

Moonshine and Murder: Prohibition in Denver

BY JAMES E. HANSEN II

When Herbert Hoover became president in 1929, prohibition had been operative in Denver more than thirteen years and nationally more than nine. Temperance leaders had believed that the reform would produce a dynamic uplift in American morality, but instead it seemed to be creating some serious problems. Was prohibition a "noble experiment" or was it a socially destructive folly? This question apparently troubled President Hoover, so he appointed a special commission to investigate the reform and its enforcement.

Commonly known as the Wickersham Commission, this body studied the problems surrounding prohibition for nearly two years, and in January 1931 submitted its findings to the president. The report was hardly encouraging for temperance advocates. Although the commission did not recommend the repeal of prohibition, it did cite a number of reasons why the reform was not working up to expectations. These reasons included general resistance to the experiment in cities; antipathy to the severity of prohibition legislation; undermanned, poorly organized, and sometimes corrupt law enforcement; congested courts; conflicts between temperance and civil liberties; and failure to educate the public to the reform's merits.¹ Since all of these problems were evident in Denver, the findings

¹ U.S., Congress, House, *Enforcement of the Prohibition Laws of the United States*, H. Doc. 722, 71st Cong., 3d sess., 1931, pp. 1-84. This reference provides a summary of findings and recommendations and is hereafter cited as H. Doc. 722. Committee reports, evaluations of prohibition in specific states, and other miscellaneous data are provided in U.S., Congress, Senate, *Enforcement of the Prohibition Laws: Official Records of the National Commission on Law Observation and Enforcement*, S. Doc. 307, 5 vols., 71st Cong., 3d sess., 1931. Hereafter this reference will be cited as S. Doc. 307. For information pertaining specifically to Colorado see 4:61-86. The chairman of this commission was George W. Wickersham, former attorney general; other members were Newton D. Baker, former secretary of war; William S. Kenyon, Paul J. McCormick, and William I. Grubb, federal judges; Kenneth Mackintosh, former supreme court justice of Washington; Roscoe Pound, dean of Harvard Law School; Ada L. Comstock, president of Radcliffe College; and Henry W. Anderson, Monte M. Lemann, and Frank J. Loesch, prominent lawyers.

of the Wickersham Commission provide a useful framework for analyzing temperance reform in Colorado's principal city.

Prohibition in Denver began on January 1, 1916, as the result of a long struggle by temperance forces to eliminate the liquor traffic in Colorado. Such forces had existed since the 1860s, but they did not achieve a major success until 1907 when a local option bill was enacted by the legislature. This measure permitted local regulation of liquor traffic, irrespective of state provisions; and within a year twenty of twenty-five localities voting on the liquor question decided to go dry. Denver, however, resisted this trend, in 1910 voting to retain alcoholic beverages.²

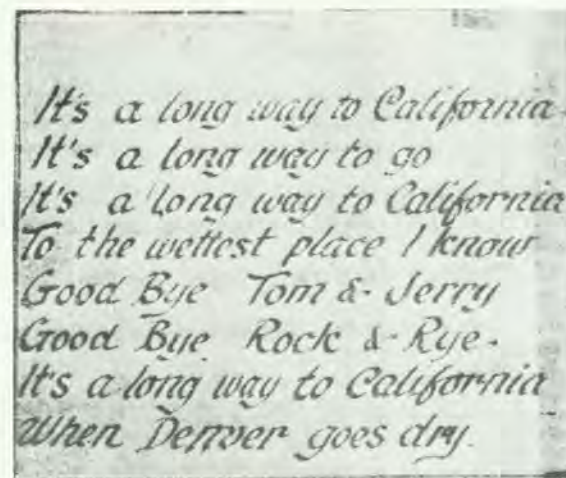
The next objective of antiliquor reformers was a prohibition amendment to the state constitution. Poor coordination among temperance groups prevented success in the 1912 election, but two years later this problem was remedied. The Women's Christian Temperance Union gathered enough signatures to require a prohibition referendum in the 1914 general election, and the Anti-Saloon League assumed overall direction of an enormously effective antiliquor campaign.³ Candidates for public office were besieged with letters demanding support for temperance reform. Full and half-page advertisements boosting prohibition were conspicuously displayed in newspapers throughout the state, and many papers also ran stories describing temperance organizations and their activities. In addition, emotion-charged rallies were staged, featuring hundreds of banner-waving marchers, blaring brass bands, and fiery temperance oratory.⁴

On November 3, 1914, these efforts were rewarded when the voters of Colorado decided that after January 1, 1916, no person or group could manufacture or import, except for medicinal or sacramental purposes, any intoxicating liquors. Although this measure succeeded by a count of 129,589 to 118,017, at least one factor kept the victory from being complete: Denver County rejected prohibition by a margin of 38,139 to 29,553.⁵

² Ernest Cherington, ed., *Standard Encyclopedia of the Alcohol Problem*, 6 vols. (Westfield, Ohio: American Issue Publications, 1925-30), s.v. "Colorado," 2:656-59; *Rocky Mountain News* (Denver), May 18, 1910, pp. 1-2, 9.

³ *Standard Encyclopedia of the Alcohol Problem*, s.v. "Colorado"; Colorado Women's Christian Temperance Union, *Report of the Thirty-Fifth Annual Convention of the Colorado W.C.T.U. Held in the First Baptist Church, Salida, Colo., September 30-October 1, 2, 1914* (Denver: Press of Alexander & Meyer, n.d.), p. 68. Records of WCTU annual meetings can be found in the Women's Christian Temperance Union Collection, Western History Collection, Norlin Library, University of Colorado, Boulder.

⁴ Colorado WCTU, *Report of the Thirty-Fifth Annual Convention*, pp. 68-69; *Rocky Mountain News*, November 2, 1914, p. 4. For a fuller description of Colorado prohibitionist activities during this period, see James E. Hansen II, "A Study of Prohibition in Denver" (MA thesis, University of Denver, 1965), pp. 15-18.



Featured in the window of R. Schwartz's saloon at 1636 Curtis Street was this parody of the song "Tipperary."

New Year's Eve 1915 was anticipated with considerable anxiety by Denver law enforcement officials. Two-thirds of the city police force was stationed downtown with specific orders to enforce the new liquor legislation at the stroke of twelve. Events proved these worries unfounded, however. There were no arrests for violation of the prohibition law, and by 9:00 P.M. many hotels were out of liquor and serving lemonade. Among the most rousing events of the evening was a humorous wake for "Old John Barleycorn" with rented camels from a nearby circus pulling water wagons through the city streets. But even this stunt failed to stir much enthusiasm. Generally speaking, the legal demise of drinking in Denver was a quiet affair.⁶

The apathy with which the city greeted prohibition on New Year's Eve is surprising in view of the resistance displayed following the referendum of 1914. For example, in March 1915 a state enforcement act had been passed which authorized municipalities to enact ordinances in conformity with the provisions of the act. Denver chose to ignore this provision and thus lacked local antiliquor codes when the statewide experiment went into effect.⁷

⁵ Colorado, Secretary of State, *Abstract of Votes Cast at the Primary Election Held on the Eighth Day of September A.D. 1914 and at the General Election Held on the Third Day of November, A.D. 1914* (Denver: n.p., 1915), pp. 140-41.

⁶ *Denver Post*, January 1, 1916, pp. 1, 2.

⁷ Colorado, Secretary of State, *Laws Passed at the Twentieth Session of the General Assembly of the State of Colorado* (Denver: Western Newspaper Union, State Printers, 1915), p. 288. The city did subsequently enact a prohibition ordinance; see Denver City Ordinances, ordinance no. 35, series of 1916, June 6, 1916, F. A. Williams Scrapbooks, Denver Public Library.

A lack of thoroughgoing commitment to the reform was also reflected in a legal challenge to the prohibition amendment's constitutionality. The home rule provision of the state constitution provided that a city's charter was organic for all local affairs and had priority in cases of conflict with state law. Denver's charter granted the city council sole jurisdiction over local liquor traffic; therefore, as long as city ordinances passed by the council continued to authorize this traffic, a legal conflict between Denver and the state of Colorado was inevitable.⁸



FIFTY BOTTLES \$3.50 QUEEN CITY BEER

THE BEST ON THE MARKET

for only \$3.50. Packed securely in clean, new cases. An elegant family Beer, pure and healthy.

A Barrel of 10 Dozen, \$8.00.

A Barrel of 6 Dozen, Large, \$8.50.

A Barrel of 7 Dozen, Own Size, \$8.50.

Send Money With Order. Do Not Send Personal Checks

Old Cashmon Whisky always \$3.50 per Gallon.
Express charges prepaid to your nearest station.

CASHMON DISTRIBUTING COMPANY 1414 W. 3rd St.
DENVER, Colo.

An ad for Queen City Beer in the Denver Post.

In May 1915 a referendum was placed before Denver voters which proposed a continuation of local jurisdiction over intoxicating beverages. Prohibitionists battled this proposal, but it passed by a comfortable margin.⁹ The city council then passed an ordinance which extended the validity of liquor licenses beyond January 1, 1916, thus forcing a constitutional test over the relative supremacy of state authority and home rule.¹⁰

Fred Farrar, the state attorney general, responded by filing suit against the city to have the licenses revoked.¹¹ Ostensibly, the case of the *People v. Denver* was constitutional in nature, but prohibition supporters viewed the matter differently. To them the temperance issue was paramount. The WCTU, for example, hired two lawyers to prepare briefs in support of the state's position and to assist the state district attorney.¹² This

⁸ *People ex rel. Carlson v. City Council of Denver*, 60 Colo. 370-81 (Sup. Ct. 1915).

⁹ *Denver Times*, May 18, 1915, p. 1; *ibid.*, May 19, 1915, p. 1.

¹⁰ *Denver City Ordinances*, ordinance no. 76, series of 1915, July 19, 1915, Williams Scrapbooks.

¹¹ *Denver Post*, September 3, 1915, p. 6.

¹² *Colorado WCTU, Report of the Thirty-Sixth Annual Convention* (Denver: Press of Alexander & Meyer, 1916), p. 73.

organization also maintained that the Denver city referendum of May 1915 had been drawn by an attorney for the Saloonmen's Union.¹³

In December 1915 the supreme court, assuming original jurisdiction, ruled that the state prohibition amendment superseded local charter rights involving authority over liquor traffic, and Denver's city council was ordered to void all liquor licenses extending beyond December 31, 1915.¹⁴ Although the city's legal maneuverings were not necessarily inimical to temperance reform—a commitment to local autonomy might have been the primary concern—it seems evident that Denverites did not embrace the experiment wholeheartedly.

Definite resistance to prohibition in Denver was indicated in a campaign to sidetrack essential temperance enforcement legislation. In June 1915 several capital city businessmen circulated a petition challenging the legality of a recently enacted state prohibition enforcement bill. They argued that a measure of such importance should be referred to all Colorado voters. If heeded, this petition could have delayed the operation of antiliqor enforcement for some time. Secretary of State John E. Ramer, however, had no intention of seeing prohibition put off and closed the matter by refusing to file the petition.¹⁵

Why in its voting record and in the various legal maneuvers did Denver reveal a reluctance to welcome prohibition? Why did its actions seemingly confirm the pattern of urban resistance to temperance reform cited by the Wickersham Commission? Several historians have argued that prohibition was essentially a rural phenomenon, designed to simplify and purify the complexities and evils associated with city life. Big business, heretical science, machine politics, and non-Protestant immigration seemed to be diminishing the influence of rural America. Somehow traditional values had to be defended against the dangerous by-products of urban life; and, according to Andrew Sinclair, "on the rock of the Eighteenth Amendment, village America made its last stand."¹⁶

¹³ *WCTU Messenger*, June 1915, p. 1.

¹⁴ *People ex rel. Carlson v. City Council of Denver*, 60 Colo. 370 (Sup. Ct. 1915).

¹⁵ *Denver Post*, June 20, 1915, p. 1; *ibid.*, July 11, 1915, p. 1. The principal organizers of this petition were Harry J. Benkelman, a miner; Burt F. Davis, a cigar merchant; John E. Kiefer, the president of a plumbing company; Joseph I. Schwartz, a jeweler; and R. F. Williams, occupation unknown. See John H. Ballenger and Will H. Richards, *Ballenger & Richards Forty-Third Annual Denver Directory*, 1915 (Denver: Smith-Brooks Press, 1915), pp. 524, 735, 1130, 1577.

¹⁶ Andrew Sinclair, *Prohibition, the Era of Excess* (Boston: Little, Brown and Co., 1962), pp. 5, 15-22; William E. Leuchtenburg, *The Perils of Prosperity, 1914-32* (Chicago: University of Chicago Press, 1958), pp. 204-14. For a somewhat different interpretation see James H. Timberlake, *Prohibition and the Progressive Movement, 1900-1920* (Cambridge, Mass.: Harvard University Press, 1963).

Denver was a relatively populous urban center, and throughout Colorado's prohibition era zeal for temperance reform was generally keener in rural communities than in cities.¹⁷ However, the disparity between rural and urban values in Colorado should not be exaggerated. As James Davis has pointed out, Denver during the early decades of the twentieth century in many ways shared the mental outlook of a small town.¹⁸ Still, with regard to the prohibition question, the capital city was probably less committed than the state as a whole.

Although legal prohibition went into effect throughout Colorado on January 1, 1916, the state was far from dry. Because of a provision in the state liquor enforcement act permitting monthly imports of alcohol for medicinal purposes, a large amount of legal drinking continued. For example, the 1917 annual report of the Denver county clerk and recorder revealed that papers relating to liquor traffic represented a substantial portion of business handled by the recorder's office.¹⁹

As might be expected, temperance advocates found this situation deplorable and committed themselves to making Denver and Colorado truly dry. A step toward stricter regulation was achieved in March 1917 when the general assembly enacted a measure limiting imports of liquor for medical or other lawful uses to two quarts of hard liquor, six quarts of wine, or twenty-four quarts of beer per household monthly. Enforcement of this law was facilitated by an involved permit system designed to keep track of all legal liquor coming into the state.²⁰

Although it reduced liquor imports, this measure did not satisfy prohibition forces. Not until private individuals were denied access to alcohol, except for the most valid circum-

stances, would organizations such as the WCTU be satisfied. Consequently, throughout 1918 considerable pressure was exerted for passage of a bone dry law. A referendum was drawn up, placed on the state ballot, and actively campaigned for by temperance enthusiasts. This measure proposed to confine legal possession of intoxicating liquor to druggists, individuals with medical prescriptions, and clergymen for sacramental purposes. In addition, imports of alcohol would be strictly limited to druggists, and search and seizure powers of enforcement officials would be broadened.²¹

By 1918 the momentum achieved in a series of legal victories undoubtedly benefited those supporting the bone dry cause. What really bolstered their position, however, was the unusual social climate provided by the crisis of World War I. With great effect prohibitionists were able to equate the bone dry law with patriotism. Why, they asked, should precious grain be wasted on alcoholic beverages when food supplies were urgently needed for the war effort?²² This appeal to citizenship, coupled with the usual sources of temperance backing, had the desired results, and Colorado supported the bone dry referendum by a 113,636 to 64,740 count. Even the city of Denver favored the act with 26,525 votes for and 19,724 against.²³ Whether the city was converted to the ideals of temperance or whether sentiments of patriotism motivated its vote cannot definitely be established. However, the record of Denver's previous actions regarding prohibition should not be discounted.

Ostensibly the bone dry referendum was a sweeping success for antiliquor reformers, but in effect it was probably a Pyrrhic victory. This measure permitted no distinction between moderate and excessive uses of intoxicating beverages; all traffic in alcohol for personal consumption was outlawed. Many Coloradoans opposed the saloon and commercial liquor activity but did not necessarily favor total abstinence.²⁴ Andrew Sinclair's general criticism of such fanaticism would apply to Colorado specifically:

The real tragedy of the prohibitionist ideology was that it left no room for temperance. The dry crusade slipped slowly

¹⁷ See Colorado, Secretary of State, *State of Colorado Abstract of Votes Cast at the Primary Election Held on the Eighth Day of September, A.D. 1914 and at the General Election Held on Third Day of November, A.D. 1914* (Denver: n.p., 1915); *State of Colorado Abstract of Votes Cast at the Primary Election Held on the Twelfth Day of September, A.D. 1916 and at the General Election Held on the Seventh Day of November, A.D. 1916* (Denver: C. F. Hoeckel Blank Book and Lithographing Co., 1916); *State of Colorado Abstract of Votes Cast at the Primary Election Held on the Tenth Day of September, A.D. 1918 and at the General Election Held on the Fifth Day of November, A.D. 1918* (Denver: Eames Brothers, State Printers, 1919); *State of Colorado Abstract of Votes Cast at the Primary Election Held on the Fourteenth Day of September, A.D. 1926 and at the General Election Held on the Second Day of November, A.D. 1926* (Denver: Bradford-Robinson Ptg. Co., 1926); *State of Colorado Abstract of Votes Cast at the Primary Election Held on the Thirteenth Day of September, A.D. 1932 and at the General Election Held on the Eighth Day of November, A.D. 1932* (Denver: Bradford-Robinson Ptg. Co., 1932). See also *Minutes of the Forty-Eighth Session of the Colorado Annual Conference of the Methodist Episcopal Church Held in Fort Morgan, Colorado, August 31 to September 5* (Denver: Bradford Publishing Co., 1910), p. 313.

¹⁸ James H. Davis, "The Rise of the Ku Klux Klan in Colorado, 1921-1925" (MA thesis, University of Denver, 1963), p. 44.

¹⁹ "Prohibition," *Municipal Facts* 1 (March 1918): 17.

²⁰ Colorado, Secretary of State, *Laws Passed at the Twenty-First Session of the General Assembly of the State of Colorado* (Denver: Brock-Haffner Press, 1917), pp. 280-83.

²¹ Colorado, Secretary of State, *Laws Passed at the Twenty-Second Session of the General Assembly of the State of Colorado* (Denver: American Ptg. & Pub. Co., 1919), pp. 461-68.

²² G. Arthur Holloway, "Bone-Dry—The Reasons Why," *Records of the Office of the Governor: Julius C. Gunter, 1917-19, Correspondence, 1917, Box 5, State Archives and Records Service, Denver*. See also Sinclair, *Prohibition*, p. 116; Charles Merz, *The Dry Decade* (Garden City, N.Y.: Doubleday, Doran & Co., 1931), p. 34.

²³ *State of Colorado Abstract of Votes Cast at the Primary Election, . . . 1918 and at the General Election, . . . 1918*, pp. 26-27.

²⁴ *Rocky Mountain News*, November 10, 1932, p. 6.

from a moderate remedy for obvious evils into a total cure-all for society. The creed of the dedicated dry would not admit the existence of the moderate drinker.²⁵

In many American communities, including Denver, this extremism was frequently defied: citizens disdained the law and continued to drink.

From the very inception of prohibition in Colorado, bootlegging was prevalent, and it continued to flourish throughout the dry era. Illegal liquor was supplied in two ways: by smuggling from areas outside the city and by local manufacturing. In February 1916 a route was opened that allegedly allowed \$3,000 to \$3,500 worth of beer and "other alcoholic liquors" to flow into Colorado from Cheyenne, Wyoming, each month.²⁶ Within a short time this unlawful inlet was supplemented by many others. On March 1, for example, eleven Denver retail merchants had large stocks of imitation fruit cider confiscated by agents of the state pure food department. The cider had been shipped to Denver in weekly lots by the Los Angeles Fruit Products Company of Saint Louis and contained six to seven percent alcohol.²⁷ More resourceful was an attempt to smuggle almost two thousand pints of whiskey into the city camouflaged as olive oil and salad dressing. The liquor was concealed inside boxes bearing food product labels beneath a top layer of olive oil bottles and sawdust.²⁸

The smuggling of intoxicating drink was not confined to shipments from within the United States alone. Sizable stocks from Canada and Mexico were also brought in to meet the demands of thirsty Denverites. Foreign products were attractive, especially after the Eighteenth Amendment went into effect, because they could usually be sold as brand name liquor. Locally supplied drink, on the other hand, was either highly diluted brand name liquor or a product manufactured in the Denver area.²⁹

Homebrew was by far the most popular illegal beverage because it could be produced simply and cheaply. For example, there was a widely consumed concoction called "Sugar Moon." It was prepared by mixing 120 pounds of sugar, 50 gallons of pure spring water, and 1½ pounds of baker's yeast. This mixture

²⁵ Sinclair, *Prohibition*, p. 28. The saloon was an institution that a majority of Americans probably found objectionable. Sinclair provides a good description of its characteristics; *ibid.*, pp. 73-82. See also Herbert Asbury, *The Great Illusion: An Informal History of Prohibition* (Garden City, N.Y.: Doubleday & Co., 1950), pp. 112-17.

²⁶ *Denver Post*, February 13, 1916, p. 1.

²⁷ *Ibid.*, March 2, 1916, p. 2.

²⁸ *Ibid.*, January 15, 1919, p. 1.

²⁹ *Ibid.*, August 9, 1921, p. 2.

POISE AND WORLDLY WISDOM OF AMATEUR MOONSHINERS DISAPPEAR IN POLICE COURT



The Denver Post illustrates the folly of moonshining.

was allowed to stand for ten days at a constant temperature of eighty degrees. Finally, the liquid was put into a cooker from which steam was caught, and this steam provided a powerful alcoholic beverage. With a low-priced supply of beet sugar in Colorado, "Sugar Moon" was an appealing and inexpensive sip of illegality.³⁰

Stills for cooking mash and capturing vapors were as varied as recipes for homebrew. A Denver automobile mechanic set up bootlegging operations during the early 1920s with parts of an old touring car and some Turkish towels. A galvanized gas tank was set on end and punctured with a length of gas pipe. The tank was used for a cooker, while the pipe provided an escape outlet for fumes. Turkish towels were tied to the end of the pipe to catch and condense the steam until, dripping with liquor, they were wrung out into a can.³¹

Homemade liquor was further encouraged by California grape growers who regularly shipped huge supplies of their product to Denver in refrigerated railroad cars. Allegedly these grapes were sold at \$80 per ton to Denverites for winemaking purposes. Families would buy grapes and then haul them away in cars, wheelbarrows, and even baby carriages. The amount of fruit purchased indicates that it was used for something other than eating.³²

Characterized by a relatively simple technique and inexpensive ingredients, the homemade preparation of liquor was common during prohibition. Unfortunately, homebrewing sometimes had tragic consequences. One danger was a by-product of the fermentation process known as fusel oil which, unless carefully filtered, could be poisonous.³³ Another danger involved the ingredients that ignorant or irresponsible bootleggers put

SULPHURIC ACID AND WATER ARE SOLD AS WHISKY TO DENVER CLUBMEN AND ALLEGED BOOTLEGGERS ARE JAILED

SCORES OF PROMINENT MEN PAY \$150 TO \$175
FOR BOTTLED-IN-BOND LIQUOR THAT
'SMOKES LIKE A CIGAR.'

(By ARTHUR R. RUBINSON.)

Scores of men prominent in the business, professional and club life of Denver, who have been enticed into paying \$150 to \$175 a case for "rare old bottled in bond whisky," sealed with what looked like internal revenue stamps and labeled with famous old brands, might just as well have purchased carbolic or sulphuric acid, declared Rowland K. Goddard, chief of the secret service department, here, Friday, after a spectacular raid and arrest of two alleged bootleggers in the Byrnes building Thursday.

into their liquors. A supply of bootleg liquor seized by Denver authorities in September 1921, for example, was found to contain large quantities of sulfuric acid.³⁴ Equally shocking were the dead rats, rabbits, and cats found inside liquor stills at the Old Oak Leaf Dairy.³⁵

Many bootleggers were average citizens who did not look upon homebrewing or liquor peddling as immoral. Unemployed auto mechanics and grape-buying families generally lacked typical underworld habits. There were persons, however, for whom trafficking in liquor was a full-time undertaking. In Chicago Al Capone and his rivals terrorized an entire city. In New York Dutch Schultz and Lucky Luciano controlled vast empires of crime, largely built by money acquired from bootlegging.³⁶ Denver too had gangsters who hoped to use illicit liquor operations as a stepping-stone to greater opportunities.

On January 24, 1931, twenty-nine alleged bootleggers were arrested while banqueting at the La Palmarte Restaurant in north Denver. The exact purpose of this meeting is difficult to determine. Perhaps those present were trying to eliminate unprofitable price-cutting competition. Perhaps Denver operators were trying to arrange a truce with a Pueblo faction that had been moving in on the capital city's liquor business with disturbing success.³⁷ In any case, some prominent Colorado bootleggers had found it worthwhile to arrange a meeting.

The months following this gathering were marked by an excess of criminal violence. On February 18, 1931, Pete Carlino, a leader of the Pueblo-centered bootleg interests, was shot at from a moving car in front of the Johnson Brothers Garage in Denver. He was spared as four bullets went wild, but the attack spurred Albert T. Clark, chief of Denver detectives, into vigorous action. Three days earlier a prominent Denver bootlegger, Joe Barry, had suffered gunshot wounds from unknown assailants, and the public was greatly aroused. Consequently, Clark ordered the arrest of all known bootleggers on vagrancy charges and the closing of pool halls and soft drink parlors in north Denver.³⁸

Despite Clark's measures gangland warfare continued, with most of the activity centering around Pete Carlino. In a four-

³⁰ William G. Shepherd, "Sugar Moon," *Colliers* 82 (December 29, 1928):9.

³¹ *Denver Post*, January 29, 1922, p. 8.

³² Shepherd, "Sugar Moon," p. 42.

³³ *Denver Post*, February 15, 1920, p. 1.

³⁴ *Ibid.*, September 16, 1921, p. 1.

³⁵ *Ibid.*, October 5, 1921, p. 8.

³⁶ Asbury, *The Great Illusion*, pp. 290-312; Sinclair, *Prohibition*, pp. 220-30.

³⁷ *Rocky Mountain News*, January 25, 1931, p. 1; *Denver Post*, January 25, 1931, p. 1.

³⁸ *Denver Post*, February 16, 1931, p. 1; *ibid.*, February 19, 1931, p. 1.

month period the Pueblo bootlegger suffered the kidnapping of a henchman, the bombing of his Denver home, and the murder of a brother.³⁹ As a result of the constant violence surrounding him, legal pressure was applied to remove Carlino's dangerous presence. Arson charges were filed against him, alleging that he had destroyed his own home to collect the insurance money. At the same time an investigation of his alien status was begun with the intention of deporting him to Italy.⁴⁰ Before legal action could be taken, however, criminal forces struck again. On a lonely highway outside Pueblo, Carlino was found in a ditch, murdered.⁴¹

The way now seemed clear for Joe Roma and other Denver bootleggers to continue their activities free of violent rivalries. But circumstances and relations between capital city liquor dealers made local cooperation impossible. Late in 1932 Roma was sentenced to a two-year prison term for bootlegging, thus creating a situation that seemed to encourage competitors. A Denver newspaper raised the question: would not the city's leading liquor dealer now be obliged to step aside and let someone else take over his operations?⁴²

The answer came decisively and within a framework of bloody violence. On the evening of February 18, 1933, Joe Roma was at home on bail, quietly playing a mandolin in his living room. Suddenly, this tranquil setting was transformed by explosions of gunfire. Fourteen bullets pierced the frail, ninety-nine-pound body of the Denver bootlegger. He was found on his back, covered with blood, and clinging to the pieces of his shattered mandolin. The question of the thirty-seven-year-old Roma's power had been settled.⁴³

Soon after the death of Joe Roma, gang warfare abated and prohibition came to an end. Gangsterism had existed in Denver during the antiliquor era, and to some extent it was tied to bootlegging. Criminals such as Pete Carlino, Joe Barry, and Joe Roma could not have flourished had there not existed in Denver a sizable demand for illicit alcoholic beverages.

Denver was the largest city in Colorado. In terms of population alone there inevitably would have been some market for liquor. This demand and rigid codes, which prescribed legal outlets for moderate drinking, help to explain the prevalence of lawlessness in Denver during the prohibition era.

³⁹ Ibid., February 27, 1931, p. 4; *ibid.*, March 17, 1931, p. 1; *ibid.*, May 8, 1931, p. 1.

⁴⁰ Ibid., June 22, 1931, p. 5.

⁴¹ Ibid., September 14, 1931, p. 1.

⁴² Ibid., December 28, 1932, p. 1.

⁴³ Ibid., February 19, 1933, p. 1.

MANSLAUGHTER, MURDERS, AND MOONSHINE

(Copyright: 1931: By The Chicago Tribune.)



Starring in a real drama.



Pointing with pride.



Nearly always hand in hand.

If a Denver resident wanted a drink during prohibition and was willing to pay for it, someone would fill that demand, provided the risks were not too great. In view of the number of court cases involving liquor law violations and newspaper stories on bootlegging, risks were not regarded as serious enough to eliminate illicit traffic in alcoholic beverages. Penalties for breaking the Colorado prohibition law involved fines of from \$100 to \$300 and/or imprisonment for from thirty days to six months for the first offense. Subsequent violations by individuals called for imprisonment for from one to three years.⁴⁴ The prescribed punishments seemed stiff enough; the problem was that too few lawbreakers were sentenced.

One reason why enforcement of prohibition laws often proved ineffective was due to overlapping federal, state, and local jurisdictions. The national prohibition amendment had called for "concurrent enforcement," obviously in the expectation that federal and state efforts would be mutually reinforcing. However, the Wickersham Commission observed that this phrase had frequently resulted in the evasion of responsibility.⁴⁵ In many instances states simply left all enforcement efforts to federal authorities. Where states were genuinely interested in supporting prohibition, they in turn depended upon effective cooperation from municipal governments. This threefold approach to assuring a liquor-free America clearly had serious drawbacks.

Colorado's experience with temperance enforcement was somewhat unusual because prohibition had been operative in the state four years before the Eighteenth Amendment went into effect. From January 1, 1916, the governor and his agents were empowered to enforce all state prohibition laws, and the general assembly could appropriate up to \$5,000 annually for this purpose.⁴⁶ The success of state-directed enforcement thus was related closely to the governor's zeal for the temperance cause. Denver was significantly influenced by state enforcement activity because of its position as Colorado's capital city. The governor resided there, and most of the state's legal machinery was based there.

As might be expected, the seven men who served as governor between 1916 and 1933 differed in their thinking about prohibition.⁴⁷ For example, George A. Carlson vigorously supported



Governor George Carlson (1915-1917).



Governor William Adams (1927-1933).



Governor William Sweet (1923-1925).

temperance reform. He lent the full weight of his office to bring the experiment into being and upon achieving that end encouraged vigorous enforcement.⁴⁸ Less enthusiastic was William H. "Billy" Adams, who when a member of the general assembly had actually opposed the introduction of prohibition into Colorado. As governor he apparently fulfilled his executive responsibilities with regard to the law but did not express support for the reform.⁴⁹ Highly practical in his approach was William E. Sweet. His prime concern was adequate funding for liquor law enforcement. Although \$5,000 per year had been appropriated by the legislature for this purpose, Sweet felt that no less than \$25,000 was needed to do the job.⁵⁰ He was undoubtedly correct and the Wickersham Commission subsequently cited insufficient enforcement resources as a major problem throughout the United States, but the general assembly chose to reject his requests.⁵¹

⁴⁸ WCTU Messenger, July 1916, p. 1: Colorado WCTU, *Report of the Thirty-Seventh Annual Convention* (Denver: Brock-Haffner, 1917). See also Carlson to R. D. Sharp, Les Wallace, and J. Maloney, June 24, 1915, Records of the Office of the Governor, George A. Carlson, 1915-1917, Correspondence, 1915, State Archives and Records Service.

⁴⁹ Records of the Office of the Governor, William H. Adams, 1927-1933, Correspondence, 1927-1933, File 95, State Archives and Records Service.

⁵⁰ Sweet to A. J. Finch, February 14, 1923, Records of the Office of the Governor, William E. Sweet, 1923-1925, Correspondence, 1923, Box 6, State Archives and Records Service.

⁵¹ H. Doc. 722, pp. 12-18; S. Doc. 307, 2:197-210.

⁴⁴ *Laws Passed at the Twentieth Session of the General Assembly*, p. 286.

⁴⁵ H. Doc. 722, pp. 39-40; Sinclair, *Prohibition*, pp. 192-97.

⁴⁶ *Laws Passed at the Twentieth Session of the General Assembly*, p. 286.

⁴⁷ George A. Carlson (1915-17), Julius C. Gunter (1917-19), Oliver H. Shoup (1919-23), William E. Sweet (1923-25), Clarence J. Morley (1925-27), and William H. Adams (1927-33).

Although each of the seven governors influenced the character of prohibition enforcement in Denver, municipal agencies were even more important in this regard. This fact was recognized by temperance supporters, and considerable energy was expended in behalf of prohibitionist candidates for local offices. In Denver, however, such efforts were often disappointing. This was particularly true of campaigns involving Dewey C. Bailey, mayor from 1919 to 1923. Bailey ran for mayor in 1919 and again in 1923, and each time his candidacy was vigorously opposed by prohibitionists. In 1919 leading newspapers condemned him for his disinterest in liquor law enforcement. One paper, criticizing Bailey's performance as city manager of safety and excise, declared: "The bootlegger is abroad. He, too, has his pocket vote to deliver to the machine that permits him to do business in the open."⁵² Even more emphatic was another paper's front page headline: "200 PEDDLERS OF LIQUOR BUSY IN DENVER AND ALL ARE BOOSTING FOR BAILEY."⁵³ Bailey won the election nonetheless.

In his 1923 reelection campaign the mayor was opposed by two candidates: Benjamin F. Stapleton and former governor George A. Carlson. Carlson was the candidate of the antiliqor interests and ran on a platform that condemned Bailey's complacency with regard to bootlegging in Denver.⁵⁴ As before the prohibitionist was defeated, but by a peculiar technicality Bailey lost the election to Stapleton. Denver had a bizarre preferential voting system which determined the winner of an election by the total number of first, second, and third place votes received. Although Bailey was the first choice of the voters by nearly 4,000 votes over Stapleton and more than 10,000 over Carlson, second and third place tallies cost him the election.⁵⁵ In any case the temperance candidate Carlson finished a distant third.⁵⁶

Denver mayors and Colorado governors, in office during the same period, sometimes held divergent views regarding prohibition. In addition, discord was often contributed by the presence of federal prohibition authorities. Tensions among the various levels of enforcement authority ran especially high during John R. Smith's tenure as state prohibition enforcement officer under Governor William E. Sweet. Smith was a fervent

prohibitionist and militantly intolerant of suspected inaction or dishonesty by other public officials. His disgust with local enforcement was unmistakable. On one occasion he declared: "Denver in my judgement [sic] was never [at] so low an ebb morally as now, and no one is better acquainted with that fact than our mayor."⁵⁷ Another time he complained that known bootleggers were serving as jurors in liquor violation cases and that requests to have important cases filed before county instead of lenient local courts were being sabotaged. He maintained that city hall, the district attorney, and the justice of the peace courts were all serving to emasculate prohibition in the city.⁵⁸ When in December 1923 Philip Van Cise, Denver city district attorney, proposed a meeting of local, state, and federal enforcement officials in the hope of promoting unity, Smith allegedly responded by saying: "I am not now, nor never have cooperated with the Federal Forces in Colorado, nor will we cooperate with them until they clean house and get on the job."⁵⁹ Smith's inability to get along with local and federal authorities was perhaps unusual; but even if such situations existed only occasionally, the task of coordinating prohibition enforcement in Denver and Colorado must have been difficult indeed.

One of John R. Smith's principal phobias and a problem cited by the Wickersham Commission as a serious obstacle to effective prohibition enforcement was corruption. When Sam Finnie first joined the Denver Police Department in 1925, he was instructed to inform superiors of all actions contemplated against bootlegging establishments. For a time he complied and discovered that the speakeasies and stills that he reported were not raided. Finnie was convinced that superiors in the department were on bootleg payrolls. He personally received countless bribe offers and knew of fellow officers who shook down bootleggers for protection money. Moreover, several times after enforcing liquor laws with unusual vigor, he was assigned suddenly to a different beat.⁶⁰

Were Sam Finnie's experiences isolated or unusual? Not according to newspaper articles, court records, and reminiscences of other law enforcement officials. In June 1925 six Denver policemen were dismissed from the force for selling liquor,

⁵² *Rocky Mountain News*, May 6, 1919, p. 6.

⁵³ *Denver Times*, May 7, 1919, p. 1.

⁵⁴ *Rocky Mountain News*, May 1, 1923, pp. 1-2.

⁵⁵ *Denver Times*, May 16, 1923, p. 1.

⁵⁶ Another unsuccessful prohibitionist campaign was Halstead Ritter's bid for the office of commissioner of social welfare in 1915; see *Denver Times*, May 17, 1915, p. 1; *ibid.*, May 19, 1915, p. 1.

⁵⁷ John R. Smith to Sweet, April 3, 1923, Records of the Office of the Governor, William E. Sweet, 1923-25, Correspondence, 1923, Box 6.

⁵⁸ Smith to Sweet, August 15, 1923, *ibid.*

⁵⁹ Philip Van Cise to Sweet, December 29, 1923, *ibid.*

⁶⁰ Interview with Samuel Finnie, September 10, 1963. Finnie joined the department as a patrolman in 1925, became a detective in 1929, and served as head of the vice squad from 1932 until 1947. He retired from the force in 1960.

which they had seized in the line of duty. The trial of the accused policemen received front-page newspaper coverage and did little to bolster public confidence in police integrity.⁶¹ In the opinion of Raymond Humphreys, former chief investigator for the state district attorney's office, "prohibition spawned corruption in law enforcement that undermined public confidence in the law as a whole."⁶²

According to the Wickersham Commission, the impact of prohibition law enforcement upon the courts produced some serious difficulties. In Denver there were four municipal courts that had primary contact with liquor law violations during the prohibition era: the police magistrate's court, two justice of the peace courts, and the West Side Criminal Court. In 1921 the problem of crowded dockets, resulting partly from such infractions, was serious. A jury trial required a full day's time; yet, five to ten prohibition cases were filed daily. Consequently, "bargain days" became necessary so that at least some measure of justice could be administered. Guilty pleas were accepted in exchange for minimum sentences, even though evidence often seemed to warrant maximum penalties.⁶³ By 1928 6,311 of 12,421 cases handled in the aforementioned courts involved liquor law infractions, thus burdening the judicial system greatly.⁶⁴

Frequently, judicial effectiveness bore a close relationship to whether the volume of cases on court dockets could be managed. Sometimes, though, judges simply lacked sympathy with the prohibition cause and acted accordingly. At one time or another law enforcement agents found it necessary to speed up or delay cases in order to avoid appearing before certain judges. In the words of Raymond Humphreys, "a case tried before some magistrates all but guaranteed an acquittal."⁶⁵

If the leniency of judges caused enforcement problems, the conduct of juries sometimes made justice impossible. In 1916 a Denver magistrate dismissed a panel of jurors with a stiff rebuke for failing to punish obviously guilty bootleggers.⁶⁶ On another occasion a man was arrested in a house with two operating stills and twenty gallons of whiskey in his possession. Despite overwhelming evidence of guilt, the defendant was

speedily acquitted by a jury. Then he stole \$300 from a bootlegger who had been a fellow prisoner in the jail; for this offense jurors needed less than five minutes of deliberation to convict him of theft.⁶⁷ Numerous cases reflected flagrant laxity towards liquor law offenses that occurred in Denver during the prohibition era. Not only did this attitude obstruct the enforcement of temperance legislation, it also marred the overall dignity of the judicial process.⁶⁸

Conflict between effective prohibition enforcement and civil liberties was yet another problem cited by the Wickersham Commission. In 1921 Denver County Court Judge George W. Dunn ruled that a warrant was required for a home search regardless of how suspicious circumstances might be. Three men laden with liquor bottles had been arrested after leaving a house in north Denver, and arresting officers were certain that the residence was a base for bootleg operations. According to Judge Dunn, however, the dwelling, because it was a private home, was immune from search until a properly authorized warrant could be obtained.⁶⁹

Raymond Humphreys recalls that he always applied for a warrant before conducting a search and that if individuals manufactured liquor for their own use and not for sale, they usually were left alone. So too, if liquor was found in a Jewish home, in deference to religious customs the occupants were rarely bothered. Humphreys' flexible and practical approach to the narrowly framed written law was one shared by other prohibition enforcement officials in Denver.⁷⁰

Less sensitive to civil liberties was the Colorado Supreme Court. During the earliest years of prohibition, the state's highest tribunal made several rulings in favor of individual freedom; but once the bone dry law was adopted in 1918, the principle of enforcement became paramount. The court issued rulings involving interpretations of the prohibition experiment twenty-one times between 1916 and 1933, and eighteen times its decisions tended to bolster strict enforcement.⁷¹

A typical judgment occurred in the case of *Sullivitch v. People*. Unlike the aforementioned ruling of Judge Dunn, which asserted that a private residence could not be searched without a warrant, the state supreme court decided that such

⁶¹ *People v. Kilpatrick*, 79 Colo. 303-06 (Sup. Ct. 1926); *Denver Post*, June 1, 1925, p. 1.

⁶² Interview with Raymond Humphreys, September 15, 1963. The same conclusion is borne out in an interview with Robert Maiden, September 17, 1963. Maiden, a career lawman, was an investigator for the state district attorney's office from 1922 to 1924.

⁶³ *Denver Post*, October 13, 1921, p. 6. See also S. Doc. 307, 1:16.

⁶⁴ Robert N. Annand, "A Study of the Prohibition Situation in Denver" (MA thesis, University of Denver, 1932), pp. 7, 14, 22, 51-55.

⁶⁵ Interview with Raymond Humphreys; also, interview with Robert Maiden.

⁶⁶ *Denver Post*, December 13, 1916, p. 1.

⁶⁷ *Ibid.*, October 13, 1921, p. 6.

⁶⁸ For descriptions of this problem generally see Sinclair, *Prohibition*, pp. 209-14; Asbury, *The Great Illusion*, pp. 168-74.

⁶⁹ *Denver Post*, February 12, 1921, p. 1.

⁷⁰ Interviews with Raymond Humphreys, Robert Maiden, Samuel Finnie.

⁷¹ *Cases Argued and Determined in the Supreme Court of Colorado*, 56-86, Colo. (1913-30).

a search was legal in some instances. In the cellar of a home owned by John Sullivitch, policemen, without a warrant, had uncovered and seized for evidence a vat of mash, an empty tank, and several kegs of whiskey. Sullivitch, upon being indicted, maintained that this evidence was inadmissible because it had been obtained in an unlawful search of his home. Brushing aside this argument, the court ruled that the cellar was not part of the home but, in effect, a commercial distillery and was therefore subject to search without a warrant.⁷² This judgment was significant because it bound civil liberties to the discretion of a court that favored broadening the base of temperance law enforcement action.

The firmness of the supreme court in upholding prohibition enforcement at the expense of civil liberties probably did not find favor with some Denver citizens. Accustomed to the more individual-oriented enforcement and judicial procedures of their own community, these Denverites came to associate temperance reform with tyranny—tyranny to be resisted.⁷³

The longer that prohibition lasted, the less energetic organized temperance activity became. The Wickersham Commission concluded that failure to educate the public to the merits of antiliquor reform was affecting the experiment adversely. In Denver and Colorado this neglect probably contributed to the repeal of the reform.

As early as 1926 and for five subsequent years the Methodist Episcopal Church of Colorado discontinued the traditional practice of allotting time at its annual convention for the report of a standing committee on temperance.⁷⁴ Correspondence from prohibitionists to Colorado governors declined markedly. Before 1927 letters from individuals and groups promoting the antiliquor cause made up a conspicuous share of correspondence received by Governors Ammons, Carlson, Shoup, Sweet, and Morley. After that date such communication was generally lacking.⁷⁵ Membership statistics in temperance organizations provide still another register of prohibitionist zeal during the 1920s and early 1930s. For example, WCTU membership was lower in 1932, the year when Colorado voters repealed prohibi-

tion, than in any of the previous six years. The atmosphere surrounding this decline is revealed in the organization's presidential report, which cites unrest and insufficient funds as serious problems in 1931.⁷⁶

By 1932 the Methodist Episcopal Church was vividly aware of the difficulties besetting the prohibitionist position in Colorado. The church's temperance, prohibition, and public morals committee reported that proliquor strength had been foolishly underestimated. Furthermore, the committee criticized the neglect of temperance forces in educating the public to the value of prohibition. The enactment of the reform alone was not enough to guarantee the experiment's success in Denver and Colorado.⁷⁷ The public as a whole had to accept the merits of the antiliquor cause, and such acceptance could best be fostered by a vigorous program of moral education. But prohibitionists did not follow through in this respect; they tended to rest on their laurels.

While they rested, organized opposition began to emerge. In 1926 a referendum calling for the repeal of prohibition was placed on the state ballot. Although rejected by a count of 154,672 to 107,749, the proliquor vote was sizable. Moreover, the city of Denver supported the measure 36,644 to 32,845.⁷⁸ Clearly, a large segment of Colorado's population was dissatisfied with the "noble experiment." People who simply wanted a drink without interference, citizens disturbed by the diminishing status of law and the loss of civil liberties, doctors resentful over being told how to prescribe medicine, these and others stood together in resisting prohibition.

Throughout the late 1920s and the early 1930s such currents of unrest became increasingly evident. Pamphlets and letters from the Association against the Prohibition Amendment and other groups were directed to Colorado governors.⁷⁹ Denver's city council was requested by the city Home Owners League, which preferred federal enforcement, to repeal municipal prohibition ordinances.⁸⁰ The Colorado Medical Society proposed

⁷² *Sullivitch v. People*, 71 Colo. 376-78 (Sup. Ct. 1922).

⁷³ Interview with Dr. Leslie B. Logan, September 22, 1963. In addition to being a Methodist minister, Dr. Logan was a high ranking official in the national Anti-Saloon League from 1945 to 1949 and president of the Colorado Temperance Federation from 1950 to 1960. Also interviews with Raymond Humphreys, Robert Maiden, Samuel Finnie. This question is considered in Sinclair, *Prohibition*, pp. 214-19.

⁷⁴ Consult the minutes of the annual conferences of the Colorado Methodist Episcopal church, 1910-1931, on file at the Iliff School of Theology Library, Denver.

⁷⁵ See governors' collections.

⁷⁶ Colorado WCTU, *Report of the Fifty-Second Annual Conference of the Colorado WCTU Held in the First Methodist Church, Colorado Springs, Sept. 29, 30, Oct. 1, 1931* (Denver: A. D. Meyer Press, n.d.), p. 42.

⁷⁷ *Year Book and Official Minutes of the Colorado Annual Conference of the Methodist Episcopal Church, Seventieth Session Held in Denver, Colorado, June 3-8, 1932* (Denver: Bowen Pub. Co., 1932), p. 54.

⁷⁸ *Abstract of Votes Cast at the Primary Election, . . . 1926, and at the General Election, . . . 1926*, 3d statistical tip-in.

⁷⁹ Association against the Prohibition Amendment, *England's Solution of the Liquor Problem* (New York: Association against the Prohibition Amendment, 1930) and *Measuring the Liquor Tide* (New York: Association against the Prohibition Amendment, 1929), in Records of the Office of the Governor, William H. Adams, 1927-33, Correspondence, 1929, 1930, Boxes 3, 4.

⁸⁰ *Denver Post*, April 5, 1927, p. 10.



THE NEW DEAL TAKES CHARGE IN WASHINGTON.

On March 4, with the inauguration of Franklin D. Roosevelt as president, as shown above, America went under the New Deal, and most of the economic, social and political events of the year took their color from this event.



HITLER'S RISE.

Adolf Hitler, head of the German Nazi movement, became chancellor of the German Reich on Jan. 30, setting up a new European dictatorship almost at once.



ROUND THE WORLD.

Walter Dill Scott, pictured above, set a



PROHIBITION REPEAL.

The eighteenth amendment to the constitution was formally repealed as of Dec. 6. The country went back to hard liquor and wine. Beer of 3.2 alcoholic content became legal on April 7.

LEGION COMMANDER DENIES DISSENSION

Sidney, Neb., Dec. 30.—Rumors of internal dissension in the Nebraska department of the American Legion over supposed domination of the

PROBE OF DENTIST'S MURDER PROGRESSES

Pasadena, Calif., Dec. 30.—(I. N. S.)—Endeavoring to untangle an amazing series of clues, Pasadena detectives said Saturday "the net has



U. S. AND RUSSIA.

President Roosevelt formally recognized the Soviet government of Russia on Nov. 17, after Maxim Litvinoff, Russian foreign minister (shown here), had come to Washington at the president's request to discuss the matter.



GEORGE KELLY.

THE KELL

changes in the law so that physicians could have greater freedom in prescribing alcohol as medicine.⁸¹ Such expressions of resistance had their impact, but so did the great economic depression that swept America in the early 1930s. How could large enforcement expenditures be justified in support of a law of dubious value at a time when any money was acutely scarce? Could not government revenues from liquor sales be used to lighten burdens of failing businesses and impoverished individuals?⁸²

By 1932 the forces supporting repeal were massive, and once again the question of whether or not state-enforced prohibition should be maintained in Colorado was submitted to the electorate. This time by a substantial margin the voters decided that "on the thirtieth day of June, 1933, all statutory laws of the State of Colorado heretofore enacted concerning or relating to intoxicating liquors shall become void and of no effect."⁸³ Three months after the statewide ballot Denver reaffirmed its antiprohibition commitment by repealing local temperance ordinances.⁸⁴ The actions of Colorado and Denver evidently reflected a general sense of American dissatisfaction with temperance reform, for in December 1933 the Eighteenth Amendment also was repealed. This development removed federal support for the antiliquor experiment and had the effect of terminating the era of prohibition in Denver.

Perhaps the essence of Denver's experience with temperance reform was captured in this general observation of the Wickersham Commission:

It is axiomatic that under any system of reasonably free government a law will be observed and may be enforced only where and to the extent that it reflects or is an expression of the general opinion of the normally law-abiding elements of the community. To the extent that this is the case, the law will be observed by the great body of the people and may reasonably be enforced as to the remainder.⁸⁵

In Denver this requirement was clearly lacking.

JAMES E. HANSEN II is an assistant professor of history at Colorado State University and has been commissioned to prepare a centennial history of that school.

⁸¹ Ibid., January 18, 1931, p. 5.

⁸² Asbury, *The Great Illusion*, pp. 328-30.

⁸³ Colorado Const. art. XXII.

⁸⁴ *Denver Post*, February 10, 1933, p. 1; Denver City Ordinances, ordinance no. 14, series of 1933, March 28, 1933, Denver Public Library.

⁸⁵ H. Doc. 722, p. 49.

Junius R. Lewis and the Golden Chest Mining Company

BY THOMAS L. GREEN

The recent surge of interest in the Black American past has been responsible for the production of an abundance of material dealing with legendary and mundane Black residents in the West. From cattleman Izum Dart to "Aunt" Clara Brown, the Black woman whose cabin housed the first prayer meeting in Central City, Colorado, new figures have taken their places beside the Jim Beckwourths and the Bill Picketts as evidence of the Black presence in the early American West.

Although Colorado was not a focal point for Blacks entering the West during the late 1800s, it did have a sizable Black population. Denver, Central City, and Cripple Creek were bustling towns when Blacks settled in and around them. It is not difficult to understand why Blacks came to an urban center such as Denver. Likewise, Central City and Cripple Creek had their own special attractions. "Buffalo Soldiers," black members of the Ninth and Tenth United States Cavalry, left their posts in the Southwest upon being discharged and sought a living in the area with which they had grown familiar during their soldiering days.

There were other areas, somewhat off the beaten track, that were of interest to Black miners and settlers. Boulder, the university town thirty miles to the northwest of Denver, once had a sizable Black population. As early as 1862 Black children were attending the Boulder school on Water Street. From the end of the Civil War until the close of the nineteenth century, there was a continuous, yet sometimes sporadic, migration into the Boulder area. When the town developed as a center for miners going into and coming out of the adjacent mountains, it became evident that Black miners had just as much of a future in the area as anyone else. But they came as much to escape the searing memory of the past as to seek adventure and fortune.

When the war between the states ended, the people of the South were faced with a seemingly hopeless situation. Their homes and lands were devastated, and more important, the "peculiar institution" was no longer legal. For the ex-slave, life held some acute difficulties. He was free, but free to do what? Some Blacks found shelter with the Freedmen's Bureau, while others chose to cooperate with the carpet-bagger governments that took control of the South. For yet another group of former slaves, the only alternative seemed to be to leave the old South altogether.

Among the Black migrants who turned to the West was Junius R. Lewis. He had served as an orderly with the Confederate forces during the Civil War. Like so many others, he returned to the only home he had ever known and, after locating his family, began a Black man's journey into what is commonly thought to have been the white man's domain.



*Junius R. Lewis
at seventy-four.*

Lewis was born on a plantation near Jackson, Mississippi, in 1842.¹ He lived there with his slave mother for nearly twenty years. While he was still young, his mother instilled in him the belief that his only opportunity for improving his condition was in the free states to the north. When the Civil War began, many slaves escaped and traveled to the land of Lewis' dreams, but Lewis ignored chances for escape in order to help care for his aging mother. However, it was not long before the circumstances of slavery hastened the arrival of his time for escape. "My mother had been sold and I wanted to get to the North where I would be free,"² he said later. His twentieth birthday had not arrived when he decided to leave the plantation.

"It was in the spring of 1862, I think,"³ recalled Lewis. He must have been a hardy young man, able to live off the land. He had traveled more than three hundred miles, presumably on foot, to a point somewhere in the western theater of the war before he was captured. Lewis remembered having "gotten into Kentucky when a neighbor of my owner saw me. He was an officer in the Confederate army and had me arrested."⁴

Lewis was one of many fleeing slaves captured by Confederate troops. The common practice was to put the captured slave to work, and Lewis' case was no exception. Eventually young Lewis was turned over to General William Wing Loring, commander of the Confederate Army of Southwestern Virginia.⁵ After serving General Loring as an orderly for a few months, Lewis was assigned to General Abraham Buford, a huge man who weighed nearly three hundred pounds. Lewis recalled that the "general was so heavy he would wear out a horse in about an hour, and he sure kept me busy bringing up fresh horses."⁶ As the captured slave moved from unit to unit of the Confederate Army, he was transferred to General Joseph E. Johnston's service as a valet. Lewis liked this officer well enough to remember that as "a real soldier and also a real man, he treated his men right."⁷ After Johnston was wounded at the battle of Seven Pines, May 31 to June 1, 1862, Lewis was removed to the service of General John Bell Hood for almost three years. General William T. Sherman brushed Hood aside on his march

through Georgia, and General George H. Thomas destroyed what remained of Hood's force at the battle of Nashville. In April of 1865 Hood marched his small command to Virginia where he joined General Robert E. Lee. According to Lewis, he was with Hood at Appomattox Court House on April 9, 1865, when Lee surrendered to Ulysses S. Grant.⁸

At the war's end Lewis made his way back to Mississippi and, after a tedious search, found his aging mother. Postwar Mississippi proved unattractive to these two ex-slaves. Lewis gathered his few possessions and with his mother traveled west across Louisiana into Texas. Part of the first wave of ex-slaves who left the old South during the early Reconstruction Period, Lewis found that merely existing was no easy task. As they drifted across the state, he supported his mother by working in hotels and doing odd jobs for anyone who would hire him.⁹ In a nameless Texas town Lewis met one of his former commanding officers, the "real man," ex-Confederate General Joseph E. Johnston. Johnston offered to send Lewis to Egypt with a group of former Confederate officers who had agreed to serve in the Army of the Khedive. This incident appears to have occurred in 1868 or 1869.¹⁰ (Lewis may have confused William Wing Loring with Joseph E. Johnston in relating the details of this meeting. Loring was active in the Southwest prior to the Civil War and may have returned to the area to recruit men for the Egyptian expedition.)¹¹ At any rate, Lewis refused the offer. Apparently his mother's health was failing, and he wished to comfort her.

Lewis also taught school while living in Texas.¹² A mulatto, Lewis may have been educated by his master. That, of course, depends upon whether or not Lewis was the offspring of his master and his slave mother, not a remote possibility. One must also consider the fact that it was common practice to educate children conceived by the master and a slave woman. The teaching episode did not last long, and Lewis turned to farming but lost his land when he could not pay the taxes. That parched piece of earth later bore fruit. It lay in the heart of the highly productive Burkburnett oil fields in Wichita County, Texas.¹³

In 1882 Lewis was hired by the railroad and came to Denver.¹⁴ His mother apparently died in Texas, because he does

¹ *Rocky Mountain News*, February 4, 1936, p. 7.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ Loring resigned his commission as commanding colonel of the Regiment of Mounted Rifles of the Department of New Mexico on June 11, 1861, in order to join the Confederate Army. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D.C.: Government Printing Office, 1881), 1st ser. 1:599.

⁶ *Rocky Mountain News*, February 4, 1936, p. 7.

⁷ *Ibid.*

⁸ *Ibid.* *The War of the Rebellion* indicates that Hood was at Appomattox at the time of surrender. In all the records dealing with ex-slaves during the war only one Junius is reported. The practice at that time was to list a slave by his first name. Whether this was Lewis cannot be determined.

⁹ *Rocky Mountain News*, February 4, 1936, p. 7.

¹⁰ *Ibid.*

¹¹ *Dictionary of American Biography*, s.v. "Loring, William Wing."

¹² *Rocky Mountain News*, February 4, 1936, p. 7.

¹³ *Boulder Daily Camera*, July 20, 1938, p. 7.

¹⁴ *Rocky Mountain News*, February 4, 1936, p. 7.

not mention her after coming to Denver. According to *Ballenger and Richards Denver City Directory*, Lewis worked for the Denver, Texas, and Fort Worth until 1896.¹⁵ His tasks varied from custodial duties to cooking and being a porter at the Club Room at 1833 Lawrence. The following six years were spent working for the Pullman Palace Car Company as a porter.¹⁶ For Lewis life began at forty, his age when he came to Denver, and his jobs placed him in an excellent spot for meeting people.

While living in Denver, Lewis became acquainted with several of the city's prominent Black inhabitants. Among them was O. T. Jackson, founder of the "all-Negro" communal farming experiment at Dearfield, Colorado.¹⁷ Another was Dr. M. E. Spratlin, who was named most valuable citizen of the community of Littleton, Colorado, in 1933.¹⁸ His friends also included Dr. Joseph H. P. Westbrook, the man who suggested the name for Jackson's Dearfield colony, and Dr. P. E. Spratlin, brother of M. E. Spratlin and the first Black man to receive the Doctor of Medicine degree from the University of Colorado.

Although Lewis was not the kind of man who chose his friends by the color of their skin, several of his friends were members of an ultra-snobbish set disparagingly known as the "Blue Vein Society," a group of mulattoes light enough in skin tone to show the blue blood traveling in their veins. Black was not beautiful at the turn of the century.

A favorable image of Lewis is held by several of north-central Colorado's octogenarian citizens. One of the original settlers of the Dearfield colony, Miss Jennie Jackson, remembered Lewis' black hair and his handsome face. What puzzled her was that this kind, loving man never married.¹⁹ Well-known Denver musician George Morrison was a young boy when Lewis moved to Boulder, but he too remembers the amiable, middle-aged gentleman.²⁰ The well-preserved Will Hall, over ninety years old, remarked that Lewis looked a great deal younger than he actually was.²¹ Lewis was a robust individual by anyone's standards. But the most poignant memory of Lewis is that of Irving Lingham, who remembers that Lewis loved to hear him make a violin sing.²²

¹⁵ *Ballenger & Richards Denver City Directory* (Denver: Ballenger & Richards, 1892-96).

¹⁶ *Ibid.*

¹⁷ Miss Jennie Jackson, private interview conducted at the Weld County Nursing Home, Greeley, March 20, 1970.

¹⁸ *Littleton Independent*, July 20, 1934, p. 4.

¹⁹ Miss Jennie Jackson, private interview, March 20, 1970.

²⁰ George Morrison, private interview conducted in Denver, April 17, 1970.

²¹ Will Hall, private interview conducted in Boulder, April 18, 1970.

²² Irving Lingham, private interview conducted in Boulder, February 20, 1970. Lingham, a Black man, played in the University of Colorado Orchestra.

The impression of sincerity and affection that Lewis imparted to his acquaintances can best be understood by talking to the children of the family that took him into its heart, the McVeys. John Wesley McVey was one of Lewis' first and dearest



John W. McVey standing (left) in front of his billiard parlor in downtown Boulder.

friends in the Boulder community. Lewis became a partner in the Golden Chest Mining, Milling, and Tunnel Company in 1896 and later worked the mines exclusively.²³ Whenever Lewis came down from the mountains, he stayed with the McVeys. After John McVey died Lewis remained close to the family. Kenneth McVey and Helen McVey Washington recall the old gentleman's visits. He often showed up unexpectedly, but he was always welcome. Even though he suffered from a severe asthma condition, Lewis' stamina was plainly visible as he usually walked the fourteen miles from the mountain town

²³ Trans-America Title Insurance Company, Boulder County, Record Book no. 175, p. 446.

of Sunset to the McVey House at 1718 Water Street (Canyon Boulevard). Occasionally he rode his horse Charlie, a white-dappled swayback that received as much love and affection from the McVey children as did Lewis himself. Lewis always brought a sack of fruit for the children. But whenever Charlie accompanied him down the mountain, Lewis could be sure that the children would share the fruit with the old horse. Lewis was fond of coffee and "cat heads," his label for homemade biscuits. In fact, the McVeys prepared coffee only when the miner was visiting. A common belief among some Blacks and whites at that time was that coffee contributed to the darkness of one's skin. However, Mrs. McVey was an excellent cook, and Lewis thoroughly enjoyed the meals. Meal or no meal, Lewis came to play with the McVey children. Kenneth and Helen McVey have

John M. McVey children. Standing, Hazel, and left to right standing, Helen, Kenneth, and Genevieve.



special memories of Lewis' mountaineer boots because "he would cross his legs and give us a ride on those boots."²⁴

Kenneth McVey could not forget Lewis' pet peeve, the Moffat Tunnel. Lewis never missed an opportunity to express his grief over the taxes he and his fellow miners had to pay to support its construction. Even the constant harangue against "the tunnel" did not cloud the vivid memories of the pleasantness that accompanied Lewis' visits, however.

Lewis was not always as amiable with other people as he was with the McVeys. During his years in Boulder, he was a "loner." His other associates were often a source of displeasure to him. Like so many other mine owners, he was continually struggling to protect his property against claim jumpers. In 1896 Lewis entered a partnership with two other Blacks, George C. Sample and John L. Bell. They purchased the Golden Chest Mine from Edward Gaugia for what later proved to be a bargain price of \$150.²⁵ The mine, located in the Sugarloaf District of Boulder County, remained of secondary interest to Lewis until 1903. In 1907 the Golden Chest Mining, Milling, and Tunnel Company was incorporated and certified by the state of Colorado.²⁶ Shortly thereafter Lewis filed an affidavit in Boulder County Court, stating that he was the president of the Golden Chest Company.²⁷ He then went to work in the principal mines at Sunset on a full-time basis. George Morrison seems to think that Lewis began to devote more time to the mine because "his asthmatic condition was getting more severe and he believed the mountain air would improve his health."²⁸

From the outset Lewis could not have expected to make more than a subsistence living from this venture. The company was to pay him \$2.50 per day for labor in the mine and additional fees for promotional considerations. Due primarily to the tireless effort of the aging miner, the company grew rapidly. The shares of capital stock listed in 1912 were 125,000 with each share having a par value of \$1. Of this amount 62,485 shares were listed as sold. Even when one considers the discrepancy between actual value and par value, the company's existence

²⁴ Helen McVey Washington and Kenneth McVey, private interview conducted in Denver, April 18, 1970.

²⁵ Trans-America Title Insurance Company, Boulder County, Record Book no. 175, p. 446.

²⁶ Secretary of State of Colorado to Henry O. Andrew, attorney for J. R. Lewis, Denver, March 8, 1907, J. R. Lewis Collection, State Historical Society of Colorado.

²⁷ Affidavit, stating that J. R. Lewis has sworn to be the president of the Golden Chest Co., Boulder County, Lewis Collection.

²⁸ George Morrison, private interview conducted in Denver, April 17, 1970. Lewis' severe asthma condition may account for the fact that he never married.



Sunset about 1900.

must have been better than marginal. There were 122 stockholders, placing the average investment in the neighborhood of \$512 per stockholder.²⁹

Nine years after Lewis began working full-time in the mines, the company's debt to Lewis was \$4,223.48 in back wages and fees spent for improvements on the property. However, he continued to work on the property for an additional two years. Aware of the company's debt to Lewis and his intention to sue in order to collect that debt, several stockholders assembled in June of 1915 and subsequently voted to provide the company with new officers.³⁰ Thus, they temporarily deprived Lewis of any right to payment or property. In October of that same year Lewis filed a suit to recover his losses. The legal battle was a long and bitter one. Finally on August 17, 1916, Lewis was awarded a sheriff's deed to the Golden Chest Company. The

²⁹ P. E. Spratlin, M.D., to Board of Directors, Golden Chest Mining, Milling, and Tunnel Co., Denver, May 1, 1912, Lewis Collection.

³⁰ O. T. Jackson to A. J. Broadford, Denver, June 17, 1915, Lewis Collection.

company, under the direction of Lewis adversaries, had failed to comply with a court order to compensate him for the debt owed him by the company.³¹

Litigation concerning the mines did not end with the 1916 decision. Attempts to take Lewis' property continued until 1935. Even before the parting of ways that occurred within the Golden Chest Company, there were challenges from the outside. In 1906 the owners of the North Star lode forced Lewis to settle a property dispute out of court, but this action was insignificant compared to the struggle for possession of the Golden Chest Company.³²

One of the stockholders elected to the new board of directors was Lewis' former friend O. T. Jackson. It is perhaps significant that although Jackson was a Negro, he operated a country club east of Boulder for whites only.³³ Jackson was also elected president of the mining company, but Delia McMenamin spearheaded the court fight to reclaim the mines for the defaulting stockholders. Miss McMenamin was the sister of a Catholic priest, Monsignor "Father Mac" McMenamin of the Denver Archdiocese.³⁴ Very few of Father Mac's Christian ways were apparent in Miss McMenamin's behavior toward Lewis. She was implicated in several questionable activities, including at least one gunslinging episode. In fact, it was not at all uncommon to see the lady carrying a gun.³⁵ There seems to be no clear link between Miss McMenamin and the Golden Chest Company. At one time a John McMenamin was a lessee of the company mines, but it seems he never actually worked on the property.³⁶ Other than the obvious similarity in name, there is no discernible connection between Miss McMenamin and John McMenamin. However Miss McMenamin became associated with the mining company, she relentlessly pressed her countersuit to regain control.

Witnesses in the first hearing against Lewis included O. T. Jackson, Miss McMenamin, and the Reverend Michael Culkin. A newspaper item in the May 8, 1918, edition of the *Boulder Daily Camera* listed all the litigants as "colored." The *Camera*

³¹ Trans-America Title Insurance Company, Boulder County, Record Book no. 150, p. 385.

³² Adverse claim filed by W. Stemmyer and G. J. Sommer against J. R. Lewis and the Golden Chest Co. in the U.S. Land Office, Denver, Lewis Collection.

³³ Kenneth McVey, private interview conducted in Denver, April 18, 1970.

³⁴ John Kulik, private interview conducted in Denver, April 22, 1970. According to Kulik, Father McMenamin was an accomplished geologist.

³⁵ Ibid. Lewis had a cabin along Four Mile Creek. Miss McMenamin burned it down sometime in the mid-1930s.

³⁶ List of leaseholders in J. R. Lewis' hand, Denver, June 1, 1920, Lewis Collection.

reporter was obviously mistaken because both McMenamin and the Reverend Culin were white. Furthermore, in a November 20, 1917, petition addressed to the court, Miss McMenamin stated that she represented thirteen stockholders in the corporation who were "of caucasian blood."³⁷ She also stated that "all the rest of the stockholders, officers and directors of said corporation are Negroes."³⁸ Although this statement was made approximately three years prior to the rise of the Ku Klux Klan movement in Colorado, sentiment against Blacks was high. The comment appears to be a direct attempt by Miss McMenamin's lawyer to appeal to the racial bias of the court.

At what point Caucasian stockholders invested in the company is not clear. When Lewis began the venture, and for several years thereafter, all members of the corporation were Black.³⁹ In her petition Miss McMenamin listed the capital stock of the company at 250,000 shares, "the whole of which is issued."⁴⁰ This is double the amount of shares and, presumably, three or four times the amount of stock listed as sold in a 1912 memo to the directors submitted by Dr. P. E. Spratlin. Miss McMenamin apparently sold company stock to unsuspecting investors without having an actual legal interest in the company.

Henry O. Andrew, a former state senator and a graduate of the University of Colorado Law School, was an acquaintance of John McVey. Anticipating trouble with his partners, Lewis retained Andrew in December of 1914. Andrew and Lewis became close friends, and the Boulder attorney conducted the old gentleman's business affairs until Lewis died.

The McMenamin petition alleged that the Black stockholders had conspired to defraud her white partners.⁴¹ Through a series of legal technicalities, Andrew weakened the plaintiff's case. Then, at the request of the court, he filed a bill of particulars that indicated his client had spent the majority of his time between 1903 and 1914 working in the Golden Chest mines. During that twelve-year period, Lewis received a total of \$3,763.97 for services rendered.⁴² Judge Robert G. Strong agreed that Lewis had performed 2,262 days of actual labor and that he should be paid an additional \$3,350.00 for labor and promotional services.⁴³

³⁷ Golden Chest Company v. J. R. Lewis and Sanford D. Buster, no. 7130, Boulder County District Court, filed November 20, 1917.

³⁸ Ibid.

³⁹ Boulder Daily Camera, May 8, 1918, p. 8.

⁴⁰ Golden Chest Company v. J. R. Lewis and S. D. Buster, no. 7130, Boulder County District Court, filed November 20, 1917.

⁴¹ Ibid.

⁴² Golden Chest Company v. J. R. Lewis, no. 7130, Boulder County District Court, filed February 13, 1918.

⁴³ Golden Chest Company v. J. R. Lewis, no. 7130, Boulder County District Court, filed May 10, 1918.



The view from inside the Golden Chest lode looking northeasterly over Lewis' property. The shaft contains the original tracks.

Judge Strong held O. T. Jackson and the recently elected body of officers responsible for this debt. It was at this point that Jackson decided to devote more attention to the Dearfield colony, and he resigned as president of the company.

Delia McMenamin did not follow Mr. Jackson's example. Next she filed a bill of exception. She also tried to show that Lewis had been awarded the Golden Chest property because of an error made by the county sheriff. In mid-1920 Sanford D. Buster, the sheriff who issued the sheriff's deed on the property, and Lewis were ordered to "show cause, if any, why judgment shall not be reversed" in favor of Miss McMenamin.⁴⁴ In hearing after hearing decisions favorable to Lewis were handed down,

⁴⁴ Colorado, Supreme Court, *scire facias* to J. R. Lewis and S. D. Buster, Denver, May 15, 1920, Lewis Collection.

but the aging ex-slave suffered financially because of the court proceedings. Using the sheriff's deed as proof of ownership, Lewis had received a deed of trust as security for an assumed indebtedness of \$10,000 due at 6 percent interest.⁴⁵ Joseph Burns, the man who gave Lewis the deed of trust, had made several installments when the court intervened. Lewis was ordered to cancel the transaction by returning the deed of trust and repossessing the property. The year was 1920 and Lewis was



The view from the Golden Chest Mine about three miles above Sunset looking northeasterly over Lewis' land.

seventy-eight years old. The loss of the Burns contract meant he was without an income, for, apparently, this was only one of many financially attractive possibilities that had failed to materialize. No money changed hands as a result of the suit by Lewis and the counter-suit by Delia McMenamin.

How valuable was the Golden Chest property? In 1904 and 1906 Lewis was paid \$1,179.00 and \$1,159.10, respectively, for services rendered to the company.⁴⁶ Although it is not certain, it is very likely that this money was a result of profitable digging at the mines. Considering that this represents only Lewis' portion of what was recovered from the mine, one would be compelled to consider the mines productive. It must be noted,

⁴⁵ Trust deed, Joseph Burns to J. R. Lewis, January 31, 1917, Boulder, Lewis Collection.

⁴⁶ Golden Chest Company v. J. R. Lewis, no. 7130, Boulder County District Court, filed February 13, 1918.

however, that returns from these two years are the only indication that the mines yielded substantial quantities of gold during the entire twelve-year period after 1904.

In addition to the deed of trust received from Joseph Burns, Lewis received several lucrative offers from other interested entrepreneurs. Not including the men who invested in the company while Lewis was working the mines, there were nine offers involving the six main lodes on the property. In 1920 W. E. Landen offered Lewis \$30,000 for the Golden Chest and Canton lodes. These lodes comprised more than three quarters of the total company holdings. Unfortunately for Lewis, Landen withdrew his offer because of the McMenamin controversy, and two years later, J. W. McDonald took possession of two of Lewis' cabins at Sunset in order to prevent any unauthorized use of the property.⁴⁷ The lowest offer ever made for the property was \$1,000 when the mines had lain idle for nearly ten years, and Lewis considered the offer closely before rejecting it.⁴⁸

Lewis fell ill in 1930, and his need for money was undeniable. That year B. F. Enos took a lease on all of the property. He submitted a note for \$20,000 payable before October 15, 1931. However, it appears that Enos, like so many prospective buyers, was frightened off by the McMenamin controversy and defaulted. Three years later John Barko and Tony Melnick of Louisville secured an exploratory lease on the property.⁴⁹ Then in 1935 Mr. and Mrs. J. A. Brown applied for a bond and lease to sort and haul away ore with 15 percent of the net profit payable to Lewis.⁵⁰ Lewis and his attorney never abandoned the idea of making Lewis' property pay. Shortly after the Brown offer George Jump and Edward Yates of Boulder requested a lease on the entire Golden Chest group at a suggested purchase price of \$8,000 payable on August 1, 1937.⁵¹ Whether any of these inquiries produced more than slight financial benefits is not clear. It is certain that a considerable number of people thought the Golden Chest property was far from worthless.

For over twenty years Delia McMenamin, jokingly referred to by Henry O. Andrew as Lewis' "best girl," continued to harass the octogenarian and his lessees. In June of 1919 she asked the advice of Assistant U.S. Attorney General R. P. Stewart in an attempt to determine if Lewis had violated any federal mining statutes. He had not. Six months later she ac-

⁴⁷ Lewis to J. W. McDonald, Sunset, August 14, 1922, Lewis Collection.

⁴⁸ Henry O. Andrew to Lewis, Denver, December 9, 1924, Lewis Collection.

⁴⁹ Andrew to Lewis, Denver, October 10, 1930, Lewis Collection.

⁵⁰ Lewis to Andrew, Boulder, April 10, 1934, Lewis Collection.

⁵¹ Andrew to Lewis, Denver, June 26, 1938, Lewis Collection.

The adit and the shack (the original with some new repairs) of the Golden Chest Mine.



cused him of using the U.S. mail to defraud the Golden Chest Company stockholders. Two years later Miss McMenamin appeared at one of Lewis' cabins in Sunset with "a frying pan and a bag of salt."⁵² The lady was well acquainted with the mining laws of the period. She had intended to establish possession of the property by having her goods deposited there. J. W. McDonald, a trustee living on the Lewis property to prevent just such an occurrence, chased the female claim-jumper from the property. McDonald later suggested the cabin be torn down. Prohibition had not been revoked in 1931 when Miss McMenamin supplied Director of U.S. Prohibition John Vivian with false information implicating B. F. Enos, a lessee on the Golden Chest property, in a moonshining operation.⁵³ A full-scale raid resulted in a very embarrassing scene for the revenueurs. Earlier the same year the persistent lady tried to haul away a large quantity of ore mined by Enos. A few shotgun blasts scattered McMenamin and friends, forcing them to leave the booty piled neatly for Enos.⁵⁴ On several occasions Miss McMenamin tried to sell or lease the mines to unsuspecting entrepreneurs. Henry O. Andrew was kept busy refuting unfounded claims made by Miss McMenamin's victims. As late as 1935 she retained a lawyer to present her claim to the entire company.

It is worth noting that during the previous seventeen years Lewis, and Lewis alone, paid taxes on the property.⁵⁵ Today,

⁵² Andrew to Lewis, Denver, June 15, 1923, Lewis Collection.

⁵³ Andrew to Edward Donnellan, deputy district attorney, and R. V. Blums, sheriff, Boulder County, Boulder, April 28, 1931, Lewis Collection.

⁵⁴ Ibid.

⁵⁵ List of property tax receipts paid by J. R. Lewis to Boulder County trea-

if a person pays property taxes for three years without having his claim to that property successfully challenged, he is considered the permanent owner.

For all the time and trouble the Golden Chest Company cost Lewis, it was not his only mining venture. In 1915 and 1916 Lewis and three partners filed certificates of location on three separate claims, the Rainbow Extension, the Golden Standard, and the Clebra. These claims were never involved in the court proceedings between Lewis and his "best girl." In 1929 Lewis listed seven new claims.⁵⁶ These may have been the tungsten mines that Kenneth McVey said Lewis owned. No existing records show the profitability of these claims. Like the Rainbow Extension, the Golden Standard, and the Clebra, they were never patented.

Lewis actually stopped working in the mines in 1921. He moved back to Denver and lived by himself for five years. Early in 1927 the eighty-five-year-old mulatto moved to his former partner's house at 2427 Williams Street. James W. Jackson helped Lewis with his business affairs while his wife acted as Lewis' nurse.⁵⁷ Lewis applied for an old-age pension in 1935 but did not receive one. Apparently he had put aside enough money to provide for a modest retirement. He was not a financial burden to the Jacksons and even paid rent to them.

The asthma condition that bothered Lewis so much when he first came to Boulder appears to have cleared up. However, in 1930 he underwent surgery for a stomach ailment. Helen McVey Washington recalls the amazement expressed by the doctors when Lewis recovered from the operation with no apparent difficulty. He was eighty-eight years old at the time.

In 1936 Lewis impressed a *Rocky Mountain News* reporter with his quickness and accuracy of mind. The reporter stated: "As the former valet recited the story of his army life, the dates and names rolled off his tongue as though they had happened only recently instead of more than 70 years ago."⁵⁸ Lewis' memory was not as good as the reporter imagined, but it was remarkable for a ninety-four-year-old man. When Kenneth McVey remembered visiting Lewis a year or so before he died, it appeared to him that Lewis had begun to show his age. He was

surers: to Amos A. Mahan, October 10, 1921, and March 4, 1922; to Francis P. Beckwith, February 1, 1923, March 12, 1925, March 14, 1927, March 12, 1929, March 7, 1930, October 8, 1932, and May 6, 1933; to H. H. Lennartz, February 23, 1934, Lewis Collection.

⁵⁶ Department of Commerce, Bureau of Mines, Washington, D.C., letter to J. R. Lewis, Denver, 1929, Lewis Collection.

⁵⁷ Ballenger & Richards *Denver City Directory* (1922-37). Also private interview with Helen McVey Washington and Kenneth McVey, Denver, April 18, 1970.

⁵⁸ *Rocky Mountain News*, February 4, 1936, p. 7.

by no means senile, but he was no longer the picture of a man thirty years younger than he actually was.

On July 12, 1938, Junius R. Lewis was admitted to Denver General Hospital with an acute case of influenza. He died four days later. One last violent asthma attack seems to have caught up with him at the age of ninety-six.⁵⁹ Buried modestly in Denver's Riverside Cemetery, Lewis left no known relatives and no will. If a man's estate did not amount to five hundred dollars, no record of it was kept. Any fortune, however meager, that Lewis may have accumulated cannot be accounted for.

Eight years after Lewis' death the Golden Chest Company's five and a fraction acres were awarded to John and George Kulik in the form of a treasurer's deed.⁶⁰ The group of mines, which once attracted an offer of \$30,000, was purchased by the Kulik brothers for \$27.82.⁶¹ It is very likely that the next time the property is sold it will bring a substantial profit to the owner. But for Lewis nearly a century of hard work, both as a slave and a free man, ended with little remaining to represent the man. Apart from legal documents only memories fill the void.

THOMAS L. GREEN, a candidate for the Ph.D. degree at the University of Colorado, Boulder, is an instructor of Afro-American History in the Black Studies Program at the same university.

⁵⁹ Colorado, Department of Health and Welfare, Vital Records and Statistics, July 16, 1938.

⁶⁰ Boulder County, Official Records of the Treasurer's Office, book no. 190, 1946.

⁶¹ Ibid., book no. 188, 1944.

James Fergus in the Colorado Gold Fields

BY ROBERT M. HORNE

In 1833 twenty-year-old James Fergus left his Scottish home for North America, never to return. The ambitious young Scot emigrated for two primary reasons: a belief that his rigid Presbyterian father discriminated against him and, consequently, an assumption that his future was severely limited on the farm.¹ The following sixty-nine years in America provide a colorful illustration of both frontier America and a frontiersman's unusual personality.

After apprenticing three years to a Quaker millwright in Quebec, Fergus immersed himself in extensive travel and self-education. By 1844 he settled in Moline, Illinois, and became a partner in a foundry.² A decade of dedicated labor ruined his health, forcing him to sell and initiating a series of moves either on or adjacent to the frontier.³ Also, during the Moline years he met and married Pamela Dillin. Two girls and a boy were born to the couple in Moline and another girl in Little Falls, Minnesota.⁴

¹ James Fergus to brother Andrew Fergus, n.d. (possibly early 1866), box 3, f. 1, James Fergus Collection, Montana Historical Society Library, Helena, Montana. This article is distilled from the author's unpublished doctoral dissertation, entitled "James Fergus: Frontier Businessman—Miner—Rancher—Free Thinker." The bulk of this dissertation was derived from a fine collection of personal letters and documents, which comprise the James Fergus Papers, housed in the University of Montana Archives, Missoula. James Fergus literally wrote volumes. From his writings emerge a description of the period in which he lived and a picture of a man, vital, colorful, and at times surprisingly unusual. In the attempt to capture the flavor of events and personalities, the author has let James Fergus speak for himself. He and the others quoted in this paper have not been edited in any way, with the spelling and punctuation of all quotations reproduced in the original form. To avoid unnecessary repetition and annoying inconvenience to the reader, "sic" has been omitted in the text.

² James Fergus to Collie Gilpatrick, October 11, 1889, box 11, f. 60; agreement between Sears, Buford, and Fergus found in box 13, f. 15. Both documents are in the James Fergus Papers, University of Montana Archives, Missoula. Hereafter all documents not otherwise designated are in this collection.

³ James Fergus to N. B. Buford, December 29, 1852, box 1, f. 62.

⁴ Sketch of James Fergus by Mrs. Granville (Allis B.) Stuart, July 13, 1942, Montana Historical Society Library.

After selling the foundry and dabbling in a paper mill, Fergus cast about for new business horizons. A six-week investigation of East Coast industry failed to attract him; and after rejecting several offers of partnership, James moved his family to Saint Anthony Falls (later Saint Paul), Minnesota Territory, in 1854.⁵ Thus, Fergus looked to the frontier, a trait he maintained much of his life, casting his lot with this Mississippi River village about three hundred miles above Moline.

Fergus had succeeded in Moline. Such was not the case at Little Falls, where he failed in his attempt to promote a lumber mill in that virgin land; also, his efforts at town speculation fell victim to a combination of national depression (1857), drought, and flood, in addition to ill-advised business decisions.⁶

The Little Falls disaster ate up most of his savings and desire to continue in that line of business. Unable to enlist in the army because of his age or to raise a company for the Minnesota Fifth Regiment,⁷ Fergus turned his energy to the Pike's Peak gold fields, leaving his wife and four children for the Colorado mountains in the spring of 1860.⁸

With the nation edging out of a depression and teetering on the brink of a disastrous civil conflict, thousands of argonauts surged to Pike's Peak in search of quick wealth. Fergus yielded to the temptation of "easy" riches and joined the tide. After reaching the best settlement possible with his former business associates, he traveled south by steamboat and railroad to Omaha, taking about fifteen days. Supplied with \$330 in cash

⁵ James Fergus to Pamela Fergus, July 1853, box 21, f. 3; James Fergus to father, January 6, 1854, box 11, f. 55.

⁶ Agreement between William Sturgis, Calvin A. Tuttle, and James Fergus, February 5, 1855, box 20, f. 7; James Fergus to Dr. E. A. Wood, Sabula, December 25, 1856, box 11, f. 59; James Fergus to father, September 30 and November 1, 1857, box 11, f. 55; James Fergus to *Little Falls* (Minnesota) *Herald*, n.d., Oscar O. Mueller Collection, Montana Historical Society Library, Helena; James Fergus to James Hall, February 9, 1859, box 11, f. 56; James Fergus to C. A. Tuttle, December 26, 1859, box 21, f. 1.

⁷ Ignatius Donnelly to James Fergus, November 1, 1861, box 2, f. 61; James Fergus to Ignatius Donnelly, October 30, 1861, roll 9, Ignatius Donnelly Papers, Minnesota Historical Society Library, St. Paul; Alexander Ramsey, governor of Minnesota, to James Fergus, November 14, 1861, box 7, f. 66.

⁸ James Fergus to William Fergus, March 14, 1860, box 11, f. 57; memo, James Fergus to Pamela Fergus, March 26, 1860, box 17, f. 16.

⁹ Memo, James Fergus to Pamela Fergus, June 22, 1862, box 17, f. 19.

¹⁰ Pike's Peak Company Record Book, James Fergus, secretary, March 4, 1860, box 25, f. 2; James Fergus to Pamela Fergus, April 29, 1860, box 17, f. 16.

¹¹ James Fergus to Pamela Fergus, April 13 and 29, 1860, box 11, f. 57, and box 17, f. 16.

¹² *Ibid.*, May 12, 1860, box 17, f. 16. That fall Fergus indicated his desire to bring the family out the following spring. He then planned to stay about three years, as "I don't see how I can make much money short of that time," and he wanted the children to see the scenery for "the mountain air will do them good" (*ibid.*, November 25, 1860, box 17, f. 17).

¹³ James Fergus to William Fergus, December 1, 1861, Mueller Collection; James Fergus to Pamela Fergus, June 10, 1860, box 17, f. 16.

¹⁴ Breckenridge was located on the headwaters of the Blue River on the Western Slope of the Continental Divide, then in Utah Territory.

and furnished with \$170 in equipment—teams, wagons, and provisions—he pronounced himself ready to cross the plains.⁹

After providing his wife Pamela with written advice, Fergus had left Minnesota confident and well organized, for he and three others—O. J. Rockwell, Saul Bosworth, and James Dillin, Pamela's brother—had formed the Pike's Peak Company of Little Falls. The three partners drove wagons to Omaha, where Fergus joined them. By April 29 they had advanced about three hundred miles up the Platte River from Omaha, half way to Denver with one hundred miles beyond that to the mines—roughly thirty days of additional travel. James thought that they had moved ahead of most travelers since there were "probably not more than 1000 teams ahead of us."¹⁰

The Fergus party consisted of the four partners and four travelers. James described the group: "We have three yoke of cattle, and a load of over 4500 lbs. on our wagon, being 9 bbls of flour, 350 lbs. of side bacon, 100 lbs. of dried beef, beans, sugar, tea, tools, clothing, bedding and cooking utensils." After informing Pamela that he would not write again, because of a lack of mail service, until they reached the mines, he added: "We have to walk all the way and after walking 20 miles helping about the teams fixing tents looking for grass and water hunting a little etc. we are generally tired."¹¹

James had hardly reached the mines when he informed Pamela of his plans for them to leave Little Falls, probably within a year. Therefore, he urged her to sell what town lots she could but to tell no one of their potential move.¹²

After arriving at Pike's Peak Fergus and his party explored the diggings and finally bought two claims for \$400 in cash, cattle, and flour "on the west side of the Snowy Ridge or Pacific Slope."¹³ James calculated it cost them about \$500 in time and money to locate. Next they secured town lots in Breckenridge and built a cabin.¹⁴ Trying to improve their probability of

Breckenridge in the 1860s.



success, the partners during June and July fanned out and staked claims in promising areas. By September Fergus was serving as recorder for the Cannon Mining District on Clear Creek, Utah Territory.¹⁵

James had been there only a short time when he could see that too many had come from the states. Many, in fact, turned back before getting to Denver; numerous others left the mines, disappointed and broke. A very few realized \$50 a day per man. Fergus remained bravely optimistic, for "I may be disappointed but I came here to make money and I mean to do it before I go back if possible. It will only require time, patience and some energy."¹⁶

Mining, Fergus soon discovered, required more than casual amounts of time, patience, and energy. "The fact is it is confounded hard work picking and shoveling gravel all day in this confounded cold water." Also, unless one partner stayed at the cabin to cook, they had to rustle food after putting in a long, hard day. Before quitting in disgust, Fergus reported that "my clothes are about all worn out except my shirts, but I still have hopes of making my pile. I am working very hard as much as 16 hours a day Sundays and all."¹⁷

Even by early July of that first summer the mountain streams remained so full and swift that they could do little panning. James quickly identified fall as the best season to mine and concluded: "It is very uncertain whether I shall come home this winter at all (if I do it will be late) unless compelled to by business. I came here to make something for my family and I will do it before I leave the mountains entirely."¹⁸ Thus, Fergus, like so many others before and after, even though mining only a few weeks, realized quick wealth would take some time and considerable energy, determination, and luck. He reluctantly told his disappointed family, therefore, that what he had intended to be a summer's adventure would require at least a year more than anticipated.

The problem, of course, was not just locating and extracting gold from rushing mountain streams or quartz veins, but it meant overcoming physical and emotional obstacles. Hundreds

¹⁵ James Fergus, Little Falls Company, notes and accounts notebook, July 13, 1860, box 24, f. 6. Lodes included Peterson, Rockwell, Dillin, Randall, Fall River, Fergus & Minnesota. See recorders' notes, September 12, 1860, Cannon Mining District, Clear Creek, Utah Territory. Fergus was confused here, for if he had crossed to the east side of the divide, he was then in Kansas Territory, not Utah. This whole area became Colorado Territory early in 1861. See Percy Stanley Fritz, *The Centennial State* (New York: Prentice Hall, 1941), pp. 185-87.

¹⁶ James Fergus to Pamela Fergus, June 10, 1860, box 17, f. 16.

¹⁷ Ibid., January 30, 1861, box 17, f. 18.

¹⁸ Ibid., July 1, 1860, box 17, f. 16.



An on-the-spot sketch of a street in Gregory Gulch made on March 24, 1860.

of miles from the edge of civilization, the men struggled with crude tools, temporary housing, and just enough food to keep them strong enough to swing a pick; for physical necessities remained secondary to the flurry and excitement of getting rich. When they first arrived, Fergus confessed:

We are now reduced to bread, bacon, and beef, varied by corn cake, beans, rice, etc. We would like a few potatoes, some pudding and milk, pies cake so forth, but they are not in our bill of fare. So we content ourselves by cooking what we do have, better than the women do, and make the rest up in keen appetites.¹⁹

Later, after settling into the mountain routine, Fergus described their menu this way:

The principle living here in the mountains is bread and bacon, or bread and beef. Those who live in the thickly settled part of the mines or in the towns can get plenty of beef at a low price, from 8 to 14 cts, but those who live on the frontier, or are prospecting, have to depend principally on bread and bacon. Sometimes a few dried apples stewed. Occasionally we get some corn meal and make mush, and fry it again when cold. Sometimes we have beef soup, and again bean soup, and those living in Denver or at the Gregory Diggins get all the vegetables they want now. They were raised on the Platte Valley last summer and are quite plentiful and of good quality.²⁰

While ill health had forced him out of the Moline foundry and he had left Little Falls partially for the same reason, Fergus

¹⁹ Ibid., May 12, 1860, box 17, f. 16.

²⁰ Ibid., September 28, 1860, box 17, f. 17.

seemed to rejuvenate in the mountains. Despite the fact that he abused himself with punishing sixteen to eighteen hour days and an imbalanced diet, he suffered little sickness and his health improved. His only illness came that initial fall when he became sick for three days and nights; his friends insisted it resulted from a forty-five-mile walk the previous day; Fergus blamed too much bread and bacon compounded by a lack of good fruits and vegetables.²¹

Of course, Pamela expressed concern and suggested that he get "some mustard and grate it into some fresh lard or seed oil. This is what cured you in a short time when we were in Rockland. Be careful about lifting heavy things." She later urged him not to save all of his money if it meant going without for them. He should get warm clothes, as his family valued his health more than money.²²

The isolation led to other problems, including erratic mail service, which caused depression among the men. When they first arrived at Denver, the letters had to be carried by express, expensive at twenty-five cents each. Consequently, James encouraged Pamela to send fewer letters but to write more in each.²³

But cost became secondary to the concern created by irregular and undependable mail delivery. The problem existed on both ends with resulting worry about each other's well-being. James considered it his duty to keep his family informed of his activities and health, and despite fatigue or multiple tasks he found time to write at least once each week. Fergus expected his wife to do the same. When he received little response, he worried a good deal that first summer and fall. By late July he still had received few letters from Pamela; he complained: "Another week has passed away and still no letters from home. My letters to you may share the same fate but still I write."²⁴

The situation continued to be frustrating, with sporadic delivery of letters through the fall. Pamela complained of similar problems in Little Falls. She wrote George Stephens, Fergus' former Moline business partner and a close family friend, that she had received no letters in a month and was worried. Learning this, James responded:

Without keeping an account of the number I think I must have written you over twenty letters since I left home, having

²¹ Ibid., October 10 and November 23, 1860, box 17, f. 17.

²² Pamela Fergus to James Fergus, November 22, 1860, and April 7, 1861, box 3, f. 25-26.

²³ James Fergus to Pamela Fergus, May 12, 1860, box 17, f. 16. A year later the rate was ten cents a letter (June 10, 1861, box 11, f. 57).

²⁴ Ibid., July 30, 1860, box 17, f. 16.

written you when convenient one letter each week, and in no case that I recollect has the time exceeded two weeks. I have had the same kind of experience in receiving your letters, having been weeks without receiving a letter and then receiving several at a time months after they were written.²⁵

Some families left in Minnesota were not so fortunate, for many other men did not write as often, if at all. One distraught Sauk Rapids wife pleaded with Fergus to provide information about her noncommunicative husband:

I do not know what has become of my husband. I have not heard from him since last September, then he told me he would start home the first of October. I am in a suffering condition without anything to help myself with. My children are sick and destitute and as you know how I must feel, I hope you will lend me aid in trying to find where he is, as I am afraid he is dead, but if he is in the land of the living, I should be very glad to know of it.²⁶

Indians constituted another serious problem, at least psychologically; and, while miners were not often under attack, the constant threat remained. The observant Fergus held much respect for the Plains Indian:

One great trouble is the Indians which although apparently peaceable and friendly are very different from our Minnesota Indians. They are in their own country here, in their own native plains and mountains, while the whites are trespassers. They are well mounted on active Mexican and American horses, are well armed and altogether sassy fellows. They don't go (so far as I have seen them) in small bands but in large companys, and from there constant use of the saddle and rifle I think 100 of them could whip 500 of our miners many of whome scarcely ever fired a rifle in there lives. When we left Omaha the first Indians we saw were the Pawnees, then the Omahas, then the Souix, then the Cheyennes, then the Arrapahoes and now the Utes in the Mountains.²⁷

Fergus not only wrote his family often but, even in the distant Colorado Rockies, concerned himself about his children's welfare. He had been in the mountains only a month when Pamela urged him to send the two older girls, Agnes and Luella, to school in Moline, for "our little children must get all the learning that is possible. We have school about six weeks here then we will probably have no more until winter." Pamela thought the girls could stay with the George Stephens family and earn their board and room; otherwise, James could pay the expenses.²⁸

²⁵ Ibid.

²⁶ Mary A. Paul to James Fergus, fall 1861, box 9, f. 3.

²⁷ James Fergus to Pamela Fergus, July 1, 1860, box 17, f. 16.

²⁸ Pamela Fergus to James Fergus, June 10, 1860, box 3, f. 25.

Fergus agreed to the suggestion, as did Stephens, and the older girls attended school in Moline that year. Andrew, about ten years old, stayed with his mother in Little Falls but received little education the next few months since the school met only sporadically. Lillie, too young for school, remained at home keeping her mother company.²⁹ The two girls spent the summer of 1861 in Little Falls and ultimately returned to Moline for additional classwork, until James brought them home with him late that year.³⁰

Before Fergus had left for the mountains, George Stephens, D. B. Sears, and William Lee, all of Moline, had talked of forming a company to mine gold and recover it in quartz mills. They



A sketch of Gregory Quartz Mill made on April 21, 1860.

had planned to send James to the Peak to report back concerning the potential of such a venture.³¹ James had been in the mountains only two months when he became increasingly convinced of mining's highly unstable nature; but if Stephens would send money for a quartz mill, James nevertheless agreed to initiate such an operation. Stephens encouraged such thinking and urged Fergus to buy a mill from a discouraged miner, saving freight charges; in fact, he thought it would cost less than the freight charges.³² Stephens, however, expressed concern for the

²⁹ George Stephens to Pamela Fergus, September 2, 1860, box 17, f. 31; Pamela Fergus to James Fergus, February 16, 1861, box 3, f. 26; June 2, 1861, and September 6, 1861, box 3, f. 26.

³⁰ Agnes Fergus to James Fergus, December 2, 1861, box 5, f. 24.

³¹ George Stephens to James Fergus, January 26, 1860, box 10, f. 24.

³² James Fergus to Pamela Fergus, July 22, 1860, box 17, f. 16; George Stephens to James Fergus, August 22, 1860, box 10, f. 24.

venture and encouraged Fergus to investigate carefully before buying the mill, because "you had better be fully satisfied as to the richness of the quartz so that there may be no failure, but a sure thing of any arrangements that we may go into."³³

James considered it a good investment and in December bought one-third interest in a six-stamp quartz mill in Mountain City, placing \$1000 down and promising to pay the remaining \$833.33 as the mill started paying. He agreed to manage the mill that winter but thought he could make more if he owned it alone. Stephens thereafter sent the promised \$1000.³⁴

Fergus and Stephens discovered, however, that wealth did not necessarily follow, even if "fully satisfied as to the richness of the quartz." Fergus offered this description:

The next claim to ours was the discovery (that is the claim or place where the vein was first found—claims are 100 ft on the vein) and yielded over \$600 to the cord of quartz. My friends thought I had a good thing, several of them wanted to take an interest with me. Well instead of ours yielding over \$600, the greatest yield we got was \$17½, which resulted in my losing my \$1000, \$100 that I had left of my own and five months very hard labor, often working 18 hours out of the 24.³⁵

Thus, Dame Fortune again turned on Fergus. Still optimistic in February 1861 he wrote Pamela that "I have made no money yet but the prospects ahead are far better than any time since I came to the mountains. . . . I am pretty sure certain now of making my pile before leaving the mountains for good." By spring, though, he yielded to pessimism when failure seemed imminent.

I never worked so hard in all my life nor lived so poor and I will not do it any longer if I never make anything. I have not complained any of what people usually call *bad luck* but some times I think my cup of misery and misfortune is full. And that not being able to get any lower, every change I make must be for the better, which makes me hope on.³⁶

George Stephens became increasingly concerned about the quartz mill operation; and, though Fergus had discouraged him from coming, George crossed the plains, arriving in early summer. He found the mines depressed and the mill in debt so returned to Moline shortly thereafter.³⁷

³³ George Stephens to James Fergus, September 2, 1860, box 10, f. 24.

³⁴ James Fergus to Pamela Fergus, December 1, 1860, box 17, f. 17; George Stephens to James Fergus, January 1, 1861, box 10, f. 24. The mill was apparently located in Mountain City, Gilpin County, then in Kansas Territory, though Fergus thought it to be Utah.

³⁵ James Fergus to William Fergus, December 1, 1861, Mueller Collection.

³⁶ James Fergus to Pamela Fergus, February 10 and April 25, 1861, box 11, f. 57.

³⁷ Ibid., April 16, 1861, box 11, f. 57; James Fergus to William Street, July 21, 1861, box 11, f. 57.

By this time Pamela had been without James, raising their children and wrestling with business problems, for over a year. Though the two older girls spent much of the year in Moline, Andrew, aged ten, and Lillie, three, remained at home.³⁸ Pamela's mother came to help. While they lived in a secure house with adequate food and money, Pamela soon complained of poor health and mental depression, though she realized that "in reality we had not ought to complain. Other husbands go away and leave their familys destitute and not even write once in three or four months that is worse than my troubles. We have a plenty at present and a good warm house and plenty of wood." Her income seemed to come from several sources: what James left, debts others paid her, selling butter and eggs, and income from their former store.³⁹

Pamela struggled to conclude her husband's business affairs, then worried to James, who tried to reassure her. He insisted his absence was to her advantage as it would increase her self-confidence. He tried to encourage her and to rationalize his absence:

I think you have done first rate. My going away has and will be a great benefit to you, by throwing you on your own resources and leaving you to do business for yourself. . . . Do not fret and worry your self about business. Do the best you can, use your own judgement, then if necessary consult your friends. Then do as you think best [but] don't let everybody know your business.⁴⁰

Though James wrote often giving Pamela advice concerning land, livestock, and children, he insisted: "I cannot give you advice about any particular thing, because it is so long before I get your letters and you get mine."⁴¹

By February 1861 Pamela's problems had not lessened, even though she had her mother and sister living with them. She confessed her loneliness to James, who responded: "You may think your lot hard, if you was here you would find it harder."⁴² Later that spring Pamela, after relaying information concerning business, the children, and their financial situation, insisted she cared more for him than potential wealth. "You must come home next fall and make a home for us in Illinois or Iowa and we never can spare you to [go] back their again as

³⁸ James Fergus to William Fergus, December 1, 1861, Mueller Collection.

³⁹ Pamela Fergus to James Fergus, July 4, December 23, and December 28, 1860, box 3, f. 25-26; also, undated letter from Pamela to James, box 3, f. 29, and May 1860, box 3, f. 25.

⁴⁰ James Fergus to Pamela Fergus, October 10, 1860, box 17, f. 17; Pamela Fergus to James Fergus, April 22 and August 18, 1860, box 3, f. 25.

⁴¹ James Fergus to Pamela Fergus, November 23, 1860, box 17, f. 17.

⁴² *Ibid.*, February 10, 1861, box 11, f. 57.

Bosworth has done it." Clearly, Pamela did not want James to continue risking his health and the family's well-being for elusive riches. She opposed additional prospecting and preferred to have him rejoin the family and remain with them, whatever their status. She probably hoped to relocate the family in a more civilized area, such as Illinois or possibly Iowa, certainly not farther west onto the spacious plains. In addition, she cautioned him against overwork:

Now father don't work so hard the day is quite to long for you to labor in your old age don't get to much business on hand. I cannot bare the idea of you leaving your bones their you say you still hope to make your pile if you should happen to find a streak of luck don't be to greedy and never get home you are very energetic and don't seem to think. [Our] time is short here at best now I want to enjoy you and our little children riches I do not want enough to be comfortable is all I ask. . . . Now Fergus get you some warm cloths try and be careful of your health you say your cloths are about worn out.⁴³

In many ways Pamela bore the heavier burden, for she shouldered the responsibility of raising the children and trying to salvage something from a splintered business, though understanding little of its operation. The problems must have seemed enormous to her at times—for example, when C. A. Tuttle raged into Little Falls shortly after James left, accusing him of robbery and demanding the company books and immediate compensation, or when the Mississippi flooded again, tearing out the southeast corner of the mill and washing it downstream.⁴⁴ In addition, there were the assessments to pay, debts to collect, and town property and livestock to manage. All this with the constant, nagging uncertainty as to her husband's whereabouts and well-being led to worry and loneliness, despite the presence of mother and sister.

James took note of this and tried to reassure Pamela: "I see that you are somewhat discouraged and have the blues . . . but keep up good spirits, advise yourself as well as you can."⁴⁵ Still, Pamela exploded:

Now Fergus I do not know what to say about your business here in your town. Our county taxes are not payed yet nor won't be if I do not watch it. You had better come home and do something with this property it is good for nothing. The taxes are \$40 and the whole thing is not worth that amount.

And later she wrote: "I know you hate to put your hand to the plow and look back but I don't see anything here to live for not

⁴³ Pamela Fergus to James Fergus, March 2, 1861, box 3, f. 26.

⁴⁴ *Ibid.*, April 17 and June 10, 1860, box 3, f. 25. Tuttle was a former business partner.

⁴⁵ James Fergus to Pamela Fergus, July 10, 1861, box 17, f. 18.

even a school," indicating again that she preferred leaving Little Falls, hopefully for an area that at least had schools.⁴⁶

James also had little to celebrate as the spring sun melted the snow in 1861; the previous winter had proved their quartz vein to be worthless, and the surrounding mines did not produce enough to enable the mill to profit. Besides, though Pamela wrote faithfully, mail remained irregular; late in April Fergus had received no letters for two weeks, disappointing him and leading him to confess that "I feel a little lonesome."⁴⁷ Mining activity usually quickens with spring warmth, but that year their quartz vein spawned little activity and the mill stood idle. Production determined value. Since the property brought no yield, it had diminished worth and could be sold for little or nothing. Fergus in a letter written the following winter described the rise and fall of Mountain City:



During the preceding eight months a large town had grown up with some 10 stores two hotels theatre masonic Hall. Six quartz mills in the two months after I left it was all deserted and not one man at work on that quartz vein. Such is gold mining in the Rocky Mountains. After losing all I had . . . in this milling and mining operation I went off west some two hundred miles to the Snake Mountains.⁴⁸

⁴⁶ Pamela Fergus to James Fergus, July 8 and June 25, 1861, box 3, f. 26.

⁴⁷ James Fergus to Pamela Fergus, April 25, 1861, box 11, f. 57.

⁴⁸ James Fergus to William Fergus, December 1, 1861, Mueller Collection.

Fergus became increasingly disgusted, for he found no trace of quartz in the "Snake Mountains." Still, he expressed an interest in returning the following year. "But the longer I stay here the poorer I get. I believe there are more broken men in these mountains than in Minnesota, at least one out of every four mills are laying idle."⁴⁹

If Fergus possessed one characteristic in abundance, it was persistence. Late in July partners William Lee and George Stephens, discouraged with the entire situation, had left for the States. They had encouraged Fergus to return, offering him free transportation, with the idea that he could clear up his Little Falls problems. He had refused, though he planned to return later that fall, for he wanted to remain through the good mining months and allow every potential for discovery.⁵⁰

Although he had promised Pamela he would come home that fall, and planned to do so, James still flirted with the idea of staying that winter. But he was becoming increasingly lonely:

I have received but one letter from you in four weeks, that was two weeks ago and none from George Stephens or the children (in Moline) since George left here. That together with no prospects of making anything before it is time for me to come home makes me feel rather lonesome. I could do something I think if I was to stay here this winter but I promised you I would come home and I will.⁵¹

Broke and discouraged, James had to abandon prospecting and work as a millwright to earn the money for his return trip. Still, he hoped to return to the mountains the following year, for:

I have made up my mind that unless business is better in Minnesota than I think it is, or that I can get into something there that I can make something at I will try and get back here next season either with or without my family and go into some steady business with some of my friends or if I can't do that to go into mill [work].

While a return to Little Falls would alter these plans, Fergus kept his promise to Pamela and left for home by mid-September.⁵²

Like uncounted numbers of fifty-niners, James Fergus had retreated from the mineral-rich Colorado Rockies with an empty poke and a disappointed heart. It may be noted, however, that

⁴⁹ James Fergus to Pamela Fergus, July 10, 1861, box 17, f. 18.

⁵⁰ Ibid., July 24, 1861, box 17, f. 18. Stephens later refused to accept James' payment of the \$1,000, insisting that he had worked very hard in Mountain City and Black Hawk City. While Fergus did not strike it rich and return the investment, it had not been his fault (George Stephens to James Fergus, March 23, 1875, box 10, f. 26).

⁵¹ James Fergus to Pamela Fergus, September 1, 1861, box 17, f. 18.

⁵² Ibid., September 8, 1861, box 17, f. 18.

Black Hawk Point and adjacent Mountain City, where Fergus had a claim and a quartz mill, lay between Black Hawk and Central City in the heart of Gilpin County, which yielded fortunes in gold after a liberal application of foreign capital and knowledge mixed with scientific training. Fergus, unfortunately, lacked both so failed.⁵³

On his way back to Little Falls James stopped in Moline to visit the Stephens family and to pick up Agnes and Luella, who had returned for additional education. The three lingered in Saint Paul to spend the day with Ignatius Donnelly, then the lieutenant governor of Minnesota.⁵⁴ Thus Pamela and James were reunited after being separated for a year and a half.

Fergus had been back in Little Falls only a few days when he wrote his younger half-brother in Scotland these thoughts in relation to his health:

In every respect except making money it has been beneficial to me (the Colorado trip), in that most summers when I went away my system was prostrated by too close an application to business. Now my health is excellent. I can stand almost any amount of fatigue. Although I have done some of the hardest work I ever done in my life, fared the hardest, slept much of the summer time out of doors in the open air, often on the mountains among the snows, carrying from 20 to 70 lbs of provisions, tools, blankets, etc. for days.⁵⁵

James saw dim promise in Little Falls, for the depression still clung to the frontier. Consequently, in the spring of 1862 he joined the Fisk Expedition for the Rocky Mountain gold fields, again leaving his family in Minnesota.⁵⁶ He found enough gold in Alder Gulch (later named Virginia City, Montana) to bring the family west in 1864⁵⁷ and subsequently to establish a small ranch, produce farm, and stage station in the Prickly Pear Valley near Helena, Montana.⁵⁸

⁵³ Rodman W. Paul, *Mining Frontiers of the Far West, 1848-1880* (New York: Holt, Rinehart & Winston, 1963), pp. 114-34. Mountain City and Black Hawk Point were close as evidenced by letters of October 10 and September 28, 1860 (box 17, f. 17) sent from "Mountain City, Gregory Diggings" and several letters from "Black Hawk Point." See letters of May 25, September 1 and 8, 1861 (box 17, f. 18).

⁵⁴ James Fergus to *Fergus County Argus*, n.d. (shortly after Ignatius Donnelly died in 1901), box 21, f. 5.

⁵⁵ James Fergus to William Fergus, December 1, 1861, Mueller Collection.

⁵⁶ U.S., Congress, House, *Captain James L. Fisk's Report of the Expedition to Escort Emigrants from Fort Abercrombie to Fort Benton, and to Fort Walla Walla*, Exec. Doc. no. 80, 37th Cong., 3d sess., March 2, 1863, p. 6.

⁵⁷ James Fergus to Pamela Fergus, October 18, 1863, box 17, f. 20; S. C. Stein to James Fergus, April 8, 1864, box 10, f. 20; Fergus notebook, 1862-69, entry of September 2, 1864, box 25, f. 2.

⁵⁸ James Fergus to Dr. E. A. Wood, December 25, 1866, box 11, f. 59; deposition by James Fergus, June 11, 1896, box 13, f. 20; James Fergus to R. S. Hamilton, September 9, 1866, box 11, f. 57; hotel license receipts issued to James Fergus by the territory of Montana for the years 1875 to 1880, box 12, f. 34-36 and 38 and box 13, f. 23.



James and
Pamela Fergus
in the
mid-1880s.

In 1880 the sixty-seven-year-old Fergus sold his ranch and stage station and, with his wife and only son, crossed the mountains onto the raw central Montana plains.⁵⁹ Thus, at an age when most men retire, he initiated a new life, struggling the next twenty-two years to claim the undeveloped rangeland from buffalo, Indian, horse thief, and natural disaster.

James Fergus died a confirmed agnostic in 1902,⁶⁰ after fifty years of attacking organized religion and of criticizing hypocritical Christians. This religious stance severely strained the relationship with his old-world family: an older brother disinherited James, another refused to communicate for years, and peace was maintained with a younger-half brother only by avoiding the subject of religion.⁶¹

⁵⁹ James Fergus to Theodore Lindsay, 1884, box 11, f. 59; James Fergus memo, June 30, 1880, box 12, f. 39.

⁶⁰ Wilbur Fisk Sanders to R. S. Hamilton, March 7, 1902, manuscript case, b.f. 38, Fergus Collection, Montana Historical Society Library; James Fergus, rough draft to unidentified friend in Scotland, n.d. (probably late 1890s), box 14, f. 3.

⁶¹ James Fergus to Judge Richardson, September 3, 1897, box 21, f. 4, scrap-book, p. 97; James Fergus to Robert Fergus, December 4, 1894, box 11, f. 62; William Fergus to James Fergus, January 1, 1877, box 3, f. 31; *ibid.*, January 13, 1866, box 3, f. 32.

During his forty years in Montana James also became active in government, both on a local and a state level. He was the first deputy recorder of the Alder Gulch Mining District, in addition to being one of the first county commissioners of Madison County; later he held the same position in Lewis and Clark County.⁶² He also was elected to the 1879 Montana house of representatives, the 1885 territorial council (senate), and served in the 1884 constitutional convention.⁶³

While Fergus held typical pioneer traits—such as his enormous faith that hard work on the opportunity-laden frontier would produce great rewards—he displayed the unusual characteristic of continually expressing himself on paper. His large personal correspondence (he claimed receiving one thousand letters a year) was augmented by years of writing for newspapers.⁶⁴ Fergus' interest in science and religion, among other topics, is reflected in his large private library and the numerous newspapers and magazines that he received each month until his death.⁶⁵

James Fergus died at the age of eighty-nine, the president of a large, central Montana, cattle company. He had long since abandoned active prospecting, but during his latter years James invested in a local quartz mine.⁶⁶ Even to a frugal old Scot, the flame of quick wealth, first ignited in the Colorado Rockies forty years before, died slowly.

DR. HORNE is an assistant professor of history at Valley City (North Dakota) State College. He received the Ed.D. degree from the University of Montana.

⁶² James Fergus to Pamela Fergus, July 5, 1863, box 11, f. 58; Governor William B. Daniels, territory of Idaho, to James Fergus, February 6, 1884, box 5, f. 30; official notice of Fergus' appointment, June 17, 1869, box 13, f. 16.

⁶³ *Helena Daily Independent*, January 14, 1879; Fell and Vrooman, proprietors, *Mineral Argus*, to James Fergus, November 15, 1884, box 7, f. 64; Montana Secretary of State, Proceedings of daily sessions of the records of the Montana Constitutional Convention, 1884.

⁶⁴ James Fergus to Calsey Watson, *Fergus County Argus*, February 27, 1898, box 11, f. 64; James Fergus to Dr. E. A. Wood, December 25, 1866, box 11, f. 59.

⁶⁵ James Fergus to Elmer E. Adams (December 14, 1898?) scrapbook, p. 99, reprint from *Fergus Falls Daily Journal*, box 21, f. 4; James Fergus, book inventory, 1894, box 14, f. 5.

⁶⁶ James Fergus notes, special meeting of the Fergus Live Stock and Land Company, December 2, 1901, box 19, f. 58; Sten Hanson to James Fergus, May 20 and February 7, 1893, box 6, f. 3.

First Ladies of Colorado: Nellie Martin Orman

BY HELEN CANNON

Colorado historians in reviewing the life and accomplishments of James Bradley Orman, governor of Colorado from 1901 to 1903, have taken particular note of his outgoing personality and his many admirable personal qualities. Frank Hall wrote of Orman in regard to his contribution toward the development of Pueblo, Colorado, his home community: "He has not worked selfishly alone for mere personal aggrandizement, but, combining his skill and capital with others bent upon worthy and uplifting purposes, . . . has worked for the good of Pueblo."¹ And William N. Byers in commenting on the Orman governorship said: "He conducts the office on strict business principles, though making an equable division of his time between official functions and his audiences with the people, whose causes and behests receive his careful personal attention."² His wife Nellie Martin Orman possessed many of the same humanistic traits. From the time she first came into prominence as the wife of a successful businessman and public official, these traits were recognized and noted:

Mrs. Orman is pre-eminently one of the leading ladies of Pueblo and Colorado. Not only as the gifted wife of our mayor does she shine, but in social and philanthropic work she's ever to the front, devoting her energy to all movements that have a tendency to cultivate the lowly and assist the suffering and needy. . . . Her acts of kindness and sincere solicitude for the unfortunate have greatly endeared her to the people. Although severely called upon by social duty she finds time to dispense some of the happiness and comforts of her life among many of the worthy cases of charitable need, . . . and as time permits she will be expected to take a most active part in all that tends to put American women in the very front of the world civilization.³

¹ Frank Hall, *History of the State of Colorado*, 4 vols. (Chicago: Blakely Printing Co., 1895), 4:536.

² William N. Byers, *Encyclopedia of Biography of Colorado* (Chicago: Century Publishing Co., 1901), p. 205.

³ Family scrapbook, newspaper clipping (1897?), Frederick B. Orman personal papers.



Nellie Martin Orman was born in Salt Lake City, Utah, on April 2, 1858.⁴ She was the youngest of three children of William Porter Martin and Clarissa Higley. William Porter Martin was born in Millersburg, Bourbon County, Kentucky, on March 2, 1827. He traced his descent to Edmund Martin I, his grandfather, who was born in New Jersey in 1745 and who homesteaded in Bourbon County shortly after the end of the Revolutionary War and his discharge from the New Jersey Militia.⁵ Clarissa Higley was born on October 21, 1829, in Leeds, Ontario, Canada. The Higley family trace their ancestors to Jonathan Higley (1624-64) of Frimley, Surrey, England. The first American ancestor was John Higley (1649-1714), who came to America as a young man and lived and married in Windsor, Connecticut, on November 9, 1671, Hannah Drake, the daughter of John Drake of the same family as Sir Francis Drake, whose descent carries the Drake coat of arms. Clarissa Higley's father, Myron Spencer Higley (1801-87), was born in Windsor, Hartford County, Connecticut, while her mother, Priscilla Eberson (1810-92), was a Canadian by birth. The Myron Spencer Higleys, after their marriage in 1826, lived in Leeds, Canada, for about ten years, then moved to Pottawattamie County, Iowa, and later, about 1852, to Hooper, Weber County, Utah. By vocation he was a farmer and maker of wooden tools.⁶

The birthplace of Nellie Martin Orman was, according to her own account, "accidental," for her father William Porter Martin was a wanderer. In 1850 he was living in Council Bluffs, Pottawattamie County; so it seems safe to assume that William Porter Martin and Clarissa Higley met and married in Pottawattamie County, Iowa.⁷ The events in the early years of their marriage and of her childhood and girlhood were recorded by Nellie Martin Orman:

I was born in Salt Lake City, Utah, after my parents had crossed the plains enroute from Kentucky to California, the great gold fields of the far West, which attracted many live-wired men to try their luck at mining. My mother, Clarissa Higley, was brave enough to accompany her husband across the barren plains in the year 1859. They were among the many

⁴ Family genealogy, Frederick B. Orman personal papers; inscription on tombstone in Roselawn Cemetery, Pueblo, Colorado.

⁵ Martin genealogy, Frederick B. Orman personal papers, copy in possession of author.

⁶ Mary Coffin Johnson, *The Higleys and Their Ancestry* (New York: D. Appleton, 1896); Frank Eschom, *Pioneers and Prominent Men of Utah* (Salt Lake City: Western Epics, 1966); 1850 census, Pottawattamie County, Iowa; 1860 and 1880 census, Weber County, Utah; Genealogical Society, Church of Jesus Christ of Latter Day Saints, Salt Lake City, Utah, "Third and Fourth Generation Program," film no. 57716, pt. 225, and no. 547641.

⁷ 1850 census, Pottawattamie County, Iowa.

families under the protection of the United States soldiers, in command of General Sidney Johnson, a lifelong friend of my father's. With the horrible sights of men, women and children scalped and left by the wayside as a warning to the "Paleface," as the Indians called the white man, it took brave hearts to face such dangers, and if it was not for the hope of reaching the promised glittering gold, many would have backed down and out, but money talks and on the prairie schooners went, white covered wagons, resembling sails on wheels, plowing through the deep sands of the untrodden lands. These early pioneers clearing the way for the wonderful advantages allotted this present generation. He, with many others of the early pioneer days, blazed the trail for railroads through the long span of country, uninhabited except by the blood thirsty red man, buffalo in herds, wild deer and prairie dog, and Mr. Cotton-tail and the graceful antelope which helped feed the hunters along their weary way. When I was eighteen months old my father and mother started on the return journey across the desert plains. . . . With his treasury of wife and three children (myself a baby) with the United States soldiers as our safe-guard, [he] brought the many tired hearts—anxious men, women and children to Denver, Colorado, and there awaited another long, long stretch of land between them and home. My father was soon on his way to his southern birthplace, Millersburg, Kentucky, where I was raised so I dub my birthplace "accidental." . . . My mother (Clarissa Higley Martin) died in California and was buried there. . . .⁸ I attended the convent in Maysville, Kentucky, and day school in Millersburg, Kentucky. Later moving to Kansas City, Missouri, where my father placed we two younger children in St. Teresa's Convent, until we moved West, and then I attended the Loretto Academy in Denver.⁹

Finally, in September 1872, William Porter Martin at the age of forty-five, permanently settled himself and his three children, Edmund Hiram ("Jack"),¹⁰ Georgia A.,¹¹ and Nellie, in Pueblo, Colorado. Here he engaged in the real estate business until his death on November 11, 1881.¹² Nellie recorded that she often felt the stir of Southern blood in her veins, the call of the wild in her makeup, and a wandering foot like her father before

⁸ The place and date of the death of Clarissa Higley Martin has not been verified. The Higley genealogies only give the date 1873. There is an item in the Frederick B. Orman Papers to the effect that Clarissa Higley Martin died when Nellie Martin was a baby and that for a time she was cared for by Lucy J. Thurston Kinney of Salt Lake City, Utah.

⁹ Nellie Martin Orman, unpublished manuscript, 1913, Frederick B. Orman personal papers, copy in possession of author.

¹⁰ Born February 2, 1850, in Iowa; died March 16, 1917, in Seattle, Washington, and buried there. Seattle, Bureau of Vital Statistics, certificate of death no. 580.

¹¹ Born November 4, 1851, in Iowa; died June 5, 1917, in San Diego, California, and buried there. San Diego, Bureau of Vital Statistics, certificate of death no. 523.

¹² Obituary notice in *Pueblo Chieftain*, November 12, 1881, p. 4.

¹³ Nellie Martin Orman, unpublished manuscript.

¹⁴ Colorado, Pueblo County, book 1, certificate of marriage, p. 181.

¹⁵ *Las Animas Leader* (weekly), September 29, 1876, p. 3.

¹⁶ Edna Alva was named for Governor Alva Adams. The Adams and the Orman families were personal friends.

¹⁷ For vital statistics and genealogical data on the James Bradley Orman family see: Quantrille McClung, "Governor James Bradley, 1901-1903," *Colorado Genealogist* 18 (October 1957): 98-100.

¹⁸ Ballenger & Richards *Denver City Directory for 1902* (Denver: Ballenger & Richards, 1902), p. 830.

her;¹³ but, as luck would have it, her lot was cast to remain for the rest of her life a resident of Pueblo.

Nellie Martin and James Bradley Orman were married in Pueblo on September 27, 1876,¹⁴ in the home of her brother Edmund H. Martin.¹⁵ James B. Orman was nine years her senior and already at the age of twenty-seven was a successful, self-made railroad contractor and builder. They went to house-keeping and lived for fourteen years in a simple, frame house on the corner of Union and Evans Avenue. Their two children were born in this house: Frederick Bradley on September 7, 1877, and Edna Alva,¹⁶ who lived only two years, on April 12, 1879.¹⁷ Continued financial success made it possible for the Ormans to build in 1890 a forty-room, red sandstone mansion at a cost of \$50,000 to \$60,000 on the corner of 103 West Orman Avenue. Mr. Orman took the floor plan to New York City and purchased the furnishings. Since both Mr. and Mrs. Orman were as well known for their hospitality as their philanthropy, the new home became a social and civic center for many of the community's activities as well as a hostel for visiting celebrities, and they thereby won the reputation of being "great entertainers."

When her husband became governor in 1901, Nellie Orman transferred her zest for living, her inherent interest in people, and her knack for entertaining from Pueblo to Denver. They leased for two years the famous "House of Lions"—the James Joseph Brown home at 1340 Pennsylvania Avenue—for the governor's mansion.¹⁸ Since the state was still feeling the economic

"The House of Lions," the home of Governor James Bradley Orman and his wife Nellie, 1901-1903.



crisis of the nineties, Jeffersonian simplicity reigned throughout the inauguration ceremonies which, as observed by the press, was not to the Orman taste: "The newly-acquired aversion to display, which Gov. Orman did not know he possessed until after the inauguration committee had ordered out the state military, prevented any show in connection with the inauguration of this last Democratic executive."¹⁹ (How Nellie would have enjoyed an inaugural ball!) But the austerity did not dampen her spirits, and by the end of the first month in the capital city, according to one editorial, Mrs. Orman was "laughing her way into the hearts of everybody":

Mrs. Orman—this is a separate paragraph please—is laughing her way into the hearts of everybody. Do you know, I like a jolly woman—and Mrs. Orman is a jolly woman. She is just such a woman as the knight of old used to tilt about, and it's all on account of her laugh. She is not cold, she is not superficial. When she laughs, she laughs. . . . Her laugh is like the ray of sunshine, just after the storm, which dispells [sic] the clouds of formality and conventional ha, ha, and, by Jove, I'm glad she is in society. She can teach a lot of us, including some very dear friends of mine, a lesson in natural appearance, bless her!²⁰

Governor Orman did not receive the nomination of the Democratic party in 1902. The election was won by the Republican candidate James Peabody. The newspaper headline on Tuesday, January 13, 1903, the day of his inauguration was: "Hail Peabody! Farewell Orman!" Since the Republicans had been out of office for the past three administrations, they were jubilant. If the state coffers still were empty, the inauguration committee of 1903 decided to ignore it. They staged an inauguration the like of which the state had not witnessed since Alva Adams "waltzed in" back in 1887.²¹ The royal pageant started with the inaugural parade. The inaugural ceremony was enlivened by the display of brass bands, flags, colorful military uniforms, electric displays, and fireworks. According to the gossip columnist Polly Pryor: "Governor Peabody was a symphony in black, decorated with his favorite flower, a red carnation," but ex-Governor Orman was the handsomest and the most statesman-like man on the platform. Mrs. Charles S. Thomas, wife of ex-Governor Thomas (1899-1901), won the title of the best-dressed woman of the occasion. At the inaugural ball, the first and the last to be held in the state Capitol, the stairways from floor to floor were garlanded with fresh flowers, and "Dancing 'Neath

the Dome" continued throughout the evening. The program called for the grand march to be led by Governor Peabody and Mrs. Orman, but due to the crowds of guests it had to be eliminated. Twenty-five thousand people attended—ten thousand more than expected. Women fainted in the terrific jam! Mrs. Orman was charming as usual in a white, *peau de soie* gown with a bertha of needlepoint lace. A lace butterfly garnished her coiffure.²² Certainly another first lady's inaugural ball was a second-best, but it was a lively ending to Mrs. Orman's unquestionably successful first ladyship.

On her return to Pueblo Mrs. Orman directed her attention to a multitude of organizations and committees. It is safe to say that every worthwhile civic and philanthropic cause received her aid both in terms of time and money. The Episcopal church continued to be a prime interest. She had been baptized²³ and confirmed²⁴ in Saint Peter the Apostle on February 3 and May 4, 1881, respectively. However, she and Mr. Orman were influential in the establishment of a new church, Holy Trinity Episcopal Church, to which they later transferred their membership.²⁵ She was a charter member and first regent of the Pueblo chapter of the Daughters of the American Revolution,²⁶ and was the chapter's delegate to the dedication of the Continental Memorial Hall in Washington, D.C. On June 23, 1911, she became a member of the Southern Colorado Pioneer Association, organized March 21, 1905, and incorporated April 30, 1908.²⁷ In the political arena she was an active member of the Jane Jefferson Democratic Club.²⁸ As would be expected, she was a member of the Wednesday Morning Club,²⁹ the oldest and most exclusive women's club in Pueblo. With the coming of World War I, Mrs. Orman took an active part in the many relief enterprises comprising the civilian war effort. In recognition of her proven ability Governor Julius C. Gunter appointed her to the Colorado State Council of Defense and the Women's Council of Defense.³⁰

¹⁹ *Denver Post*, January 13, 1903, pp. 1, 2; *Denver Times*, January 13, 1903, p. 1; *Rocky Mountain News* (Denver), January 13, 1903, pp. 1, 10.

²⁰ Certificate of baptism of Nellie Martin Orman, Frederick B. Orman personal papers.

²¹ Letter, Ascension Episcopal Church, Pueblo, to author, June 11, 1971.

²² *Ibid.*

²³ *Lineage Book* (Washington, D.C.: National Society of the Daughters of the American Revolution, 1904), vol. 47, no. 46105.

²⁴ Southern Colorado Pioneer Association, certificate of membership no. 318, June 23, 1911, Frederick B. Orman personal papers.

²⁵ James Alexander Semple, *Representative Women of Colorado* (Denver: Alexander Art Publishing Co., 1911), p. 190.

²⁶ *Ibid.*

²⁷ Letter from Colorado Council of National Defense, January 28, 1918, Frederick B. Orman personal papers.

¹⁹ *Denver Republican*, January 9, 1901, p. 1.

²⁰ *Denver Times*, January 27, 1901, p. 8.

²¹ *Denver Tribune-Republican*, January 12, 1887, p. 1.



The James Bradley Orman home at 103 West Orman Avenue in Pueblo.

Financial reverses came to James B. Orman in 1908. The beautiful home on West Orman Avenue, of which they and the town were so justly proud, was included in personal assets auctioned in a bankruptcy sale.³¹ The poignant story of its sale adds interest to one of the mansions that is now a public building:

Orman & Crook, a firm of which former Governor James B. Orman was a member, went into bankruptcy as a result of unprofitable contracts for railroad construction. That was years ago, but the bankrupt estate is just being closed, and the sale at Pueblo was made by order of the federal court.

Hundreds of real estate men and others, eager for bargains, attended the sale, and there was spirited bidding until the auctioneer, Robert F. Hunter of Denver, offered the Orman home, one of the most beautiful in Colorado. Every man in the crowd knew of the brave struggle made by the former governor and his wife to save the home from the wreck of the Orman fortune, and all knew of the fine spirit with which James B. Orman, in the days when he was wealthy, responded to every call for financial backing for any enterprise that would help Pueblo and its people.

There was silence when the auctioneer called for bids for the home. He called again, and there was no response. Again he asked for a bid, but none in the crowd would make an offer. Friends of the former governor were pushing him forward. The auctioneer waited.

"I bid \$7,500," said the former governor. "It will be a great sacrifice at that price," said the auctioneer. "Do I hear any other bids?" There was no response, and then, "Sold to James B. Orman," declared Hunter, and the crowd cheered. They cheered again as the former governor stepped forward to sign purchase papers, and the auctioneer brought cheers anew as he said, "The residence of James B. Orman has been sold to himself, and I am glad of it."³²

The large house under the circumstances proved to be too much of a financial burden, and it was sold in September 1917 to the Ormans' friend, former governor Alva Adams. It remained in the Adams family until November 1951 when Mrs. Alva Blanchard Adams sold it to the city of Pueblo for a school administration building.³³

Nellie Martin Orman died on January 26, 1918, at the age of fifty-nine in the third and last of the family homes at 1000 Carteret Avenue, Pueblo. She had been ill for about six months. Her physical breakdown was partially attributed to bereavement over the deaths within a year of her brother Edmund H. Martin on March 16, 1917, and her sister Georgia A. Martin (Mrs. Stephen Morgan) on June 5, 1917, and the loss of the home at 103 West Orman Avenue. The funeral service was held in Holy Trinity Church, the church of which she was one of the founders. The interment was in the family lot in Roselawn Cemetery.³⁴ From the many obituary notices appearing throughout the state, this sentence summarizes well Mrs. Orman's forty-two years of community service: "She loved Pueblo and her people, and the people of Pueblo loved her."³⁵

In 1911 Nellie Martin Orman was chosen as one of the "representative women of Colorado." Her picture and an account of her numerous activities and contributions appeared in a publication by that title.³⁶ It is a tribute to her influence and example that in 1968 her daughter-in-law Ella Matty Orman (Mrs. Frederick B. Orman) was selected for the "Colorado Women of Achievement" special award in recognition of her long service and achievements for her community and nation. At the award service Ralph C. Taylor, Pueblo journalist and historian, said: "In my forty-seven years of close association with community and state affairs, . . . I have known of no woman who has served mankind so long and in so many important and diverse ways."³⁷

HELEN CANNON, the author of a series of articles about Colorado's first ladies, is professor of anthropology at the University of Colorado, Boulder.

³¹ *Denver Republican*, January 17, 1908, p. 1.

³² *Denver Post*, June 15, 1911, p. 1.

³³ Helen Cannon, "First Ladies of Colorado: Ella Nye Adams," *The Colorado Magazine* 43 (Spring 1966):128.

³⁴ *Pueblo Chieftain*, January 27, 1918, p. 3; January 28, 1918, p. 8; January 29, 1918, p. 3. *Pueblo Indicator*, February 2, 1918, p. 1.

³⁵ *Pueblo Opinion*, February 2, 1918, p. 8.

³⁶ Semple, *Representative Women of Colorado*, p. 190.

³⁷ *Colorado Women of Achievement* (Denver: Columbia Savings and Loan, 1968), pamphlet.