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Quarrying the Granite for the State Capitol

WALLACE MOORE AND LOIS BORLAND*

From the face of a granite cliff at Aberdeen, six miles from Gunnison, Colorado, on South Beaver Creek, the gleaming gray stone which forms the walls of the state capitol in Denver was quarried. The ledges have the appearance of being barely chipped and are said to contain sufficient granite "to build New York City."

A plan to use sandstone for the capitol had been discussed, but was put aside, and on April 1, 1889, Governor Job A. Cooper appointed a capitol commission to select material: Charles J. Hughes, Denver; Otto Mears, Silverton; ex-Governor John L. Routt, Denver; Benjamin F. Crowell, Colorado Springs, with Donald W. Campbell as secretary. Forthwith, the owners of quarries throughout the state were notified through their local papers to send samples if they so desired, and to make estimate of cost.

Investigation of the South Beaver granite had been made by F. G. Zugelder of Gunnison in March, 1888, and the first sample was carried out on snowshoes and sent to Denver for a test. Location was made April 16, 1889, by F. G. Zugelder, L. F. Zugelder, W. R. Walter, and T. U. Walter.

In 1889, as early as February 8, William Geddes of the firm of Geddes & Seerie, contractors, together with William Harvey had stopped here and incidentally had gone out to the granite cliff extending several miles along the divide between South Beaver Creek and the Tomichi. Henry C. Olney, editor of the *Gunnison Review-Press*, who from the outset was steadily promoting the Gunnison product, and other townsmen accompanied them.

On May 20, 1889, the State Board of Capitol managers, accompanied by the governor, Will Ferril of the *Denver Republican*, and building contractor Geddes, rolled into the Gunnison station on Special Car "A," Rio Grande, for a final inspection of the granite.¹

*Mr. Moore, who worked at the Aberdeen quarry throughout its existence, lives in Gunnison today. Dr. Borland, formerly a professor at Western State College, also lives at Gunnison, and is a Regional Vice President of the State Historical Society of Colorado.—Ed.

¹*Gunnison Review-Press*, May 21, 1889.

They were met by A. B. Mathews, mayor, and Editor Olney, who was keeping up a fairly continuous needling for the Beaver Creek granite, and making a running adverse commentary on rival quarries.

The special ran up to La Veta Hotel, in the parlors of which the commission was entertained. They retired early to their car, parked near the Crested Butte track, to be ready for the morning trip, and they started in good time May 21. They were accompanied by Mayor Mathews, ex-Mayor Sam Gill, County Clerk D. C. Scribner, County Treasurer Pat Daly, Henry Purrier, the Messrs. Zugelder, Assessor John Gordon, John Latimer, J. S. Lawrence, F. P. Tanner, Alexander Gullett, Editor Olney, and others. They inspected the granite ledges "thoroughly and systematically," according to the local press.

They were to visit the Georgetown quarry May 22-23. They had already inspected the Buena Vista stone. The next week, it was reported, the decision was to be made! The Gunnison men were sure that texture, strength, uniform quality, color, quantity were all in their favor. The stone was to be furnished absolutely free.

On June 20, 1889, Geddes and Seerie, on being awarded the contract to complete the capitol, immediately announced that they had selected the Gunnison granite. The change from sandstone to granite was to make a difference in the cost of \$414,799.40, it was said. Completion was to be in two years. The quarry was named Aberdeen after the famous quarry in Scotland—but the granite was much finer in color and texture, according to loyal Editor Olney.

Olney said: "To Otto Mears more than to any other one man, Gunnison owes the magnificent victory achieved. He was in favor of the Gunnison granite from the start, provided we could show quality and quantity equal to the Hamill quarry, and the cost of quarrying and hauling were favorable. All these points were carefully weighed and every part found in our favor. Political pressure was brought to bear to change his decision, but neither this nor personal friendship were able to move Mr. Mears, who took his stand for the right, and by his unflinching course compelled the majority to come to the mark. All honor to the energetic and enterprising Mears."²

From now on the story is largely that of Wallace Moore, who with his brothers, Colin and Otis, are the only men living in Gunnison (1947) who were in Aberdeen throughout the history of the activity of the quarry. Carl Zugelder, lifelong resident of Gunnison County, was a child living with his parents at the quarry, and attending the school established there. Mr. Moore put the story in shape at the solicitation of Willis Gillaspay, editor of the *Gunnison*

Courier in 1935. It is supplemented by references to the local press of the time, and by further interviews with Mr. Moore.

After the stone had been accepted, the next task was to secure transportation of the quarried blocks to Denver, for the quarry was some six miles from Gunnison, and a spur had to be built from the main line to the place of operation. "The Denver and Rio Grande narrow gauge was doing considerable business, and the officials said they would put in the branch," says Moore. On June 30, 1889, they started to build, branching off five and one-half miles west of Gunnison from the main line. The spur began at the J. W. Brown ranch (owned by the McCabe Brothers in 1947), passed through the Willard Wilt ranch (owned by Sam Little, 1947), and on through the William B. Moore ranch (also owned by Sam Little).



THE GRANITE QUARRY AT ABERDEEN

Courtesy of the Gunnison News-Champion

J. W. Deen of the Rio Grande engineer corps went over the route June 24, secured the necessary right of way, the ranchmen accepting a minimum sum. He planned to have the track laid by July 20, as it had to be done, and the yard and switches complete at the quarry before heavy derricks, engines, and boiler could be moved in. Meanwhile Wells and Fillius, railroad contractors, were working 150 to 200 men grading the Rio Grande line into the quarry. Rio Grande construction was at its own expense.³

An undivided half interest in the Aberdeen quarry was deeded to Geddes and Seerie August 26, 1889. (County records show they

²*Ibid.*, June 29, 1889.

³*Ibid.*, June 29, 1889.

still hold one-sixth and the Seerie Investment Company one-sixth.) The first development work was done by Stuart, Mitchell and later, Galvin, to whom the contract had been sub-let by Geddes and Seerie for \$150,000, the stone delivered on the car at Gunnison. They were well started by August 1, with 50 to 60 men. Twenty carloads per day were required to keep 150 stonecutters in Denver at work. Some blocks were the largest ever quarried. The contract called for a number of slabs weighing 14 to 15 tons. Four steam derricks were shipped, one of them "the largest in the west," obtained from the Rio Grande, and Stuart and Mitchell advertised for 150 men.⁴

Operations were started off with C. R. Hansard, superintendent, Fred Zugelder and Bob Miller, yard foremen. Engineers were Bob Gordon, Fred McFeeters, and Rufus Crosby. The derrick bosses were Joe Bossego, Wallace Moore (chief authority for this story) and Albert Anderson. Each derrick boss had two helpers.

There were three experienced blast drill men: Peter Olsen, Johnny Edberg and Henry Jensen; three blacksmiths and tool dressers: Dick Probart (in charge), Emile Jensen, and Alex McDonald. Max Ball came from Denver the 15th of each month to pay off the workmen. There were 50 practical plug drillers.

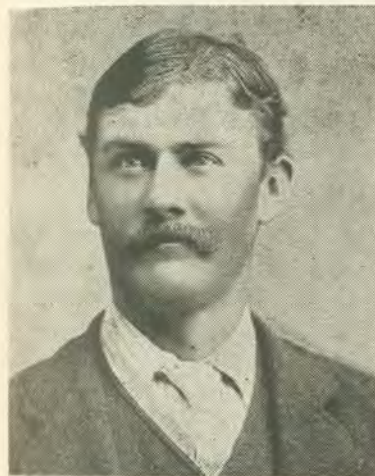
All blast drill holes were drilled double, and were from four to fourteen feet. If the hole was deep, it was necessary to spring or pot it, loading two or three times. Black powder was used, and the blasts were fired with a battery, so that they all worked together. Captain Drmado was the powder monkey and an expert at the business.

Boarding and mess houses were established at the quarry in charge of the Zugelders, materials being hauled by wagon. A 60 by 20 foot building accommodated a hundred men at mess. "Uncle Bobby" Smith was head cook and John Bailey second cook. John Radekin had charge of the dining room, with two assistants. There was substantial food: milk in ten-gallon cans came from the farm of W. B. Moore, father of Wallace, Colin, and Otis Moore, who worked in the quarry; and he and Willard Wilt supplied fresh vegetables, potatoes and sauerkraut. Meat came from the J. D. Miller meat market—the oldest one in Gunnison. Supplies were also shipped in by train from Denver.

Charley Hazelhurst was in the engineer's cab when the Denver and Rio Grande pulled out the first load of granite, bound for Denver and the capitol building, August 14, 1889. The granite was loaded at Aberdeen on narrow-gauge cars. There was no transfer at Salida, a third rail running into Denver. There it was unloaded on wagons and hauled by horses to the cutting sheds to be delivered in finished form at the building site.

⁴*Ibid.*, Aug. 6, 1889.

The Denver Times describes the scene there. "The stone was cut and dressed on the capitol grounds—all six-cut work. About 179 men were employed, 139 of whom were stonecutters. It is a busy scene in the enclosure surrounding the grounds. There is music in the ring of the stonecutters' hammers, the creaking derricks, and the chorus of 12 anvils in the blacksmith shop. Fifteen carloads are received per week, much of large dimensions. The



WALLACE MOORE



COLIN MOORE

Courtesy of the Gunnison News-Champion

architect prepares the diagram with the name of the cutter, the hour, date, and final date, and the cutters prepare the pieces."⁵ William Martin was in charge of the stonecutters. Twelve blacksmiths were employed, one smith being required to sharpen the tools of twelve cutters.

But to return to Aberdeen, labor troubles were afoot. Moore tells it in this way: "Superintendent Hansard was after his men every minute, and they worked ten hours a day and seven days a week. Work was rushed during mild weather because the stone would not break easily in cold weather without considerable loss, especially when it was 25 degrees below zero or colder.

"The labor became tired of long hours and asked for a nine-hour day and Sunday off. The company refused the proposition, so the quarrymen got busy and organized. On April 4, 1891 (less than a year after the organization of the National Union, August 11, 1890), a meeting was called to organize a branch of the Quarrymen's National Union of America. Temporary officers were elected

⁵As quoted in the *Gunnison Review-Press*, September 17, 1889.

and a request was made for a charter, which was forwarded from national headquarters at Quincy, Massachusetts. Moore has preserved the first constitution of the Union (August 11, 1890), some copies of Volume I of the *Quarrymen's Journal*, the correspondence relative to the strike, and the framed charter of the organization.

"Quarry workers made another request for nine hours and Sunday off, at the same pay as the longer schedule. Again they were refused, and June first, 1891, the strike was called. No settlement was offered and a week later all the quarrymen left Aberdeen and went to Gunnison."

The action of the quarrymen was not hasty or ill-considered. They had queried the granite cutters' Union in Denver: "Will you support us in our demands?" On May 3, 1891, from 1611 Court Place, William Morgan, corresponding secretary of the Denver Branch, G.C.N.U., wrote, "It is likely that we shall not cut stone quarried by scab labor." He emphasized that Aberdeen should abolish Sunday labor. No organization worthy of the name allows it, he declared. Then he admonished them to "give notice to their employers of their intention to spring such a move . . . it seems hardly just . . . contrary to all modes of procedure."

From the same source, May 14: Two motions were before the cutters' union. First, that the Granite Cutters' National Union request the Quarrymen's National Union to refuse to quarry stone for opposition firms or for firms selling stock to firms running opposition yards; second, that the Denver Cutters' National Union shall agree to refuse to cut stone quarried by opposition labor, or by firms hiring opposition quarrymen. The Denver Branch had voted unanimously for these resolutions and awaited national action.

Walter E. Brooks, secretary of the Quarrymen's Union at Park Siding, Branch 41, East of Denver, wrote they would strike June 1. They would ask for reduction of hours, 10 to 9, with no reduction of pay; 8 hours on Saturday; time and one-half for overtime. "We are all with you," they wrote.

May 22 Brooks wrote again. He didn't write the cutters but went to see them. They promised full support. They scored Sunday work as against the principles of the union.

Morgan wrote again May 23, protesting the Aberdeen quarrymen's using the statement that the cutters would not receive stone from scab quarriers at the very beginning of their statement of grievances. He reminded them that the resolution was not yet adopted, that scabs were not employed nor were they likely to be employed. Aberdeen had declared they could take care of scabs themselves. The contractors at the capitol felt that they, the cutters, were meddling with something that didn't concern them. When they, the cutters, had obtained shorter hours in 1890, they had

agreed to make no further demands during the capitol job. When the cutters had made demands, they had given the contractors four months' notice. The Aberdeen quarrymen were giving only a few days. They hadn't given the cutters a fair or square deal in using the cutters' resolution as their foremost argument.

But the National Union wrote encouragingly. John J. Byron of the national executive committee, said they had 500 men out. They were using the few dollars in the treasury to keep up the courage of those who had been out since May 1 demanding a 9-hour day. Port Deposit, Maryland, was out. Granite Bend, Missouri, workers were all out; it was now a scab job. "Stay with them," he counseled.

To go on with Moore's narrative: "The company ordered the superintendent to hire every man available and go on with the quarrying. He hired rock and coal miners. He hired ranchmen, cowboys, mule skimmers, bullwhackers, and even hoboes. Their first week's output was four cars of stone, and on June 8, 1891, the company asked for a settlement.

"Pres. Alex McDonald called all members of the Union Branch to meet in the waiting room in La Veta Hotel, and the following agreement was drawn up and signed:

We the quarry-men's Union, do hereby agree to settle this strike and return to work on the following conditions: That nine hours shall constitute a day's work for every day in the week (Sundays excepted) and that we receive for pay therefor, the same pay that had been previously paid for ten hours; and that we further agree not to make any demands that will increase the cost of quarrying stone for the Capitol building.

In case of emergency, when it shall be necessary to work overtime, members shall work for the same pay per hour as received per hour by the day, and that we agree not to interfere with the laborers and engineers or other persons not members of our Union.

ALEX McDONALD, President
PETER C. OLSEN, Secretary
GEDDES & SEERIE, Employers

By the following day, every member of the Union was ready to go back to Aberdeen. They went to the livery barn operated by S. J. Miller and Ed Wylie and hired all the rigs available. With flags flying they paraded the streets of Gunnison. At noon the party arrived in camp, singing "Glory, Glory, Hallelujah."

Moore has carefully kept the contract with signatures for over a half century. He was the last secretary of the Union, and books, records, and papers came to him shortly before the final meeting of N.Q.U., April 1, 1892.

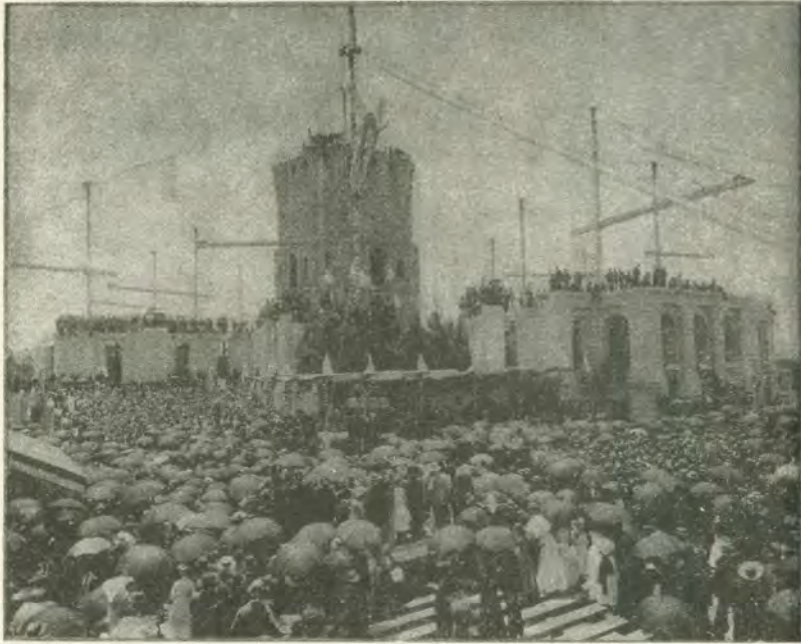
In the meantime the cornerstone of the state capitol was laid, July 4, 1890. We quote from Alva Swain, July, 1940:

On Independence Day 50 years ago, the people of Denver were awakened by explosions of various kinds. The people of Colorado were celebrating. But not because of the Fourth of July alone. For nearly 14 years they had steered their ship of state through diverse winds

and political hurricanes until they finally had brought it to harbor in the city of Denver. That day marked the end of a political struggle between the northern and southern sections of Colorado for the distinction of being the capital city.

All through the night before, trains brought huge crowds to the city. Thousands of people filled the streets, waiting to see the parade which was to open the ceremonies for laying the cornerstone of the new capitol building.

The militia, 400 strong from Fort Logan, accompanied by the grand marshal, marshals, staffs, bands, and drum corps, comprised the largest peace-time military parade many had ever seen.



LAYING THE CORNERSTONE OF THE STATE CAPITOL, JULY 4, 1890

Colorful floats built by merchants added to the pageantry. Pioneers, many of them founders of the state, marched in the parade and the mining exchange members drove burros throughout the cheering throng. As the parade reached the capitol grounds, every available foot of space was occupied. Alva Adams made one of the principal addresses for the Masonic Grand Lodge, which had charge.

Otto Mears, so effective in securing the Gunnison granite, was present; also ex-Governor John L. Routt of the capitol committee.

But the work was by no means finished in Denver or in Gunnison. The quarry at Aberdeen operated from August 1, 1889, to June 15, 1892, with amusement as well as work in their small world. August Fritz opened a saloon at the mouth of Prospector Gulch, one-half mile west. He called the place the Last Chance. "Which it

was if you were caught there," says Moore. "Superintendent Hansard put out a notice that if you were caught there you would be discharged without ceremony."

The nearest place for the quarrymen to celebrate was Gunnison. The Swedes and Norwegians patronized the Scandinavian saloon run by Johanna Johanson on New York Avenue; the Austrians and the Irish preferred Charley Weaver's place on the corner of New York Avenue and the Boulevard; the Dutch and the Missourians frequented Henry Snefi's bar on Tomichi Avenue in the Scott block.

"The quarrymen did not create much disturbance in the town," says Moore. "Sam Harper was marshal and a good scout. When he thought they were broke, he would round them up and start them back."

There were two serious accidents during the three years the quarry operated. A Swede was crushed to death one Sunday morning, when he was caught while sectioning a stone weighing about ten tons. The derrick failed to swing one piece outward, and the man was pinned between the two slabs.

The boom on the same derrick broke at a later time, falling on another workman whose name was Olson. The man was not killed outright, but he was badly injured and died several months afterward.

A pony express rider was used to send word to Gunnison to Dr. Louis Grasmuck, who was official camp doctor, receiving one dollar out of each quarryman's monthly pay. Says Moore: "He rode a little gray pony and would run him all the way to town. The doctor would secure the best horse from the prize string of Miller and Wylie and make the trip to Aberdeen through Tomichi lane and Stubbs' gulch in about 35 minutes.

The camp was much affected by the death of Mrs. Jeanette Edwards, young and popular wife of A. H. Edwards, bookkeeper. The few women of the camp were most solicitous in caring for her, but she succumbed to pneumonia in January, and her body was sent back to New York for burial.

In the fall of 1891, during the mining congress, Gunnison granite was used in the drilling contest in Denver. Quoting from the *Denver News*: "Three solid chunks of Gunnison granite, the material used in the statehouse, had been placed on a platform in the center of the Coliseum. Each square piece of stone weighed five tons and was three feet in thickness. By common consent it was agreed that Gunnison produces the hardest stone in the state, and persons who witnessed last night's exertions will never argue the point hereafter."⁶

⁶Quoted in the *Gunnison Review-Press*, November 21, 1891.

Orders were given April 7, 1892, by Geddes and Seerie to discharge all labor on the quarry except Fred Zugelder, Frank Kalb, Charley Farmer and Wallace Moore. They remained to quarry a number of stones that had to be replaced. Of course work still remained to be done on the mile-high capitol building, and the \$3,400,000 structure was not complete until late in 1894.

Aberdeen is now inaccessible by automobile; the old railroad grade for the spur is badly washed. Boy scouts and other lovers of the out-of-doors sometimes ride or hike to the surpassingly lovely spot. Before closing the history of the four-year project, and filing Moore's books and papers away in the archives, the names of the members of the National Quarrymen's Union, Branch 46, at Aberdeen are here set down:

Alex McDonald, president; Axel Carlson, vice-president; Peter C. Olsen, secretary; Wallace Moore, yard steward; William Thompson, August Beyer, Robert Selby, Henry Jensen, Andrew Johnson, George Stone, Peter Peterson, Charles Edberg, Osmund Stone, Batiste Battistie, Charles Chalman, Tobia Jenello, G. Bossego, P. L. Matteson, J. P. Gunstrom, Wissitie Wessintin, Lorenzo Deronsedi, Peter Helm, Osmond Stone, John McGuire, Peter Zare, Jacob Stone, Jerry Donovan, August Johnson, Vallee Wellee, August Fornandes, Anton Calonge, John Beyer, Charles Romano, Charles McCormick, Magnus Anderson, Albert Anderson, S. F. Zugelder (whose son Karl is a long-time resident of Gunnison, and whose keenest childhood recollection of living at Aberdeen is the occasional arrival of a special car at the quarry with white-coated Negroes to be seen through the windows), Colin Moore, Otis Moore, Jack Kelley, Alex Johnson, John Nelson, John Whelan, Henry Sampson, Frank Kalb, Charley Snyder, Thomas B. Van Cleave, William F. Conley, Mell Wright, David Henderson, Antonio Gross, George Amprimo, N. P. Longval, Carl D. Frommer, George T. Boutin, Rocco Condy, T. Emanuel, and Mike Brennan.

Governor Evans was instrumental in bringing to Colorado Rev. O. A. Willard, brilliant brother of Frances Willard, to serve as pastor of the Methodist Episcopal Church. Rev. Willard, who came in October, 1862, was to be the original solicitor and an active promoter of the Seminary that was to become the University of Denver.

In the *Rocky Mountain News* of November 27, 1862, we read:

A SEMINARY FOR DENVER

We understand a board of trustees, composed of the solid men of Denver, has been organized to superintend the erection of a seminary building, in which our youth may find proper facilities for an academic education.

It is proposed by the trustees, that the *building* shall be worthy its object, and the *school* of a character which will make a pilgrimage to the States for the purpose of education, not only unnecessary, but unpopular.

The trustees think the "fulness of time" for a movement of the kind is at hand. We heartily concur in this opinion for at least two good reasons:

First: The distracted condition of the States, forbidding pecuniary prosperity—turns the eyes of many to Colorado as a place for permanent residence. If they are such people as Colorado wants and needs, the first question they ask is: "If we come, can you give proper facilities for educating our children?" If we can answer "Yes, as good or better than you have where you are," come they will—husband, wife, and children, household goods and all, and that by hundreds and thousands, swarming here by clans and tribes.

Second: Justice requires that we, who enjoyed these facilities in the States at the expense of others, no longer deny them to the youth *now* in our midst, suffering harm from our tardiness. The building is to be, and *ought* to be in Denver.

First: Because it is *de facto*, the center of the Territory.

Second: Because it costs less to live here than elsewhere.

Third: Because many from the mountains reside here in the winter, and could avail themselves of the advantages of the seminary.

A subscription to erect the seminary building, in the hands of Rev. O. A. Willard, has been started under flattering auspices, and with the prospect of general popular favor. We trust all our citizens will heartily cooperate with Mr. Willard and his co-laborers in the noble enterprise.

Let the response be such, to their appeal *means*, that a building of taste and a school of high grade may rise at once—an ornament to our city and a fitting monument to her liberality.

On December 11, 1862, the *News* published the following:

DENVER SEMINARY

Two days and a half of work in circulating the subscription for the above named institution presents the following result. We shall add to the list as the names are handed to us.

The large subscription of Governor Evans is but another evidence of his interest in the prosperity of our Territory and its metropolis.

Col. Chivington's subscription also gives palpable proof that there is now a days no abatement to the proverbial generosity of the soldier. . . .

We publish the names that the liberal may have due credit; that our youth may know who are their benefactors, and that Denver may have tangible evidence of her own enterprise.

The Beginnings of Denver University

ANN W. HAFEN AND LEROY R. HAFEN

The organization of the "Pioneer" institution of higher learning in Colorado dates back to 1862. Governor John Evans, who already had been the moving spirit in founding Northwestern University at Evanston (named for him), took the lead in a similar project here. Dr. Evans, appointed Governor of Colorado by his friend, Abraham Lincoln, had arrived at Denver by stagecoach on May 18, 1862.¹ Within six months of his arrival here he had set on foot a movement for a seminary.

¹Edgar C. McMechen, *Life of Governor Evans, Second Territorial Governor of Colorado*, 92.

The subscribers and their contributions were listed as follows: Governor Evans, \$500; Colonel Chivington, \$500; Warren Hussey, \$200; C. A. Cook & Co., \$200; A. B. Case, \$150; W. D. Pease, \$125; and the following persons \$100 each: William Kiskadden, J. H. Noteware, A. and P. Byram, J. G. Vawter, Woolworth & Moffat, J. W. Smith, H. Barbour, and Lewis N. Tappan.

The *Tri-weekly Miners Register* of Black Hawk, in its issue of December 15, 1862, carried a long editorial favoring a Seminary in Denver.

During the winter, Trustees were chosen and plans were drawn for a building. The *Weekly Commonwealth* of Denver reported on February 26, 1863:

Denver Seminary. Mr. A. J. Gill called on us yesterday and showed us a plan for a seminary building, to be erected in Denver. A building constructed after the model shown us, would be an acquisition our city might well be proud of—rivalling in beauty many of the Educational edifices of Eastern towns.

Already about \$5,000 have been subscribed towards its erection. Citizens, encourage the enterprise by subscribing liberally—recollect this, that you cannot invest capital in any project better calculated to bring back a handsome return to you, in your business.

People will come where good institutions of learning are established, just as naturally as the leaves of a plant seek the light.

The *Commonwealth* of May 21, 1863, announced a Trustees' meeting for the next day at Governor Evans' office and listed the Trustees as follows: "Messrs. Evans, Elbert, Byers, Weld, L. N. Tappan, Burton Dennis, A. B. Case, Vawter, Gill, W. D. Pease, Moffat, Whitsett, Steck, Scudder, C. A. Cook, A. M. Clark, Morrison, Hatch, Allen, Kiskadden, Hussey, J. W. Smith, Cree, Chivington, and Willard."

Subscriptions in excess of \$5,000 were reported in the *Rocky Mountain News* of May 28, 1863. The paper continued:

On Friday last there was a meeting of the trustees, who appointed an agent and a working, or executive committee. The present intention is to proceed at once towards getting the work under way. A site will be selected, and proposals for building asked. Several plans have already been drawn and the committee will doubtless have but little difficulty or delay in adopting one.

Mr. Willard is the agent of the institution, to solicit and collect subscriptions, and from his well known industry before, it is fair to presume that he will soon roll up the subscription list to an amount upon which it is safe to begin work. Certainly no citizen of Denver will be backward in contributing to this enterprise. It is the most praiseworthy object ever started here, and viewed in the light of dollars and cents alone, it will pay. Nothing can add more to the reputation of our young city, than a good institution of learning.

Now arose a question as to the management of the Seminary. A complaint came from "A Sinner," who objected to "the establishment of an academy under the exclusive control and influence of the Methodists or any other religious sect."²

²*Rocky Mountain News*, June 3, 1863.

Reverend Willard wrote an extended response and explanation, saying that he had thought it "of the utmost importance to secure the permanence of the Seminary by connecting it to some established organization," and added that

the members of the M. E. Church in Denver signified their willingness to forego a church edifice for the present and contribute the sum they had intended to give to build themselves a church to the Seminary enterprise. This as a fact in the past would be a good guarantee for their devotion to the enterprise in the future. Over three-fifths of the entire amount subscribed up to this date has been given by persons connected with the M. E. Church by membership or sympathy.

I may add that, of the Trustees only ten out of twenty-six are members of the M. E. Church, also, that of the Executive Committee appointed at the meeting last Friday only two out of five are Methodists. . . .

I much mistake the character of the people of Denver if I do not find them in the future as in the past, above that infidelity which would ostracize religion or that bigotry which would deprive a denomination from whatever benefits may be derived from an honest effort to establish on a sound basis the educational interests of Colorado.³

As agent of the Trustees, Rev. Willard advertised for proposals "to either donate or sell" a site for the proposed Seminary, and added: "Men owning property in Denver will see the importance of interesting themselves in this matter as the property surrounding an institution of this kind is thereby much enhanced in value."⁴

The *Weekly Commonwealth*, under the title "Denver Seminary," wrote in its issue of June 11, 1863, that

it is intended to commence work as soon as a site is procured. A building to cost about \$10,000 will be erected. . . . The benefits of the institution are too palpable to require enumeration. We are an isolated community, and though generally supposed to be mostly of the female sex, have hundreds of children and youth. . . . There is not the slightest reason why we should send our sons to St. Louis or Boston to be educated. . . .

Our Seminary, once established, will prosper, be incorporated, and become a first class institution of learning, conferring tenfold benefits for the slight sacrifices necessary to its establishment.

William N. Byers, editor of the *News* and a distinguished Colorado pioneer, was Secretary of the Executive Committee. In his paper of June 18, 1863, under the heading "Denver University," he reported a meeting of the Executive Committee. Only three—Evans, Scudder, and Byers—of the five members were present. Byers offered a resolution "That members of this Committee be fined five dollars for each absence from a regular or called meeting of the same, provided such absentee is in the city and in reasonable

³*Ibid.*, June 4, 1863. Volume V of the *News* (April, 1863, to April, 1864) containing this and other items of importance, was lost in the Cherry Creek flood of May 19, 1864. Recently the State Historical Society learned of the existence of a copy of this volume in the Library of Congress and procured a microfilm copy of it. Consequently, more data on the beginnings of Denver University are now available than heretofore. The files of the *Commonwealth* for this period have many missing numbers.

⁴*Rocky Mountain News* and the *Weekly Commonwealth and Republican*, June 4, 1863.

health." In an editorial he further berated persons who waste the time of others by absenting themselves from committee meetings.

The first session of the Rocky Mountain Conference of the Methodist Episcopal Church, held in Denver on July 10, 1863, adopted the following report from its Committee on Education:

Resolved, That we view with satisfaction the progress already made by the Trustees of Denver Seminary; that we heartily approve the officers selected for its management and the steps already taken for the erection of its buildings, and the liberality of the people who contributed to its financial stability.⁵

"What about the Seminary?" asked the *Commonwealth* on July 9, 1863. "Has the site been fixed upon, or is it to be laid on the shelf with other social improvements for another year or two?"⁶

Ground on E (present Fourteenth) and Arapahoe streets was chosen as the site for the Seminary and was donated by Governor Evans.⁷

⁵*Minutes of the Rocky Mountain Annual Conference of the Methodist Episcopal Church, (First Session), Held in Denver City, Colo. Ter., July 10th, 1863* (reprint of the 1863 edition), 6.

⁶This reference is quoted in Jeannette J. Dunleavy, "Early History of Colorado Seminary and the University of Denver" (M.A. Thesis, University of Denver, 1935), 26.

⁷Information from E. C. McMechen, author of *Life of Governor Evans*. Mr. McMechen obtained the data from the Governor's son, William G. Evans, now deceased.

Mrs. Minnie Hall Krauser and the Landon Abstract Company of Denver have generously supplied the following data from the Company's incomparable records regarding the Seminary site—lots 1 to 10, Block 100, East Denver, Ebert and Boyd Survey, at the SW corner of 14th and Arapahoe Streets, Denver:

"The Denver Town Company issued 'squatter's title' certificates to the various lots, and later Probate Deeds gave the holders of the certificates fee title to lots mentioned in their certificates.

"The United States Government gave a patent for the land described as Section 33 and W ½ Section 34, Township 3, Range 68 W, to James Hall, who was appointed Probate Judge, March 16, 1867.

"The Denver Town Company issued certificates as follows: Lots 1 and 2 (share No. 31) July 28, 1859, to W. T. Parkinson, who conveyed April 6, 1863, by special Warranty Deed to John Evans.

"Lots 3 and 4 (share No. 6) July 28, 1859, to William Smith, who transferred his interest to Wyatt, Whitsitt et. al., and June 12, 1863, after several transfers of certificates, a Quit Claim Deed was issued to John Evans.

"Lot 5, certificate (share No. 7) August 23, 1859, to Perrin & Way. Several transfers to various parties, including St. Vrain, Boggs, et. al., followed before James Hall, Probate Judge, gave a deed to R. E. Whitsitt, who conveyed by Warranty Deed to Oliver A. Willard, Feb. 3, 1866. Willard conveyed to Colorado Seminary, August 16, 1866.

"Lot 6 certificate issued August 23, 1859, to John Stephens, who conveyed to Whitsitt, Wildes, et. al. Then by Tax Deed to Wm. J. Keating, who conveyed by Quit Claim Deed to Colorado Seminary Dec. 8, 1926.

"Lots 7 and 8 (share No. 8) to P. E. Peers, who conveyed to John S. Pim Aug. 16, 1861. A special warranty deed by James Hall, Probate Judge to Joel S. Pimm Aug. 11, 1865. See Mortgage on sheet 4, foreclosure eliminates Pim's interest.

"Lots 9 and 10 (share No. 9) to H. P. A. Smith, who gave Quit Claim Deed to L. J. Winchester, who gave a Q.C.D. to C. S. Hinkley, July 9, 1861, who conveyed to Wm. L. Lee, Jan. 9, 1862, who through tax deed gave J. F. Keating title, and Keating gave Quit Claim Deed to Samuel H. Elbert, November 23, 1872. Elbert gave Q.C.D. to John Evans for lots 1 to 10, Sept. 22, 1874, and Evans to Colorado Seminary of lots 1 to 10, April 13, 1880.

"A Probate Deed issued Aug. 16, 1866, by Omer O. Kent, Probate Judge, to John M. Chivington, Wm. N. Byers, and Edwin Scudder, Executive Committee of Board of Trustees of Colorado Seminary and their successors in office conveyed lots 1 to 4, 6, 9, and 10.

"Lots 1 to 10, Oct. 31, 1868. A mortgage for \$4,211.60 from Colorado Seminary to John Evans and Edwin Scudder was foreclosed by Certificate of Sale Aug. 16, 1870, and completed by Master's Deed May 16, 1871, by John Webster, Master in Chancery to Samuel H. Elbert. See page 3, Quit Claim to Evans Sept. 22, 1874. Two decrees recorded Dec. 8, 1926, shows the Colorado Seminary as owner in fee simple of lots 1 to 10."

The opening of bids and awarding of contract for construction of the building are reported thus:

DENVER UNIVERSITY

Denver, July 22, 1863.

The Executive Committee met at the Governor's office upon call of Agent Willard at ten o'clock a.m.

Present—Messrs. Evans, Vawter, Scudder and Byers.

Bids for the erection of University building, in response to advertisement, were opened, and found as follows:

Wms & Case proposed to enclose the building according to plans and specifications for.....	\$ 7,000.00
Complete the same for.....	10,000.00
A. J. Gill to enclose for.....	6,286.00
Complete the work for.....	8,844.00
John Snell, brick work at.....	\$13.00 per thousand
N. C. Rowell " " " ".....	13.50 " "
Schurwin & Dudfield, plastering at 45 cents per yard	

A. J. Gill's bid being the lowest.

On motion the contract was awarded to him, and Agent Willard instructed to prepare contract.

On motion Agent Willard was authorized to confer with Mr. Gill respecting some changes in the plan, which are not to increase the contract price.

On motion the committee adjourned to meet upon the call of the Agent.

Wm. N. Byers, Sec'y.⁸

The *Commonwealth* reported on August 29, 1863: "The Seminary is progressing rather moderately on account of the scarcity of hands. Two or three brick masons could find employment by applying to Mr. Gill."⁹

Construction work was now advanced with greater vigor. The *Rocky Mountain News*, in its issue of September 10th, said:

The University Building is being pushed forward rapidly and when finished will compare most favorably with any similar structure west of St. Louis. . . . Near the University the brick dwelling of Governor Evans is going up, which is also a creditable piece of architecture.

On October 14th the *News*, after commenting on the many new buildings being erected in the city, said: "The Denver Seminary or University will be the handsomest looking structure in the city."

In the *News* of December 23, 1863, we read:

The New Bell.—A large, fine-toned bell has been hung in the cupola of the Seminary. For the present its ringing will announce the church hour on Sundays, forenoon and evening. It rang for the first time on Sunday last at eleven o'clock. No other little thing contributes as much to the city air of a new town, as church bells. Everybody likes to hear them.

⁸*Rocky Mountain News*, July 30, 1863.

⁹J. J. Dunleavy, *op. cit.*, 26.

Soon after the Third Legislative Assembly of Colorado convened in Golden City, on February 1, 1864, a bill for the incorporation of Colorado Seminary was ready for introduction. Moses Hallett, later famous as a federal judge in Colorado, introduced the measure as Council Bill No. 22, on February 19, 1864.¹⁰ The next day it was read a second time and referred to the Committee on Incorporations (*Council Journal*, p. 80).¹¹ At the forenoon session on February 23d Mr. R. E. Whitsitt, Chairman of the Com-



COLORADO SEMINARY, 1864
First building of Denver University

mittee on Incorporations, reported C. B. No. 22 back without amendment, and recommended its passage (p. 84). In the afternoon the Council resolved itself into the Committee of the Whole and soon thereafter reported it back without amendment and recommended its passage (pp. 86-87). The next day, on motion of Mr. Hallett, "the report of the Committee on C. B. No. 22 was adopted, the bill considered engrossed and ordered to its third reading" (p. 89). Later the same day it was passed unanimously.

The House of Representatives took up C. B. No. 22 on February 26, gave it a first and second reading, and referred it to the Committee on Incorporations.¹² The next day the bill was taken up and considered. "Mr. Ripley moved that the bill be read a third time and put upon its final passage. Carried." (*House Journal*, p. 133). On March 4 the House Committee on Enrollment reported C. B. No. 22 correctly enrolled (p. 175).

¹⁰*Council Journal of the Legislative Assembly of the Territory of Colorado, Third Session, 74.*

¹¹Subsequent page citations are to the *Council Journal*, just cited.

¹²*House Journal of the Legislative Assembly of the Territory of Colorado, Third Session, 122.*

Governor John Evans' approval on March 5, 1864, made the bill into law. It reads:

AN ACT

To Incorporate the Colorado Seminary

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That John Evans, Samuel H. Elbert, W. N. Byers, H. Burton, A. B. Chase, J. G. Vawter, A. G. Gill, W. D. Pease, Edwin Scudder, J. H. Morrison, Warren Hussey, J. W. Smith, D. H. Moffat, jr., R. E. Whitsitt, C. A. Cook, John Cree, Amos Steck, J. M. Chivington, J. B. Doyle, Henry Henson, Amos Widner, John T. Lynch, Milo Lee, J. B. Chaffee, Lewis Jones, O. A. Willard, W. H. Loveland, Robert Berry, be and they are hereby constituted a body politic and corporate for the purpose of founding, directing, and maintaining an institution of learning to be styled the Colorado Seminary, and in manner hereinafter prescribed to have perpetual succession, with full power to sue and be sued, plead and be impleaded, adopt and alter at pleasure a seal, acquire, hold, and convey property, real, personal, and mixed, to the extent they may judge necessary for carrying into effect the objects of this incorporation, and generally to perform such other acts as may be necessary and proper therefor.

SEC. 2. Said trustees at their first meeting, shall be divided by [lot] into four classes of seven in each class, which classes shall hold office for one, two, three, and four years respectively dating from the first day of July, 1864, (four), their successors shall be appointed whenever terms expire or vacancies for any cause exist by the annual conference of the Methodist Episcopal Church, within whose bounds the city of Denver may be included, but all of said trustees and their successors shall continue in office until their successors are elected.

SEC. 3. No test of religious faith shall ever be applied as a condition of admission into said seminary, but the trustees shall have power to adopt all proper rules and regulations, for the government of the conduct of teachers and pupils, and the management of all affairs pertaining to said institution.

SEC. 4. They shall have full power to confer all decrees [degrees] and emoluments, customary to be given by similar institutions.

SEC. 5. Such property as may be necessary for carrying out the design of the Seminary in the best manner, while used exclusively for such purpose, shall be free from all taxation.

SEC. 6. In all cases a majority of the board of trustees shall constitute a quorum for transacting any business, or said majority may vest the power of the trustees in an executive committee, or agent of their number, at pleasure.

SEC. 7. This shall be deemed a public act, and be in force and take effect from and after its passage.

Approved March 5th, 1864.¹³

At the first meeting of the Board of Trustees of Colorado Seminary after its incorporation by the legislature, an Executive Committee consisting of John Evans, J. M. Chivington, J. G. Vawter, E. Scudder, and W. N. Byers, was elected for the first fiscal year. O. A. Willard was appointed business agent, and the following officers were elected: Amos Steck, President; S. H. Elbert, Vice-president; D. H. Moffat, Treasurer, and W. N. Byers, Secretary.¹⁴

¹³*General Laws and Joint Resolutions, Memorials and Private Acts, passed at the Third Session of the Legislative Assembly of the Territory of Colorado, 209-210.*

¹⁴*Rocky Mountain News, March 16, 1864.*

The Seminary was not opened until the autumn of 1864. In the *Daily Rocky Mountain News* of November 14, 1864, we read:

The Colorado Seminary, in this city, was opened this Monday morning, under the superintendence of Rev. G. S. Phillips, A.M., aided by a corps of competent teachers.

By early December it was boasting about fifty students.

The Colorado "No-Man's-Land"

RONALD L. IVES*

Conflicting territorial claims, plus repeated changes of sovereignty between 1540 and 1819 in what is now the western part of the United States, coupled with inaccurate maps and consequent nebulous geographical knowledge resulted in the existence, in what is now north-central Colorado, of an area within the state boundaries sometimes referred to as No-man's-land. The history of the territorial changes and the creation of this Colorado "Enclave" are here outlined.

Regional studies in the Colorado headwaters area,¹ largely in Grand County, Colorado, necessitated research into the history of the exploration and settlement of lands west of the Continental Divide. These studies disclosed that a relatively small area, west of the Continental Divide, with an ill-defined western boundary between meridians 106°00' and 106°30', was ceded to the United States by Spain in 1819, but this fact had been generally overlooked by subsequent settlers.

The actual data concerning this territorial mixup are more complex than has heretofore been indicated, and much of the trouble leading up to the various boundary disputes seems due to indefinite territorial claims, in large part due to vague geographic knowledge.

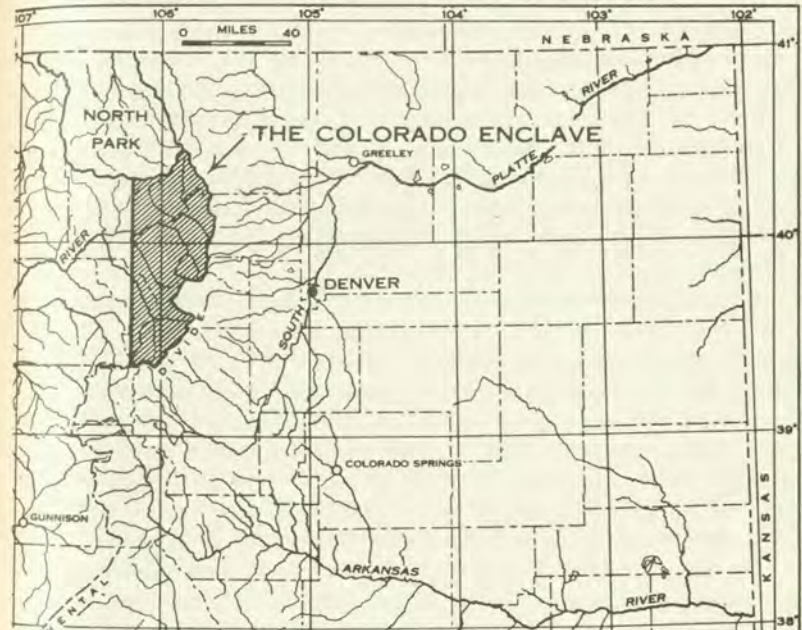
Following the initial discoveries by Columbus (1492), Spain's right to colonize the new world was strengthened by the Papal Bull of May 4, 1493, in which Pope Alexander VI set the western limit of Portuguese influence as a meridian 100 leagues west of the Cape Verde islands, and gave to Spain all new discoveries west of this line of demarcation. The next year, by the Treaty of Tordesillas, the line of demarcation was moved 370 leagues farther west, and the change was sanctified by a Bull of Pope Julius II in 1506.

Working northward and westward from the Caribbean, and northward from the mainland of Mexico, Spanish explorers soon

*Professor Ives is now with the Geography Department of Indiana University at Bloomington.—Ed.

¹These studies, mostly geologic and meteorologic, were made by the present writer with the assistance of grants from the Penrose Fund of the American Philosophical Society.

penetrated parts of the North American mainland. The journeys of parties under Cabeza de Vaca² (1529-1536), Fray Marcos de Niza³ (1539), Coronado⁴ (1540-1542), and Juan de Oñate⁵ (1601-1605), produced important data concerning the topography of Texas, New Mexico, Arizona, and adjacent parts of the Great Plains. Some of the conflicting claims of later years date from these early explorations. In the peripheral areas were reputed to be the mythical kingdoms of Anian, Quivira, and Cibola, inhabited by strange and biologically-improbable beings.



THE COLORADO NO-MAN'S-LAND
(Shaded area on the map)

Later explorations by Kino⁶ (1690-1710), Sedelmayr⁷ (1745), Dominguez and Escalante⁸ (1776), and Juan Bautista de Anza⁹

²A. F. Bandelier and F. Bandelier, *The Journey of Cabeza de Vaca* (Trail Makers Series, 1905). H. E. Bolton, *The Spanish Borderlands* (New Haven, 1921), 26-45.

³G. P. Winship, *The Journey of Coronado* (Trail Makers Series, 1904).

⁴*Ibid.*

⁵G. P. Hammond, *Don Juan de Oñate and the Founding of New Mexico* (Santa Fe, 1927). R. E. Twitchell, *Leading Facts of New Mexico History* (Cedar Rapids, 1911), 301-331.

⁶E. F. Kino (ed. by H. E. Bolton), *Kino's Historical Memoir of Pimeria Alta* (Cleveland, 1919).

⁷Jacob Sedelmayr (ed. by R. L. Ives), *Sedelmayr's Relacion of 1746* (Bull. 123, Bur. Amer. Ethnology, 1939).

⁸S. V. Escalante and F. A. Dominguez, *Diaria . . . para descubrir el camino desde . . . Santa Fe del Nuevo Mexico al de Monterey* (Docs. para la hist. de Mexico, ser. II, Vol. I), 375-558.

⁹H. E. Bolton, *Anza's California Expeditions* (Berkeley, 1930).

(1774-1776), and many others cleared up a large part of the mythical geography of earlier times, and strengthened the claims of Spain to lands west of the Rio Grande valley, but still left undefined the eastern and northern limits of the Spanish territories.

Overlapping the Spanish claims to what is now Colorado were the French Louisiana claims (1682-1762), and the somewhat nebulous coast-to-coast claims of the Council of New England, to lands north of the 40th parallel, from 1620 to 1635; and those of Virginia, to lands south of the 40th parallel, from 1609 to 1763.¹⁰

Starting with the voyages of Breton fishermen to the Newfoundland fishing banks in about 1500, France rapidly gained territory, by right of exploration, in the New World. By way of the St. Lawrence Valley, missionaries, explorers, and fur-trappers penetrated the interior of the continent, establishing missions and trading posts as they went. In 1673, Marquette and Joliet reached the mouth of the Arkansas River,¹¹ and decided that the Mississippi flowed into the Gulf of Mexico, a conclusion contradicting Marquette's former belief that the river emptied into the Vermillion Sea (Gulf of California).

French explorations continued, and in April, 1682, a party led by La Salle reached the mouth of the Mississippi and La Salle claimed, for the king of France, an area probably intended to include the entire Mississippi drainage. Later establishment, by La Salle, in 1685, of Fort St. Louis, on the Garcitas River in Texas, gave France a partial claim to some western lands not drained by the Mississippi. The exact boundaries of the Louisiana claims continued in dispute for more than a century,¹² much of the uncertainty resulting from the claims supported by this Texan settlement.

By the year 1700, Spain and France had a number of conflicting territorial claims in North America. Of these, only the uncertainty of the boundary between the western edge of the Louisiana territory and the eastern limit of the lands of New Mexico is pertinent to this discussion. Although these conflicts were known to exist, and caused some alarm¹³ among explorers, no real effort was made to resolve them.

By the secret treaty of November 3, 1762, commonly known as the "Family Compact," France ceded to Spain "all country known under the name of Louisiana . . .," but nowhere in the treaty is there any definition of this country. This cession eliminated, for the time, any problem of territorial boundaries in the Rocky Mountain region, for there was no longer any French-Spanish boundary

¹⁰L. R. Hafen, *Colorado, the Story of a Western Commonwealth* (Denver, 1933), map opp. p. 95.

¹¹Justin Winsor, *Cartier to Frontenac* (Boston, 1904) 199-202, 234-245, 247-250.

¹²*Ibid.*, 292-293.

¹³Sedelmayr, *op. cit.*, 113, 117.

there. The northern limit of the enlarged Spanish territory remained undefined.

Thirty-eight years later, by the Treaty of San Ildefonso, in October, 1800, Spain retroceded the Louisiana Territory to France, "with the same extent that it now has in the hands of Spain, and that it had when France possessed it." The treaty also stipulated that if this territory were ever again ceded, it must become the property of Spain. This transfer recreated the indefinite boundary between French and Spanish possessions in the Rocky Mountain region.

During this thirty-eight year period, England acquired all lands east of the Mississippi, with the exception of Florida, by treaty, and then, as a result of the American Revolution, lost these same lands to the United States. Thus, after 1800, only Florida and those parts of La Salle's original claim that lay west of the Mississippi were subject to change of sovereignty.¹⁴

In accord with the treaty of April 30, 1803, and in return for a payment of \$15,000,000, France ceded to the United States "the said territory (Louisiana), with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic."¹⁵

This treaty not only left undefined the territories purchased by the United States, but was in conflict with the terms of the previous treaty by which France re-acquired Louisiana. Although a Spanish protest was made, the United States took possession of the new lands, initiating a series of boundary disputes which were not settled for some years. The strong feeling aroused by the conflicting claims to parts of Texas was at least in part responsible for the Mexican War of 1846.

Immediately after the formal acquisition of Louisiana, the uncertainty of its boundaries, particularly on the west, became apparent. Some authorities believed that the Rio Grande was the western boundary; others that the Puerco or Salado formed the western limit south of the Rocky Mountains. The actual boundaries of Louisiana were never defined in any formal cession or treaty, in large part because nobody was sure what the territory contained, or how far it extended.

The only reasonably good definition of Louisiana is found in the grant by Louis XIV to sieur Antoine de Crozat (1712) in which trading rights were given

. . . in all the lands, possessed by us, and bounded by New Mexico, and by the lands of the English Carolina, . . . the river of St. Lewis,

¹⁴A detailed description of these multiple changes in sovereignty is given by B. Hermann, *The Louisiana Purchase* (Govt. Printing Off., 1898). This work contains excellent maps.

¹⁵William MacDonald, *Select Documents of United States History* (New York, 1920), 162.

heretofore called Mississippi, from the edge of the sea, as far as the Illinois, together with the river of St. Philip, heretofore called the Missouriys, . . . with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Lewis.

1. Our pleasure is that all the aforesaid lands, streams, rivers and islands, be and remain comprised under the name of the government of Louisiana. . . .¹⁷

According to a reasonably strict interpretation of this description, the United States certainly acquired a definite and incontestable title to the Mississippi watershed. The boundary of this, in Colorado, was the Continental Divide between the Wyoming line and the vicinity of Salida; then the Arkansas-Rio Grande divide from the crest of the Collegiate Range above Salida, across Poncha Pass, to the crest of the Sangre de Cristo Range; and thence down the crest of this range to the New Mexico line. South of this, the boundary of the Mississippi drainage is the height of land running from west of Raton, New Mexico, southeastward.

If, on the strength of a number of indefinite claims based in large part on La Salle's Fort St. Louis settlement, the boundary of Louisiana, as acquired by the United States, is set at the Rio Grande, then, south of Salida, the boundary follows the Divide to the head of the Rio Grande, in longitude 107° 30' approximately, and then down the Rio Grande to the Gulf. The status of this territory remained in doubt from 1803 until settled by the treaty of 1819.

After a period of growing tension and ill-feeling between the occupants of the borderlands, negotiations were entered into by Spain and the United States to resolve the boundary problem. These resulted in the Treaty of 1819, also known as the Florida Treaty. This, dated February 22, 1819, sets the western boundary between the United States and Spain, in part, as

. . . following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. . . . if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets said parallel of latitude 42.

The United States hereby cede to His Catholic Majesty and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line. . . .¹⁸

It is by this treaty that title to this so-called Colorado Enclave, reputed in newspaper stories and popular legends to be a territorial no-man's-land, came to the United States.

¹⁷Herman, *op. cit.*, 14-15. It will be noted that the section mentioning "lakes within lands" might reasonably include the "blind drainages" over which the sovereignty of the United States has recently been questioned.

¹⁸MacDonald, *op. cit.*, 214-215.

By all its clauses the treaty of 1819 clarified the claims of the various nations in North America. Important at a later date for our claims to the Oregon country was the definition of the northern limit of the Spanish claims at latitude 42 north and cession of Spain's Oregon claims to us.

In Colorado, all areas south and west of the Arkansas River, and all area west of a meridian through the source of the Arkansas, became Spanish territory. All areas east of this boundary, and not heretofore United States territory, were ceded to the United States by Spain. Inspection of the map of Colorado shows that only one such area, the supposed Colorado Enclave, came within this definition. The eastern boundary of this area—the Continental Divide—was set by the strictest possible interpretation of the Crozat grant. The western boundary, set by the treaty of 1819, is unfortunately, and unknown to the contracting parties, somewhat indefinite. That it is a meridian, and that it passed through the head of the Arkansas, is plainly stipulated in the treaty. Reference to the best topographic map available today (the U. S. G. S. Leadville Quadrangle) shows that the Arkansas, above Leadville, occupies the valley carved by a dendritic glacier, and has a number of heads, of similar magnitude. Hence, with topographic justification, this line could be almost any meridian between longitudes 106°09'06" and 106°25'24", a span of approximately 14½ miles. Fortunately, this line passed through a practically uninhabited area, and was never the subject of controversy. This line ceased to have other than historical interest when the Texas boundary controversy was settled by the adoption of the Pearce plan in 1850.¹⁹

By the treaty of 1819, the area here called the Colorado Enclave (shaded area of accompanying map) was quite definitely ceded to the United States by Spain, there being nothing uncertain or indefinite in the terms or intent of the ceding clause. But this fact has been generally overlooked. That the western boundary was not rigorously defined was not known until after territories immediately to the west were acquired by the United States, and hence this uncertainty, due entirely to inadequate geographic knowledge, is not important.

From some time prior to 1819 until the middle 1830s, French and other trappers roamed across the Enclave, making only temporary camps, and leaving few traces other than a marked decline in the number of fur-bearing animals.

West of the western boundary of the Enclave, adjoining lands were Spanish from 1819 to 1821, Mexican from 1821 to 1836, then Texan, according to the boundaries established by the Texas Congress, from 1836 until 1850. After 1850, the entire area was bounded by United States territory.

¹⁹W. C. Binkley, *The Expansionist Movement in Texas* (Berkeley, 1925), Map 8, opp. p. 212.

The Colorado Enclave was included in the Missouri Territory between 1819 and 1821, then passed into an unorganized state. This was of little importance, as it was practically uninhabited. During this time, a number of exploring parties passed through or near the area,²⁰ chief among them being two expeditions headed by John C. Fremont²¹ (1844 and 1845).

In 1849, the Enclave was included in the State of Deseret, which became Utah Territory in 1850. With the organization of Colorado Territory in 1861, the Enclave came under that sovereignty, and in consequence passed to the State of Colorado in 1876.

Just prior to the organization of Colorado Territory, residents of the Rocky Mountain region became dissatisfied with absentee administration, and set up, largely on paper, the provisional Territory of Jefferson. Within its boundaries, which were rather inclusive, was the Enclave area. Although always a feeble governmental unit, Jefferson Territory co-existed with Colorado Territory for a time, finally becoming history with the abdication of its governor, Robert W. Steele, to William Gilpin, first governor of Colorado Territory, on his arrival in Denver in 1861.

In 1868, a subsidiary claim to the Enclave was obtained by a treaty with the Utes.

When county governments were organized in Colorado in 1861, the entire Enclave area was included in Summit County. As the population on the western slope increased, these counties were subdivided, so that the Enclave was divided between Summit and Grand counties (a small part lying in eastern Eagle County if the western boundary of the Enclave is taken as a line through the Tennessee Fork of the Arkansas). Although there have been a number of county divisions since 1876, boundaries within the Enclave area remain as of that date.

Chief events in the later history of this area were the discovery of gold in several places, notably at Breckenridge (1859); the numerous railroad surveys (1860-1902); the Hayden Surveys (1872-1875); the "Grand County War"²² (1880-81); the construction of the Moffat Railroad (1904); the establishment of Rocky Mountain National Park (1915); and the completion of the Moffat Tunnel (1928).

Thus, after the formal cession of this area by Spain in 1819, our claim to it was strengthened by exploration, settlement, a treaty with the Utes, continued active occupation and administration, numerous improvements, and the setting aside of a part of it as a national park.

²⁰C. B. Goodykoontz, "The Exploration and Settlement of Colorado," in *Colorado: Short Studies of its Past and Present* (Boulder, 1927), 42-90.

²¹F. S. Dellenbaugh, *Fremont and '49* (New York, 1914). This work, although almost undoubtedly authentic, and written by a close friend of Fremont, is not in agreement with many other accounts of his doings.

²²Frank Hall, *History of the State of Colorado* (Chicago, 1895), IV, 136-143.

Despite the occupation and administration by citizens of the United States, at no time between 1819 and 1936 did the government take possession of the Enclave by a formal ceremony. What was intended as such an act was performed August 8, 1936, when Hon. Ed C. Johnson, Governor of Colorado, in a ceremony arranged by the Women's Club of Breckenridge, raised a flag on the lawn of the Summit County courthouse in Breckenridge and announced that the Enclave belonged to the United States.²³

The ceremony was of course supererogatory, to say the least. Its inception was due to a lack of knowledge of the provisions of the Treaty of 1819, which treaty, as indicated above, had settled the title to the so-called No-Man's-Land.²⁴

²³*Rocky Mountain News*, Aug. 9, 1936; *Boulder Daily Camera*, Aug. 10, 1936.

²⁴Dr. L. R. Hafen informs me that the Breckenridge women brought to him the question of the "No-Man's-Land" and were told that the Treaty of 1819 had settled the question. But the program and ceremony had already been arranged and announced in the press, so they decided to carry it through.

Recollections of Fort Garland and Southern Colorado

SARAH J. MOON*

It has been the dream of a lifetime to write a book of my family and our friends of early days. There is so much of interest to relate and have recorded so the oncoming generation can more fully understand the hardships the trailblazers underwent to make Colorado the State it now is. I love this beautiful state with every fiber of my being, and my pride in it is unlimited.

Colorado has a wonderful history. In the memory of pioneers yet living it was remembered as a vast desert wilderness. But the savage warwhoop is heard no more. The wild game was plentiful and the buffalo roamed the prairies at will. Now happy homes and contented people enjoy the blessing that the early pioneers fought and died for.

Perhaps I should pause to tell something of myself and parents. I am truly a daughter of the great West, one of the oldest born in this part of the country. My parents, John and Sarah Williams, came here as the dark clouds of the Civil War were drifting over the land. My father came west because he did not want to take sides. They went from Taitsville, Arkansas, to the lead mines of Missouri. There they joined a wagon train coming west. They had two small children, Lycurgas and Lucretia. Their teams were oxen. My father was made wagon boss. He rode a horse from one end of the wagon train to the other, adjusting anything that went wrong and deciding on the places to camp.

*Mrs. Moon now lives in Redondo Beach, California. She visited Colorado in the summer of 1946 and was invited to write of her early recollections here.

No one can conceive what those brave men and especially the women went through. There was sickness from exposure and all the diseases of childhood. Many a loving mother left her darling lying beside that desolate western trail with only a rock or a little slab



MRS. SARAH J. MOON

to mark the place of burial. They planned great riches as soon as they reached Pikes Peak, where gold nuggets were thought to be plentiful. But this was the end of the trail for many and for their dreams.

It was not all gloom, however. There were many amusing incidents. One concerned an old Indian who managed to contact most of the wagon trains. He had an old dirty sheet of foolscap that had the names of travelers who had come that way. There were some of the most dreadful things written about him, such as "Look out for this old rascal, he is the biggest thief and liar on the trail." When the emigrants read this they would laugh heartily, and he would also. Then he would motion for them to write something and they would, trying to make it funny.

Another incident. It was said that if you would crawl out toward a bunch of antelopes waving something red, they would stand in wonderment until you got a good shot at them. One day a nice bunch of them was sighted and my father took my mother's red shawl and crawled out toward them. They stood spellbound, looking in amazement. He got right up to them and was ready to shoot when to his consternation he found he had left his gun at the wagon. The men never got over laughing at him, asking him if he meant to throw salt on their tails and catch them that way.

For days and weeks they plodded along with their slow transportation. The caravan went to Santa Fe and disbanded there. Our family went to Taos and then to Fort Garland. Here I was born March 1, 1864. We lived there about ten years. My father cut hay for the government. He could cut it any place in the river valley; it was waist high. He also butchered and furnished the beef for the fort. One time while thus engaged he butchered a beef and left my brother as guard until the government wagon came, which they thought would be soon, when the boy could go into the fort with them. For some reason they never came until morning. That little boy of ten, in an Indian-infested country, with his little dog Pennie and a good-sized club kept the coyotes away from that beef all night long.

Many was the time the soldiers were sent out to tell the Williams family to come into the fort for protection, that the redskins were on the warpath again. Once on such an occasion, after the soldiers returned, thinking my folks would follow at once, father loaded up his camp equipment to go, when one of the horses lunged forward and fell on the tongue and broke it. So they started on foot to try to get to the fort. As they journeyed along both parents trying to help one of the children, my mother tried to swing the one she was aiding across a ravine, when the child screamed with pain. She had dislocated his arm. They had made their escape from the wagon so the Indians would not find them there, but they had not gone far enough away but that they saw the Indians burn the wagon and all their belongings. When the soldiers returned along the way to see why they had not arrived, they rescued them and took them into Fort Garland. This fort was ever a haven for those in need. When they arrived the officer in charge said, "Williams, those redskins will get you yet."

My mother was, as we all think of our mothers, one of the grandest Christians living. She had acquired a meager education in her girlhood. Many is the time I have seen her writing letters for neighbors that had not learned to write. She was a splendid seamstress and had learned the tailor's trade. For many years father had only the clothes she made him. She surely was a helpmate, a wonderful mother and an ideal neighbor. Our doctor once said that

wherever there was sickness one would always find her. She was with Tom Tobin's daughter when her baby girl was born and they named the child Sarah, after my mother. I think, but am not sure, that it was Kit Carson's son's wife.

Mother did lots of sewing for the men and officers at the fort. One thing she would "fox" their pants with buckskin, that was to sew buckskin on the seat and over the knees. Then she made fine white shirts for the officers. This was done by making the body of the shirt in ordinary white muslin but the collar and bosom of fine linen, and then she would backstitch around the bosom and collar and cuffs. Most beautiful it looked, just like machine sewing. Also she made buckskin gloves.

Mother tried to learn the Spanish language, but never mastered it. She was so lonely and had no other neighbors but Spanish-Americans, except one American family. The children were talking Spanish at a lively rate in no time, and got so they would come in and ask mother what different things were in English. My brother was very good with Spanish, and in after years interpreted in the courts at Walsenburg. Father never learned Spanish. No doubt my mother saved his life by being able to talk it. Some Mexicans got to turning their stock in father's wheat at night, getting up early and getting them out before they were discovered. But father laid for them and corralled the stock. Then he stood at the gate with his gun to see they did not get the animals. The Mexicans came and protested, but to no avail. They went and got some Indians and came back. Mother came from the house and in Spanish, which all the Indians understood, explained what had happened. The Indians rode away, and there was nothing for the offenders to do but pay the damage and vamoose.

I can recall many names of officers around the fort, as they had been told to me—Francisco, Kit Carson, and Price.

This Colonel Price gave us a magpie. It never learned to talk as some do, but when the baby, lying in its crude cradle, would cry, the bird would fly to the head of the cradle and screech and scream until someone came to the rescue. It hated my eldest sister because she would find and recover what it had stolen and hid away. It loved bright things like caps and bright buttons.

I wish I could recall the name of the officer that gave my mother a big beautiful Newfoundland dog, but I cannot. The dog was a most intelligent one. He disliked my father because he punished him once and made him hold his horse out to grass. A soldier offered mother a hundred dollars for the dog, which she refused. He was stolen afterward. He saved my sister's life. Brother Lyeurgus and she got in the river where it was deep, and where they had been forbidden to go. My sister was sinking when the

dog went in and pulled her to the bank, but could not get her up the bank. Brother ran to the house and told mother that Lucretia could swim and dive just like Pa. On rushing down there, she found that faithful dog keeping her up.

One time mother was alone with just the children when she saw the redskins coming. She had some beet juice on the table so she took some of it and spotted her face and got in bed and began to groan and moan. They came to the window and looked in. The spokesman in broken English said "Sick, heap sick." Finally they left. They would not go in where anyone was sick, especially with smallpox, as that disease had played havoc in their ranks several times.

While we lived in Fort Garland, my parents buried two little girls, Asabell and Mary. They lie in unknown graves in the old burial place near the Fort. My Aunt Margaret became so homesick she went to Denver to get on a returning caravan going back home, but she took diphtheria and died among strangers, and her grave is unmarked and unknown. Her name was as my mother's maiden name, Maxwell—Margaret Maxwell.

From this part of the country we moved to Gardner, Colorado, on Williams Creek, named for my father, as he was the first settler on the creek. The high Buttes nearby were also named for him. Here too we had many an Indian scare. Once a young Mexican boy about thirteen ran from away up on Pass Creek, about twelve miles, to warn the settlers that the Indians again were out to kill. We had a big coffee mill that they screwed on the wall; the neighbors came for miles and ground in it their corn for cornbread and mush.

There were so many incidents that happened here. One thing, father and a fellow named Leroy had adjoining places, and they were having trouble deciding who owned a section of it. One day they met at Leroy's with a few neighbors to thrash it out. The matter became so serious that Leroy made some threat and went in the house for his gun. Soon the door opened and father fired, and a voice cried out, "Williams, you have shot your best friend!" It was a man by the name of Curtis, who with the thought of being a peacemaker, had slipped inside and was coming out to make peace. Leroy jumped through a little back room window about half big enough for a man of his size and took the window frame with him, and took to the woods. The case was closed, and father got what he wanted. The Indian raids were so many and the settlers so unprotected that father became disgusted and sold the place for 1,000 bushels of wheat. Years afterward he went back and bought the same place and gave one thousand dollars for it.

I know so many stories of Colorado people and things that have transpired. But on seeing the picture of ex-Governor Bent,

the first Territorial Governor of New Mexico, in the museum at Denver, I remarked that I knew his daughter and her family quite well. I was asked for the story about them, so I will finish this article with their sad story. Mrs. Zan Hicklan, who was the former governor's daughter, lived at the present town of Crowe on Greenhorn Creek. She was a beautiful Spanish lady, the possessor of the most gorgeous silk gowns and expensive jewelry, several sets of them. Many times she has let me and other girls in the neighborhood wear some of them to the dances. Mrs. Hicklan's name was Stephena. The Hicklan home was a long row of adobe rooms. You had to go outside to enter each room. A few years ago the place stood on the hill just above the Crowe Post Office and store. I do not know whether any of it stands now. I think there was some effort made to preserve it as one of the historic places of early days. I think Mrs. Hicklan's folks lived down around Taos.

Zan Hicklan was from Missouri and was a most peculiar man. He was a heavy drinker, and it was the cause of his death. He hated pomp and show. Once, when a gold-braided, bedecked army officer came there to stay all night, he told his Mexican cook to have nothing but pepper sauce and beans. So, when they sat down to eat, Mr. Hicklan passed the beans to the officer, who said, "No, thank you. I never eat beans." "Then help yourself to the pepper sauce," said Mr. Hicklan. My father was with him when he passed away. He said he wanted to make a request of his wife. When asked what it was, he said he wanted to have her put a bottle of whiskey in each pocket to treat the boys.

Governor Bent gave his daughter a grant of land comprising some of the best ranch land on the Greenhorn. She never got a clear title for many years; there was always someone giving her trouble, as they called it in those days, squatting on her places. One of these, a man named Philips, jumped one of her hay ranches, but it had been agreed that they would stack the hay and leave it until it was decided by law who should have it. She had three sons, Alec, Thomas, and Alfred, who was at that time a very small boy. One morning Alec and Tom drove off in the wagon singing and dancing. As they approached the field, another wagon appeared with two men, Mr. Philips and a driver. When he got near enough he opened fire on the boys without one word of warning. The boys had no guns because they did not expect trouble. They were shot down in cold blood without any chance to protect themselves. Alec died within a few moments. Tom's underclothes were as if chewed by the rats, the fronts just perforated. The gun was loaded with shot and slugs. The people in the country around there were wild, especially the young men that had grown up with these boys and went to school with them. Alec had a young wife.

A very strange thing happened a few nights before. He and his wife were at our house and they were going to play cards, so pulled up a long chest which my mother kept bedding in. Alec looked at it and said, "I don't want to sit on that, it looks like a coffin. Then he told of a dream he had. He thought he was dying and his wife and mother came to him, but he could not speak or move to let them know he knew they were there. And thus it was when they got to him. Tom lingered between life and death for days and weeks. He recovered but was never a healthy man again. He married a Miss Emma Shaw, and had one daughter.

After the shooting, the young men of the region gathered to lynch Philips. My brother was one of them. My father and John Warner were appointed to guard the prisoner. The crowd came to Mr. Warner's house and demanded the prisoner. Mr. Warner's son-in-law was the leader. He said, "We are going to have him." Warner said, "It will be over my dead body." The son-in-law answered, "By G——, it can be that way." Father and Mr. Warner pleaded with them to let the law take its course. They went away expecting to return. In the meantime Mr. Warner and father spirited the prisoner away, never keeping near or in sight of the main road. They took to the plains and got their man inside of the city jail in Pueblo. Philips stood trial and was sent up for several years. He lived only a short time after his release, broken in health and body. He had always been considered a peaceful man. At one time he was United States Marshal and was a Mason. He had been drinking, and it was thought that others who were jumping Mrs. Hicklan's land egged him on. Alec's wife married again, and after a few years Tom's wife left him. He did not live long afterward. I never heard if Alfred ever married; seems I heard he died. Mrs. Hicklan, who was never a business woman, was beat out of all she had left. She moved from the old home and died in poverty in Huerfano County. A sad ending for ex-Governor Bent's daughter and his grandsons.

Brinker Collegiate Institute—Navarre Café'

MINNIE HALL KRAUSER*

The fascinating story of the famous Navarre Café recalls to memory the history of that old structure which was built in 1880 and which recently had its face lifted, besides considerable remodeling.

*Mrs. Krauser, early Denver newspaper woman, was a principal founder of the Denver Woman's Press Club. For some years she was President and Manager of the Landon Abstract Company. She has been active in D.A.R. circles in Denver and Colorado.—Ed.

BRINKER'S

Collegiate Institute

DENVER, COLORADO.



DAY AND BOARDING SCHOOL,

—:FOR:—

MALES AND FEMALES.

DENVER, COL.:
ROCKY MOUNTAIN NEWS PRINTING COMPANY,

1879.

REPRODUCTION OF COVER OF BRINKER'S COLLEGIATE
INSTITUTE CATALOGUE, 1879

The usual tendency to embellish facts in order to glamorize the story will be avoided, as the echoes of the colorful, wild frontier days tell us the Navarre had sufficient glamour of its own. I will endeavor to give the facts as gathered from histories, Denver newspapers, family letters, interviews and the records of the Landon Abstract Company.

The history of the property began with a "Squatter's" title, February 1, 1860, when a certificate was issued to the Central Overland, California and Pacific Express, followed by a Probate Deed in 1865 whereby Ben Holladay of the Overland Express obtained the fee title. It changed ownership various times: to Richard Whittitt, George W. Clayton, Barbara Kettle, Charles B. Kountze, and Edna and Louise Iliff, until it was finally foreclosed to Elizabeth Brinker for \$5,900.00 in 1879.

The foreclosure of the property by decree from the District Court, August 7, 1889, was brought by "Elizabeth Brinker vs Dame Sarah or Sally Duncan or Hay, widow of Sir Richard Hay Baronet for a trustee to execute release of loans made by Robert Hay, deceased."

The present building was first known as the Brinker Collegiate Institute, and was built in 1880 by Joseph Brinker, who came to Denver in 1877 and decided to establish an educational and cultural school.

In 1889 the school closed and the Richelieu Hotel was established there, run by Hunsicker and Bob Stockton, two colorful gambling kings of the famous "Arcade" of Larimer Street, and miners' silver jingled on the gambling tables—a far cry from the cultural center started by Professor Brinker as Brinker's Collegiate Institute.

In the *Rocky Mountain Herald* of April 27, 1889, we read:

The old BRINKER INSTITUTE at the corner of Broadway and Tremont Place has been remodeled, repainted and refurbished throughout and will be open to the Public as a first class hotel on Wednesday morning May 1, 1889, and will be called "The Richelieu." The new proprietor is one of the best hotel men of the West and will give the people of this city the very best in the market.

On Tuesday evening next, the house will be thrown open for a reception and inspection to the Public and there is no doubt but what "The Richelieu" will take the front rank among the First Class Hotels of the city. C. W. Hunsicker is the proprietor.

In 1893 Judge Owen E. Le Fevre became the owner of the property, which was known as 1727 Tremont Place. He leased the three upper floors to Mary Paxton, Belle Malone, Joe Gavin and others. In 1906 Judge Le Fevre gave a two-year lease to Robt. D. Stockton and Eugene E. Ray, with the right to purchase for \$73,000.00. At the end of the two years the lease was renewed for three years more for \$27,600.00 and included the following instructions: "A deposit

of \$25.00 must be made every day to the credit of Le Fevre, with the International Trust Company, and on Sundays and legal holidays payments to be made on the preceding or succeeding day. Failure to make payments for more than five consecutive days forfeits the lease."

Judge Le Fevre sold the property to The Louis M. Weiner Wine Company, October 27, 1908, for \$75,000.00 and the Interoccean Investment and Brokerage Co. acquired the property September 30, 1909, from the Wine Company, then some five years later transferred it to the real owners, Edward Chase and Vaso Chucovich, who had made fortunes running the famous Gambling House known as the "Arcade" at Sixteenth and Larimer Streets.

Heavy gambling by prominent citizens, sportsmen and miners occupied the two lower floors of the building. It was one of the "hot spots" of Denver and gambling was considered as another form of business by the colorful early-day owners. Mayor Robert Speer, although on friendly terms with the proprietors, notified both Chase and Chucovich there should be no more gambling there. They closed up the place at once, and started the now well-known Navarre Caf , naming it after Henry of Navarre. However, little parties retired to the second floor for private games.

Vaso Chucovich made a fortune, and by shrewd real estate investments, he became an important politician. He was also known for his philanthropies.

Edward Chase, in quiet retirement, died in 1921 and Vaso Chucovich in 1945. Chase owned $\frac{3}{8}$ interest and Chucovich $\frac{5}{8}$ interest. The Chase interest was inherited by Mrs. Edward Chase's adopted son, Dr. Gaylord Chase, and upon his death by his wife, Mrs. Margaret Elizabeth Chase, of Carmel, California. The $\frac{5}{8}$ interest of Vaso Chucovich went to Peter Jovanovich, his nephew, and John S. Chucovich, a cousin.

Quite recently some \$20,000.00 has been spent in remodeling the structure.

It is interesting to know that one of the first co-educational Colleges west of the Mississippi River was established in Denver in 1877. Joseph Brinker, president of Henry Knox College of Kentucky, with his wife and family arrived July 3, 1877, the year in which the first Colorado state legislature met and the year preceding the first performance in the Opera House at Central City. Miss Hattie Louise Sims, not only a singer, but a lovely woman, produced the first opera, "The Bohemian Girl," February 17, 1879, with Colorado amateurs. Miss Callie Brinker became known as the leading soprano.

On September 3, 1877, Joseph Brinker established the Denver Collegiate Institute in the old Denver Academy Building, a two-

story structure at the corner of Tremont Place and Broadway. It gained such an enviable reputation in the first two years that in 1879 the Brinker Collegiate Institute, a "Boarding School for young Ladies and Gentlemen," was started.

Quoting from the *Rocky Mountain News* of January 1, 1879: "Terms for board for twenty weeks cost \$147.00, the tuition varying from \$10.00 to \$30.00 for that period, having primary, intermediate and Collegiate courses embracing nine departments, with every inducement toward mental, moral, and social excellence. To invalid students the site of the institute offers particular advantages, located in an elevated portion of the city, with an unobstructed view of the Mountain ranges."

In his first yearbook (1879), President Brinker said:

"We give as our settled conviction that higher intellectual development and greater moral purity can be obtained by the coordinate education of the sexes than can be reached when their education is conducted in separate institutions. The time was, when men were prohibited by law, from kissing their wives on Sunday, but those days were not far removed from the days of witchcraft. . . . Boys want to study higher mathematics before they know the multiplication table, and girls want to study Rhetoric before they know anything of Grammar. It is time this white washing business was done with, and that we all accept the fixed conditions of a genuine education.

Also in the yearbook of the school appeared the following: "Brinker Collegiate Institute is not a church school, nor is it controlled by any religious people." It advocated uniforms, although they were not required, except for Cadets. One of the rules reads:

All communications and letters must be subject to examination by the President, and young ladies will not be allowed to correspond with others than members of their own families, without express permission from parents or guardians. Any parties connected with the institution detected in conducting or aiding or abetting clandestine correspondence shall be promptly dismissed from the school. Visiting will not be allowed, unless requested by parents or guardians. It is not only unprofitable but frequently pernicious.

From the *Daily News* of June 29, 1880:

The rapid progress of the Brinker Collegiate Institute at the intersection of Tremont, Broadway and Eighteenth Streets is now announced to Denver's 30,000 inhabitants. It will erect a handsome structure which will constitute an architectural as well as educational ornament to the City. The new edifice is being erected along side the old institute, which was known as the Denver Academy, which will continue to be used also. The new building will be four stories high with two cupolas and a mansard roof and steps with an iron railing on top. The basement is already completed and the walls will soon begin to go up. It will be 50 feet wide by 100 feet long and will cost about \$20,000.00. The brick wall will be ornamented with cut stone. The whole will be surmounted by a handsomely decorated dome. The basement will be used for a steam-heating plant, laundry kitchen and refrigerator room. The first floor, a dining room, office and parlor. The second and third floors recitation and bed rooms with water closets, bath and gas.

It is expected that the building will be ready for the fall term of 1880. Joseph Brinker, the principal, will teach mental, moral sciences and evidences of Christianity.

Some forty-two young ladies matriculated, among them Lou Babcock, Nellie Town, Callie, Lillie and Mary Brinker, Ella Chatfield, Dovie Ernest, Nellie Kimsey, Mary Lacy and others from Leadville, Breckenridge, Silver Cliff, Byers, Manitou, Kentucky, and Georgia.

Among the fifty-one young men, we find Charles Barth, Lewis, Mat and Lafon Brinker, Edwin Barnum, H. C. Charpiot, George Cook, Clarence and George Crater, Charles Witter, T. A. Hughes, Clarence Hatten, Edwin Hixon, Renfre Rickard and L. K. Watkins.¹

W. B. Vickers, in his *History of the City of Denver* (1880), page 291, says:

Among the private academies of Denver, Brinker Collegiate Institute ranks high as a boarding school for both sexes, where pupils of all grades are received and fitted for college or for active life. The Principal, Prof. Joseph Brinker, was the very successful President of Henry College in Kentucky before coming to Denver. He is assisted in the present undertaking by his family, consisting of his wife, three sons and a daughter, all of whom share his gifts and enthusiasm in the cause of higher education. . . . This Institution affords superior advantages for instruction in all grades of primary, intermediate and collegiate departments, the latter embracing scientific, classical and commercial courses, music, painting and drawing, modern languages, military drill, etc. No expense has been spared to make this the most advanced school in the West where pupils may get pre-Collegiate Education.

The boarding department is under the immediate control and supervision of Mr. & Mrs. Brinker, whose experience and previous success are a guarantee of proper management.

The third session opens with one hundred matriculates, thirty of them boarders—nearly as many as can be accommodated. The remarkable prosperity of the school seems to demand more extensive buildings, and President Brinker has determined to erect, next summer, adjoining the school buildings, a boarding house that will accommodate one hundred pupils, and, as soon thereafter as practicable, to make extensive additions to the school property.

Brinker's three sons—Joseph, who taught mathematics and who helped survey the Denver and Rio Grande Railroad to Leadville; Waller, still a Denver resident; and William graduated from Henry College. Joseph entered mercantile business in Leadville. Waller and William were professors in Brinker Collegiate Institute. Callie, widow of William C. Thomas, also a Denver resident, advanced in the accomplishments of music, painting and drawing, and her sister Lillie were also endowed with their mother's musical talent. Their home was a social center where their soirees given every two weeks attracted delighted companies, where readings, musical and choral music assisted by Dr. Hall, Dr. John Gower and Mr. Winter gave auditions to pupils following the receptions. C. Y. McClure, Basso; Archie Davis, Baritone; and Prof. Henry Houseley

¹Nellie Town in the published roll of honor, had an average of 9.43 (10 denoting perfect). She married N. W. Sample, General Superintendent of the Denver and Rio Grande Railroad. Much of the foregoing information was obtained from their son, Nathaniel W. Sample, Jr., now of the Franklin Institute of Philadelphia. Lou Babcock married Maxey Tabor. Callie Brinker married William C. Thomas. Lillie Brinker married Willard Ames. Dovie Ernest married John Glendinning.

at the organ. Emil Zeitz, a celebrated musician and father of Mrs. Fred Whiteside of Denver, came from Leipsic and taught piano and violin; Frank Damrosch, son of Dr. Leopold Damrosch, came in 1881 and was surprised when the Denver Opera Club gave the "Messiah" in December of that year. Oswald Richter came with Damrosch in 1883.

The graduation exercises were always crowded and were held at the old Baptist Church on Eighteenth Street, between Curtis and Arapahoe, at the corner of the alley, near the old Tritch home. Professor Cutler was the organist and choir master and had charge of the musical department of the Institute. He had been accompanist to Haydn and Handel in 1878 and taking up the work begun by early musical organizations of Denver helped to gain for it the position of the "Musical Center of the Great Southwest."

From Mr. Vickers' *History of the City of Denver* (pp. 320-22) we extract the following information:

Professor Joseph Brinker was born at Newcastle, Henry County, Kentucky, April 14, 1833. He received his early education in Henry Academy at Newcastle, an institution which his father was largely instrumental in establishing. At the age of 15, he was sent to the Western Military Institute at Georgetown, Kentucky, where he studied mathematics under Professor James G. Blaine (later the famous Senator from Maine). At the age of nineteen, he completed the study of mathematics, chemistry, philosophy, mental and moral sciences, and belles lettres.

July 12, 1855, he married Miss Lizzie F. Chenault, eldest daughter of Waller Chenault, of Madison County, Kentucky, whom he met while she was a pupil of Henry Female College at Newcastle, Kentucky. She graduated in 1853 with the honors of her class. Very young she manifests a fondness for music and possessed a fine voice, so her father determined to give her a liberal musical education. She developed a pure soprano voice, remarkable for its fullness and richness of tone, and with her vivacity, cheerfulness and accommodating disposition she was a favorite in social circles. Her musical talents descended to her children, as all developed good voices. The Brinkers lived eighteen years on a farm near Newcastle, when misfortune and financial disaster came as a result of the Civil War. Then they purchased, on credit, Henry Female College and opened it October 7, 1872. They continued to operate it successfully until 1877, when Mr. Brinker's failing health induced them to move to Denver. Here on September 2, 1877, they opened the Denver Collegiate Institute. The name was later changed to Brinker Collegiate Institute. Mr. and Mrs. Brinker had eleven children, most of whom were talented and outstanding.

The history of the building after the Brinker Collegiate Institute was closed has been traced earlier in this article.

Minnie Bell Brush Mayne, a Territorial Daughter¹

SELETHA A. BROWN²

When early Colorado pioneers spoke of the family of Jared Brush, the Lieutenant Governor who held office under Governors Davis Waite and Albert McIntire, they often included Jared's niece, Minnie Bell Brush. She was the winsome child who attended Greeley schools from Jared's home, the vivacious brunette that graced early State balls as part of the Brush menage. There are still a few remaining to tell how the manners and wit of this niece captured the fancy of Mrs. John Routt, the first State Governor's wife, and made them lifelong friends.

"Minnie Bell's own father was killed by the Indians while she was a mere baby," they will tell, "but he would have been mighty proud of Minnie if he could have seen her when she was grown."

This father, William Brush, was one of three brothers who came to Colorado in 1859. Lured by tales of quick wealth, Jared, John, and William Wesley left their Ohio farm and made their way west in oxen-pulled wagons, driving a herd of loose horses before them. They bought and homesteaded some 1,500 acres along the Big Thompson River, including land where Johnstown and Milliken are now situated. A year later they returned to Lincoln, Nebraska, where they purchased 150 head of cattle and more horses. These were driven to the ranch through troublesome Indian country.

The Brush boys thought nothing of riding fifty miles on horseback to attend a party or dance. At one of these gatherings they met the Enoch Way family who had come to Colorado from Des Moines, Iowa, in 1865, to settle on a farm on Left Hand Creek in Boulder County, Colorado. Enoch had four striking unmarried daughters who were very popular with the pioneer bachelors. John and William joined in the suit for their favor and in time each won a Way girl for a wife. William's bride was eighteen-year-old Martha Margarette, who married him in 1867 and went to live in his newly built frame house on the Big Thompson ranch. This house with a few additions still stands about one-fourth mile north of Johnstown, Colorado. It was here that Minnie Bell was born on March the seventh, 1868.

Life looked most promising to the young William Brush family that spring. They could look across the prairie in almost any direction and see their sleek Shorthorns with here and there a sprinkling of Texas Longhorns. There were large herds of valuable horses

¹The facts of this story were related to the author by Minnie Bell Mayne from her home in Longmont, Colorado, where Mrs. Mayne has resided since 1940.

²Mrs. Brown of Longmont contributed an article to our issue of September, 1946.—Ed.

roaming the ranch. Jared and John's families lived close enough for "neighboring" back and forth.

In August, thirty-two-year-old William took a cousin, Jared Conrey, and a Swedish emigrant to cut wild hay on the Crow Creek meadows, one mile north of where the town of Kersey now stands. This was open range where anyone might cut hay who chose to do so. The Brush brothers had erected a small shack here and built a corral for work horses. It had been their practice for several years to stack hay about this place which also grazed some of their cattle.



MINNIE BELL BRUSH MAYNE

One evening a band of thirty, supposedly friendly, Indians came to the hay farm. William gave them their supper and showed them where they might sleep on some new-cut hay. After breakfast the next morning, William offered to shoe a horse for one of the bucks. While bent over the horse's hoof a shot rang out, felling Will. Conrey and the emigrant heard the shots and came running out of the cabin to be shot as they appeared. After breaking much of the machinery, the Indians took the food, horses and cattle they wanted and rode away.

Several days later the band arrived at the Elbridge Gerry ranch where the town of Platteville is now located. One of the bucks bragged to Gerry's Indian wife of their prowess. She in turn informed Mr. Gerry of the evil deed. After that he rode to investigate and then inform Will's brothers of the events. The three bodies were placed in a pine coffin and taken to the William Brush home where a plot was set aside as a burial ground.

Faithful Shep took up a watch over the grave, adding to the family sorrow by mournful howls throughout the day and night. It was several weeks before the dog could be coaxed back to the house.

Martha Margarett had a marble slab placed at the head of the grave inscribed with this verse which was composed by Reverend McLain for the funeral:

By Indians slain in early life
Amid his toil and cares
He left a loving child and wife
To weep and mourn in tears.

Sleep on, my husband, take thy rest,
Until thy trump shall sound.
In that land forever blest.
May you and I be found.

Jared Brush was appointed guardian of Minnie Bell and Minnie says, "a better man never lived, but Uncle John was just as good!" The Brush families adopted the "poor orphan" into their hearts. When she was a little older she often spent months at the Jared home as a member of his family.

Martha Brush took her half of the inheritance, plus the horse, saddle and bridle which the law allowed to every widow at that time, and returned to her parents at Niwot. Thus Minnie Bell was the center of affection of a widowed mother and adoring grandparents as well as uncles and aunts. The income from her father's ranches gave her a financial security that many a neighbor envied.

Martha often told her daughter how she went to dances and parties when her parents first came to Colorado. They would place kitchen chairs in the covered wagon, hitch oxen to the wagon, and start off across the country. The girls and boys would sit on the chairs in the covered wagon with the boards so high at the sides they could not see out. The boys would take turns walking beside the oxen to guide them. Of course they started in the daytime so that they could see the way and ten miles was a long way for the lumbering oxen to travel. They would dance and laugh all night and when dawn was breaking and they could see to travel they would journey home.

Many of the pioneer homes had few of what we call necessities. But there was as much fun in a home where there were only three or four spoons as in the homes where cherished silver was ample. Martha often told about the time they went to a party and the one dipping spoon was lost. What a "to do" there was in looking for it! Though it wasn't ever found they managed to use something else and the food was served.

Martha Margarett also told how she used to travel from the Brush ranch to the Way farm. When she became homesick to visit her parents she would put on her riding habit with its long divided skirt that trailed to the horse's knee when she was mounted in her side saddle. On her saddle pony she would strike off across the prairies, riding all day with only a short rest for lunch, which she had packed in her knap-sack. She often saw deer, antelope or buffalo, but seldom saw any humans along the way. There were no fences to bar the way so she could ride where she pleased.

Two years after William's death, Martha Margarett married Milton Mathews and moved one mile north of Canfield on Boulder Creek, onto a farm which they bought. Minnie Bell lived with her mother and step-father much of the time but spent long periods at her Uncle Jared's, who now resided in Greeley.

"I recall Milton taking me to Uncle Jared in a buggy with the fringe on top drawn by a high-stepping matched team," Minnie Bell tells. "There was a small town called La Crosse on the banks of the Little Thompson about one mile south of the present town of Berthoud and then we passed only two other houses along the way. St. Louis, or Loveland as it is now called, had not been founded at that time."

When Minnie was eight years old she decided she would like a piano. Uncle Jared took her to Denver where they visited Governor and Mrs. Routt. This kind, portly woman, dressed in a handsome gown befitting her position, took the child to Knight-Campbell's in order to select the piano. They chose the second largest grand piano, which was delivered to the Mathews farm for the sum of \$750.00.

"I was impatient to return to the farm where I began taking piano lessons of Miss Jessie Wright of Niwot," says Minnie. "Also, I was looking forward to attending school in the country. The frame school house with a vestibule at the front of the building where we hung our wraps and left our lunch pails was two and a half miles from the Canfield farm. The Beasley children lived on a farm just north of ours and we formed quite a party walking to school together. What a thrill we had crossing Boulder Creek on a huge pine log. In the upper grammar grades I stayed at Uncle Jared's in Greeley and had the benefit of a city school," Minnie Bell explained.

"Dancing was the favorite recreation of my mother and step-father. Even after my half-sisters, Nellie and Carrie, were born they continued to attend neighborhood dances. Families worked and played together in my youth, so we girls accompanied the folks to these parties. The grown-ups would dance for a while, then the children would have the floor for a square dance or two."

Minnie Bell, Nellie, and Carrie each had a saddle horse of her own which they rode in side-saddle fashion. Once, Mr. Mathews gave Minnie a beautiful high strung roan to break. The girl named the horse Dee and learned to control her own nervous disposition while teaching Dee to become a well trained saddle pony.

Both Minnie Bell and Carrie showed talent for drawing, so their parents made arrangements with a Miss Carrie Swan, of Denver, to give the girls lessons. Miss Swan drove a horse and buggy from Denver every two weeks to spend a day teaching the two sisters. That these were profitable lessons for Minnie is proven by the many oil and water-colors which adorn her walls. She never offered her work for sale but gave away many a carefully executed canvas.

When the three sisters advanced beyond the elementary school of Canfield the Mathews family moved to Longmont, where Nellie and Carrie attended high school and Minnie Bell enrolled in the newly organized Presbyterian Academy. As this was considered a temporary move much of the best furniture was left at the farm. Hired men remained there to care for the stock, living in the farm house. One winter day the men came into the house chilled by a snowstorm. They built a roaring fire in one of the stoves which sent sparks flying from a chimney. These landed on an L-shaped roof igniting it and a blizzard wind soon fanned it into a consuming blaze. Someone at Canfield noticed the fire and telephoned the Bartell store in Longmont telling Mr. Bartell to notify Mr. Mathews that his farmhouse appeared to be on fire. As Mathews and Bartell were fast friends Mr. Mathews had just stopped to visit when the alarm was telephoned. The raging storm made it impossible to venture into the country to aid the fire fighters. However, the entire family drove to the farm within a few days to view the ruins. There was the charred remains of the Steinway Grand in a twisted heap! Cherished heirlooms from both sides of the family were gone!

Alva J. Mayne came to Colorado across the Great Lakes from Caledonia, Michigan, in 1869. His parents settled at a place called Sunshine, where his father worked as a miner. His mother died when he was seven years of age and his father a few years after. Elmer Beckwith, a Longmont editor, knew the boy to be bright and honest so asked the boy to live with him and aid in printing the paper after school hours.

While Alva and Minnie were attending the Academy they

fell in love and were married January 1, 1891, by the Rev. W. O. Thompson, superintendent of the Academy. To this union three daughters were born, Elva McMillen, now of Portland, Oregon, Pansy Watson, Greeley, and Phoebe Wigham of Sacramento, California.

After Mr. Beckwith sold his Longmont newspaper and moved to California Alva Mayne wanted to try something different. He bought a logging mill in South Park which he operated while he and Mrs. Mayne lived in Buffalo.

It was here on a Fourth of July that the Maynes took another couple to the hills for a picnic; driving a team and wagon they forded the Platte River to reach their destination. The traditional Fourth of July rain turned into a tremendous electric storm, followed by a cloud burst. Minnie Bell and her friend had taken large umbrellas as a shield from sun or rain but the lightning followed the ribs of the umbrella with such strength the women felt a sharp tingling through the wooden handles. The umbrellas were discarded and both couples were thoroughly drenched. Finally they found shelter in an empty cabin until the storm passed. When they returned to the Platte River they found a torrent that was sweeping logs along as though they were matches. Nevertheless Mr. Mayne urged the horses into the flood and by dexterous driving and much luck the crossing was accomplished.

Throughout the years Minnie Bell had retained her half of the William Brush farms and they needed someone to manage them. So after a brief period of operating a lumber yard in Denver, the Maynes moved to the Johnstown farm where they remained until Alva's death in 1939.

Minnie tells of the advent of the automobile in this manner:

"About the time that we returned to the ranch, cars were beginning to chug about the country but as they became stuck at every sand pile I had nothing but disdain for them. I had a big black driving horse of my own and was content to drive my polished buggy with the kerosene lamps on the sides any place I cared to go. It took me only three hours to drive into Greeley! If an automobile came my way the driving horse would be aware of it long before I was and would begin to prance. When the car neared I'd have to get out and lead the horse past it. At that time I never dreamed that one day I would own one of those 'infernal contraptions' and drive it for years."

While Mrs. Mayne resided on the farm the women in the little town of Milliken two miles away decided that the community

needed a public library. Mrs. Mayne joined whole heartedly in the project as the women gave dinners, made quilts, and carried out other money-raising projects. After the funds were obtained the women themselves hauled most of the brick for the building. Then they donated books and for many years took turns in serving as free librarians. Minnie Bell says she obtained a great deal of satisfaction from this endeavor for it seemed to her these women were carrying out the pioneer tradition of opportunity for all.

The Prairie Fire

By A. R. Ross*

When the buffalo visited Colorado the last time, in the fall of 1874, they chose the same part of the state they had occupied the previous year, namely the Fort Morgan Flats and the country south of the Arickaree River. They appeared on our range very suddenly, coming during the night. The cattlemen were not only surprised but very much disturbed at the prospect of wintering a large herd of buffalo in addition to the thousands of cattle already on the range.

Hot on the trail of the truant buffalo came Sioux Indians, who had followed them evidently bent on forcing them to return to their home in the Dakotas, for they had played "hookey" again. These periodic visits had caused the Indians some anxiety as to their return.

The cattlemen had another problem to solve. Their range had been changed into a buffalo hunting ground. Everyone who had a gun, or could borrow one, was out to take a shot at the big game. The roads to the Fort Morgan Flats were in constant use. Hunters came from all over the state, and adjoining states, anxious to secure their share of free buffalo steaks "while the getting was good." The very presence of the buffalo disturbed the cattle and crowded them off the range, and more riders were required to "circle" them back. The stockmen had taken every precaution to watch the Indians' movements. They increased the number of range riders, sent out "circle" riders in relays, and added night riders.

When the time came for me to go out on "circle," I chose my favorite saddle horse, "Cherokee," noted for his endurance as well as his speed. I was advised by an old "Rider" to always ride a good horse while on "circle" in an Indian country. His advice was good. This was the month of November, and as I rode along I noticed how dry and thick the grass looked and could not help thinking of the speed and heat a fire would make if once started. I headed south

very early in the morning and with Cherokee in his running walk soon reached the tall grass and a hill that put me in full view of our range on the Arickaree. On the southern horizon a tiny column of smoke attracted my attention at once. I sat as if transfixed for I was certain it was an Indian signal. In a few minutes another one showed farther to the east and then at regular intervals others appeared all to the east. I was wondering what my next move should be and if other riders would see the same signals. The Indians were without doubt sending out warnings to the hunters of their tribe who were in the path of the fire to get out by going east which would give them time to get away. As I read the signs, I was sure I was in the path of the fire myself. Suddenly a heavy smoke rose much nearer in the tall grass. The prevailing wind from the south soon whipped it into a fury. The Indians had started their "going out" plan and their revenge on the white man in the White Man's country. On, on came the fire, higher and higher, wider and wider, faster and faster, destroying every particle of valuable feed for the thousands of stock that were grazing peacefully contented; driving, driving both wild and tame animals before it. My next move was right about face and do it quickly. I turned my horse and headed straight north to beat that fire to the short grass on the Flats where its speed would be checked. It would have been impossible for me to get around it either east or west. I urged my horse for the first few miles to do his best, using spur and quirt. He had gotten me out of many a close place and I had faith in him now. He proved his worth again, for soon I saw that we were leaving the fire behind and I pulled him in. I reached the short grass country on the South Platte watershed sloping to the north as the fire decreased and the low smoke began to rise from the ground. In a short time the massive herd of mixed animals came into view. Their singed hair and lolling tongues told the tale of how close the race for life had been. The timid but speedy antelope, the fleetest of them all, stock cows and horses, and most of the buffalo came through. None of the cattlemen lost any stock in the fire, a record seldom paralleled in prairie fire history, but not all of the buffalo that started ahead of the fire reached the Platte River. Old ones that could not beat the fire were passed over and left to starve on the charred and blackened plains. With their eyes blinded by the intense heat and their hair singed to the skin, they were found by riders later who passed over the burned district as soon as it cooled off and was safe to cross. The riders destroyed the suffering creatures for humane reasons and reported that they were perfect pictures of despair, heads lowered, totally blind, and many miles from feed and water.

The Indians had successfully carried out their plan to drive the buffalo away from the White Man's country regardless of any damage that might come to settler and stockman. The destruction

*Mr. Ross, of Fort Collins, contributed an article to our March, 1946, magazine upon "Hunting Buffalo in the Seventies."—Ed.

of the luxuriant and bountiful winter feed in that district was thorough and complete.

The Indians read the signal fires and sidetracked the prairie fire by going east where they joined up with the signal Indians and followed the old Texas cattle trail northwest until they caught up with the singed bunch of buffalo that had beaten the fire to the Platte River, and all of them made a triumphant entry into the Sioux country to celebrate their victory over the White Man. The truant buffalo had learned their lesson for they never left their home state again.

The sympathy of the community and territory was with the stockman who had overcome so many losses in the 70's by extreme drouth, severe winters, cattle rustlers, Indian troubles, and now fire. No grass could be expected until June of next year. I was 16 years of age at the time and was personally interested in some of the cattle that were driven off the range, since I had invested part of my wages as a rider each month in cattle and was trying to collect a herd.

The Indians had won in their plan in driving the buffalo out and left the cattle owner with his stock scattered to the four winds and no feed. He was now compelled to send riders to the spring roundups in four states, including the Panhandle of the Indian territory, now Oklahoma, in order to gather up his herds.

Once more the true western spirit of courage and determination was shown for the stockman was ready in the spring and after gathering his cattle, he returned them to their range now grown up to a beautiful new crop, and soon he was riding with his cowboys in the tall grass again.

But his time on the open range was not to be of long duration; it was already earmarked by the settler who appeared in his covered wagon with his family to file on the land, establish a home, and stretch fences across the well-worn cattle trails. The barbed wire entanglements of the settler strangled the old freedom forever.

* * * * *

Only a rider, a man of the past
 The farmer surrounds him, he's cornered at last.
 Four ways of the compass he looks with despair
 This true and tried "puncher" with silver gray hair.
 Now we have riders of Rodeo fame
 The silk-shirted rider is "bucking the game"
 He rides out to win right hand to the sky
 To the Pioneer rider, we bid him goodbye.

—Verses from the poem "The Passing
 of the Cowboy."—A. R. Ross.