

Alabama Planters in the Rockies

BY JOHN D. W. GUICE*

I believe that any person with a fair constitution, who settles in any portion of Colorado, stands a better chance of enjoying a healthful life, and of finally attaining the full period allotted to man—three score years and ten—than in any other part of the Union.¹ Frederick J. Bancroft

Among the thousands attracted to Colorado in the early 1870s by the publicity of its salubrious climate and natural beauty were four sons of the prominent and popular Major Bolling Hall of Alabama—John Elmore, Hines Holt, Franklin Abner, and Joseph Eugene. Although the brothers' residence along the South Platte River lasted scarcely more than one-half of a decade, their voluminous correspondence provides a fascinating account of the Rocky Mountain frontier as viewed through the eyes of aristocratic sons of the Confederacy. Rather than fortune or adventure, the restoration of health—or the hopes thereof—lured these sons of the Hall family to the high plains. Although their colorful and detailed descriptions are valuable in themselves, the unusual opportunity that they provide to place two cultures, or frontiers, in juxtaposition adds another dimension to the importance of their correspondence.²

Few families better exemplify southern history than the family of the Bolling Halls. Though its roots extend back to

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¹ Frederick J. Bancroft to the Board of Immigration, Denver, Colorado, 15 November 1873, *Report of the Board of Immigration of Colorado for the Two Years Ending December 31, 1873* (Denver: Legislative Assembly, 1874), pp. 17-18.

² All letters cited, except when otherwise designated, are from the Bolling Hall Papers, Alabama Department of Archives and History, Montgomery, Alabama. This collection of correspondence and widely assorted business and legal papers from 1785 through 1898 traces the careers of Colonel Bolling Hall (1767-1836) and his son Major Bolling Hall (1813-97) as well as the lives of their families. Though portions of the papers through the Civil War period form the basis for two theses on the Hall family, the letters from Colorado are now used for the first time. The correspondence from 1807 through 22 April 1865 was microfilmed some thirty years ago and placed in the University of Texas Library, Austin, and was classified as the Ramsdell Microfilms.

*Bolling Hall, Sr.,
was the founder of a
prominent Alabama
family and the
builder of the
family home Ellerslie.
Built prior to 1820,
the home is still
in the possession
of the family.*



Dinwiddie County in Virginia where the first Bolling Hall was born on Christmas Day in 1767, the family played an active role in the development of Georgia and Alabama. After the American Revolution, young Bolling Hall settled in Hancock County, Georgia, where he served in the state legislature prior to running successfully for the House of Representatives as a War Democrat. He completed three consecutive terms in Congress on 3 March 1817 before migrating, the next year, to Autauga (now Elmore) County, Alabama. As did many planters, Bolling Hall moved his entire household in a wagon train, replete with slaves, livestock, and lumber for his new home, Ellerslie, which legend lists as the first to have glass windows in the Montgomery area. He devoted the balance of his career to the political and economical development of the newly created State of Alabama, and by the time of his death in 1836, Hall held extensive holdings around Ellerslie, where one of his great-granddaughters now resides.³



*Bolling Hall, Jr.,
the son of Bolling
Hall, Sr., was the
father of nine sons
and three daughters.
He lost two sons
from the Civil War,
and four sons
migrated to Colorado
in search of
better health.*



Although some historians may not view planters as frontiersmen, Bolling Hall, Jr., personified America's pioneer spirit as he continued his father's developmental role. After receiving a degree from the University of Georgia in 1831 as a youngster of eighteen, Hall read the law, gaining admission to the bar in 1834. However, he preferred plantation life and centered his varied activities around Ellerslie. A major in the militia, Hall took part in the Creek War of 1836. In addition to serving three terms in the state legislature, he actively participated in the economic development of the area, promoting two railroads and the Elyton Land Company, which organized to settle Birmingham. Hall was also involved in a number of smaller agriculturally related business interests as well.⁴

As did so many Americans, Major Bolling Hall and his family paid heavily defending their principles during the Civil War. How dark 1863 was for their father—Mary Louisa, the eldest daughter, died in May, and five of her brothers bore arms in such a tight cluster that a single letter written home would contain notes from each one.⁵ The deleterious effects of the struggle of the Halls—even those who remained at home—were great. The postwar years found many of them ailing, particularly John, the

³ Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography*, 4 vols. (Chicago: S. J. Clarke Publishing Co., 1921), 3:725-26; Bolling Hall "Biographical File," Alabama Department of Archives and History; *Biographical Directory of the American Congress, 1774-1961*, p. 990.

⁴ Ora Lee Cupp, "The Bolling Halls: A Planter Family of Georgia and Alabama, 1792-1860" (M.A. thesis, University of Texas, Austin, 1949). Hall's descendants deny Cupp's assertion that they are descended from Pocahontas.

⁵ Tom, a mere lad of seventeen, paid the ultimate price at Chicamauga, having volunteered in the command of his brother Bolling III, after a brief tenure at the University of Alabama. Bolling III was shot for the first time in the same battle, dying in 1866 apparently from the effects of two severe wounds. Eventually, Crenshaw, John, and James all saw action and felt the pain of Yankee bullets. Charles T. Jones, Jr., "Five Confederates: The Sons of Bolling Hall in the Civil War" (M.A. thesis, University of Texas, Austin, 1961), reprinted in *Alabama Historical Quarterly* 24 (1962):132-221. Preceding the reprinted thesis, the editor stated that "there are certain errors in the comments of the author known as such by the four members of the family still living at

only veteran among the four brothers who ventured to Colorado. But others suffered from chronic complaints, especially of the respiratory system.

Lured by the prospect of improving his health, John was the first to leave Alabama for Colorado. Traveling from Montgomery via Nashville, Louisville, Indianapolis, and Saint Louis, he arrived in Denver on 18 September 1873. In Saint Louis, where for \$2.50 he spent the night in a private room at the Olive Street Hotel, he described, in a letter of six, large pages to his father, every detail of his trip.

There were two routes from Louisville to this place—viz, Mississippi & Ohio R. R. & the Louisville & Indianapolis route. Fare same both routes \$7. I took latter route (by Indianapolis) because cars left immediately causing no loss of time, whereas the train for other route left Louisville nearly four hours later, about 6 P.M. So far I have paid out the following amts—.75^{cts} for breakfast at Bowling Green, Ky, \$2⁰⁰ berth in sleeping car Friday night, \$2⁰⁰ berth in sleeping car last night, \$7⁰⁰ R. R. Ticket from Louisville via Indianapolis to St. Louis, .50^{cts} to get my trunk to Hotel and .50^{cts} for a pocket ink stand, Summing \$12⁷⁵.⁶

Undoubtedly, few ink stands, other than those in public offices, were used as much as this one!

Before describing his stroll through town, John told of his immediate change to "heavier underclothing," of his plans to check baggage through to Kansas City, and of the good news of no talk of cholera. The resident of the capital of Alabama was less than complimentary of the big Mississippi River city with its "narrow & damp & dirty looking streets," though he mentioned the impressive buildings, both standing and under construction. Nevertheless, he could not accept the apparent disregard for the Sabbath.

Montgomery but these errors are not of such a character as to destroy the value of the material and they are not edited out of his presentation."

In order of their birth, the children of Bolling Hall, Jr., were: Bolling Hall III, Crenshaw, James Abercrombie, John Elmore, Mary Louisa, Thomas B., Hines Holt, Laura June, Franklin Abner, Joseph Eugene, Charles E., and Caroline S. Although all biographies of Hall agree on this list, only incomplete information could be found regarding their birth and death dates. A privately published genealogy by Olivia Holt, "Bolling Hall and Abercrombie Families," in the Alabama Department of Archives and History confirms this order. Three daughters of Hines Holt Hall still reside near Montgomery.

⁶ John E. Hall, St. Louis, Mo., to Bolling Hall, 14 September 1873, Bolling Hall Papers, Alabama Department of Archives and History, Montgomery.

Because of the frequency of quotations from the letters, the editorial practice was to reproduce the letters exactly as long as the meaning was reasonably clear. Grammatical usage and spelling were faithfully preserved. "Sic" does not appear, and barring human error, a reader should assume that any unusual spelling is a faithful transcription of the original. Where meaning was unclear, editorial insertions were made in brackets [].

Very little respect shown for Sunday. I saw many stores open upon every street, and on one of its principle streets a fine four story brick & stone building going up, workmen seemed to be at work, hammering away on the inside. I was anxious to go to church this morning, but was so dirty from travelling that I couldn't get ready in time. I made several inquiries about churches but people don't seem to know where any are here.⁷

Nothing seemed to escape John's eye—the land, the crops, the farming operations, and the cleverness of some fellow

Corn within 20 or 30 miles of Louisville on either side seemed very good, but through Indiana I think it was far better. Beautiful, large & level fields. The prettiest I ever saw. A large portion of the corn crop along the road in Penn. & Ky. none or very little in Indiana, was cut down stalk & all & shocked up. Some I noticed with good ears on it, so I don't understand why it was done. Very little fodder was pulled, but stack after stack of hay all along. They were busy, all along preparing land for wheat especially through Indiana. Turning under grass & weeds with two horse plows. My travelling.

John E. writing to his father from Saint Louis (1873).

travelers. However, he was unimpressed with the size of the river, observing that he "was surprised to find the Mississippi at this point, but little larger apparently than the Ala." He admitted that it was "full of steamers of all sizes all the time" and commented on the enormity of the railroad bridge under construction, writing that "it will cost millions."

The closeness of the family is also established in this letter from Saint Louis. Young Hall might be expected to thank his sister Laura for her basket that "saved me money & was as good or better than I could have gotten along the route." Neither would his concern for each member of the family, especially those in ill health, be unusual. His closing remarks to his father, however, have a quality, though perhaps not rare in the West, that is not often highlighted.

⁷ John E., St. Louis, Mo., to Bolling Hall, 14 September 1873.

I must thank you a thousand times for the bible you gave. Of all things else I should have chosen it, & strange as it may seem I had been hoping for days that you would make me that very present & had with such feelings postponed providing myself with one. I cannot thank you too much & assure you that no other present could have been so fully & feelingly appreciated. It shall not always be closed & every time I see it I shall think who gave it & what was the object.⁸

Then he admonishes them all to watch their health, directs them to write to Denver, and promises more letters.

"Over an hour behind time," John Hall's train pulled into Denver shortly after eight on Thursday morning, 18 September 1873.⁹ He was miserable, suffering "from a sick stomach and a little cold" that he "took on the cars." Too ill to eat or leave his room at the American Hotel, he must have viewed his arrival as inauspicious. Apparently his disposition had not improved when his brothers Franklin and Joseph arrived one month later, for they found his welcome a bit reserved. Informed that their train was three hours behind schedule, John had failed to meet it when it made up nearly one-half of that time. According to Frank and Joe, when they finally found him the next morning, "he gave his usual grunt, and tried to look solemn."¹⁰ It is evident, however, that their older brother could not hide his emotions, for they continued, "he did not embrace us, though he looked like he wanted to do it."

Although John had warned his brothers of the various hazards of the trip, including the cost and the problems of excessive baggage, they encountered problems. "We got a check for our box at Louisville, but have never received the box yet. Our trunks came through, but not all right. They were handled so roughly, that it broke one strap off of my trunk, and knocked it open. Contents were all right. Broke one strap off of Joe's. Contents all right." Complaining that the food out West was "about half cooked," they bragged on the victuals that their sister had prepared for them. They commented to Laura that they still had "half the ham and biscuit yet" and declared that "even now" her provisions were "much better" than those available.¹¹

Despite these inconveniences, the Halls obviously understood the ins and the outs of railroading, and their cor-

⁸ Ibid.

⁹ John E., American Hotel, Denver, to Bolling Hall, 18 September 1873. Since all letters from Colorado quoted herein originated in Denver, the city is hereinafter omitted from the citation.

¹⁰ Franklin Abner to Laura June, 24 November 1873.

¹¹ Ibid.

respondence indicates that an alert traveler learned the ropes quickly. Apparently tickets could be "bootlegged" at considerable discounts at major transfer points in deals governed strictly by the principle of caveat emptor, and the brothers successfully took advantage of the opportunity. In a letter to Laura, Joe mentioned that "the bar keeper showed us where we could get our tickets from [Saint Louis] to Denver for six dollars and a half a piece cheaper than we could have gotten them at the ticket office."¹² Less fortunate adventurers often discovered that conductors would not honor tickets bought on the open market. Nevertheless, it is interesting to note that by this early date railroad employees in the lower echelons already emulated—in a microcosmic fashion—the fiscal escapades of the entrepreneurial cliques.

Because Frank and Joe, in particular, arrived in Denver amidst inclement November weather, virtually every letter written home cites coughs, chills, fevers, billiousness, bronchitis, or hemorrhaging as well as other afflictions, which constantly plagued one or the other of them. After spending the night in "bad quarters" in Kansas City en route to Denver, "they had a most disagreeable & uncomfortable time, being in a car, the door of which had a broken pane of glass, through which the wind howled & kept the car cold."¹³ The uncomfortable trip took its toll, and generally the brothers blamed their lack of improvement on the winter weather or their failure to protect themselves from the elements.

Frank's health seems pretty good. Joe still claims to have chills, & stays in the house nearly all the time. He coughs very much at night & in the morning. All I think from imprudence, sleeping without overshirt, bare neck, taking off coat in day & getting in door or window in heaviest draught of air, taking no exercise, etc. My own health is tolerable good.¹⁴

John's comment typifies those included in every letter.

Of course, the brothers availed themselves of medical treatment from the local doctors, in addition to using home remedies. Joe wrote in March 1874 that he "took the medicine which was prescribed by Dr. Baldwin & it had the desired effect & that was to stop the chills."¹⁵ The same day, John assured his father that he would "use the tar as directed, trusting for good results."¹⁶ Coughs persisted, however, as John pointed out.

¹² Joseph E. to Laura June, 21 November 1873.

¹³ John E. to Laura June, 25 November 1873.

¹⁴ John E. to Bolling Hall, 27 May 1874.

¹⁵ Joseph E. to Hines H., 24 March 1874.

Frank & Joe have coughed very much for two days & complain of sore throats. I got a wash for throat from Dr. Newman for them yesterday, & this morning they are much better. With this good weather I think they will improve rapidly. My health is good & I weigh twelve pound more than when I first came here & about six more than any other time since.¹⁷

Dr. Newman prescribed "pepper pills" to break Joe's chills.¹⁸

All four brothers experienced peaks and valleys, in terms of their physical well being, but generally late spring and summer found them at their best. It is surprising, however, that they survived even during the pleasant seasons, considering the severity of their treatment. Joe's discussion of their medication provides a good illustration.

Brother John & myself are now both on the sick list, both of us are bilious I think & are having slight chills. Bro John took calomel last night at Dr. Newman's suggestion & two hours afterwards a bottle of librate of Magnesia. He only took three grains of calomel (which was all that Dr. Newman told him to take) but think he ought to have taken twelve or fifteen. However he is feeling much better today than yesterday though he thinks he would feel still better if he had taken a larger dose of calomel. My complaints as usual, are various & sundry. However (as the little boys say in their compositions) I will try to name a few. There is the jaw ache, followed by an ever lasting supply of chills & fever, not to say a word about bronchitis & affliction of the heart.¹⁹

Despite their maladies, the Hall boys must have shown signs of improvement as their letters home often refer to the possibility of other relatives joining them along the South Platte; such references also indicate the wide reputation enjoyed by Colorado by this time as a therapeutic area. In his letter to the Board of Immigration in 1873, Dr. Frederick J. Bancroft explained, in detail, how the chances of recovery from tubercular illnesses in Colorado depended on the extent to which the disease had progressed at the time of immigration to the Rockies.²⁰ Experience taught the Halls that Dr. Bancroft was correct concerning the effectiveness of early treatment. Urging his father to encourage the immediate departure of their brother Hines, Joe wrote that "the sooner you send Bro Hines out the better," explaining that then the climate could be a more effective cure.²¹

¹⁶ John E. to Bolling Hall, 24 March 1874.

¹⁷ Ibid., 11 April 1874.

¹⁸ Joseph E. to Bolling Hall, 2 January 1874.

¹⁹ Joseph E. to Laura June, 10 June 1874.

²⁰ Bancroft to the Board of Immigration, 15 November 1873.

²¹ Joseph E. to Bolling Hall, 22 July 1874.

In a sense, John echoed Joe with praise for the salubrious effects of Colorado's climate, even during moments of personal despair and despondency over his own poor condition.

I have tried to write every thing with fair judgement. The sky above is not bright, nor is the ground beneath us soft. Nothing encourages. All pull down. . . . This climate is doubtless beneficial to weak lungs when advantage is taken of it in time. Frank & Joe I think have been helped. For six weeks or two months nearly, I have seemingly lost so steadily, in might & strength, & lungs troubling so much more, that I have often almost wished I had stayed in Alabama where it would not have cost so much up to this time. Though not at all in low spirits. I am entirely discouraged as to ever being able to do much.²²

Yet, only ten days later, John acknowledged his father's wire regarding Hines's departure, commenting that "Frank, Joe & self are doing well" and that he thought they were "all improving in health."²³

Their remarks clearly reveal the beneficial nature of the climate, particularly during the milder seasons. Thankful for the cool August nights that gave "refreshing and undisturbed sleep," John indicated that "Joe, Frank, & Hines are looking well & I expect in better health than they have been for years." Though he continued with the suggestion that his own health was "very good," John admitted that he was "lighter than ever in my life." Although he remained in Colorado for over two more years, John, obviously, benefited the least from the mountain air.

The Hall correspondence contains numerous references to Alabamians and other Southerners living in Denver to test the salubriousness of its environment; apparently it was better for some of them than they realized—for Sam Holt, for instance.

Yesterday, one week ago, Sam Holt bid farewell to Denver & all that in it was never expecting again to see this country or us who live here. Yesterday morning he walked into the store in better spirits, and looking better than since he first came here. I was very glad to see him though not greatly surprised. About ten days ago he concluded his health in connection with his pecuniary circumstance, made it impossible for him to remain here. He telegraphed his wife to meet him in St. Louis and he took the cars for the place intending to go from there to Montgomery via Mobile. Not meeting his wife in St. Louis he spent about \$50 telegraphing (he says) made satisfactory

²² John E. to Bolling Hall, 22 July 1874.

²³ Ibid., 1 August 1874.

arrangement for his family, and to day Colorado claims him her own. He says he could hardly breathe in St. Louis & had no idea there was such a difference in the air. I wish you could hear him talk now, after his style before he went to St. Louis. I hope you may see some of his letters.²⁴

Holt's experience undoubtedly explains, in part, John's later hesitancy to return to Alabama despite no dramatic improvement in his condition.

The fall and winter of 1875-76 found John still a very sick man, and his frequent hemorrhaging greatly undermined his morale. Once they attributed their illness to "using alkali water" from their well when their supply of river water—kept in barrels for cooking and drinking—gave out before it could be replenished. Perhaps some of their chills and fevers stemmed from this source, but John's problems obviously related to a tubercular condition.²⁵ In view of the pollution problems of today, it is interesting to note that the river water near Denver, even in 1876, was more potable than that from their well.

A number of conditions—the pain of separation, the financial burden, his failing health, and the need of help on the home place—probably led Major Bolling Hall to discuss the possibility of one of his sons returning from Colorado. Frank replied that "I think I could stand it, where free from chills, and fevers, and if you need me I will come, but I think had better stay here. I am satisfied none of the others would be able to stand it any length of time. . . . As far as I am concerned, I am perfectly willing to make a trial of it, for I could tell as soon as it began to affect me injuriously."²⁶ Apparently their father did not insist. The spring of 1877 still found them along the South Platte, though John hoped that "this will be our last year here" and commented that they realized that they had to work. Optimistically, he added that "we are all stouter now than have been since we left home."²⁷

However, fate proved John's optimism unfounded, and Hines recommended that he should remain in Colorado while John might profit from a trip home or, even better, residence in Florida.

With Bro. Johnnie the case is different. I believe a trip home would benefit him. At any rate I don't think he is doing so very

²⁴ *Ibid.*, 1 August 1875.

²⁵ Hines H. to Bolling Hall, 2 September 1875; Joseph E. to Bolling Hall, 25 February 1876.

²⁶ Franklin A. to Bolling Hall, 18 September 1876.

²⁷ John E. to Laura June, 25 March 1877.

well here. At times he seems to do very well, but it takes but very little to cause him to commence spitting blood. He keeps up his spirits and imagines he can do wonders but a little hard work generally lays him up with a bad cough at least especially if he happens to get over heated. I think the climate of Florida would suit him better than this, on account of its uniformity. The great objection to this climate, is its severe changes.²⁸

Hines's observations in this letter appear as if he was quoting from Dr. Bancroft's letter, in which the physician delineates the types and the stages of tuberculosis that responded best to particular climates. John evidently returned to Montgomery late in 1877, but the profitability of his Colorado venture is questionable. After living several years with his father in Montgomery, John Elmore Hall died in 1882 in his forty-second year. However, his brothers must have found the Rocky Mountain air healing; Hines lived to be eighty-two; Frank, seventy; and Joe, according to the information, fifty-seven.²⁹

Although they offered interesting comparisons of a muggy and hot Alabama with the dry and cool high plains, the Hall letters followed a common pattern: climate—next to the majestic beauty of the Rockies—undoubtedly ranked second in the frequency of its description. Virtually every letter home contained remarks concerning the temperature, the winds, the rainfall, or the capriciousness of the Rocky Mountain weather, in addition to the references to their health. As might be expected, especially since they arrived in the winter, the young immigrants often wrote home of the cold.

Frank, evidently one of the healthier of the group, explained that "the cold is very different" from that in Alabama, observing that he had "not suffered as much from it" as he did "at home."³⁰ On the other hand, John, as might be expected from his condition, often wrote in great detail of the bitter cold.

The weather here has been a little cool this week so I have not been to town as I wrote father I should go. Monday at 7 o'clock A.M. the thermometer was 9 below zero. About an inch of snow fell Monday night. Highest thermometer during Monday was 3 above zero. Tuesday morning at 8 o'clock thermometer in our room & a clear sun outside stood 10 below zero. Upon putting it outside where we generally keep it, it almost instantly fell to 12, so I have no doubt but it would have shown 15 below zero outside, earlier in the morning. The highest point yesterday

²⁸ Hines H. to Bolling Hall, 18 September 1877.

²⁹ Mrs. Alma H. Pate, Millbrook, Ala., to John D. W. Guice, Hattiesburg, Miss., 1 July 1974 (author's possession).

³⁰ Franklin A. to unknown, 21 December [1873] (page one missing).

was 18 above zero. This morning at seven oclock thermometer was 21 below zero, now 15 minutes to 12 oclock, it is 9 above, a moderation of 30° in 4¾ hours. The sun is out, and having to some extent become used to cold, I find it right pleasant out of doors now, except for snow.³¹

This precise account typifies John's correspondence. He also advised various relatives to plan their arrival in Colorado during the summer in order to acclimate themselves to the cold.³²

According to Frank, the winter of 1875-76 began with moderate temperatures. "So far we have had a very pleasant winter. No real cold weather yet. Ice not more than an inch and a half thick."³³ Only a study of the records, of course, would show which winters were actually the mildest, but Joe noted in February 1876 that "up to the present time we have had a very mild winter with very little snow & bad weather." He continued to describe how "stock of all kinds" had fared well "running out on the plains this winter."³⁴ Perhaps this mild winter added to the force of the catastrophe that hit the cattlemen a decade later.

Not only did the brothers find it colder in Denver, they also quickly discovered it windy in comparison to their native state. Joe, writing in January shortly after his arrival, suggested that it was windier than it was "down there in the months of March."³⁵ However, John's description of the wind and the plains climate in the spring is classic.

The wind is blowing very hard now. We have more wind here than any where I have ever been. It is very bad on vegetables. Parches the side next to the wind as though scorched by fire. Our hot bed plants have already suffered some. Trees have at last gotten green & Platte river looks beautiful. It is the only relief afforded the eye from the nakedness of the plains.³⁶

Though they complained of the abundance of wind, they were equally as distracted by the absence of rain.

During his first April in Colorado, Joe noted that they were having a "slight sprinkle" while he was writing, but he seemed doubtful of its amounting to "what you would call a rain in

Alabama."³⁷ The others, too, commented on the scarcity of non-frozen precipitation. John boasted to Laura that, after living in Colorado over eight months, they finally had a rain, underlining the word. He admitted that they had had a "very few slight sprinkles," but he described them as "generally insufficient to wet a silk handkerchief."³⁸ Though it sprinkled a bit early that May, the moisture was "not sufficient to bring up garden seed in the ground." In June Frank still lamented the drought and expressed frustration at seeing the rain "almost every day in some parts of the mountains." He showed a good sense of humor, however, explaining to his sister that "when we get very warm we step out and take a good look at the snow, piled up fifty or a hundred feet high on the mountains."³⁹

Just as he does not always cooperate today, the weather man was fickle in places other than Colorado in 1875. John shared his father's disappointment over the dry spell in Alabama.

I am sorry the drouth has been so severe with you. And it is stranger too for while you suffer for rain, Kentuckians, Tennesseans, & others here from the East, say letters received tell of floods and crops ruined with rain, and even world renowned Colorado has cried "hold enough," though I must say her supply of rain for the past few days has in localities, been inadequate, for our crop on the ranche needs rain badly now.⁴⁰

Delay in repairing the irrigation ditch compounded their hardship. As Coloradoans well know, sometimes they have too much water, and Hines was in Colorado on just such an occasion, sending several issues of the newspaper home to John, then in Alabama, so that he could read about the flood in May 1878.⁴¹

The Alabama pilgrims quickly learned of the capriciousness of the weather along the Eastern Slope. "It was very pleasant out of doors this morning," Joe wrote sister Laura, "but it is very cold and disagreeable now and it is only about 1 PM." He continued, "Thus you see we are subject to having very sudden changes in the temperature of the climate from one extreme to another."⁴²

³¹ John E. to Laura June, 25 February 1874.

³² John E. to Bolling Hall, 22 July 1874.

³³ Franklin A. to Bolling Hall, 14 December 1875.

³⁴ Joseph E. to Bolling Hall, 25 February 1876.

³⁵ *Ibid.*, 2 January 1874.

³⁶ John E. to Bolling Hall, 27 May 1874.

³⁷ Joseph E. to Bolling Hall, 12 April 1874.

³⁸ John E. to Laura June, 30 May 1874.

³⁹ Franklin A. to Caroline S., 29 June 1874.

⁴⁰ John E. to Bolling Hall, 1 August 1875.

⁴¹ Hines H. to Bolling Hall, 30 May 1878. Hines wrote that he sent the papers so that John could have "some idea of how politics are going."

⁴² Joseph E. to Laura June, 4 March 1874.

Writing during an April snow storm, John reported that "yesterday was beautiful & by odds the most pleasant day we have had in a long time." A few lines later he suggests that his health will "make a start," if "spring ever begins." But, his letter to Laura, penned the next day, leaves little doubt as to the thoroughness of their indoctrination to the vagaries of Colorado weather.

But of all the days in Colorado, few have equaled this. Since day (& I don't know how long before) wind has been howling as hungry wolves, & snow falling without intermission, with thermometer holding 26° closely. No work to day, & our two hired men hug the stove, as though it might be airy in our kitchen (where we sit) as it is out of doors. Snow falls on my paper as I write, & sparkles as the diamond dew of your lovely April morn.

Then John bemoans the fact that their coal "has taken this delightful occasion to give out."⁴³

Warm weather, of course, eventually did arrive, and despite the inability of the sicklier ones to work constantly in the sun, they praised the lovely Colorado summers.

The sun is so hot that we can only work morning & evening. It is not too hot for persons in health & we have tried it right through all hours until yesterday. I concluded that it cost me so much in flesh that I could economize by leaving off hot hours & only working cool ones. I have lately lost ten pounds in weight, but feel already an improvement since yesterday. I am almost as thin as the fabled turkey. Notwithstanding what I have written, I think each of us improving, & trust for more marked results before the beginning of another winter. We cannot reasonably hope for effectual restoration, and should be content with, & thankful for any prolongation of life. That life can be extended, by removal here from more unfavorable latitudes . . . if the change be made before a too far aggression of the disease, is evident to me. The refreshing nights are jewels in the lives of the weary. We often wish you could all enjoy our nights, such blessings they would be after your oppressive days.

John, in the same letter, boasted again of the cool nights, explaining that "we sleep between blankets (for we have no sheets) with two below and three above us." This fact, John concluded, would give his family in Montgomery "some idea of the pleasantness of our nights."⁴⁴

⁴³ John E. to Bolling Hall, 20 April 1874; John E. to Laura June, 21 April 1874.

⁴⁴ John E. to Charles E., 26 June 1874.

Although their illnesses, the demands of their farm, and other adversities kept them from spending much time in the mountains, the Halls did occasionally comment on the scenic nature of the area, which must have seemed harsh to them so much of the time. Frequent references to wild game mark their correspondence. John seemed particularly impressed with the "large droves" of antelopes that he saw on the plains "about nine miles north of Denver," and he suggested that had his brother been there "they would have had sport and probably antelope."⁴⁵

In June 1874 Frank described the view of the Rocky Mountains that they enjoyed from their farm, explaining that from their back door they could see "Long's, Pike's, and Grey's peaks" as well as "mounts Lincoln and Sherman." And he pointed out that some of them "are over one hundred miles distant." Frank also wrote of several large fires in the mountains, which were "plainly visible at night though seventy or eighty miles distant." To emphasize the magnitude of the Rockies, he pointed out to his sister that they had only been in "what is called the foot hills." With a touch of humor, he boasted of them as "pretty good sized feet though, some of them being over five hundred feet above the plains."⁴⁶

The fall after their arrival, Hines and Frank took a load of watermelons to Georgetown, described by Joe as "a small place in the mountains about 70 miles west from here." "Mining," he continued, "is the cause of the town being built."⁴⁷ Frank estimated that it would be five days before his brothers returned. Judging by his letters, Hines seemed excited by his marketing trips to the mining towns.

You ought to see some of these mountain towns. Nevada, Central and BlackHawk are really one town, but go for three. They are all in the same gulch and you would never know when you were leaving and entering another as they are all built up to each other. A gulch is a large gulley in which they always put their towns as it is too cold on top of the hills. The three towns mentioned are about two miles long and from one to two hundred yards wide. You can get on a hill close by and see the whole concern.

He described the narrow-gauged railroad to Black Hawk as well

⁴⁵ John E. to Laura June, 21 April 1874.

⁴⁶ Franklin A. to Caroline S., 29 June 1874.

⁴⁷ Joseph E. to Bolling Hall, 13 September 1874.

as the "immense amount of work" required to get there by wagon.⁴⁸

In addition to comments on the scenery in their correspondence, the Halls often sent news of local disasters, such as a fire in Littleton, described as "a small village about five miles from here." Apparently just before the new year, a large flour mill burned there. Joe wrote that "the loss on wheat alone, above the insurance, was \$12,000, not to say anything about the flour and the mill house."⁴⁹

These descendants of southern planters attempted to sustain themselves in Colorado by farming; thus, it is not surprising that nearly every letter also dealt with agricultural matters. Their agricultural pursuits began on 23 December 1873, when, for a consideration of \$1,600, Emmet Nuckolls signed a warranty deed to "John Elmore Hall, Franklin Abner Hall, and Joseph Eugene Hall, and Edward Galpen" to a parcel of Arapahoe County land described as "the South East Quarter of the North West Quarter of Section Number Twenty Seven (27) in Township Number Four (4) South of Range Number Sixty Eight (68) West of the Sixth principal Meridian-Containing Forty (40) Acres of land, according to Government Survey, be the same more or less."⁵⁰

At the same time, presumably, the Halls and Galpen executed in favor of Nuckolls two deeds of trust as security for loans of \$554 and \$1,000. The first note, filed 5 May 1874, was for one year and eight days; the second, filed 24 December 1873, was payable in three payments—\$100 on 1 August 1874, \$500 on 1 January 1875, and \$500 on 1 January 1876. Interest was one percent per month, payable semiannually.⁵¹ Thus began the financial woes of the Hall brothers—difficulties from which they never completely extricated themselves until returning home.⁵²

Frank's observations concerning farming techniques and technology indicate the Halls' familiarity with farm life. Of the four, he apparently had the greatest interest in agriculture. In April 1874 Frank described in exacting detail the operation of seed drills commonly used in Colorado, suggesting that his father would benefit by trying one in his planting. After reciting

⁴⁸ Hines H. to Charles E., 3 October 1874.

⁴⁹ Joseph E. to Bolling Hall, 2 January 1874.

⁵⁰ Warranty Deed, 17871, bk. 60, p. 9, recorded 24 December 1873, County of Arapahoe, Territory of Colorado, 1873 file, Bolling Hall Papers.

⁵¹ 1873 file, Bolling Hall Papers.

⁵² An accurate and complete history of the land transactions can only be reconstructed through the official record books, which was not attempted and was beyond the scope of this paper. The financial records in the collection were incomplete.





This Deed, Made this *Twenty third* day of *December* in the year of our Lord one thousand eight hundred and seventy *three* (1873) between *Emmet Nuckolls* of the County of *Arapahoe* and Territory of Colorado, of the first part, and *John Elmore Hall, Franklin Abner Hall, and Joseph Eugene Hall, and Edward Galpen* of the County of *Arapahoe* and Territory of Colorado, of the second part; WITNESSETH, That the said *part* of the first part, for and in consideration of the sum of *Eight hundred* Dollars, to the said *part* of the first part, in hand paid by the said *part* of the second part, the receipt whereof is hereby confessed and acknowledged, hath granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm unto the said *part* of the second part, *their* heirs and assigns forever, all the following described lot, or parcels, of land, situate, lying and being in the county of *Arapahoe* and Territory of Colorado, to-wit:

The South East Quarter of the North West Quarter of Section Number Twenty seven (27) in Township Number Four (4) South of Range Number Sixty Eight (68) West of the Sixth principal Meridian - Containing Forty (40) Acres of land, according to Government Survey, be the same more or less.

TOGETHER with all and singular the hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversions and reversion, remainder and remainders, rents, issues and profits thereof; and all the estate, right title, interest, claim and demand whatsoever, of the said *part* of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; To Have and To Hold the said premises above bargained and described, with the appurtenances, unto the said *part* of the second part *their* heirs and assigns forever. And the said *Emmet Nuckolls* *himself*, his heirs, executors and administrators, doth covenant, grant, bargain, and agree to and with the said *part* of the second part, *their* heirs and assigns, that at the time of the executing and delivery of these presents, *he is* well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and in & good right, full power, and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind and nature soever; and the above bargained premises, in quiet and peaceable possession of the said *part* of the second part, *their* heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said *part* of the first part shall and will Warrant and Forever Defend.

In Witness Whereof, The said *part* of the first part ha & hereunto set *his* hand and seal the day and year above written.

Signed, Sealed and Delivered in Presence of

Emmet Nuckolls 
M. E. Broad 



all of the crops that could be advantageously sown with the drill, even beets, carrots, and parsnips, Frank conjectured that there was "no reason why it will not work in Alabama as it does here, except in very wet ground."⁵³

Several weeks later, he named specifically the drill that he used—"the F. F. Holbrooks patent, Boston, Mass."—as if replying to an inquiry. "I am very anxious for you to get one, as it will save you an immense amount of labor, besides the advantage of getting in your seed promptly after a rain. . . . I have examined both patents, and think the one that I have, 'Holbrooks,' would be worth five times its cost, (thirteen dollars) to you."⁵⁴ Space does not permit the complete quotation of Frank's lengthy and highly technical discussion of the relative merits of various seed drills as he urged his father to purchase one. Bolling Hall accepted his son's advice, ordering the machine from a Mobile nurseryman.⁵⁵

"The notion of living in a country where it does not rain seems to me very fascinating, and there is something so interesting in those irrigating canals."⁵⁶ By chance one or two of the brothers might have read this comment in *Appletons' Journal* before departing for Colorado; but if so, surely they would not agree with such a romanticized view after several years of indoctrination to this unfamiliar aspect of farming. Though homesteaders far from the foothills probably envied irrigation, the Halls found the system not without fault.

We get our water out of the Platte Ditch, which frequently breaks, but can be repaired so quickly, that we never suffer for water. These breaks are usually caused by cattle crossing the ditch, and tramping the banks down, and can usually be repaired in a few hours. Sometimes it rains very hard up on the divide, and swells the streams (dry ones), that head near it, so that they will sometimes wash away two or three hundred feet of the ditch, where it crosses. This does not happen often.⁵⁷

Other letters, however, indicate that troubles with the ditches were fairly common and invariably occurred at critical times. The 1874 irrigation season, according to their contract with the Platte Water Company, cost the Halls \$42.00. This fee entitled

⁵³ Franklin A. to Bolling Hall, 26 April 1874.

⁵⁴ Ibid., 7 June 1874. Bolling Hall ordered a "Hollbrook's New Regulator Seed Drill" at a cost of \$12.00, boxed from a Boston dealer. C. C. Langdon concluded that it was "the best and cheapest I have ever seen."

⁵⁵ C. C. Langdon, Mobile, Ala., to Bolling Hall, 12 August 1874.

⁵⁶ O. B. Bunce, "About Our Trip to Colorado, II," *Appletons' Journal* 10 (25 October 1873):525.

⁵⁷ Franklin A. to Bolling Hall, 7 June 1874.

them to a flow through a box "4 x 3½ inches." (The document does not read 4' or 4", simply "4 x 3½ inches.")⁵⁸

The brothers encountered a steady procession of difficulties in establishing themselves, beginning with the purchase of livestock.

Bro John got sixty dollars \$60.00 or rather its equivalent for his gun a few days ago. Bro Frank did the same with his. They each got a pony for their guns, which would have cost them sixty dollars \$60.00 in money to have bought them. We expect to drive them to the market wagon. I think that I will get seventy five dollars \$75.00 or its equivalent for my gun soon. I may be able to trade it for a one hundred and thirty dollar \$130.00 horse which we want to work with old Jim (our horse).⁵⁹

Joe continued with a description of their six-stall stable and the plans for construction of both a hen and a pigeon house. Though they eventually found another work horse, Joe revealed in a letter two days later that Frank could not trade Joe's gun for the animal that they had desired.⁶⁰

The "Colorado" Halls not only constantly exchanged information with their family in Alabama, they also received plants from them. The folks, the first spring after their separation, sent the boys cuttings and seedlings of flowers, shrubs, fruit trees, and strawberries, and the recipients dutifully reported the progress of the plants, almost sprig by sprig.

Frank, who seemed to oversee most of the actual farming, successfully planted and nurtured sufficient hot beds, but John reported considerable difficulty in coping with the weather and the plowing. He complained of the clay in the soil, which made plowing impossible in moist ground because the clay would stick to the plow except in a few sandy spots. In addition to working their forty acres Frank rented two acres of sandy land from a neighbor for potatoes, and they rented from their partner Edward Galpen his interest in their farm for "about \$75.00." Galpen had gone to the "divide," according to John, to put in fifteen or twenty acres of potatoes on shares with a Mr. Bennett.⁶¹

In May 1874 Joe expressed hopes of planting six acres in wheat the next day and told his father how their planting had been delayed by their inability to get anyone to plough for them.

⁵⁸ Contract with Platte Water Company, 16 May 1874, Bolling Hall Papers.

⁵⁹ Joseph E. to Hines H., 24 March 1874.

⁶⁰ Joseph E. to Charles E., 26 March 1874.

⁶¹ John E. to Bolling Hall, 20 April 1874. The correspondence does not reveal whether or not Galpen had any valid claim to the land on the "divide." He simply may have been "squatting" on it, or perhaps he had entered it under one of the land laws.

However, he seemed pleased at the condition of the "pot beds," and he listed the variety of their crops. "The cabbage plants number about five thousand 5000, Tomatoes fifteen hundred 1500 or two thousand 2000. I dont know how much lettuce there is. Have got about eight acres of the garden land broken up, on which is planted some Irish potatoes, radishes, beets, beans, peas, parsnip, carrots, turnips, onions & maybe something else."⁶² However, some three weeks later, John confessed discouragement, especially with their wheat crop on which they labored so hard irrigating. He blamed the poor wheat on improper preparation of the land and the unlikely prospects of the crop in general on the dry weather. Nevertheless, he remained cautiously optimistic.⁶³

As the season progressed their letters reveal brighter prospects for a profitable harvest. Writing early in June, Frank admitted that the garden was better than he projected earlier, describing to his father the exact condition of each of their "stands." Two-hundred hills of watermelons and 168 of cantelope had been planted the first of the month. "I think we can safely count on at least one thousand dollars on these crops, our health permitting us to work, and no other insurmountable accident arising, such as grasshoppers, bugs or failure of water supply. Everything being favorable they may run up to two thousand dollars."⁶⁴ Frank's optimism must have faded by the end of the month; on the twenty-ninth he wrote his sister of getting only \$5.90 for a load of peas, turnips, and radishes. Besides, the bugs destroyed "about two thirds" of their potatoes.⁶⁵

Though pests wreaked havoc on their vegetables, evidently the soil was quite fertile. Crops matured rapidly despite unfavorable weather conditions late into the spring. However, prices were another matter; John estimated on 22 July 1874 a total yield of only 150 or 160 bushels of wheat, which he valued at \$180.00. The same day Joe lamented that "the sale for vegetables isnt near so good as we thought it would be." Though their turnips were "doing well," John reported that there was "no sale for them."⁶⁶ Does this comment reflect general market conditions or a variance in the tastes of Coloradoans? Perhaps turnips were not as popular as they were down in Alabama!

⁶² Joseph E. to Bolling Hall, 3 May 1874.

⁶³ John E. to Bolling Hall, 27 May 1874.

⁶⁴ Franklin A. to Bolling Hall, 7 June 1874.

⁶⁵ Franklin A. to Caroline S., 29 June 1874.

⁶⁶ John E. to Bolling Hall, 22 July 1874; Joseph E. to Bolling Hall, 22 July 1874.

bugs, or something, cut up most of our water-melons, so out of about 500 hills, I think we have about 75 remaining. We have a small patch of squash & halves of cucumbers. These are doing only tolerably well. Have half an acre of potatoes, doing very well now, but no wheat. Have more corn than we can do with, about a quarter of an acre of beets, doing well. About an acre of turnips doing well, but no sale for them. Peas are gone, and this corn is not our whole crop. Wheat plants are coming, think the grass which will stay, and much damage. Some have got it with frost actions if it is, for the last day or two they are leaving. It will winter well, but without doing great mischief. Frank says, we have great hopes of raising potatoes, but I don't think it will do well at all today. There is little, but still some hope, that we may have a little more than we have now. We are going to more.

The first March after their arrival Bolling Hall sent by express a box of strawberry plants to his sons, and they continued to raise them until they departed from Colorado.⁶⁷ Joe, two years later, reported how well the four-thousand vines received the previous spring were doing, explaining exactly how they had learned to mulch them, which increased the probability for an abundant yield.⁶⁸ The correspondence in 1878 requests their family to ship them strawberry baskets and crates in an effort to beat the high prices in Denver—\$7.50/M for baskets and 16¢ each for half-bushel crates. In the same letter Hines pointed out to his father that Colorado strawberry producers seemed to share a "general complaint" of a "good many berries" becoming "hard and woody."⁶⁹

⁶⁷ John E. to Bolling Hall, 24 March 1874.

⁶⁸ Joseph E. to Bolling Hall, 25 February 1876.

⁶⁹ Hines H. to Bolling Hall, 30 May 1878.

Towards the end of their first season of farming, the brothers clearly had become discouraged, for they hardly made a living. The shorter growing season, natural disasters, and overhead gave them little hope for success. In short, they were confounded. Hines wrote, "It is almost impossible for a stranger to get employment in Denver unless he has experience in the business in which he proposes to engage and then he will find it a very difficult matter. As to farming I hardly know what to say." Then he extolled the fertility of the land and the advantages of the vegetables not rotting as they did in Alabama before finally concluding that "with good management farming will pay."⁷⁰ However, during their entire experience, they never ceased to complain of the early frosts and the shorter growing season.⁷¹

Grasshoppers and potato bugs, however, actually frustrated them even more than the weather and the contrariness of the irrigation system. The shock of their first encounter with the orthopterous insects caused two of the brothers to write home about them on the same day, 22 July 1874. John's commentary substantiates the textbook descriptions. "First, I will say on 16th grasshoppers appeared, & till today, have daily increased by millions, until they cover everything. I think there are ten or a dozen in our wheat patch to every stalk of wheat thus far."⁷² Joe agreed with John that the presence of the pests virtually eliminated their chances of showing a profit. "I don't think we can even make running expenses," confirmed Joe. "I hardly know what to say we may expect as income . . . for grasshoppers at present make it all chance."⁷³ They were right. The insects plagued them again in late August, prompting John to lament that they would "leave us nothing this time."⁷⁴ Millions—a term not used so loosely in those days—was the term often applied to their numbers.

Though the presence of this disaster was perennial, plains farmers tried to minimize the damage, using the weather to their advantage when possible. Mild springs evidently tended to bring an early hatch and with it hope that the hoppers would be gone by the time the vegetables came up. Joe theorized thusly, but he recognized that "there may be enough left to eat the crop up any way." Evidently that year, at least, his hopes were not realized as Frank blamed their inability to sell the place "owing to three successive years of grass hoppers."⁷⁵

The next spring, however, John again suggests that a remedy may rest in the mild weather. "If this weather lasts a few days longer, I shall expect to see thousands of grass hoppers hatch out. If water is supplied us early this year, say by the 1st or even 10th of April—as they promise, we may make a successful fight with the hoppers. I hope this will be our last year here."⁷⁶ Perhaps an early irrigation amidst warm weather killed the eggs before they hatched, a stroke of luck that would tremendously reduce local infestation. However, since storms often blew in clouds of the insects from considerable distances, the Halls—together with all plains farmers—faced destruction by these pests throughout the season.

Frank's description of the potato bug—despite the imperfections of his prose—is classic. He wrote to his brother that "the Colorado beetle, or potato bug, watch the potato patches, and where ever the ground cracks a little, six of them surround it, and as soon as the potato peeps out, they pounce it."⁷⁷ The thirtieth of May 1874 was a rare, rainy day, and John also took the opportunity to write home, verifying Frank's observations. "Our irish potatoes are coming up well, but are being destroyed or eaten down by the potatoe bug as fast as they get above the ground. You see in leaving the cotton worm, we have found the 'potatoe bug', as formidable an enemy, I reckon."⁷⁸ Unlike the grasshoppers, however, the potato bug could be controlled reasonably well by applying "paris green," a compound of cupric acetate metaarsenate, to the plants.

In addition to the sale of vegetables, the brothers derived a meager income from eggs, which sold for twenty-five to thirty cents a dozen.⁷⁹ Joe, who raised the chickens and pigeons, humorously commented on their lack of productivity. "Still have nine pigeons & the number isnt likely to increase soon as none of them have laid yet, the reason of which is because they are young & some of them have shown bad judgement in the selection of their mates, having done so, regardless of gender. So of the nine pigeons I dont think but four are properly paired, making two pair."⁸⁰ Since they often wrote of eating wild geese and

⁷⁰ Joseph E. to Bolling Hall, 22 July 1874.

⁷¹ John E. to Bolling Hall, 24 August 1874.

⁷² Joseph E. to Bolling Hall, 24 February 1876; Franklin A. to Bolling Hall, 18 September 1876.

⁷³ John E. to Laura June, 25 March 1877.

⁷⁴ Franklin A. to Hines H., 30 May 1874.

⁷⁵ John E. to Laura June, 30 May 1874.

⁷⁶ Joseph E. to Charles E., 25 March 1874; Joseph E. to Bolling Hall, 12 April 1874.

⁷⁷ Joseph E. to Laura June, 10 June 1874.

⁷⁰ Ibid., [no day] October 1874.

⁷¹ Franklin A. to Bolling Hall, 18 September 1876; John E. to Laura June, 5 October 1877.

⁷² John E. to Bolling Hall, 22 July 1874.

ducks—seldom is beef mentioned—these pioneers must have wearied of eating fowl.

Indeed, the young Alabamians constantly cast about for brighter economic opportunities, and one avenue seriously considered was sheep. In September 1876 in a long letter to his father Frank tediously explored the prospects of sheep herding. The problem centered around trading their farm for the animals. Frank estimated that they would be in "comfortable circumstance in three years," if they could trade for a thousand ewes and twenty merino rams. By his calculations they would have a flock of four thousand at the end of three years, basing his figures on raising eighty lambs per one hundred ewes. Frank appeared overly enthusiastic in claiming that "raising ninety per cent of lambs is about the average in Colorado," when he clearly meant the maturing of ninety lambs for each one hundred ewes in the herd. At any rate, he explained the advantages of running them on government land and the relatively small capital needed for supplies and care. Frank estimated the 1876 cost of sheep at two dollars per head and the sale price for wool at seventeen cents a pound. One of them planned, if they could buy the sheep, to herd for someone else at wages of "about twenty five dollars a month" to help out until they could get established. Unfortunately, their dreams of a profitable sheep herd evidently never materialized, but the correspondence provides a fascinating summary of at least one man's view of sheep herding in Colorado.⁸¹

In a nine-page letter written on 7 October 1879—the last from Colorado of any substance in the collection—Joe expounded on the economic potential of dairying, proposing a complicated partnership with a Mr. Roper. According to the plan, Hall would buy twelve, fresh milk cows at thirty dollars each and one-half of the feed for the herd, which would include two or three of Roper's cows. In turn, his partner would furnish and maintain a wagon and team, would pay for one-half of the feed, would help milk and tend the herd, would purchase one-half of the cans, and would sell the milk. Finally, Joe would "get half of the proceeds from *all* of the milk sold," the milk from Roper's cows included. The budget that he presented Bolling Hall totaled \$506—\$360 for cows, \$84 for six tons of wheat bran, \$6 for milk cans, \$50 for bed, blankets, etc., and \$6 for his feed bill per month. Since Joe predicted that cattle feed would rise from \$14.00 to \$25.00 per ton by spring, he proposed to buy enough to last the winter.

⁸¹ Franklin A. to Bolling Hall, 18 September 1876.

The sales pitch to his father was strong. With milk wholesaling for 20¢ per gallon and rising (Joe felt it might reach 30¢ by Christmas), young Hall projected a clear profit of seventy-five dollars a month out of which his personal expenses must be paid. According to Joe, "the demand is great & milk scarce." And his partner figured he could sell forty gallons a day without any difficulty. After pages of other details, Joe labeled the scheme "a splendid opportunity" and urged his father's assistance. Did Bolling Hall buy the idea? Perhaps so, but it is impossible to determine definitely from the extant papers.⁸²

"If we get the horse we will then be as independent as a hog on ice."⁸³ Joe was referring to the hoped for but unrealized trade of his rifle for a fine work horse, a deal that seemed to typify the financial disappointments that continually plagued these Alabama health seekers. And, if it was not for the sacrifices of their father, who had his own problems coping with the economic adversities of Reconstruction, they could not have persisted in Colorado even as long as they did.⁸⁴

The brothers' adversities appeared to be endless and proved overwhelming in the final analysis. In many ways, the Halls seem to personify Walter Prescott Webb's thesis, obviously encountering his "institutional fault." Although handicapped by poor health, their lack of diligence did not cause their difficulties. On the other hand, their industry must be admired, considering their planter heritage. Perhaps the hardships of the plains frontier fell heavier upon the Halls, who were accustomed to the labor of their "field hands" back home.

Despite the complexities of the financial web in which the Alabamians were entwined, they constantly endeavored—with the aid of their father—to disentangle themselves honorably.

⁸² Joseph E. to Bolling Hall, 7 October 1879; Bolling Hall's granddaughter, Mrs. Alma Hall Pate, recalls hearing her "Uncle Joe" mention dairying in their family discussions during her childhood. Records in Colorado may contain the answer (interview of Mrs. Alma Hall Pate, 18 April 1975, Millbrook, Ala.).

⁸³ Joseph E. to Hines H., 24 March 1874.

⁸⁴ Others in the family also drew on Bolling Hall's financial resources, which were already strained by the shortage of cash after the war. One of the most interesting calls for help came from his youngest son Charles E., who attempted to convince his father to buy a farm near Grape Vine, Texas (northeast of Dallas) and rent it to him. Charles concluded his request on an emotional tone, admitting that he felt "terribly the want of a home though that home should be in Texas." He continued, "It goes hard against my grain to work under a man of no education & situated as I am it frequently throws me into such society as I would be ashamed to be caught with in Alabama."

Regardless of his predicament, Major Hall most likely rejected his plea, and the only other letter during this period from Charles discusses his return from Texas, probably the following August, financed by a draft from home (Charles E., Grape Vine, Texas, to Bolling Hall, 23 March 1873, 24 August [1873]; Charles's letters hint of an estrangement as they did not convey the feelings of warmth and affection contained in most of the other correspondence).

Some two months before it came due, John paid off the smaller of the initial two mortgages on the farm, which were held by Nuckolls, when they received \$600 from home in October 1874.⁸⁵ Although it is not clear from the Hall Papers, the brothers evidently satisfied the larger of their two mortgages prior to its maturity, but the farm remained mortgaged to someone until they left. On 18 December 1876, for instance, the four brothers signed a deed of trust in favor of William F. McCartney, at one and one-half percent-per-month interest, payable to Jennie D. McCartney from whom they obtained a release filed 12 December 1878.⁸⁶ They paid the interest on the note when they renewed it for another year from 18 December 1877.⁸⁷ During the summer of 1874 Galpen sold his share in the place to his former partners for \$200—fifty in cash and the balance in five notes, all but one of which he endorsed to W. E. Broad.⁸⁸

The mortgages on their farm, however, only marked the beginning of their depressing financial story. Although their papers contain bundles of notes of varying denominations in favor of numerous individuals, the opening of a grocery story, in particular, strained their already shakey fiscal structure. Since O.D.F. Webb assigned his interest in the policy on the "groceries and provisions" in the store to "J. E. Hall & Brothers" 12 July 1875, they evidently took over the store on or about that date.⁸⁹ While their correspondence does not indicate precisely how much they invested in the enterprise, a recap of their debts on a scrap of paper in the 1876 file reveals that it was considerable. The undated tabulation, most likely enclosed in an August 1875 letter summarized their indebtedness as follows: "Debts on acct. of Ranch"—\$1690.00 due from 1 September 1875 through 1 January 1876; "Debts on acct. store"—\$1765.00 due from date of letter through 1 October 1875.⁹⁰ They noted the amounts payable on the first of each month.

F. Knudsen and Company, dealers in groceries, teas, fancy goods, and produce as well as liquors, tobacco and cigars, billed Webb for some 306 different items, costing over \$1,896 as an

⁸⁵ Hines H. to Bolling Hall, [no day] October 1874; Release of Deed of Trust #23324, 10 October 1874, bk. 61, p. 33A, Bolling Hall Papers.

⁸⁶ Deed of trust to William F. McCartney, 18 December 1876, bk. 91, p. 97; Release of Deed of Trust, filed 21 December 1878, bk. 102, p. 248, copies in Bolling Hall Papers.

⁸⁷ 1876 file, Bolling Hall Papers.

⁸⁸ Joseph E. to Bolling Hall, 16 August 1874; notes, 1874 file, Bolling Hall Papers.

⁸⁹ Policy with Hoffman Fire Insurance Company of New York, 23 August 1874, Denver, 1875 file, Bolling Hall Papers.

⁹⁰ Loose, unlabeled sheet, 1876 file, Bolling Hall Papers.

Denver, Colorado,

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Bought of J. Knudsen & Co.,
DEALERS IN
GROCERIES, TEAS, FANCY GOODS & PRODUCE,
LIQUORS, TOBACCO AND CIGARS.
F Street, Second Door from Larimer.

9 1/2 # Imp Lea	88	836	
62 # Sol Soda	5 1/2	341	
80 # 1/4 Chest Imp Hyson Tea	78	2340	
106 # Pearl Barley	12	1272	
11 3/4 Young Hyson Tea	78	916	
9 Cans Honey 2 #	62 1/2	589	
65 # Lard	19	1235	
4 Round Coffee Cans	100	400	
36 bottles Ink 1/4 Gross	02	108	
85 # Sage in leaf	15	525	
4 Dug Cans Small Candles 1/2 #	140	560	
1 Glass Honey Tilt		600	
5 # Cane Pepper	65	325	
1 bucket Hammy		78	101 22
2 Set small Scales	700	1400	
1 Timber Cane Scale		1500	
1 " Platform Scale		2500	
1 Truck		2000	7400
1 Marking pot & brush		50	
1 Soap Boxer		20	
1 ps Lamp Glass		20	
2 bung Cans		100	2 50
3 Galam Measure	30	120	
1 " " "		50	
4 " " "	25	100	
1 " " "		10	
4 " " "		50	2 50
1, 3 Gal Pan		45	
1 Lard		125	
49 # Sol Cane Oil	28	1372	
5 Wash Lubr. Can	125	625	
4 " " "	100	400	
5 " " "	75	375	
9 - Galam bump	95	902	
32 " " "	40	1280	
1 can Spigot	15	15	
1 Iron " "	75	75	
1 Iron " "		500	5714
			2585

opening inventory. Knudsen's address was listed as "F street, Second Door from Larimer." Webb insured his stock for \$1,300 at a premium of 8 percent, or \$104, in a policy written for one year by Winne and Cooper, Agents. According to its terms, the "groceries & provisions" were housed at "253 North side of 15th St." and "Gas fitting & plumbing permitted." It also permitted them to "keep for sale not to exceed 2 bbls of Kerosene or Illuminating Oil not to be handled or sold by artificial light."⁹¹

"It is nearly ten oclock every night when we close the store, and getting up a half after five in the morning renders it impossible for me to do any thing these short nights but sleep." Unfortunately for John and his brothers, the long hours were not worthwhile with sales the second half of July "not more than one half of what they should have been." A "market house," which opened after they bought their store, cut into their volume as well as that of other grocers. Though John expressed some hope of making it, he confessed to his father that "unless business improves it will be hard for us to meet all payments."⁹² The worst happened. Illness forced John to bed, and it fell Hines's lot to pick up the pieces. There was a desperate tone to his letter as he discussed the situation with his father. Not only was Hines unable to meet the bills and notes due on the first of September, but, in his words, "all refuse to extend or give us any accommodations whatever." Nevertheless, he expressed optimism at the possibility of selling out, though "at a heavy loss." Since the correspondence contains no further reference to their mercantile venture, Hines presumably sold the business.⁹³

How humiliating it must have been for descendants of a prominent southern family to beg for credit! Joseph wrote, for instance, of awaiting a report from a Mr. Stone on his efforts to obtain desperately needed renewals of notes from their numerous creditors. And the tone of the letter was representative of many others.⁹⁴ However, W.E. Broad apparently provided their most valuable financial contacts. In association with W.H. Fisher, Broad dealt in real estate, notes, and securities of all kinds from their firm at 356 Lawrence Street. Not only are a number of notes in his favor among their papers but some of their letters are on Broad's letterhead. Their creditors were as

W. E. BROAD, Notary Public.

W. H. FISHER.

We negotiate MORTGAGES,
Buy and sell Bonds, STOCKS,
Notes and other securities. Pay
Taxes and Collect Rents, Is
Attorneys and Accountants.
BUT IN REFERENCE TO US

W. E. BROAD & CO.

OFFICE, 356 LAWRENCE STREET.

P. O. BOX 1880.

We sell and exchange REAL
ESTATE, MINES and MINERAL
RIGHTS, and also ABSTRACTS and
EXAMINE TITLE, and also
DEEDS in the REAL ESTATE
SECURITY.

Denver, Col April 11th 1874

My dear father

*The money (p. 100) by P.O. order, was
safely received yesterday. We have already
paid out every cent of it. I wrote a few days
ago, asking you please to send us p. 100. more if
you could spare so much. That amount will
be required by us to get along until our garden
begins returning. I hope we shall call on you
no more. Frank has his hot beds planted with*

many and varied as the nature of their debts. At one time or another, the Halls owed—in addition to Broad, Nuckolls, Galpen, and McCartney—David Harrison, John G. Russell, Posey Herbert, White Bishop and Company, and Doctors Newman and Hayden.⁹⁵

The Hall Papers reveal the basic honesty and integrity of the brothers as well as their dire financial straits. Obviously unable to keep their account current, they signed a \$60 note for 90 days at 1½ percent per month in favor of Doctors Newman and Hayden on 17 April 1878.⁹⁶ Twice they mortgaged to David Harrison their wagon and horses, a definite indication of their fiscal distress.⁹⁷ Some creditors were less patient; Posey Herbert and White Bishop and Company obtained judgments against "John E. Hall & Bros."⁹⁸ Prompt satisfaction of these judgments is, however, a measure of the brothers' good character. Despite their obviously sincere reluctance to impose an additional burden on their father, they sought and received his assistance. Because of missing letters, the extent of Bolling Hall's financial

⁹¹ Undated invoice of nine, legal-sized pages from F. Knudsen & Co., 1875 file, Bolling Hall Papers (although marked Webb invoice, the document does not have Webb listed on it as the purchaser).

⁹² John E. to Bolling Hall, 1 August 1875.

⁹³ Hines H. to Bolling Hall, 2 September 1875.

⁹⁴ Joseph E. to Bolling Hall, 25 February 1876.

⁹⁵ 1874, 1875, 1876, 1877, 1878 files, Bolling Hall Papers.

⁹⁶ 1878 file, Bolling Hall Papers.

⁹⁷ 1875 file, Bolling Hall Papers.

⁹⁸ Certificates of Satisfaction of Judgment, 7 April 1876, 1876 file, Bolling Hall Papers.

aid to his sons remains a matter of conjecture. From 1874 through 1876, however, he sent them at least \$1,850.00; undoubtedly the total figure greatly exceeded this amount.⁹⁹

Important as they are as a commentary on the lives of several Colorado "pilgrims," perhaps the Hall Papers are equally, if not more, significant as a barometer of economic conditions in the Denver area during the 1870s. Though their farm was "getting on very slow," John wrote his father in the spring of 1874 that "Denver is still growing rapidly" with "many fine buildings going up"—indications of "business spurring up some." Furthermore, John reported predictions of "a tremendous influx of people . . . during spring & summer." Despite this anticipated activity, jobs were not plentiful.¹⁰⁰

I am using my utmost to find employment of some kind. . . . The most desirous positions of employment are all filled by parties who command more or less capital. For instance, to explain, Had I five hundred, a thousand, fifteen hundred dollars or any sum which might be an inducement, & offered to loan it to parties of whom I wish employment, I would be almost sure of success. Nearly every clerkship in professional offices, newspapers, stores & elsewhere is obtained in this way.

John realistically concluded, "Of course then, I cannot choose." Then he changed the subject with a wish that his physical strength equaled his will.¹⁰¹

In June 1874 John enclosed a copy of the *Denver Rocky Mountain News* in one of his letters, calling attention to items of particular interest. The visit of a business delegation from Galveston, Houston, and Kansas City impressed him, and he expressed great satisfaction at listening to "all the speeches made." "Much enthusiasm was manifested," he wrote brother Charley, "and I think before many years Denver & Galveston will be linked by railroad." John characterized the Texas men as "an exceptionally wealthy, intelligent, and representative body."¹⁰² Such an optimistic forecast for Denver's long-ranged prosperity, unfortunately, did not prove accurate in terms of the financial climate described just a year later. "Business is very dull & very little has been done for several days," John lamented. While he probably was referring to their grocery sales, he clearly was describing general conditions as well, assuming

the accuracy of his observations. Money was getting so tight that it could "hardly be had upon any term," and "complaint of hard times" reached a peak.¹⁰³ But a few months later, in December 1875, Frank expressed a brighter view. Business picked up; town property "ceased depreciating in value and real estate showed a very decided upward tendency." Consequently, the business community predicted "easy times next year." Nevertheless, Frank explained that "there will be no demand for country property until spring, when irrigation set in"—evidently referring to their constant hope of disposing their farm profitably.¹⁰⁴

Since the Halls, through the generations, seem to have known the value of a dollar, their price quotations ought to serve as a fairly accurate index of the cost of living in the area. During their first month of living "to themselves," they paid out \$33.50 for provisions of which they had on hand the following staples: flour—25 lbs., meal—90 lbs., bacon—20 lbs., syrup—5 gals., lard—10 lbs., vinegar—1 qt., salt—15 lbs., tea—1 lb., coffee—1 lb., sugar—8 lbs., and "some black pepper." "When everything gets straight," John suggested to Laura after listing these items, "I think \$20 a month will feed us." He calculated on the low side!¹⁰⁵

Because Laura seriously considered joining her brothers, they shopped for some of the items necessary for her comfort, sending the following report home.

Bro. John & Hines went to town to day & I got them to price the article. Wardrobes, such as you have at home are worth from \$12⁰⁰ to \$15⁰⁰ . . . Wooden bottom chairs . . . \$5⁰⁰ five dollars a set 6 chairs to a set. Mattress \$5⁰⁰ five dollars, have no cotton mattresses here, they are mostly stuffed with straw. Bedstead \$4⁵⁰ . . . same make as Bro Johns, but not quite as good. Blankets good white ones \$9⁰⁰ nine to \$15⁰⁰ fifteen dollar per pair. Colored blankets, good one \$7⁰⁰ to \$11⁰⁰ eleven dollars per pair. Safe \$7⁰⁰ . . . not as large a one as yours but as large as we would need. Feather Pillows pr pair \$7⁰⁰ . . . Flock pillows pr pair \$1²⁵ . . . Feathers \$1¹² . . . per pound.¹⁰⁶

John, writing a bit earlier, estimated that the "necessary furniture, bedding & other things to make Laura comfortable . . . would cost about \$175⁰⁰" and coal "about \$7 a month," except during the warmer seasons.¹⁰⁷

⁹⁹ 1874, 1875 files, Bolling Hall Papers.

¹⁰⁰ John E. to Bolling Hall, 11 April 1874.

¹⁰¹ John E. to Bolling Hall, 27 May 1874.

¹⁰² John E. to Charles E., 26 June 1874.

¹⁰³ John E. to Bolling Hall, 24 August 1875.

¹⁰⁴ Franklin A. to Bolling Hall, 14 December 1875.

¹⁰⁵ John E. to Laura June, 9 February 1874.

¹⁰⁶ Joseph E. to Bolling Hall, 16 August 1874.

¹⁰⁷ John E. to Bolling Hall, 22 July 1874.

Nearly every letter revealed something about the cost of living. Joe, for instance, spent six dollars for a pair of pants and shoes when he first arrived, and he asked his dad for forty dollars "to have his teeth fixed," without specifying the exact dental work required.¹⁰⁸ Though the brothers disagreed on the cost of having a well "dug & curbed," \$100 apparently ended up as a consensus. Joe listed no less than six reasons why the well should be dug, the last being to preserve John's health because he had "gotten into the habit" of falling into the river from the wagon while hauling water. However, Joe gives some credibility to John's explanation that each time "old Jim" shyed and "jerked the wagon from under him."¹⁰⁹ They valued the two-year-old horse that they lost on a marketing trip at seventy-five dollars but suggested that at maturity he would have been worth \$125.¹¹⁰ In August 1875 John paid six and one-half dollars a week for room and board in a private home while running the grocery store; he wrote that his two friends shared a room at the Wentworth Hotel for ten dollars-each-per-week, apparently including board. Of all the comments concerning prices, however, the most surprising is John's remark that the prices of bedding and furniture were "just about as in Montgomery."¹¹¹ In light of freight costs to the West, the accuracy of his remark is questionable. But on second thought, perhaps the unfair differential rates imposed on the South after the war explain the logic of his comparison.

Since the Halls continually tried to sell their place and since they evidently dreamed of dabbling a bit in land, their correspondence mentions real estate prices. However, their generalizations regarding prices must be accepted for what they are—rough commentaries on the market. In February 1874 Frank commented at length on real estate activities and values.

Brother John has gone down the Platte, seven miles below Denver, to look at some lands, for us to preempt if suitable. Some of these lands are under ditch; that is, situated, so that they can be irrigated from ditches now built. Others are barren, (except the buffalo grass that is on them) and will be unproductive, until ditches are built to irrigate them, when they will immediately, become very valuable, worth from ten to twenty five dollars per acre. No lands under ditch, within

¹⁰⁸ Joseph E. to Bolling Hall, 12 April 1874.

¹⁰⁹ Joseph E. to Bolling Hall, 16 August 1874; John E. to Bolling Hall, 22 July 1874.

¹¹⁰ Joseph E. to Bolling Hall, 14 September 1874.

¹¹¹ John E. to Bolling Hall, 14 September 1874, 22 July 1874.

twelve miles of Denver, up the Platte, can be bought for less than thirty dollars per acre; and in our neighborhood some are asking as high as one hundred dollars. The ditches to irrigate the lands, that I spoke of first, have been surveyed, and it is highly probable will be built next year, possibly this year. Where ever a ditch is built the lands are immediately taken up, and rise very rapidly in value. Lands within a quarter of a mile of us that were preempted only two years ago, (not being under ditch then) are worth thirty dollars an acre for the poorest, and worst. These lands down the Platte have all been preempted, but we can buy out some of them for fifty or a hundred dollars, per claim, of one hundred and sixty acres. We can arrange to get some, on time; how many I don't know. Those that I spoke of as being under ditch are only three or four, and being off from the settled parts, and having been taken up (as pretty nearly all down there have been taken) by men who never expected to live on them, but took them to speculate on, can be bought for from one to two hundred dollars per claim. They can be put in cultivation immediately, and are as good lands as any in the territory. Some of the owners of these lands, want to leave for San Juan this spring, and are anxious to sell at any price.¹¹²

While federal land records have not been searched to verify whether or not it was actually filed, the Hall Papers contain a copy of a preemption declaration, dated 18 February 1874, on 160 acres described as the southwest quarter of section 26, township 2 south, range 27 west, which would have been filed at the Denver Land Office.¹¹³

In April of his first spring along the South Platte River, John inspected two claims that the brothers hoped to acquire down the river from their farm.

I went out to the two claims of 160 acres each, (which we got from Galpen), last friday & put some little improvements up as evidence of ownership. The land I think much better than any in this neighborhood. A loose rich sandy loam, upon which on Friday morning we found no snow, when the snow remained thick here through most of saturday

I think probably there was not as much snow there as here. The claims are about 9 miles north of Denver down the Platte river, but I think near two miles from that stream, and about one mile east of Denver Pacific R.R. Grass there much in advance of here, & I think it a superior stock section. I think a ditch will run through that section in the next two or three years & the moment it reaches these claims I shall consider them worth \$20 or \$25 an acre. I am not perfectly satisfied as to the practicability of constructing a ditch through that section, but if it is feasible, Denver cannot afford to allow such fertile

¹¹² Franklin A. to Bolling Hall, 17 February [1874].

¹¹³ 1874 file, Bolling Hall Papers.

land lie in its immediate propinquity in a state of primeval barrenness. From information we have of productiveness of lands, I should think this land (irrigated) would make fifty bushels of wheat. Its friable character would render it easily cultivated & magnificent potatoe land. I found twenty six antelope there when we arrived, and keeping a respectful distance between us, they kept up feeding & capering in sight of us during our stay, which was about three hours.¹¹⁴

Unfortunately, the Hall Papers do not provide the answer to when, how, and for how much the brothers finally sold their place. Depending on the time, their idea of its value varied. In June 1874 Frank assured his father that it was "certainly worth three thousand without the crop on it," and he entertained hopes of imminent sale at that price.¹¹⁵ Some two and one-half months later, John saw the possibility of disposing of it for \$1,600 or \$2,000, surmising that they might get \$3,500 by waiting another year. However, he realistically mentioned the cost of living there through another winter!¹¹⁶ Only additional research in land records can determine the exact value of the Hall farm, or as Joe liked to call it, "Hall's Ranch." However, they did preserve their tax receipts, which offer interesting comparisons for today's citizenry (see Table I).

TABLE I
TAXES ON HALL FARM

Date Paid	Valuation	Total Tax	Received of
23/12/73	800	18.80	E. Nuckolls
21/12/74	1,000	18.50	J. E. Hall
26/ 1/76	1,000	16.20	Hall Bros.
20/12/76	820	16.56	J.E. Hall & Bros.
29/12/77	750	19.75	J.E. Hall & Bros.
16/12/78	840	21.58	H.H. Hall
22/12/79	800	18.40	H.H. & J.E. Hall
*21/ 9/81	320	7.56	H.H. & J.E. Hall
25/ 1/82	1,560	31.52	J.E. Hall
**12/12/82	2,320	57.99	J.E. Hall
** 3/ 3/84	2,600	51.09	J.E. Hall

SOURCE: Tax receipts, Treasurer's Office, Arapahoe County, 1873 file, Bolling Hall Papers, Alabama Department of Archives and History.

* Redemption certificate, dated 23 May 1881, indicated 1880 taxes of \$17.84 and a penalty of \$1.10.

** Evidently assessment included other parcels these years as receipt of 3 March 1884 indicated, in addition to original Hall farm, taxes on "S ½ of SE ¼, Section 12, Township 5, Range 68." However, receipt of 12 December 1882 does not describe land taxes as other than original property.

¹¹⁴ John E. to Bolling Hall, 20 April 1874.

¹¹⁵ Franklin A. to Bolling Hall, 7 June 1874.

¹¹⁶ John E. to Bolling Hall, 22 July 1874.

Though John and his brothers arrived as Denver entered its second decade, their commentary points toward more religious activity than is generally associated with the frontiers of the Far West. Admittedly, one collection of letters provides no basis for strong conclusions in this regard, but the frequent reference to religion by the Halls clearly indicates that God, indeed, resided "west of Dodge City," pulp writers to the contrary. And the number of neighbors who joined the Alabamians in their worship supports recent scholarly emphasis on the rapidity with which accouterments of eastern society spread westward.

Twice, in an early letter to Laura, John mentioned the importance of the Christian virtues—first concerning Joe's Bible study and then in appreciation to his sisters for "thinking more of duties to our Creator." In addition to their private devotion, the brothers often attended church as well as revival meetings, especially during the winter and early spring when weather curtailed other activities.¹¹⁷ John's lengthy analysis of one meeting typifies their interest.

A protracted meeting is going on in our neighborhood. It is conducted by the "United brethren" as they denominated themselves, of which church Mr. Nuckolls and other around are members. Prayer meetings are held in neighbors houses in the afternoon, and at night regular service is had in the school house near us. As it is impossible to get to service regularly in Denver, I attend as often as I can here. I attended a very pleasant prayer meeting at Mr. Nuckoll's last evening & a pleasant meeting at church at night. This evening I shall attend the prayer meeting at Mr. Clarks. Mr. Clark is not a member of their church & I think is inclined to the Methodist, though he worships with the united brethren, being the only church in reach. There is little if any difference between them & Protestant Methodist. Their worship & prayers are exactly similar. I got a copy of their discipline yesterday but have not read it. Though this church may be same as Methodist, I shall choose, when choose I do, the preference of our father & mother.¹¹⁸

Writing shortly after his brother, Frank attributed John's latest illness, at least in part, to attending church "for three nights in succession."¹¹⁹

Since it is generally agreed that many Coloradoans emigrated from southern and midwestern states in which a wide range of

¹¹⁷ John E. to "Sister" [Laura June], 25 November 1873. Space does not permit all references to church, worship, and the Bible. See also, Thomas J. Noel, "The Multifunctional Frontier Saloon: Denver, 1858-1876," *The Colorado Magazine* 52 (Spring 1975):119, 134 for the various religious activities in early Denver.

¹¹⁸ John E. to Laura June, 25 February 1874. Joe described a similar "United Brethren" revival in a letter dated exactly two years later (Joseph E. to Bolling Hall, 25 February 1876).

¹¹⁹ Franklin A. to Bolling Hall, 9 March 1874.

Protestant denominations flourished, religious attitudes similar to the Hall's may have been representative, at least reasonably so.¹²⁰ Though many such letters may be extant, few authors or editors emphasize the kind of emotional confession that Frank sent to his father from the Rockies.

I have never said much in my letters, of my struggles to become a Chistian, but dear Father do not think from this, that I have ceased to try, and have forgotten the promise, that I made you when I left home. No: although I may have disappointed you in not doing better, yet I still pray for strength from our Father in Heaven, to enable me to become a worthy, and profitable servant. The more I pray, and strive to overcome my sinfulness, the weaker, and more powerless I feel, unless God shall aid me. I know that I am not accepted by Him, yet, as a worthy servant, but I feel more confident every day, that He will finally accept me, who though wicked as I may be, hath, yet sincerely asked for mercy, through Jesus Chist our Redeemer. There are times when it seems to be blasphemy; but still I kneel, and ask God to make me a Chistian whether I will or not; and then comes a letter from you, encouraging me and saying, that you still prayed for us every day. Dear Father, you have no idea, how much good and strength your kind letters have given me, and I feel, that I can never become worthy of your love. I have deserved the good opinion that you all have of me, the least of any of your children. Even you dear Father, who know me better than any body else, have never known how weak, I am. You have all given me credit for better intentions than I deserved. It has seemed to me that I could do nothing but what it was tainted withe some mean selfish motive.¹²¹

That Bolling Hall subjected his children to considerable religious training is reflected in his own writing and activities. An active participant in the affairs of the Methodist Protestant Church, the elder Hall displayed definite evangelical attitudes, stressing the importance of laymen to his church's vitality.¹²²

It soon became obvious that frontiersmen needed every dose of "character" that they ever had, and more. During his first winter on the Eastern Slope, John suggested that he "should like to have a sprinkling of the right kind of Alabamians here." Then he quickly added, "We want no croakers. They must be alive."

¹²⁰ Regional origins of immigrants remain a matter of conjecture until thorough statistical analyses of census data and other genealogical sources become available—data often nonexistent for the earliest period.

¹²¹ Franklin A. to Bolling Hall, 26 April [1874].

¹²² Cupp, "The Bolling Halls," pp. 86-87. His granddaughter—Mrs. Alma Hall Pate, daughter of Hines Holt—stated that religion played a daily role in her father's home life. Mrs. Pate also verified her grandfather's denominational affiliation as Methodist Protestant (interview of Mrs. Pate, 18 April 1975).

In choosing his words John specifically referred to the problems of earning a living, but he actually described life in general. Their quarters—never commodious—were especially spartan at first.

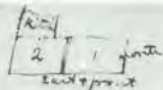
We have been for four weeks living in a small kitchen, which answers besides its legal profession, as a sitting room, parlor, dining room, bed room for three, dairy, pantry, store room, lumber room, in short, for any purpose, except comfort. . . . There is no room for a table had we one to put in the parlor, consequently we spread a news paper upon our laps as substitute for writing desk. Our furniture is easily counted. Two benches of plain pine plank, about three feet long, 18 inches high and ten inches wide, a square spittoon of same wood, & rough plank nailed so as to make a length of seven feet & width six feet upon which scaffold, three feet above the floor, three individuals find a rough but welcome bed. These constitute the house hold furniture.¹²³

From extant correspondence, the location of this multipurpose room is not clear, but it must not have been on their land. In subsequent letters, they described the incredible difficulties that they encountered in obtaining the materials and the technical assistance as well as their decision to move in their "dwelling house" several weeks later despite its being incomplete. They personally transported much of the timber from the mountains.¹²⁴

On 12 April 1874 Joe described the status of their home. "The house is still incomplete & haven't any idea when it will be finished. Situated as we are, we get the benefit of the snow, winds, & rains, though we live in what you call a house." Considering their financial burdens, it is understandable that the Hall dwelling, during their tenure, was never truly weatherproof or finished inside. Joe and John each sent extremely detailed accounts of the house and its furnishings in response to a query from their father, who considered sending Laura to join them during the summer of 1874. (John even sketched the floor plan on the top margin of his stationery!) In their lengthy letters—both dated 22 July 1874—the brothers revealed a common concern for Laura's comfort, happiness, and general well-being, showing a reluctance to expose her to the coarseness of the frontier.

¹²³ John E. to Laura June, 9 February 1874.

¹²⁴ Joseph E. to Laura June, 4 March 1874; Joseph E. to Hines H., 24 March 1874.



have pronounced the house as a little old.
will make it safe that our same time come here
for winter. Eating, fire, washing, tax & a very
amount to about \$300, this to take us to Aug 1st
living as we have lived, but adding well to it in
to home. We will try to make this in the mean time.
Should Laura & Hiram join us I think in the
things, no additional expense would be necessary.

John's letter with the sketch of the floor plan of their home (1874).

In Joe's response to his father, he obviously adhered to his opening promise to answer the questions "as accurately as possible."

There are three rooms in our house, two of them are 16 sixteen feet square each. The other which we use for a dining room and kitchen, is ten by fourteen. Our house was built with green lumber consequently it leaks very much whenever it rains. Besides Galpen is a miserable poor carpenter & all the work about the house is awfully botched up. I don't believe that we will be able to live in it ourselves this winter like it is now, much less Sister Laura, besides I don't think it would pay to have it fixed up. It would be best to build a new house entirely. It certainly couldn't be plastered, the rain would beat the plastering down the first time we had one. The house is put up so badly & the timbers about it are so light that it will take it its best to survive the winds of the coming winter. I hardly think it will be safe to live in this coming winter & know I wouldn't live in it the next. It would require a good deal of work to make it comfortable. As for furniture we don't keep the article on hand, but then we have a substitute, viz. two large pine boxes 7½ feet long by 4½ wide, with four legs attached to each. The depth of these is about one foot. one of the boxes is filled with hay & covered over with bed ticking on which Bro F sleeps. The other box is filled up with an old spring mattress the wires of which poke up about six inches mashing a fellows ribs flat with his back bone which sometimes not unfrequently causes him to have unpleasant thoughts in his dreams. On this last described box & mattress Bro J & myself sleep. These two articles constitute what is, in Colorado called beds. We have three bags, three feet long & one & a half wide each, made of old bed ticking that I think must have come out of Noah's ark. one of these bags is filled with wheat straw which was harvested probably the first crop after the flood. The other two

bags are filled with wool, but as for the color of the sheep from which it was taken, its hard to tell, judging from its looks the sheep couldn't have been black or white either. We will say six of one & half a dozen of the other. That would bring it up to about dirt color. These three articles we call pillows minus casings. We have five pair of blankets (all red) which cost \$5⁰⁰ five dollars per pair, very common blankets of course. Six wooden bottom chairs two water buckets, made of pine, one dipper, (tin) one looking glass & comb & brush one lamp & two chimneys (obliged to keep one extra one on hand) one rough pine table about 3½ three & a half feet square, this we use for all purposes, to eat on, write on [&c], 7 seven plates, 1 one dish, 1 one bowl, 1 one pitcher, 7 seven pewter tea spoons, 1 one pewter table spoon, & 1 one big iron spoon, 6 six cups & 7 seven saucers (Bro F broke the other cup) 6 six case knives (3 three varieties) 5 five forks (2 two kinds) 1 one tin pan which we use for a sugar dish, 1 one large tin pan for washing dishing in, 1 one tin pan for making up bread in. 2 two coffee pots, one good size one & one very small one, the largest one we use for cooking coffee in, the other we use for a molasses pitcher, (whenever we have any) I forgot to mention, when I told you we had two buckets, that we also have a wash pan, we have two shelves nailed up in the kitchen to put dishes on, [havnt] any safe of any kind to put them, (or the surplus food we frequently have on hand) in. Now for the cooking utensils, viz. 1 one Kettle 1 one spider. 1 one bread pan, (hardly large enough) 1 one tin boiler, 1 one iron pot (hold about 1½ gals water) 1 one cooking stove. 1 one coal scuttle & two shovels, & last of all a coffee mill. I don't think I have left out a single article that's worth mentioning & what's here is pretty much as I have described it to be. As for our ability to meet our liabilities, it will be impossible for us to do it. . . . As I have before said refined society in this country is very scarce & I don't know who Sister Laura could associate with, on terms of equality. She is certainly far superior to any one I have seen out here, both in refinement, intellect & everything else you can think of. Of course there are some very clever neighbors around us with pretty good sense, but that's about the best I can say for them. It would take a good deal of money to fix things comfortable. You see we haven't any conveniences at all. Such as bureaux wardrobes, wash stand, towels, beds, & bed clothing, &c in fact there are a great many things that we haven't got, which we ought to have if sister Laura comes. Every thing taken in consideration, the want of society, the scarcity of money & above all your not being here yourself, I hardly think Sister Laura ought to come. Of course we would all be perfectly delighted to have her here, but circumstances are such that I really don't think she ought to come yet awhile.¹²⁵

Joe's phraseology conveys his chivalrous southern heritage as explicitly as it describes the privations so characteristic of the society within which he was living.

¹²⁵ Joseph E. to Bolling Hall, 22 July 1874. Comments on agricultural and financial matters, which tend to repeat material above, are deleted.

Considering the amenities enjoyed by these southern gentlemen in their youth, the courage and the determination with which they faced the hardships of pioneering on the high plains must be admired. Since many Confederate soldiers and officers took advantage of their material comforts when they could, it is not surprising nor denigrating that the Halls did so. One biographer, Charles T. Jones, Jr., reported that "with the advent of autumn, the Bolling Hall boys started requesting luxuries for the winter. They wanted gloves, boots, blankets, woolen socks, books (Hardie's *Tactics* and Rollins' *Ancient History* were mentioned), letter paper, envelopes, five or six good lead pencils, and a 'negro to do the cooking'."¹²⁶ While they, of course, did without the cook, they relied heavily upon the therapeutic affects of writing and the challenge of the mind through the printed word as antidotes to the depressing aspects of the Colorado frontier.

These Alabamians must have read as prolifically as they wrote. They regularly received several newspapers and periodicals from home and constantly clamored for more. In addition to the *Montgomery Advertiser*, they faithfully read papers from New York as well as numerous publications from the South, including the *Southern Christian Advocate*. Not only were their interests broad but they received the material—obviously read first at home—so rapidly. In a remark typical of others in dozens of letters, John wrote on 27 May 1874 that "we have gotten Advertizers to 15th & also yesterday Journals of 14th and 15th and New York papers to 6th inst Also Greenville paper."¹²⁷ Though some of the brothers were more literate than others, they all shared a love for reading.

Joe particularly liked to keep up with serialized novels in *Appletons' Journal*, and several times he registered considerable impatience with his family for their failure to forward them to him promptly.

We have rec'd the nine numbers of Appletons which you sent, according to our calculations you must have about eleven or twelve more on hand and why in the name of all that is holy dont you send them on. if I had known you were going to treat us this way, I shouldnt have read the nine numbers which you have already sent until the rest came to hand. you have tormented us long enough, now be a good sister and let us have the rest of the numbers. Max is my man, Auther is a contemptable pupy. Nora is a nondescript. Carl reminds me of a

fice. Mrs. Sanders is a part in the machinery that couldn't well be dispensed with in any novel.¹²⁸

Here Joe referred to Christian Reid's "A Daughter of Bohemia: A Novel" that ran in *Appletons' Journal*.¹²⁹ Evidently another caught his attention, as he continued to complain of missing issues months later. In addition to their reading, some of the brothers tried to write a bit too, but none of their efforts are among the Hall Papers. In a letter to Laura, John highly praised her prose before commenting that "if ever I write any thing that is worth 3 cents, I will send it to you. Hines & Frank do write some good article & have some good speeches."¹³⁰

Not by any stretch of the imagination could the Halls be described as typical Rocky Mountain pioneers, particularly with reference to the educational, social, and economic advantages that comprised much of their heritage. Nevertheless, their letters demonstrate the equalizing effect of the frontier; neither grasshoppers, blizzards, parching winds, nor the peculiar society showed partiality. So, despite their planter background, these young men found fellowship and fun where they best could. And Joe's letters—he seemed to be the "lady's man" of the group—provide an interesting glimpse of one of their social affairs.

The young men of the neighborhood gave a party at Mr Bennetts about a week ago. Mr. Galpin Bro John Frank & self were all there. There were about 35 persons there, young and old. dancing was the principle amusement. Bro John & F both danced, Mr Galpin & self did not participate in the dancing at all. Party broke up about one or two oclock. It was a regular country party in every respect, instead of the young men each having a young lady to talk to, the young men all sat on one side, and the young ladies on the other. The old people dont know any better themselves I was a little more fortunate than the rest of the young men, my Junebug didnt wait for me to come and talk to her but she came to my side of the house (that is the side on which the young men sat) and took a seat by me and entertained me very much. They had refreshments there and had some of the party to hand them around. This young lady that was with me, went to the kitchen and brought back two plates heaping full of good things one for me and the other for herself. I felt a little ashamed sitting up there with my plate so full. I think we two had just about four times as much as anyone else. I didnt eat much I can tell you.¹³¹

¹²⁶ Joseph E. to Laura June, 4 March 1874.

¹²⁹ Christian Reid, "A Daughter of Bohemia: A Novel," *Appletons' Journal* 10 (25 October 1873)—11 (11 April 1874).

¹³⁰ John E. to Laura June, 25 March 1877.

¹³¹ Joseph E. to Laura June, 9 February 1874.

¹²⁸ Jones, "Five Confederates," p. 147.

¹²⁷ John E. to Bolling Hall, 27 May 1874.

Several weeks later Joe mentioned that his friend at home had asked him how he was "getting along with the fair sex" before requesting his sister to "enlighten him on the subject."¹³²

The Halls became more explicit in their discussion of girls with their brothers back in Alabama, teasing each other and exchanging advice on affairs of the heart. The following excerpt from a letter to Hines ought to amuse readers whose lives have been dominated by the internal combustion engine as well as those who might personally recall earlier days.

Bro John got a long & interesting letter from Bro Crenshaw a few days ago in which he says that none of us seem to be thinking about the girls but myself. He is very much mistaken about that matter for Bro John is a long ways worse after the young ladies than I am. However I will leave it to Bro Frank if what I say isnt so. Bro John dont say any thing about these things in his letters home. He is a sly old fox you know, & has stuck his finger in Bro Crenshaws eye badly. Tell Bro C. that he must wait until his eyes are entirely clear of the mist so that he may the better able be, to see the mote which is in Bro John's eye before attempting the plucking of the mote from my eyes. It hasnt been any longer than yesterday since Bro J-brought a young ladie out from Denver in the wagon with him. After she had been here a while & satisfied her curiosity about we bachelors she made bro J-take her home. The beauty of the whole concern is, that Bro John & Mr. Galpin went to town after a wagon tongue which they bought but didnt bring out. Of course you can guess the reason why he didnt bring it out, it was because he was so interested in the young ladie that he actually forgot all about it. Did you ever hear the beat of it? As for Mr Galpin, poor old fellow, he was generous to a fault and wouldnt ride home, but walked in order that Bro John might have the coast clear to himself. I hope that you will enlighten Bro Crenshaw on the subject so that he may hit Bro John a few when he writes next.¹³³

Apparently quite sociable, the brothers visited frequently with neighbors, often on the weekends when they were invited to dinner. In one of several references to such occasions, John pointedly added, "Two young ladies there, from Illinois, neither pretty."¹³⁴ Though they were socially inclined, only one of the four brothers—Joseph—married while they lived near Denver.¹³⁵

¹³² Ibid., 4 March 1874. Joe referred several times to an admirer simply as "her that waits on me most," explaining that she sent him a Harriet Beecher Stowe book, *My Wife and I*, as a valentine.

¹³³ Joseph E. to Hines H., 24 March 1874.

¹³⁴ John E. to Laura June, 30 May 1877.

¹³⁵ According to Mrs. Alma Hall Pate, Joe married a Mary Stokes while in Colorado. Mrs. Pate to Guice, 1 July 1974, author's possession.

Americans, as they pushed the frontier ever westward, learned that laughter and humor were effective weapons in dealing with daily frustrations. These Southerners often found themselves relying on these devices as they coped with various situations, and one of the most humorous examples resulted from their efforts to concoct a home remedy with which to treat a sore throat.

Bro John has just been trying to make some of the tar medicine. He & Mr Browder (a hired man) were in the kitchen together both fast asleep in their chairs, when the bottle of tar & whiskey (which was in a kettle of water) shot the stopper out & slashed some of the contents on the side of the house & all around promiscuously which took fire in an instant. There was a big blaze coming from the mouth of the bottle too. You cant imagine the commotion it created amongst Bro John & Mr Browder. They gathered buckets of water & commenced the work of putting out the fire immediately. I say immediately, but on second consideration, I think that I must be mistaken, for they both were nearly scared out of their wits. Mr Browder said that he didnt think that he would be able to sleep any more to day. Bro John didnt say much, but I think that he is done with sleep for the rest of the day. The fire was soon put out as it hadnt had time to do any damage.¹³⁶

They also managed to joke about the disadvantages of bachelorhood. John commented on the darning chores in these terms. "Joe & Frank are patching breeches, and Joe is wishing for a sewing machine. I believe he says he would prefer a flesh colored one. Probably the complexion of Miss Anna P. might suit."¹³⁷

The Alabamians also exemplified other frontier attitudes or behavior in respect to more serious problems in which little levity is found today—one related to the Indians. In several letters they revealed their lack of understanding of and respect for them, criticizing the red men for relegating their women to lives of drudgery and poking fun at their "clownish styles" of dress. John characterized the red men as "low and degraded."¹³⁸ Hines later complained that a band of "Ute Indians," camped nearby, attempted to raid a watermelon patch, but Frank and Joe prevented them from taking any.¹³⁹ The Halls left little doubt that they felt no better toward these Indians than Alabamians had toward the Creeks much earlier in the cen-

¹³⁶ Joseph E. to Bolling Hall, 12 April 1874.

¹³⁷ John E. to Charles E., 26 June 1874.

¹³⁸ John E. to Laura June, 30 May 1874.

¹³⁹ Hines H. to Bolling Hall, [no day] October [1874].

ture—feelings unquestionably shared by a majority of their high plains neighbors after the Civil War.

Considering the family's heritage of political leadership in its home state, it is not surprising that the Hall brothers quickly involved themselves in Colorado political activities. Shortly after their arrival, they attended organizational meetings of the Grangers; Frank accepted an office but John shied away from nomination.¹⁴⁰ Like their father, the brothers were Democrats. In their view, Grant "completely shattered the Republican party" in Colorado, and with able leadership, control of Colorado by the Democrats "would be an easy thing."¹⁴¹ Joseph wrote of their participation in the territorial election of 1874.

Bro.s John, Frank, & myself went up to Littleton which is about five miles south of here on the 8th of this month and voted for all the democratic nominees for office in this Territory. The democratic ticket was elected by a big majority (1500) I think. Patterson will be our next congressman. Chaffee (the land grabber) is the present incumbent. Bro Hines also went to Littleton with us, but didnt vote as he had not been here long enough to be recognized as a citizen of Colorado. It didnt make much difference though, as it turned out, for we carried the day without his vote.¹⁴²

Since correspondence during the time of the statehood movement is scanty, their views of that event are not known. The last substantive comment of politics was a hardy boast that "we killed woman suffrage deader than a door nail."¹⁴³

Despite positive attitudes and various activities, which may have reduced the effect of frontier adversities upon the Halls, the toll began to show, especially on John. Two things about John are clear—he suffered the worst from illness and he fought bravely to cope with his problems. "I am striving hard to overcome all obstacles and make something of life," John wrote Laura the spring after his arrival.¹⁴⁴ Two months later in July his tone was almost pathetic. But he persisted. Late the following summer as he fought to succeed as a grocer, John repeatedly

¹⁴⁰ Joseph E. to Laura June, 9 February 1874, 4 March 1874. Their father evidently joined the Grangers, and while his membership credentials are not among his papers, he was elected to the organization, and he possessed a copy of the bylaws. In view of Bolling Hall's railroad investments, this involvement in the Grangers is somewhat puzzling (R. H. Molton to Bolling all, Montgomery, 30 June 1875).

¹⁴¹ John E. to Charles E., 26 June 1874.

¹⁴² Joseph E. to Bolling Hall, 13 September 1874.

¹⁴³ John E. to Laura June, 5 October 1877.

¹⁴⁴ *Ibid.*, 30 May 1874.

stressed to his father how hard they were trying, explaining that they were "using every exertion & means to come out right."¹⁴⁵

Try as he may, however, John's morale finally broke, and he decided to return home to his sick father in October 1877. His last letter to his favorite sister in which he told of his plans to arrive in Montgomery on Friday, 19 October 1877, must have saddened her.

Dont make any preparations for us—or me. None will be sufficient. The good ones home—all I desire. Never very polished, I feel that I want nothing of society. Four years in the war, four years in the rough West have probably done their work. For the present at least I am not disposed to undo it. It is late to hope—yet I do dare hope there may be something in the future for me yet. Hope is misty & beclouded with missprint & unimproved moments of the past. I will not write more in this strain. Tell father I am trying to make a little money between now & time appointed for me to start.

John also wrote that Frank might return with him, and he probably did since the collection contains no other Colorado letters from Frank.¹⁴⁶

The Hall correspondence from Denver provides a study in the closeness of southern families. Indeed, rarely will a researcher see such a constant display of devotion. Not only do the brothers unashamedly declare their affection for the correspondents but many letters contain long inquiries regarding the well being of numerous relations. It is interesting to speculate on exactly how this exceptional family closeness affected the morale of the Colorado contingent. Was it a positive or negative factor? Because several of them shared the hardships, it probably helped sustain them. On the other hand, their separation from loved ones obviously drained them emotionally. And their attitude toward each other affected their relationship with Galpen, explaining their desire to first rent and then purchase his interest in the farm. John explicitly pointed out this fact to Laura when he wrote that "we feel better without him, have more family privileges & freedom."¹⁴⁷

Most research uncovers tidbits of history that never seem to fall neatly into place, and these adventures through the Hall Papers offered no exception. The first deals with Joe's comparison of Colorado roads with those back home. "We have

¹⁴⁵ John E. to Bolling Hall, 24 August 1875.

¹⁴⁶ John E. to Laura June, 5 October 1877.

¹⁴⁷ *Ibid.*, 21 April 1874.

better roads out here than I ever saw anywhere else in my life. The people can carry about twice as much at a load as can be carried at a load in Alabama. Have no hills scarcely at all and the roads are nearly always in splendid condition, with no sand beds to bother them either, as you all have in Alabama."¹⁴⁸ The Hall correspondence sheds light on another aspect of communication—mail service. Of course, there is no way of knowing how long some letters remained in the Denver post office before the brothers got them, but mail from Montgomery arrived in Denver amazingly fast. The boys often acknowledged receipt of letters six or seven days after they were dated; occasionally one would reach them in five days. On 27 May 1874 John wrote, "Your letter to myself, dated 20th, Post marked 21st, & numbered 31 was received yesterday evening. I think we have gotten all of your letters, as well as all others written from home."¹⁴⁹ Of course, all letters did not arrive so quickly, but a systematic correlation of dates written with acknowledgments of receipt indicates a surprisingly efficient mail service. And too, another measure of postal efficiency is the absence of complaints regarding the service.

Available family records offer no evidence as to precisely when the last of the brothers departed Colorado. Since the latest tax receipt among the papers made in favor of Joseph E. Hall is dated 3 March 1884, at least one of them probably remained there until some time that year. Rather than when they left, perhaps a better question is why. The answer may lie in the fact that they were not actually emigrants in the true sense of the word, having gone to Colorado primarily to improve their health. Besides, they had a great deal waiting for them in Alabama—a devoted family, prestige, land, and good prospects for long-run prosperity. If their health had improved—at least John's and Joe's—would the Halls have "made it" had they stayed? Perhaps. Their ancestors prospered as pioneers in an early frontier where stamina and craftiness paid handsome dividends. On the other hand, Bolling Hall's father moved from Georgia into Alabama quite early with property, large holdings of land, and slaves—a considerable advantage. Assuming good health and a desire to stay, however, odds may have favored success for these sons of an earlier frontier.¹⁵⁰

¹⁴⁸ Joseph E. to Bolling Hall, 15 February 1874.

¹⁴⁹ John E. to Bolling Hall, 27 May 1874.

¹⁵⁰ It is interesting that the Colorado adventures of Bolling Hall's sons are not, at least, mentioned in

The letters of these Alabama planters provide extremely important reading; the myriad themes woven through their correspondence vividly illustrate Colorado's role as a microcosm of the Trans-Mississippi West. The majesty of the mountains, the challenges of the plains, the paradoxes of a harsh but salubrious climate, the heartbreaks of agriculture, the stark financial realities, the economic development, the privations of crude cabin life, and the determined attachment to social and cultural values all received comment. Indeed, little escaped the attention of the Halls, whose observations provide a comparison of frontiers separated by many decades, miles, and historical events. They compared Alabama and Colorado in terms of crops, farming techniques, transportation, religion, social practices, weather, health, and attitudes toward Indians. Perhaps, too, the behavior of the brothers offers a contrasting view of life out West. Raucousness, ribaldry, and sharp business practices give way to a standard of morality not generally associated with pioneers. Yet, in the final analysis, the lesson of their encounter with the high plains is a standard one—the frontier is a great equalizer. Every person, regardless of his heritage, is subject to its vicissitudes, and if he returned to the East, as did the Halls, he did so a wiser man.

A previous contributor to THE COLORADO MAGAZINE 45 (Spring 1968), JOHN D. W. GUICE is an associate professor of history at the University of Southern Mississippi in Hattiesburg. He received a Ph.D. degree in history from the University of Colorado (1969) and is the author of THE ROCKY MOUNTAIN BENCH: THE TERRITORIAL SUPREME COURTS OF COLORADO, MONTANA, AND WYOMING, 1861-1890 (1973). A member of the Organization of American Historians and the Western History Association, he is a contributor to THE AMERICAN TERRITORIAL SYSTEM (1973) and has published articles in the AMERICAN JOURNAL OF LEGAL HISTORY and several other journals.

either of the theses on the Hall family cited. Admittedly, their escapades along the South Platte River are not directly germane to the topics, but it is perhaps a commentary on Southern historiography that neither author even acknowledges the contingent in the West or the trail of papers that they left.

Riding a Cowcatcher: Gilbert Haven Visits the Rocky Mountains in 1875*

BY WILLIAM B. GRAVELY

In the summer of 1875, as Colorado Territory prepared to elect delegates to a constitutional convention looking toward statehood, it, and neighboring territories Wyoming and Utah, had an unusual visitor in the person of Methodist Bishop Gilbert Haven. A native of Massachusetts and a reformer active in the



abolitionist, temperance, and feminist movements, Haven attracted national attention that year by advocating the reelection of President Ulysses S. Grant to a third term as a final, desperate effort to uphold the rights of freedmen in the South.¹ He was also adding to his reputation for radicalism by contending that interracial marriage was the ultimate answer to relations between whites and Blacks. While he was in the West, his essay was published in New York proclaiming amalgamation as "the word for America to-day," as abolition had been for the previous generation.² This was also the year in which he served as president of the American Woman's Suffrage Association.

Haven's visit to the Rocky Mountains in July and August of 1875, however, had nothing to do with his interest in social reform. As he had done since his election to bishop in 1872, he was carrying out customary ecclesiastical duties by holding conferences for Methodist preachers in the area—in Colorado at Central City and in Utah at Salt Lake City. During the trip he wrote of his adventures for four denominational weeklies—the *Boston Zion's Herald*, the *New York Christian Advocate*, the *Atlanta Methodist Advocate*, and the *Saint Louis Central Christian Advocate*. Eleven essays in these papers of the Methodist Episcopal Church (a northern-based denomination after the sectional division of Methodism over slavery in 1844) contain his fascinating account of a tour of the region a century ago.

Seven years earlier, when he was editor of the *Boston Zion's Herald*, Haven had made his first trip to the West in the company of about thirty other denominational officials and some of their families. They left from Chicago in June 1868, following the adjournment of the quadrennial general conference of the church at which Haven had unsuccessfully tried to hold a special prayer meeting to support the impeachment of President Andrew Johnson.³ The excursion, arranged by the Union Pacific Railroad and using the latest Pullman "palace car," carried the churchmen through Julesburg in northeastern Colorado en route from Omaha to Cheyenne and beyond to Laramie and Rock Creek, where the track ended. The jaunt was hardly a fair exposure to the region, since it was a hurried run occupying a week for the

* This article was prepared with the assistance of the Commission on Archives and History of the United Methodist Church and of the Faculty Research Fund of the University of Denver.

¹ William B. Gravely, *Gilbert Haven, Methodist Abolitionist: A Study in Race, Religion, and Reform, 1850-1880* (Nashville: Abingdon Press, 1973), pp. 224-28.

² "Ding-Dong," *New York Independent*, 26 August 1875.

³ Gravely, *Gilbert Haven*, pp. 166-67.

entire round trip. Despite its brevity, however, it was a chance for Easterners to observe frontier life and the transcontinental railway project, as well as to take in the Great Plains and the edge of the Rocky Mountains.⁴

What impressed Haven on this initial trip were the plains and the sense of immense space that they gave him. "We never gained such a conception of the grandeur and future of our country as in this ride of a week to the backbone of the Continent," he wrote afterwards. He was also interested to see the wagon trains winding their way westward. At North Platte on the return trip he met the Sioux Chief Spotted Tail, whom he described as "an oldish, wise-looking, gentlemanly man, in long blue blanket, gracefully wrapped around him." At Laramie he joined other preachers to conduct a prayer meeting for "a wild-looking but attentive body of men" who were drawn away, temporarily at least, from what Haven called the "bands and dances and gambling hells" that operated "in full blast" until after midnight. At the end of the trip he helped a committee draft resolutions of appreciation to the owners and the officials of the railroad for sponsoring the vacation. Like the tourists who formed the Rocky Mountain Excursion Club to encourage a return visit, Haven was anxious to come back and see more. Such an opportunity did not occur until 1875.⁵

The second and longer trip originated from Atlanta, where Haven kept his official episcopal residence. He rarely stayed there, however, since with other Methodist bishops of the period, he traveled widely and presided over denominational gatherings throughout the country. Before he departed for the West, Haven delivered a stirring Independence Day speech in Georgia's capital city, in which he flaunted his radicalism before former Confederates by expounding his reformist agenda under the title "God's Ideas for America."⁶ From Atlanta he took the train to Chattanooga then to Nashville and on through Kentucky to Saint Louis, stopping along the way to preach and lecture in churches and schools.

The bishop also interrupted his route to Denver for stopovers at Lawrence and Topeka, Kansas. To the readers of the *New York Christian Advocate*, the church's oldest paper with a circulation of more than fifty thousand, he remarked at the bargain

he received in transportation fare. One ticket for more than three hundred miles cost only \$2.50. The "scalding heat" of Topeka also merited mention. "The hottest day of the year poured its hundred and four of Fahrenheit on us in the shade," he wrote, "and how many hundred more in directer rays it was hard to cipher up."⁷ The weather was also wet. Due to washouts the subsequent trip required fifty-four hours, twenty beyond the normal time from Topeka. Waiting for workmen to repair the Denver and Rio Grande tracks in view of Pikes Peak, Haven described the approach to "the highest large city in the country" as an imperceptible ascent from "a wide extensive plain." Like many another visitor, he made immediate reference to the mining interests and the great wealth imbedded in the mountains. "Inconceivable millions await the eye that can see and the hand that can work," he told his Atlanta readers.⁸

In anticipation of his arrival the *Denver Rocky Mountain News* had announced that Haven was to preach at the Sunday morning service that 18 July at the Lawrence Street Methodist Episcopal Church.⁹ But the train did not arrive in town until the afternoon so that the bishop was left to attend church in the evening. Later he related how impressed he was with the building, which the largest congregation in the conference had erected in 1864. Valued at \$25,000, it was an imposing structure that could easily accommodate the membership of more than three hundred fifty, which included several prominent leaders of the territory, notably former Governors John Evans and Samuel H. Elbert. Haven also commended Pastor B.T. Vincent, who was a veteran of more than a decade as a minister in Colorado, and the editor of the territory's first magazine, quaintly entitled the *Rocky Mountain Sunday School Casket*.¹⁰

Bishop Haven's schedule for the next week called for visits to the southern part of the state, where he may have become acquainted with the small Methodist society at Trinidad, which included only women members.¹¹ But summer rains—"freshets"

⁴ "Through Kansas," *New York Christian Advocate*, 26 August 1875.

⁵ "Over the Work," *Atlanta Methodist Advocate*, 25 August 1875; "Feathers from a Flying Wing," *Boston Zion's Herald*, 19 August 1875.

⁶ *Denver Rocky Mountain News*, 18 July 1875.

⁷ "Over the Work," *Atlanta Methodist Advocate*, 25 August 1875; Peter Winne, "Historical Gleanings," *Trail* 8 (October 1915):6-9; *Minutes of the Thirteenth Session of the Colorado Annual Conference of the Methodist Episcopal Church, Held at Central City, C. T. July 29th to August 1st, 1875* (Denver: Methodist Episcopal Church, 1875), p. 17 (hereinafter cited as *Minutes of the Colorado Conference, 1875*); Martin Rist, "Colorado's First Magazine: The Rocky Mountain Sunday School Casket, 1864-68," *Denver Westerners Monthly Roundup* 25 (October 1969):3-22.

⁸ Isaac Beardsley, *Echoes from Peak and Plain; or, Tales of Life, War, Travel, and Colorado Methodism* (New York: Eaton & Mains, 1898), p. 477.

⁴ J.H.B., "Excursion to the Rocky Mountains," *New York Christian Advocate*, 25 June, 2 July 1868.

⁵ Haven wrote of the 1868 visit in a two-part essay, "On the Pacific Trail," *Boston Zion's Herald*, 18, 25 June 1868, and in "A Run to the Rocky Mountains," *New York Independent*, 25 June 1868.

⁶ The address is in the *Atlanta Methodist Advocate*, 21 July 1875.

to Haven—washed out the route of the itinerary and altered his plans. He only got as far as Colorado Springs, where he stayed on Monday night. He found the town to be “a very thriving place of thirty-five hundred inhabitants, mostly invalids, whom this vital electric air seems to strengthen.” A local doctor, who hosted the bishop, convinced him that the community was “full of sick people, but they rarely died. They came here to save life,” Haven concluded later, “and they saved it, if they did not come too late.”¹²

Returning to Denver at midweek, Haven went next to Boulder and to Golden City, where he preached on Thursday and Friday evenings. Seeing Episcopalian Bishop George M. Randall's college in Golden made him both envious and regretful that local Methodists had not been able to keep open their Colorado Seminary in Denver, inoperative since 1868.¹³ To his New England readers Haven argued against the plan, advanced by former Governor Evans, to resurrect the school as a “Union University” supported by several Protestant churches. “Build up only our own Church is the true idea,” he recommended, “and this can be done by establishing our own institutions.” Anticipating a movement that would occur five years later, he favored “an incorporation as the Denver University, for that is the best central location, with seminaries at one or two other centers in the outlying sections.”¹⁴

Otherwise Haven praised Golden as “a very romantic seat,” which had “till lately” some “very great expectations,” having been “for a time capital of the Territory.” He predicted that it would become a “handsome suburb” of Denver. Of the Methodist church there, to which J.L. Overton, superintendent of the Colorado Central Railroad and Haven's host, belonged, the bishop was more critical. Calling it “the poorest” in the town of 2,000 inhabitants, he blamed “an attempt to do too much [that] resulted in far too little” for the failure of the congregation to attract more than seventy-five full and ten probationary members.¹⁵

On Saturday morning, 24 July, Haven was on his way to Georgetown in a narrow-gauge railway car; the seating

arrangement—two seats on one side and one on the other in each row—seemed a curiosity to him. It made travel a little crowded, apparently, for he suggested in the *Boston Zion's Herald* that there should be room for double seats throughout if the track was expanded an inch or two. As the train entered Clear Creek Canyon, however, he forgot about its seating deficiencies and learned to appreciate the strength of the locomotive. “Set low down on the track,” Haven believed that “the little fellow would pull a big [engine] of the plains right away.” Turning his attention to what he saw from the windows of the car, he was struck by the way the sides of the canyon frequently rose up “sheer and precipitous,” while at other times they would “slope away, on an incline too steep for anything but a mountain sheep.” He was likewise intrigued to note how gulch mining was done with the aid of machines “in the river bed,” which pumped water out of wells, and he described the windlasses that drew up the ore. Finally, after passing by ledges where picnics were often held at that time of the year, the train arrived at the station house at the end of the track.¹⁶

Here the bishop, a prohibitionist, was offended by the “not small bar” that had been set up where the train stopped and the stagecoach line took over. He even met an ingenuous bartender who tried to convince him that the water at this elevation was “only middling” and much in need of something in it. When Haven nominated lemon, sugar, or soda, his protagonist replied, “‘Oh, they're too thin for this region. The air is so thin here that we have to make our drinks thick!’” Half-amused, the bishop thought that he had now heard “the last excuse for whiskey and lager.”¹⁷

The trip by stage stopped off at Idaho Springs for a “good dinner,” but there was no time for a “hot Sulphur Springs bath,” since the coach was due in Georgetown that evening. Haven was met there by the Methodist preacher, C.W. Blodgett, who was identifiable by his “plug hat,” which, he explained to his guest, was set aside for special occasions like “weddings, funerals, and when indulging in such great expectations” as the visit of a bishop. As an initial reaction Haven thought that “the silver mining center of what they call here the Centennial State, since this State is to be formally admitted into the Union in the

¹² “Over the Work,” *Atlanta Methodist Advocate*, 25 August 1875.

¹³ Jeannette Joan Dunleavy, “Early History of Colorado Seminary and the University of Denver” (M.A. thesis, University of Denver, 1935), pp. 171-77. The term “seminary” in this period referred generally to a preparatory academy and not to a theological school for training clergymen.

¹⁴ “Feathers from a Flying Wing,” *Boston Zion's Herald*, 2 September 1875. Haven explained his views to Colorado Methodists at a special meeting during the session of the annual conference at Central City (*Daily Central City Register*, 31 July 1875).

¹⁵ “Feathers from a Flying Wing,” *Boston Zion's Herald*, 2 September 1875; *Minutes of the Colorado Conference*, 1875, p. 18.

¹⁶ “Feathers from a Flying Wing,” *Boston Zion's Herald*, 2 September 1875.

¹⁷ *Ibid.*



Georgetown and its "magnificent gorge" in the 1870s.

Centennial year," possessed "as grotesque [a] situation as any town in America." After Sunday service the next day, 25 July, the bishop modified this negative view, favorably comparing Georgetown with Guanajuato in old Mexico, another silver mining community that he had visited in 1873 while establishing missionary work south of the border. He commented how "easy" it was "to preach in [Georgetown's] magnificent gorge—in the very presence, seemingly, of the Maker of the heavens and the earth."¹⁸

The next three days were very busy because Haven wanted to see as much scenery and take in as much of the local color as he could. He discovered something of the origin of Georgetown, its connection with George P. Griffeth's exploring party, and its link to a gold mining neighbor, Gregory's Diggings, which became Black Hawk and Central City. He learned to identify some of the local sights, "the politico-silver hills," as he called the Republican and Democrat mountains, and Green Lake, "as pretty a bit of water as ever gladdened an eye." The beauty of the grassy slopes that ran to the base of Leavenworth Mountain was similarly spectacular. "Such an enclosure no town ever before had for its seat," Haven finally concluded, recalling Herodotus's description of "the walls of Babylon."¹⁹

The bishop was, of course, fascinated by the mines, by the energy and "money expended to get money." Riding a horse through the "honey-combed" hills, he found "holes upon holes" where mines had been or still were worked along the Silver Plume road. "The front of them has piles of greenish-white broken rock, flowing down a hundred or two feet," he reported back to Boston. "Some of these holes are worked into the mountain nearly two thousand feet. One of these tunnels has cost a hundred and fifty thousand dollars, and the silver is not yet reached."²⁰

Absorbed in the natural surroundings and the mechanics of mining, Haven also had a few comments about the estimated district population of sixty thousand people. He mentioned some shady dealings of "mine thieves" and the way large companies influenced judges and courts. He also recounted the recent assassination of Jacob Snider by Jack Bishop, resulting from disputed claims and controversies between the Pelican and the Dives companies.²¹ Such an event, and similar outbreaks of violence that occurred while he was in Colorado, led the bishop to surmise that there was more stress and intensity in mining towns than at lower elevations.²² He thought that "the high altitude, the rarefied air (more electricity than atmosphere), the constant outpouring of solid silver (from nearly three to five millions a year), the violence of lust and gambling and murder"—all contributed to a distinct life style and mood "that lower heights and lowlier pursuits never create." In this context he admitted that "religion [did] not flourish," despite the existence and even the growth of churches. At the same time he saluted those who crowded into the Georgetown church on Sunday as an "intelligent and interesting" audience that challenged a speaker to have something worthwhile to say. "But they ill endure a mere parrot," he wrote, not indicating whether he was speaking from his own experience. "They must have new thoughts, or they will refuse to listen."²³

By the time Haven left Georgetown, he had fallen in love with the place, calling it "the most romantic retreat under our

¹⁸ Ibid.; "The Silver City of Colorado," *Boston Zion's Herald*, 23 September 1875; "Over the Work," *Atlanta Methodist Advocate*, 25 August 1875; *Georgetown Colorado Miner*, 24 July 1875.

¹⁹ "The Silver City of Colorado," *Boston Zion's Herald*, 23 September 1875.

²⁰ Ibid.; "Over the Work," *Atlanta Methodist Advocate*, 25 August 1875.

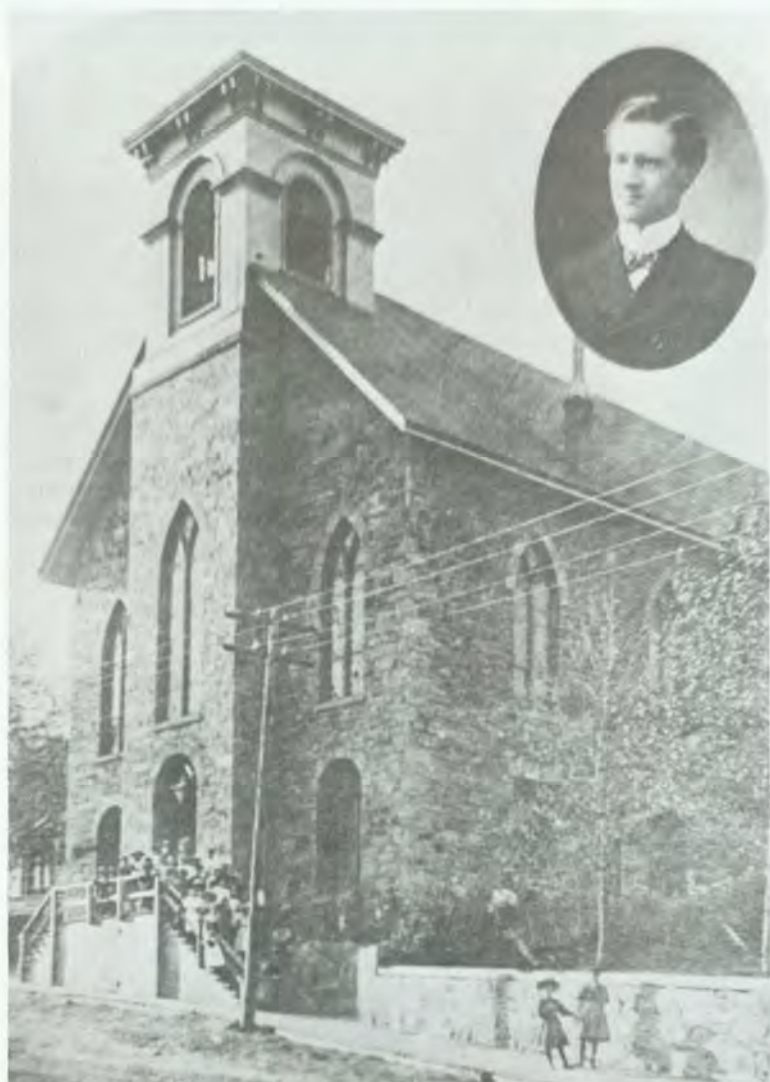
²¹ Jack Bishop remained at large (Jack Willard Horner, *Silver Town* [Caldwell, Idaho: Caxton Printers, 1950], p. 206; Muriel Sibell Wolle, *Stampede to Timberline: The Ghost Towns and Mining Camps of Colorado* [Denver: by the author, 1949], pp. 129-30, 141-42).

²² Besides the two murders mentioned below, there was, during Haven's visit, a jail break in Denver that resulted in the death of at least two prisoners who resisted capture; a suicide of a "Polander" named A. Permansky; and a court case involving Mrs. Catherine A. Newman who was charged with poisoning her husband (*Denver Daily Rocky Mountain News*, 19-31 July 1875).

²³ "The Silver City of Colorado," *Boston Zion's Herald*, 23 September 1875.

flag." By Wednesday his "four days' rest, varied with labors of climbing and preaching" had ended, and he was on his way to Central City to convene the Colorado Conference. The journey by stage was "a steep ride up and down" for him. "Some of these roads," he wrote, "are so steep that you are sure you will slide off behind, going up, and slide off before, going down. But the driver understands his business, and carries us up and down with equal safety."²⁴

On Thursday, 29 July, twenty-four Methodist preachers met their visiting bishop at the Central City Saint James Church, an elegant building valued at \$30,000 but haunted by indebtedness of nearly one-half that amount, accrued during ten years from interest rates at three percent monthly. In the "fine body of



pioneer preachers," as Haven described the group, was "Father" John L. Dyer, the "snowshoe itinerant" and only minister still active in the conference from its organization in 1863. During the session the preachers passed a resolution of sympathy for Dyer and his family over the assassination of his son Probate Judge Elias F. Dyer at Granite the previous month. Their statement was a powerful appeal for "law and order," disavowing mob violence and vigilante action and supporting governors, judges, and sheriffs in enforcing the law.²⁵

Afterwards in the *Saint Louis Central Christian Advocate* Haven saluted the conference for taking "strong ground against these frequent assassinations and general indifference to life." He wrote that "death by violence seems more natural than by disease" in the region. Beside Judge Dyer's death, he had in mind a murder that occurred in Black Hawk on the day that he convened the conference. A.B. Cleaveland shot and mortally wounded a wrestler named James McMann, who had lost a match that cost his assassin a bet of \$600. Accompanied by members of the conference and the local church, the bishop visited the dying McMann, learning that his parents had been "good Methodist people" from Indiana and that he wished the women in the group to sing for him that he "might recall his [late] mother's voice." They favored him with a gospel hymn that he requested—"Come Sing To Me of Heaven, When I Am about To Die." The poignant scene, told in the sentimental religious idiom of the era to his Saint Louis readers, led Haven to hope that the man had experienced a deathbed conversion.²⁶

Among those men whom Haven met at the conference and mentioned in his essays was Dr. Benjamin F. Crary, who was—like the bishop—a former Union Army chaplain and Methodist editor and now the presiding elder for southern Colorado. Eight years earlier, the two men had locked horns over the racial policy of the denomination in the South, but their relationship in 1875 appeared amiable, and the bishop made no mention of their previous dispute.²⁷ He also praised the work of

²⁴ Ibid.; "Over the Work," *Atlanta Methodist Advocate*, 25 August 1875.

²⁵ *Minutes of the Colorado Conference, 1875*, p. 9; Lowell B. Swan, "Judge Elias F. Dyer: Martyred Son of Father John L. Dyer," *Iliff Review* 18 (Spring 1961):23-26; John L. Dyer, *The Snowshoe Itinerant: An Autobiography of the Reverend John L. Dyer* (Cincinnati: Cranston & Stowe, 1890), pp. 285-321. Haven had met Dyer in 1868 when the Colorado churchman rode home with the touring party from Chicago.

²⁶ "The Church in Colorado," *St. Louis Central Christian Advocate*, 18 August 1875; *Daily Central City Register*, 30 July 1875. In his essay Haven stated that the man's real name was Mehun, but he was reported in the local paper as James McMann.

²⁷ The office of presiding elder was a regional superintendent of pastors and local churches. To the

the other presiding elder, George H. Adams, who lived at Greeley and who edited, printed, and mailed at his own expense a quarterly periodical devoted to church interests, entitled the *District Methodist*.

Six other ministers in the conference were noticed in the series of articles. George A. England, the pastor in Boulder, would become an army chaplain the next year and finally would transfer to the Protestant Episcopal Church. John R. Eads, minister at Denver's California Street Church, moved over to the Lawrence Street pulpit in place of B.T. Vincent, who was assigned to Colorado Springs. The secretary of the conference, John H. Merritt, came from Canon City. A native of New York,



B. T. Vincent

J. H. Merritt

he later served for eleven and one-half years as a presiding elder to set a conference record at that post. The host pastor, R.L. Harford, had transferred from Kansas the previous year. The bishop moved him from Central City to the California Street assignment, where he served only one year before he left Colorado. In Harford's place Haven named Linville J. Hall, who had returned to the East from the bishop's home conference in New England in 1873 after having been a forty-niner in California. Eventually, he became a chaplain at the state penitentiary

readers of the *St. Louis Central Christian Advocate*, which Crary had edited before coming to Colorado. Haven spoke of his former antagonist in friendly terms ("The Church in Colorado," *St. Louis Central Christian Advocate*, 18 August 1875; Gravelly, *Gilbert Haven*, pp. 149, 154-55).

in a specialized ministry, which he would continue in later years, after moving to Hartford, Connecticut.²⁸

The Colorado Conference in 1875 encompassed parts of Wyoming, Idaho, Nevada to the north, and New Mexico to the south. Thirty-six local preachers, laymen who were licensed to assist appointed pastors, helped to cover the enormous geographical region. For 1875 the conference claimed only 1,823 members, and 213 probationers who were required to wait 6 months before gaining full membership. In Colorado and Wyoming it had 28 church buildings, but only 9 parsonages. Most denominational funds went for missions and church extension, for the conference was dependent on the general support of Methodists elsewhere to help pay the salaries of the traveling preachers. Statistics for the previous year showed a deficit of \$6,934, which had to be covered in this way. To impress upon the clergy their responsibility to take the required collections to meet the assessments upon the conference, the agenda had each preacher, at the time that his colleagues were requested to pass upon his moral and spiritual character, report what funds he had raised. Some of the members of the conference may have been objecting to this practice, or something else in the administration of their superintendents Crary and Adams, for they petitioned the upcoming general conference to make the office of presiding elder elective rather than appointive at the pleasure of the bishop.²⁹

Money was scarce in 1875, and some of the preachers had experienced a difficult year.³⁰ One was given thirty-one dollars by his associates for having worked "on a weak charge" and after having walked eighty miles to the conference "for want of means." Another, according to Haven's account in the *Saint Louis Central Christian Advocate*, complained that "grasshoppers were at one end of my circuit, rocks in the other and a dead town in the middle." Some of the financial difficulties were traceable to the plague of grasshoppers, "which, in some sections," the conference's pastoral address stated, "have

²⁸ The California Street and Lawrence Street churches were predecessors of the present-day Christ and Trinity United Methodist congregations in Denver (Beardsley, *Echoes from Peak to Plain*, pp. 298, 347-48, 350, 412-15; Gravelly, "Our Church Is Truly the Pioneer Church of the Country: The Expansion of the Colorado Conference, 1864-83," in a forthcoming history of the Rocky Mountain United Methodist Conference).

²⁹ *Minutes of the Colorado Conference, 1875*, pp. 6-7, 9, 11. In its report of the debate on the election of presiding elders, the *Daily Central City Register*, 31 July 1875, noted that Dyer, Eads, and England favored the petition while Crary, Adams, Vincent, and Harford (three of whom had been or were superintendents) opposed it. The measure did not succeed at the General Conference of 1876.

³⁰ *Denver Daily Rocky Mountain News*, 30 July 1875.

almost literally eaten up every green thing." Turning the calamity into a moral lesson, the address proclaimed that "God has punished the sins of the people of this Territory by the olden time judgment of swarms of locust." A more compassionate response came from the Longmont and Golden congregations, which reported that special collections had been raised to aid the "Grasshopper Sufferers" in their vicinity.³¹

With the reading of the appointments of the preachers to their stations for the next year on Sunday night, 1 August, the conference concluded. In its final session the members passed a resolution commending "the company, ministrations and kind and courteous presidency of Bishop G. Haven."³² Following the conference and before he left for his next assignment in Utah, Haven lectured on Mexico to the German Methodist congregation in Denver partly to publicize his new book recounting his visit there in 1873.³³ He complimented these immigrant Americans and their Pastor Philip Kuhl for erecting "a beautiful brick" building at Arapahoe and Eighteenth streets and for having paid nearly all of its indebtedness within a year.

Then the bishop took leave of Denver and headed north through Greeley and on to join the Union Pacific line, which went westward from Cheyenne to Laramie to Evanston. As he penned his article for the *Saint Louis Central Christian Advocate* on the train, he confessed that "the mountains of Colorado" had become so familiar "that their absence is a felt loss." But he soon was able to admire the Uintah range during a stopover at Evanston, which Haven predicted would become "a place of resort and wealth" and a leading center "between Omaha and Ogden."³⁴

As his train entered Utah, Haven was riding up front with the engineer. He and two other passengers got the idea that it would be fun to sit on the cowcatcher of the train as it descended into Echo Gorge and Weber Canyon. Casting aside any episcopal reserve and exhibiting a boyhood prankiness, Haven found the experience to be exhilarating. "It is like going up in a balloon,"

³¹ *Minutes of the Colorado Conference, 1875*, pp. 3, 13, 20; "The Church in Colorado," *St. Louis Central Christian Advocate*, 18 August 1875.

³² *Minutes of the Colorado Conference, 1875*, p. 14. Accounts of the conference appear in the *District Methodist* (Greeley), 3 (July 1875); unnumbered p. 3; *Denver Daily Rocky Mountain News*, 30, 31 July, 3 August 1875.

³³ *Denver Daily Rocky Mountain News*, 30 July, 1, 3 August 1875; Haven, *Our Next-Door Neighbor: A Winter in Mexico* (New York: Harper & Brothers, 1875).

³⁴ "The Church in Colorado," *St. Louis Central Christian Advocate*, 18 August 1875; "Over the Work," *Atlanta Methodist Advocate*, 25 August 1875.

he remembered afterwards. "Once suffices. The sense of insecurity adds its excitement to the ride. You hear that great, booming voice, close behind you, as if you were being run down by some terrific monster. The ground is literally swallowed up and seems as if equally literally about to swallow you up. The smooth rails you fly over stretch out before you, and ere you can see them glittering they are gone. You expect every moment that those little stones, so frightfully near the rail, will get on it, and fling the engine from the track. The very air you seem to rush into, and you stand in dread of breaking your head against its invisible but not impalpable walls." Before the train reached Morgan, Utah, it stopped and the three thrill-seeking passengers went back "to the rear car, satisfied with that experience of riding on a cow-catcher."³⁵

From Morgan the bishop went on to Salt Lake City to dedicate the newly constructed, but still unfinished, church building there and to conduct the Rocky Mountain Conference. It was a fledgling organization, with work spread as far as Idaho and Montana and into western Wyoming, manned by 17 ordained ministers and another 9 local preachers. At the conference they reported only 549 members and 130 probationers and 13½ church buildings for use.³⁶

Haven's essays on Utah contained the expected anti-Mormon sentiments, especially concerning polygamy and the court case on the Mountain Meadows Massacre. By name he ridiculed Orson Pratt, who had preached in the Mormon Tabernacle the same 15 August that Haven dedicated the First Methodist Church building. He was, the bishop claimed, "living in concubinage with four women," while "his own and only wife and his only legal children [refused] to live with him."³⁷ Echoing the rhetoric of abolitionism regarding slavery, Haven recommended total eradication of the evil of polygamy as the appropriate remedy. Yet, he had to acknowledge that there were some industrious and worthy Mormons who displayed admirable traits. They became to the bishop, however, "not unlike those good slaveholders who kept the horrible system in some degree of repute by their own general worthiness." Characteristically,

³⁵ "The Valley of Salt Lake: Its Geography," *Boston Zion's Herald*, 7 October 1875.

³⁶ Henry Martin Merkel, *History of Methodism in Utah* (Colorado Springs: Dentan Co., 1938), pp. 155-56; Utah Centennial Methodist Committee, *The First Century of the Methodist Church in Utah* (n.p., 1970), pp. 14-16; *Minutes of the Fourth Annual Session of the Rocky Mountain Annual Conference, of the Methodist Episcopal Church, Held at Salt Lake City, Utah, August 12-16, 1875* (Salt Lake City: Methodist Episcopal Church, 1875).

³⁷ "Sabbath in Salt Lake City," *New York Christian Advocate*, 2 September 1875.

Haven saw the overthrow of Mormonism as the chief mission of the Methodist Episcopal Church in Utah. His old reforming zeal reappeared in his descriptions of "the Mormon abomination," and he sought to rally eastern churchmen to greater support of their missions in the territory in a crusade against the Latter-Day Saints.³⁸

But Gil Haven, as he was affectionately called by friends and foes, did not have many crusading years remaining. When he visited Liberia in 1876, he contracted malaria, which, with other complications, ruined his health and brought on a premature death in 1880 at the age of fifty-eight. Even so, in his distinctive role as a postwar abolitionist, he did not, in his last years, flinch from stating facts as he saw them while Reconstruction ended and the nation's deferred commitment to racial equality was postponed.³⁹ He never returned to the Rocky Mountains for such a visit as he had for a month in 1875, but he always remembered that experience, not the least because he got to ride the cow-catcher of a Union Pacific train.

WILLIAM B. GRAVELY, author of GILBERT HAVEN, METHODIST ABOLITIONIST (1973), is an associate professor in the Department of Religion and a faculty member of the American Studies Program at the University of Denver. A Phi Beta Kappa graduate with B.A. and B.D. degrees, he received a Ph.D. degree from Duke University (1969) and is a member of the American Academy of Religion, the Association for the Study of African and Afro-American Life and History, and several other professional organizations.

³⁸ "Human Side of the Valley of Salt Lake," *Boston Zion's Herald*, 28 October, 4 November 1875.

³⁹ Gravelly, *Gilbert Haven*, pp. 239-51.

The Development of Law in Colorado, 1861-1912*

BY GORDON M. BAKKEN

The development of law in Colorado involved the constructive cooperation of the courts and the legislature as well as deep institutional conflicts over the wisdom of public policy. The substantive product of this process in contract, irrigation, and labor law was a slowly maturing body of law that served the economic and social needs of Colorado. However, the occasional clashes of the legislature and the judiciary often tipped the balance of public policy to a posture favoring economic considerations. The justices of the late nineteenth century retarded the development of protective labor law and, like their counterparts on the United States Supreme Court, worked to delay the impact of populist and progressive ideologies manifested in law.

Contract law provided the bounds within which men released the potential energy of private arrangements in handling resources. As contract law was court law, its development in the region reflected the role of the territorial and the state courts.¹ Similarly, the impress of legal regulation on contractual behavior evidenced a growing intervention by the legislature into the marketplace. However, general concepts and policies molded legal action. Institutional intervention was confined to certain bounds. American contract law contained the core concepts of freedom to contract and freedom of content in contract. These concepts had certain limitations. The law imposed some contracts, such as for public utilities and public accommodations. Contract law also implied a binding relationship from facts and

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¹ For material on the Colorado territorial courts, see Wilbur F. Stone, *History of Colorado*, 4 vols. (Chicago: S. J. Clarke Publishing Co., 1918), 1:735; Gordon M. Bakken, "The English Common Law in the Rocky Mountain West," *Arizona and the West* 11 (Summer 1969):109-28; John D. W. Guice, *The Rocky Mountain Bench: The Territorial Supreme Courts of Colorado, Montana, and Wyoming, 1861-1890* (New Haven, Conn.: Yale University Press, 1972).

policy in certain circumstances. Courts refused to enforce contracts that were illegal or against public policy. Jurists also found terms implied in certain contracts, such as warranties, but they refused to enforce those without consideration.

A contract was to contain elements of bargain and exchange, and these core concepts, with limitations, also had a corollary. Once a contract existed, the courts would enforce it. However, the courts did impose certain limits. If there was a failure of a basic assumption of the agreement through fraud, mistake, or impossibility, the courts would not enforce it. Limitations of remedy also imposed a bound. Enforcement generally was in the form of damages rather than an absolute duty to perform (specific performance). These core concepts and limitations had specific policy underpinnings. Contract law was to facilitate marketplace operations. Here, the law characteristically required certainty in bargaining. It recognized the need for protecting reliance expectations. In sum, it enabled rational planning based on predictability and security in transactions.

The second dominant policy consideration was social and economic control. It tried to promote fairness and justice to achieve a balancing of economic and social power in a dynamic marketplace setting.

Colorado lawmakers implemented the basic policy goals of contract law in a variety of areas. Legislators provided statutory certainty for real estate transactions with recording statutes, while jurists attempted to deter fraud. Similarly, the legislature validated the use of promissory notes and the courts promoted their use. Other legal devices, such as conditional sales contracts and chattel mortgages, also stimulated legal attention. With the growth of business and population lawmakers also enabled the growth of an insurance industry. In sum, lawmakers used traditional contract law devices to stimulate marketplace transactions and to increase the certainty and security of the bargain.²

Water law in Colorado demonstrated the resource allocation function of law in confrontation with increased usage demands of population and industry and changing concepts of economics. Early territorial and state law encouraged the rapid exploitation of the scarce asset by operatives in the marketplace. The doctrines of prior appropriation and beneficial use assured security of title and use to entrepreneurs and indicated the in-

terest of the government in assuring the economically dynamic use of the resource. However, the increased use pressures on the available quantities of water, the evident waste by appropriators, the mounting federal evidence of needed legal change, and the economic trauma of the 1890s turned lawmakers to administrative law devices to enable, encourage, and maintain the most efficient utilization of water.

Increasingly, government took a more formative role in the field. By revising the basic water law, government shifted its emphasis from exploitation to efficiency. Moreover, it began to participate directly in water projects. At first on a small scale and finally through the Carey and Reclamation acts, government became a direct participant in the environmental enterprise. This evolution demonstrated the massive scope of irrigation and water demands in a developing economy and the declining role of private interests in the development of the region. Moreover, interstate use and agreements made obvious the regional nature of the assets and economic needs. This, in turn, had its far-reaching social impact as water was the basis for the development of industrial and urban life in the region.

Water law reflected certain public policy attitudes. These attitudes revolved around three main evaluations of the organizational venture. First, the social value put on individual decisions on using water manifested the faith in the region in the marketplace operations. Second, the law recognized the social value inherent in privately organized efforts. Here law fostered both corporate ventures and noncorporate business associations in their efforts to exploit the resource. Third, the law increasingly put a high value on official direction or, at least, official supervision.

This policy of public intervention provided a wide range of choices. Lawmakers could exercise their prerogatives through structuring the organizational entity, establishing local government authority, creating special legal entities of a local scope, or providing for state regulation of the private group effort. More broadly, with the advent of the federal interest and activity in the irrigation venture, federalism, in its classic sense, played a larger role in defining state action. Regional planning took on many of the social values previously defined only in regulating the local scope.

The social values associated with the organizational effort were molded, in part, by various considerations. As noted, the marketplace orientation of the state played a formative role.

² See Bakken, "Contract Law in the Rockies, 1850-1912," *American Journal of Legal History* 18 (January 1974):33-51.

However, with increased resource use, economic efficiency began to play a larger role. With increased data on resource use made available by federal agencies, state lawmakers made policy decisions that promoted the economic use of water. The legal emphasis shifted from rights-to-water in prior appropriation to the economic distribution of water, based on its duty (the amount required by crop, soil, and climatic conditions). This policy judgment promoted the efficient use of water based on scientific considerations rather than the oftentimes wasteful use of water based strictly on legal grounds. Political forces operated contemporaneously. While some state lawmakers worked to promote efficiency, others sought to assure their interest group constituents of a favorable position. These interest conflicts were another factor molding policy attitudes. However, the sweep of water law in the period evidenced a concern for development on an efficient basis. While not achieved to any great degree, the conservation goals established early in state law provided a groundwork for others.

The doctrines of prior appropriation and beneficial use were designed to provide security in title and use for first settlers and to demand that water be used to facilitate dynamic economic expansion. Prior appropriation dictated that the first in time of appropriation was first in right to the amount of water appropriated. This encouraged entrepreneurs to scramble for water, quickly construct works, and apply the asset to the industry of the state. It also gave certainty to users in terms of title. Moreover, it recognized the environmental limitations of the water supply. With quantity limited by snow melt, seasonal variations, and the like, the law of riparian rights was not appropriate and lawmakers so noted that in its abolition. However, lawmakers did require that appropriators apply their quantity of water to an economically productive pursuit. This doctrine of beneficial use required such application to maintain the validity of the appropriation.³ In essence, regional law

legitimized the taking of the asset by the traditional frontier means of private initiative and maintenance of prior rights but required that the taking be for a societally positive purpose. If either a proper taking or a beneficial application was absent, the asset remained open to subsequent use by the numerous operatives vying for the valuable commodity.

Early legislation legitimized the taking of water by appropriators and generally prescribed procedures for subsequent appropriations. For appropriators acting before the legislation, questions of time and amount remained for the courts. As for subsequent appropriators, legislators prescribed procedures taken from property law. Generally, appropriators had to file notices of intent stating certain facts at the place of taking and with a local recorder. This put previous and subsequent appropriators on notice, allowing them time to act if their rights were being infringed upon. Similarly, the recording aspects provided the courts with the certainty of time and the amount of water appropriated when respective rights were called into question. With filing the appropriator was then required to commence his work within a statutory period and complete it with due diligence within a reasonable time. Here solons positively stated their object of putting the resource in action without delay. Further, the requirement, that the water be beneficially applied complemented the work requirement to encourage dynamic resource utilization.⁴

The jurists of the region supported the concept of prior appropriation and tied it closely to beneficial use. Emanating from the Colorado Territorial Supreme Court, the prior appropriation doctrine received favorable acceptance in the courts of the region. Of equal importance, the concept of beneficial use became prevalent, holding appropriators to the useful application of the asset. Without this application, the appropriator gained only an interest in the water appropriated, subject to the appropriation by a junior claimant whose beneficial use antedated that of the prior appropriator. The courts largely achieved these ends through an expansive reading of statutes and judge-made rules regarding the sufficiency of a claimant's acts in attaining a prior right. This legal demand that water be beneficially used encouraged the rapid exploitation of the asset by penalizing the slothful appropriator.⁵ Moreover, the

³ The bibliography on prior appropriation, beneficial use, and water law generally is extensive. See, in part, Bakken, "The Impact of the Colorado State Constitution on Rocky Mountain Constitution Making," *The Colorado Magazine* 47 (Spring 1970):168-74; Dallas W. Lee and Frank J. Trelease, "Priority and Progress-Cause Studies of the Transfer of Water Rights," *Land and Water Law Review* 1 (January 1966):1-76; Wells A. Hutchins, "Background and Modern Developments in Water Laws in the United States," *Natural Resources Journal* 2 (December 1962):416-44; Jean S. Breitenstein, "Some Elements of Colorado Water Law," *Rocky Mountain Law Review* 22 (June 1950):343-55; Charles J. Beise, "Factors Affecting Water Utilization in Colorado," *Rocky Mountain Law Review* 19 (June 1947):341-49; Moses Lasky, "From Prior Appropriation to Economic Distribution of Water by the State-Via Irrigation Administration," *Rocky Mountain Law Review* 1 (April 1929):161-216, 1 (June 1929):248-70, 2 (November 1929):35-38; Philip A. Danielson, "Water Administration in Colorado-Higher-priority or Priority?" *Rocky Mountain Law Review* 30 (April 1958):293-314.

⁴ Samuel W. Carpenter, ed., *The Law of Water for Irrigation in Colorado* (Denver: Lawrence, 1886).

⁵ See *Yunker v. Nichols*, 1 Colo. 55 (1872).

doctrine raised questions of the economic use given soil, season, and crop conditions and of abandonment. As lawmakers and agricultural scientists began answering these questions, the nature of water law changed to promote efficiency.

In a similar effort to maximize the use of water, lawmakers provided machinery for the adjudication of water rights. As litigation generally was wasteful of much needed capital, lawmakers tried to smooth traditional court procedures. However, their jurists had to struggle with problems of fact gathering and adequate jurisdiction. Legislators often aided the judicial process by authorizing special investigations and by expanding jurisdiction to encompass rights in an environmental area rather than solely between present litigants. This was particularly true in Colorado, whose solons relied heavily upon the courts.⁶

Lawmakers also gave form to business organizations for the development of water resources. While general incorporation statutes gave commercial enterprises their legitimacy and form, irrigation district legislation provided cooperative efforts with a similar framework. Developed as such an alternative, early legislation did little more than provide a conduit for cooperative activities. However, by the 1890s lawmakers turned to greater statutory specificity and regulation in an effort to give the district system the capacity to continue the development of the region.⁷

Early irrigation district legislation simply legitimized the formation of the district as a geographic and administrative area and prescribed the form of its government. With experience, legislators turned the organization over to administrative agencies for approval and provided districts with bonding powers.⁸

The cooperative nature of irrigation districts belied their purpose of more efficient administration. While irrigators could come to a meeting of the minds on a mutual venture, they could not always agree on leadership and executive power within the districts. The power of district officials was crucial as

assessments had to be enforced to maintain financial stability. As the demand for water increased, users demanded more efficient distribution. Lawmakers responded to these administrative needs with election laws, giving power to users most affected by district rules, and they increased the taxing powers of districts. Similarly, solons provided for an extensive water distribution bureaucracy within the districts.⁹ Irrigation districts came under the jurisdiction of the state administrative hierarchies of state irrigation engineer, water commissioners, and water masters. Moreover, districts received legislative approval to elect their own internal distributive police. Here, lawmakers provided the machinery necessary for the efficient distribution of water, based on the rights and the needs of the users.

Thus, Colorado legislators created a variety of administrative agencies and officials in their effort to maximize the economic application of water. Several jurisdictions created territorial engineers to act as information gatherers. This early legislation was designed to aid private irrigators with technical information, just as the experiment stations were trying to do.¹⁰ Some of these engineers were accorded general supervisory powers over water. This generally entailed the enforcement of judicially decreed priorities.¹¹ However, with the turn of the century legislators increased the duties of state engineers. Licensing systems replaced the private taking of water under prior appropriation. Here an appropriator first had to go to the state engineer rather than to the stream. Similarly, those states that opted for the commission form of central administration increased their governmental powers. In both systems, the irrigation division began to conform with environmental rather than political considerations. Watersheds, rather than counties, became division boundaries, and distributive officials proliferated. Superintendents controlled divisions and water commissioners had local authority.¹² While the courts generally accorded these civil servants broad authority, they did not allow them to intrude into the internal affairs of the ditch companies. Where public law plainly regulated private right described by contract, the courts found

⁶ Colorado, *Laws Passed at the Second Session of the General Assembly of the State of Colorado*, 1879, esp. sections 19-34, pp. 94-108 (hereinafter cited as Colorado, *Session Laws*); *ibid.*, 3d sess., 1881, pp. 142-61; 14th sess., 1903, chap. 130, pp. 297-98; 15th sess., 1905, chap. 112, pp. 244-45.

⁷ See Hutchins, *Commercial Irrigation Companies* (Washington, D.C., 1930); Alvin T. Steinel, *History of Agriculture in Colorado: . . . 1858 to 1926* (Fort Collins: State Agricultural College, 1926); Roy E. Brown, "Colorful Colorado: State of Varied Industries," *Rocky Mountain Politics*, ed. Thomas C. Donnelly (Albuquerque: University of New Mexico Press, 1940), p. 59; Elwood Mead, *Irrigation Institutions* (New York, 1903); George Thomas, *The Development of Institutions under Irrigation* (New York, 1920); Carl Ubbelohde, Maxine Benson, and Duane A. Smith, *A Colorado History*, 3d. ed. (Boulder: Pruett Publishing Co., 1972), pp. 251-57.

⁸ Colorado, *Session Laws*, 14th sess., 1903, chap. 123, pp. 265-77; 13th sess., 1901, chap. 87, pp. 198-231; 15th sess., 1905, chap. 113, pp. 246-74; *Anderson v. Grand Valley Irrigation District*, 35 Colo. 525 (1906); *Ahern v. Bd. of Directors of High Line Irrigation District*, 39 Colo. 409 (1907).

⁹ Colorado, *Session Laws*, 16th sess., 1907, chap. 194, pp. 488-91.

¹⁰ *Ibid.*, 3d sess., 1881, pp. 199-222.

¹¹ *Ibid.*

¹² *Ibid.*, 3d sess., 1881, pp. 119-22; 5th sess., 1885, pp. 256-59; 6th sess., 1887, pp. 295-300; 7th sess., 1889, pp. 210-14, 218, 369-71, 371-75; 10th sess., 1895, chap. 85, pp. 197-98, 98-99; 12th sess., 1899, chap. 106, p. 237, chap. 126, pp. 314-17, chap. 157, p. 430, chap. 158, p. 431; 14th sess., 1903, chap. 122, pp. 262-64, chap. 125, pp. 281-88, chap. 126, pp. 289-92; 15th sess., 1905, chap. 111, pp. 243-44; 18th sess., 1911, chap. 155, pp. 469-74, chap. 228, pp. 673-76.

statute paramount. However, jurists were quick to caution officials against their interference with contractual provisions that did not violate public law. Generally, the administration stopped at the corporation's headgate.¹³

Importantly, the state began to require an economic and environmental feasibility approach to new irrigation projects. Previous experience with seasonally dry ditches, burst dams, and disgruntled water users pushed legislators into expanding the duties of administrative officials. Early statutes requiring either the state engineer to approve or to inspect reservoir dams over ten feet were conduits for further discretionary power.¹⁴ State engineer duties included inspection and the power to draw off water when a dangerous condition existed. This obligation to protect the public welfare soon became the power to approve irrigation projects in terms of their feasibility. State engineers could require maps, cross-sectional drawings, stream flow data, and the like. Similarly, other jurisdictions required such information in applications for irrigation works. Generally, the engineer or other agency vested with authority could disapprove a project if insufficient water existed or the project was not in the public interest.¹⁵ With expanded authority in the regulatory agencies, entrepreneurs now had to undergo regular administrative procedures in which they had to justify their ventures. This, of course, was designed to avoid the speculative ventures that characterized the late nineteenth century and to assure the public and the users of environmental feasibility. These features most graphically demonstrated the emergence of a modern form of governmental intervention in the irrigation enterprise.

Economic stimulation through the facilitating of the enterprise had its counterpart in the maximization of water use. This policy trend had its impact upon social and economic development. Use requirements maximized social and economic use benefits. Lawmakers provided for the use of seepage and waste waters as a step toward complete appropriation. With the definition of the duty of water becoming clearer with United States Department of Agriculture research, lawmakers began

specifically to define beneficial use in terms of duty. Thereby, they created surplus waters as use often exceeded duty. Similarly, the regulation of water utilities maintained user expectations and encouraged the maximization of distribution. The state also became directly involved in water projects. Through the Carey and Reclamation acts, the state government became the proprietor and the appropriator, acting either with federal authority or under its direction. Importantly, government became the promoter, settling farmers on developed projects. This continued a long held policy of mobilizing economic resources for the advancement of the society as a whole. However, the impact of such projects was small compared to other forms of the irrigation enterprise. Finally, with the development of irrigation facilities by all levels of endeavor, the regional character of a venture became apparent. Problems of conflicting laws and interstate disputes led, finally in the 1920s, to regional planning and interstate compact. The dimensions of the enterprise finally exceeded the jurisdictional and conceptual bounds of the late nineteenth century.

As the irrigation enterprise developed under private and government initiative, it became apparent that irrigation was a regional problem. At the turn of the century, cases of interstate water use appeared in the courts of the region. The Colorado Supreme Court found that it had no power to adjudicate priorities of waters diverted in Colorado but applied in New Mexico.¹⁶ The New Mexico court arrived at a similar conclusion in 1911, finding itself with a case "of practically new impression."¹⁷ However, the Idaho court found that the appropriation of state waters for use across its borders was unauthorized by statute. And, the Wyoming court found jurisdiction to adjudicate a case involving water diverted in the state for use in Montana.¹⁸ More importantly, the states went to the United States Supreme Court to adjudicate their respective rights, and finding this route unpalatable, they turned to an interstate compact.¹⁹ Thus, in the mid-twentieth century the states came to the realization that their water resources were regional in scope and needed broader conceptual regulation and use.

¹³ *Farmers' Independent Ditch Co. v. Maxwell*, 4 Colo. A. 477 (1894); *Board of Com'rs. of Pueblo Co. v. Gould*, 6 Colo. A. 44 (1895); *White v. Farmer's Highline Canal & Reservoir Co.*, 22 Colo. 191 (1896); *Farmers' Independent Ditch Co. v. Ag. Ditch Co.*, 22 Colo. 513 (1896); *Cache La Poudre Irr. Ditch Co. v. Hawley*, 43 Colo. 32 (1908); *Boulder & Left Hand Ditch Co. v. Hoover*, 48 Colo. 343 (1910).

¹⁴ *Colorado, Session Laws*, 12th sess., 1899, chap. 126, pp. 314-17.

¹⁵ *Ibid.*, 14th sess., 1903, chap. 122, pp. 262-64, chap. 126, pp. 289-92; 18th sess., 1911, chap. 228, pp. 673-76.

¹⁶ *Lamson v. Vailes*, 27 Colo. 201 (1900).

¹⁷ *Turley v. Furman*, 16 N.Mex. 253 (1911).

¹⁸ *Walbridge v. Robinson*, 22 Idaho 236 (1912); *Willey v. Decker*, 11 Wyo. 496 (1903).

¹⁹ See Howard R. Stinson, "Western Interstate Water Compacts," *California Law Review* 45 (December 1957): 655-64; Steinel, *Agriculture in Colorado*, pp. 212-25; Ubbelohde, Benson, and Smith, *A Colorado History*, pp. 252-54; Ray Palmer Teele, *Irrigation in the United States: A Discussion of Its Legal, Economic and Financial Aspects* (New York: D. Appleton & Co., 1915), pp. 16-17.

Colorado labor law between 1861 and 1912 evidenced the impact of corporate power, growing labor unrest, and union organization. Lawmakers concerned themselves with problems of access to employment, the conditions of labor, and injury or death on the job. In each area the changing industrial conditions challenged the traditional concepts of law. A tension between free contract in a marketplace society and labor unionism existed at the beginning of the employer-employee relationships. That arms-length characterization of employment contracts, which frequented judicial opinions of the mid-nineteenth century, belied the facts of industrialization. Safety in mines and on railroads became a question of public interest. Matters of individual negotiation also became matters of public policy as the distance between employer and employee increased. Compensation for injury or death in the course of employment evolved from its traditional fellow servant conceptualization to administrative systems of workmen's compensation. In the sweep of time and lawmaking, interests clashed on the picket line, in the legislatures, and in the courts. For the legal system, it was a time of testing. As the socio-economic conditions changed with industrialization, lawmakers had to balance the interests of a free market and the social costs of employment.²⁰

Regional lawmakers in dealing with access to employment produced a sketchy record. Legislators outlawed the yellow dog contract (under which employees, as a condition of employment, agreed not to join or remain in unions) in several jurisdictions between 1893 and 1911.²¹ Contemporaneously, Congress acted to achieve the same end, but the effort failed to meet constitutional muster. In *Adair v. United States* (1908), the United States Supreme Court struck down the yellow dog provision in the 1908 Erdman Act, as it applied to interstate carriers.²² This decision gave state opponents of such measures additional ammunition in their arguments against them. However, antiblacklisting and coercion statutes found more general reception in the Colorado

legislature.²³ Even with these statutory protections, the corporate employer had a great deal of practical control over the terms of employment.²⁴

Similarly, child and female labor provisions came late in the period and evidenced the reluctance of legislators to impose undue restrictions on corporate practices. Generally, statutes provided age limits for employment, usually fourteen, but made exceptions for agricultural labor. Children and women could not be employed in hazardous pursuits. What was hazardous was often ill-defined, excepting mines and smelters, and it was not until 1911 that legislators began enumerating specific employment in industry as hazardous. Arizona led the way, including industrial processes that used acids and paints as hazardous. Legislation also prescribed hours of labor, educational requirements, and penalties. Similarly, certification procedures were part of the system, providing a record and notice of those employed and regulated under statute. But inspection and enforcement procedures generally were minimal. If jurisdictions like Colorado had factory inspectors, the duties of the inspection fell solely upon an individual, unaided by staff or other state agencies. However, absent even this minimal regulatory institution, legislators usually delegated inspection duties to individuals within the existing legal system.²⁵ These persons had neither the time, the money, the staff, nor the expertise to have any impact upon corporate practices. In sum, child and female labor law provided only minimal protection for workers but did establish a precedential basis for later legal development and enforcement.

Labor was much more successful in obtaining mine safety regulations. In strong union states like Colorado safety legislation was an outgrowth of union pressures and lobbying. In general, mine safety regulations ameliorated the crude working conditions to some degree and helped to assure miners of a reasonably safe place to work.²⁶ This did not, however, end mine

²⁰ See Alpheus T. Mason, *Organized Labor and the Law* (New York, 1925); George Gorham Groat, *Attitude of American Courts in Labor Cases: A Study in Social Legislation* (New York: Longmans, Green & Co., 1911); Lawrence W. DeMuth, "Derogation of the Common Law Rule of Contributory Negligence," *Rocky Mountain Law Review* 9 (February 1937):190-93; Albert B. Wolf, "Wrongful Death in Colorado," *Rocky Mountain Law Review* 33 (April 1961):393-412; George G. Suggs, "Colorado Conservatives Versus Organized Labor: A Study of the James Hamilton Peabody Administration, 1903-1905" (Ph.D. diss., University of Colorado, 1965); Paul F. Brissenden, *The I.W.O.: A Study of American Syndicalism*, 2d ed. (New York: Russell & Russell, 1957); David L. Lonsdale, "The Movement for an Eight-Hour Law in Colorado, 1893-1913" (Ph.D. diss., University of Colorado, 1963).

²¹ For example, see Colorado, *Session Laws*, 18th sess., 1911, chap. 5, pp. 8-9.

²² 208 U.S., 161.

²³ Colorado, *Session Laws*, 6th sess., 1887, p. 58; 11th sess., 1897, chap. 31, pp. 118-19; 13th sess., 1901, chap. 36, p. 77; 14th sess., 1903, chap. 137, pp. 307-8.

²⁴ Overt antilabor sentiment was also expressed in law. See Colorado, *Session Laws*, 15th sess., 1905, chap. 79, pp. 160-61.

²⁵ Colorado, *Constitution*, art. 16, sec. 2; *General Laws of the State of Colorado*, 1877, p. 131; Colorado, *Session Laws*, 5th sess., 1885, pp. 124, 134; 6th sess., 1887, p. 76; 7th sess., 1889, p. 59; 8th sess., 1891, p. 59; 12th sess., 1899, chap. 136, p. 341; 14th sess., 1903, chap. 138, p. 309; 18th sess., 1911, chap. 95, pp. 232-44. See also *Overland Cotton Mill Co. v. People*, 32 Colo. 263 (1904); William F. Obgurn, *Progress and Uniformity in Child Labor Legislation* (New York, 1912); Josephine C. Goldmark, *Handbook of Law Regulating Women's Hours of Labor* (New York, 1913).

²⁶ *General Laws of the State of Colorado*, 1877, chap. 15, pp. 126-31; Colorado, *Session Laws*, 4th sess., 1883, pp. 102-12; 5th sess., 1885, pp. 134-44; 7th sess., 1889, pp. 67-71, 254-59; 9th sess., 1893,

disasters or the incompetence of management. As the twentieth century continues to witness, mining remains a hazardous and often tragic occupation.

The patterns of mine safety enforcement also reflected the general changes in the concepts of the use of law to promote the public welfare. Statutes of the 1870s and early 1880s did little more than establish inspection institutions and provide information gathering and dissemination machinery. Legislatures only authorized inspectors to notify mine owners of dangerous conditions. Owners, failing to repair, became negligent in the case of injury or death. In sum, lawmakers only provided for exposure for exposure's sake and allowed the legal system to compensate miners for broken bodies and widows for broken homes through tort litigation. This conservative path failed to protect the miner from the coercion of corporate employers, the risks of employment, or the degradation of uncompensated dismemberment. Increased evidence of the system's short comings and labor pressures produced a tightening of administrative controls. With regulation came the decreasing significance of the court system in molding working conditions. Outside the tort law field, administrative law officials determined the scope of the safe place concept (employer's duty to provide employee with a reasonably safe place to work). Now, the courts functioned to enforce administrative decisions. This evolution of institutional interrelation paralleled the development of employer-employee relations. The conceptualization of employee dealing with his employer at arm's length was a fiction. Increasingly, it became so in law as employment contracts, working conditions, and injury compensation gravitated from common law to administrative determination.

The impact of the law upon the wages of labor in the period was varied. Most importantly, regional lawmakers required employers to pay workers in lawful money. General corporate practice, particularly in company towns, had been to pay in scrip, coupons, or other fiat money. Wage legislation attacked that practice, but legislation did not appear on the statute books until the twentieth century. Even with such legislation, however, solons carefully provided for the maintenance of company town and corporate practices through exceptions. In sum, the company could still use its economic power to extort money without

chap. 123, pp. 347-49; 14th sess., 1903, chap. 144, pp. 360-67; 10th sess., 1895, chap. 93, pp. 206-15; 11th sess., 1897, chap. 37, pp. 137-50; 12th sess., 1899, chap. 119, pp. 277-94; 16th sess., 1907, chap. 120, pp. 274-75, chap. 121, pp. 275-77; 18th sess., 1911, chap. 91, pp. 223-27, chap. 172, p. 515.

resort to scrip. Even more broadly, semimonthly pay statutes usually exempted railroads and ditch, canal, and reservoir companies.²⁷

The regional record on other aspects of wages was more positive. Lawmakers displayed less ambivalent behavior on wage claims and laborers' liens. More like mechanics' liens, legislators gave wage claimants preferred positions among creditors and regularized procedures for the pursuit of the claims.²⁸ Coal miners received some special consideration. Bowing to the corporate system of paying by coal mined, legislators in Colorado enacted statutes regulating the weighing of coal.²⁹ While specifying forms of payment, establishing rights to wages, and supervising the determination of coal weight, the law had little impact, for corporate power determined wage rates. This was only offset by union pressures. Private decision determined minimum wages. The law in the period had impact upon procedure rather than substance.

Eight-hour laws, however, had impact far beyond this region. Legislatures early passed eight-hour work day laws for public employment.³⁰ While these statutes caused little judicial notice, an 1896 Utah statute restricting work in underground mines, smelters, and reduction works to eight hours produced a constitutional stir. Quickly challenged, the United States Supreme Court ruled on the act in 1898.³¹ The Court sustained the Utah statute as a health law, valid under the police power. However, the justices refused to reject the concepts of liberty of contract, frequently used to strike down protective labor legislation. In response, legislators in the Rockies and elsewhere passed eight-hour day laws, characterizing them as health laws. Subsequently, lawmakers expanded the definition of hazardous employment to cover more occupations. With *Holden v. Hardy* to rely on, Rocky Mountain jurists found these laws constitutional.³²

²⁷ Colorado, *Session Laws*, 12th sess., 1899, pp. 425-28; In re House Bill No. 147, 23 Colo. 504 (1897); Colorado, *Session Laws*, 13th sess., 1901, chap. 55, pp. 128-30.

²⁸ Colorado, *Session Laws*, 14th sess., 1903, chap. 70, pp. 143-44.

²⁹ Ibid., 11th sess., 1897, chap. 37, pp. 137-38; 13th sess., 1901, chap. 91, pp. 235-37; In re House Bill No. 203, 21 Colo. 27 (1895).

³⁰ For example, see Utah, *Session Laws*, 1894, chap. 11, p. 8; 1901, chap. 41, p. 37; Colorado, *Session Laws*, 7th sess., 1889, chap. 9, pp. 85-86; 9th sess., 1893, chap. 113, p. 305; Idaho, *Session Laws*, 1890-91, pp. 169-70; 1899, p. 113; 1911, chap. 113, pp. 417-19; Nevada, *Session Laws*, 1903, chap. 37, p. 55; 1906, chap. 32, pp. 45-46; Arizona, *Session Laws*, 1912 (reg. sess.), chap. 78, pp. 415-16; Keefe v. People, 37 Colo. 317 (1906); State v. Hughes, 38 Mont. 468 (1909).

³¹ Utah, *Session Laws*, 1896, chap. 72, p. 219; *Holden v. Hardy*, 169 U.S. 366 (1898); Benjamin F. Wright, *The Growth of American Constitutional Law* (New York: Houghton Mifflin Co., 1942), p. 173.

³² See Wyoming, *Session Laws*, 1909, chap. 17, p. 21; Arizona, *Session Laws*, 1903, p. 12; 1912 (reg.

The *Holden v. Hardy* precedent, however, received an adverse interpretation in Colorado. The state legislature had followed the lead of Utah in an 1899 statute, requiring the eight-hour day in "all underground mines or workings."³³ To those legislators of 1899, *Holden* had overcome the objections of the Colorado Supreme Court, voiced in *In re Eight-Hour Day* (1895).³⁴ In that advisory opinion, the court had warned the legislature that it could not single out mining and manufacturing companies for the application of an eight-hour law. Moreover, any such act would violate the right of parties to make their own contracts. This liberty-of-contract philosophy was the foundation for the actions of the court in 1899. *In re Morgan* (1899), the Colorado Supreme Court struck down the eight-hour law as class legislation and violative of the guarantee to all persons of the right to acquire and possess property. Moreover, the court noted, the Utah legislature had specific authorization in the Utah Constitution. Colorado lawmakers had none. On these grounds the court distinguished *Holden* and struck down the statute.³⁵ The legislature responded to *Morgan* with a constitutional amendment authorizing the eight-hour day in hazardous employment.³⁶

Even with such authority, the Colorado Supreme Court continued to construe the legislation strictly. For example, in *Burcher v. People* (1907), the court found an eight-hour law for women in mills, factories, manufacturing establishments, stores, "and any other occupation which may be deemed unhealthy or dangerous," not to include steam laundries. The act contained no specific mention of laundries and the court refused to take judicial notice of the commonly known dangers of laundries. Similarly, the court struck down section three of the act, according an eight-hour day to women not provided with seating. Here the judges found that the title was not broad enough to include the subject. The court's use of strict construction was laced throughout with liberty-of-contract arguments.³⁷ Thus, the court had little use for protective labor legislation.

This behavior indicated the strength of conservatism on the bench and, more importantly, the difficulty of obtaining meaningful labor law in the face of judicial interpretation. The Colorado Supreme Court was far from alone in its stand against the violators of the liberty of contract. In sum, labor's access to relief through the legal system was variable from jurisdiction to jurisdiction. The position of the court was a single manifestation of a national phenomena.

Within the region, however, the *Holden* interpretation gained advocates. In the Nevada court in *In re Boyce* (1904) the interpretative gulf between *Holden* and *Burcher* was argued. "Time and the light of experience and the progress of age have shown the desirability of various enactments for the promotion of happiness and good of the people, regarding which legislatures and statesmen were formerly unmindful. As new conditions and necessities arise in the affairs of men, the law must advance to meet them."³⁸

Changing conditions had indeed changed man's demands upon the legal system. But in the continuing use of *Holden* as precedent, the courts made it increasingly clear that the police power's ascendancy was on a case-by-case basis. For example, the Montana Supreme Court, in upholding an eight-hour statute and citing *Holden*, grounded its decision on the facts of hazardous employment. Here the police power did not infringe the freedom of contract.³⁹ Similarly, the Nevada Supreme Court in *Ex parte Kair* (1905) depended heavily upon medical evidence to establish the unhealthy condition of mine, mill, and smelter employment.⁴⁰ In sum, while the courts followed *Holden* and validated eight-hour laws, they did so on the peculiar facts of the employment. This left them the option of deciding which occupations could be construed as reasonably hazardous.

In conclusion, Colorado justices rendered decisions in the period from 1861 to 1912 that favored marketplace dealings, legislative regulations stimulating economic business practices, and business interests over labor where no prevailing marketplace consideration weighed against such a position. The substantive products of law materially aided the economic and social progress of the Centennial State, but the costs for social overhead were all too apparent. The general deference given the

sess.), chap. 50, pp. 227-28, (sp. sess.), chap. 26, p. 85-87; Nevada, *Session Laws*, 1903, chap. 10, p. 33, chap. 4, p. 20; 1909, chap. 44, p. 48, chap. 65, p. 73; 1909, p. 405; Montana, *Session Laws*, 1903, chap. 53, pp. 113-14; 1907, chap. 108, pp. 260-61; 1911, chap. 21, p. 25; Colorado, *Session Laws*, 12th sess., 1899, chap. 103, p. 232; *Ex parte Kair*, 28 Nev. 127 (1905), (Holden, Harlan's dissent in *Lochner v. N.Y.* followed and medical evidence cited); *State v. Livingston Concrete Bldg. and Mfg. Co.*, 34 Mont. 570 (1906); *State v. Thompson*, 15 Wyo. 136 (1906).

³³ Colorado, *Session Laws*, 12th sess., 1899, chap. 103, p. 232.

³⁴ 21 Colo. 29.

³⁵ 26 Colo. 415.

³⁶ Colorado, *Session Laws*, 13th sess., 1901, chap. 48, pp. 108-9.

³⁷ 41 Colo. 495.

³⁸ *In re Boyce*, 75 P. 11 (1904).

³⁹ *State v. Livingston Concrete Bldg. & Mfg. Co.*, 34 Mont. 570 (1906).

⁴⁰ 28 Nev. 425.

courts and their traditional abilities to alter public policy afforded the justices an inordinately powerful position.

The director of Faculty Affairs and Records and an associate professor of history at California State University in Fullerton, GORDON M. BAKKEN holds a Ph.D. degree from the University of Wisconsin (1970) and a J.D. degree from the University of Wisconsin Law School (1973). A member of the Western History Association, the American Society for Legal History, and other organizations, he is a previous contributor to THE COLORADO MAGAZINE 47 (Spring 1970) and has published articles in ARIZONA AND THE WEST, the AMERICAN JOURNAL OF LEGAL HISTORY, the ROCKY MOUNTAIN SOCIAL SCIENCE JOURNAL, the SOUTHERN CALIFORNIA HISTORICAL QUARTERLY, and other journals.