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A Populist Newspaper of the Nineties

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The files of the *Aspen Union Era,* recently acquired by the Colorado State Historical Society,[1] constitute a valuable source for the study of Populist ideas of the early nineties as colored by a Colorado setting. The editor, Davis H. Waite, then a comparatively unknown journalist, was destined to become the storm center of the greatest political upheaval in the history of the state. It is believed that this paper, published from August 13, 1891, to August 4, 1892, was an important factor in his elevation to the governorship in 1892 as Colorado's first and only Populist executive.

Mr. Waite undertook his editorial duties at Aspen after a long and varied career. Of an apparently restless temperament, he had engaged in teaching, farming, mercantile pursuits, law practice, politics and journalism in half a dozen states before being attracted to Colorado in 1879. A Democrat before the Civil War, he then became an ardent Republican and was committed to the principles of that party at the time of his arrival in Colorado. He had been politically active, having been elected to the legislature both in Wisconsin and Kansas. His sympathies were with the laboring and farming classes and inclined him to a radical philosophy of reform. Arriving at Aspen in 1881, he practiced law, was justice of the peace, was the first Superintendent of Schools for Pitkin County, and was associated with both the *Times* and *Chronicle*, at different periods, in an editorial capacity. Having been converted to the tenets of Populism, he founded the *Aspen Union Era*, in partnership with George Rohde, in August, 1891. This was a radical weekly dedicated primarily to the interests of labor. Waite had affiliated with the labor party in Aspen in 1887 and was local secretary of the Knights of Labor Assembly. He became sole proprietor and editor of the *Union Era* in March, 1892.

Judge Waite was a writer of considerable experience and skill. He had contributed to such periodicals as the *National Economist* and the *Commonwealth* (Denver), and possessed an effective and trenchant style. His ideas, if not original, were sincerely main-

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[1]This and other Populist material was obtained by the Historian of the Society from Mrs. Davis H. Waite, now living in Aspen, Colorado.

tained and presented with force and a wealth of evidence that carried conviction to many of his readers. He was exceptionally fearless and independent and his paper is, in this respect, a contrast to the majority of Colorado journals of the period which were owned and dominated by corporate interests. Waite became the foremost spokesman for Colorado Populism and the chief exponent in word and deed of its ideas.

Most Colorado Populists were attracted to the party rather by their dissatisfaction with the position of the old parties on silver than by genuine adherence to the principles of Populism. The *Union Era,* however, was a thoroughgoing Populist organ, Waite often expressing his conviction that a "middle of the road" policy was essential to maintaining the purity and vigor of the new organization; fusion would necessitate a surrender of principles and was not to be tolerated. He bitterly opposed all attempts of the silver Democrats, led by Thomas M. Patterson, editor of the *Rocky Mountain News,* to effect a combination with the Populists, fearing that the latter party would be devitalized in the process and involved in the intrigues of the old organizations. Silver was only one of many issues, he held, and should be subordinated to more fundamental social and industrial reforms. "The two [old] parties," he wrote, "have only seven principles, and they are 'two loaves and five small fishes'."[2] Both had become wholly corrupt, he believed, "and are kept alive only by funds contributed by the money power." He denounced the Senate as composed largely of "corporation attorneys in the pay of Wall Street"; among these he included Wolcott and Teller of Colorado.

Waite's firmest conviction was his belief in the existence of a moneyed monopoly centering in New York and London and especially oppressive to a new and debtor community such as Colorado. His platform was at first that of the St. Louis Industrial Convention of 1891, and he later declared the Omaha platform of 1892 to be a "second Declaration of Independence." He quoted Lincoln as predicting the enthronement of corporations and an "era of corruption in high places" as a result of the Civil War. "Monopoly," wrote Waite, "is the great dragon whose breath withers and destroys the fleets of commerce, . . . paralyzes the arm of industry, . . . and arrays every person against his neighbor."[3] The People's party must destroy this wellspring of social iniquity. He was convinced of the existence of an "inevitable conflict" between monopoly and the people. In Colorado, he asserted, the richest lands and resources were controlled by corporations dominated by Eastern and

[2]*Union Era*, Aug. 13, 1891.
[3]*Ibid.*, Aug. 13, 1891.

LABOR FOR JUSTICE. THE ASPEN UNION ERA. TRUTH SHALL TRIUMPH

OUR MOTTO: JUSTICE.

VOL. I. ASPEN, COLO., THURSDAY, OCTOBER 1, 1891. NO. 8

RAILROAD TIME TABLES.

COLORADO MIDLAND RAILWAY.

ASPEN UNION ERA

Published weekly at 411 south Galena street, Aspen, Colorado.

TERMS $2 PER ANNUM

WAITE & ROHDE

Editors and Proprietors.

PEOPLE'S PARTY TICKET

STATE

Justice of the Supreme Court,

JOHN H. CHESTON,

of Arapahoe County.

The Famous Howard Circular. Let it Be Put Into the Money Conspiracy of 1873

The Buell Circular.

What the Granger Legislature did last Winter in Kansas, Compare it with the "How Not To Do It Legislature of Colorado", a Little Harnessed Legislation is What We Need.

THE FAIR

ASPEN'S GREAT

BARGAIN HOUSE.

Dry Goods, Notions, Shoes, Hosiery, Glassware, Tinware, Stationery, Toys or, GENTS' FURNISHING GOODS, NOVELTIES,

WAITE'S POPULIST NEWSPAPER

foreign capital; the state was a mere colony of the capitalists. The West was becoming another Ireland. The Government was a disguised monarchy.

Waite especially attacked the railroads; Colorado was largely their creature and its politics controlled by them and their hired attorneys. Legislatures were bought and laws moulded to their desire. He pointed out that the state, because of its distance and isolation, was completely in their power and its industries throve only on their sufferance. Here they preferred to stifle new enterprises and profit on the long haul from the east. The railroads, he argued, taxed the people more heavily than any European monarchy. The *Union Era* cited numerous instances of alleged discrimination against the industries of new localities, especially in western Colorado. The particular target for his attacks was the Union Pacific, which had been "nursed as a viper in the bosom of the republic" (quoting ex-Governor Gilpin). The only solution, Waite held, was government ownership. Its success was demonstrated, he argued, by the operation of roads by United States receivers. If the Government can run a bankrupt road successfully, why not a sound one?

Waite attacked monopolistic control of land, a special grievance in Colorado. He was instrumental in drawing up resolutions in a Pitkin County convention, which denounced the system of landlordism "fostered by both the great political parties until whole townships . . . and counties are owned by alien landlords in almost every Western and Southern State."[4] He condemned land grants to railroads and sale or lease of lands to corporations. "Private ownership in land," says the *Union Era,* Jan. 7, 1892, "is legalized robbery . . . the earth belongs to all the people in usufruct." Waite always sympathized with the squatter as against the legal owner and criticized attempts to oust settlers from public lands on

[4]*Ibid.*, Sept. 5, 1891.

technical grounds. The great West, he held, should not become the preserve of a moneyed aristocracy.

Waite's ideas on orthodox Republican doctrines were undergoing a gradual change. Whereas previously he had supported the protective tariff as a defense of American labor, he was now writing (April 7, 1892): "The tariff has simply become one of the means used to build up monopoly to make a millionaire class of manufacturers and a pauper class of laborers." Tariff was only a "side issue gotten up . . . to fool the people." His earlier opposition to free trade as a device of the English monopolists to lower labor standards (see his article in the *Commonwealth,* June, 1890, pp. 12-18) had now given way to a conviction that the tariff was a camouflage for the sinister scheme of Eastern interests to lull the people and appropriate profits for themselves.

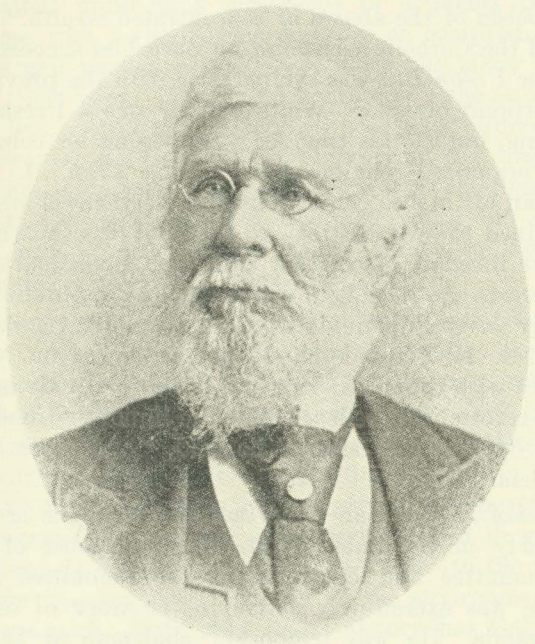
Waite, like most orthodox Populists, was a fiat money man, and was only gradually converted to silver. "Money is made by law," was a statement repeatedly printed in his paper; "The People's Party demands that government shall create money."[5] The control of currency and its contraction by the Money Power in the interest of the creditor, Waite considered the crying evil of the day. Against financial monopoly he waged unrelenting war. He condemned the national banks as creating an "aristocracy of wealth" which mulcted the people of huge sums. He attacked the gold dollar as dishonest in that its appreciation placed an unjust burden upon debtors. Reform must come by action of the government, which should eliminate banks and loan directly to the people at two per cent. He advocated the subtreasury scheme and the issue of fiat money. Waite was at first suspicious of any specie basis for currency, even silver, fearing that it might be monopolized by a few.

His conversion to silver was gradual. As a Populist by conviction and not for silver's sake, he found himself at odds with spokesmen for the silver cause. While not outspoken against it, he believed that "the silver question . . . had very little in store for the common people."[6] He favored greenbacks, which were anathema to the "hard money" people. But as the silver situation became more acute in 1892, he conceived the plan of annexing the issue and its advocates to the People's party. Silver, however, was a local issue and must not be given undue prominence in any national program. He feared, furthermore, that the silver men might get control of the new party and use it for their own ends. In 1892, he was defending silver as a valuable *auxiliary* plank, and at Omaha

[5] *Ibid.*, Aug. 13, 1891.
[6] *Ibid.*, Feb. 25, 1892.

helped write it into the national platform. With true political insight he recognized the opportunity to win Colorado for Populism by championing the silver cause, but was wary against any effort to subordinate Populist principles to local exigencies.

Waite, like all Populists, had a naive trust in legislation as a cure for social ills. Monopoly had triumphed through unjust laws, he held, and the only remedy was political action, or, more specifically, legislation. He defended "paternalism" in behalf of the oppressed. "Class legislation in favor of the debtor class is imperative," he wrote, "and the country can be saved by nothing else."[7]



GOV. DAVIS HANSON WAITE

His paper was distinctly proletarian in outlook and appealed to farmers and workers to combine in defense of their mutual interests. "Their woes have been occasioned by political means," he argued, "and the only remedy is political."[8] He especially sought the support of the laboring class and endeavored to indoctrinate them with the tenets of Populism. Waite's political opponents accused him of inconsistency in not employing union printers. This charge was frequently brought against him later as Governor.

[7] *Ibid.*, April 28, 1892.
[8] *Ibid.*, May 19, 1892.

He replied that his two employees, one of whom was a deaf and dumb boy and the chief support of his parents, would gladly join a typographical union, but there was none in Aspen. He condemned this attempt to manufacture "cheap notoriety."[9]

Political capital was often made by Waite's enemies of his alleged anti-Catholic proclivities. He admitted that he had "for many years considered the Catholic hierarchy as abounding in corruption and wickedness," but here we find him praising a recent papal encyclical for its avowed sympathy with the oppressed masses and its criticism of the abuses of concentrated wealth.[10] Elsewhere he criticized the Catholic viewpoint on parochial schools. It is evident that the *Union Era* was sympathetic with the prevailing anti-clerical viewpoint of labor. Waite himself was a Presbyterian by early training, but at this time he was opening his columns to attacks upon organized religion and the Bible (Jan. 21, 1892). Although a man of intense convictions and lofty moral standards, he seemed inclined toward hostility to the churches by what he considered their intimate association with and subordination to capitalistic interests. As a judge, Waite had the reputation of being exceptionally severe upon violators of the laws regulating gambling and vice. He berated the old parties and their "rings" for their alliance with organized vice and lawlessness. He approved of temperance reform, but believed that the liquor evil had its origin in poverty. "Cure the latter," he said, "and there will be no liquor problem."[11]

The *Union Era* was an important factor in the creation of a Populist party in Colorado. Waite was a member of the State Central Committee and chairman of the committee for Pitkin County. He was exceedingly active in the work of organization and propaganda. He was temporary chairman of the Populist State Convention of Sept. 16, 1891, which ratified the Cincinnati platform. Its resolutions declared it the obligation of every government to afford its citizens "all needful legal remedies. This is the first compact of society."[12] In his columns he preached the new gospel with the fanatical zeal of an evangelist. He upheld the new organization as "poor but pure" and condemned the iniquitous system of "assessments" upon which he claimed the old parties were founded. He attacked the Pitkin County "courthouse ring" and its "criminal and wasteful extravagance." "We propose to ventilate these matters," he wrote on Oct. 29, 1891. He favored regulation of local water and power rates.

[9] *Ibid.*, Oct. 22, 1891.
[10] *Ibid.*, Sept. 3, 1891.
[11] *Ibid.*, Sept. 24, 1891.
[12] *Ibid.*, Sept. 17, 1891.

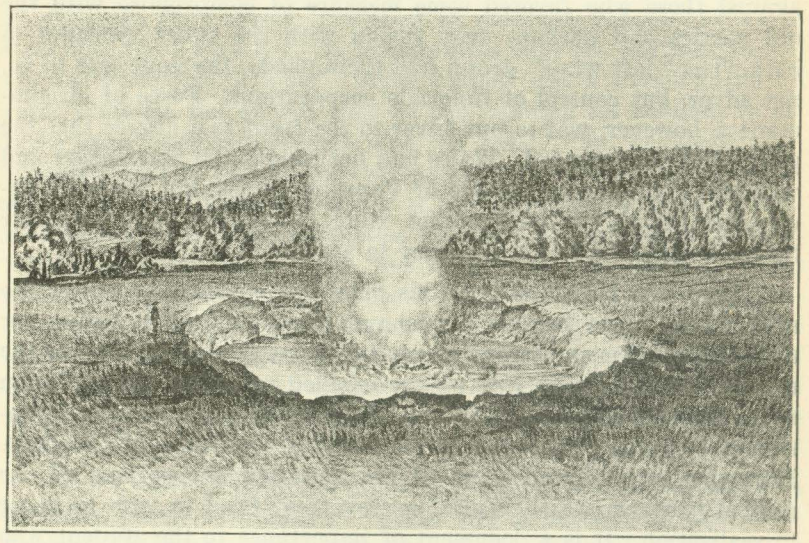
He blamed the failure of the Populists in the county elections of 1891 upon the indifference of the people and fusion of the old parties to defeat their enemy. Waite's able and fervent advocacy of Populist doctrines and his active service for the party won for him increasing popularity in party circles and, coinciding as it did with the growing financial stringency and the fall of silver in 1892, paved the way for his nomination in July. Waite believed that political sentiment had been revolutionized within the year. His nomination was a victory for "middle of the road" Populists who advocated unflinching adherence to orthodox principles as against those who favored some measure of compromise with the old parties and perhaps even fusion with the silver elements in both. The "left wing" group had triumphed; the issue was to be, not silver, but control of Colorado corporations. Force of circumstances, however, was to put silver to the front to a degree that the party had not intended. Waite had not sought the nomination and was still little known outside of Populist circles, but upon its endorsement both by the Populist State Convention and the State Silver League, he felt it his duty to accept.

Thus was launched upon his brief but spectacular career the man whose name became a synonym throughout the nation for radical Populism, a byword to capital but a symbol of hope to the masses. In the *Union Era* we are enabled to follow the evolution of his thought on political and social questions and note the adaptation of Populist philosophy to the peculiar conditions of Colorado. Here are to be found some of the germinal conceptions of the radical program which Waite, as Governor, tried in vain to bring to realization. It is a document of importance to the student who would follow the course of Populism in the environment of a mining commonwealth. Only once in its history has Colorado "gone radical" and Waite and his paper were important factors in the process.

Pagosa Springs, Colorado

LAURA C. MANSON WHITE*

Long centuries before the white man set foot on Colorado soil, Indians roamed at will among the mountains and valleys of our Southwest. It is said that at an early time a wandering band of Indians chanced upon some very hot springs on the San Juan River, in what is now Archuleta County, and at this place made their camps for many years. The waters proved to be helpful in



PAGOSA SPRINGS
(Drawing accompanying Capt. Macomb's Report of his Expedition of 1859)

curing their ailments and they named the springs "Pagosah," which in the language of the Utes means "healing waters." The story is told that a member of one of the first bands of Indians thought he could swim across that 75-foot, hot, bubbling lake (with a temperature of 155 degrees), but he was scalded to death.

Here the Indians built some crude shelters on the elevation of porous rock surrounding this kettle of hot water. With plenty of wood from the nearby hills to use for fuel they were comfortable and their ponies and sheep found feed along the little streams of warm water that empty into the San Juan River.

*Mrs. White is a daughter of Andrew Manson, a pioneer of the San Luis Valley. The San Juan country has always been her home. She has long been an officer in the San Juan Pioneer Association and is at present its historian. She lived in Pagosa Springs from 1925 to 1927.—Ed.

The first official report we have of the springs is that of Captain J. N. Macomb, of the United States Topographical Engineers, who visited the springs in July, 1859. He reports: "In the upper part of this valley is the Pagosa, one of the most remarkable hot springs on the continent, well known, even famous, among the Indian tribes, but up to the time of our visit, never having been seen by the whites. It can hardly be doubted that in future years it will become a celebrated place of resort, both for those who shall reside in the surrounding country, and for wonder-hunting health-seeking travelers from other lands. There is scarcely a more beautiful place on the face of the earth. . . . Here is a great basin, oval in form, 40 by 50 feet in diameter, its walls of white rock, of unfathomable depth, in which the deep blue water seethes and surges as in a boiling caldron, giving off a column of vapor which in damp weather is visible for miles."[1]

For some years before permanent settlement was made at the Pagosa Springs, people came each summer to take baths in the medicinal springs. Among the first to come over the pass from Del Norte, in 1873, was Mrs. M. O. Brown, her young son Tom Reavis, and her father, Mr. Sallee, for whose benefit they made the perilous journey.[2] Mr. Sallee was blind, and they brought the little boy along to lead him about. Mr. Sallee was also suffering from an aggravated case of rheumatism. They came in early summer, and remained there until the first snow began to fly. Before they left, the Indians came. Young Chief Colorow indicated to Mrs. Brown in no uncertain terms that it was all right for the white folks to visit the springs in the summer time, but that when the Indians returned in the fall with their livestock, the whites must go away.

In 1875 Dr. Frank Keables, then President of the Iowa Medical Association, had become interested in mines at Summitville, and learning of the springs made a trip to them, thinking possibly they could be made into a health resort. Arnold Howard accompanied the Doctor and got the idea that the land surrounding the springs might be taken up as placer claims. Not having any money of his own he worked with Dr. Keables. Howard located all the land on which the town now stands, as a placer mining claim, but the notices were put up for Dr. Keables, he furnishing the money. Just prior to this, Major Henry E. Foote, associated with Dr. Van Duyn, a Mr. Doty and one other, formed what became

[1]J. N. Macomb, *Report of the Exploring Expedition from Santa Fe, New Mexico, to the Junction of the Grand and Green Rivers of the Colorado of the West in 1859* (Washington, 1876), 74.

[2]Data from an interview had with Mrs. Brown.

known as the Foote Syndicate and proceeded to locate the land as an agricultural project. Howard and his friends persistently urged his priority of right to the land, having panned out a small quantity of gold. Foote and his associates insisted that it was agricultural land, purposing to pay for the land with "Valentine Scrip."[3] For some years the matter was to be in litigation, finally to be settled in favor of Mr. Foote and the "scrip."

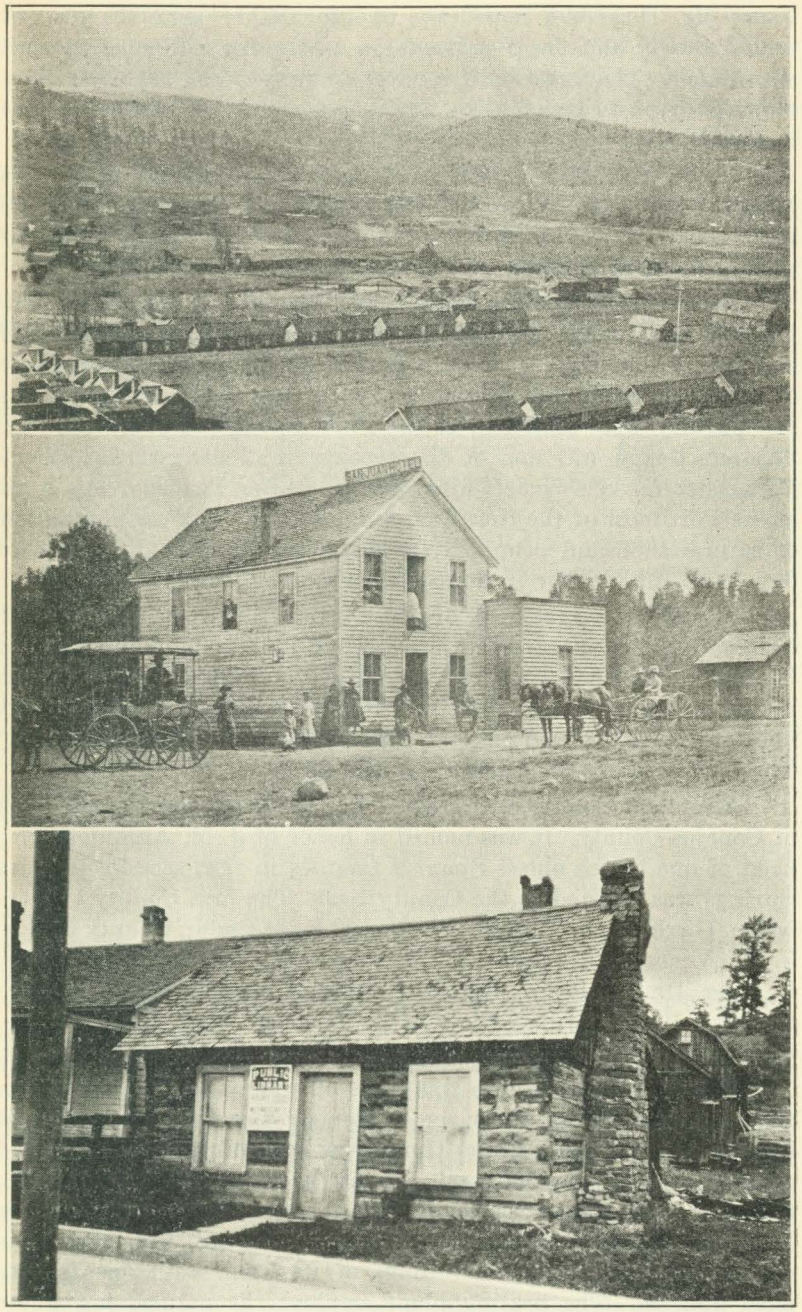
While this legal battle was waging, there was still another prior claim to the possession of this piece of property, and that was the claim of Col. Albert H. Pfeiffer.

Long prior to the filing made by either Howard or Major Foote, and during the years that Col. Pfeiffer was serving in the United States Army under the command of Col. Kit Carson, Mr. Pfeiffer rendered a service to the Utes in helping them retain their possession of the springs. The possession of the springs had long been the bone of contention between the Utes and Navajoes, until finally a duel was arranged between the warring tribes, and Col. Pfeiffer, having already been affiliated with the Utes, was the man whom the Utes picked for their combatant. When the bloody conflict was over, the Navajoes carried the body of their defeated giant away, and the peaceful possession of the springs and the headwaters of the San Juan rested with the Utes and Col. Pfeiffer for many years. There was at one time considerable evidence pertaining to the recognition of Col. Pfeiffer's claim to the hot springs, but valuable documents were burned and lost before his death, and nothing has ever been done in a material way to establish his claim.

A mound of rock now marks the place where this remarkable duel took place. It is located on the state highway about eight miles southwest of Pagosa Springs, in what is commonly known as the David Hersch pasture, formerly known as the Stollesteimer Ranch. The railroad passes between the mound and the highway. This spot would be an appropriate place for an historical marker.

In the fall of 1876 Welsh Nossaman, Joab Baker and Lafayette Hamilton came to the Pagosa Springs, coming by way of Ojo Caliente, New Mexico. They came to lay claim to 144 acres of placer ground for Dr. Frank Keables, who was furnishing the money to establish the claim. Nossaman, Baker and Hamilton put up their cabin just a few rods east of the big spring and wintered there. They also built cabins on other claims—one for Nossaman

[3]This scrip was issued by the United States Government to one Thomas B. Valentine, a soldier in the Civil War, for which he was entitled to take up or receive an allotment of land. Henry Foote was the assignee of this certificate: the scrip was of the value of forty dollars. The property in question covered forty acres of land known as Lot 1 of the SE¼ and Lot 2 of the SW¼ of Sec. 13, Township 35 N., Range 2 W., New Mexico Meridian West.



Upper: Early view of Fort Lewis at Pagosa Springs.
Middle: San Juan Hotel, Pagosa Springs (Taken in the 1880s).
Lower: Cooley's Pioneer Cabin Made Over into a Public Library.

where Mr. Dickerson now lives, one for Baker near the present Colton ranch, and one for Hamilton where the Sullenberger mill now stands. They also built a cabin in Scase Park for J. L. Russell, who lived in Des Moines, Iowa, but wanted to locate near the Pagosa Springs.

After 1876 settlers came in great numbers and with all sorts of equipment. Some came to mine, others to farm, some to engage in the cattle industry, while some came seeking health. Most of them came with horse or ox teams and covered wagons.

To safeguard settlers against the Utes, Fort Lewis was established at the springs in 1878. Officers' quarters, barracks, mess hall and sleeping quarters were built in a quadrangle, on the north side of the river. Company B, 15th Regiment, and Company D, of the 9th Cavalry were stationed at the Fort during the years 1878-82. Captain Dodge was one of the troopers and afterwards became Paymaster for the whole United States. Major Peabody, too, lived at the Fort most of the time during these four years. A population of several thousand people lived at Pagosa Springs during these days, and it bade fair to become a very popular city.

In 1880 the President of the United States issued an order designating one mile square surrounding the principal spring as a United States town site. It was platted in 1883 and in 1885 the building lots were appraised by the United States Commissioners and sold from the land office of that district to the highest bidder.[4] The town was not incorporated until 1891.

Archuleta County was created in 1885 from the western part of Conejos County. It was named in honor of J. M. Archuleta, Sr., head of one of the oldest Spanish families in that section. Pagosa Springs was selected as the County Seat. The first County Officers were: Clerk, E. M. Taylor; Treasurer, Isaac Cade; County Judge, J. H. Vorhees; Assessor, J. P. Archuleta; Sheriff, Wm. Dyke; Coroner, Dr. N. Hover; Superintendent of Schools, Fil. A. Byrne; Surveyor, C. Y. Butler; Clerk of the District Court, E. M. Taylor; Commissioners, J. H. Hallett, A. S. Dutton, J. M. Archuleta, Jr.

The first Court House was built of stone and was located on the southeast side of the river. After serving for many years it burned down. Then a Court House was built of frame and located on Pagosa Street on the north side of the river. Finally, in 1928, the new Court House was completed, at a cost of $50,000, paid for by a building fund started in 1921 from a 1 mill tax levy. It is one of the most modern buildings of its kind, with one feature most unusual. The heating plant employs the natural hot water

[4]Frank Hall, *History of Colorado*, IV, 70.

obtained from an artesian well at a depth of 170 feet. The water, coming out of the ground at a temperature of 130 degrees F., is piped through the building by means of radiators the same as with any other hot water heating plant. The rooms are comfortable during the extremest cold weather, and there is no coal dust or coal smoke to smudge things over. The jail is located in the basement and contains separate compartments for men and women prisoners, with hot and cold baths provided.

Some other buildings throughout the city are heated with the natural hot water: the Public School Building which houses the grades and the high school, the Arlington Hotel, the hardware store, the Citizen's Bank Block, etc.

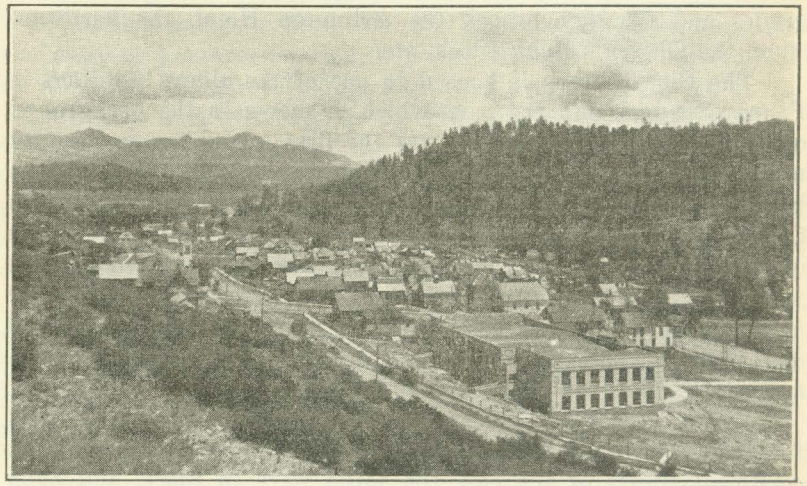
The City Library is housed in one of the oldest buildings in Pagosa Springs, and the barn which is shown in the background of the accompanying picture was the first school house, and for many years the only school house for miles around. The Library building was built in 1883 as a home for Mr. and Mrs. Frank Cooley. It is said that Mrs. Cooley herself did a large part of the construction work. She was busy one day, sawing some of the joists, and they just would not fit. Tears were spilling from her eyes, but she was very determined to finish the job. A colored man whom we called "Old Colored Henry" came along just then, and after seeing her plight comforted her.

"Now, Mis' Cooley, doan yo' cry no moh'! Ol' Henry fix it foh' you. Jes' wait, honey!" And so after many attempts by the combined efforts of the two, the joists were in place, and after many weeks, the building completed.

One of the first hotels, the San Juan, was located across the river from the main part of town, and as we look at the photograph we recall the faces of many of the first settlers. The stage coach is ready for the trip to Durango, and seated in the driver's seat is Billy Kern. The Kern & Laith Stage was well known in the 1880s. Little Bonnie Kern, niece of Mrs. Fil Byrne, is seen standing by the side of Cleo Clark, holding to her doll buggy. She is the first white child born in Pagosa Springs. Maude (Cade) Hart and Katie C. Clark are next, and Lizzie Kern is there too. Lloyd Clark and Jess Rossell are in the picture. The couple just starting out in the buckboard must be "Uncle Fil and Aunt Annie," and if they are, you see one of the first stage drivers of this section, as well as the first County Superintendent of Schools, and one of the first school teachers in that section of the country.

Asa Pangborn was the first white boy born in Pagosa. The Pangborns afterwards lived in Summitville, and later moved to

Del Norte. The first saw mill of the region was on Mill Creek and was put in by Charles I. Loucks and E. T. Walker, who came to that district in 1879. The saw mill business did not prove as lucrative as Mr. Loucks had hoped, and he located his ranch of 160 acres on the river, and devoted most of his time to farming and cattle raising. Later, during the '90s the lumber and saw mill business became quite extensive. Everywhere one could hear the whir of the saws, but the timber could not last always, and there came a time when the supply was exhausted, and the mill people



PAGOSA SPRINGS TODAY

had to move away. It reminds one of the "ghost towns" of a mining district to go among the hills and come upon the huge piles of saw dust left after the saw mill was gone.

The flood of 1911 was a disastrous thing for those who lived along the banks of the San Juan, leaving death, devastation and ruin in its path. In the *Pagosa Sun* of October 9, 1911, we read:

"Homes are wrecked and people left homeless. The loss of property in the county will range around the figure of $1,000,000, which includes the loss sustained by railroads and other corporations. All the bridges in the county are reported to have gone out. . . . The Moore Light and Power Co. is swept from existence. . . . Three pianos were seen to go down the river. . . . Telegraph and Telephone wires are down. . . . The residences of George Goodman and Joe Wilson were completely swept away. Yesterday morning while clearing driftwood away from the blacksmith shop at the Dowell ranch on Mill Creek, J. C. Dowell and his son-in-law, B. F.

Turner, were drowned, while John Dowell, Lloyd Dowell and a hired man named Snack barely escaped with their lives."

Some queer things happen during disasters like this. The town boasted of a rather small, but very well built jail, which was located near the river's bank. It was made of heavy 2x6 inch lumber and made very substantially. A few days after the flood Joe Latta sent in word that the jail had washed down the river to his ranch, which was twenty miles away, and if the County Commissioners or someone would send him the keys, he would use it as a granary! The granary still stands on the Latta ranch.

While Pagosa Springs has probably seen its share of lawlessness in the early days, its history is no worse than many other little frontier towns. One time the famous Allison gang held up Mr. Sanderson of the Barlow and Sanderson Stage Lines, in what was known as the Voorhees store. They got away with about $600 in money and a gold watch and chain that had been left in the safe. After a few weeks, the robbers were captured in Albuquerque, New Mexico, brought back to Colorado, tried, and sentenced to 37 years in the Canon City penitentiary. The outlawry resulting from the Howard-Foote land tangle was about the most severe and long drawn out affair in that region.

We cannot chronicle here all the incidents, and the names of the people connected therewith, that have taken place in the Pagosa Springs region. One day a fuller history will be written, but perhaps this picture of the early beginnings will help preserve the deep reverence we bear towards those pioneers who forged ahead through adversity and through prosperity in order that whatever was good might be brought about by their perseverance.

Claims and Jurisdictions Over the Territory of Colorado Prior to 1861

LeRoy R. Hafen

Many flags have flown over Colorado soil. International boundary lines have cut the territory and national claims have shifted back and forth across the map. After United States jurisdiction was achieved the constant changes in Territorial boundaries have placed various portions of present Colorado within the domain of a surprisingly large number of different Territories.

During the early period of European expansion in the New World, boundaries were frequently indefinite and claims overlapping. On the frontiers this condition long persisted, and present Colorado territory was for several centuries on the frontier.

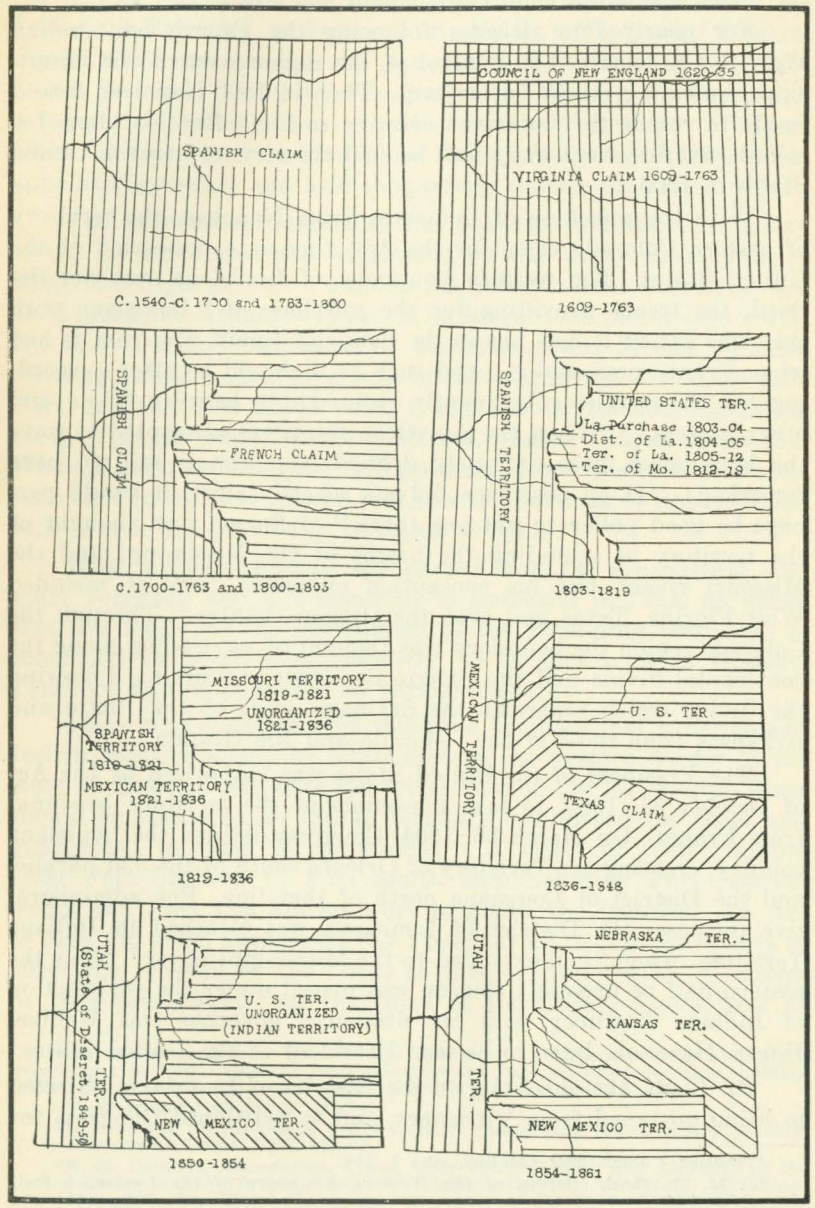
Spain, pioneer in the discovery and settlement of America, pushed rapidly northward from Mexico City to explore and claim the vast interior of Western America. The spectacular Coronado expedition of 1540-42, which advanced to the borders of Colorado, gave substance to Spain's claim to the western interior region.[1] For more than a century thereafter, Spain's claim was practically unquestioned; then in 1682 La Salle floated down the Mississippi to its mouth and claimed the drainage area of the "Father of Waters" as the domain of his French king.[2] France remained in the Mississippi Valley for more than a half century; then at the close of the French and Indian War in 1763, she withdrew from America, ceding her territory west of the Mississippi to Spain. Thus was all of Colorado territory again within the domain of Spain.

During the years when Spain and France were claimants to Western America, the English colonies were sinking their roots deep into the soil of the Atlantic seaboard. England's claims in America were very far-reaching, the grants given to some of her colonies specifying areas extending from sea to sea. Although control of the regions thus granted was never established beyond the Mississippi River, the claims were seriously advanced, especially by Virginia and Massachusetts, during the seventeenth and eighteenth centuries.

A charter of 1609 gave the London Company's Virginia Colony the land along the Atlantic seacoast extending 200 miles north and 200 miles south of Point Comfort (at about 37 degrees north latitude), and extending "up into the land, throughout from sea to sea, west and northwest."[3] Virginia interpreted this ambiguous clause as giving her southern boundary a due west course, her northern boundary a northwest course, the extension of the two giving her about half of North America. All of Colorado land would thus come within Virginia's claim.

The Plymouth Company having failed to plant a permanent colony in America under its charter of 1606, the "Council of New England" was chartered in 1620 and received a grant of the land lying between the 40th and 48th parallels of north latitude and extending "throughout the mainland from sea to sea."[4] Under this grant the northern one-fourth of Colorado (the strip between the 40th and 41st parallels) would fall under the jurisdiction of the Council of New England. But these English claims were never

[1]G. P. Winship, "The Coronado Expedition, 1540-1542," in *Fourteenth Annual Report of the Bureau of Ethnology*, Part I.
[2]I. J. Cox (Ed.), *The Journeys of Rene Robert Cavelier Sieur de LaSalle.*
[3]Hening, *Statutes at Large of Virginia*, I. 80-98.
[4]Poore, *Charters and Constitutions*, I. 921.



CLAIMS AND JURISDICTIONS OVER COLORADO TERRITORY

made good beyond the Mississippi because of prior occupation of the trans-Mississippi country by Spain and France.

For nearly four decades following the French and Indian War, Spain remained in control of the region west of the Mississippi, including Colorado territory. Then in 1800 Napoleon forced Spain to recede the Louisiana country to him. But his plans for colonial empire went awry and he sold the territory to the United States in 1803.

With the purchase of Louisiana from Napoleon the territory of eastern Colorado came for the first time into possession of the United States. The western boundary of Louisiana was not defined, the treaty providing for the purchase of "Louisiana with the same extent it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after (according to) the treaties subsequently entered into between Spain and other powers."[5] When the American ministers attempted to have the boundaries more definitely defined Napoleon is said to have remarked: "If an obscurity did not already exist, it would perhaps be good policy to put one there." Jefferson first thought of the territory as including the basins of the Mississippi and the Missouri rivers, but his conception expanded until it included West Florida, Texas and even the Oregon country.[6] Through the Colorado region the boundary was thought of as running along the continental divide and the Sangre de Cristo mountains, following the divide which separates the drainage areas of the Platte and Arkansas from those of the Colorado and Rio Grande.

The President of the United States was authorized by the Act of October 31, 1803, to take possession of the territory procured from France. On March 26, 1804, Congress divided the Louisiana country, creating the Territory of Orleans south of the 33d parallel and the District of Louisiana north of that line. For administrative purposes the District of Louisiana was attached to Indiana Territory, which then extended to the Mississippi River.[7] Thus the eastern half of present Colorado was placed under the jurisdiction of Indiana Territory, and her first civil governor was William Henry Harrison, later to become President of the United States.[8]

St. Louis, the chief city in the District of Louisiana, objected to being governed from Vincennes, and so petitioned Congress for

[5] *Treaties, Conventions* (Malloy, ed.) I, 508.

[6] T. M. Marshall, *History of the Western Boundary of the Louisiana Purchase, 1819-1841.*

[7] *U. S. Statutes at Large,* II, 287.

[8] Harrison was appointed the first Governor of Indiana when that Territory was created in 1800.

[9] R. L. Higgins, "The Development of Trans-Mississippi Political Geography," in the *Iowa Journal of History and Politics,* XXI, 401.

a separate government for the District.[9] Congress responded with the Act of March 3, 1805, making the District of Louisiana into Louisiana Territory and giving it officials of its own. General James Wilkinson became the first governor.[10] In 1812 the name of the Louisiana Territory was changed to Missouri Territory and a legislative assembly was provided for the Territory.[11] William Clark, co-captain of the Lewis and Clark expedition of 1804-6, was appointed governor and held the position during the years 1813-21.

The uncertainty respecting the west and southwest boundary of the United States was terminated by the treaty with Spain of 1819. Through present Colorado the international boundary was fixed along the Arkansas River to its source and thence due north. By this boundary southeastern Colorado again became Spanish territory, while a small area west of the continental divide (Middle Park and the Blue River valley), and east of the line extending north from the source of the Arkansas, became United States soil. When Mexico achieved her independence from Spain in 1821, she succeeded to the western and southeastern portions of present Colorado, which had previously belonged to Spain.[12]

When present Missouri was carved from the pre-existing Missouri Territory and was admitted to statehood in 1821, no provision was made for the government of the remaining territory. It continued for some years, however, to be spoken of as Missouri Territory and so appeared on various maps.[13]

There was developing at this time the idea that a permanent Indian frontier should be established at the western border of the state of Missouri and that the tribes east of the Mississippi River should be moved to an Indian territory established for them and guaranteed to them in perpetuity.[14] A chain of forts running from Fort Snelling to Fort Smith and including Fort Leavenworth and Fort Des Moines were to guard the frontier. An Act of May 28, 1830, authorized the President of the United States to effect the removal of the tribes to this western region. Congress in 1834 proclaimed "all that part of the United States west of

[10] He was succeeded by Merriwether Lewis (of the famous Lewis and Clark expedition) in 1807. General Benjamin Howard was the third governor, holding office 1810-12.—J. S. Morton, *Illustrated History of Nebraska,* I, 129.

[11] *U. S. Statutes at Large,* II, 743.

[12] In 1828 the United States made a treaty recognizing the boundary of 1819. *U. S. Statutes at Large,* VIII, 372-75.

[13] E. M. Douglas, *Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States* (Geological Survey Bulletin 817, Washington, 1930), 202. Mr. Floyd Shoemaker, Secretary of the State Historical Society of Missouri, in a recent letter to the present writer, substantiates this statement. W. E. Connelley, *A Standard History of Kansas and Kansans* (1918), I, 52, and J. S. Morton, *Illustrated History of Nebraska* (1907), I, 130, say that the region west of the state of Missouri was unorganized and had no local government from 1821 to 1854—when Kansas and Nebraska were organized.

[14] F. L. Paxson, *History of the American Frontier,* 213, 274.

the Mississippi and not within the states of Missouri, Louisiana, or the Territory of Arkansas,'' to be ''Indian Country.''[15] The Missouri courts (federal, no doubt) were to have jurisdiction over the northern part (including eastern Colorado), and those of Arkansas over the southern part of the Indian Country. But the region was to belong to the Indians and provision was made for expulsion of white intruders and for the licensing of white traders.

Another claim to Colorado territory was made when Texas declared her independence of Mexico in 1836 and forced Santa Anna to sign a treaty giving her the Rio Grande as a boundary. Throughout the nine years of her independent existence Texas claimed the Rio Grande and a line northward from its source to the 42d parallel as her boundary. Thus the strip of present Colorado lying between the Arkansas and the Rio Grande and between lines extending northward from the sources of those rivers, was claimed as part of Texas. But in reality Texas did not exercise jurisdiction over the northern panhandle of her claim, despite the fact that she made attempts to do so.[16] The region continued to be governed by Mexico as a part of New Mexico.

When Texas was annexed to the United States in 1845, the United States fell heir to her boundary claim, but it was General Kearny's conquest of New Mexico in 1846 and the Treaty of Guadalupe Hidalgo of 1848 that established United States title to the claim. The treaty closing the war with Mexico gave the United States, for the first time, the whole of present Colorado. Two years elapsed before Congress provided regular territorial government for any of the region. In the meantime, the settlers in present Utah organized a government of their own in 1849 and called it the ''State of Deseret.''[17] Its generous boundaries included the Western Slope of present Colorado.

In 1850 Congress purchased from Texas the latter's panhandle claim, which included the strip through present Colorado, and created the territories of Utah and New Mexico.[18] All of Colorado west of the continental divide was included in Utah, while the portion south of the 38th parallel and between the continental divide and the 103d degree of west longitude was part of New Mexico Territory. The remaining portion of present Colorado was still Indian Country, but the period of unorganized status was about to end.

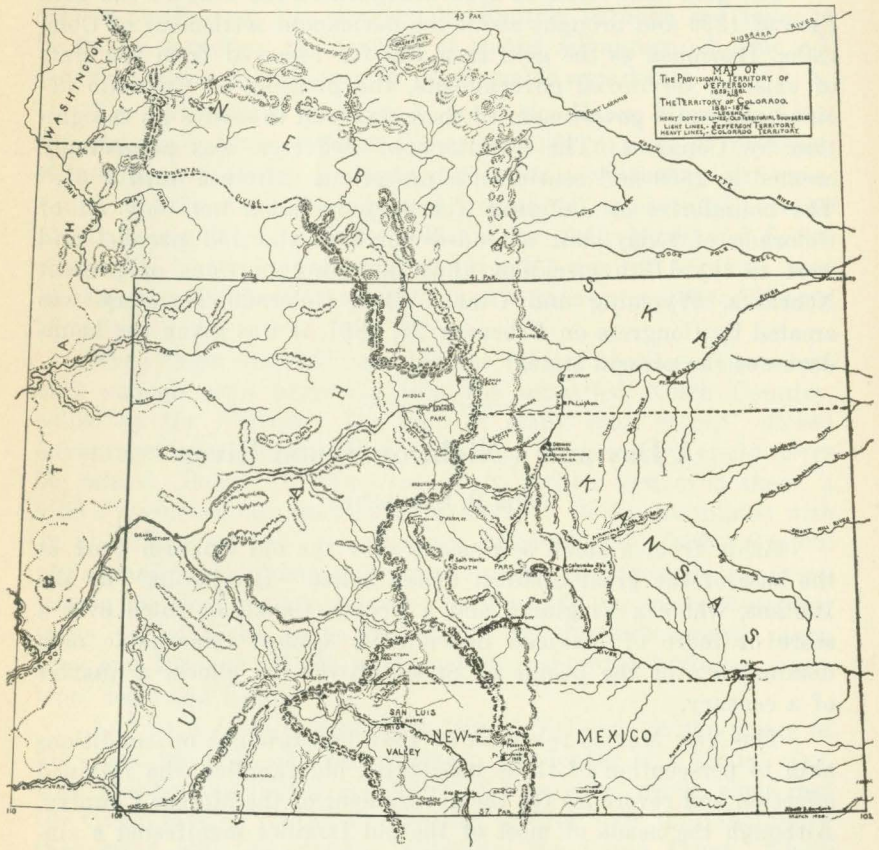
[15] *U. S. Statutes at Large*, IV, 729.

[16] G. W. Kendall, *Narrative of the Texan Santa Fe Expedition* (1844) and W. C. Binkley, *The Expansionist Movement in Texas, 1836-1850*.

[17] L. E. Young, *The Founding of Utah* and H. H. Bancroft, *History of Utah*.

[18] *U. S. Statutes at Large*, IX, 453 ,447.

The theory of the permanent Indian frontier, built up through two decades following 1820, had broken down. Emigrants had trekked the Santa Fe Trail to New Mexico and the Oregon Trail to Oregon and later to California and Utah. Then with the California gold rush of 1849 and the heavy emigration to the Far West, a demand had arisen for a further limitation of the Indian Country. The demand for a trans-continental railroad and the desire for the good land immediately west of Missouri and Iowa, gave impetus to the movement and finally brought about the enactment of the Kansas-Nebraska Act of 1854. Nebraska Territory was made to include that portion of Colorado east of the continental



"JEFFERSON TERRITORY," 1859-1861

This provisional Territory, formed by the pioneers of the Pike's Peak country, embraced parts of the existing Territories of Nebraska, Kansas, New Mexico, Utah, and Washington. The dotted lines indicate Territorial boundaries. The smaller rectangle bounds the territory of present Colorado.

divide and north of the 40th parallel. The remaining part of the territory east of Utah Territory and New Mexico Territory became a part of Kansas.[19] Territorial boundaries, affecting Colorado soil, remained unchanged during the period 1854-61.

The gold discoveries of 1858 inaugurated the Pike's Peak gold rush of 1859 and brought about the permanent settlement of Colorado. Inasmuch as the gold area was far removed from the seats of existing territorial governments, the pioneers of Colorado decided to form a government of their own and to secure its recognition by Congress. The Territory of Jefferson was accordingly created in 1859 and continued a precarious existence until 1861.[20] The boundaries of Jefferson Territory included not only all of Colorado of today, but extended north to the 43d parallel and west to the 110th meridian, thus including portions of present Nebraska, Wyoming and Utah. When Colorado Territory was created by Congress on February 28, 1861, it was given the boundaries of the present state.[21]

A Day and a Night on Spoon River

LOUIS B. SPORLEDER*

Aside from a small settlement near the old Spanish Fort at the base of the great Spanish Peaks, called "Huajatolla" by the Indians, where a Virginian and a French Canadian ruled over a score or more of Mexican dependents, a most remarkable man dominated over the people of Spoon[1] River for almost a quarter of a century.

The New Mexico rebellion of 1847 had brought on conditions akin to persecution of those influential, old families who retained affection and reverence for the government of the Mother Country. Although the heads of most of the old families manifested a sincere desire to please those in charge of the affairs of New Mexico, it soon became apparent that this could not be done. In the wake of the U. S. Army there had come a following of disreputable characters, criminals, and unscrupulous adventurers, who took every advantage of the existing conditions of unrest, to promote their own nefarious schemes of selfish interests. New Mexico was enduring

[19] *Ibid.*, X, 277, 283.
[20] L. R. Hafen, "Steps to Statehood in Colorado," in *Colorado Magazine*, III, 97-110.
[21] *U. S. Statutes at Large*, XII, 172.
*Mr. Sporleder came to the Walsenburg region in the 1870s and has lived there ever since. Ever a keen observer, he is able to picture graphically early conditions in southern Colorado.—Ed.
[1] The Cuchara River, branch of the Huerfano (Orphan) River of southern Colorado.

the travail of a foreign occupation. The forces of the U. S. Army, never under the strictest control during the Mexican War, had been allowed to break loose from restraints. Raw recruits and volunteers gave full rein to their love of license. Protests and complaints of the injured natives were either ignored by the U. S. officers or the case was dragged indefinitely through red tape, to be finally forgotten or disposed of to the advantage of some adventurer, given to seek gain by questionable expedients.

The uninhabited country, between the Raton Mountains and the Arkansas River, offered the persecuted natives of northern New Mexico, a pledge of surety, for it was a wilderness yet uninvaded by the hated Gringos. A region of unbounded, broken plains it was, with unlimited pasture for their herds and flocks, where the fastness of mountain retreats promised security, and the absence of governmental control gave them unrestricted liberty of action.

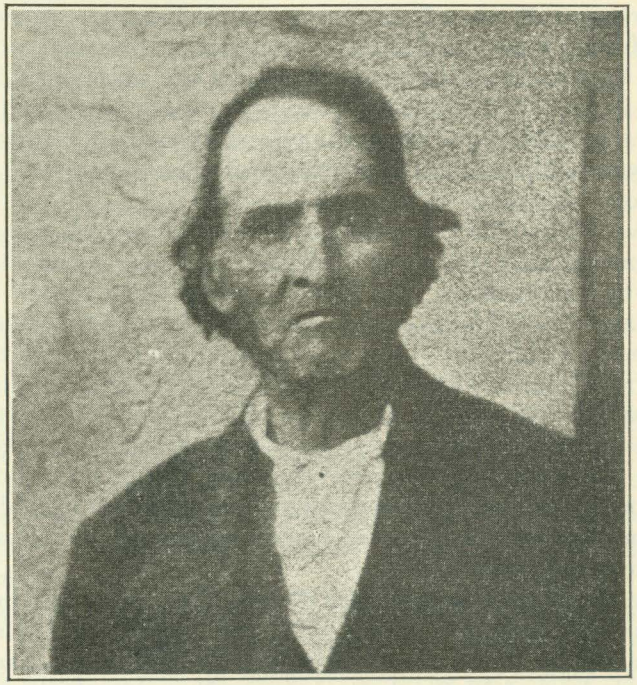
Even those who had accepted the rule of the Americans amiably enough soon perceived that the unsettled North Country, called by the Indians "The land of many fruit trees," offered advantages which, in the older sections of the territory, could never be gained. Before the American's civilization destroyed them, a kind Providence had furnished the southern Rocky Mountains with an abundance of food in the shape of much wild fruit. Grapes, plums, and berries hung in clusters and bunches from nearly every tree in the thickly timbered river bottoms. In the mountains grew many useful herbs, roots and fungi; the foothills offered pinon nuts and through all the land roamed uncounted buffaloes, antelope, deer, and bear.

And so it came to pass, that Miguel Vallejos, in the prime of his years, the head of a large family, and leader of a feudal clan, with vast flocks of sheep and herds of horses and cattle, came into the virgin land of *El Rio de Cuchara*, settling near the junction of that river with its smaller tributary, the Santa Clara. There he erected permanent improvements, consisting of a large rambling adobe house, a number of *Jacalitos*, corrals and an irrigating system, where he was enabled to live according to the traditions of the owner of a Mexican *Hacienda*.

True, there were the Indians, but was not Miguel the fast friend of Sha-va-no, the chief of a thousand Ute warriors? And was not Antonio Jose Vallejos, the former's brother, a man of valor, able to command, equally well, a company of volunteer fighters, or trail a band of fugitives through mountains and desert for hundreds of miles? Don Miguel felt perfectly secure; not one moment did he ever waver in his endeavor of colonizing the broad

valley of the Rio de Cuchara. Followers he had aplenty; they came in hordes and droves from their former abiding places on the Rio Colorado, from Taos and Santa Fe, some with a veneer of the refinements of civilization, others as wild and wild-looking as the untamed nomads of mountain and plain themselves.

But as a rule, with but few exceptions, they were a domestic folk, great lovers of children, and of the home and its simple joys. The spirit of reverence for the elemental good of life was charac-



DON MIGUEL VALLEJOS

teristic of these early Mexican pioneers; out of it grew a courteous hospitality, a kindly humor and a fidelity which remained the chief charm of these people for many years. Later, under the stress of an incessant influx of settlers from every part of the world, these kindly traits of the pioneers were lost or destroyed.

Perhaps the best attribute of these primitive men and women was their light-heartedness and joy in "the art of living." Happily the days passed; not burdened with too much world-knowledge or with excessive toil, many hours could be devoted to diversions of different kinds. There were dances, cock fights, and a game of cards occasionally; the semi-idleness in which they lived

gave also opportunity for a religious life—such a one as was fitted to the state of their limited enlightenment. Celebrations, festivals, parades, and public spectacles, amidst much mirth and hilarity made life exceedingly colorful, producing at the same time a feeling of contentment which is altogether absent in this drab age of efficiency, in which the simple and more joyful elements of life have either vanished or are viewed with more or less suspicion.

The rich bottomlands had been divided into shares—*Repartimientos*—each of which was assigned to a subleader, who saw to it that ditches were constructed and the soil properly cultivated. The country had not yet been surveyed, consequently a title could not be acquired, and these first settlers were compelled to resort to the ancient Mexican system of land tenure by which all agricultural lands were simply subdivided and distributed into allotments to each family. Pasture was common to all, with certain restrictions only as to some dividing lines by which the different herds and flocks were kept from encroaching upon each other.

Although none of the land bore title it virtually belonged to the people who lived on it by the unwritten law of a "squatter's right." Under the old rules and customs immense grain crops were raised, Don Miguel furnishing the seed and motive power, which entitled him to a share of one-third of the crop. The industry of raising livestock was managed in a similar way, the owner receiving a certain percentage of the increase, the renter furnishing the labor of herding, branding, and shearing.

At that time the basic wealth of the country consisted only of livestock, chiefly cattle, horses, and sheep. No taxes were yet assessed and a comparative prosperity was enjoyed, even by the idle and shiftless.

Gifts of charity were common; not only did old Miguel give the regular tithe of all his products to the Church, but voluntarily he assessed himself to an additional 10 per cent of his income, which he distributed among the needy and poor.

Life was still colorful, for did not something new happen every day? A constant change of routine in the labors of planting, harvesting and herding; and the joy of traveling, either on horseback or by wagon, with its delights and sometimes danger in those days, gave zest and a thrill to life, in addition to developing self-reliance, courage, and good will.

The Mexicans of those days could never have understood the problems that confront the people today. They lived under natural conditions and were happy in direct proportion to their surroundings. No excessive ambition to bother them, no trouble, and

not much toil in the procuring of the simple food used then, but always interested in the strange things which happened, or in the odd sights encountered now and then.

By that wonderful faculty, the reproductive power of the will, or a recalling of the past, the events of which seem indelibly impressed upon a participator's mind, we can again live through those days right now, for there are still living witnesses who gladly testify to the happenings of an age the like of which will return no more.

On a day in the early seventies of the last century, when the thunder-heads of mid-summer hung low in the sky and the contours of Huajatolla became so sharply outlined that the great twin mountain seemed but a mile away, instead of twenty, the household of old Miguel was all astir, and every man, woman, and child in full activity. Men cutting wood, children carrying water, women mysteriously busy near the two huge *Hornos* in which fires were kindled to bake cake and bread. In the corrals, not too far away, were vaqueros roping and saddling horses amidst much shouting and laughter. Twelve yoke of oxen stood stupidly near six great, canvas-covered wagons, whose sides bulged out with the product of the year's wool crop. Whips cracked, commands were given, Don Miguel himself taking charge of the situation for the day.

A runner had just arrived, announcing that Sha-va-no, with twenty young men, their wives, children, presents, baggage, and two hundred horses, would reach the *Hacienda* before night, expecting to remain with their friend as guests for several days.

Visits of that nature had been made before, in fact they were expected annual occurrences, and the host knew exactly what course to pursue. He was well aware of the Indian's fondness for fresh young beef and their preference for bread of any kind. Enough would be furnished these children of nature to satisfy them to the limit of their desires. Long confidential "talks" would then follow in which the season's hunting was acutely discussed, or the iniquities of the U. S. Government exhaustively dissected.

The ranch houses were situated only a short distance from an old trail, older than any history, used now as a road and extending from the new town of Denver down to the capital of New Mexico. Where the southern extension of the road emerged from the river bottom, the eye could follow its course for several miles over the rolling country. It was from there, that shortly after the Indian runner's arrival, a most infernal noise proceeded; prolonged shrieks of such intense power that every dog on the ranch, of which there were many, began to howl in concert and unison.

"*El Comerciante del Sur,*" shout men and women, but it was not until two hours later, that this traveling merchant from the south, and his caravan arrived. There were several carts of a make now only seen as relics in museums and archaeological institutions of Western states. Solid wheels, really sections of tree-trunks, revolving on wood axles almost a foot in diameter. Huge, home-made affairs they were, these *Caretas*, each drawn by two or four oxen, and when in motion, emitting the most infernal creaking, shrieking noises, that man can imagine.

Mexicans are of even temper and possess a sluggish nervous system, so the ungodly noise of the creaking wheels, as the *Caretas* slowly moved towards the ranch houses, left no evil impressions upon the tympanic membrane of their ears—only the poor dogs suffered keen pangs of agony.

The problem of merchandising was a simple one in that simple age; the wandering merchant bought his stock of goods, consisting of trinkets, silk shawls, dress goods, hats, *Pilloncillo*, chocolate and other minor commodities in Chihuahua or El Paso. He paid a price, usually a moderate one, for the merchandise, selling the articles as he proceeded north at double their value—sometimes again doubling the already doubled selling price. This was a simple and a profitable method of "doing business," and as there were hardly any expenses connected with such a trading expedition, and very little competition, the native traveling merchant usually became wealthy.

In this instance a "special deal" was transacted, for Don Miguel Vallejos himself bought the peddler's entire stock of goods, or rather "traded in" the whole lot for a flock of fat young wethers. The merchant had doubled his investment and would double again when disposing of livestock in Chihuahua, and the old ranch owner received twice the amount for his sheep that he could have realized had he sold them to the local trader.

Of the commodities gained in this *Cambio*, he kept only such necessities as were selected by members of his own household; the remainder of the merchandise he would dispose of to his many dependents—again at a reasonable profit. Life was "easy" in those days, and the wealthy *Rancheros* could very well afford to be charitable.

The day was meant for big things; no sooner had the peddler unyoked his oxen and entered the great living room, to consummate the *Cambio* with the usually observed ceremonials, among these the signing of documents and the drinking to each other's health, than the German trader from *La Plaza de los Leones*,[2] in

[2]Forerunner of present Walsenburg, Colorado.

company with a companion of like racial distinction, a Doctor Rothe, drove up to the house, where willing hands at once relieved those two gentlemen of all further trouble in regard to the toilsome exertion of attending their team of horses.

Apparently, the visit was one of formal convention; in reality it was a well-planned, carefully thought-out plot in the way of an important business transaction, which, if properly terminated, would result in a neat profit to the trader. The German gentlemen, whose proclivity for barter and trade was highly developed, long before shearing time, had informed himself of all details as to the number of sheep Miguel possessed and sheared, as well as to the number of pounds of wool each animal produced. With this information in mind he acted accordingly, playing his cards one by one during the day, reserving, however, a trump for the finish of the game. His mode of procedure can clearly be apprehended and followed.

From the light rig in which he and the Doctor had arrived, he drew a huge parcel or bundle, done up in canvas and paper which was carefully undone, revealing the contents to be a beautiful Spanish saddle, such a one that only old Mexico or California could ever have produced. Walking slowly up to Don Miguel, the merchant presented that artistically made and most highly prized object of use to him with the following impressively spoken words:

"*Compadre,* we have been friends for years, we are like brothers, you have become Godfather to my eldest child, and it is time to make known my friendship for you. I know of no better way than by presenting you with this saddle—which was especially imported for *you.* May you live long and derive from this insignificant token of my high esteem for you, the greatest amount of benefit." The words had been spoken and the gift accepted with an outburst of oratorical flourishes and Spanish eloquence.

For several hours a comparative "calm" rests over the scene of recent commotion, broken only by the bustling of Indian maids, superintended by the Lady of the house—all of them diligently employed in the arts of cooking great hunks of meat and *Frijoles,* and baking bread and patting innumerable *Tortillas.*

When the sun had passed its zenith Sha-va-no and his train of horses, women and men arrived. Never was there so much grave dignity displayed as by the 20 warriors and their chief who formed the vanguard of the long cavalcade. Their serenity of demeanor and the noble repose of their bearing was a sight and an experience not easily forgotten. Immovable, sternly set was each face of these older and tried warriors, dressed in full and complete

regalia for the grand occasion, all of them lining up in front of the house where they deliberately dismounted. Mexicans, as well as Indians, in those olden days, were very observant of certain forms of etiquette, conducting themselves in a much studied, a very precise and pompous manner.

Not until actually feasting, did the deportment of these nomads relax and become easy; laughter then alternated with serious "talk," and wit and sarcasm passed back and forth between the men as well as the women. It is no easy task to feed a hundred Indians, so the greater part of the remaining day was employed in the strenuous occupation of preparing and supplying food to these hungry children of nature. Nobly was it done, but not before the sun sank down behind the Sangre de Cristo mountains in ruddy glow was the great task completely finished.

Meanwhile much again was happening. Several U. S. troopers were escorting a *Familia* towards their home and destination a few miles down the river. The *Familia,* in this instance, was a large one indeed, for it consisted of a mother, three or four maids and 29 children, five of them her own, the rest little Indian captives that had been bought and adopted by the father of the family. Those of the children too small to ride horseback, were carried as *Carga* in baskets suspended from the *Aparejo* on each side of a horse, the whole *Atajo* in charge of several *Arrieros.*

It must be remembered that the system of Indian slavery, even if frowned upon by the officials of the government, was still practiced to some extent. All child-prisoners taken in the raids and petty wars of Mexicans and Indians, were sold and held in bondage until of age. A redeeming feature of this traffic was the kindness with which these little captives were treated. Invariably they were baptized and became members of the family, with every right and privilege the legitimate children enjoyed. They were as carefully guarded as the sons and daughters of the family. Reverence and devotion to their foster-parents usually lasted a lifetime. Some of the descendants of these captives are now prosperous and honored citizens of the states of New Mexico and Colorado.

It was not yet quite dark when four horsemen appeared inquiring in very bad English for the owner of the *Rancho.* Information the spokesman wanted, so it seemed, of country and people; especially was he interested in the little *Plaza de los Leones,* about six miles distant, where several Germans lived a life of great ease and in thrifty circumstances. Nothing was simpler and easier than to extract from the semi-darkness of the house the Doctor and the trader. In the language of the Fatherland an animated exchange of deep guttural sounds at once ensued from the throats of the

three Teutons, to the delight of the Mexican *Caballeros,* who nudged each other smilingly and whispered *Hablan como puros Apaches.*

Nevertheless it was a most impressive scene—in the purple gloom of a perfect summer evening. Fires had been kindled in different places, the Indians stood like statues, silhouetted against the still glowing orange-colored sky. From the corrals came the soft bleating of lambs and sheep, cows bawled and the bulls roared boomingly with a deep reverberating sound.

The leader or chief of the riders was doubtless a man of some rank, and the clothes he wore aroused among the men present the greatest amount of interest. Riding breeches of coal-black buckskin, velvety soft, and his boots—such footwear had never been seen or heard of before.

In perfect fit the foot, and shafts that laid in little folds or pleats, like an accordion's, around the ankle so that they gave away to every movement, without chafing the limb or causing any pressure.

The chief, regarded by the Mexicans as an important personage and dubbed *el Capitan,* had introduced himself to his countrymen, the trader and the Doctor, as a Herr Schmitz from Cologne on the Rhine. He was searching for land and livestock investments, and was evidently a man of means. This, of course, proved exciting and agreeable news to the German trader who scented a "big deal," and immediately attempted to make the most favorable impression on a possible future customer.

Meanwhile the night had approached and as it threatened to rain all guests were invited to enter the house, with the customary assurance to each that, "*Esta Y. en su casa, y puede mandar,*" etc.

In these modern times greed and haste are the great "joy killers." In the old days, about which this little story is written, "the wine of life was sipped with grateful deliberation." Even such shrewd and practical men as the German trader would forget "business" when songs were sung and goblets of wine passed around. The few Germans at the *Plaza de los Leones* lived independently of the great outside world of culture and industrial progress. This latter attribute of a modern civilization had not yet entered into the lives of the first pioneers in New Mexico and southern Colorado. Railroads were unknown, mail service very limited, and the people took little thought of what men in "the States" or in Europe were doing.

But culture was never absent among the gentlemen of Germanic extraction. The trader's wife was a musician of rare ability,

he himself possessed a good tenor voice and knew how to use it. Doctor Rothe spoke well on any subject and conversed brilliantly. Karl Otto Unfug, who as a youth entertained thoughts of entering the Ministry, had drifted into the wilderness of the Sangre de Cristo mountains during the Civil War. He spoke four or five languages, raised horses for a living and acted as legal advisor and secretary to the unlettered pioneers of that day. The Schulze family consisted of two brothers who were in the "sheep business," of a silver-haired mother and two sisters, one of whom was an exceptionally gifted interpreter and performer of Chopin and Beethoven compositions.

Every week, if the elements permitted, these few but sufficient men and women met in friendly gatherings, supported and understood by each other, rarely yielding to unwise, frivolous or meaningless talk, but usually engaging in happy and sincere conversation on topics of literature, world politics, history and art. Songs were rendered and much "music made"—music of a kind which is, nowadays, appreciated only by really cultured people. So much for the intellectual pursuits of the Germans in *la Plaza de los Leones.*

But the traditions of the Fatherland were also manifest materially in the substantiality of the gardens which each German cultivated. There, not only grew the old-fashioned flowers and shrubs dear to the German's heart, but evident were the *Steckruben* and *Kohlrabi,* which no German gardener fails to provide for the family table.

The heterogeneous assembly of men, massed promiscuously together, had all entered the large living room of the ranch house by this time. Although unlike in character and of dissimilar racial elements, a feeling of good fellowship seemed to exist. The Indians had squatted down on the hard earth floor, the Mexicans sat along the walls on divan-like doubled-up mattresses, covered with bright-colored native blankets or buffalo robes. Don Miguel, the trader, the Doctor and Herr von Schmitz occupied the only table on the premises. A thick haze hung in the atmosphere, for every man present was rolling and smoking cornhusk cigarettes.

The quick, sharp eye of the ranch owner noticed a commotion among the men when the native peddler ambled into the room.

"Take that away," he shouts, pointing with his finger towards the container the worthy traveling merchant carried in his hand. "Mescal is for peones—not for gentlemen. It is my duty to provide refreshments for my guests."

This display of authority evidently pleased Sha-va-no, the Ute chief, for he grunted approvingly. Upon Don Miguel's com-

mand several pails of *Vino* were brought, an immense *Vaso de Plata* filled to the brim and passed around from guest to guest until each one's desire was satisfied.

Uneasy sat the German trader on his seat. It sometimes happened that Senor Vallejos took a wee bit too much of the beverage he himself made, with the result of becoming drowsy and going to sleep. If the old gentleman once reached that condition, it would spoil the plans the German had so carefully laid. In this dilemma, in which a choice had quickly to be made, either win or lose, he displayed resources worthy of a great business man.

The drinking of *Vino* had been resumed by the crowd, and the four men at the table were at the disposal of no one. The German called for the attention of his companions, at the same time opening a package, which he had carried with much circumspection all day. He displayed a bundle of greenbacks (one dollar bills), slowly fingering these, so that the bulk of the pack becomes more apparent and seems to increase rather than diminish in size.[1]

Well knew he the failing of the Mexican people, an utter absence of the sense of value or proportion. Magnitude only, material bulk, something capable of being touched, impresses them.

The man of trade and barter rises, catches the eye of his friend Miguel and slowly, with reverberant voice delivers himself of the following words: "Friend, Brother, and Compadre. We have been close to each other for a long time. Often we have slept in the same bed. I have traveled in your company again and again. My respect and esteem for you grows continually. I must find an adequate way of expressing my great affection and respect for the noble qualities of your perfect manhood. You are old, and the duties of your large estate and business affairs rest heavily upon your shoulders. The wool you have shorn over a month ago remains unsold at your door.

"It is toilsome labor, handling, packing weighing, and hauling the product of your flocks to market. You are never sure that you are not cheated or imposed upon by some unscrupulous merchant or trader. To relieve you of all this trouble, toil and anxiety—I consider my sacred duty. You shall not be compelled even to touch your wool. You shall be relieved of the trouble of weighing the same. You need not compute the weight of it into dollars and cents. The freighting shall be done by others.

"We are like brothers, you have full confidence in me and I trust you to the last cent of my fortune. Brothers must help each other, and I will help *you*.

"Two thousand dollars I will pay you for the fleeces, piled high on these wagons. If I lose money on the purchase it matters not. I only wish to accommodate you. Part of the money lies here on the table; I want no receipt for the same, for I trust you. The balance of the sum I place to your credit; you may draw on this fund, cash or merchandise. I have made you this proposition out of the fullness of my heart. What say you?"

Tears stood in the eyes of old Miguel Vallejos, as he replied: "What can I say but that I accept your offer. You relieve me of much worry. I fully appreciate your kindness of heart—your great generosity. *Dios se lo pague.*"

A long deep sigh heaved from the breast of the trader. The game was won, with a possible profit of one hundred per cent in distant view.

Alas! Alas! The German knew not that nearly one-half of the wool crop had been stored in a secluded, distant place—kept back purposely for just such a junction of events. It was not subject to this sale. The shrewd German fondly imagined that he had purchased the entire crop.[3]

It was a turbulent night. Mexican musicians arrived, among them old "Wash," who had been taught by German soldiers in Fort Garland to play the "Lauterbach Waltz" and "Grad' aus dem Wirthshaus nun Komm ich heraus," which popular tunes were rendered at every social gathering and danced to at every dance. The Indians had evacuated the room and made preparations outside for their own ceremonial, high-stepping dance, all except Sha-va-no, who joined the little group at the table.

Adding to all this confusion every dog on the *Hacienda* began to bark furiously, wheels were again heard, creaking and grinding, and much shouting came from the north. The ox-train of Herr Schmitz had arrived, conducted by a younger brother.

Unyoking of the cattle by Mexican drivers, preparing the camp and building fires was finally completed amidst much waste of energy in yelling and swearing. Timid half-hidden squaws and children peeped from points of vantage to observe the great proceedings. From inside of the house came the shrieking of three violins manipulated in strange and untold manner by three husky musicians, guitars began strumming and the entire populace of the *Hacienda* grew restless, and eagerly pushed forward.

The group at the table was increased by the presence of Herr Schmitz number two, a gentleman rather young and apparently

[3]A little "cheating" did not conflict with the ethics of the old days. No ill will was harbored against the "winner" in a "game of trade."

somewhat sentimental. He had much to say about a little mare he had ridden all day and fondly called "Ida," with the "I" pronounced like the vowel sound of the first syllable in "feeble."

The drinking of *Vino* by this time had ceased and the big *Vaso de plata* stood untouched. Evidently the somewhat sharp, acidulous taste of the popular vintage of the country no longer satisfied the more fastidious gentlemen at the table. More than once the elder Herr Schmitz had muttered to himself the single word, *Abscheulich.*

Suddenly a thought seemed to come to him, for he arose and with mysterious signs and gesticulations left the room. When he returned, the long slim necks of some half dozen bottles protruded from his pockets. In his hand he carried a like number of crystal goblets, glistening like huge diamonds in the light of a corn-oil burning lamp.

A deep reverence is imprinted on every feature of his face; with a look of homage he opens the first bottle, and then—quirling from the container's mouth there bubbles forth a nectar—such as few mortals have ever tasted or even seen. In the iridescent brilliancy of changing gold and green colors, the glorious liquid purls and quirls into the goblets.

Only one place in the whole wide world can produce such wine; the hills on the Rhine between Bonn and Worms. A language has such wine. It tells of the union of earth and sky, of the radiance of the sun it speaks, and of the breath of God in each vine's blossom.

By what secrets in nature's laboratory are all the ethereal elements of earth, sky, sunlight, rain, and the inner life of flowers united to produce the genuine Rhine-wine aroma or its characteristic "Bukett"? Such wine never intoxicates—it inspires only —it exalts the drinker's soul and brings it closer to heaven.

The Mexican and the Indian drink slowly, with a perplexed look.

And the four foreigners?

The Doctor sits gazing absently into illimitable space. The two brothers are transported in spirit to the banks of the Rhine, to the Fatherland, to old Heidelberg, where both once studied and drank wine.

The trader has forgotten his "wool deal"—forgotten are wife and child. He seizes one of the guitars of the musicians in an interval between dances. The assembly becomes nervous and excited, to again quiet down. For a moment he handles the instrument dexterously, skilfully. He tunes it; a prelude follows, and then a few bars of introductory music.

He extemporizes a moment longer, the chords of harmony gradually leading towards a definite purpose, the first few bars of that grandest of all student-songs: *Gaudeamus igitur, juvenes dum sumus,* the song of all student-songs, which has resounded through the halls of Heidelberg for generations and generations. The others join in, the elderly Doctor a second bass, the younger Schmitz in second tenor, the major brother in deepest basso-profundo. And song follows after song, until at last, the concert ends with the magnificent composition of Beethoven, *Die Ehre Gottes aus der Natur.*

There is no more noise, no confusion.

The Indians who have peered into the room from doors and windows, vanish one by one; the gaudily attired Mexican maidens and damsels silently flit out into the darkness, the *Caballeros* bow to each other ceremoniously without uttering a word.

The two brothers, from the land of the Rhine, seek the high, canvas-covered wagon in which their bed has been prepared. The trader, in company with the Doctor, drives back to the little village of *La Plaza de los Leones,* which is destined, some day, to bear his own name; to become the capital of Huerfano County, and grow and develop into one of the three principal cities of southern Colorado.

And Don Miguel and his friend the Ute Indian? Long they remain, sitting at the table; their "talk" is *not* of hunting, nor of the iniquities of the government. They speak of odd, uncommon people, of far-away countries and things of higher value.