terrible grandeur, as the moon would occasionally shed her rays in the surges of muddy waves whose angry thundering drowned all other noise. . . Now the torrent swelled and thickened, sweeping tremendous trees and dwelling houses before it—a mighty rush of impetuous water, wall-like in its advancing front as it rolled with maddened momentum toward the Larimer Street bridge. . . Next reeled the dear old office of THE ROCKY MOUNTAIN NEWS, and down it sunk, with its Union flag staff, into the maelstrom of surging waters, soon to appear and disappear between the waves."

The writer's parents viewed the flood at its peak, and from the journal kept by his mother, recording events of that period, we quote:

"Camp Weld [barracks of the First Colorado Regiment, just south of Denver], May 25, 1864. On the night of the 19th, the watchman at the Government Corral, pounded on our door with the startling intelligence that a great flood was coming down Cherry Creek and many people were drowning. We thought him fooling until the roar of the waters could be heard, as of a mighty tempest. B—— [Mr. S.] rushed to the creek but returned quickly, saying I must see the awful sight. We found hundreds of people along the creek banks. Many of the women and children in their night clothes, having been rescued from their homes below, by the cavalymen from the barracks. By the light of bonfires along the creek, we could see the inky waves, fifteen to twenty feet high,

carrying trees, houses, cattle and sheep—and, for all we knew, human beings, to certain destruction. It was a wild, weird night, never to be forgotten. Early dawn revealed scenes of pitiful desolation.

“In the confusion of rescuing families, many were divided and plaintive cries of children for their parents, wives for their husbands and little ones, could be heard above the noise of the yet foaming and roaring waters.”

Early in the forenoon of the 20th, with necessity for some way of crossing being improvised, and after several unsuccessful attempts had been made, a stout cord was thrown across the creek at its narrowest point. By gradually increasing the size of ropes, pulled back and forth, the final two-inch ferry ropes were securely anchored and a “rope bridge” swung over the now receding but still dangerous waters. Mr. and Mrs. Wm. N. Byers, with their two children,—Mollie, now Mrs. W. F. Robinson, and Frank, one of the board of directors of the Historical Society, reached town, from where they had been rescued by Colonel Chivington’s cavalymen.

Mr. Byers’ home was, up to this time, in the river bottoms on the east side of the Platte, near the present Alameda Avenue bridge. When rescued from their perilous position, the river had cut a new channel and left them on the west side.

Mr. Frank Byers has described the rope bridge mentioned and tells of the family crossing to the east side by means of it, where they were welcomed by Governor and Mrs. Evans and taken to their home (site now occupied by the Tramway Building).

During the months of May, July and August, of any year, Cherry Creek is subject to floods, from which, as a rule, the cement walls now lining the banks afford good protection.

In fact, since 1864 there have been but two instances when high water occasioned very serious damage, that of May 22, 1878, and July 14, 1912. The last mentioned caused damage amounting to several hundred thousand dollars with some loss of life. Estimates of the peak discharge through Denver at this time run as high as 30,000 cubic feet per second.

In review we may say that the drainage area of Cherry Creek, amounting to about 412 square miles, may gather a run off during any season that will equal, if not exceed any previous flood.

This article is intended to treat Cherry Creek historically. However, as one notes the contraction of the present carrying capacity of the channel at the Bannock Street bridge and again at Blake Street, the question suggests itself as to what would result in event of a repetition of any one of the three major floods, if an unusual amount of trees and other drift lodged at either place and

before any possible removal could be effected. Denver has long since lost its identity as “the mouth of Cherry Creek,” but it is still the junction of that historic stream with the South Platte River.

Mining and Mountain Climbing in Colorado, 1860-2

By Roger W. Toll

(Superintendent, Rocky Mountain National Park)

One of the most interesting accounts of early Colorado pioneers, and one that includes the claim of an ascent of Longs Peak in August, 1861, was written by W. E. Andree, and published in three installments in the *Milwaukee Journal* of November 12, November 26, and December 24, 1922. Because of the interest of this narrative, and the important addition that it makes to the early records of Colorado, a brief synopsis of the earlier part of the story is given below, together with a few quotations from the text, including a complete quotation of the reference to Longs Peak.

Andree was born on June 15, 1838, at Huckeswagen, Rhine Province, Germany, and came to this country with his parents in 1852. He was 22 years of age at the time of this trip to the West. The narrative is addressed to "Dear Grandchildren," and says, "My old memorandum book will assist me giving dates and incidents as we move along, a true record. This booklet is dear to me, even to the present day."

In 1860 he received a letter from an old friend, Caspar Hennecke, from Prairie du Chien, Wisconsin, saying that he was going to Pikes Peak, "a gold country," and asking Andree to go with him. Andree telegraphed an acceptance, and went by rail from Milwaukee to Prairie du Chien, on the Mississippi River, a distance of 200 miles, arriving on April 26, 1860.

The party consisted of Caspar Hennecke, Anthony Vogt, Mike Hayes and Andree. They had four oxen and a St. Bernard dog. They ferried across the Mississippi River to McGregor, Iowa, and from that point made the entire trip of 1,400 miles on foot. Sometimes they made as much as 30 miles in a day. They encountered many parties of Indians, and had some anxious times but no serious trouble, and were not attacked.

Their visit to Denver is described as follows: "I drove to the place our scouts had selected near a small river called Sand creek. Here we bought hay for the oxen, and after supper went to celebrate the glorious Fourth of July, 1860, at Denver city. We were in a wild country—Pikes Peak—then not even a territory. We got

territorial laws in 1861. The whole district was simply called Pikes Peak. . .

"You can understand that it was a lively spot. Some of the houses were built of brick, most all others of wood and logs. No paved streets, but a few stores, saloons, barber shops, and gambling houses—not a single church. The bishop of Leavenworth, Kansas, came, and in just one day collected \$800; and a church was built immediately. . .

"The day following our July 4 in Denver, we visited the stores. A firm, Gorngesser & Co., of Leavenworth, Kas., and others offered us clerks' positions and good pay, too. But it was gold we were after. We pitched our tent the next place, just four miles from Denver, where Clear creek empties into the Platte river. Farmers had located in this ravine or bottom lands and tried to raise vegetables, potatoes, etc. We found good feed, and in our hearts wished the farmers good luck."

Mike and Anthony were then left in camp at the mouth of Clear Creek, while Andree and Caspar went into the mountains to find a place to camp. They went to Golden Gate, then to Enterprise City, 45 miles from Denver, and on July 9 reached Mountain City or Gregory Gulch and camped at Blackhawk Point. They decided to locate in that region, and went back for the two other members of their party. Upon their return, they tried sluicing near Blackhawk Point, from July 15th to 23d. Andree bought a cabin and tools for \$10 from some other prospectors who were leaving the district. They also gave him two claims on the Morning Star Lode and the transfer was recorded at Black Hawk district on July 24, 1860.

In the latter part of September, they prospected in the South Boulder district, 16 miles from Central City, and formed a mining district, with John Bartz, president; Joe Baer, town clerk; Jim Moody, recorder; and E. W. Andree, treasurer. "We were located now on the foot of the Snowy range below the timberline, on elevation from 9,000 to 10,000 feet.

"After some days, the weather being favorable, Caspar and I took a day off and climbed up the summit of the mountain ahead of our gulch—way above the timber line. It was a grand sight. It looked as if the mountain had been split right in two by some power or by some titanic forces or by an earthquake, the one side thrown down into an abyss, smashing it into all shapes and sizes of rocks forming peaks and bridges and monuments. A lover of nature could be satisfied here. . ."

"On another day, it being clear, we went prospecting south, down river, to where our branch of the Boulder empties into the

main branch near a place called Rollandsville. It is a most wonderful valley, the Boulder river running through the center. We could cross on trees that beaver had gnawed down. The current being very swift, the water deep, we thanked the beavers. Whenever we crossed a creek coming down from the mountains emptying into the branch of the Boulder river, we chopped a tree—split the standing stump in two, and with a black chalk marked it and gave it a name and number. We called them Fox creek, Concordia, Arapahoe, German creek, Milwaukee creek, etc. In doing this, we secured our right to 250 feet of water from lower end up and had this so recorded. Water is valuable for a miner can do nothing unless he has water for washing. We being afraid that night to go back to our camp, stopped with a miner who kindly gave us shelter and something to eat. He advised us to make a claim of timber land on Middle Boulder.

"We had to build a cabin, stake off the claim and have it recorded. Later on, we put up three cabins—called the place 'Valley City,' and had 160 acres timber land for each of us recorded. To stake it off, then, was impossible. Trees, three to four feet in diameter, 30 to 40 feet up before any limb branched out, straight as a candle and on both sides of the river and reaching way up to near timber line. Heavy underbrush prevented us from going on further, and fearing the wild beasts and snakes, we put the staking off until some other day."

In October, 1860, Andree and his partners returned to Central City and spent the winter and spring in that district.

The portion of the narrative dealing with Longs Peak is quoted in full, as follows:

"During the time Dalton's mill had to be moved, I had a two weeks' vacation. This was in July [1861]. Hennecke could not leave the bakery, nor Anthony the butcher shop, and Mike was busy at his trade, but my two Hungarian friends went with me, John Bartz and Joe Baer.

"It being in the hot summer time, we were then able to reach our deserted claims in Boulder district. We found them just as we had left them in October last year—minus snow. Nothing disturbed, nothing improved. A few miners working their claims, hopeful as we had been, only more so. They had expected men of means would soon come and put up a quartz mill and put tunnels in to the mountains to reach the gold veins or lode. We cheered them and wished them prosperity.

"We, being well provided for a few days' camp, went prospecting, passing over our marked water claims and timberland

claims—nothing had been changed, not a soul to be seen. Clipping the bark of the trees as we climbed the mountains, we got into a wilderness hard to describe. No Indian, no white man, did ever try to push his way through these woods. Many large trees had fallen, decaying, covered with moss and vines. Other trees, one leaning against another, still showed signs of life; these also had vines with flowers like morning glory reaching away up to the top, besides some other vines and underbrush.

"Onward, onward, out of darkness into darkness. Onward, onward, said Tridgoff Nanson, our north pole friends, and went on through the snow banks and ice fields. When we got out of the dark woods, climbing was a lot easier and more interesting. When all at once a beautiful sheet of crystal water, a mountain lake, was before us. Here we rested. It had about the area of Dore lake, only more beautiful, surrounded by high cliffs and picturesque rocks. The whole lake was surrounded by flowers, a wonderful variety, some over two feet high and of all colors. Butterflies like humming birds, playing on the blossoms. We wondered how so much life could exist in this altitude. Now and then we saw eagles and other large birds, sailing along the high cliffs where they likely had their nests. Here was the homes of the mountain sheep, grouse and squirrels. We had a squirrel supper, fried on sticks. We made a pillow from snow balls, covered them with pine bush, and placed a blanket under and over us. We fell into a sound sleep. Upon awaking in the morning we found ourselves covered with snow.

"The timber line is from 10,000 to 11,000 feet above sea level. Here all life ceases. The last trees have limbs only on the southwest side; trees grow crooked, twisted and bent. The northwest storms prevent them from growing straight. The last sign of any vegetation was juniper berry bushes; these grew interwoven and entangled. A person can walk over them. We had pressed the blisters on balsam trees, licking the drops on our thumbs, and also ate some of the juniper berries. It made mountain climbing easier. No prospecting here for us, being above the timber line, we agreed to try and reach the summit of Long's Peak.

"Reaching the top of one peak, we saw we had to climb another one before us. Finally we reached Long's Peak, but yet a long way up to its snowy cap. Being on the south side, we did risk the climb, although it was very dangerous and very difficult and very hard work. We reached the highest dome, and afterwards camped on Long's Peak below the summit, August 20, 1861, at an elevation of 13,350 feet.

"I am not gifted to portray the wonders before us. A shudder came over us, a chill. We were speechless from what we saw. We

felt like praying; like wanting to go back to our friends—to human beings. A mountain scenery before us of unsurpassed beauty.

"Fine pictures, oil paintings, photographs and panoramas give us most beautiful illustrations of the world's most grand and interesting wonders, but no pen, no artist can endow you with the feeling, with the awe, that you have, were you there in person, and see the reality yourself. We being away above the clouds, seeing them shadow the hills like veils handled by fairies, slowly moving them over the endless chain of mountains. We could see way over to the vastness of the level plains. We could see the Platte river, east, like a fine thread. We saw mountain lakes way below and looked to us like silvered ponds reflecting the clouds above. Hundreds of them had never been seen and never honored with a Nis-owas-so song. We could see away over the woods, which were dark, to South park, Middle park and North park.

"There were signs of volcanic eruptions. We saw two deep dents or craters without any snow on them. Why? We did not dare to investigate. Here we thought of Abraham Lincoln's favorite poem, 'Oh! Why Should the Spirit of Mortals Be Proud?' Yes, we felt that we were very insignificant creatures. Who was on this summit before us? Did any tales of men live here before in this region, whose history is lost? Is there not any sign that would give us boys any information? No, nothing, all silent. Yes, all silent as the grave.

"We found the air sharp and thin—we were getting chilled through. We had to think of descending. It would have been grand had we an alcohol stove, some shelter, some good warm lunch, to stay over night and see the sun set and rise at an altitude of over 14,000 feet. So we gave one more general look and gave thanks to God. It is said the mountain beauty and grandeur of the Rocky mountains and the Sierra Nevada mountains at California outstrip the Alps. Descending is more of a task than ascending, but we had no accident. We again came where the juniper berries grow. We selected an open spot under pine trees and stopped that tiresome craving for lunch."

* * * * *

Andree decided to return to Milwaukee, and left Blackhawk on May 13, 1862. "I drove two fine span of mules and had Dr. Pierce and his old father for passengers." He reached Omaha on June 5, 1862, and Milwaukee June 17, 1862.

In a postscript Mr. Andree speaks of his second visit to Colorado in March, 1889. He revisited Denver, Blackhawk, Central City, Idaho Springs and Silver Plume. "I engaged a team to take

me to Rollandsville and Mammoth, if possible to our gold mines and camp. When we reached Clear creek my driver backed out—he was afraid to take me over the mountains. Another stranger, a robust miner, took his place. We passed Dore lake, reached Rollandsville and were compelled to turn back, as ice and deep snow barred us. I met Mr. Richard Mackey at the Teller house at Central City. He was owner of Mammoth Gulch and all our claims.”

When this narrative was written, in 1922, Andree and his wife had been married for 60 years. They had had six sons and two daughters, of whom four sons and the daughters were then living. Mr. Andree died on June 16, 1923, at the age of 85.

The narrative of Mr. Andree's two-year trip is an interesting one, has considerable historical value, and is evidently authentic in most respects. The portion containing the account of the Longs Peak trip is unfortunately less detailed and less satisfactory than the rest of the description. He speaks of getting a two weeks' vacation in 1861, and the assumption is that the Longs Peak trip was made while on that vacation, but he gives the date of the event as August 20, 1861.

The route lay first to their mining claims, near the headwaters of South Boulder Creek. Mammoth City evidently refers to Mammoth Gulch at the foot of James Peak. “Rollandsville” is undoubtedly Rollinsville, but the statement that they prospected “*south* down river to where our *branch* of the Boulder empties into the main branch, near a place called Rollandsville” is probably inaccurate. Mammoth Gulch flows northeast, not south. From its mouth to Rollinsville is the main branch. There is no large branch coming in at Rollinsville from the north, that heads near the divide. The stream most nearly answering that description is Jenny Creek, a mile below Mammoth Gulch, and five miles above Rollinsville.

The peak that they climbed at the head of the gulch answers the description of James Peak. From it Longs Peak would lie to the east of north, rather than “away toward the west.”

The “Mary Lode” claim in that gulch may have been filed on but was never patented under that name. There is a Mackey group of claims at the head of Mammoth Gulch, in Sections 22 and 23, T. 2 S., R 74 W., just below Echo Lake and James Peak Lake. The claims that they worked in 1860 and revisited in 1861 were undoubtedly located in Mammoth Gulch.

From the Mammoth City claims they went to their water claims and timberland claims on the Middle Boulder, possibly in the vicinity of Nederland or Eldora. From that point on, the route

is very indefinite, the principal landmark along the route being an unnamed lake.

It seems most probable that the high peak that Andree and his companions climbed was Arapaho and not Longs Peak. Arapaho Peak is 13,506 feet elevation, and is higher than James Peak (13,295 feet), and higher than any other peak of the range to the north, until the group of mountains close to Longs Peak is reached. There is no peak of equal elevation for twelve or fifteen miles in any direction from Arapaho Peak, and when Andree and his party reached the summit, they might easily have been mistaken in thinking they were on Longs Peak, which they knew of only in a very general way. If this assumption is correct, then it might be that the lake at which they camped was Jasper Lake, three or four miles south of Arapahoe Peak, at an elevation of 10,733 feet. This lake is about half a mile long and larger than any lake on the south side of Longs Peak.

In their prospecting trip, they might easily have worked up the valley to Jasper Lake, but unless they had formed the plan of climbing Longs Peak soon after starting out, they would not, in prospecting, have crossed the almost innumerable ridges that lie between South Boulder Creek and Longs Peak. Even if they had reached Silver Lake, almost equal to Jasper Lake in size, and 10,190 feet in elevation, they would still have been sixteen miles in an air line from Longs Peak, and with many intervening ridges to be overcome. The narrative suggests that they climbed the peak the day after camping at the lake.

If they found snow at the lake in August, it must have been close to timberline. Snow storms in August are rare, though the ground is occasionally whitened by sleet.

A few minor questions arise, such as the identity of the “vines with flowers like morning glory reaching away up to the top” of the trees. Juniper grows to timberline, but not interwoven and entangled enough to walk on. This might describe Englemann spruce, but as they ate the berries, they might have distinguished between the stunted tree and the small shrub, which, though it grows to a high altitude, is scattering and inconspicuous.

The narrative reads: “Being above timberline, we agreed to try and reach the summit of Longs Peak. Reaching the top of one peak we saw we had to climb another before us. Finally we reached Longs Peak, but yet a long way up to its snowy cap. Being on the south side,” etc. This description does not fit an approach by way of Mount Orton, as there is no peak between it and Longs. It does not fit Chiefs Head, as they could not climb the intervening Pagoda from that side. It does not fit Mount Meeker, nor any other peak

south of Longs. Longs Peak in August does not suggest a "snowy cap" from the south side. There is little if any snow on that side of the mountain in midsummer.

The two "craters without any snow on them" perhaps apply more closely to Arapaho Peak than to Longs Peak. Chasm Gorge and Glacier Gorge both have some perpetual snow, but at Arapaho Peak there is a marked contrast between the ice-filled cirque on the east and the bare cirques on the west.

In conclusion, the claim to having climbed Longs Peak in 1861 does not seem to be satisfactorily substantiated by details of route, length of time required, or any landmarks that can be identified as being in the vicinity of Longs Peak. Such details as are given are inconsistent rather than consistent.

The ascent of Longs Peak by the Byers-Powell party, on August 23, 1868, is generally accepted as the first ascent of the peak by white men. It still appears to be the earliest ascent for which satisfactory verification is available.

Nevertheless, the narrative of Mr. Andree is evidently honest and sincere in representing his recollection of his travels. His account of the crossing of the plains, of Denver in 1860, of Central City and Blackhawk, and his experiences as a miner and prospector are full of interest and historical value. His account represents an important addition to the records of the early days of Colorado.

The Colorado-New Mexico Boundary

By Frank Minitree Johnson, U. S. Supervisor of Surveys

Approval by Governor Adams of House Bill No. 13 paves the way for the establishment on the ground of the true and lawful boundary between the States of Colorado and New Mexico in accordance with the decision of the Supreme Court of the United States in its opinion delivered January 26, 1925. Section 10 of House Bill No. 13 carries an appropriation for Colorado's share of the expense of resurveying and remarking the line, and as New Mexico has already made a similar appropriation, work in the field, it is expected, will be commenced as soon as weather conditions permit.

Settlement of the long-standing and disturbing question as to which of two determinations, made years apart, of the 37th parallel of north latitude as it constitutes the boundary between the two jurisdictions, recalls a dispute replete with technical problems unique in the annals of boundary controversies, but one

fraught with hardship and tragedy to land claimants along the border of the two States.

It will be remembered that pursuant to an act of Congress approved March 2, 1867, E. N. Darling, U. S. Surveyor and Astronomer, established in the year 1868, by the most approved methods of the time, the 37th parallel of north latitude in so far as it constituted the boundary line between the Territories of Colorado and New Mexico. Public surveys on both sides of the line were closed thereon, lands disposed of, rights acquired, and private and political subdivisions in both Colorado and New Mexico were fixed with consideration of the fact that the Darling line had been established as the northern boundary of New Mexico, adopted and ratified as the southern limit of Colorado, and accepted by the Federal Government as the legal boundary between the two jurisdictions.

For thirty-one years the position of the Darling line on the earth's surface remained undisputed and the correctness of its technical execution unquestioned. But in 1899 certain complications in the public land surveys closing thereon from the Colorado side were investigated, with the result that in addition to an extensive obliteration of the boundary monuments material errors in alinement and measurement were found to exist in the line itself in the vicinity of Astronomical Monument No. 7, in the Navajo River Valley, near the town of Edith.

It was at this time that the State of Colorado, with general knowledge of survey conditions in the locality of Edith and with desire to correct the error and thereby not only fix the south boundary of the State at this particular place, but to establish the southern limits of Archuleta County and the several school districts and election precincts bordering thereon, made appropriation for the reestablishment of the State line between the 6th and 8th Astronomical Monuments. This resurvey, however, was made without representation from the United States on behalf of the then Territory of New Mexico, and was never approved, nor indeed was it ever presented to the Federal Government for approval.

As a result of these disclosures, Congress by act of July 1, 1902, authorized the resurvey of the entire boundary line between the State of Colorado and the Territories of New Mexico and Oklahoma. The work was executed by H. B. Carpenter, U. S. Surveyor and Astronomer, in 1902 and 1903, and consisted of a new fixation, by astronomical methods, of the 37th parallel of north latitude, made independently of the line established by Darling in 1868. This survey brought to light marked disagreements in position between the two "parallels" and emphasized by comparison the discrepancies in bearing and measurement in the older determination,

which was found to be nearly a half mile south of the new line in some places and considerably north of it in others. The Carpenter line, however, while established in accordance with statutory and technical requirements, was never confirmed by Congress or by the jurisdictions affected. Senate Joint Resolution No. 78, of the first session of the 60th Congress, entitled "Joint Resolution Establishing Boundaries between the States of Colorado and Oklahoma and the Territory of New Mexico," was vetoed by President Roosevelt December 19, 1908, after which Congress took no further action.

The admission of New Mexico into the Union in 1912 with the same northern boundary line as that of the Territory left the controversy unchanged, except perhaps in the matter of importance. Fresh complications developed new aspects of the case, and in 1917 the General Land Office, in response to the requirements of closure of adjoining public land surveys, restored about 40 miles of the original line included in the resurvey made by the Colorado Commissioner in 1899, across the Navajo River Valley. This action accomplished the purpose in mind of defining the limits of the public land surveys in the two States in this particular locality, but was not wholly convincing to the land claimants affected, nor was it primarily designed to settle the major boundary controversy. Finally in 1919 New Mexico brought suit in equity in the Supreme Court of the United States against the State of Colorado to determine whether the line surveyed by Darling in 1868 or that by Carpenter in 1902-03 was the common boundary between the two States.

New Mexico alleged in its bill before the Court that the true line is that surveyed and marked by Howard B. Carpenter in 1903. Colorado in its answer and cross bill alleged that the legal boundary is that surveyed and marked by E. N. Darling in 1868—a contention which the court upheld, with the provision that the restoration by the General Land Office, in 1917, of a part of the State line between the 203rd mile corner and Astronomical Monument No. 8, across the valley of the Navajo River, be accepted by the parties to the suit. In its decree of April 13, 1925, the Court designated a Cadastral Engineer as Boundary Commissioner to reestablish the Darling line of 1868, and directed that all costs of the cause, including the compensation and expenses of the Commissioner, be borne in equal parts by the State of New Mexico and the State of Colorado.

The United States, through the Cadastral Engineering Service of the General Land Office, Department of the Interior, will co-operate in the work to the extent of assigning an engineering

party to the Boundary Commissioner to make public survey connections to the reestablished line.

Thus the closing chapter of this famous interstate controversy will soon be written. The troublesome questions of dominion and sovereignty, which directly involve the greater portion of one town, two villages and five post offices in the disputed strip, and the perplexing problem of limits to private holdings along the border, with its inevitable train of human tragedy, will at last find a just and lawful basis for solution in the resurvey of the boundary line about to be undertaken.

E. R. Harper

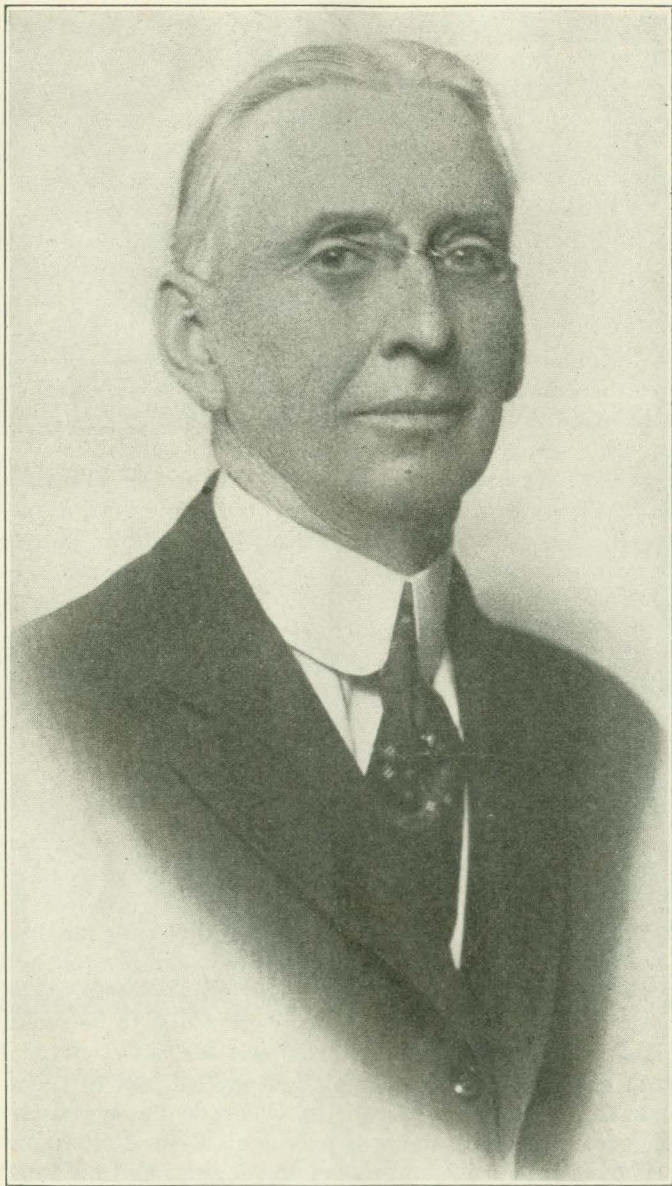
When the present number of the COLORADO MAGAZINE was going to press, the people of Colorado and of Denver in particular, were grieved to learn that E. R. Harper had just died. For several days he had been ill at St. Luke's-hospital, but had been pronounced better by his physicians, and was recently returned to his home. His demise marked the closing of an exceptional career—the passing of one of the noblest citizens of our commonwealth.

Back in the state of Michigan, on the fourteenth of July, 1857, the subject of this sketch was born. In infancy he was taken with his family to northern Ohio near Cleveland. Here he lived the life of the ordinary country boy, facing its hardships and enduring its disadvantages. Educational privileges were few. The country school in the little village of Independence furnished him the rudiments. A high school course at Cuyahoga Falls afterward completed his scholastic equipment for his life work.

In 1882 he was married to Miss Alice Hitchcock, and they took up their residence in Akron. Here their only daughter, Lena (now Mrs. A. B. Trott) was born. Patriotic and public spirited by nature, he was naturally drawn into the companionship of the prominent men of his community. His father had been a co-worker with James A. Garfield in old canal days. The son now distinguished himself as mayor of his adopted city. With this, he became intimately acquainted with the great political leaders of that president-producing state. Appointed by McKinley as Indian Commissioner, he spent with his family four years in Washington, D. C., making several visits to Utah and other parts of the West on business relating to his office. He was very closely associated as an advisor with Mark Hanna in the exciting McKinley campaign days, and was an honorary member of the Spanish War Veteran organization.

In 1900 he came to Colorado and since that time has been one of the best known men of the state. He became interested in mines on the western slope, where he was eminently successful, but his general ability and genial personality caused him to be sought for many and greatly diversified enterprises. He was sent on many important commissions, one of which compelled him to spend several months in South America. In Colorado he served as state insurance commissioner, and was president of the Prison Association. He gave much time and money to religious and philanthropic enterprises. The community chest and its fortunes concerned him much. He was moderator and perhaps the most conspicuous member of the first Universalist Church of Denver.

His life has been especially intermingled with recent public



E. R. HARPER

affairs of the state. He was Lieutenant Governor during the administration of Governor Buchtel, and was the efficient private secretary of Governor Oliver H. Shoup.

An accomplished speaker, always sincere, witty, and good-natured, he was ever in demand to address popular audiences. He was a master in debate, because the populace knew that here was a genuine man, a man to be trusted.

Two years ago, he was elected as a director of the State Historical Society and immediately and unanimously was chosen secretary. The value of this man to the organization cannot be expressed in words. His opinion was sought on every important question and his genial personality will be remembered, long remembered, by those who have worked with him.

A. J. FYNN.