Background to Sand Creek

BY HARRY KELSEY

On November 29, 1864, an uncertain number of Cheyenne and Arapaho Indians, whose friendliness or hostility is still in doubt, were camped on the banks of Sand Creek, some distance from Fort Lyon, Colorado Territory. A military commander, whose motives are even now debated, led his regiment of hundred-day volunteers and a handful of regulars in an attack on the sleeping camp. A large number of Indians were killed, but three federal investigations and endless work by historians have failed to show just how many died. Although the federal troops claimed a victory, the battle was not decisive. Numerous survivors made their way to the hostile villages on the Plains, and the troops apparently made little effort to halt their escape.[1]

Originally hailed by press and public alike as a great victory over marauding tribesmen, Sand Creek soon came to be called a massacre. Within a month a scandal of major proportions rocked the army, the Congress, the Department of Interior (which housed the Office of Indian Affairs), and the Department of State (charged with administration of the territories). Three federal inquiries concluded that the attack was indeed a massacre.[2] The jumble of documents and testimony contained in the published reports of these investigations has provided material

[1] A moving account of this wretched trek was compiled by George E. Hyde from letters written to him by the half-blood George Bent during the period 1905-1918. See his *Life of George Bent, Written from his Letters*, ed. by Savoie Lottinville (Norman: University of Oklahoma Press, 1968), pp. 151-63.

[2] The reports of the federal investigations are found in U.S., Congress, Senate, "Massacre of Cheyenne Indians," *Report of the Joint Committee on the Conduct of the War*, 38th Cong., 2d Sess., 1865, Report No. 142, cited hereafter as "Massacre of Cheyenne Indians"; U.S., Congress, Senate, *Report of the Secretary of War, Communicating, in Compliance with a Resolution of the Senate of February 4, 1867, a Copy of the Evidence Taken at Denver and Fort Lyon, Colorado Territory, by a Military Commission Ordered to Inquire into the Sand Creek Massacre, November, 1864*, 39th Cong., 2d Sess., 1867, Doc. No. 26, cited hereafter as *Sand Creek Massacre;* and U.S., Congress, Senate, "The Chivington Massacre," *Condition of the Indian Tribes: Report of the Joint Special Committee Appointed under Joint Resolution of March 3, 1865*, 39th Cong., 2d Sess., 1867, Doc. No. 156, cited hereafter as *Condition of the Indian Tribes.*

for countless studies supporting or refuting this point of view. After more than a century it is probably safe to say that additional work on the "massacre" aspect of Sand Creek is not going to add much to our literature.

Happily enough for Sand Creek buffs, politics offers a fertile and relatively unexploited field for further research. Washington politicians seem to have used the Office of Indian Affairs for political purposes, with little or no concern for the welfare of Indians or for the settlers who lived near the reservations.[3] During the war years, when the Indian menace became critical on the Plains, at least three totally unqualified political appointees were named to serve as Indian agents in Colorado Territory, and each of them played a major role in the Sand Creek affair. All of the agents had been active in Republican politics, and all were leaders in their own communities, with long experience in the crusade to end slavery. However, none of them had the slightest experience in dealing with Indians.

First on the scene was Samuel Gerish Colley of Beloit, Wisconsin. A native of New Hampshire,[4] Colley had moved to Beloit with the New England Emigrating Company in 1838.

Agent Samuel Colley capitalized on his relationship with his "Dear Cousin," Commissioner William P. Dole.

As first "pathmaster" of the village, Colley selected an old Indian trail for designation as Colley Road, still one of the principal thoroughfares of Beloit. In 1847 and 1848 he represented his community at the state constitutional conventions; he was elected to the Wisconsin legislature in 1848 and 1850. Colley was one of about a dozen Rock County politicians to sign the call for the first Republican convention in the county in October 1854. This move brought him again into the political arena, and the following year he was re-elected to the legislature on the Republican ticket.[5] A year spent in the California gold fields failed to dampen Colley's enthusiasm for prospecting, and in 1860 he followed his son Dexter to Colorado, determined to try his luck again.[6] After his "Dear Cousin" William P. Dole was named Commissioner of Indian Affairs in early 1861, Colley managed to secure an appointment as agent at the Upper Arkansas Indian Agency with headquarters at Fort Wise, soon to be renamed Fort Lyon.[7]

The fact that Albert G. Boone still headed the agency, and would continue to do so for some months, made little difference to the Washington politicos, or indeed to Colley and Boone. The new agent arrived at the reservation early in September, 1861, but he did not post bond for another two months. In the mean-

[3] The correspondence between President Abraham Lincoln and Commissioner of Indian Affairs William P. Dole contains several references to support this point. See particularly the letters from Dole to Lincoln, March 16, 1861, microfilm reel 18; from Dole to Lincoln, April 1, 1861, microfilm reel 19; and from Lincoln to Dole, June 11, 1861, microfilm reel 24; all in the Abraham Lincoln Papers, Library of Congress.

[4] Information regarding Colley's early career in New Hampshire can be found in Peter P. Woodbury, Thomas Savage, and William Patten, *History of Bedford, New Hampshire, from 1737* (Concord, N. H.: Rumford Printing Co., 1903), pp. 603-04, 712, 717, 740, 745, 790, 791, 793, 893.

[5] Letter from M. Walter Dundore, Beloit, Wisconsin, November 9, 1967; Milo M. Quaife (ed.), *The Attainment of Statehood*, Vol. XXIX of *Wisconsin Historical Publications, Collections* ("Constitutional Series," Vol. IV; Madison: State Historical Society of Wisconsin, 1928), p. 920; Reuben G. Thwaites, "Thirty-Seventh Annual Report of the Executive Committee," *Proceedings of the Thirty-Eighth Annual Meeting of the State Historical Society of Wisconsin, Held January 15, 1891* (Madison: Democrat Printing Co., 1891), p. 21; William Fiske Brown, *Rock County Wisconsin* (Chicago: C. F. Cooper & Co., 1908), pp. 517-18; *History of Rock County, Wisconsin* (Chicago: Western Historical Co., 1879), p. 803.

[6] *History of Rock County, Wisconsin*, p. 803. According to the original commission, dated July 27, 1861, Colley was a resident of Colorado when the appointment was made; manuscript collection, Bartlett Museum, Beloit Historical Society, Beloit, Wisconsin. In *Condition of the Indian Tribes*, p. 34, Colley testified that his son had lived in Colorado since 1859, but no other record has been found to show that Dexter Colley was a Fifty-Niner.

[7] On January 22, 1862, Colley began a letter to Dole with the salutation "Dear Cousin." Records of the Office of Indian Affairs, Upper Arkansas Agency, Letters Received, microfilm reel 878, National Archives, cited hereafter as Upper Arkansas Agency, Letters Received. Additional information on the relationship between Colley and Dole was supplied by Daisy W. Chapin, curator of the Bartlett Museum, Beloit, Wisconsin, in letters dated August 23 and 27, 1968. See also the *Bedford Messenger* (New Hampshire), November 23, 1883, p. 1; Woodbury, Savage, and Patten, *History of Bedford*, pp. 713, 893.

time, Boone clung to his position as agent. Ultimately Boone surrendered the office, but not before Territorial Governor William Gilpin wrote to Dole complaining that "the uncertainty growing out of suspended official authority threatens calamity."[8]

A year after Samuel Colley arrived at the agency, his son moved to Fort Lyon with some thirty to forty head of cattle, worth perhaps $1,500. Dexter Dole Colley proceeded to establish a partnership with squawman John Smith, trading with the Cheyennes, Arapahoes, Kiowas, and Comanches. The Colleys apparently made few friends on the Arkansas River. William Bent, Dexter Colley's rival in the Indian trade, stated flatly that annuity goods intended for distribution to the Indians somehow wound up in the trade rooms of Smith and Colley.[9] Frank Hall, a newspaperman who later became secretary of the territory, strongly implied that Colley "sold and traded away the greater part of each consignment" of treaty goods.[10] William Henry Ryus, a stagecoach driver, recalled many years later that the Indians accused Agent Colley of stealing their annuities.[11] Julia Lambert, who knew the Colleys at Fort Lyon, said the agent regularly allowed his son to fill the trade wagons with goods from the Indian warehouse.[12]

In spite of these serious charges, Colley may have been a good administrator. The Hall and Lambert stories were not published until many years after Agent Colley had left the territory. William Bent's allegations sound suspiciously like those of a jealous trade rival. Moreover, his son George Bent, who lived with the Cheyennes, did not mention anything of the sort with reference to Agent Colley.[13] One thing is clear, however. Colley knew very little about Indians, and in his four years at the Upper Arkansas Agency he failed to develop any clear understanding of the problems of the Cheyennes and Arapahoes committed to his care or to take the problems seriously when he did understand them.

[8] Letter from Gilpin to Dole, October 8, 1861, in U.S., Congress, Senate, "Report of the Commissioner of Indian Affairs for 1861," *Report of the Secretary of the Interior*, 37th Cong., 2d Sess., 1863, Doc. No. 1, p. 714. See also *Condition of the Indian Tribes*, pp. 26, 34, and letter from Colley to Gilpin, December 19, 1861, Colorado Collection, Charles Leaming Tutt Library, Colorado College, Colorado Springs.

[9] *Condition of the Indian Tribes*, p. 95.

[10] Frank Hall, *History of the State of Colorado* (Chicago: Blakeley Printing Co., 1889), I, 329.

[11] Among other errors, however, Ryus got the name wrong, referring to Colley as Macauley. See his *Second William Penn: A True Account of the Incidents that Happened along the Old Santa Fe Trail in the Sixties* (Kansas City, Mo.: Frank T. Riley Publ. Co., 1913), p. 49.

[12] Julia S. Lambert, "Plain Tales of the Plains," *The Trail*, IX (June, 1916), 17.

[13] See, for example, Hyde, *Life of George Bent*, pp. 121 and 142, in which Bent refers to Agent Colley in only a very general way.

Dexter Colley, Indian trader and son of Agent Samuel Colley.

The Cheyennes and Arapahoes had several complaints. They were dissatisfied with the boundaries of their reservation as defined in the 1861 Treaty of Fort Wise, and a number of chiefs stubbornly refused to accept its terms.[14] Yet in the summer of 1863, when Territorial Governor John Evans tried to bring the tribes together in council to discuss the problems, Agent Colley made little or no attempt to gather his chiefs for the conference and in fact did not attend himself. The conference was a total failure.[15]

One of the reasons the disaffected bands rejected the treaty was that they would have been required to become farmers and tend small irrigated plots. Farming, they felt, was beneath the dignity of warriors, and they refused to enter the reservation except occasionally for trade.[16] In spite of massive evidence to

[14] William E. Unrau, "A Prelude to War," *The Colorado Magazine*, XLI (Fall, 1964), 309; letter from Dole to John Evans, May 18, 1863, Records of the Office of Indian Affairs, Letters Sent, LXX, 455-57, microfilm, National Archives.

[15] Letter from Evans to Dole, October 14, 1863, in U.S., Congress, House, "Report of the Commissioner of Indian Affairs for 1863," *Report of the Secretary of the Interior*, 38th Cong., 1st Sess., 1864, Doc. No. 1, p. 242, cited hereafter as RCIA, 1863.

[16] John Evans Interviews, Bancroft MS P-L 23 (1884), p. 11, and P-L 329 (1889), fol. II, p. 20, Bancroft Library, Berkeley, California.

the contrary, Agent Colley continued to report optimistically that "some of them appear anxious to settle down on their lands and live like whites."[17]

Even more serious was Colley's inability to gauge the hostility of the Indians with any degree of accuracy. In 1863, when the Cheyennes and Arapahoes were growing increasingly hostile, Samuel Colley said his charges were "friendly and peaceable, and have shown no disposition to molest the whites or the traveling public except a few of the Kiowas."[18] This evaluation was written less than two weeks after former agent Albert G. Boone reported serious Indian depredations near his Arkansas River ranch,[19] which was close to the Cheyenne-Arapaho reservation. Throughout the earlier part of the year Indians from the Upper Arkansas Agency had been involved in more or less serious incidents, and in August, 1863, Colley himself had helped to avert a clash at Fort Larned.[20] Nonetheless, he called them "friendly and peaceable."

By early November Agent Colley had changed his mind. Reports from squawmen John North and John Smith paralleled information from Agent John Loree of the Upper Platte Agency. North had been guest of honor at a big medicine dance fifty-five miles below Fort Lyon on the Arkansas River. He reported that emissaries from the Sioux, Comanches, Apaches, and Kiowas met with the Cheyennes and Arapahoes and induced them to agree "to go to war with the whites as soon as they can procure ammunition in the Spring."[21]

Events of the spring and summer of 1864 seemed to indicate these reports were true. Ranches were attacked and burned, livestock was stolen, and unsuspecting citizens were taken captive or killed. By midsummer, Agent Colley was reporting an Indian raid near Fort Larned in which "all the tribes were engaged." As he wrote Governor Evans: "There is no dependence to be placed in any of them. I have done everything in my power to keep peace. I now think a little powder and lead is the best food for them."[22]

[17] Letter from Colley to Dole, September 30, 1863, RCIA, 1863, p. 252.
[18] *Ibid.*
[19] Letters from Evans to John M. Chivington, September 21 and 22, 1863, and to Boone, September 22, 1863, Indian Affairs Letterpress Book, John Evans Collection, State Historical Society of Colorado Library, referred to hereafter as Indian Letter Book.
[20] Letter from Evans to Dole, September 30, 1863, RCIA, 1863, pp. 240-42.
[21] See North's statement in the letter from Evans to Dole, November 10, 1863, Indian Letter Book. See also the letters from Evans to John Loree, November 14, 1863; from Evans to Dole, November 11, 1863; and from Evans to Chivington, November 9, 1863, enclosing a copy of a letter from John Smith to Colley, *ibid.*
[22] Letter from Colley to Evans, July 26, 1864, *ibid.*

Six weeks later, Agent Colley wrote a long letter to Commissioner Dole. "I fear," he said, "we will not have peace with the Indians until they have received a sound threshing." The Upper Arkansas agent thought it would take "a force of several thousand men to bring them into subjection." Moreover, he stated: "Claims for depredations committed by these Indians are coming in to my office rapidly."[23] Colley reported to Evans at the same time that he had been forced to abandon his agency and take refuge at Fort Lyon.[24] Two days afterward Colley received a letter from Black Kettle and other chiefs, asking for peace.[25] He sent the letter along to Governor Evans, and before the end of the month a deputation of chiefs was in Denver to arrange peace terms. Evans immediately wrote to Colley, warning the Upper Arkansas agent not to assume the war was ended.[26] After the conference Evans wrote again to Colley, saying that peace terms had not been agreed upon and that no treaty goods were to be distributed.[27] Although not yet willing to move back to the agency, Colley seems to have ignored the governor's repeated instructions. Regular trade relations were resumed, and apparently some treaty goods were distributed to the Indians.[28]

Dexter Colley, the Upper Arkansas Agency trader, had accompanied the chiefs to Denver for the peace conference. As

Trader Dexter Colley is standing in the back row, second from right, in this photograph taken at the Camp Weld conference.

soon as he returned to Fort Lyon, trader Colley set off for St. Louis, presumably to purchase additional items for trade.[29] Although he was not in the territory at the time of the battle at Sand Creek, his partner John Smith and his employee Watson Clark were actually in the Indian camp with a wagonload of trade goods,[30] and these supplies were destroyed or looted by Chivington's troopers during the attack on the camp.[31]

After the battle the story began to spread that the trading firm of Colley and Smith had made a fortune in the Indian trade, and more than a few of the reports suggested that the agent himself was involved. Denver newspaper editor William N. Byers said Agent Colley took the Indian treaty goods in through the front door of his agency in the daytime, and at night shipped the goods out the back door and off to his trading posts.[32] William Bent said his Cheyenne friends called Colley a swindler, and he added that Dexter Colley had made $25,000 or $30,000 in the Indian trade.[33] John T. Dodds was more specific. According to his report, Cheyenne and Arapaho chiefs Black Kettle, Lean Bear, Left Hand, and Raven complained that they had "to pay for the goods intended by the Great Father to be given them."[34] Asbury Bird said that Dexter Colley had sent $2,000 worth of Indian treaty goods to Denver for sale just before the Chivington attack; he quoted John Smith as saying there was no risk in the Indian trade, since the goods were free.[35] Robert Bent's Indian friends reportedly charged Agent Colley with "trading their own goods to them,"[36] and John Smith reported on one occasion that his trading expedition to Black Kettle's camp at Sand Creek was made on orders from Agent Colley himself.[37]

[23] Letter from Colley to Dole, September 2, 1864, in U.S., Congress, House, "Report of the Commissioner of Indian Affairs for the Year 1864," *Report of the Secretary of the Interior*, 38th Cong., 2d Sess., 1865, Doc. No. 1, p. 388, cited hereafter as RCIA, 1864.
[24] Letter from Evans to Colley, September 9, 1864, citing Colley's letter of September 2 to Evans, Indian Letter Book.
[25] Letter from Black Kettle and Other Chieves [sic] to Colley, August 29, 1864, MS in the Colorado Collection, Charles Leaming Tutt Library.
[26] Letter from Evans to Colley, September 19, 1864, Indian Letter Book.
[27] *Ibid.*, September 29, 1864.
[28] Letters from D. A. Chever to Colley, October 18, 1864, and from Evans to Colley, November 10, 1864, *ibid.* See also the testimony of John W. Prowers in *Sand Creek Massacre*, p. 107.
[29] Testimony of Dexter D. Colley in "Massacre of Cheyenne Indians," p. 14.
[30] Testimony of Edmund G. Guerrier, *Condition of the Indian Tribes*, p. 66; testimony of Robert Bent, *ibid.*, 96; testimony of John Smith, *ibid.*, 51.
[31] Testimony of Pressly Talbott, *ibid.*, 68.
[32] *Rocky Mountain News* (Denver), August 14, 1865, cited in Lonnie J. White, "From Bloodless to Bloody: The Third Colorado Cavalry and the Sand Creek Massacre," *Journal of the West*, VI (October, 1967), 565.
[33] Testimony of William Bent, *Condition of the Indian Tribes*, p. 95.
[34] Testimony of John T. Dodds, *ibid.*, 65.
[35] Testimony of Asbury Bird, *ibid.*, 72.
[36] Testimony of Robert Bent, *ibid.*, 96.
[37] Testimony of John Smith, "Massacre of Cheyenne Indians," p. 5.

It seems clear from the evidence that Colley, at the very least, played some role in getting supplies to the Indians at Sand Creek. If he had any conclusive evidence that the actions of Black Kettle and the other chiefs really signified the end of the Indian war, he failed to convey this notion to Governor Evans, to Commissioner Dole, or to the military authorities. Finally, by allowing his son to act as trader on the reservation, Colley placed himself in an extremely vulnerable position, particularly in view of the fact that his "Dear Cousin William" was Commissioner of Indian Affairs.

When Senator James R. Doolittle conducted a survey of opinions regarding the operation of the Office of Indian Affairs in the summer of 1865, the most consistent complaint had to do with the unholy alliance between agents and traders. Colonel John T. Sprague of the Seventh Regiment, U.S. Infantry, stated that most of the cash annuities went to the agency trader and that "very little, if any," reached the Indians. Mahlon Stubbs of the Friends' Kansas Manual Labor Mission School said flatly: "The trader gets nine-tenths." Milo Gookins, Wichita Indian agent, estimated that half of the annuities went to agency traders for goods and supplies already advanced, and only a fourth reached the hands of the Indians; what happened to the other fourth Agent Gookins did not say.[38] One agent, however, seems to have managed to have the best of both worlds. This was John W. Wright of Logansport, Indiana—judge, contractor, surveyor, and special Indian agent.

Wright was born in Lancaster, Ohio, in 1811, the son of Reverend John Wright, a prominent Presbyterian minister. At the age of twenty-one, Wright was graduated from the University of Ohio. After reading law for a year, he moved to Logansport, Indiana, and began to practice. He was prosecuting attorney for a time in Cass County, and he was elected to serve for six years as presiding judge of the eighth judicial circuit in Indiana. He helped to promote a plank road and several railroads around Logansport, including one called the Pan Handle Railroad, as well as a better-known line named the Wabash. He operated a bank in Logansport in the fifties, and in 1852 he was elected mayor of the town.[39]

Judge Wright was one of the early leaders of the Free Soil movement in Indiana. When the Kansas-Nebraska Act sparked

[38] Letters to Doolittle from Sprague, August 12, 1865; from Stubbs, July 25, 1865; and from Gookins, July 25, 1865, *Condition of the Indian Tribes*, pp. 430, 485, 473.
[39] Jehu Z. Powell, *History of Cass County, Indiana* (Chicago: Lewis Publ. Co., 1913), II, 1205-06.

a nationwide controversy over the extension of slavery into the territories, Wright seized the issue and made it his own. Early in 1856 he announced: "If a contest with arms comes off in Kansas, hundreds of Hoosiers will be there, . . . and after it is over every aider and abettor to the ruffians . . . will be shipped south." Later that year at a Buffalo, New York, meeting to aid Kansas free-state settlers, he was one of seventeen people elected to the National Kansas Committee, of which Abraham Lincoln was also a member.[40] Wright had become a politician of more than local stature. In 1858 he seems to have been elected to Congress from Indiana, but instead of taking his seat, he moved out to Kansas, where he could work more effectively to keep slavery out of the territory. He settled in Quindaro and gained wide recognition as a leader in the Kansas territorial legislature.[41]

But financial success eluded Wright, and when he returned to Logansport, about 1862, he began to think of the many things that could be done by a man who had a few friends in Washington. His old crony John P. Usher soon was named Secretary of Interior, and Wright began to exploit the friendship.

After some preliminary correspondence with Usher, Judge Wright arranged to contract for the survey of small farms and irrigation ditches which the Office of Indian Affairs ultimately planned to develop on the Upper Arkansas reservation. Since he knew nothing about surveying, Wright hired another friend, James M. Clements of Newcastle, Indiana, to do the actual work.[42] With these details settled, and without consulting the Commissioner of Indian Affairs, Wright and Usher met in Indianapolis and signed a contract for the survey. Although a price was not specified in the open-end contract, it was later agreed that the judge would receive $5,000 for his work, $1,800 of which went to Surveyor Clements.[43]

[40] *Indianapolis Daily Journal*, February 28, 1856, quoted in Wendell Holmes Stephenson, *The Political Career of General James H. Lane*, Vol. III of *Publications of the Kansas State Historical Society* (Topeka: Kansas State Printing Plant, 1930), p. 70. See also the *Indianapolis Daily Journal*, February 22, 1856, cited in Roger H. Van Bolt, "The Rise of the Republican Party in Indiana," *Indiana Magazine of History*, LI (September, 1955), 201; Robert Morrow, "Emigration to Kansas in 1856," *Transactions of the Kansas State Historical Society*, VIII (1904), 303-04.

[41] Powell, *History of Cass County*, II, 1206; "Governor Medary's Administration: Executive Minutes and Correspondence," *Transactions of the Kansas State Historical Society*, V (1896), 592-95; George W. Glick, "The Railroad Convention of 1860," *Transactions of the Kansas State Historical Society*, IX (1906), 468-69; Kansas, House of Representatives, *Journal*, 5th Sess., 1859, cited in "Kansas Territorial Publications," *Transactions of the Kansas State Historical Society*, VI (1900), 415.

[42] Letters from Wright to Usher, April 7, 1863; from Clements to Dole, October 29, 1863, January 30, 1864, and February 3, 1863 [1864]; and from R. C. Johnston and A. H. Smith to Dole, September 24, 1863, Upper Arkansas Agency, Letters Received.

A leader in civic affairs, Governor John Evans helped to establish both Northwestern University and the University of Denver.

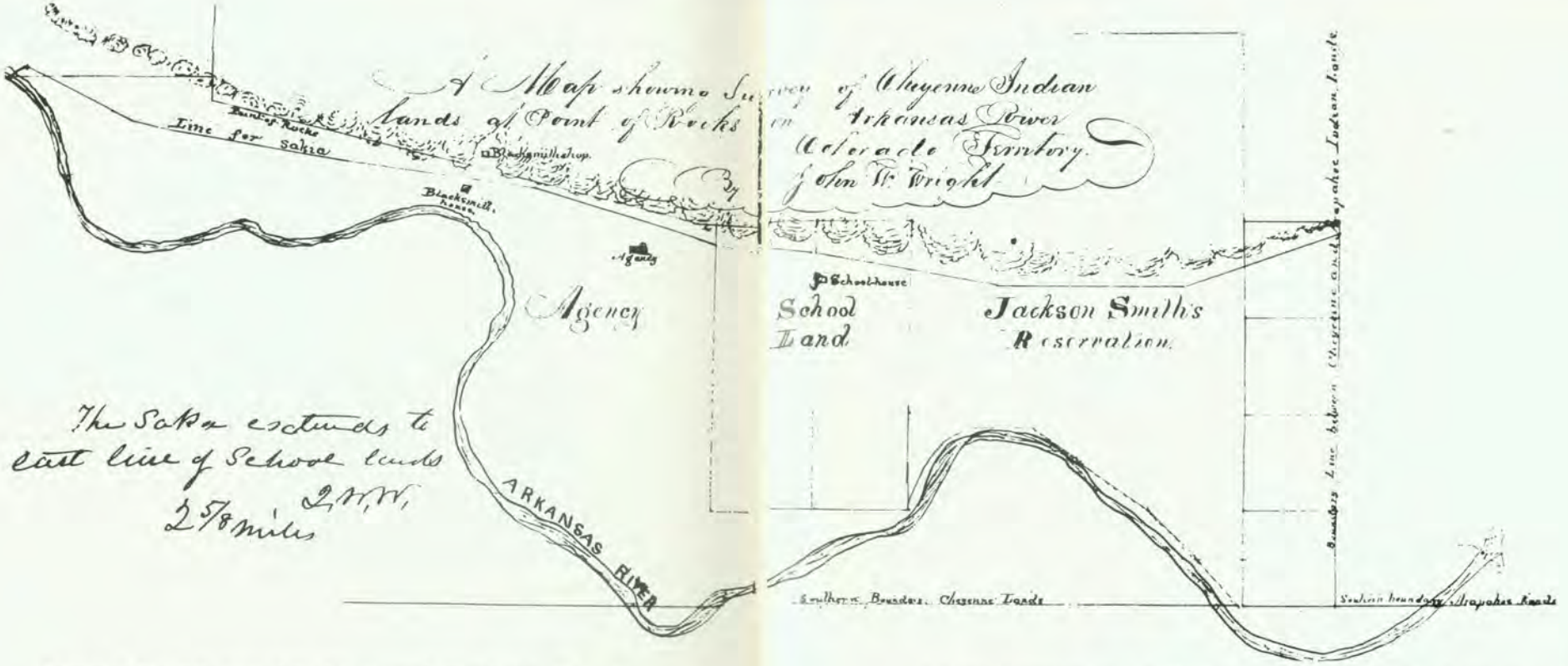
For some reason not now entirely clear, Governor John Evans, who was also ex officio Superintendent of Indian Affairs for Colorado Territory, was reluctant to cooperate with Wright in the completion of his survey. Perhaps he questioned the propriety of this contract between cronies, made without the advice or consent of the Indian Office.[44] Or perhaps Evans had heard former Indian Agent A. G. Boone tell how Judge Wright had tried to have him dismissed from the Indian service and in other ways made himself unpleasant to Boone.[45]

It is more probable, however, that Evans dragged his feet simply because preliminary planning was not yet completed—and not likely to be finished very quickly. Since many Indians had not accepted the terms of the Treaty of Fort Wise, no one knew how many would ultimately have to be given homes on the reservation. Thus, it was not possible to determine how

[43] Contract dated May 13, 1863, signed by Wright and Usher; letters from Wright to Dole, May 24, 1863; from Wright to Usher, September 17, 1863; and from Clements to Dole, February 3, 1863 [1864], *ibid.*

[44] See the letter from Dole to Colley, June 21, 1863, *ibid.*, in which the commissioner himself seemed to have serious reservations about the arrangement.

[45] Ryus, *Second William Penn*, pp. 40-42. As usual Ryus is a bit unclear on details. He recorded these reminiscences many years after the events occurred and in the course of time managed to promote Wright from the Kansas territorial legislature to the halls of Congress. Still, there is probably some foundation for his story that Wright was at the Upper Arkansas Agency during Boone's tenure and that the judge developed a bitter and unjustified antagonism toward the Indian agent.



Surveyor Wright's map of the Cheyenne Indian lands. The sakia (derived from the Spanish acequia*) was an irrigation canal.*

many parcels of land would be needed for the Indian farms, nor was Evans able to determine the size and extent of the irrigation works needed to serve the farms.[46] Commissioner Dole saw this issue clearly and attempted to shift responsibility to the governor. Evans should supervise the survey, Dole said, making certain that each plot had access to water, and "so directing the work as to have it done in a proper manner, reference being had to economy and the future welfare of the Indians."[47] Knowing the project could not succeed, Evans refused to have any part in it. Instead he wrote to the judge, saying it would be impossible to start the survey until all non-signatory Cheyennes and Arapahoes had accepted the Treaty of Fort Wise.[48]

[46] Letters from Evans to Wright, June 9, 1863; from Colley to Dole, June 27, 1863; and from Dole to Evans, July 9, 1863, Upper Arkansas Agency, Letters Received.
[47] Letter from Dole to Evans, June 1, 1863, *ibid.*
[48] Letter from Evans to Wright, June 9, 1863, *ibid.*

When Surveyor Wright, accompanied by his sixteen-man crew, arrived at the agency and found that Evans was not there to direct the survey, he went into a towering rage. The frustrated surveyor dispatched an angry letter to the territorial governor, demanding to know why Evans had not been at Fort Lyon to meet him and ordering Evans to come to the reservation, bring the plat books from the 1862 boundary survey, and show him where to start the new lines.[49] Evans replied evenly that he did not have the field notes—they were in Washington—and that in any case he had received no official notification of Wright's contract with the government.[50] Nearly a month passed before Washington officials found the field notes and sent them on to the reservation.[51] In the meantime Wright and his crew cooled their heels at Fort Lyon and doubtless warmed the air with invectives against the uncooperative governor.

[49] Letters from Wright to Evans, June 28, 1863, and from Colley to Dole, June 27, 1863, *ibid.*
[50] Letter from Evans to Wright, June 30, 1863, *ibid.* Commissioner Dole had just told Evans that *he* had no official notification of Wright's status; letter from Dole to Evans, June 1, 1863, *ibid.*
[51] Letter from Dole to Evans, July 25, 1863, *ibid.*

To soothe the judge's ruffled feelings the Secretary of Interior sent new instructions to the Indian Office. Judge Wright was to be appointed special agent to the Caddo Indians, recent arrivals at the Upper Arkansas Agency who had been driven out of Texas by the Confederates. Wright was to settle the tribe near the Fort Lyon area in a new reservation on the south bank of the Arkansas. In this capacity Special Agent Wright would receive $5.00 per day in salary—somewhat higher than a regular agent's salary—and be reimbursed for his travel and living expenses as well.[52]

Two months later the judge-surveyor-Indian agent was on his way home, with both the survey and the work with the Caddoes completed.[53] Within a short time, however, it became obvious that Wright's survey work was so bad it would all have to be done again.[54] Wright managed to shift the blame to his surveyor, Clements, and after a time he was paid for his work —over Evans' stubborn objections.[55] The Caddoes apparently could not use the buildings he constructed for them, and in spite of the fact that Special Agent Wright received $4,000 for relief supplies, there is no evidence of any improvement in their "very destitute" condition.[56]

Editor Byers of the Denver *Rocky Mountain News,* a good friend of Governor Evans, had his own opinion of the judge. According to Byers the Caddo Indians on the Upper Arkansas "existed only in the fertile imagination" of Special Agent Wright.[57] When Colonel John M. Chivington made his bloody raid on Black Kettle's camp at Sand Creek, Wright still had not received the final payment on his contract.[58] In Wright's opinion Governor Evans was responsible for the delay, so when the special agent read the first report of the Sand Creek affair in the New York *Herald* on December 9, 1864, he immediately sensed an opportunity for revenge. Wright prevailed upon the *Herald* to publish articles calling the affair a massacre and implicating Governor Evans, as well as Colonel Chivington.[59]

[52] Letters from Charles E. Mix to Wright, August 14, 1863, and from Colley to Dole, June 30, 1863, RCIA, 1863, pp. 256-58.
[53] Extract of letter from Wright to Usher, October 28, 1863, and Wright's report on the Caddoes, November 4, 1863; both in Records of the Office of Indian Affairs, Colorado Superintendency, Letters Received, microfilm reel 197, National Archives.
[54] Telegrams from Evans to Dole, February 8, 1864, and from Dole to Evans, February 29, 1864; letter from Dole to Evans, April 17, 1864, Upper Arkansas Agency, Letters Received.
[55] Letters from Wright to Usher, November 25, 1864, and from Usher [?] to Mix, April 19, 1864, *ibid.*; *Rocky Mountain News* (Denver), June 19, 1865, p. 2.
[56] Letter from E. B. French to Dole, April 20, 1864, Upper Arkansas Agency, Letters Received; letter from Colley to Dole, September 30, 1863, RCIA, 1863, pp. 252-53; letter from Colley to Dole, April 1, 1864, RCIA, 1864, p. 392.
[57] *Rocky Mountain News* (Denver), June 19, 1865, p. 2.

Although the U.S. Treasury quickly approved an additional payment of $5,000 to Wright on December 30,[60] the man refused to drop the issue. He managed to get a couple of letters from friends in Colorado, including Agent Colley, whose son had lost a wagonload of trade goods at Sand Creek and whose partner had lost a son there. These letters he sent on to be published in the *Herald.*[61] In due time Senator Harlan of Indiana introduced a resolution asking the Joint Committee on the Conduct of the War to investigate the Sand Creek matter, which prompted Senator S. C. Pomeroy, chairman of the Committee on Territories, to declare that Evans was not involved and that his name should not be linked with Sand Creek.[62] Wright immediately wrote, published, and distributed a pamphlet containing an open letter to Senator Pomeroy. The message was a scathing attack on Evans, accusing the governor of bringing about the Indian war through sheer callousness and neglect of duty.[63] Wright and several friends also cornered one of the members of the Committee on the Conduct of the War and managed to prejudice both the investigation and the published report.[64] As a result of all this Wright was able to divert attention from the deficiencies in his survey and in his conduct as special agent to the Caddoes. Moreover, Colorado statehood was delayed for another decade, and Colonel Chivington's plans for a political career were ruined. Wright's own interest in Sand Creek apparently ended with his moderately successful attempt to blacken the name of Governor John Evans. Few people in or out of the federal government seemed genuinely concerned about the Indians; the army continued for a number of years its policy of relentless harassment and ruthless slaughter.

[58] Letter from Dole to French, December 30, 1864, Upper Arkansas Agency, Letters Received.
[59] John Evans Interviews, Bancroft MS, P-L 23 (1884), p. 20, and P-L 329 (1889), fol. V, pp. 36-37, Bancroft Library; *Rocky Mountain News* (Denver), June 19, 1865, p. 2; *New York Herald,* December 9, 1864, p. 5.
[60] Letter from Dole to French, December 30, 1864, Upper Arkansas Agency, Letters Received.
[61] *New York Herald,* December 26, 1864, p. 5, and January 7, 1865, p. 5. Professor Lonnie J. White has recently compiled evidence to show that Territorial Chief Justice Stephen S. Harding wrote the December 26 letter to the *Herald;* "From Bloodless to Bloody," pp. 566-67.
[62] See the debate on Senate Resolution No. 93 in the *Congressional Globe,* 38th Cong., 2d Sess., January 12 and 13, 1865, Pt. 1, pp. 234, 250-56. See also the letter from Evans to Pomeroy, January 16, 1865, in the *Daily Morning Chronicle* (Washington, D. C.), January 18, 1865, p. 1.
[63] Letter from Wright to Pomeroy [January 19, 1865], in John W. Wright, *Chivington Massacre of the Cheyenne Indians* (Washington: Gideon & Pearson Printers, 1865); a copy of this pamphlet is in the Colorado Collection, Charles Leaming Tutt Library.
[64] John Evans, *Reply of Governor Evans of the Territory of Colorado to That Part Referring to Him, of the Report of "The Committee on the Conduct of the War," Headed "Massacre of Cheyenne Indians,"* (Denver: n.n., 1865), p. 15; John Evans Interviews, Bancroft MS P-L 23 (1884), p. 20, and P-L 329 (1889), fol. V, pp. 36-37, Bancroft Library.

A third Indian agent is less directly concerned with Sand Creek, although his appointment does illustrate the manner in which such positions were used for purposes entirely unrelated to Indian affairs. Simeon Whiteley, of Racine, Wisconsin, was a Yorkshireman who came to America with his parents in 1842 at the age of eleven. When he was fifteen years old, he became a printer's apprentice, and by the time he was twenty-one, he was journeyman printer on the Racine *Commercial Advertiser*. His first newspaper editorial was a eulogy on the death of Henry Clay, written in June, 1852. This and similar literary efforts earned Whiteley a job as editor of a Madison paper called the *Old Oaken Bucket*. The *Bucket* collapsed in a short time, and in the fall of 1852 Whiteley moved to Illinois, where he started the Aurora *Guardian*—appropriately enough with an editorial on the recent death of Daniel Webster. For two years his paper concentrated on local news, and Whiteley made money. In 1854, however, he began to publish editorials critical of Illinois Congressman John Wentworth and his position on the introduction of slavery into the territories. Aurora was split on slavery, and by entering the controversy, Whiteley lost so much business that by 1858 he was forced to give up the paper and return to Wisconsin.[65]

Although he had lost the *Guardian*, Whiteley's editorials attracted the attention of several politicians in Chicago. These men had organized a "Cameron and Lincoln Club," and they invited Whiteley to join the group as corresponding secretary. In this new role Whiteley began writing to editors of country newspapers in Pennsylvania and Illinois, and when many of these men started to come out in support of a Cameron and Lincoln ticket in 1860, Whiteley received a share of the credit. Soon he was sent to Washington as the capital correspondent for the Springfield, Illinois, *Journal*, Lincoln's hometown paper. After the nomination of Lincoln, engineered in part through a deal with Cameron's Pennsylvania delegation, Whiteley moved to Chicago as editor of a campaign paper called *The Rail Splitter*. When Lincoln won the election and Simon Cameron became Secretary of War, Whiteley again took a bow for his role in the successful campaign and was rewarded with an appointment to Cameron's office staff. Early in 1862 the War Department scandals became such an embarrassment to Lincoln that Cameron was removed from the cabinet and packed off as minister

[65] *The History of Racine and Kenosha Counties, Wisconsin* (Chicago: Western Historical Publ. Co., 1879), pp. 615-17.

Agent Simeon Whiteley had a special mission when he came to the territory.

to St. Petersburg. For a time Editor Whiteley took odd jobs in Washington—superintendent of the telegraph office and chairman of the Wisconsin Soldier's Relief Association. Finally Senator James R. Doolittle—a friend from Racine and also chairman of the Committee on Indian Affairs—arranged for Whiteley to be appointed Indian agent at the newly-designated Middle Park Indian Agency in Colorado, where there were as yet neither Indians nor an agent.[66]

The question of Whiteley's total lack of experience in Indian affairs was apparently never raised, because Whiteley was supposed to be something other than an Indian agent. Senator Doolittle, like Whiteley, was an ardent Lincoln man. Working with Lincoln and Territorial Governor John Evans, Doolittle arranged to send Whiteley to Colorado with the special mission of helping Governor Evans bring Colorado into the Union.[67] This was part of the Lincoln administration's plan to grant statehood to Nebraska, Nevada, and Colorado, thereby providing additional support in the electoral college and six more Senate votes for Lincoln's legislative program.[68]

On the way to Colorado Whiteley stopped in Illinois, where the Grand Councilor of the Union League deputized him to organize the league in Colorado Territory.[69] The Union League

[66] *Ibid.*
[67] *Ibid.* See also the account by Simeon Whiteley's wife, Jane Knight Whiteley, "Our Denver Story," undated MS in the library of the State Historical Society of Wisconsin, Madison.
[68] J. G. Randall and David Donald, *The Civil War and Reconstruction* (2d ed.; Boston: D. C. Heath & Co., 1961), p. 476; see also *History of Racine and Kenosha Counties*, p. 616.
[69] Minutes of the Denver Council of the Union League of America, May 9, 1863, MS in the State Historical Society of Colorado Library.

had been formed during the Civil War to promote the Union cause by supporting Republican candidates and by working "to counteract the evil influences of the Knights of the Golden Circle."[70] The Knights, a pro-Democrat secret society, had gained control of the Illinois legislature in 1863 and so embarrassed the loyal Republican governor that he prorogued the session.[71]

Almost as soon as Agent Whiteley arrived in the territory, he began working for Colorado statehood. On Saturday evening, May 9, 1863, Whiteley and a few others met in Governor Evans' office and proceeded to form the Colorado Council of the Union League of America, with Whiteley himself as president.[72] Before long Whiteley had started league councils in fourteen towns in the territory.[73]

To do the man justice, Whiteley did actually go to Middle Park for a few days, and apparently construction was started on some agency buildings. But the place was isolated, there was no wagon road, and there were no troops to garrison the agency. Therefore, Whiteley soon returned to Denver and afterward made little or no effort to work at the Middle Park Agency.[74]

Instead, while still drawing his $1,500 annual salary as Indian agent, he went to work for the Denver *Commonwealth*, soon became editor, and ultimately purchased complete control of the paper.[75] The *Commonwealth* under Whiteley supported the Union party ticket and the statehood movement, but the editorial work was inept, erratic, and often misdirected. The more successful *Rocky Mountain News* had identical editorial policies and a much more competent editor. After the *News* office was destroyed in the flood of May, 1864, Whiteley sold his paper to *News* editor Byers, who pushed the statehood campaign with his usual vigor. Undoubtedly, Governor Evans recognized Editor Whiteley's shortcomings, for it seems likely that he helped Byers purchase the *Commonwealth*.[76]

[70] Green Berry Raum, *History of Illinois Republicanism* (Chicago: Rollins Publ. Co., 1900), p. 114.
[71] Randall and Donald, *Civil War and Reconstruction*, p. 299.
[72] Minutes of the Denver Council of the Union League of America, May 9, 1863; *Daily Commonwealth* (Denver), May 24, 1864, p. 3.
[73] Guy James Gibson, "Lincoln's League: The Union League Movement during the Civil War" (unpublished Ph.D. dissertation, University of Illinois, 1957), pp. 296-97.
[74] Letters from Evans to Chivington, August 26, 1863, and from Evans to Dole, November 6, 1863, Indian Letter Book. See also the letter from Evans to Dole, October 14, 1863, RCIA, 1863, pp. 245-46.
[75] *Daily Commonwealth* (Denver), January 1, 1864, p. 2; April 12, 1864, p. 2.
[76] Robert L. Perkin, *The First Hundred Years: An Informal History of Denver and the Rocky Mountain News* (Garden City, N. Y.: Doubleday & Co., 1959), pp. 219-22, 258.

Unfortunately for Whiteley, the Commissioner of Indian Affairs had not been informed of the agent's special mission. When he received Governor Evans' annual report, showing that Whiteley had spent the entire winter in Denver with his family, at government expense, the commissioner threatened to fire the man. Governor Evans quickly dispatched a letter explaining Whiteley's unusual arrangement. Commissioner Dole, somewhat chastened, replied that it was really too much, asking the Indian service to pay the salary and expenses for Whiteley and in addition hire an interpreter to assist him, hire a guide to assist the interpreter, pay living expenses for all these people, and even pay for boarding the agent's horse at the local livery stable. The assistants would have to go, and Whiteley would have to give some help with Indian problems.[77]

The entire Plains area was then in a state of virtual siege, and dozens of whites were being brutally slain or carried off into captivity.[78] At a time when Governor Evans was begging Washington for assistance, an experienced agent could well have been useful in helping to pacify the Indians. Although the man from Wisconsin was not qualified as an Indian agent, Governor Evans made the best of a bad situation and dispatched Whiteley to Camp Collins to take charge of a group of friendly Arapahoes. These Indians, under a chief called Friday, had been trying for some time to pressure the government into giving them a special reservation on the Cache la Poudre, in exchange for which they would agree to remain peaceful. Whiteley thoroughly mismanaged this assignment, and before spring all the Indians but Friday had deserted Camp Collins.[79]

Even as a reporter Whiteley left something to be desired. When Major Wynkoop from Fort Lyon brought Black Kettle and the other warriors to Denver for a conference late in September, 1864, apparently seeking peace, Governor Evans asked Whiteley to keep a stenographic record of the discussions. In spite of Whiteley's repeated assertions that his record was a verbatim transcript of the conference, it very obviously was not.[80]

[77] Letters from Dole to Evans, June 10, 1864, and July 14, 1864, Records of the Office of Indian Affairs, Letters Sent, microfilm reel 74, National Archives; letter from Evans to Dole, June 25, 1864, Indian Letter Book.
[78] See the account in Stan Hoig, *The Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961), pp. 74-109.
[79] Letter from Evans to Whiteley, June 28, 1864, Indian Letter Book; letters from Whiteley to Evans, July 14, 1864, August 30, 1864, September 13, 1864, and October 23, 1864, RCIA, 1864, pp. 379-86; letters from Evans to Dole, November 9 and 11, 1863, Indian Letter Book; letter from Daniel C. Oakes to D. N. Cooley, September 2, 1865, RCIA, 1865, p. 383.
[80] The report is published in Evans, *Reply of Governor Evans*, following p. 16 and in *Condition of the Indian Tribes*, pp. 87-90. Whiteley's remarks about the accuracy of his stenographic work are found on the last page of the report and in *Sand Creek Massacre*, p. 213.

And much of the dispute surrounding the Sand Creek affair today arises from Whiteley's incomplete and inaccurate report of the Camp Weld conference.

The man who perhaps deserves more criticism than any other person for the scandalous state of affairs in the Indian service is Commissioner of Indian Affairs William P. Dole. The Commissioner was very close to the President, and his advice on appointments was frequently sought and was usually given serious consideration.[81] Passing out choice appointments to relatives, as he did in the case of his cousin Samuel G. Colley and his brother-in-law John B. Gordon,[82] would seem to be a betrayal of the trust Lincoln had placed in him.

Moreover, Dole was widely believed to be speculating in Indian land. When the Sauk and Fox trust lands of Osage County, Kansas, were offered for sale in 1864, Dole, Secretary of Interior John P. Usher, Comptroller of the Currency Hugh McCulloch, and Lincoln's secretary John G. Nicolay were some of the prominent men who purchased tracts.[83]

Family ties meant a lot to Commissioner of Indian Affairs William P. Dole.

Colley, Wright, Whiteley, and Dole all left government service before the first official report of the Sand Creek massacre was published. Samuel Colley went home to Beloit, where he continued to dabble in politics and finally retired to a prosperous farm on the edge of town.[84] Dexter Colley moved to Kansas and was president of the city council in Dodge City when Marshal Edward J. Masterson was murdered; he later became a railroad conductor.[85] John Wright remained in Washington, served as attorney in Indian bounty claim cases, and was widely accused of fraudulent practice.[86] Simeon Whiteley abandoned both politics and journalism, choosing instead a new career as insurance agent.[87] All were highly respected in their home communities.

A new Secretary of Interior forced William P. Dole to resign in July, 1865, through the old ploy of giving him an unpleasant and probably impossible assignment. Dole submitted his resignation to President Andrew Johnson on July 6, 1865, and it was accepted that very day.[88] Afterward Dole slipped back into the obscurity from which Lincoln had rescued him early in 1861, when he announced the appointment of a new Commissioner of Indian Affairs.[89]

[81] U.S., Lincoln Sesquicentennial Commission, *Lincoln Day by Day*, ed. by Earl Schenck Miers (Washington: Government Printing Office, 1960), III, 45, 47-48, 52. Some fifty Dole letters are indexed in the Abraham Lincoln Papers, Library of Congress. Some of the more revealing with regard to Dole's influence in appointment matters are the letters from Dole to Lincoln, March 16, 1861; from Dole to Lincoln, April 1, 1861; from Godlove S. Ortho to Dole, May 1, 1861; and from Stephen A. Hurlbut to Dole, October 15, 1861. Also of interest is the endorsement on the letter from John P. Usher to Lincoln, March 9, 1865, Roy P. Basler (ed.), *Collected Works of Abraham Lincoln* (New Brunswick, N. J.: Rutgers University Press, 1953), VII, 347.

[82] Gordon was a purchasing agent in the Office of Indian Affairs; letter from Daisy W. Chapin, August 23, 1968.

[83] Anna H. Abel, "Indian Reservations in Kansas and the Extinguishment of Their Title," *Transactions of the Kansas State Historical Society*, VIII (1904), 101; Ida M. Ferris, "The Sauks and Foxes in Franklin and Osage Counties, Kansas," *Collections of the Kansas State Historical Society*, XI (1910), 366.

[84] Horace Addison Tenney and David Atwood, *Memorial Record of the Fathers of Wisconsin* (Madison: David Atwood, 1880), p. 202; *History of Rock County*, pp. 527, 803; *Bedford Messenger* (New Hampshire), November 28, 1883, p. 1.

[85] Nyle H. Miller and Joseph W. Snell, "Some Notes on Kansas Cowtown Police Officers and Gun Fighters," *The Kansas Historical Quarterly*, XXVII (Summer, 1961), 231; *Bedford Messenger* (New Hampshire), November 28, 1883, p. 1.

[86] Letter from Wright to Andrew Johnson, April 22, 1866, Andrew Johnson Papers, microfilm reel 22, Library of Congress. See also the reports from John N. Craig to Ely S. Parker, September, 1869, and from T. A. Baldwin to Ely S. Parker, no date, *Report of the Commissioner of Indian Affairs for the Year 1869* (Washington: Government Printing Office, 1870), pp. 403, 421; and the report from John B. Jones to F. A. Walker, September 1, 1872, *Report of the Commissioner of Indian Affairs for the Year 1872* (Washington: Government Printing Office, 1872), pp. 234-35.

[87] *History of Racine and Kenosha Counties*, p. 617.

[88] Letters from Dole to Johnson, July 6, 1865; from Dole to James Harlan, July 6, 1865; and appointment of July 6, 1865, Andrew Johnson Papers, microfilm reel 16, Library of Congress.

[89] *Lincoln Day by Day*, III, 28.

The question of whether Colonel Chivington massacred peaceful Indians at Sand Creek is simply the wrong one to ask. More important is the gross mishandling of Indian relations at the federal and local levels. Federal policy during the sixties was one of "muddling through." Washington officials seemed to assume that it really did not matter whether Indian agents were either competent or honest. Political cronies, needy relatives, well-meaning amateurs, and conniving rascals could all be accommodated in the Indian service. The wonder is not that there was an Indian war and a Sand Creek massacre in the sixties, but rather that relations between the Indian tribes and the government were marked by so many other instances of relative peace.

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Capt. William Craig and the Vigil and St. Vrain Grant 1855 - 1870

BY MORRIS F. TAYLOR

Sooner or later in any general consideration of Mexican land grants in southern Colorado the name of Captain William Craig will come into the discussion. This is true for the reason that he was for years a central figure in matters involving the huge Vigil and St. Vrain (Las Animas or Purgatoire) Grant, which allegedly lay like a great wedge between the Arkansas and Purgatoire (Las Animas) Rivers, its southern boundary resting on the northern line of the Beaubien and Miranda (later the Maxwell) Grant and its western boundary along the crest of the Sangre de Cristo Mountains. The grant was made in 1843 to Cornelio Vigil[1] and Ceran St. Vrain, citizens of Mexico and the United States respectively, and it was one of several given by the lavish hand of Governor Manuel Armijo at Santa Fe within the period 1841-1843.

This study is confined mainly to an examination of how Captain William Craig became a prime factor in the prolonged controversy over the tract of land acquired by Vigil and St. Vrain through the generosity of their friend, the Mexican provincial governor. The story is significant, complex, and not generally well-known.

Born in Vermilion County, Indiana, in 1832,[2] William Craig entered the United States Military Academy on July 1, 1849,[3] and during his four years there he counted among his classmates

[1] Cornelio Vigil was killed in the Taos uprising of January 19, 1847.
[2] *Daily Denver Gazette*, November 3, 1865, p. 2. Craig's obituary says he was born in Newport, Indiana, in 1831. *Colfax County Stockman* (Springer, N. M.), May 26, 1886, p. 3.
[3] Francis B. Heitman, *Historical Register and Dictionary of the United States Army, From Its Organization, September 29, 1789, to March 2, 1903* (Washington: Government Printing Office, 1903), I, 334.

Philip H. Sheridan, John McAllister Schofield, and James B. McPherson,[4] all of whom later had distinguished military careers. Graduating as a brevet second lieutenant and assigned to the Third Infantry, Craig was ordered west in 1854 to join his regiment in New Mexico.[5]

Lieutenant William Craig soon made the acquaintance of that major New Mexico figure Ceran St. Vrain, and a strong friendship developed between the young officer and the aging pioneer.[6] In early 1855, St. Vrain was commissioned lieutenant colonel of a regiment of New Mexico volunteers which was to proceed against the Mohuache Utes and Jicarilla Apaches. As a precondition to his acceptance, St. Vrain asked that a United States Army officer be detached from regular service to act as his adjutant, and he also asked that Lieutenant Craig, then stationed at Cantonment Burgwin, be given that assignment.[7] On February 18, 1855, Brevet Brigadier General John Garland, commander of the Military Department of New Mexico, issued special orders approving "the request of Lieut. Col. C St Vrain Comdg Volunteers, [that] Bt 2nd Lieut Wm Craig, 3rd Infty, will report to him at Taos, for the purpose of performing the duties of Adjt to his command."[8] Craig accepted and undertook to organize, drill, and discipline the six companies of St. Vrain's command.[9] Soon thereafter he received promotion to second lieutenant.[10] As an inducement to Craig, St. Vrain had promised him land on the Vigil and St. Vrain Grant, on the territory of which it was expected that their part of the campaign against the Mohuache Utes and Jicarilla Apaches would take place,[11] and Craig agreed to resign his commission as soon

[4] *Colfax County Stockman* (Springer, N. M.), May 26, 1886, p. 3. Famed Civil War cavalry leader Sheridan later became commander in chief of the army 1883-1888. Heitman, *Historical Register*, I, 881. General Schofield, secretary of war in 1868-1869, succeeded his classmate Sheridan as commander in chief. *Ibid.*, I, 865. General McPherson was killed in fighting before Atlanta, Georgia, July 22, 1864. *Ibid.*, I, 681.

[5] *Daily Denver Gazette*, November 3, 1865, p. 2.

[6] St. Vrain was about fifty-three, having been born in 1802. David Lavender, *Bent's Fort* (Garden City, N. Y.: Doubleday & Co., 1954), pp. 51-52.

[7] *William Craig, Claimant, versus Las Animas Grant: Argument of William Craig* (Denver: Rocky Mountain News Steam Printing House, 1873), p. 12. Copy in the State Historical Society of Colorado Library, hereafter referred to as *Argument of William Craig*.

[8] Special Orders No. 19, February 18, 1855, Special Orders of the Department of New Mexico (July 19, 1851-September 19, 1857), Vol. 27, p. 144, Records of the War Department, United States Army Commands, Record Group 98, National Archives.

[9] Special Orders No. 12, February 5, 1855, Vol. 27, p. 140, *ibid.*; *Argument of William Craig*, p. 12.

[10] Heitman, *Historical Register*, I, 334.

[11] *Argument of William Craig*, p. 12. St. Vrain's regiment of New Mexico Volunteers was part of a mixed force of regular and volunteer units under the command of Colonel Thomas T. Fauntleroy, commandant of Fort Union, New Mexico. The brunt of the campaign was fought in the San Luis Valley and on the upper reaches of the Rio Grande. See Morris F. Taylor, "Action at Fort Massachusetts: The Indian Campaign of 1855," *The Colorado Magazine*, XLII (Fall, 1965), 292-310.

as possible after the campaign in order to become St. Vrain's agent for the grant.[12] The future of the property must have seemed bright to both men. When the New Mexico Volunteers were in camp for two days on the Huerfano River, within the alleged outboundaries of the Vigil and St. Vrain Grant, Colonel St. Vrain showed Craig the lands that were to be his.[13]

At the close of the campaign against the Indians east of the Sangre de Cristo Mountains, Lieutenant Craig tendered his resignation in the summer of 1855, but it was refused.[14] He was serving as aide-de-camp on the staff of General Garland when he was given leave in 1857 to go to New York to marry Miss Mary E. Cutts, granddaughter of Dolly Madison and cousin of the wife of Illinois Senator Stephen A. Douglas. Craig brought his bride to New Mexico, and not long after his return he was given the rank of first lieutenant. In 1859 he was ordered to Washington for service with the Coast Survey and was near Charleston, South Carolina, when the Civil War commenced in the harbor there. About this time he was elected colonel of the Cayuga, New York, Volunteers,[15] of which Secretary of State Seward's son was lieutenant colonel. His request for a leave of absence to assume that colonelcy was refused; instead, he was promoted to captain and sent to West Virginia to organize volunteers. Craig performed this service for three different regiments, but in no case was he allowed to take command. Rather, he served as quartermaster in West Virginia campaigns. Disappointed again in not getting the colonelcy of another regiment of volunteers (the Sixty-Third Ohio), he served as quartermaster on the staff of General Pope in Virginia. Ill health overtook him, and Brigadier General Montgomery C. Meigs, quartermaster general, ordered him to Fort Union, New Mexico, in the autumn of 1862 to relieve Major John C. McFerran, quartermaster of the post.[16]

Captain Craig's extended absence in the East did not terminate his association with Ceran St. Vrain. On June 16, 1860, St.

[12] *Argument of William Craig*, p. 13.

[13] *Ibid.*, 15. There is some reason to question this. Craig's statement was made a part of a legal action in 1873. This was after St. Vrain's death (1870), and many years later it was said that Craig gave 1855 as the date of St. Vrain's promise to him because that would antedate almost everyone else's claim and St. Vrain was not around to say otherwise. See the letter of Wilbur F. Stone to Benton Canon, August 20, 1915, MSS II-27b, Miscellaneous File, State Historical Society of Colorado Library.

[14] *Argument of William Craig*, p. 16.

[15] This, doubtless, was the basis in later years for styling himself Colonel William Craig.

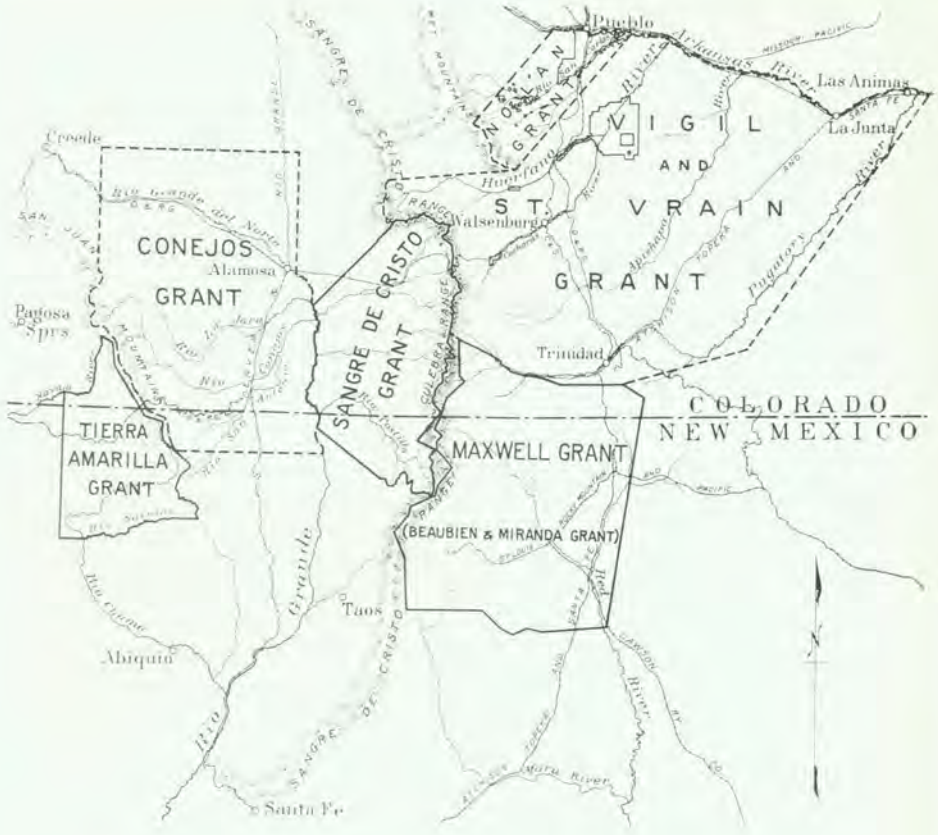
[16] *Daily Denver Gazette*, November 3, 1865, p. 2.

Vrain signed a quitclaim deed to Craig for an undivided one-fourth part of the property; the conveyance was made "cheerfully" and as an "expression of regard for his [Craig's] personal worth and especially as a reward and recognition of his services voluntarily rendered in the organization of my Regiment of Mounted Mexico Volunteers [*sic*] in the winter and spring of 1855 and his gallant conduct and efficient services rendered as Adjutant of the same during the [illegible] campaign against the Indians."[17]

Also during Craig's period of service in the East, the Vigil and St. Vrain Grant was recommended for confirmation by the Surveyor General of New Mexico, William Pelham, about whose decision it is pertinent to note that no mention was made of any size of the tract either in acres or square leagues.[18] The Surveyor General's action in this and other cases led to an omnibus bill, passed by Congress on June 21, 1860, confirming a number of Mexican land grants. Special treatment was accorded the Vigil and St. Vrain Grant in the statute; it provided that that grant, under Mexican law, was limited to eleven square leagues to each of the grantees, and it directed the Surveyor General of New Mexico to survey all tracts on it occupied by settlers under titles or promises to settle. Such derivative claims were to be deducted from the amount of land due to St. Vrain and Vigil.[19] This enactment was, of course, the nucleus for lengthy litigation seeking official recognition of the entire claim (later surveyed out at about 4,096,000 acres), a controversy that would last until 1900.[20] Such limitation in no way deterred St. Vrain and others from disposing of large parcels of the property. St. Vrain always insisted that the limitation to about 97,000 acres (twenty-two square leagues total to the grantees) was erroneous and unjust. It is indeed difficult to see why Congress saw the Vigil and St. Vrain Grant in such a light, while in the same act of June 21, 1860, the adjoining Beaubien and Miranda (Maxwell) and Sangre de Cristo Grants were confirmed fully for amounts that later came to more than a million acres each.

The restriction notwithstanding, Joab Houghton,[21] acting under a power of attorney from Ceran St. Vrain and others

[17] Las Animas County, Deed Record, Vol. 10, p. 558, County Clerk's Office, Trinidad.
[18] U.S., Congress, Senate, *Reports of the Committees on Private Land Claims*, S. Misc. Doc. 81, Pt. 2, 45th Cong., 3d sess., 1878-1879, pp. 1270-71; Las Animas County, Deed Record, Vol. 10, p. 550.
[19] *An Act to Confirm Certain Private Land Claims in the Territory of New Mexico, Statutes at Large*, XII, Chap. CLXVII, 71 (1863).
[20] Las Animas Land Grant Company v. United States, 179 U.S. 202 (1900).
[21] Houghton had been U.S. Consul at Santa Fe in 1845, and the next year General Stephen Watts Kearny appointed him chief justice of the Superior Court of New Mexico. Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (Albuquerque, N. M.: Horn & Wallace, 1963) II, 272.



dated November 15, 1859, conveyed to William Craig on July 1, 1860, a tract of land on the Huerfano River, a southern tributary of the Arkansas; it was described as a "parcel of land comprising One Mile of the Valley of the said River Huerfano, and known on a Map of Survey of the Valley of the said River made by me as Section 'C' and is bounded on the East and west by the high lands lying on each side of said Valley. On the north by section 'F' of said Survey and on the South by lands of A. C. Houghton together with the privilige [*sic*] in common of pasture, water, wood timber and Stone upon all parts of said Grant known as the Las Animas Grant, not including the Valleys of the Streams or in such parts as may have been specially granted and conveyed by the said owner to other parties."[22] It may be inferred

[22] Huerfano County, Original Record 2, p. 30, County Clerk's Office, Walsenburg.

that the partial confirmation of the grant by the act of June 21, 1860, was thought by parties to the transaction to be a temporary circumstance. Among others who apparently thought so was Surveyor General Pelham, who received from Ceran St. Vrain, through Joab Houghton, a deed for a one-sixth interest in the Las Animas, or Vigil and St. Vrain, Grant on September 20, 1860.[23] It is important to observe here that Houghton, acting as St. Vrain's agent, had made a commitment that was prior to any specific conveyance that Craig received; on April 21, 1860, Norton W. Welton obtained from Houghton a deed to Section 12, comprising a half mile along the Huerfano, of his survey.[24]

The new Territory of Colorado was created by an act of Congress on February 28, 1861, and late that summer the first General Assembly provided for seventeen county subdivisions. One of them was named Huerfano County, an enormous area south of the Arkansas River and bounded on the east by Kansas, on the west by the Sangre de Cristo Mountains, and on the south by New Mexico. The first county seat was Autobee's Plaza, or the Huerfano Village, but in 1862 the claimants of the Vigil and St. Vrain Grant, which was entirely within the new county, offered Section 3 of Houghton's "Huerfano Creek" survey as a site for a county town.[25]

When Captain William Craig returned to New Mexico in the fall of 1862, he took over the responsible position of depot quartermaster[26] just as a new fort was being started at the old location; the new post embraced three major installations: the Post of Fort Union, the Fort Union Quartermaster Depot, and the Fort Union Ordnance Depot.[27] In the winter of 1862, Captain Craig became very intimately concerned with the Vigil and St. Vrain Grant. He received St. Vrain's power of attorney on December 31, 1862,[28] which appointment caused Craig to again submit his resignation from the army; for a second time it was rejected.[29]

Captain Craig, therefore, tried to do two jobs. In the spring of 1863, with the permission of the department commander,

[23] Las Animas County, Deed Record, Vol. 10, p. 557.
[24] Huerfano County, Original Record 2, p. 33.
[25] Huerfano County, Original Record 1, p. 60.
[26] *Daily Denver Gazette*, November 3, 1865, p. 2; *Daily Rocky Mountain News* (Denver), November 14, 1865, p. 1.
[27] Some of the dressed lumber for the new fort came from Ceran St. Vrain's sawmill at Mora. Robert Utley, *Fort Union National Monument, New Mexico* (Washington: Government Printing Office, 1962), pp. 34-35.
[28] Huerfano County, Original Record 1, p. 200.
[29] Vigil and St. Vrain or Las Animas Grant, Miscellaneous File, U. S. Department of the Interior, Bureau of Land Management Office, Denver Federal Center.

Craig went onto the grant with Ceran St. Vrain and Joab Houghton, and he arranged for a new survey of it to be made by Thomas Means,[30] with special attention to be given to sectionalizing the lands along the principal streams.[31] Also that spring he hired men, purchased stock and implements, and commenced cultivation of his land,[32] while at the same time he rented out several small tracts.[33] Craig's holdings were increased by additional conveyances from St. Vrain. Adjoining his original parcel of land on the south, Craig received on May 4, 1863, a deed to twelve miles along both sides of the meandering Huerfano River to a point in its canyon and extending on either side to the high lands separating the Huerfano from adjacent drainages.[34]

Just about a month later, Annie Caroline Houghton, the wife of Joab Houghton, quitclaimed to Craig a half mile of land along the Huerfano adjoining his land on the north, with the usual width extending to the crest of the high lands on either side,[35] and on August 7, Mrs. Houghton conveyed the remaining mile and a half of her claim,[36] thereby giving Craig a full two miles northward along the Huerfano from his original tract. The Houghton land so acquired by Craig had been deeded to her by Ceran St. Vrain and others as compensation for services rendered by Joab Houghton as attorney at law in securing confirmation of the grant. The date of the deed was November 5, 1859;[37] the confirmation referred to therein was merely the recommendation for approval given by the Surveyor General of New Mexico in 1857. Adjoining the former Houghton property was the land of Joseph B. Doyle, who located his claim on the Vigil and St. Vrain Grant in November, 1859;[38] on August 1, 1860, Joab Houghton conveyed to Doyle a parcel of land extending for two and a half miles along the course of the Huerfano River.[39] Doyle's residence at the time of this conveyance was given as Mora County, New Mexico,[40] but a second conveyance to him for an additional half mile, and dated July 26,

[30] *Ibid.*; *Argument of William Craig*, p. 16; photostat of Means' survey in the writer's possession obtained from the Bureau of Land Management Office, Denver.
[31] *Argument of William Craig*, p. 16.
[32] Vigil and St. Vrain or Las Animas Grant.
[33] *Argument of William Craig*, p. 17.
[34] Huerfano County, Original Record 1, p. 185.
[35] *Ibid.*, 215.
[36] *Ibid.*, 211.
[37] *Ibid.*, 196.
[38] See Harvey L. Carter, "Joe Doyle," *The Mountain Men and the Fur Trade of the Far West*, ed. by LeRoy R. Hafen (Glendale, Calif.: The Arthur H. Clark Company, 1966), III, 89-97.
[39] Huerfano County, Original Record 1, p. 163.
[40] *Ibid.*

For a time Joseph B. Doyle was a close neighbor of his old friend, "Uncle Dick" Wootton.

1862, refers to the grantee as a resident of Colorado.[41] Perhaps these two notations will help solve the question of when Joseph B. Doyle settled permanently in Colorado. His Casa Blanca, replete with green shutters, was built in 1862, and cotton was among the crops being cultivated on the place in 1863.[42]

On or before September 1, 1863, Ceran St. Vrain conveyed to William Craig three more parcels of land: (1) described as including all the valley or canyon of the Huerfano from Craig's south line to the mouth of Apache Creek;[43] (2) described as being three miles square and centered upon a waterhole at the foot of a high sandstone bluff about nine miles from where the New Road crossed the Huerfano River on its way south to Gray's Rancho at the crossing of the Rio de Las Animas;[44] (3) described as a two-mile stretch of the valley of the Huerfano measured a mile north and a mile south from the center of a settlement known as Mexican Town.[45]

It appears that Captain William Craig did not devote much time to active management of Ceran St. Vrain's interests from the time he received the power of attorney (December 31, 1862)

[41] *Ibid.*, 172.
[42] Early Far West Notebook I, 2, 32, Cragin Collection, Pioneers' Museum, Colorado Springs. Doyle was a member of the Territorial Council for the Eighth District, Huerfano County; he died in Denver during his term in that position on March 4, 1864. *Daily Rocky Mountain News* (Denver), March 5, 1864, p. 3.
[43] Huerfano County, Original Record 1, p. 205.
[44] *Ibid.*, 208.
[45] *Ibid.*, 202.

until the spring of 1864. On one occasion he was in Santa Fe when he signed a deed to Annie Caroline Houghton for a one-mile tract along the south bank of the Arkansas River about five miles above its juncture with the Huerfano and situated opposite the houses and lands of Albert G. Boone and Seth Haynes, which lay on the north bank. The date of the conveyance was March 1, 1864.[46] On April 5, 1864, Craig's fourth try at resignation of his commission was successful, although it did not become effective until June when his accounts had been cleared. He and his family maintained their residence at Hermosilla, the name he gave to his place on the Huerfano, from the spring of 1864.[47] He developed his ranch into an elaborate establishment. With 1,000 to 1,200 acres under cultivation in 1865, he harvested 25,000 bushels of corn, which brought $277,000 at Fort Union.[48] Hermosilla was referred to as the "largest hacienda in Colorado" in 1867,[49] and in 1868 there were 1,400 acres planted in corn, wheat, oats, and beans.[50]

Soon after Craig and his family went to Hermosilla, he was confronted by a couple of problems from unexpected though not unrelated sources. S. G. Colley, agent at the Upper Arkansas Indian Agency, was not allowing settlers into the eastern part of the Las Animas Grant immediately south of the Arkansas River because that land was part of the Cheyenne-Arapaho reservation provided for in the Treaty of Fort Wise, 1861. One of the two government commissioners who drew up the treaty was Colonel A. G. Boone, and he supported Craig's representations to Governor John Evans, ex officio Superintendent of Indian Affairs for Colorado Territory, that inclusion of grant lands in the reservation was an error. In Washington, Acting Commissioner of Indian Affairs Charles E. Mix declined to take any action because the grant had not yet been officially surveyed in accordance with the act of June 21, 1860.[51] The matter dragged

[46] *Ibid.*, 248.
[47] Heitman, *Historical Register*, I, 334; *Argument of William Craig*, pp. 17, 18. The *Daily Denver Gazette*, in an account of November 3, 1865, says that he resigned because of poor health and unpleasant relations with the commandant of the Department of New Mexico. This nearly contemporary account says nothing about his promise to resign made in 1855, nor does it mention his previous efforts at resignation.
[48] *Daily Denver Gazette*, November 3, 1865, p. 2.
[49] *Daily Rocky Mountain News* (Denver), October 2, 1867, p. 1.
[50] William MacLeod Raine and Will C. Barnes, *Cattle* (New York: Doubleday, Doran & Company, 1930), p. 147.
[51] Charles J. Kappler (ed.), *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), II, 807-11. Letter from Craig to John P. Usher, secretary of the interior, September 21, 1863; letter from Boone to Evans, May 1, 1863; letter from Craig to Evans, May 1, 1864; and letter from Charles E. Mix to Evans, June 28, 1864, Records of the Office of Indian Affairs, Upper Arkansas Agency, Letters Received, microfilm reel 878, National Archives.

on without decision, complicated by the ambiguities of, and Indian dissatisfactions with, the treaty until it was superseded by the Medicine Lodge Treaties of 1867.

Worsening relations between white and red men brought military preparations against the Cheyennes and Arapahoes. One of the assembly points for the hundred-days men (First Colorado Cavalry) in making ready for their campaign in the fall and winter of 1864 was Camp Fillmore, a few miles below Booneville on the north bank of the Arkansas. The military movements provided Craig's second problem. He claimed that soldiers from that regiment crossed the Arkansas and took or destroyed over $2,000 worth of property on the grant; they hauled away the hay that had been cut, took over his reserve ground for cutting hay, cut timber, and told him if he did not like it he could leave the country.[52] The immediate trouble ceased when the troops moved down the Arkansas to Fort Lyon and then to their climactic attack on the Cheyennes and Arapahoes at Sand Creek on November 29, 1864.

Later Craig was accused of having mules with army brands on them in his possession. He explained that they were mules which he had brought with him when he returned to New Mexico in 1862 and that they had been given an army brand accidentally at Fort Union. The same animals were later taken to Hermosilla, and one of them had been seized by men from Camp Fillmore. In his attempts to reclaim it, he had nothing but trouble from that "imaculate [*sic*] but most consummate villain, Colonel Chivington."[53] This, of course, was a reference to the highly controversial commander of the First Colorado Cavalry in the Sand Creek massacre.

The incidents were given a public airing in what turned out to be a unique political campaign. A constitutional convention of questionable legality was held in 1865, and the proposal for statehood won acceptance by a close vote of the electorate. The political parties chose candidates for territorial offices as well as for senators and representatives to be sent to Washington, and in the fall elections the Republicans won. William Craig was the Democratic candidate for governor,[54] and it was during

[52] *Daily Rocky Mountain News* (Denver), November 14, 1865, p. 1.
[53] *Ibid.*
[54] *Daily Denver Gazette*, November 2, 1865, p. 1. The question of the morality of th Sand Creek fight was emotionally injected into the campaign, and much of that aspect turned on the character of Colonel John M. Chivington. This was reflected in a political slate of the time called the "Soldier's Sand Creek Vindication Ticket." *Daily Rocky Mountain News* (Denver), November 14, 1865, p. 1.

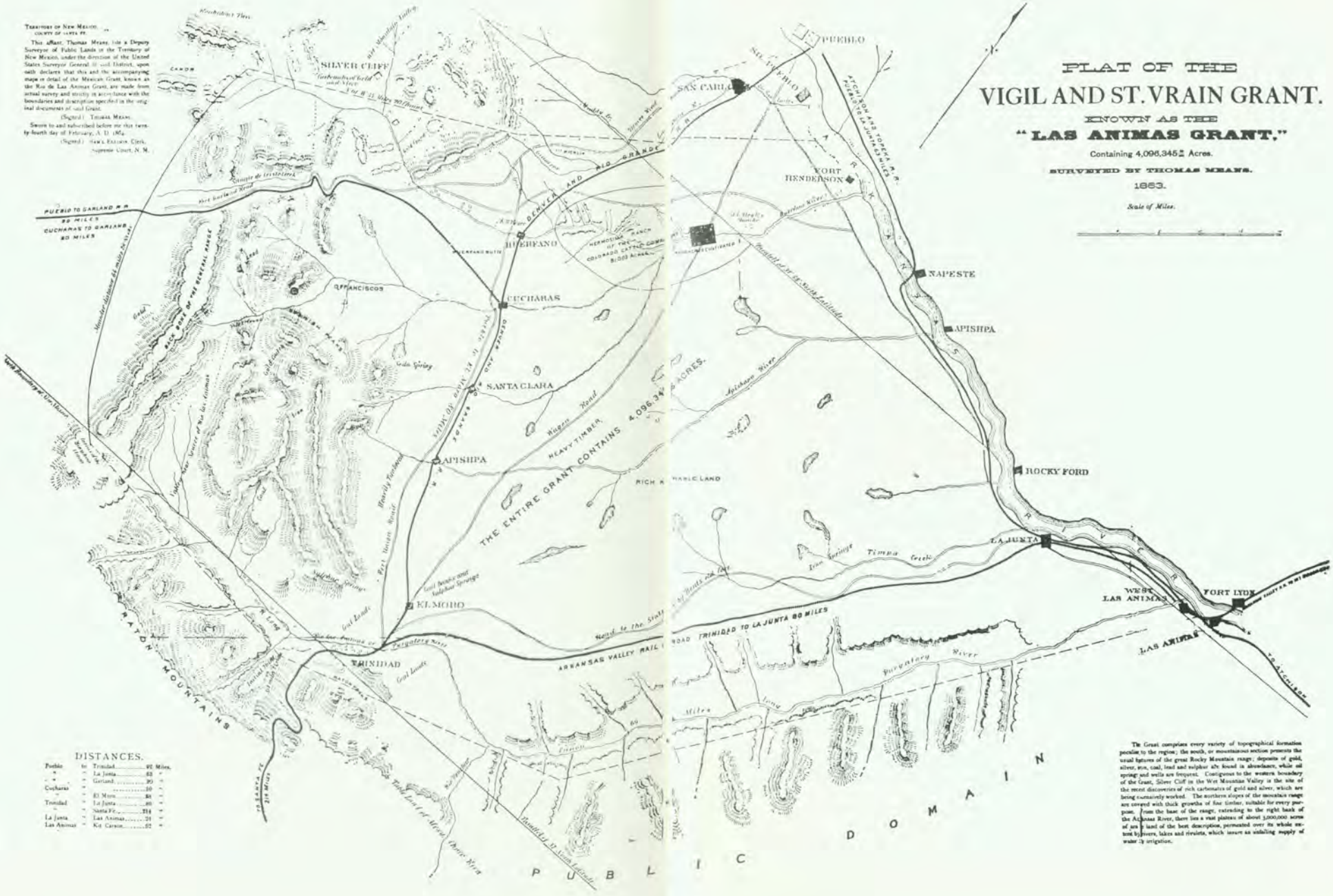
the vituperative campaign that the matter of the hundred-days men and the army mules came into public view. Craig was called a Copperhead, and one newspaper attack upon him was headlined: "William Craig Traduces the Soldiers!"[55] But it was all for naught, because President Andrew Johnson refused to recognize Colorado's statehood and elections as valid under the Enabling Act of 1864. In the United States Congress the question of statehood for Colorado sank in the morass of postwar reconstruction of the South.[56]

During all these personal and political concerns, Craig continued with the practical demands of the property under his management. On May 5, 1864, he executed three deeds to land on the Las Animas (Vigil and St. Vrain) Grant. One of the recipients was Henry Carleton, son of Brigadier General James H. Carleton,[57] who had been commander of the Military Department of New Mexico at the time of Craig's resignation.[58] The other two deeds were made to Craig's wife Mary for Section 1 on the Means survey of the Upper Huerfano and Section 3 of the same survey of the Lower Huerfano.[59] These conveyances were indirect extensions of his own holdings.

Passage of the Homestead Act of 1862 and the end of the Civil War brought problems to the Vigil and St. Vrain claimants in part because the public surveys had not yet come into the region. It was common knowledge that the grant had been confirmed for only a tiny fraction of its claimed four million acres, and settlers were recording declarations of claims within the alleged outboundaries, setting their own boundary markers, and using natural features to establish their lines. In an attempt to cope with this sort of thing, Craig placed advertisements in Denver's *Daily Rocky Mountain News* telling of farms for sale on the grant. Sub-agents for the farms were Joseph B. Doyle, on the Lower Huerfano; B. R. Boice, on the Upper Huerfano; Jose Andres Salazar, on the Cucharas; and James Gray, on the Rio de Las Animas (Purgatoire). Applications also could be made to Joab Houghton in Santa Fe.[60]

As early as May 7, 1864, Sections 27, 28, 29, and 30 of the Means survey in the valley of the Rio de Las Animas, a few miles below the little settlement of Trinidad, were acquired

[55] *Daily Rocky Mountain News* (Denver), November 14, 1865, p. 1.
[56] LeRoy R. Hafen (ed.), *Colorado and Its People: A Narrative and Topical History of the Centennial State* (New York: Lewis Historical Publishing Co., Inc., 1948), I, 298-99.
[57] Huerfano County, Original Record 2, p. 21.
[58] Utley, *Fort Union*, p. 66n
[59] Huerfano County, Original Record 2, pp. 27, 24.
[60] *Daily Rocky Mountain News* (Denver), August 31, 1864, p. 4.


TERRITORY OF NEW MEXICO, } ss.
COUNTY OF SANTA FE.
This affiant, Thomas Means, late a Deputy Surveyor of Public Lands in the Territory of New Mexico, under the direction of the United States Surveyor General for said District, upon oath declares that this and the accompanying maps in detail of the Mexican Grant, known as the Rio de Las Animas Grant, are made from actual survey and strictly in accordance with the boundaries and description specified in the original documents of said Grant.
(Signed) THOMAS MEANS.
Sworn to and subscribed before me this twenty-fourth day of February, A. D. 1864.
(Signed) HAWS ERASMUS, Clerk,
Supreme Court, N. M.
PLAT OF THE
VIGIL AND ST. VRAIN GRANT.
KNOWN AS THE
"LAS ANIMAS GRANT."
Containing 4,096,345 Acres.
SURVEYED BY THOMAS MEANS.
1863.
Scale of Miles.
PUEBLO TO GARLAND M. D. 80 MILES
CUCHARAS TO GARLAND, 80 MILES
SILVER CLIFF
BUREHAND
CUCHARAS
SANTA CLARA
APISHPA
EL MORO
TRINIDAD
FORT HENDERSON
NAPESTE
APISHPA
ROCKY FORD
LA JUNTA
FORT LYON
WEST LAS ANIMAS
LAS ANIMAS
TRINIDAD TO LA JUNTA 80 MILES
ARKANSAS VALLEY RAIL
THE ENTIRE GRANT CONTAINS 4,096,345 ACRES.
RATON MOUNTAINS
DISTANCES.
Pueblo to Trinidad 92 Miles.
" " La Junta 63 "
" " Garland 80 "
Cucharas " 50 "
" " El Moro 85 "
Trinidad " La Junta 66 "
" " Santa Fe 214 "
La Junta " Las Animas 31 "
Las Animas " Ft. Carson 62 "
The Grant comprises every variety of topographical formation peculiar to the region; the south, or mountainous section presents the usual features of the great Rocky Mountain range; deposits of gold, silver, iron, coal, lead and sulphur ally found in abundance, while oil springs and wells are frequent. Contiguous to the western boundary of the Grant, Silver Cliff in the Wet Mountain Valley is the site of the recent discoveries of rich carbonates of gold and silver, which are being extensively worked. The northern slopes of the mountain range are covered with thick growths of fine timber, suitable for every purpose. From the base of the range, extending to the right bank of the Arkansas River, there lies a vast plateau of about 3,000,000 acres of arable land of the best description, permeated over its whole extent by rivers, lakes and rivulets, which insure an unfailing supply of water for irrigation.
PUBLIC DOMAIN

from Craig by Jefferson W. Lewelling.[61] Juan Basques (*sic*) purchased Section 94, including twenty-six acres of irrigable land, on October 25.[62] Pioneer Trinidad settler Felipe Baca acquired nearly seventy-seven acres comprising Section 117 on March 5, 1865,[63] and on the same date Craig signed over Section 110 to Jose Manuel Baca.[64] Section 129 went to James S. Gray,[65] who had settled on the Rio de Las Animas in the spring of 1861; his place was well-known as Gray's Ranch and was a stage station for the Santa Fe Stage Company, whose line followed the old military road from Bent's Fort to Santa Fe.[66] These men may not have believed fully in the validity of the Means survey or in Craig's right to dispose of the land, but they were taking no chances.

It was coincidental that the date of Craig's deed to his agent Gray, April 22, 1865, was the same as that of a called meeting of the board of commissioners of the Settlers' Purgatoire Relief Association.[67] But the recent conveyances in that valley had increased the apprehensions of other settlers who believed that Craig and others were far overstepping their rights mainly on the expectation that Congress, in time, could be prevailed upon to approve full confirmation of the Vigil and St. Vrain Grant. The call was signed by Juan N. Gutierrez, another early Trinidad settler, and it asked St. Vrain or his agent to attend and "explain whether the requirements of confirmation of the grant as approved June 21, 1860," had been complied with.[68]

On the Lower Huerfano, Norton W. Welton increased his holdings through warranty deeds from William Craig,[69] but the most interesting transaction there was the quitclaim deed from William Craig, agent, to Charles Autobis (Autobees), for Sections 12 and 13 of the Means survey which included the irrigable lands for a mile and a half along the Huerfano, beginning about a mile and a quarter from that stream's confluence with the Arkansas.[70] The well-known trader, scout, and Indian fighter

[61] Huerfano County, Original Record, p. 252. Lewelling's land included the site of the first attempt at settlement in present Las Animas County by John Hatcher, Bent and St. Vrain Company employee, in 1846-1847. Reminiscences of D. L. Taylor and Notes on E. J. Hubbard, DeBusk Papers, Trinidad State Junior College Library.
[62] Huerfano County, Original Record 2, p. 36.
[63] *Ibid.*, 52.
[64] *Ibid.*, 54.
[65] *Ibid.*, 76.
[66] Morris F. Taylor, *Trinidad, Colorado Territory* (Trinidad: Trinidad State Junior College, 1966), pp. 35-36.
[67] *Daily Rocky Mountain News* (Denver), April 18, 1865, p. 3.
[68] *Ibid.*
[69] Huerfano County, Original Record 2, p. 56.
[70] Huerfano County, Original Record 1, p. 272.

had the promise of land from Ceran St. Vrain, and he, with others, located and claimed the tract near the mouth of the Huerfano on February 20, 1853.[71] There is question whether Autobees resided there from that time on,[72] but the wording of Craig's conveyance of December 5, 1865, suggests that, for all practical purposes, he did. It said that the property was given for $5.00 and for valuable services to the owners of the Las Animas Grant "by the said Charles Autobis in becoming one of the earliest settlers upon said Grant and remaining despite all dangers of an Indian War and the hardships of a pioneer life thus by his presence and influence aiding greatly in the rapid settlement up [*sic*] of said Grant."[73] The Indian War referred to was, of course, the massacre of the inhabitants of Fort Pueblo, on the Arkansas, by Mohuache Utes and Jicarilla Apaches on Christmas Day, 1854, and subsequent raids on settlements along the Huerfano. Talk of rapid settlement appeared to be a bit of an overstatement.

Adding to his own holdings engaged some of Craig's time also. In one instance he seems to have gone about it indirectly by deeding a tract around a waterhole nine miles from the crossing of the Huerfano on the new road to Gray's Ranch to C. H. Hungerford, a wagonmaster formerly in his employ; that was on December 6, 1865, and a little over a week later Hungerford conveyed the same tract to Craig.[74] Early in 1866, Craig gave Hungerford a deed to land on the south bank of the Arkansas about two miles above its juncture with the Apishapa, this tract being part of a survey by H. M. Fosdick, presumably made for Craig;[75] it adjoined land that Craig already had given to William J. Thompson, his former clerk or secretary.[76]

On the same date (January 15, 1866) that Craig assigned land to Hungerford, he and his wife deeded more land to Norton W. Welton. One parcel was contiguous to Welton's ranch, while the other was on the Means survey of the Upper Huerfano near where the Fort Garland road crossed it.[77] Welton's ranch in 1867 was said to embrace 4,420 acres.[78]

Military posts loomed larger in the affairs of the Vigil and St. Vrain Grant than the mere fact that roads leading to them

[71] Janet Lecompte, "Charles Autobees," *The Colorado Magazine*, XXXV (January, 1958), 51, 55-56, 60.
[72] *Ibid.*, 55-61.
[73] Huerfano County, Original Record 1, p. 272.
[74] Huerfano County, Original Record 2, pp. 86, 90.
[75] *Ibid.*, 95.
[76] *Ibid.*, 92.
[77] *Ibid.*, 82, 88.
[78] *Daily Rocky Mountain News* (Denver), October 2, 1867, p. 1.

crossed it. A great flood along the Arkansas had destroyed Fort Lyon (formerly Fort Wise) near Big Timbers and Bent's New Fort, and on June 9, 1867, the garrison, commanded by Captain and Brevet Brigadier General William H. Penrose, moved to a new site farther west on the Arkansas about two and a half miles below the mouth of the Rio de Las Animas, where the new Fort Lyon was established.[79] The location was within the alleged outboundaries of the Vigil and St. Vrain Grant, and as part of the arrangements for obtaining a suitable military reservation, Colonel and Brevet Brigadier General Randolph B. Marcy, inspector general, secured a lease from William Craig for such a tract. The lease was signed on June 12, 1867.[80] On the same date General Marcy obtained a lease for a second military reservation on the south bank of the Arkansas; it was described in part as beginning one Spanish league below the mouth of the St. Charles River, which point was the northwest corner of the grant, thence five miles south to the northwest corner of the lands of Charles Autobees, and thence along his north line to the mouth of the Huerfano.[81] Within that area Fort Reynolds was established on the Arkansas on July 3, 1867,[82] as a protection for settlers against the Indians.

Personal military associations also counted in Craig's dealings. Elmer Otis, a West Point classmate (1849-1853) and now a colonel in the Fourth Cavalry,[83] bought Sections 7 and 8 of the Means survey on the Lower Huerfano.[84] Colonel Otis may have served at Fort Union, New Mexico, while units of his regiment were there.[85] The deed noted that the sections obtained by Otis were bounded on the south by the lands of William Kroenig, which were then occupied by a trespasser, one A. J. Patterson.[86] Kroenig was an early resident of the Huerfano Village,[87] and he was carrying on rather extensive cultivation on his farm upstream in 1860.[88] At the time that Colonel Otis took up adjoining land, however, Kroenig seems to have spent most of his time on his farm at Barclay's Fort, New Mexico.[89]

[79] LeRoy Boyd, *Fort Lyon, Colorado: One Hundred Years of Service* (Colorado Springs: H & H Printing Co., 1967), pp. 3, 21.
[80] Huerfano County, Original Record 2, p. 186.
[81] *Ibid.*, 182.
[82] Robert W. Frazer, *Forts of the West: Military Forts and Presidios and Posts Commonly Called Forts West of the Mississippi River to 1898* (Norman: University of Oklahoma Press, 1965), p. 41.
[83] Heitman, *Historical Register*, I, 762.
[84] Huerfano County, Original Record 2, p. 180.
[85] Utley, *Fort Union*, p. 68.
[86] Huerfano County, Original Record 2, p. 180.
[87] Lecompte, "Charles Autobees," pp. 53-56.
[88] *Daily Rocky Mountain News* (Denver), April 20, 1860, p. 1.
[89] *New Mexican* (Santa Fe), July 29, 1864, p. 2; Taylor, *Trinidad, Colorado Territory*, pp. 17, 20, 54.

Reference to a trespasser suggests that Kroenig was not then doing much with his Colorado property.

There were some other conveyances to and from William Craig during this period, but their recitation would not contribute much to this evaluation. Enough examples have been cited to show that William Craig, as Ceran St. Vrain's agent, disposed of lands within the outboundaries of the Vigil and St. Vrain Grant ranging from the Arkansas to the Purgatoire Rivers. And it should be borne in mind that St. Vrain also made some conveyances directly to other parties and not through his agent. Most notable among these was the one made in September, 1865, to John M. Francisco and Henry Daigre for extensive lands on the Upper Cucharas for a consideration of more than $37,000.[90] The only thing that makes such transactions unusual and interesting is that they were made against a background of great complexity, uncertainty, and highly questionable validity, all resting upon the speculation that full confirmation of more than four million acres would eventually be obtained from Congress.

It was common understanding among the claimants that on March 7 and 11, 1844, Ceran St. Vrain and Cornelio Vigil deeded

With his partner Charles Bent, Ceran St. Vrain (1802-1870), a leader in the western fur trade, established Bent's Fort on the Arkansas and Fort St. Vrain on the South Platte.

to Charles Bent, Manuel Armijo, Donaciano Vigil, and Eugene Leitensdorfer an undivided one-sixth interest each.[91] Complications were compounded on December 12, 1846, when Cornelio Vigil, Ceran St. Vrain, and Donaciano Vigil allegedly jointly conveyed their one-sixth interests (amounting to one-half of the grant) to D. D. Mitchell, Benjamin Walker, Dunham Spaulding, Thomas B. Hudson, and Joab Houghton, which meant a one-tenth interest for each of those five men.[92]

As a result of those alleged transfers of title, neither Cornelio Vigil nor Ceran St. Vrain owned any part of the grant after December 12, 1846, and the remaining undivided one-sixth parts were held by Charles Bent, Manuel Armijo, and Eugene Leitensdorfer. Bent's interest went to his heirs after his murder in the Taos uprising of January, 1847. Leitensdorfer (prominent Santa Fe trader and territorial auditor for New Mexico under the first American regime)[93] conveyed his one-sixth part to Spruce M. Baird, attorney and former Texas friend of Sam Houston,[94] on January 4, 1858;[95] in October of the same year Baird's wife Cassandra obtained a deed to one-half of Armijo's one-sixth interest from the late governor's sole heir, Ramona Armijo Baca.[96] That, on paper at least, gave the Bairds control of one-fourth of the Vigil and St. Vrain Grant.

How, then, did Ceran St. Vrain come back into the picture as a part owner of the grant of which he was an original grantee? The United States government obtained a decree of confiscation in the district court at Pueblo of Cassandra Baird's one-twelfth interest, and it was sold to Ceran St. Vrain at public auction by the United States Marshal on September 7, 1863,[97] and on the same date St. Vrain obtained in the same manner an undivided

[90] Huerfano County, Original Record 3, p. 6.
[91] These conveyances are part of the public record. The ones used here are from the Las Animas County, Deed Record, as follows: to Charles Bent, Vol. 1, p. 392; to Manuel Armijo, Vol. 24, p. 162; to Donaciano Vigil, Vol. 10, p. 551; to Eugene Leitensdorfer, mentioned Vol. 1, p. 66. The summation of these transactions was made by Joab Houghton in a letter to the editor of the *Las Animas Leader*, January 9, 1874, p. 1. Conveyances not mentioned by Houghton but which are a matter of record in the Las Animas County, Deed Record, Vol. 14, pp. 168 and 169, are to Charles Beaubien from Vigil and St. Vrain for a one-sixth interest (December 8, 1846) and from Beaubien to Donaciano Vigil the same interest (December 25, 1846). These alleged conveyances blur the picture even more.
[92] *Las Animas Leader*, January 9, 1874, p. 1. Conveyance to these five men is regarded by some as spurious and fraudulent, although it was officially accepted. Herbert O. Brayer, *William Blackmore: The Spanish-Mexican Land Grants of New Mexico and Colorado, 1863-1878*, Vol. I of *A Case Study in the Economic Development of the West* (Denver: Bradford-Robinson Publishing Co., 1948), p. 129n.
[93] Statement of Complaint, Thomas Leitensdorfer v. William L. Campbell and William Craig, DeBusk Papers; Twitchell, *Leading Facts*, II, 214.
[94] *Colorado Chieftain* (Pueblo), June 13, 1872, p. 4.
[95] Huerfano County, Original Record 1, p. 193.
[96] Las Animas County, Deed Record, Vol. 24, p. 162.
[97] Huerfano County, Original Record 1, p. 220.

one-forty-fifth part of the grant formerly held by William Pelham,[98] ex-Surveyor General of New Mexico. By those means, Ceran St. Vrain secured a fraction more than a one-twelfth interest.

If there was any validity to the conveyances of December 12, 1846, then it follows that William Craig had power of attorney over nothing from December 31, 1862, to September 7, 1863. Apparently hardly anyone, least of all St. Vrain, regarded them seriously. The strongest evidence of this is the petition in 1857 to Surveyor General Pelham for his approval of the Vigil and St. Vrain Grant. It was made by the law firm of Smith and (Joab) Houghton in behalf of "Ceran St. Vrain, for himself, as one of the original grantees, and in behalf of the heirs of Cornelio Vigil," who "know of no person or person [*sic*] contesting or intending to contest their right and title to said land."[99] It was Ceran St. Vrain, Spruce M. Baird, Robert P. Kelly, and Luis M. Baca (Ramona Armijo's husband) who as joint owners of the Purgatoire (Vigil and St. Vrain) Grant, gave their power of attorney to Joab Houghton on November 15, 1859.[100] We have noted that on June 16, 1860, St. Vrain quitclaimed an undivided one-fourth part of the property to William Craig, and in his deed to Craig dated May 4, 1863, St. Vrain referred to himself as the principal owner.

When all these turgid arrangements are placed in the frame of reference of the limitation of the grant from over 4,000,000 acres to about 97,000 acres by the act of June 21, 1860, the whole business is brought pretty close to a *reductio ad absurdum*. Disposal of parts of the property by St. Vrain, Houghton, Craig, and others in apparent disregard of the act of June 21, 1860, and the influx of homesteaders who ignored the claimants brought affairs to an incredible state of confusion. No wonder that the members of the Settlers' Purgatoire Relief Association raised the question of compliance with the act.

The statute was the law no matter what the criticisms of arbitrariness and illegality, but for nearly a decade little attempt had been made to carry out some of its provisions. Neither the Surveyor General of New Mexico nor the Surveyor General of Colorado made surveys of the tracts occupied by actual

[98] *Ibid.*, 224. Pelham had been deeded a one-sixth interest on September 20, 1860, by Joab Houghton for St. Vrain. Las Animas County, Deed Record, Vol. 10, p. 557.
[99] *Reports of the Committees on Private Land Claims*, pp. 1268-69.
[100] Later the question of the rights of Cornelio Vigil's heirs, especially what was referred to as the "Widow Vigil's interest," became a part of the entanglement. Its importance, however, fell mainly in the period after the time sequence covered by this article.

settlers holding possession under title or promises to settle given by the grant claimants; nor had either one, of course, deducted the total of those tracts from the twenty-two square leagues allowable to Vigil and St. Vrain, the balance to be located in two equal, square tracts within the outboundaries of the grant. Yet those actions were specified in the law.[101]

Immigration had been steadily increasing since the close of the Civil War, and the ingress of more settlers upon the grant made the need to straighten out the inchoate mess imperative. In response to the pressure of circumstances, the Congress amended the act of June 21, 1860, by passage of a new act on February 25, 1869. It provided that the public surveys be extended to the Vigil and St. Vrain Grant; the tracts of those settlers holding possession under the original grantees or their legal representatives were to be adjusted to the public surveys, as also was the balance of the twenty-two square leagues left to the grantees after deduction of the derivative claims. Other settlers within the outboundaries could adjust their claims to the surveys and enter their lands under the preemption or homestead laws. This, in effect, created three classes of claimants to land within the outboundaries. Derivative claimants were given one year to establish their tracts under the law. Vigil and St. Vrain or their legal representatives were required to pay for that part of the survey that inured to their benefit, and they had to select and locate their claims under the law within three months after the surveys had been run; failure to comply with the latter provision would be regarded as abandonment of claim.[102]

W. H. Lessig, the Surveyor General of Colorado Territory, started to implement the amendatory legislation, and public notices were given of the requirements of the act.[103] Naturally, the grant claimants opposed the act because it was simply a more precise extension of the act of June 21, 1860, limiting the grant. It was nonetheless the law, however, and derivative claimants were preparing to adjust to the public surveys, a requirement which did not loom in the immediate future.

Captain William Craig, in his capacity as agent for Ceran St. Vrain, continued to dispose of valuable locations on the grant.

[101] *Private Land Claims in the Territory of New Mexico, Statutes at Large,* XII, 71.

[102] *An Act to Amend an Act Entitled "An Act to Confirm Certain Private Land Claims in the Territory of New Mexico," Statutes at Large,* XV, Chap. XLVII, 275 (1869).

[103] Letter from E. J. Hubbard to W. H. Lessig, May 10, 1869, MS XXI-5a, Miscellaneous File, State Historical Society of Colorado Library.

A warranty deed, dated September 21, 1869, was given by him to G. W. Schofield and John R. Bothwell for ten miles along the Huerfano River below the mouth of Apache Creek and including the Alamos Altos and Corral de Toro ranches. The document mentions that the grantees were officers of the United States Army.[104]

Thus stood matters on the huge Vigil and St. Vrain Grant as the terms of the amendatory act of February 25, 1869, were at least partially being complied with. As is often the case, the letter and spirit of the law were not fulfilled as rapidly as anticipated. Uncertainty, ambiguity, resistance, time extension, legal technicalities, and probable fraud combined to keep land titles within the outboundaries of the grant cloudy during the rest of the nineteenth century. The complexities of those developments after 1870 demand separate consideration.

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[104] Huerfano County, Original Record 2, p. 383. Major Schofield, Forty-First Infantry, and First Lieutenant Bothwell, Fourth Infantry, were both unassigned at the time. Heitman, *Historical Register,* I, 865, 232.

Catalyst for Industrial Change: The WFM, 1893-1903

BY GEORGE G. SUGGS, JR.

In the spring of 1903 the Western Federation of Miners, then the most militant labor organization in the United States, ended its first decade, confident in its power and intent upon further expanding its influence upon the American labor movement. The union then was far different from that organized at Butte, Montana, in May, 1893, by forty delegates, representing approximately 2,000 members of fifteen unions from South Dakota, Montana, Idaho, Utah, and Colorado, who had convened after a disastrous strike in the Coeur d'Alene to forge an instrument for protecting the miners' interests. The number of affiliated locals had increased to more than 180, the membership had climbed to 27,000 and, territorially, the Federation had reached out into all but five states of the trans-Mississippi West, plus Wisconsin, Michigan, and parts of Canada.[1] However, its base of power remained rooted in the Rocky Mountain region, particularly in states like Colorado where it had entrenched itself despite ruthless opposition from mineowners who early recognized the Federation as a threat to property interests. There it displayed muscle and power, forcing the mineowners into tenuous accommodations although never into accepting it as a permanent voice in industrial affairs.

In Colorado the growth of the Federation had been especially marked in the decade of 1893-1903. Representatives from Aspen, Creede, Ouray, and Rico had helped to found the organization and Colorado's miners had continued to play a vital role. Despite

[1] See Western Federation of Miners, *Constitution* (1903), art. 3, sec. 10, in U.S., Congress, Senate, *A Report on Labor Disturbances in the State of Colorado, From 1880 to 1904, Inclusive, with Correspondence Relating Thereto*, S. Doc. 122, 58th Cong., 3d Sess., 1905, p. 38. Hereafter cited as *Labor Disturbances*. See also Western Federation of Miners, *Official Proceedings of the Eleventh Annual Convention* (Denver: Western Newspaper Union, 1903), p. 89. Hereafter cited as WFM, *Eleventh Convention Proceedings*.

disastrous strikes and strong opposition from mine and mill operators, who allegedly "slandered, traduced, vilified and lied about it in every imaginable way,"[2] the union spread into most of the mining camps of the state.

As early as 1896 Colorado's Bureau of Labor Statistics reported that the Federation had chartered locals in both the coal and metalliferous camps and estimated that their membership included at least fifty per cent of all the miners of the state.[3] Four years later twenty-seven local unions, having a membership of 7,377 and generally located in the hard-rock camps and smelter towns, had affiliated. The Bureau reported only seven unaffiliated miners' and millmen's unions with a membership of 1,456, indicating that the majority of the state's hard-rock miners had joined the Federation.[4] By 1902 fifteen more local unions had been added which increased Colorado's total, as reported by the Bureau, to forty-two with a membership of 15,549, or approximately thirty-two per cent of the union's active membership of 48,000.[5] Because the Federation had stopped organizing the coal miners, neither they nor their unions were included in these figures.

One should note that the Bureau's data, which suggested an extraordinary increase in the membership of the Federation within Colorado toward the end of the decade under consideration, is not entirely consistent with that found in the annual reports of the union itself. For example, at the eleventh annual convention in 1903, Secretary-Treasurer William D. Haywood's report enumerated the union's local affiliates. Included were thirty-nine from Colorado whose membership totalled only 7,361.[6] Although less than seven months separate the Bureau's report of 1902 from that of Haywood, the two differ markedly concerning the number of locals and members found in Colorado, with the Bureau reporting forty-two unions with a membership of 15,549 and Haywood thirty-nine with 7,361 members. Colorado's deputy labor commissioners of the era were often pro-labor, a bias which may explain the exaggeration in their biennial reports. Undoubtedly, Haywood's report more accurately reflected the numerical strength of the union in Colorado at the end of the decade. However, Haywood's sta-

[2] Colorado, Bureau of Labor Statistics, *Eighth Biennial Report, 1901-1902*, p. 341. Hereafter cited as BLS, *Eighth Biennial Report*.
[3] Colorado, Bureau of Labor Statistics, [*Fifth*] *Biennial Report, 1895-1896*, p. 9. Hereafter cited as BLS, *Fifth Biennial Report*.
[4] Colorado, Bureau of Labor Statistics, *Seventh Biennial Report, 1898-1900*, pp. 44-45. Hereafter cited as BLS, *Seventh Biennial Report*.
[5] BLS, *Eighth Biennial Report*, pp. 72-73, 342.
[6] WFM, *Eleventh Convention Proceedings*, pp. 86-89.

In 1903 the WFM published this photograph in the Miners' Magazine, *showing the growth of the union from 1893 to 1903.*

tistics are not above challenge. One should note that because he changed his method of computing the enrollment for 1903, basing it upon quarterly and annual reports rather than upon receipts derived from a per capita tax levied upon the members as in the past, union membership for that year showed an extraordinary increase over 1902,[7] rising from 19,633 to 27,154 although never approaching the Bureau's estimate of 48,000 active members for 1902. Nevertheless, Haywood's report for 1903 indicated that Colorado's portion (7,361) of the Federation's membership (27,154) was a remarkably high twenty-seven per cent, made more important by its strategic concentration in the state's vital metalliferous industry.

Regardless of the inconsistencies in the data, during the decade of 1893-1903 the Federation had become a discernible force in the industrial life of Colorado, one capable of altering the old pattern of industrial relations. Its presence meant that decisions affecting wages, hours, and working conditions could not be unilaterally reached by a mineowner and imposed upon his employees without provoking disruptive strikes. Unfortunately, the more important mineowners of nearly every mining camp initially refused to recognize the altered relationship between them and their workers and the desirability of negotiated settlements until forced to do so by bruising confrontations with the Federation. Thus the history of the Federation's first decade in Colorado was characterized by sporadic outbreaks of violence, frequently called "labor wars," in the hard-rock camps followed usually by tenuous accommodations which the mineowners grudgingly endured while maneuvering to restore the *status quo*.

[7] Western Federation of Miners, *Official Proceedings of the Tenth Annual Convention* (Denver: Chronicle Press, 1902), p. 59. Hereafter cited as WFM, *Tenth Convention Proceedings*.

The reputation of the Federation for lawlessness and violence originated in its initial encounters with the mineowners of the Cripple Creek mining district, an extremely productive gold mining area tucked away deep in the mountains southwest of Colorado Springs in what was then El Paso County. Trouble began in mid-January, 1894, when some of the larger mineowners, including J. J. Hagerman, David H. Moffat, and Eben Smith, who employed nearly one-third of the miners working for wages in the district, attempted to lengthen the workday from eight to ten hours in their mines without raising the $3.00 minimum wage. As an alternative, they agreed to retain the eight-hour day if the minimum wage were reduced to $2.50. Local unions at Altman, Cripple Creek, Victor, and Anaconda, which had affiliated with the Federation and had earlier demanded the $3.00 minimum wage and the eight-hour day in all the mines, opposed the move, rejecting outright the mineowners' contention that diminishing profits necessitated either the longer day or reduced wages. When the mineowners imposed the ten-hour day on February 1, a strike ensued which set the course of future walkouts in Colorado involving the Federation.[8] To renew operations the mineowners were forced to employ strikebreakers. Unable through peaceful means to persuade these men to support the strike, the Federation resorted to threats and violence, intimidating the strikebreakers to such an extent that few of them dared to work for any mineowner who insisted upon the longer workday. Naturally tension increased throughout the district as parties to the dispute sparred for advantage and community support.

On March 16 near Altman, a band of armed miners ambushed and captured six deputies who were en route to protect the Victor mine of Moffat and Smith. In the exchange of blows and shots two lawmen were injured, although not seriously. Hauled before an Altman judge, who was himself a member of the Federation, the deputies were charged with carrying concealed weapons and disturbing the peace and then released. Reacting to this episode and the subsequent riot of the miners

[8] This account of the strike is based upon data found in *Labor Disturbances*, pp. 75-85.

who forced the strikebreakers from the mines, County Sheriff F. M. Bowers turned to Denver for aid and Governor Davis H. Waite promptly ordered troops into the district. But after investigating conditions there, Adjutant General T. J. Tarsney concluded that military intervention was not warranted and recommended its termination. On March 20, two days after his initial intervention, Governor Waite pulled the troops from the district, an act that initiated seven weeks of calm in which the mineowners closed the struck mines rather than concede union demands on hours and wages.

Meeting in Colorado Springs in early May, representatives of the striking miners and the mineowners made a last attempt to end the strike; however, their efforts proved abortive when the miners rejected a final offer of $2.75 for an eight-hour day. Convinced that the Federation would never accept either an extended workday or reduced wages, the mineowners once again decided to force the reopening of their properties with strikebreakers who were to be protected by a privately subsidized army of deputies recruited and led by Sheriff Bowers. County authorities, accepting the necessity of breaking the strike and sympathizing with the mineowner's plight, endorsed the plan and thereby enshrouded with legality the use of force to end the dispute. The striking miners, determined to prevent a renewal of operations on the terms offered by the mineowners and fearful that the army being mustered would be used to drive them from the district, reacted by fortifying Bull Hill, which overlooked and commanded Altman, and waited as Bowers assembled his forces. By May 24 an estimated 1,200 armed men milled around in the district waiting for orders to march against the strikers who, moving from their entrenched positions on Bull Hill, assaulted and seized the Strong mine on Battle Mountain overlooking Victor. Not content with mere possession of the property, they dynamited the shafthouse and machinery, although three nonunion men, who fortunately escaped injury, were known to be underground. On the morning of May 25 in a gunbattle provoked by the aggressive maneuvering of the strikers, two men were killed, two wounded, and six strikers were captured by the deputies. Clearly, open warfare threatened to erupt in the district.

Into this critical situation stepped Governor Waite. On May 28 he went into the district, examined conditions there, and agreed to present the strikers' case to the mineowners. As a result of his negotiations in Denver with Moffat and Hagerman, two of the larger mineowners, the "Waite agreement" was reached on June 4 which provided for a $3.00, eight-hour workday and nondiscriminatory hiring policies. However, the settlement did not end the dispute, for the 1,200 deputies remained and threatened further disorder. On the day of the agreement, their movement toward the miners' fortification on Bull Hill forced the governor to order out all units of the National Guard to avert open warfare. After the troops arrived, however, the deputies, whom the sheriff no longer controlled, made other moves toward Bull Hill and invaded Cripple Creek where "they made numerous arrests of citizens and indulged in outrageous acts toward other citizens, many of whom, for no offense at all, were clubbed and kicked, dragged from the sidewalks, and forced to march between the lines of deputies."[9] Not until threatened with martial law and not until Adjutant General Tarsney promised to retain troops in the district for thirty days did the mineowners agree to disband their private army. After the army's breakup and dispersal, which began on June 11, the "Waite agreement" became operative and lasted for nearly a decade.[10]

In this first strike of the Federation in Colorado, violence was prevalent; however, both parties in the dispute bore an equal responsibility for the rampant disorder. Nevertheless, the popular image of the Federation as a ruthless, unscrupulous organization had been created in Colorado, especially among the influential mineowners and operators living in Colorado Springs who, after the fusonist administrations of the Populist era, were to exercise great power in state government. Subsequent strikes of the union served to enhance this lawless image, for violence was always present, resulting in either loss of life or destruction of property.

What happened in Leadville during the summer of 1896 when Cloud City Union No. 19 struck to enforce its demands for recognition and a wage increase from balky mineowners again illustrates the Federation's proclivity toward violence. An attempt by the mineowners to resume operations with strikebreakers provoked members of the union to retaliate: they intimidated nonunion workers, purchased and distributed firearms among the strikers, and destroyed private property. A

[9] *Ibid.*, 83.

[10] In apparent retaliation for Tarsney's pro-labor role both in the strike and the litigation which followed, a masked mob of fifteen men abducted the general from a Colorado Springs hotel near midnight on June 23, hauled him off to an isolated area east of the city, and stripped and covered him with tar and feathers. His unknown assailants then abandoned him. *Ibid.*, 85.

A National Guard camp at Leadville during the 1896 strike.

number of lives were lost in the resulting turmoil, which also required the National Guard to quell. That a special investigating committee of the Eleventh General Assembly strongly condemned both the employers and the union for the strife did not prevent the public from further identifying the Federation with lawlessness.[11] Nor did a strike in March, 1899,[12] by a newly-formed local of the Federation at Henson (near Lake City) against mineowners who required their single employees to live in company boardinghouses improve the union's reputation. Early in the strike armed miners seized the mines and retained possession until troops arrived and restored the properties to their owners.[13]

In 1901 a brutal strike erupted in the important Telluride mining district, located in the rugged San Juan Mountains of San Miguel County in southwestern Colorado far from the eastern slope meccas of Denver, Colorado Springs, and Pueblo. Until 1899 the prevailing wage in the mines had been a satisfactory $3.00 for an eight-hour day. But when the Smuggler-Union mine, the leading producer in the district, was acquired by Boston capitalists, Manager Arthur L. Collins instituted the fathom or contract system which the miners claimed depressed

[11] *Ibid.*, 86-101; BLS, *Fifth Biennial Report*, pp. 61-89.
[12] In 1899 another violent strike occurred in the Coeur d'Alene district which further convinced the employers of Colorado that the Federation was a cancerous growth on the labor movement. For accounts of this strike see U.S., Congress, House, *Coeur d'Alene Labor Troubles*, H.R. 1999, 56th Cong., 1st Sess., 1900; Senate, *Coeur d'Alene Mining Troubles*, S. Doc. 25, 56th Cong., 1st Sess., 1899; Senate, *Labor Troubles in Idaho*, S. Doc. 42, 56th Cong., 1st Sess., 1899; Senate, *Coeur d'Alene Mining Troubles*, S. Doc. 24, 56th Cong., 1st Sess., 1899.
[13] BLS, *Seventh Biennial Report*, pp. 164-65; *Labor Disturbances*, pp. 102-05.

wages, extended the working day, and increased the possibility of accidents in the mines.[14] Dissatisfaction with the system, which was generally foreign to the mining camps of Colorado, increased until on May 2, 1901, Miners' Union No. 63 struck against the Smuggler-Union over the question of how labor was to be employed in the district, for the powerful company generally determined the wage-hour structure in the local mines. Although the union offered to submit the dispute to the State Board of Arbitration for settlement, Collins, insisting that the company had nothing to arbitrate, flatly refused.[15]

On June 17, 1901, the Smuggler-Union renewed operations with strikebreakers whom Collins had employed at $3.00 for an eight-hour day. The terms of employment were identical with those contended for by the union and, if granted, would have ended the strike. Union members correctly interpreted Collins' move as a clear-cut attempt to destroy their organization, and for two weeks they tried unsuccessfully to persuade the non-union men to quit work. The dispute climaxed on July 3, 1901, when approximately 250 heavily-armed strikers surrounded the Smuggler-Union properties where the strikebreakers worked fully armed. Negotiations for a work stoppage degenerated into a morning-long gunbattle in which three men were killed and six others seriously wounded. The strikebreakers finally surrendered when promised fair treatment; however, the victorious strikers dealt harshly with their captives, forcing nearly a hundred of them to leave the district on foot over the mountains.[16] This episode was to haunt the Federation because it was later used to justify a massive deportation of union members from several gold camps of Colorado.

The violence produced demands that the state intervene to restore law and order. Governor James B. Orman responded,

James B. Orman, well-known as a railroad contractor, served one term as governor of Colorado.

not by ordering in the National Guard, but by sending a heavily pro-labor committee to investigate the situation. This body rejected the use of troops, preferring instead to work for a negotiated settlement between the parties.[17] On July 6 an agreement was reached which removed union grievances against the Smuggler-Union company. Included were provisions permitting an individual miner to accept the contract system but preventing his wage from dropping below $3.00 for an eight-hour day.[18] In November this minimum wage-hour standard, the heart of the settlement, was embodied in a three-year contract with all the companies of the district, but unfortunately for the peace of the area, the mill and surface workers were not included.

The strike left a residue of bitterness, causing the mine-owners and union members to regard each other with mistrust. Telluride's *Daily Journal* aggravated the situation by its anti-union stance, which finally provoked the union to retaliate with a costly boycott. Led by Collins, who was backed by the Telluride Mining Association, district employers formed the Business Men's Association to sustain the *Journal*. Area residents rallied behind the developing factions and their involvement further undermined the precarious peace. For months the boycott continued, alienating the miners' union and its supporters from the rest of the community. Reconciliation became impossible after Collins' assassination on the night of November 19, 1902, as he sat chatting at home with friends. Although local authorities promptly charged union officials with the crime, District Judge Theron Stevens quashed the indictments because of insufficient evidence.[19] Nevertheless, the mineowners of the district were now certain that the union would stop at nothing—not even murder—to have its way, and they questioned more than ever its right to exist. Their fear and

[14] In describing the fathom system, the Bureau reported that a "fathom, as applied to mining, means 6 feet high, 6 feet long and as wide as the vein, whatever it may be. If a miner happened to get into a wide vein of ore, he might work an entire month without earning much more than the value of the powder and candles used. The work was not even let by contract that the workmen helped to make. The management simply fixed a given price per fathom, and the miners could accept it or go without work." BLS, *Eighth Biennial Report*, p. 166.
[15] *Labor Disturbances*, p. 106.
[16] *Ibid.*, 107.
[17] The commission included Lieutenant Governor D. C. Coates, who had held a number of offices in the Colorado State Federation of Labor; John H. Murphy, attorney for the Western Federation of Miners; and District Judge Theron Stevens, who sympathized with the strikers. BLS, *Eighth Biennial Report*, pp. 169-70.
[18] *Labor Disturbances*, pp. 109-10.
[19] *Ibid.*, 111.

hatred persuaded them that the Federation should be destroyed at the first opportunity. Mineowners throughout the state shared this view, for Collins' murder had convinced them that the Federation was not only violent but also criminal.

Other factors caused the employers of Colorado to see the Federation as a dangerous organization which had to be disciplined if the *status quo* was not to be radically altered. Despite its violent first decade, the union's initial objectives were moderate and based upon the imperative needs of its members. It wanted wages commensurate with the dangers endured in the mines, payment in lawful money rather than company scrip, strictly enforced legislation to maximize health and safety in the mines, prevention of child labor, removal of company guards from around the mines, and preferential hiring of union men. The Federation hoped to obtain these objectives through legislation, education, and organization. It preferred arbitration and conciliation to strikes in settling disputes.[20] So moderate and so "job conscious" were its objectives that the early Federation has been described as a "typical" American labor union.[21] Moreover, on July 7, 1896, it affiliated with the American Federation of Labor, whose president was the conservative Samuel Gompers. Although the affiliation was temporary, it suggested com-

Born in London, England, Samuel Gompers became one of America's most important labor leaders.

mon purpose and essential agreement between the two organizations about goals and methods to be employed in labor matters.

But within a year major differences developed between Gompers and Edward Boyce, president of the miners' union, regarding basic tactics. Responding to Gompers' inquiry about rumors that he planned to pull his members out of the AF of L and form a new labor organization in the West because of the weak support given to the Leadville strike of 1896, Boyce wrote on March 16, 1897, that his grievances went beyond that complaint to a gnawing dissatisfaction with the conservatism of the AF of L. Force and effective use of the ballot rather than "conservative action," he wrote, were the best methods for safeguarding labor's interests against a "vicious" political system. Boyce believed that the miners were far ahead of eastern laborers in realizing the efficacy of active unionism; therefore, he favored a new western labor union free from the conservative restraints of the AF of L.[22] In rebuttal Gompers refused to concede that eastern workingmen were less sophisticated than Boyce's miners regarding the use of the ballot, and he rejected force as the proper means of effecting political change, pointing out that while it had altered "forms of government" in the past, force had never "attained real liberty." He candidly suggested that Boyce should resign his office and actively resist the trades union movement if he believed that it was useless.[23] Boyce reacted by leading his men from the AF of L and organizing the Western Labor Union, which was dominated by the miners' union.

Boyce carried his militancy into the Federation, trying to indoctrinate its members with the necessity of political and direct action as the best means of attaining a better life. He advised delegates to the miners' annual convention of 1897 that

> every union should have a rifle club. I strongly advise you to provide every member with the latest improved rifle, which can be obtained from the factory at nominal price. I entreat you to take action on this important question, so that in two years we can hear the inspiring music of the martial tread of 25,000 armed men in the ranks of labor.[24]

[20] See WFM, *Constitution* (1903), Preamble, in *ibid.*, 36-38.
[21] Selig Perlman and Phillip Taft, *Labor Movements*, Vol. IV of *History of Labor in the United States, 1896-1932*, ed. by John R. Commons (4 vols.; New York: Macmillan Company, 1926-35), p. 173.
[22] Letter from Boyce to Gompers, March 16, 1897, in *Labor Troubles in Idaho*, p. 8.
[23] Letter from Gompers to Boyce, March 26, 1897, in *ibid.*, 10.
[24] Quoted in Colorado Mine Operators' Association, *Criminal Record of the Western Federation of Miners from Coeur d'Alene to Cripple Creek, 1894-1904* (Colorado Springs: Colorado Mine Operators' Association, 1904), p. 7.

Edward Boyce is seated in the middle of the first row, to the left of Bill Haywood, in this portrait of the WFM executive board, 1901-02. Charles Moyer is standing at the far right in the back row.

Guided by Boyce, the Federation changed from a "job conscious" and "typical" American labor union to one whose proclivity toward violence was embellished with a growing revolutionary and socialist orientation. Mesmerized by the passion of Boyce, men like Haywood, who felt the tremendous appeal of self-abnegation and sacrifice which the "labor wars" of Colorado and elsewhere demanded, dedicated themselves to a "revolutionary labor movement" whose goal was to emancipate the workingman from "wage slavery."[25] In 1901 Boyce, confident of his power, moved to commit the miners' ninth annual convention to socialism, a course which further provoked and alienated Colorado's employers.

Boyce's presidential address that year to the convention delegates was a powerful plea for altering the constitutionally expressed goals and methods of the Federation in order to attract those persons oppressed by corporate abuse, and to inspire its members to press on until labor received "every dollar of wealth" it produced. He thought nothing could be gained by continuing the present policy, for as he said:

> Advise strikes as the weapon to be used by labor to obtain its rights, and you will be branded as criminals who aim to ruin the business interests of the country. Change from the policy of simple trades unionism that is fast waning, and you will be told that your action is premature, as this is not the time. Pursue the methods adopted by capitalists and you will be sent to prison for robbery or executed for murder. Demand, and your demands will be construed into threats of violence against the rights of private property calculated to scare capital. Avail yourself of your constitutional rights and propose to take political action, and you will be charged with selling out the organi-

[25] William D. Haywood, *Bill Haywood's Book: The Autobiography of William D. Haywood* (New York: International Publishers, 1929), p. 79.

> zation to some political party. Counsel arbitration, and you will be told there is nothing to arbitrate. Be conservative, and your tameness will be construed as an appreciation of the conditions imposed upon you by trusts and syndicates. Take what action you will in the interests of labor, the trained beagles in the employ of capital from behind their loathsome fortress of disguised patriotism will howl their tirade of condemnation.[26]

Boyce saw labor's salvation in an organization powerful enough to change a system which denied the working class all but a fraction of what it produced, and he pleaded with the convention for a policy which would channel the energy of the union toward basic alterations in the *status quo* along socialist lines.

The convention gave Boyce most of what he wanted but fell short of a total commitment to the socialist cause. On June 3 the body adopted a resolution which called for divorcing the working class from the existing capitalist-dominated political parties and directed the union's executive board to aid in enlisting workers from different states into a new political movement.[27] A supporting resolution demanded radical alterations in the *status quo* in the interest of justice and brotherhood. Specifically, it advised the worker to defend his rights with the ballot, but if that failed, then it advocated meeting the "enemy" with his own weapons. There followed a list of suggestions for improving the lot of labor, ranging from elimination of "government by injunction" to a national land policy limiting the public domain to actual settlers.[28] Despite the evident ardor of Federation leaders for socialism and the presence of Eugene V. Debs and Father Thomas Hagerty, a maverick Catholic priest turned

Eugene V. Debs

Father Thomas Hagerty

socialist, the delegates refused to make a total commitment to socialism and political action. On June 6 they tabled a motion endorsing the program of the Social Democratic Party and pledging the delegates to advocate its principles in their local unions.[29]

No one was more fully aware of the reluctance of the delegates than Boyce himself. In his presidential address to the tenth annual convention in 1902, he pleaded again for a commitment to a "true policy" that would abolish capitalism and free the workingman. In his opinion, there could be no permanent solution of the labor problem "except in the public ownership of the natural resources of the earth and the means of production and distribution." Although he made his personal position crystal clear to the delegates, he did not demand that they fully endorse socialism as the official program of the Federation. Instead he told them that "the most important action which you can take at this convention is to *advise* the members of your organization to adopt the principles of socialism without equivocation, for the time has arrived when we must sever our affiliation with those political parties who have legislated us into our present state of industrial bondage."[30] Boyce confessed that he saw no point in continuing the Federation if the delegates were not prepared to follow such a course.[31]

When the Committee on the President's Report later recommended that the convention adopt the "principles of the socialist platform," which was what Boyce clearly wanted but which went beyond his specific recommendation, extensive debate erupted that exposed strong opposition to endorsement. Supporters of the report could obtain only a watered-down resolution of June 4 which declared "for a policy of independent political action" and which recommended the "adoption of the platform of the Socialist Party of America by the locals of the Federation in conjunction with a vigorous policy of education along the lines of political economy."[32] The delegates apparently did not feel competent to adopt socialism as the Federation's official program, preferring instead to refer the matter with favorable recommendation to the locals for their consideration. Nevertheless, their action was in line with Boyce's recom-

[26] Western Federation of Miners, *Official Proceedings of the Ninth Annual Convention* (Pueblo: Pueblo Courier Print, 1901), pp. 10-11.
[27] *Ibid.*, 89.
[28] *Ibid.*, 90-92.
[29] *Ibid.*, 106.
[30] Author's emphasis.
[31] WFM, *Tenth Convention Proceedings*, pp. 10-13.
[32] *Ibid.*, 83, 94, 96.

mendation, and it took the Federation one step beyond its position of 1901. But suggestive of the continuing reluctance to embrace socialism was the convention's decision on June 6 to table a motion inviting Debs, Hagerty, and W. H. Wise to address the convention on the "fundamental principles of scientific socialism."[33] Furthermore, when asked if they would support the work of the convention, twenty-two of eighty voting delegates refused for various reasons: some believed that any action which seemed to endorse socialist principles was premature, others flatly rejected socialism as a program for the union and several refused because they did not want any association with the Socialist Party of America.[34] Nevertheless the resolution of June 4 stamped the Federation as a socialist instrument among Colorado's employers and some union leaders thereafter assumed that socialism had received the full endorsement of the rank and file.

In addressing the eleventh annual convention of 1903, Charles H. Moyer, Boyce's successor as president, commended the previous convention for wisely "recommending that the Western Federation of Miners adopt a policy which had for its purpose the establishing of a system under which the wage slave would be no longer known, under which the inscription on the hundreds of charters hanging in the halls of your local union might become a reality." Although Moyer attributed the sharp increase in the number of new members and locals joining the Federation to this "fearless action" taken in 1902,[35] a conclusion supported by his executive board, he did not demand a more binding commitment to socialism but asked only that the delegates confirm their previous position. However, other delegates attempted to pull the Federation deeper into the socialist orbit and failed. On June 6 the convention rejected a recommendation of the Committee on the President's Report to amend the preamble of the constitution to include "political and independent action" as a means of abolishing capitalism and establishing socialism. And it also rejected a recommendation that members of the Federation should refuse nominations to political office on tickets other than that of the Socialist Party. Conservative delegates prevented any action on the committee's report other than a reaffirmation of the position taken by the tenth annual convention.[36]

[33] *Ibid.*, 131.
[34] *Ibid.*, 177.
[35] WFM, *Eleventh Convention Proceedings*, pp. 20-21.
[36] *Ibid.*, 175-76, 252-53.

It is impossible to determine to what extent the membership accepted socialism as the solution to the labor problem at the end of the Federation's first decade. Concrete evidence on this point is scarce. Certainly the occasional letters from socialist members to the *Miners' Magazine*, the official voice of the union, cannot justify the conclusion that the rank and file backed the efforts of their leaders to place their union in the socialist camp. And the socialist slogans found on charters, union cards, and in the *Miners' Magazine* may prove only the widespread

apathy and indifference of the membership rather than firm commitment. At no time was the question put to the miners in the form of a referendum before the Colorado labor troubles of 1903-1904. That the leadership of the union was socialist is beyond question; that a majority of the delegates to the annual conventions was inclined to follow Boyce, Moyer, and Haywood cannot be denied. However, that opposition within the conventions was sufficiently strong to prevent official adoption of socialism is indisputable, a fact which suggests that many delegates knew or suspected that the members they represented were not willing to accept the panacea offered by the leadership.

Nevertheless, the great publicity given to the work of the miners' annual conventions of 1901-1903 established the Federation among Colorado's employers as a revolutionary body dissatisfied enough with the *status quo* to work for its overthrow. Already feared because of its growing power in the state's mining industry and hated because of its willingness to use force in its strikes, the Federation now appeared more dangerous and threatening because of its increasingly socialist orientation. Watching the proceedings of the miners' conventions, business and industrial leaders concluded that union officials were conspiring to make the state into a socialist mecca, a center from which the surrounding states could be subverted, and that the instrument for effecting this revolution was to be the ballot. The overwhelming endorsement by the voters in 1902 of a labor-backed constitutional amendment authorizing an eight-hour law had demonstrated the enormous potential of political action in undermining conservative interests.

As the first decade of the Federation ended, the men who controlled Colorado's economic life had ample reason to view the union with increasing concern. Its growing strength had been a catalyst tending to alter power relations in the important metalliferous industry to the detriment of corporate and other conservative interests. Its willingness to resort to violence in order to protect and expand the interests of its members had early provoked intransigent mining companies to reciprocate in kind, at times forcing whole communities into two hostile camps, each intent on destroying the other. Furthermore, the apparent capture of the Federation by militant socialists, whose revolutionary rhetoric went beyond demands for a reform of hours, wages, and working conditions to demands for a new social order had alarmed conservative business and industrial leaders. These developments set the stage for a

head-on collision between the growing aspirations of officials of the Federation and the increasing determination of their capitalist counterparts to discipline if not destroy the miners' union while there was still time. The showdown, two years of industrial warfare during the administration of James H. Peabody (1903-1905), broke the power of the Federation in Colorado and seriously damaged it elsewhere.

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William N. Byers and the Case for Federal Aid to Irrigation in the Arid West

BY DERYL V. GEASE

During the last half of the nineteenth century the problem of expanding the arid West's limited water resources was debated. The controversy was, on the whole, deeply rooted in the shadows of a public misunderstanding of the disparities between the arid region and its more humid counterparts in the eastern United States.[1] For a nation long accustomed to conquering a wilderness that possessed an abundance of water, the confrontation with a land that did not have this common resource proved startling.

Basically, then, the issue of how the arid West's water facilities should be developed became the primary question. Such a notable public official as John Wesley Powell, director of the United States Geographical and Geological Survey of the Rocky Mountain Region, advised the use of local community cooperation. Federal assistance was not mentioned.[2] On the other hand another individual, William Newton Byers, editor and publisher of the *Rocky Mountain News* and a man who was equally familiar with the arid region's peculiarities, supported the use of federal aid as the best way of resolving the issue. It is upon Byers' thoughts, then, that this analysis is focused. On the whole, his thinking was far more advanced than that of most of his contemporaries. In truth, his views provide a glimpse into the very wellspring of the movement for federal aid to irrigation, a movement that did not blossom until 1902.

[1] The arid West can be roughly outlined as that area between the 98th meridian on the east and the Sierra Nevada Mountains on the west. This area includes approximately 900,000 square miles.

[2] John Wesley Powell, *Report on the Lands of the Arid Region of the United States, With a More Detailed Account of the Lands of Utah*, ed. by Wallace Stegner (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1962), p. 21.

William Byers was a man of considerable thought and vision. Since the spring of 1859, he had continually advocated the development of farming in Colorado's territorial river valleys. Speaking principally through the editorial section of his newspaper, he sought the expansion of farming as a corollary to the territory's mining industry. The result would be a valuable community of interest that could be extremely beneficial for the territory. Mining would supply a large, expanding market. Farming, on the other hand, would offer a dependable food supply to the isolated and desert-locked settlements. The one essential ingredient to his plan, in addition to hard work and positive thinking, was water.

Unlike other sections of the nation, water would always be the arid region's life blood. The task of expanding an insufficient supply constituted a thorny problem that demanded ingenuity, imagination, and novel solutions. With this in mind, those who accepted Byers' invitation to farm did so with the understanding that they must adjust to irrigation, an institution that was distinctly western.[3]

Byers was always concerned with the fact that arid region farming rested squarely upon the construction of adequate irrigation facilities. Thus, throughout his years as a newspaper editor he watched irrigation matters with a keen eye and a ready pen.[4] He rarely missed an opportunity to remind his readers that the only way to produce excellent crops was by improving their irrigation ditches. During the territory's pioneer period his opinion on this issue was often solitary but always cogent, and it was during these years that he called for federal aid to irrigation.

Late in December, 1864, Byers printed the editorial on irrigation that stands among the most important of his twenty years at the *News*'s helm.[5] In this essay, entitled "A System of Irrigation," he presented a comprehensive and detailed plan of action. Localism was completely rejected. Byers appealed to the federal government for assistance to irrigation development in Colorado and indeed, the entire West. The *News* thus became one of the first western papers to promote a general program of federal aid to meet a specific regional problem. But more than this, it became an early adherent of collective solutions to western problems.

The editorial was a masterpiece of forceful argument and sound reasoning. In his lead sentence, Byers made it clear that he was thinking of the West as a whole. Congress was urged "to enact some law, general in its provisions, to provide means for the irrigation of Agricultural lands in the Western States and Territories."[6] The need was pressing because, Byers declared: "It is a well known fact to all who are familiar with the country and its climate, that more than one half of the total area of the United States, cannot produce crops of grain

[3] Walter Prescott Webb, *The Great Plains* (Boston: Ginn and Company, 1931), p. 511.
[4] Byers was editor of the *News* from 1859 to 1878.
[5] *Daily Rocky Mountain News*, December 21, 1864.
[6] Byers listed the states of California, Oregon, Nevada, Kansas, and Nebraska along with the territories of Colorado, New Mexico, Arizona, Utah, Washington, Idaho, Montana, and Dakota.
[7] U.S., Congress, *Congressional Globe*, 39th Cong., 1st sess., 1865, pt. I, p. 18. See also pt. II, p. 1067.

or vegetables with certainty except by irrigation." To rely on rainfall was futile:

> There are localities, small in extent, where the rule does not apply, and there are occasional seasons, at long and irregular intervals, when irrigation is unnecessary. Yet it is idle to depend upon rains to nourish crops. The only sure dependence must ever be upon artificial irrigation.

Byers expressed surprise "that such a vital step for the interest of the country has never been taken." With a touch of sarcasm, he chided California and "her live congressmen" for not doing more to support federal action.

The plan that Byers proposed was simple:

> Let Congress by general law as above indicated, grant a portion of the public domain to individuals or companies who will construct irrigating canals for the improvement of the same. Suppose it is one half, to be determined by alternate sections, quarter sections, eighty or forty acre lots, as the case may require. Let the law be so guarded that no unfair advantage can be taken of it. Bind the parties to supply water to the owners of intervening lands at fair and just rates, and within a reasonable time after their works are completed convey to them their moiety of the public lands. The United States railroad grants are fair precedents and, their general plan and restrictions are safe guides to go by.

To protect the government against financial loss, Byers proposed that the alternate land tracts remaining as public domain be sold at $2.50 an acre instead of the old price of $1.25 an acre. If irrigation facilities were already in operation at the time of sale, prices could be raised to as much as $5.00 an acre.

Byers concluded this remarkable editorial by claiming that the whole nation would benefit by the development of the West. Such a project would create "a quick market and value for millions of acres of land that must otherwise remain for many years utterly unproductive." It would also hasten "the growth and productive wealth of the great states that are to arise in the western half of the continent," while enriching the eastern states with the fruits of the West's irrigated farms. Both sections of America would gain in this natural community of interest.

Byers' call for federal aid to irrigation did not go unheeded. On December 11, 1865, during the first session of the Thirty-ninth Congress, Representative James M. Ashley of Ohio introduced a bill "to develop and reclaim public lands requiring irrigation, and to encourage agriculture" in Idaho, Colorado, Arizona, and Montana Territories and in the state of Nevada.[7] In effect, the bill, which was referred to the Committee on Public Lands, did

much of what Byers had suggested. On December 29, 1865, in an article describing Ashley's proposal,[8] Byers stated that it

> provides a system of ditches to be taken out of the mountain streams, upon our highlands, and to be of sufficient capacity to irrigate the whole country below the valleys. The companies making these ditches to have a grant of alternate sections or parcels of land contiguous to their works, in much the manner as is now provided in the various bills granting lands to railroad companies.

The passage of this bill would bring a substantial reward.

> It is a well established fact, that the soil in the Territories mentioned, is the richest in the world, but the uncertainty of rain is such that it cannot be cultivated without irrigation. . . . There will be no country more inviting to the farmer, and none where so large a reward will be returned for his labor should this bill become a law.

The bill did not become law; it was tabled in committee without further comment.[9] Although Congress passed several important pieces of legislation that effected western land and irrigation development,[10] it was not until 1894 that the federal government finally passed legislation that was entirely applicable to western irrigation construction. The bill, known as the Carey Act, stated that the proceeds from western land sales would be given to the arid region states and territories to be used for irrigation projects. Eight years later the Carey Act was replaced by the Newlands Reclamation Act of 1902, which provided for actual federal construction of irrigation works in the arid western states and territories.[11] Funds for such projects would come from sale of land in those regions.

Even though his specific proposal was never adopted, Byers continued to support the necessity of federal assistance. His efforts were not totally wasted, though progress might have been considerably greater had the federal government accommodated the West's unique problem earlier.

In retrospect, then, Byers' early bid for federal assistance to arid region irrigation lends credence to two conclusions. First of all, the request for federal assistance along this section of the frontier, even though an isolated example, supports the fact

[8] In his December 29 article, Byers said that Ashley had visited Colorado in the summer of 1865, and that this bill was "the first fruit of the visit. . . ." Since Ashley's bill was so similar to what Byers had proposed, it is possible that the two men discussed the subject during that visit.

[9] U.S., Congress, *Congressional Globe*, 39th Cong., 1st sess., 1865, pt. II, p. 1067.

[10] This significant legislation included the Homestead Act, 1862; the Morrill Act, 1862; the Timber Culture Act, 1873; the Desert Land Act, 1877; the Timber Cutting Act, 1878; and the Timber and Stone Act, 1878.

[11] See Gilbert C. Fite's appraisal of this legislation in *The Farmers' Frontier, 1865-1900* (New York: Holt, Rinehart and Winston, 1966), p. 190.

that at least one individual, as early as 1864, saw the necessity of federal aid in redeeming the arid region. Moreover, Byers' encouragement of the utilization of the legal process to bring concrete results further substantiates the belief that federal aid was deemed essential in reclaiming the arid West.

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