

Some Controversial Questions Before the Colorado Constitutional Convention of 1876

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The making of constitutions in the United States has always been a serious matter, and probably we Americans have had more experience along this line than any other people on earth. Between 1776 and 1900, in addition to the Articles of Confederation and the Constitution of 1787, no fewer than 121 constitutions were drawn up in the several states.

These were all written constitutions. Despite the fact—or perhaps because of the fact—that England's constitution was unwritten, all American constitutions have been put down in black and white. Why? In the light of the relations between the colonists and the mother country in the revolutionary period, it could hardly have been otherwise. The Americans objected to certain of Britain's actions, such as the use of writs of assistance and the Stamp Act, on the ground that they were unconstitutional. It was a violation of the fundamental law, said the colonists, to tax an Englishman—or anyone who enjoyed the rights of an Englishman—without his consent. But it was hard to make this point stick when arguing with a people who had come to believe that every act of Parliament was necessarily legal, and who had no formal or written constitution to which an appeal could be made. Naturally at the close of this controversy the Americans put their constitutions in writing.

Moreover, the patriots of 1776 were inclined to regard government as an evil, a necessary evil perhaps, but still an evil. They must look sharp or government would encroach on their liberties. "Government, like dress," said Tom Paine, "is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise." One purpose of written constitutions was to limit governments; and so they usually contained specific prohibitions on certain actions, bills of rights, and checks and balances. In addition there has been a tendency in recent years to incorporate a mass of legislative detail in state constitutions so as to

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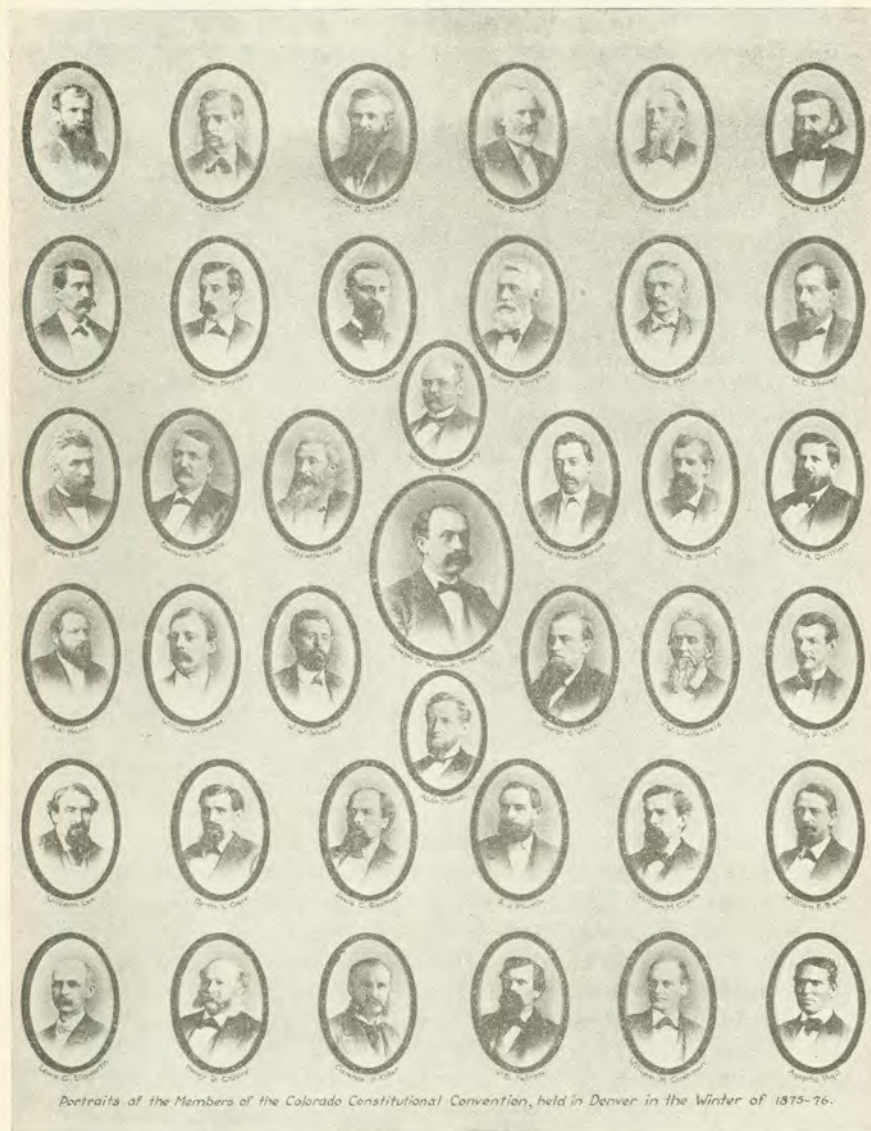
prevent the legislatures from doing wrong. The first state constitutions, like the Constitution of the United States, were short; the more recent documents have been much longer.

But even though there is a good deal in some of our constitutions that had better be in the law codes, we here in America have made a distinction between our constitutions and ordinary statute law. To be valid, the latter must be consonant with the former. As the framers of the Constitution of 1787 put it: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, * * * shall be the supreme law of the land." Since constitutions set the standard by which ordinary laws are to be tested, it becomes especially important to make good constitutions; it follows also that when constitutions are made, interested groups will try to get into them what they desire and to keep out what they dislike. A study of the points of controversy in the making of a constitution will reveal something about the economic, social, and political problems of the period.

In this sketch of the controversial issues before the Colorado Constitutional Convention of 1876 no pretense is made to completeness. After a brief discussion of the background, five problems in which there was general popular interest will be treated in summary fashion. In the discussion which follows the aim is not so much to give a narrative of what happened as an explanation in the light of contemporary ideas and conditions.

Two phases of the background, party politics and sectional rivalries in the Territory, should be mentioned at the outset. In the election of delegates and in the organization of the Convention party politics provided the first occasion for discord. In most of the districts there had been political contests and the majority of the delegates had been elected on the basis of their party affiliations. In this pre-convention struggle the Republicans had been more successful than the Democrats, electing 24 of the 39 delegates. Taking advantage of their numerical preponderance, the Republicans organized the Convention, allowing to the minority, however, the temporary chairmanship, one clerkship, and the relatively unimportant posts of page, interpreter, and fireman. Some Democrats were dissatisfied, and one delegate, Mr. George E. Pease of Lake and Park counties, vigorously denounced the majority group for having engrossed the chief offices in spite of all that had been said about non-partisanship. When he finished one of his colleagues said, "Let us have Pease."¹—words full of meaning to all men who remembered President Grant's famous plea for unity. Happily the party spirit soon subsided. This was both fortunate and noteworthy.

¹E. T. Wells, "State Constitutional Convention," in *Legislative, Historical and Biographical Compendium of Colorado*, 151.



Portraits of the Members of the Colorado Constitutional Convention, held in Denver in the Winter of 1875-76.

Top row: Wilbur F. Stone, A. D. Cooper, John S. Wheeler, H. P. H. Bromwell, Daniel Hurd, Frederick J. Ebert. Second row: Casimero Barela, George Boyles, Henry C. Thatcher, Robert Douglas, William H. Meyer, W. C. Stover. Third row: George E. Pease, Ebenezer T. Wells, Lafayette Head, William R. Kennedy, Jesus Maria Garcia, John S. Hough, Robert A. Quillian. Fourth row: A. K. Yount, William H. James, W. W. Webster, Joseph C. Wilson (President), George G. White, J. W. Widderfield, Phillip P. Wilcox. Fifth row: William Lee, Byron L. Carr, Lewis C. Rockwell, Alvin Marsh, S. J. Plumb, William M. Clark, William E. Back. Bottom row: Lewis C. Ellsworth, Henry R. Crosby, Clarence P. Elder, W. B. Felton, William H. Cushman and Agapito Vigil.

Little more than ten years had passed since the close of the Civil War. "Waving the bloody shirt" was still engaged in extensively by the orators of both the North and the South. Republicans made political capital out of the connections of the Democratic Party with the South. Democrats accused the Republicans of graft and inefficiency, and for proof pointed to the Grant administration. Later in the year 1876 the Hayes-Tilden campaign was fought with great bitterness. All over the North and the West in November of that year "old soldiers" in their blue coats went to the polls to cast their votes for Hayes and to save the Union from falling into the clutches of a party "tainted with treason." In both North and South Democrats voted for Tilden in the hope that his victory would result in the cleaning of the Augean stables in Washington. Party spirit was running high in the nation when the Colorado Constitutional Convention met, but except for the brief flurry noted above it was not in evidence during the course of the deliberations in Denver.²

A second possible disturbing influence was sectionalism, the rivalry between the northern and southern parts of Colorado. South of "the Divide" there was considerable jealousy of Denver and the feeling that if statehood were obtained the northern section would try to monopolize the chief offices.³ This notion seems not to have been strong in the Convention, but it did appear in connection with the vote of the people on the Constitution.

Turning now to the controversies which arose with respect to the contents of the Constitution, we note first that there were several which involved religion. Three of these will be discussed briefly.

THE PREAMBLE

First, there was the Preamble. Should it make formal acknowledgment of man's gratitude to and dependence upon the Supreme Being? The Preamble first proposed followed closely the wording of that of the Constitution of the United States.⁴ When an effort was made to introduce the name of God, one of the delegates reminded the Convention that there was no reference to the Deity in the Constitution of the United States and said that if such formal mention were made in the Colorado Constitution he was not sure "whether it would be a compliment to God or to ourselves."⁵ The people took a hand in the debate; seven petitions, carrying over five hundred names, came in from persons who wanted some recognition of the Deity in the Constitution. After one such petition was presented Mr. Byron Carr of Boulder County, apparently irritated

²Wells, *op. cit.*, 166; H. P. H. Bromwell, in Frank Hall, *History of the State of Colorado*, II, 296.

³Cf. *Denver Daily Times*, Dec. 27, 1875, p. 2, col. 1; *Denver Daily Tribune*, Feb. 5, 1876, p. 1, col. 2.

⁴*Proceedings of the Constitutional Convention*, 43.

⁵*Denver Daily Times*, Jan. 10, 1876, p. 1, col. 5.

by the popular pressure that was being exerted in connection with this and other religious issues, suggested that a Committee on Theological Affairs be named;⁶ a few days later another delegate, Mr. Henry R. Crosby of La Plata, suggested that such petitions be referred to a new Committee on Waste Baskets.⁷ As finally adopted, with only four dissenting votes,⁸ the Preamble recognized the existence of God in these words: "We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, * * * do ordain and establish this Constitution. * * *"

In this connection one trend in our religious history may be noted. The Preamble of the Constitution of the United States, in which there is no mention of God, was written at a time when evangelical Christianity was temporarily weak in this country; deism, infidelity, and atheism were relatively strong in the latter part of the eighteenth century. The daily sessions of the Federal Convention of 1787 were not opened with prayer. However, at a point when the delegates appeared to be hopelessly deadlocked the aged Benjamin Franklin suggested that they invite a minister to invoke God's blessing and guidance. But this was not done, partly because of the fear that the public, which knew nothing of what had gone on in the Convention, would be alarmed by so patent an admission that they had reached the end of their human resources. In the Colorado Convention, on the contrary, the sessions—which by the way were open to the public—were regularly opened with prayer. In this respect and in the recognition of God in the Preamble, Colorado reflected the greater emphasis on orthodoxy which had developed with the passing of the years. This tendency is shown by a comparison of the wording of preambles made before and after the middle of the nineteenth century. As appears from the following table, most of the state constitutions drafted before 1840 made no mention of the Deity, while most of those made after that date did so.

Years	Number of Constitutions	Name of God in Preamble	
		No	Yes
1776-1780.....	13	10	3
1784-1802.....	13	11	2
1812-1821.....	9	6	3
1830-1838.....	10	9	1
1840-1850.....	12	4	8
1851-1859.....	11	4	7
1860-1868.....	23	7	16
1870-1879.....	15	2	13
1880-1900.....	13	0	13

⁶*Ibid.*, Jan. 22, 1876, p. 1, col. 6.

⁷*Denver Daily Tribune*, Jan. 27, 1876, p. 1, col. 1.

⁸*Proceedings*, 307-08.

In the sixty-four years between 1776 and 1840, 45 state constitutions were made in the United States; in only nine of these is the name of God mentioned in the Preamble. In the sixty years between 1840 and 1900, 62 constitutions were made; the score for these years stands 49 for and 13 against formal recognition of the Deity.⁹ In the wording of the Preamble of its Constitution Colorado shared in the tendency of the period.

TAXATION OF CHURCH PROPERTY

A second controversial question with religious implications had to do with the taxation of church property. Should it be taxed as other property? If not taxed, should this exemption extend to all the holdings of an ecclesiastical society, to that part only which was actually used for religious purposes, or to the property below a certain value? Perhaps one reason the problem received so much attention in the Colorado Convention was the fear some men had of the Roman Catholic Church, which was already strong among the Spanish-American population; they did not want it to become so great a holder of real property as was the case in Mexico and certain European countries. Furthermore, President Grant had recently raised the question in his annual message to Congress in December, 1875.¹⁰ The President pointed out that in 1850 the value of untaxed church property in the United States was about \$83,000,000. By 1860, he said, the amount had doubled; and in 1875 it amounted to about one billion dollars. By 1900 he thought it would probably be in excess of three billion dollars. "So vast a sum," said President Grant, "receiving all the protection and benefits of Government without bearing its proportion of the burdens and expenses of the same will not be looked upon acquiescently by those who have to pay the taxes. * * * The contemplation of so vast a property as here alluded to, without taxation, may lead to sequestration without constitutional authority and through blood." He suggested "the taxation of all property equally, whether church or corporation, exempting only the last resting place of the dead and possibly, with proper restrictions, church edifices."

The question attracted wide interest in Colorado, and many petitions were sent to the Convention. In these, four distinct proposals were advocated. In one petition a strongly anti-clerical position was taken by the 56 signatories.¹¹ They asked first that churches and other ecclesiastical property be taxed. Then to emphasize their ardent desire for the complete separation of church and state they prayed also that chaplains be not employed in state institutions, that the Bible be not read in the public schools, that the

Governor should not appoint any day for religious festivals or feasts—they did not want one official Thanksgiving day, let alone two in one year—that all laws directly or indirectly enforcing the observance of Sunday as the Sabbath should cease, and that all laws looking to the enforcement of Christian morality should be abrogated. Those demands were too extreme to get much support. On the other hand, there were some petitions in which the request was made that the exemption of church property from taxation be incorporated in the Constitution.¹² Another group of petitioners asked that the legislature be left free to use its discretion as to the exemption of church property from taxation.¹³ Finally there was one petition in which it was suggested that church property be exempt up to the value of \$8,000.¹⁴

The arguments pro and con are well known and need not be repeated at length. Proponents of taxation pointed out that church property enjoyed the protection of the state, and consequently it was only fair that it should bear its share of the burden. It was claimed on the other side that churches, which were essential to civilization, were having a hard time to exist, and to tax them would have the effect of closing some of the weaker ones. "Can we afford to insult the claims of God and the institution of Christianity," asked one correspondent of a Denver newspaper, "by dragging down to a common level of taxation the property which has been solemnly consecrated to God, and force them to stand upon an equal footing with the race course [and] drinking saloon?"¹⁵ That is an absurd argument, wrote another correspondent in rebuttal. Does taxing our homes, where our mothers, wives, sisters, and daughters spend most of their time, put them on the same level with the race course?¹⁶

Another argument in favor of exemption was that capital would be frightened away from Colorado if the new State gave evidence of an anti-religious bias by the taxation of church property, especially that part which was actually used for purposes of worship. "Thousands of intelligent people," according to one letter, "have their eyes on Colorado, and are only awaiting our erection into a State before coming here with their families and means to enjoy this rich heritage of the Lord. But if in our fundamental law we declare a policy so narrow and suicidal, they will commit their children and property to safer custodians. Capital will go where it has churches and schoolhouses to protect it."¹⁷ Whatever one may think of the merits of such arguments, anyone who reads the

⁹*Ibid.*, 146.

¹⁰*Ibid.*, 138.

¹¹*Ibid.*, 152.

¹²*Denver Daily Times*, Jan. 18, 1876, p. 2, col. 1.

¹³*Ibid.*, Jan. 20, 1876, p. 2, col. 2.

¹⁴*Ibid.*, Jan. 27, 1876, p. 2, col. 2.

⁹Compilation based on F. N. Thorpe, *Federal and State Constitutions*, *passim*.

¹⁰J. D. Richardson, *Messages and Papers of the Presidents*, VI, 4288.

¹¹*Proceedings*, 83.

discussions of the period will probably be impressed by the anxiety of the people of Colorado to make a good impression on the rest of the country and to attract settlers and capital to the Territory.

A moderate policy prevailed in the matter of the taxation of church property. The pertinent section in the Constitution (Art. X, Sect. 5) as adopted reads as follows: "Lots, with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools, or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law."

THE SCHOOL FUNDS

The third and by far the most sharply contested religious question before the Convention involved school funds. Should these be reserved exclusively for the public schools or should the legislature be permitted to allocate part of the revenues to parochial schools? In general the Roman Catholics favored the latter policy, and said that since they wished their children to attend private schools under religious auspices it was not fair that they should be required to pay both tuition and their school taxes, while the State, which now had fewer children to educate, made no contribution to their educational system. The opponents of diversion stressed the necessity of separating absolutely church and state and of maintaining the principle of the democratic public school open to and attended by all children of school age, irrespective of race or faith.

The fundamental issues were mainly in the realm of ideas, but the amount of the school funds involved was not small. By the Enabling Act Congress had offered to Colorado sections 16 and 36 of every township for the support of common schools;¹⁸ where these sections had already been sold or otherwise disposed of, substitution was to be permitted. Two sections out of every township, or one-eighteenth of the area of the Territory, amounted to more than three and a half million acres of land. Furthermore, by the Enabling Act this princely domain might not be sold for less than \$2.50 per acre. If all this land were sold at that minimum price the school fund would be enriched by nearly \$9,000,000.

The majority of the members of the Convention were clearly opposed to any division of the school fund for sectarian purposes. One of the first resolutions introduced was that no public money should be used for the support of any school under denominational control.¹⁹ Many petitions were presented both in support of and in opposition to this position. One memorial signed by Bishop Joseph

¹⁸*Proceedings*, 11.

¹⁹*Ibid.*, 43.

P. Machebeuf of the Roman Catholic Church and 106 others protested against any provision which would prevent diversion of the school fund. They did not ask that the Constitution itself should provide for diversion, but rather that there should be no prohibition on such action by the legislature. This petition closed with a warning: "We shall feel bound in conscience, both as Catholics and as American citizens, to oppose any Constitution which shall show such contempt of our most valued rights, both political and religious."²⁰ In commenting on this threat the editor of the *Denver Times* said that while the Catholic attitude had been well known it had been hoped that the head of the Catholic Church in Colorado would not enter the political arena. "Now suppose the Baptists, the Methodists, Unitarians, Universalists, Spiritualists, Jews, and all the rest should pursue a similar course and all declare they will do what they can to defeat the Constitution unless they each and severally have some hope held out to them that at a time in the future their dogmas shall be taught at public expense? If we all go to work in that manner we will see Noah's ark come sailing along over the plains before we become a State."²¹

So sharp was the criticism of Bishop Machebeuf for his announcement that Catholics would oppose the adoption of the Constitution if it did not permit diversion of the school fund that he sent to the Convention a letter, conciliatory in tone, of defense and explanation. He referred to his long life in the Territory and his many services to its people as evidence of his love for Colorado. However, he was not writing merely as a private citizen: he represented officially the Catholic Church, an institution which "has always declared the necessity of a religious education for the young, and the advisability of uniting, so far as practicable, secular with religious instruction. Such is the position occupied by the church today in Europe, as well as America. If the future may be judged by the past and the present, such will be likewise the future position of the church." All that the Catholics asked was that there should be no clause in the Constitution that would forbid future legislative bodies from dealing with the question as they saw fit. Of course, the Catholics would bow to the will of the majority, even though they thought it unjust. Then why not let the question be settled now by the vote of the Convention, subject to the approval of the people? There were two reasons, said the Bishop: first, the question had not been discussed fully and dispassionately; and secondly, while a bare majority could adopt the Constitution, it would take a two-thirds majority to amend it. Hence a minority, once a provision were in the Constitution, could

²⁰*Ibid.*, 235.

²¹*Denver Daily Times*, Feb. 6, 1876, p. 2, col. 1.

prevent a change. He granted that at the moment a majority of the people in the Territory were opposed to the Catholic position. He looked to the future. "A day shall at last dawn—surely it shall—when the passions of this hour will have subsided; when the exigencies of partisan politics will no longer stand in the way of right and justice, and political and religious equality shall again seem the heritage of the American citizen. And when that hour comes we desire that no oppressive minority shall have the power to paralyze the action and defeat the instructions of an upright and fair-minded majority."²²

Altogether 45 petitions were presented to the Convention on this subject. Seven of these, with about 1,100 signatures, asked that the Legislature be left free to divert the school funds; thirty-eight, with over 1,500 names attached, urged that the use of public money for sectarian education be forever prohibited.

Both in and out of the Convention majority opinion was in favor of settling the question then and there, so as to take it out of State politics, and of endorsing what was regarded as the established American principle of complete separation of church and state. When considered in the Committee of the Whole the sentiment was so decided against diversion that the vote on the section prohibiting the use of public funds for sectarian purposes became a mere matter of form. The prohibition finally incorporated in the Constitution (Art. IX, Sec. 7) is comprehensive: "Neither the General Assembly, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support, or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money, or other personal property, ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose."

RAILROADS

The Colorado Constitutional Convention met in the midst of the Granger agitation over railroads. For several years western farmers had been complaining about excessive rates and unfair discrimination. In many Mississippi Valley states constitutional conventions and legislatures had tried to stop these abuses. Illinois had been one of the leaders in the movement. In its Constitution of 1870, which, by the way, Mr. H. P. H. Bromwell of the Colorado Convention had helped make, railways were declared to be public highways and "free to all persons for the transportation of their

persons and property thereon under such regulations as may be prescribed by law"; the General Assembly was instructed not only to pass laws to correct abuses and prevent unjust discrimination and extortion in rates, but also to establish reasonable maximum rates.²³ Such laws were soon passed not only in Illinois but also in neighboring states; perhaps the most famous of these was the Potter law of Wisconsin. Some of this Granger legislation probably over-shot the mark; it was passed hastily by farmer legislators who probably had more enthusiasm for a good cause than knowledge of the problems of railroad management. The railroad companies, probably exaggerating their difficulties, said they could not operate under such laws and curtailed their services; in Wisconsin, for example, they gave the public "Potter cars, Potter rails, and Potter time." The Panic of 1873 also interfered with railroad construction and operation in the West. The result was a reaction in some places against the drastic legislation sponsored by the Grangers.

The delegates to the Colorado Convention were subject to two influences: on the one hand, there was the fear of great corporations and the desire that the public be protected against extortion and monopoly; on the other, the belief that Colorado needed outside capital and must encourage the construction of railroads. There were in Colorado in 1876 only about 900 miles of railroads. It was taken for granted that railroads would be privately built and operated. The problem was how to protect the interests of the people without scaring away the capital that was so essential for the economic development of the region.

Early in the deliberations of the Convention Mr. A. D. Cooper of Fremont County introduced a resolution similar to the statement in the Illinois Constitution: railways were declared public highways and the legislature was instructed to pass laws to prevent abuses and to fix reasonable maximum rates.²⁴ Mr. Bromwell of Denver, whose connection with the Illinois Constitutional Convention of 1870 has already been noted, introduced two resolutions which were intended to lay down certain basic principles to guide the Convention in its deliberations along this line: (1) the governmental powers of the State are inalienable and cannot be waived in favor of any man or body of men; (2) the power to regulate commerce within the State remains inherent in the people of Colorado, and from the exercise of this power neither the legislative, executive nor judicial arm of government can lawfully shirk.²⁵ The adoption of the Bromwell resolutions, although by a narrow margin,²⁶ suggested to some observers that the Granger crowd was in control of the Convention.

²²Thorpe, *Federal and State Constitutions*, II, 1043.

²³*Proceedings*, 59.

²⁴*Ibid.*, 72.

²⁵*Ibid.*, 116.

²⁶*Proceedings*, 331.

The editor of the *Denver Tribune* sounded a note of warning. There were in the Convention, he said, two opposing theories about the legislative control of railroads: the old Democratic or Jeffersonian idea that the State should not interfere with the management of business; and the modern Granger opinion that it should supervise those forms of business that concern the public. "It is a somewhat strange fact," the editor noted, "that as the cost of transportation * * * decreases, the feeling in favor of legislative restraint upon the transportation companies or corporations becomes stronger." He called attention to the dependence of Colorado on railroads and expressed the hope that they would be treated fairly.²⁷ The Honorable John Evans, former governor of Colorado Territory, petitioned the Convention to frame the Constitution so as to make safe the capital invested in railroads and to give them the same protection enjoyed by other forms of property; without such guarantees it would be difficult to induce capitalists to invest money in railroads in Colorado.²⁸ Fifty prominent business men of Denver presented a petition urging moderation in the wording of the Constitution with respect to railroads. They did not ask for special benefits or exemptions for them, but that they be made secure against unjust interference. Among the signers were J. S. Brown, Wolfe Londoner, C. B. Kountz, J. Jay Joslin, William N. Byers, Walter Cheesman, B. M. Hughes, D. H. Moffat, Jr., and Daniels & Fisher Co.²⁹

At one stage in the discussion Mr. Bromwell proposed that the Supreme Court be given original jurisdiction in railroad controversies and be authorized to "order and decree" just and reasonable rates.³⁰ Mr. H. C. Thatcher of Pueblo spoke against this "novel and unprecedented" suggestion, which would have the effect, if adopted, of making the Supreme Court general manager of all the railroads in Colorado.³¹ Mr. Bromwell's plan was lost in the Committee of the Whole.

The Article on Corporations as it emerged first from the Committee on Private and Public Corporations and later from the Committee of the Whole did not declare specifically the power of the State to fix railroad rates.³² It did, however, declare (1) that no corporation should be created by special law; (2) that the General Assembly should have the power to revoke or annul any charter when it was found to be injurious to the people of the State; (3) that all railways are public highways and all railroad companies are common carriers; (4) that all individuals and corporations

²⁷*Denver Daily Tribune*, Jan. 15, 1876, p. 2, col. 1.

²⁸*Denver Daily Times*, Jan. 22, 1876, p. 2, col. 2.

²⁹*Denver Daily Tribune*, Feb. 1, 1876, p. 4, col. 3.

³⁰*Proceedings*, 341.

³¹*Denver Daily Tribune*, Feb. 28, 1876, p. 1, col. 2.

³²*Proceedings*, 333, 425.

should have equal rights to have their persons and property transported over the railroads in the State without undue or unreasonable discrimination. Mr. Carr of Boulder County moved to amend the last provision by adding the words "at just and reasonable rates." This motion was lost by a vote of 11 ayes to 22 noes.³³ Perhaps some voted no because they did not believe in state regulation of rates; but there was at least one member, Mr. Rockwell of Gilpin County, who said that this specific grant of power was not necessary, since it was amply covered by the power to revoke the charters of corporations which operated to the injury of the people.³⁴

The Convention, as its members said in their "Address to the People," had followed a moderate policy with respect to railroads. No problem that had come before the Convention had given them more trouble and anxiety. After summarizing the various provisions which had been put in the Constitution in the interest of the people, they said: "We are aware that these provisions do not cover the whole ground, but it must be remembered that while some of our sister States have not gone far enough in placing restrictions on the legislative power, others have gone too far, and have had to recede. We have endeavored to take a middle ground, believing it to be more safe, and in the end that it will give more general satisfaction."³⁵

This moderation is especially noteworthy when set against the more positive pronouncements made in other states about the same time. Five other western states made constitutions in the decade of the 'seventies. As noted above, the Illinois Constitution of 1870 gave a mandate to the General Assembly to pass laws establishing reasonable maximum rates; almost the same words are found in the Missouri and Nebraska constitutions, both of which were made in 1875, and in the Texas Constitution of 1876.³⁶ In the California Constitution of 1879 all railroad, canal, and other transportation companies were declared to be common carriers, and "subject to legislative control."³⁷ Colorado with a vast territory, a sparse population, few railroads, and undeveloped resources was cautious about offending capital; there were also some who were afraid that the business interests of the Territory would throw their influence against the Constitution if they had strong reasons for disliking the document.

WOMAN SUFFRAGE

All over the United States advocates of woman suffrage fixed their eyes on Colorado. Perhaps the men of a far western terri-

³³*Proceedings*, 448.

³⁴*Denver Daily Tribune*, Feb. 29, 1876, p. 4, col. 4.

³⁵"Address to the People," in *Proceedings*, 728.

³⁶Thorpe, *Federal and State Constitutions*, II, 1043; IV, 2266, 2382; VI, 3649.

³⁷*Ibid.*, I, 439.

tory, democratic, bold, free from traditions, would be the first to give a new meaning to the Declaration of Independence. "Colorado is to be the Centennial State," wrote the Executive Committee of the Woman Suffrage Association of Missouri. "Its admission to the Union will be celebrated jointly with the day of our National birth. It is not surprising, then, * * * that women of whatever section should look with hopeful expectance to this rising star in the political firmament. May we not hope then, that in the new Constitution, about which cluster so many auspicious auguries, woman may be remembered, and that here at last she may be endowed with the rights and privileges which we consider the birth-right of every American citizen. So happy an opportunity to do a just and noble deed will never come to any State again. * * * Let Colorado be the first State to come into the Union with an unsullied record. Let not her fair escutcheon be stained with injustice to women, and we will forever regard her as the most precious jewel in the diadem of our country."³⁸

Lucy Stone, who wrote from Boston, also invoked memories of 1776: "The commissioners who are to form it [the Colorado Constitution] have the rare opportunity to achieve by peaceful means what our revolutionary fathers fought seven years to obtain. A hundred years are gone, and the people of the civilized world stop to pay special honor to the memory of men who declared that 'taxation without representation is tyranny'; that 'the consent of the governed is the basis of a just government.' These two great principles wait to be applied to women. * * * No part of the new Constitution of Colorado in this Centennial year can be more appropriate, or have more historic credit a hundred years hence, than that part which shall secure to women the right to a voice in making the laws they will have to obey, and in the amount and use of the taxes they will have to pay."³⁹ The proponents of woman suffrage also made much of the fact that Negroes had just been enfranchised. They asked embarrassing questions. Is not an intelligent, educated white woman as well qualified to vote as an ignorant black man?

Now if you are inclined to admit the force of such contentions, I beg of you to reserve judgment until you have heard at least one spokesman on the other side. When the fight was growing warm the editor of the *Denver Tribune* took his pen in hand and dashed off the argument to end arguments on "Female Suffrage." He granted that the claims of the suffragists were plausible, and that there might even be abstract justice on their side; but that was all beside the point. We must not think about women in the abstract, but in their actual relations in life. "However intensely it may

³⁸*Proceedings*, 112.

³⁹*Denver Daily Times*, Jan. 11, 1876, p. 4, col. 2. Lucy Stone and William Lloyd Garrison were among the signers of the memorial sent by the Massachusetts Woman Suffrage Association. *Proceedings*, 314.

disgust Susan B. Anthony, Annie Dickinson and others, it is nevertheless a fact, a melancholy one perhaps, but indisputable, that it is the fate of more than nine tenths of the women of the world to become wives and thus be placed in positions where they will be compelled to engage in the business of cooking potatoes, darning stockings and taking care of babies.

"This assignment of duties may be all wrong. * * * But as long as women continue to surpass men * * * in the art of cooking; * * * and as long as for certain reasons, they remain able to so much more quickly still the cries of an agitated infant; it is altogether probable that these duties and others of a similar nature will continue to devolve upon them.

"The family is indeed the foundation of everything. Upon the maintenance of peace and harmony in the family depends the preservation of social purity and of all social interests. Unless peace be maintained in the family, social order cannot be preserved. And if the right of suffrage be given to woman she will either vote with her husband or against him. And thus either the grant will amount to nothing, or an element of discord will be introduced into the family * * *.

"With washing day coming around with relentless regularity; with housecleaning occurring at severely regular intervals; with stoves to polish and carpets to put down; with fires to build cold mornings; * * * with careless awkward brothers of the husband that lean back in the costly but weak-legged chairs, and stumble against the marble table, knocking over the best lamp to break on the best carpet; with the husband's bachelor friends coming to dine, that track mud on the carpet, and fail to direct discharges of tobacco saliva at the spittoon; * * * with teething babies that must be carried by night; * * * it would seem that there already exist in families enough elements of discord without adding another more irritating and perilous than any or all the existing ones."⁴⁰

The advocates of woman suffrage, undeterred by such arguments, held mass meetings in Denver⁴¹ and sent in petitions, one of which contained a thousand signatures,⁴² but in vain so far as their main and immediate object was concerned. The men of the Convention were too conservative to take so bold a step at that time and too anxious to secure for Colorado the coveted name of "Centennial State"⁴³ to risk the defeat of the Constitution by incorporating in it so controversial a provision as that of woman suffrage. However, two concessions were made: (1) women were to be allowed to vote

⁴⁰*Denver Daily Tribune*, Feb. 14, 1876, p. 2, col. 1.

⁴¹*Denver Daily Times*, Jan. 11, 1876, p. 4, col. 2.

⁴²*Daily Rocky Mountain News*, Jan. 13, 1876, p. 4.

⁴³*Denver Daily Times*, March 4, 1876, p. 4, col. 1; "Address to the People," in *Proceedings*, 730.

in school elections and to hold school district offices; (2) the General Assembly was instructed at its first session, and given permission at any subsequent session, to enact laws extending the right of suffrage to women. No such enactment, however, was to go into effect until it had been approved by a majority of the voters at a general election. In accordance with this mandate the question was submitted to the voters, male of course, in 1877; the vote was about ten thousand for and twenty thousand against woman suffrage. In 1893 victory came to the suffragists, but Wyoming, not Colorado, is entitled to the honor of having been the first state to put men and women on a basis of equality at the polls.

There were several other difficult and controversial problems before the Convention of 1876, such as irrigation, the grand jury system, forest culture, the exemption of mining property from taxation, and poison liquor, but time is lacking for a discussion of these matters. They have been passed by, not because they were unimportant, but because on the whole they attracted less attention from the public.

With respect to most of the controversial questions considered here the Convention was cautious. This was particularly true in regard to the taxation of church property, railroads, and woman suffrage. In the matter of school funds the Convention took a firm stand, even though it was known that a considerable block of voters would be alienated; perhaps its boldness there was one reason for its caution elsewhere. There was a limit to the number of people whose pet opinions could be flouted if the Constitution were to receive the endorsement of the voters in time to make Colorado the "Centennial State." One of the members of the Convention, Mr. E. T. Wells, wrote later: "Many of its [the Constitution's] provisions might have been framed in a wiser spirit, but for the fear of its rejection, which haunted the Convention from the beginning."⁴⁴ The margin of safety was greater than the framers had supposed; the Constitution was adopted by a vote of nearly four to one (15,443 for, 4,039 against). The opposition came mainly from the counties south of "the Divide" where there was strong jealousy of Denver; from Roman Catholics who did not like the arrangement about school funds; from farmers who thought that the temporary exemption of mining claims from taxation (Art. X, Sec. 3) was unfair to agriculture; and from those who thought that a state government would be too expensive for a region so sparsely populated and so little developed.⁴⁵

About two thirds of a century have passed since the Colorado Constitution was made. There are some who believe that it is high

time for a new convention, especially since the present Constitution has become somewhat of a jumble as a result of successive amendments. If and when a new convention is held its members will have their controversial problems too, and some of them will be quite different from those of 1876. If such a convention were in session now there would probably be much less time devoted to problems of religion and much more to social security and old age pensions than was the case sixty-three years ago. Woman suffrage would be taken for granted, but not the Civil Service system, nor the county organization, nor the earmarking of funds for boards, bureaus, and departments. The men—and women—of a new convention would probably not be so sure about the advisability of electing so many state officials as were the men of 1876. There would be much talk about securing greater efficiency and economy in government, or, as we say now, "streamlining" the state government. And so we move on to new problems, new theories, new devices; but let us hope that in the new as in the old we may hold to the essentials of a democratic state, and that the new may meet the needs of future generations as well as, or even better than, the old has met the needs of the past.

⁴⁴Wells, *op. cit.*, 168; cf. *Daily Rocky Mountain News*, Jan. 9, 1876, p. 2.
⁴⁵*Colorado Miner* (Georgetown), Apr. 8, 1876, p. 2, col. 1; *Colorado Transcript* (Golden), May 24, 1876, p. 2, col. 1; June 14, p. 2, col. 1; July 5, p. 2, col. 2; *Denver Daily Times*, June 20, 1876, p. 2, col. 1.

The Kidnapping of Judge A. W. Stone

CARLOS W. LAKE*

This is a rather embarrassing position for me to be placed in, that of talking to thirty or forty professional "wind-jammers." There is one thing I am going to state to you, and that is something I

*Mr. Lake is President of the Pioneer Society of Colorado. This address was given at a meeting of the Bar Association of the First Judicial District, Denver, Colorado, September 23, 1936. The manuscript was supplied by Attorney Harold Ward Gardner of Golden.—Ed.

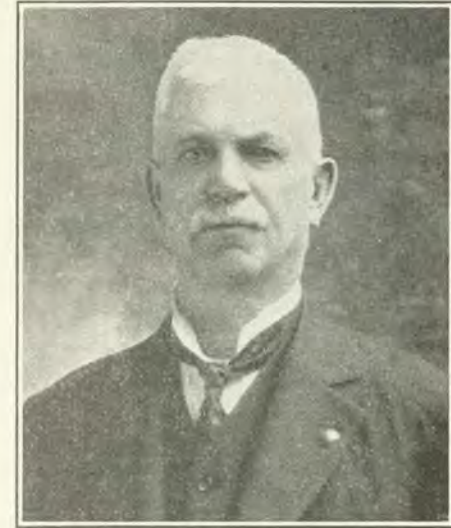
am proud of. I came with my parents to Colorado in the spring of 1860. We crossed the plains with a bull team and a genuine prairie schooner. We were seven weeks coming from Waterloo, Iowa, to Denver, arriving here June 16, 1860. I arrived with my parents, of course, as I was only eight years old at that time, and since that time my home has been within fifteen miles of where we are tonight. I have been invited by the acting President of your association to relate a little history of the early execution of the laws in this territory.

In the early '70s the railroads running out of Denver to Golden, Black Hawk, Boulder and Longmont were known as the Colorado Central. The officers were Bill Loveland of Golden, President, and a member of the Board of County Commissioners from Gilpin, Clear Creek, Jefferson, Boulder and Larimer counties, and they later with one man, headed by Jay Gould, constituted the board of directors. They bought their equipment for the road through Mr. Gould, who at that time was the railroad magnate of the United States. And the years '73, '74, and '75—I don't know whether any of you are old enough to know what the conditions were—but I will say to you they were mighty lean years. The railroad company got behind in its payments—they couldn't pay their interest. So Jay Gould, a pretty smooth duck, could see that it would be a nice thing to take over these roads, that they ran into a country which was bound to turn out good. So he applied to the United States Circuit Court for a receivership, and it was generally known that Dave Moffat was to be appointed receiver.

That threw a chill over the citizens of Golden, as the shops and offices were there and that was the principal industry that kept the town. A meeting of the board of directors was called to talk the matter over and see what could be done. They called an attorney, A. H. DeFrance, later judge of the First Judicial District, which office is now held by my friend Judge Sam Johnson, and he called to his assistance Judge Gorsline, and the matter was stated to them, and they took it under advisement for a few hours and came back and reported to the board of directors that there were only two means they knew of to prevent the appointment of this receiver—one was to pay the interest and the other was to prevent Judge Amherst W. Stone, who was the judge of the Circuit at that time, from getting to Boulder on the last day of the term of court, when he was to make this appointment.

So the board of directors called in Mott Johnson, who afterwards was sheriff of Jefferson County and an old fifty-niner, and they submitted the question to him, and asked him, "Mott, do you think you could organize a band of fellows that would go out and stop that train and take the judge off?" And Mott said, "I will

see what I can do about it." So he came out and hunted me up and said, "Carlos, here is a job they want done. What do you think about it?" I said, "I am ready if we can get enough to assist us." So we called a meeting for that night at eight o'clock. This was the next to the last day of the term of court at Boulder.



CARLOS W. LAKE

We met at eight o'clock, and there were about twenty fellows we had invited to be present, and the question was submitted to them, and there were fourteen, I think, that signified their willingness to tackle the job; the other six were dismissed with instructions to keep the matter under their hats. So we held a meeting and formed our plans. First, we sent for somebody right close to the railroad company and told them we would organize this band and that we would want a man placed in Denver to telegraph Golden if Judge Stone was on the train, and we wanted another man stationed at Golden at the telegraph office to come to our rendezvous and inform us whether he was on the train or not, and we agreed to meet on the Avenue bridge at two o'clock in the morning. So we saddled our horses and provided ourselves with masks; we also provided for a carriage to be driven out where we were going, known then as Kenneer's Lake, about half way between Denver and Boulder.

We left Golden about two o'clock in the morning, rode out to Kenneer's Lake, and lay around there in the brush and kept out of

sight until between eight or nine.¹ The train was supposed to be there at nine o'clock. So Mott Johnson said to me, "Carlos, I want you to, and will you officiate as head man in taking the judge off the train?" He said, "You can call to your assistance whatever you think you need." I said, "I will go you one; I am an expert in that line of business." So I selected a German Jew, Gus Hobbs, as my assistant. He was a good, big, husky fellow and I was twenty-four and pretty husky myself. We had some ties piled on the track and got ready for the train, and in about fifteen minutes before the train was due there a messenger from Golden came riding over the ridge down to where we were, with his horse all lathered and covered with foam. He had ridden on the run from Golden. He said, "Boys, the judge is on the train." This Dutchman, he was prancing around. He said, "Carlos, I don't know whether I can do that or not; I'm pretty nervous." I said, "Gus, you ain't the only nervous man here; I never stopped a train and took a judge off before. So buck up, we will do the job."

Pretty soon the train whistled, coming through a deep cut on the east of the lake, and Gus right beside of me, cool as a cucumber. I had no fear; I wasn't scared. The train stopped and I had arranged for four men to get on the other end of the platform and come in, in case there was any resistance. Gus and I boarded the train and as we went in the door, the first seat on the left, a gentleman and a lady were sitting there. This woman looked up and saw me with a mask on and threw her arms around the man and they rolled on the floor. I looked down the coach; half way down I saw the judge sitting there, looking out of the window. So we proceeded right down and when I got to where he was I put my hand on his shoulder. He never had seen me until he turned around; I had a big gun and I stuck that under his nose. "My God!" he said. I said, "Never mind." I reached around and grabbed him by the arm and pulled him out of the seat and away we went and got down to the platform. I said, "Judge, look out. I'm going to jump; you hold on to me and I will hold on to you." Off we went; both of us fell but neither one was hurt in the least. The train moved on; it was moving when we jumped off.

The carriage drove down and we loaded the judge into the carriage and struck out for Coal Creek Canyon. That was about four miles, and I assure you we didn't lose any time in getting there. We got to the mouth of Coal Creek Canyon and we stopped there, and I said, "Judge, you will have to get out of the carriage and get on this horse." So he said, "I can't ride, I don't know anything about riding a horse." I said, "You are safe; get on and we will

have a man lead the horse; no trouble, no danger." He got on and we went.

There was an old Irishman by the name of Jimmy O'Brien who owned a place at the mouth of the canyon. We had to go through his field. We took down his fence, and old Jimmy come running out; and I dropped back and I said, "Jimmy, you put up the fence and if anybody comes here inquiring about anybody going this way, tell them you haven't seen anybody."

We went over the ridge, on the branch of Ralston Creek, and in behind a cliff of rocks that runs from Ralston Creek to Coal Creek. We went over in behind there and stopped and parked the judge in a good comfortable place under a tree; and we had two men with field glasses; we sent them up on top of the ridge as look-outs. And nothing happened—and, by the way, I want to tell a funny little incident that happened when we were conducting the judge out of the car. Old General Sam Brown, who at that time was one of the leading attorneys of this territory—doubtless some of you know him or know of him; he was one of the attorneys for the petitioner in this receivership matter. He got up and he said: "I protest against this indignity"—and as he tells it, he said he hadn't more than got those words out of his mouth and some fellow stuck a gun under his nose and he looked down the barrel and it looked like a four-inch stove pipe, and some fellow said, "Sit down," and he said, "I sot."

I got the judge parked up there in a comfortable place. I want to say a few words about Sam Brown. Sam Brown was a prominent attorney. I have sat in any number of poker games with him and he was known to us fellows as a cheerful loser. One day court had adjourned and he was getting ready to go back to Denver. Some fellow said to him, "General, what kind of a term of court did you have, good business?" "No," he says, "I didn't get enough out of this term of court to satisfy the boys." But in honor of General Sam Brown, I want to say that he was a fine, intellectual, and first class citizen. He passed away many years ago and this territory lost a good man.

Now, we will look to see if the judge is still under the tree. We went back up there. Pretty soon one of these lookouts came down to where we were and he said, "Carlos, they are after you." I said, "What have you seen?" He said, "I saw a special train go through loaded with soldiers, and they had a platform car on the rear with a brass cannon. They are going to Boulder." I said, "They won't find us in Boulder." I said, "You go back up there and hold on to your position there." And the position they took nobody could get within three or four miles of us without them seeing them. We laid around there until dark and at dark we saddled up and mounted

¹This was on August 15, 1876.—Ed.

our horses and rode around through the country until we struck Belcher Hill road.

We went down the Belcher Hill road to the Belcher ranch, got there about ten o'clock; got some fresh milk and loafed there for a while. And, by the way, this Belcher ranch, the proprietor was there, Gill Belcher, who was one of the County Commissioners and one of the members of the board of directors of the railroad. So we stayed there until after ten o'clock and we started leisurely up the road towards Golden. Mott Johnson had gone to town and left it all to me. I was riding behind, with the judge on my left and another man on the other side, and we got within about two miles of Golden when I saw a man coming horseback. I recognized the horse. And he rode past the boys in front—there were ten or twelve riding in front—until he got back to where I was, and he motioned to me and I slowed down, halted, and went back up the road a little ways.

He said, "Mott sent me to tell you to disband the boys and tell them to get into town the best way they could; that Dave Cook, the sheriff's office and the National Guard are all out hunting you." I studied the matter over a little and concluded it was a little early to let the judge go on, that Dave Cook or some of the detectives might pick him up and take him to Boulder. I went back to the judge and I said, "It is only half past ten; you will have to go back up the road; I will send with you this man who knows every foot of the ground and you will be perfectly safe. At eleven-thirty I will have a carriage out here to take you home. It is a little early; you might get back to Boulder." He said, "I can't get to Boulder." I said, "Dave Cook might get you there; we have been truthful to you; you haven't had a hair of your head harmed; you have been treated all right, and I give you my word of honor I will have this carriage here at half past eleven to take you to Denver." He said, "All right; you have treated me all right so far and I think you will from now on."

So he went back up the road and after he had gone I called the boys. I said, "Throw off your masks, boys; get home as best you can; don't let anybody catch you under any circumstances." After they had gone I threw off my mask, rode over to the mouth of Clear Creek Canyon, crossed the foothill and rode down the creek to back of where my father's hotel was; went in the back way and upstairs and changed my clothes and went down out on the street.

I hadn't gone far when some fellow said, "Where have you been today?" "I have been to Bear Creek fishing. What's all the excitement? I see a crowd of people." He said, "Haven't you heard the excitement? A mob took Judge Stone off the train and in the mountains and the report is they hung him up there." I

said, "That is an awful thing for them to do." I went on a little farther and some fellow had just come in with an extra, one of the Denver papers, and the extra stated some man had just come down from Black Hawk, down Golden Gate Canyon, had been interviewed, and he told the reporter, while he didn't see the judge or the mob, but from the information he got at Golden Gate Canyon, he believed they hung the judge at Golden Gate Canyon. Everybody was on the street, men, women, and children. I, of course, was keeping tab on the time. So at just before twelve o'clock I slipped around and went over and found out the driver had just come through with the judge, going to Denver. So that was given out generally and everybody went home.

The next morning the Treasurer, John Humble, came in and said, "Do you want to go to Boulder?" They were going on a special car. "Come and take a ride." Mott and I got on the car and when we got to Kenneer's Lake the train stopped and we looked out and there was half a dozen horsemen. We got out. It was Dave Cook, Billy Wise, Pete Hawley, Fred Smith, and that whole band of detectives. They said, "Do you know anything about this kidnapping yesterday of Judge Stone? This is the place described as being the place where he was taken off the train." Humble said, "I don't know anything except what we heard." Well, Dave Cook knew Mott and me for years and years; we were friends of his; and Dave said to Mott, "What do you know about this?" He said, "I don't know anything about it." He turned around and said, "Carlos, what do you know about this?" I said, "I don't know anything." He said, "I think you are both damn liars; it is generally reported that this mob was organized in Golden, and if there was a job of this kind to be pulled off from Golden they would not have overlooked you and Mott Johnson."

So we went to Boulder, and everything was quiet; we learned the clerk of the court had adjourned court on account of the absence of the judge and the term had been adjourned, and the Circuit Court met only once in every three or four months.

We came back, and that day the Governor called a special grand jury here in Denver, and they met. The judge was brought before them and told his case, and they asked him if he could recognize any of the participants, and he said he could recognize the fellow that drove the carriage that brought him to Denver. So they issued a subpoena for Charlie Shockley, and a writ was rendered commanding the marshal to bring him before the grand jury. The deputy marshal came to Golden and drove up to the livery stable and asked about Charlie, and they said he was uptown some place. He drove on to the old Loveland corner, hitched his horse and got out, and a man was standing on the sidewalk, and he said to him,

“Do you know Charlie Shockley?” And he said, “Yes, right in front of the cigar store.” And he went up to him and said, “Are you Charlie Shockley?” “Yes.” He said, “I have got a writ to bring you to Denver.” He said, “You will have to wait a minute until I tell my sister.” He went in, jumped out of a back door, ran down First Street to about where Coors Brewery is. And the marshal stood there for a few minutes and Charlie didn’t appear. So he goes in and asks these people about Charlie. The proprietor said, “He came through here; he seemed to be in a hurry, and I haven’t seen him since.” He looked around for Charlie half an hour, through the different saloons and places and gave it up and came back to Denver.

About an hour after that I was on the street and a boy came up to me and said, “Carlos, Charlie Shockley is in the grove, at the brewery, and he sent me to tell you and Mott Johnson where he was and for you to send word what he should do.” So I gave this boy a piece of money. I said, “Son, don’t you tell that even to your mother; don’t tell her about this message, anything about it.” I went to see Mott and we talked this matter over and we concluded we would send Charlie out of town. So I went to the livery stable and got a good saddle horse and in the meantime had gotten thirty or forty dollars in money, and I rode down to the brewery, found Charlie and I gave him the money and horse and told him to go to Evans, and to go under the name of Joe Smith, and to stay there until he heard from us. So he skipped out, and that same afternoon the jury convened again and the judge was called before the jury, and after they got in session the judge said to them—we had an underground communication with the grand jury; we knew what they were doing all the time—the judge said, “Now, gentlemen, I believe that I don’t want to go any farther with this case. These boys took me on a little ride and treated me very nice; I am afraid if they get into trouble they will take me on another ride and it won’t be as pleasant as the first one.”

That settled the judge’s case. The railroad company met and issued some bonds and stocks sufficient to satisfy Jay Gould and retained possession of the road, and the road turned out to be a money proposition. And Bill Loveland wanted to be Governor of Colorado. Bill Loveland bought the *Rocky Mountain News* and had it run in his interest during the time of the convention and the election when he ran for Governor, and was defeated, lost the *Rocky Mountain News*, lost the railroad, and died a poor man. I attended his funeral on West Colfax.

And, gentlemen, I thank you.

Silverheels

EDWARD RING*

In the early twilight of a winter evening, Senator Charles S. Thomas and I took the train at Georgetown for home. As we came down the Clear Creek valley in a swirling snow storm, the Senator told me this story.

Silverheels is the name of a mountain near Fairplay. Not so high as the surrounding peaks, but its crest is always covered with snow. Against the sapphire sky of summer it is a picture.

The belle of Bill Buck's dance hall wore silver slippers. She bound a fillet of silver around her dark hair. Then men called her Silverheels.

She was Bill's girl. One New Year's eve he developed pneumonia—almost certain death in the mountains. After a few hours of pain and delirium he died in the girl's arms.

Then followed the worst winter Fairplay ever knew. The pneumonia spread—a frightful epidemic. The dance halls were closed and the saloons all but deserted. Many mines shut down. The doctors worked without rest and sent to Denver for nurses, who were badly needed. Only one or two came. The danger was too great.

Silverheels was not a good girl but she was a brave one. Through the long, dark weeks she went from cabin to cabin and ministered to the suffering. She held the hand of more than one stalwart miner as he crossed the range. Her bosom was the dying pillow of more than one little child.

In April, when the sun fought its way through the gray clouds, the scourge passed. Fairplay, in its brief career, had known its millionaires, its bad men, wild women, great figures of tragedy and romance. Now it had its heroine.

The town felt that something should be done for Silverheels. It made up a purse—four thousand dollars. When Senator Wolcott came up from Denver and heard the story, he raised it to five.

The presentation was entrusted to a committee. Then the unexpected happened. They could not find Silverheels. She had gone, nobody knew where. At the post office she left no forwarding address. Some thought she was in San Francisco, or Australia, or the Orient. She never came back.

The fund was returned to its donors and Fairplay did the next best thing. It named its beautiful mountain Silverheels. At dawn and at sunset the glorious white summit soars to the Colorado sky and commemorates the heroism of the wanderer who knows not that it bears her name.

*Mr. Ring, Denver attorney, has devoted much attention to the history and romance of Colorado.—Ed.

The Names of Colorado Towns

Prepared by the COLORADO WRITERS' PROJECT

Much of Colorado's history is woven around the naming of its towns, whose names are a heritage from early Spanish exploration, Indians, French trappers, miners, and settlers. The story of each town's naming is an interesting one; but there are many versions—and many stories. Although Colorado as a state has a youthful history, and while many of its towns are new enough to have its first settlers still living, written material on place name origins is lacking.

Because there are many towns that remember with difficulty or have forgotten the reason for their nomenclature, the Colorado Writers' Project of the Work Projects Administration is assembling these name origins. The fifty-four towns that have been treated here are the first of 3,000 town place names that are being prepared for publication. While the material has been carefully edited, much is incomplete; where traditions differ regarding the source of the name, the more reasonable choice has been shown. Readers are invited to send in new or additional material.

Abarr, Yuma County. Originally the town was named Brownville. Because of confusion with other post offices, the postal inspector in 1924 changed the name to Abarr, the maiden name of Mrs. Ethel R. Hoffman, the postmistress.¹

Abbott, Washington County. This early town was named for its founder, Albert F. Abbott, president of the Abbott Land Company. At its zenith the town had a post office, a dry goods store, two drug stores, a hardware store, two saloons, a livery barn, a number of small offices, and two newspapers. In the early 1890s, as the dry lands of Washington County were deserted, the town was abandoned and the post office was moved from ranch to ranch until 1937, when it was discontinued. Today there is not even a marker to show where Abbott stood.²

Acequia (Pronounced Ah-see-quee-ah), Douglas County. The name is a Spanish word, meaning "ditch" or "drain," and refers to the original irrigation system that supplied water for the community.³ The town was founded in 1881.⁴

Ackmen, Montezuma County. There are two versions for the name. One states that three names were suggested: Ackmen, Sandstone, and Hadley; Ackmen, the name of an early settler, was selected. Local usage, however, still clings to Sandstone, for the

¹Letter from Mrs. Ethel R. Hoffman, postmistress, Abarr, Colorado.

²"History of Washington County," M.A. thesis by Stanley M. Porter, Colorado State Teachers College, Greeley, Colorado.

³"Place Names in Colorado," M.A. thesis by Olga Koehler, University of Denver (1930).

⁴Castle Rock Record-Journal of Douglas County, Dec. 16, 1921.

cliffs in the vicinity.⁵ The second account is that a letter was taken from each of a list of names submitted, the result being A-c-k-m-e-n.⁶

Adena, Morgan County. Adena was settled in 1910 by people from Illinois and Nebraska. The names of San Arroyo and Adena were submitted to postal authorities when a post office was petitioned. The latter name was selected for the family of the sweetheart (Edna Adena) of one of the settlers.⁷

Agate, Elbert County. There are several versions for this name. One belief is: there was a large gate on the townsite, through which early travelers had to pass; this was known as a place where "a gate" was located. Gradually the words were fused in pronunciation and were written together. Another version states: agate stones were found here in early days (none have been found in recent times, however). The most likely suggestion is that the name was selected by the Union Pacific Railroad, reason for choice not known.⁸

Agricola, Weld County. The name, a Latin word meaning "farmer," refers to the occupation of most of the inhabitants of the district. The town was founded in 1860 on the Platte River, at the mouth of the Cache la Poudre, in a rich agricultural region. It is a ghost town today.⁹

Aguilar, Las Animas County. Originally a trading post for Indians and Spanish-American farmers, the town was founded in 1867 by Agapita Rivali. In 1894, when the town sought incorporation, it was named for Jose Ramon Aguilar, prominent pioneer of southern Colorado.¹⁰

Akron, Seat of Washington County. Akron was named by Mrs. Calvert, wife of a railroad official, for her home town, Akron, Ohio. The name is Greek, meaning "summit," and is particularly appropriate for this village that is located on the highest point on the Chicago, Burlington & Quincy Railroad in Colorado.¹¹

Alamo, Huerfano County. Named for the Alamo Coal Company, which seems to have been named for the historical site in Texas, where during the Texan War of Independence in 1836, a large force of Texans were besieged and slain by a Mexican army under Santa Ana. The name is Spanish for "cottonwood tree."¹²

Alamosa, Seat of Alamosa County. Founded in 1878 by Ex-Governor A. C. Hunt, president of the Denver & Rio Grande Construction Company. He named the town Alamosa, Spanish for "cottonwood grove." An earlier settlement (1876) on this site was

⁵Letter from Mrs. Noel Hadley, Ackmen, Colorado.

⁶Letter from August Weimann, storekeeper, Ackmen, Colorado.

⁷Colorado Year Book, Directory, 1935, p. 38.

⁸Letter from Florence Yarberry, Agate, Colorado.

⁹The Mountaineer, Feb. 1, 1860.

¹⁰Card in Place Names File, State Historical Society of Colorado.

¹¹Card in Place Names File, State Historical Society of Colorado.

¹²Federal Writers' Project, File S-1200, Place Names.

called Wayside; a stage coach stop, it was abandoned before the platting of the present town.¹³

Albany, Prowers County. The town was probably named by settlers from New York, for the capital of their home state. The eastern section of Colorado has a predominance of names from eastern cities, usually the former homes of settlers who could not, or would not, shake off the influence of the East. Unlike most parts of the state, this plains section lacks landmarks that suggest names derived from geological phenomena.¹⁴

Alfalfa, Las Animas County. As early as 1864, J. W. Lewelling settled here, erecting buildings and constructing an irrigation canal. In 1876 the post office, then called Raton, was established. Alfalfa is the most successful crop of the farmers of the region, hence the name.¹⁵

Allison, La Plata County. Allison was founded in 1901, and was first called Vallejo. The name was changed by postal authorities because of confusion with a town in California. The new name, Allison, was selected by residents to honor Allison Stocker, a pioneer contractor and builder of many Denver buildings, and prominent in the development of this region in La Plata County.¹⁶

Alma, Park County. There are three versions for the naming of this town, which was founded in 1872. One, that it was named for Alma James, wife of the Fairplay merchant who opened the first store here.¹⁷ Two, that it was named for Alma (Dow) Graves, wife of Abner Graves, operator of the nearby Alma Mine.¹⁸ Three, that when the name Jaynesville was proposed for an early settler named Jaynes, there was some opposition; however, when the name of his popular daughter, Alma, was suggested it was readily accepted.¹⁹

Almont, Gunnison County. Samuel Fisher, for fifty years a prominent rancher of Gunnison County, purchased a fine Hambletonian stallion, son of the famous Almont of Kentucky. When the Denver & Rio Grande Railroad built to Fisher's ranch and a town grew up there in 1881, the settlement was named for the great race horse that had sired Fisher's stallion.²⁰

Alpine, Chaffee County. The settlement, founded in 1877, was so named because it was the highest station (9,500 ft. altitude) on the now-abandoned Denver & South Park Railroad.²¹ There are

¹³Dawson's Scrap Books, vol. 29, p. 163, State Historical Society of Colorado.

¹⁴Federal Writers' Project, File S-1200, Place Names.

¹⁵Federal Writers' Project, File S-1200, Place Names.

¹⁶Letter from William Brown, Allison, Colorado.

¹⁷Frank Hall, *History of Colorado*, IV, 258.

¹⁸Interview with Nelson Graves, Denver, Colorado.

¹⁹*Colorado Magazine*, I, 64.

²⁰*Gunnison News Champion*, July 25, 1929.

²¹Hall's *History of Colorado*, IV, 86.

three other towns of this name in the state, the other two being in Eagle and Gunnison counties.²²

Alta Vista, Teller County. The name is Spanish, meaning "high view."²³

Altona, Boulder County. This settlement was originally known as Modoc; later (1872) it was known for a time as Niwot (Left Hand), for an old Arapaho chief, who was much esteemed by the whites for his friendliness, and who was a victim of the Sand Creek Massacre. The present name was given in 1879; its derivation is unknown.

Amitie, Phillips County. First called Fairview, the name was changed in 1866, either to express the friendly attitude of the people, or as a form of mental suggestion to bring about such an attitude.²⁵

Amity, Prowers County. Amity, meaning "good will," was named by the Salvation Army when it colonized 1,800 acres here with working men from large eastern cities, chiefly New York, in 1894. Water seepage from a neighboring bluff brought so much alkali to the surface that the land was ruined and the colony was soon abandoned.²⁶ A second attempt to use the site, this time for the Salvation Army's Cherokee House Orphanage, also met with failure.²⁷ Today the town depends upon new dry-farming methods.

Amo, El Paso County. The name is an Indian word meaning "bee." It is also the Spanish word for "master," but in this case the first interpretation seems to have been intended.²⁸

Amy, Lincoln County. Founded in 1909 and named by the postmistress, Miss Ella Gilmore, for her niece in Iowa, Miss Amy Collins.²⁹

Anaconda, Teller County. First named Barry, but later re-named for the nearby Anaconda Mine.³⁰ In 1894 the town had a population of more than 1,000, and as many as 2,000 sightseers came to the town. Today only a few buildings remain standing.³¹

Angora, Rio Blanco County. Named for the Angora sheep, a breed new to the region, imported by a local stockman.³²

Antelope Springs, Mineral County. Founded in 1875 on the site of an old salt lick once used by hundreds of antelope and deer as a feeding ground.³³

²²Federal Writers' Project, File S-1200, Place Names.
²³"Place Names in Colorado," M.A. thesis by Olga Koehler, University of Denver (1930).

²⁴*Golden Transcript*, November 19, 1879.

²⁵Federal Writers' Project, File S-1200, Place Names.

²⁶Interview with Frank Waite, Lieut. Colonel of Salvation Army, Denver, Colorado.

²⁷Bulletin 613, U. S. Geological Survey, p. 46.

²⁸U. S. Geological Survey, "Origin of Certain Place Names—U. S. A."

²⁹Letter from Mrs. Bessie Show, postmistress, Amy, Colorado.

³⁰U. S. Geological Survey, 16th annual report, Part 11, p. 117.

³¹Federal Writers' Project, File S-1200, Place Names.

³²*Ibid.*

³³*Ibid.*

Antero Junction, Park County. This station was named for the Uintah Ute chief, Antero, who was friendly to the whites. He helped quell an uprising of another branch of the tribe in 1867; and in 1879, when practically the entire Ute nation was ready to rise, following news of the Meeker Massacre, he managed to keep his own people in check. He was one of the chiefs who signed the treaty of 1873 that ceded the rich mineral area of the San Juan district to the whites. There is a large reservoir in Park County and a mountain in Chaffee County that also bear his name.³⁴

Anthracite, Gunnison County. Founded in 1882 and named for the large coal deposits here.³⁵

Antlers, Garfield County. Founded in the 1890s as a center for a projected apple-raising area, and named by Henry A. Butters, its promoter, for the Antlers Hotel in Colorado Springs.³⁶

Antonito, Conejos County. This town was founded in 1881 by the Denver & Rio Grande Western Railroad. The name is Spanish, meaning "little Anthony," and is derived from San Antonio Mountain and San Antonio River, in the vicinity.³⁷

Apache, Huerfano County. Named for the Indian tribe. These people, noted for their cruelty and implacable hatred of the whites, lived chiefly in Arizona and New Mexico, but often raided into Colorado and constantly visited the southern part of the state to trade with their allies, the Utes. Intermarriage between the two tribes was common, and two of the most contrasting personalities of the Ute nation, Ouray, the friend, and Colorow, the great enemy of the whites, were offspring of such unions. In addition to the town, there is an Apache Station and Apache Creek in Huerfano County; Apache Canyon in Las Animas County; Apache Peak in Grand-Boulder counties.³⁸

Apishapa, Las Animas County. The name is an Indian word meaning "stagnant water," and was derived from the Apishapa River. There is an Apishapa Bluff in Otero County; Apishapa Canyon and Apishapa Crag in Las Animas County.³⁹

Arapahoe (Arapaho), Cheyenne County. The town was founded in 1870 and was named for the Arapaho Indians, who lived in this region. Their own name for themselves was Inunaina, "our people." The two versions of the spelling of the place name are interchangeable, but "Arapaho" appears upon all Government maps and data. There is also a county and town of this name, the latter being in Jefferson County.⁴⁰

³⁴John L. Jerome Hart, *Fourteen Thousand Feet*, 21.

³⁵Hall's *History of Colorado*, IV, 153.

³⁶Letter from Mrs. Lottie B. Urguhart, Antlers, Colorado.

³⁷Letter from J. D. Frazey, Secretary, Antonito Chamber of Commerce, Antonito, Colorado.

³⁸Federal Writers' Project, File S-1200, Place Names.

³⁹*Ibid.*

⁴⁰"Place Names in Colorado," M.A. thesis by Olga Koehler, University of Denver.

Arboles, Archuleta County. The name is Spanish for "trees," and refers to the wooded growth along the banks of the nearby Piedra River.⁴¹

Arena, Chaffee County. The name is Spanish, and means "sand." There are towns of the same name in Teller, Cheyenne, and Jefferson counties.⁴²

Argentine, Hinsdale County. Argentine is derived from "argentum," the Latin word for "silver," and means "silvery" or "silver colored." The town was founded in 1876, and according to the *Lake City Silver World* for July of that year: "A village has already grown up because it could no longer be avoided. It is called Argentine and is 21 miles from Lake City." Two weeks after it was laid out, the place contained 100 people, and had four grocery stores, two restaurants, and two saloons.⁴³

Argentine City, Summit County. The name was suggested by the seemingly inexhaustible silver lodes here. The custom of adding "city" to the names of towns, regardless of size, was almost universal throughout the early West. In 1864 the town boasted a population of 1,000 inhabitants; ten years later it stood in ruins.⁴⁴

Argo, Denver County. Now part of the city of Denver, the settlement was originally two miles north of the capital. It was founded in 1878 by Ex-Senator Nathaniel P. Hill as the base of the Boston & Colorado Smelting Works.⁴⁵ Its name refers to the ship that set sail in search of the Golden Fleece, in Greek mythology.⁴⁶ The smelter employed about 200 men, day and night, in reducing ore to silver and gold bricks. The town had a municipal government.⁴⁷

Arickaree City, Washington County. The town was founded in 1877 near Duck Springs, a watering place for buffalo and cattle, which fed the north fork of the Arickaree River. It was for this river—named for the Arickaree Indians—that the town was named. The settlement, which consisted of a general store, livery barn, newspaper office, church, and school, was deserted in 1895. In 1935 a cloudburst destroyed the townsite, foundations, and wells.⁴⁸

Aroya (Arroya), Cheyenne County. The town was founded in 1872, and was named for a deep gulch that runs through the town. The name is a corruption of the Spanish word "arroyo," meaning "rivulet," and applied in the New World to the courses cut by intermittent streams in flood time.⁴⁹ Aroya is built on the

⁴¹*Ibid.*

⁴²*Ibid.*

⁴³Federal Writers' Project, File S-1200, Place Names.

⁴⁴*Ibid.*

⁴⁵Hall's *History of Colorado*, III, 285.

⁴⁶The *Denver Daily Tribune*, July 3, 1878.

⁴⁷The *Denver Tribune*, August 5, 1881.

⁴⁸Federal Writers' Project, File S-1200, Place Names.

⁴⁹Koehler thesis, *op. cit.*

site of the G. O. D. Ranch, owned by T. C. Schilling, one of the founders of the Schilling Tea Company.⁵⁰

Arriba, Lincoln County. A Spanish word, meaning "above" or "over," referring to the town's altitude (5,239 ft.), compared with that of others in the region.⁵¹

Arvada, Jefferson County. This settlement was founded in 1880 and named for Hiram Arvada Hoskin, brother-in-law of the wife of the founder, B. F. Wadsworth. It was known in earlier days (1860) as Ralston Point and Ralston Station, for the creek on which early placer miners first discovered "color" in their gold pans.⁵²

Ashcroft, Pitkin County. This ghost town was founded in 1881. The name is a combination of "ash tree" and "croft," an Anglo-Saxon word meaning "a small enclosed field." It refers to the town's location in a clearing of the dense forest. At one time, in 1882, the town had a population of 500; it was written up in the *Rocky Mountain Sun* of July 15, 1881, as "a new sensation in mining camps in Colorado." Plans are being made (1939) for its rejuvenation as a winter resort.⁵³

Aspen, Seat of Pitkin County. The town was founded in 1880 and named by B. Clark Wheeler, who surveyed the townsite, for the profuse growth of aspen trees in the vicinity. In 1880 it rivaled Leadville as a silver camp. It was formerly (1879) called Ute City.⁵⁴

Atchee, Garfield County. Founded in 1904, and named for the Ute chieftain, Ateche, brother-in-law of Ouray, famed leader and peacemaker of the Ute tribe.⁵⁵

Atwood, Logan County. Founded in 1885 by Victor Wilson, who brought a colony here from Abilene, Kansas. A Unitarian by faith, he named the town for a minister of that sect, Rev. John S. Atwood, of Boston, Massachusetts.⁵⁶

Ault, Weld County. The town was named for Alexander Ault, a pioneer miller of Fort Collins, who purchased the entire crop raised in the surrounding area for shipment for many years before grain storage facilities were available in this vicinity. For this service to the community, the town adopted his name when a post office was established here in 1904.⁵⁷

Auraria, Denver County. Now a part of the city of Denver, Auraria was founded in 1858. The name, a Latin word meaning

⁵⁰Federal Writers' Project, File S-1200, Place Names.

⁵¹Data from John P. Dickenson, Hugo, Colorado.

⁵²*Colorado Magazine*, IX, 171.

⁵³Federal Writers' Project, File S-1200, Place Names.

⁵⁴Jerome C. Smiley, *History of Colorado*, I, 695.

⁵⁵Letter from Ruby M. Luton, postmistress, Atchee, Colorado.

⁵⁶Letter from H. Pearl Widig, postmistress, Atwood, Colorado.

⁵⁷Data from Winton M. Ault, Deputy District Attorney, Fort Collins, Colorado.

"gold town," was taken from that of the home town of the Russell brothers, gold seekers from Georgia.⁵⁸ Auraria and Denver were bitter rivals through 1859, but the following year representatives of both towns met on the new Larimer Street bridge and ratified resolutions that consolidated the towns into one municipality, Denver City.⁵⁹

Aurora, Adams and Arapahoe Counties. Adjoining Denver to the east, the town was founded in 1891 and was named Fletcher, for Donald Fletcher, one of the town promoters. The name was changed to Aurora, when the town was incorporated in 1907, because town officials thought that the new name, a Latin word meaning "dawn" or "morning," was a "classier" one and because the most important subdivision of the town already bore it.⁶⁰ When Adams County was formed from Arapahoe County in 1902, the new county line divided the main street of Aurora; residents south of the line pay taxes in Littleton, ten miles south of Denver; residents north of the line must travel to Brighton, 20 miles north of Denver.⁶¹

Austin, Delta County. Named for Austin Miller, a prominent rancher and landowner, who gave the Denver & Rio Grande Railroad land for its right of way and the townsite. The post office was established in 1905. There is a town of the same name in Garfield County.⁶²

Avalanche, Pitkin County. The town was no doubt named for nearby Avalanche Mountain. In 1880 the Forest Service asked the postmaster of Redstone to suggest a name for the mountain; he chose Avalanche, because of the great rock slides that scar the slopes. There is a creek in the county that also derives its name from this peak.⁶³

Avalo, Weld County. The name is a Spanish word meaning "earthquake," possibly referring to the broken topography of the surrounding land.⁶⁴ Another version for the name is the rather fantastic suggestion that because the town is in "a valley near a canyon," letters were taken from these several words and combined to form "avaló." The locality, first known as Greasewood Flats, was settled more than 50 years ago.⁶⁵

Avery, Weld County. The town was named for Frank C. Avery, who came to Colorado in 1870 with the Union Colony and helped survey the townsite of Greeley. In 1872 he laid out the town

⁵⁸*Colorado Magazine*, IX, 174.

⁵⁹Federal Writers' Project, File S-1200, Place Names.

⁶⁰Letter from Mr. J. L. Cleaves, Aurora, Colorado.

⁶¹Federal Writers' Project, File S-1200, Place Names.

⁶²*Ibid.*

⁶³*Ibid.*

⁶⁴"Place Names in Colorado," M.A. thesis by Olga Koehler, University of Denver.

⁶⁵Letter from Margaret Conn, postmistress, Avalo, Colorado.

of Fort Collins; later he became president of the First National Bank of that city, as well as an important land owner in Weld and Larimer counties.⁶⁶

Avondale, Pueblo County. This town was named by Sam Taylor, an Englishman who was one of the pioneer settlers of the county, for his old home, Stratford-on-Avon, in England.⁶⁷

Axial, Moffat County. A resident and pioneer of this region asserts that the name is an Indian word meaning "soft water," in reference to the three soft water springs here.⁶⁸ However, Major J. W. Powell, who spent many years making geological surveys in the West, and who came here in 1869 and again in 1871, in his report to the Government, states that he named the district Axial Basin because the valley seemed to form the "axis of the upheaval that raised the surrounding mountains."⁶⁹

⁶⁶*Portrait and Biographical Record of Denver and Vicinity* (Chapman Pub. Co., Chicago), 326.

⁶⁷Letter from Guy E. Macy, Superintendent of Schools, Pueblo County.

⁶⁸Letter from Grace C. Morris, Axial, Colorado.

⁶⁹M. Wilson Rankin, *Reminiscences of Frontier Days*, 118.

Snowshoe Post-Routes

From the *Colorado Graphic* of April 18, 1891

The most welcome of all in the mining camps far up the Rocky Mountain peaks are the mail carriers. Brave, hardy fellows they are that climb the peaks on snowshoes, delivering the mail and many precious packages that always fill the pouch. Delivering the mails in the mountains in midwinter is a difficult and dangerous work. Sometimes the carrier is swept away by a snowslide, and months roll away before the brave fellow and his pouch are found. About fifty of these mountain mail carriers lose their lives yearly on the dangerous trails in Colorado carrying the mails on snowshoes to the frontier mining camps.¹ In Utah, Idaho, and other parts of the West in the same manner they force their way over the lofty ranges.

The carrier in the frontier of the Rocky Mountains straps the mail sack on his back, puts on his Norwegian snowshoes, and, with a long guiding pole, starts on his weary climb over the range. Usually there is a crowd at the postoffice to wish him good luck. Only men of known strength and courage can do this work, for twenty-five pounds of letters, papers, and packages become very heavy and burdensome in climbing the mountains.

These carriers know the peaks, passes and trails as well as the city carriers do the streets and numbers of their districts. But

¹This is evidently an error.—Ed.

sometimes the storms are so severe that even the old mountaineer grows weak with his heavy burden and sinks almost exhausted in the obscure trail. With a compass in his hand, he carefully feels his way along the precipices and dangerous places, and often the storm is so severe and blinding that he is compelled to find shelter under some friendly cleft or dig for himself a bed in the snow banks. Although their great overcoats and clothing may look rough, yet their underwear would please the fancy of the aesthetic. The most of them have silk underwear. On reaching the summit of the mountains the carrier shoulders the pole, and, placing his snowshoes close together, begins his descent.

The old-timers on the trails will go down the mountain with the swiftness of the wind, a mile a minute. But woe to the one who is inexperienced, for out slips the guiding pole, up come snowshoes, and the unfortunate carrier, mail sack and all, goes rolling down the mountain. Sometimes the ice and snow are as hard and smooth as glass.

The perilous trip brings him to some little mining camp nestled in the mountains. What a joyful greeting he receives! There are people there from the East, far away New England, and the sunny South. Sometimes he is delayed by the storm on the range, and already the men of the camp have been searching for him, fearing that he had been lost or swept away by the terrible snowslide. The villagers collect, and all are eager to learn the latest news, and read their letters. Perchance the carrier has other points to reach. The pouch is opened and the mail poured out on the floor. The frontier postmaster picks out what belongs to his office, and the rest is put into the pouch, to be carried still farther to its destination.

Swan Nilson, the Swede mail carrier of the San Juan, was lost in a snowslide December 23, 1883, and was not found for nearly two years. His route was from Silverton to Ophir. Only the bravest would attempt the trip through a storm. Nilson was warned against making the attempt. A terrible storm was raging between Silverton and Ophir, and those who had been longest in the Rocky Mountains told him he could not reach Ophir in that mountain tempest. But Nilson would not listen to their warnings, and even if it were perilous he must go.

At Ophir the miners of the camp were waiting and longing for the appearance of the faithful letter carrier. Christmas eve came, but still Swan Nilson had not been espied on the mountain trails, where many an anxious eye had been turned.

And thus, while those at Silverton were anxious, the miners at Ophir were becoming apprehensive at the delay. Christmas came and went, and still nothing of the mail carrier. Searching parties went out on the trails, but there was nothing to be seen or heard of

the lost carrier. During the summer the search was continued by one or two friends, but still there was nothing learned of the fate of Swan. Another year rolled around, and during the summer another search was made, and on August 13, 1885, at the bottom of a snow-bank the picks and shovels of the searching party uncovered the body of Swan Nilson, and still strapped to his back was the old pouch with Ophir Christmas mail. The lock was rusty, and the pouch had to be cut open. The wax on the currency package had rotted a hole through the greenbacks. Some of the mail was moldy, but a part of it could be read quite easily. Recently I was looking over the old mail pouches that have been stored away in the inspector's department of the Denver post office.

"Here it is," said the inspector, pulling out from near the bottom of the pile the old mail pouch of Swan Nilson. A card had been tied on the pouch, near the old rusty lock, on which was written the following:

"This pouch was in a snowslide on the dead carrier's back for twenty months, near Ophir."
